S T A T E O F N E W Y O R K

5445--B

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to certified school psychologists and special education services and programs for preschool children with handicapping conditions; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph d of subdivision 6 of section 4410 of the education law, as added by chapter 581 of the laws of 2011, is amended to read as follows:

d. Notwithstanding any other provision of law to the contrary, the exemption in subdivision one of section seventy-six hundred five of this chapter shall apply to persons employed [by] ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT SUCH PERSON IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF a center-based program approved pursuant to subdivision nine of this section as a CERTIFIED school psychologist to provide activities, services and use of the title psychologist to students enrolled in such approved center-based program; AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT THE SCHOOL PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF A PROGRAM THAT HAS BEEN APPROVED PURSUANT TO PARAGRAPH B OF SUBDIVISION NINE OF THIS SECTION, OR SUBDIVISION NINE-A OF THIS SECTION, TO CONDUCT A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD HAVING OR SUSPECTED OF HAVING A DISABILITY WHERE AUTHORIZED BY PARAGRAPH A OR B

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE-B OF THIS CHAPTER; AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT SUCH PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF AN AGENCY APPROVED IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTIDISCIPLINARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES, WHERE AUTHORIZED BY PARAGRAPH A OR B OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE-B OF THIS CHAPTER, EACH in the course of their employment. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE A CERTIFIED SCHOOL PSYCHOLOGIST OR GROUP OF SUCH SCHOOL PSYCHOLOGISTS TO ENGAGE IN INDEPENDENT PRACTICE OR PRACTICE OUTSIDE OF AN EMPLOYMENT RELATIONSHIP.

S 2. Subdivision 1 of section 7605 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

1. The activities, services, and use of the title of psychologist, or any derivation thereof, on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution insofar as such activities and services are a part of the duties of his salaried position; OR ON THE PART OF A PERSON IN THE EMPLOY AS A CERTIFIED SCHOOL PSYCHOLOGIST ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT SUCH PERSON EMPLOYED AS A CERTIFIED SCHOOL PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF A PRESCHOOL SPECIAL EDUCATION PROGRAM APPROVED PURSUANT TO PARAGRAPH B OF SUBDIVISION NINE OR SUBDIVISION NINE-A OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER TO PROVIDE ACTIVITIES, SERVICES AND TO USE THE TITLE "CERTIFIED SCHOOL PSYCHOLOGIST", SO LONG AS THIS SHALL NOT BE CONSTRUED TO PERMIT THE USE OF THE TITLE "LICENSED PSYCHOLOGIST", TO STUDENTS ENROLLED IN SUCH APPROVED PROGRAM OR TO CONDUCT A MULTIDISCIPLINARY EVALUATION OF A PRESCHOOL CHILD HAVING OR SUSPECTED OF HAVING A DISABILITY; OR ON THE PART OF A PERSON IN THE EMPLOY AS A CERTIFIED SCHOOL PSYCHOLOGIST ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY OR MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT SUCH PERSON EMPLOYED AS A CERTIFIED SCHOOL PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF AN AGENCY APPROVED IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTIDISCIPLINARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES, WHERE EACH SUCH PRESCHOOL SPECIAL EDUCATION PROGRAM OR EARLY INTERVENTION PROVIDER IS AUTHORIZED BY PARAGRAPH A OR B OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE OF THIS TITLE, EACH IN THE COURSE OF THEIR EMPLOYMENT. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO AUTHORIZE A CERTIFIED SCHOOL PSYCHOLOGIST OR GROUP OF SUCH SCHOOL PSYCHOLOGISTS TO ENGAGE IN INDEPENDENT PRACTICE OR PRACTICE OUTSIDE OF AN EMPLOYMENT RELATIONSHIP.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2014, provided, however that the provisions of this act shall expire and be deemed repealed June 30, 2016.