

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:

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

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

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

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

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

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