

8241

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 14, 2015

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Introduced by M. of A. GLICK -- read once and referred to the Committee  
on Higher Education

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph d of subdivision 6 of section 4410 of the educa-  
2     tion law, as added by chapter 581 of the laws of 2011, is amended to  
3     read as follows:  
4     d. Notwithstanding any other provision of law to the contrary, the  
5     exemption in subdivision one of section seventy-six hundred five of this  
6     chapter shall apply to persons employed [by] ON A FULL-TIME OR PART-TIME  
7     SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS,  
8     OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT SUCH PERSON IS  
9     EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF a center-based program  
10    approved pursuant to subdivision nine of this section as a CERTIFIED  
11    school psychologist to provide activities, services and use of the title  
12    psychologist to students enrolled in such approved center-based program;  
13    AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR  
14    PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR  
15    MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT  
16    THE SCHOOL PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND  
17    CONTROL OF A PROGRAM THAT HAS BEEN APPROVED PURSUANT TO PARAGRAPH B OF  
18    SUBDIVISION NINE OF THIS SECTION, OR SUBDIVISION NINE-A OF THIS SECTION,  
19    TO CONDUCT A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD HAVING  
20    OR SUSPECTED OF HAVING A DISABILITY WHERE AUTHORIZED BY PARAGRAPH A OR B  
21    OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE-B OF THIS CHAP-  
22    TER; AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR  
23    PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR

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

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1 MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT  
2 SUCH PSYCHOLOGIST IS EMPLOYED BY AND UNDER THE DOMINION AND CONTROL OF  
3 AN AGENCY APPROVED IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE  
4 OF THE PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTIDIS-  
5 CIPLINARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTER-  
6 VENTION PROGRAM SERVICES, WHERE AUTHORIZED BY PARAGRAPH A OR B OF SUBDI-  
7 VISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE-B OF THIS CHAPTER, EACH  
8 in the course of their employment. NOTHING IN THIS SECTION SHALL BE  
9 CONSTRUED TO AUTHORIZE A CERTIFIED SCHOOL PSYCHOLOGIST OR GROUP OF SUCH  
10 SCHOOL PSYCHOLOGISTS TO ENGAGE IN INDEPENDENT PRACTICE OR PRACTICE  
11 OUTSIDE OF AN EMPLOYMENT RELATIONSHIP.

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

14 1. The activities, services, and use of the title of psychologist, or  
15 any derivation thereof, on the part of a person in the employ of a  
16 federal, state, county or municipal agency, or other political subdivi-  
17 sion, or a chartered elementary or secondary school or degree-granting  
18 educational institution insofar as such activities and services are a  
19 part of the duties of his salaried position; OR ON THE PART OF A PERSON  
20 IN THE EMPLOY AS A CERTIFIED SCHOOL PSYCHOLOGIST ON A FULL-TIME OR  
21 PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR  
22 MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT  
23 SUCH PERSON EMPLOYED AS A CERTIFIED SCHOOL PSYCHOLOGIST IS EMPLOYED BY  
24 AND UNDER THE DOMINION AND CONTROL OF A PRESCHOOL SPECIAL EDUCATION  
25 PROGRAM APPROVED PURSUANT TO PARAGRAPH B OF SUBDIVISION NINE OR SUBDIVI-  
26 SION NINE-A OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER TO PROVIDE  
27 ACTIVITIES, SERVICES AND TO USE THE TITLE "CERTIFIED SCHOOL PSYCHOL-  
28 OGIST", SO LONG AS THIS SHALL NOT BE CONSTRUED TO PERMIT THE USE OF THE  
29 TITLE "LICENSED PSYCHOLOGIST", TO STUDENTS ENROLLED IN SUCH APPROVED  
30 PROGRAM OR TO CONDUCT A MULTIDISCIPLINARY EVALUATION OF A PRESCHOOL  
31 CHILD HAVING OR SUSPECTED OF HAVING A DISABILITY; OR ON THE PART OF A  
32 PERSON IN THE EMPLOY AS A CERTIFIED SCHOOL PSYCHOLOGIST ON A FULL-TIME  
33 OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY OR  
34 MONTHLY BASIS, OR ON A FEE FOR EVALUATION SERVICES BASIS PROVIDED THAT  
35 SUCH PERSON EMPLOYED AS A CERTIFIED SCHOOL PSYCHOLOGIST IS EMPLOYED BY  
36 AND UNDER THE DOMINION AND CONTROL OF AN AGENCY APPROVED IN ACCORDANCE  
37 WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW TO  
38 DELIVER EARLY INTERVENTION PROGRAM MULTIDISCIPLINARY EVALUATIONS,  
39 SERVICE COORDINATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES,  
40 WHERE EACH SUCH PRESCHOOL SPECIAL EDUCATION PROGRAM OR EARLY INTER-  
41 VENTION PROVIDER IS AUTHORIZED BY PARAGRAPH A OR B OF SUBDIVISION SIX OF  
42 SECTION SIXTY-FIVE HUNDRED THREE OF THIS TITLE, EACH IN THE COURSE OF  
43 THEIR EMPLOYMENT. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO  
44 AUTHORIZE A CERTIFIED SCHOOL PSYCHOLOGIST OR GROUP OF SUCH SCHOOL  
45 PSYCHOLOGISTS TO ENGAGE IN INDEPENDENT PRACTICE OR PRACTICE OUTSIDE OF  
46 AN EMPLOYMENT RELATIONSHIP.

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