

STATE OF NEW YORK

1969

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. JACKSON, MAY, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the employment of mental health professionals by school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 901 of the education law, as amended by chapter 477
2 of the laws of 2004, subdivision 1 as amended by section 57 of part A1
3 of chapter 58 of the laws of 2006, is amended to read as follows:

4 § 901. School health and mental health services to be provided. 1. a.
5 School health services, as defined in subdivision two of this section,
6 shall be provided by each school district for all students attending the
7 public schools in this state, except in the city school district of the
8 city of New York, as provided in this article. School health services
9 shall include the services of a registered professional nurse, if one is
10 employed, and shall also include such services as may be rendered as
11 provided in this article in examining students for the existence of
12 disease or disability and in testing the eyes and ears of such students.

13 b. School mental health services, as defined in subdivision two of
14 this section, shall be provided by each school district for all students
15 attending the public schools in this state, as provided in this article.
16 School mental health services shall include the services of a school
17 psychologist and school social worker, each of which shall be employed
18 by the district.

19 2. a. School health services for the purposes of this article shall
20 mean the several procedures, including, but not limited to, medical
21 examinations, dental inspection and/or screening, scoliosis screening,
22 vision screening and audiometer tests, designed to determine the health
23 status of the child; to inform parents or other persons in parental
24 relation to the child, pupils and teachers of the individual child's
25 health condition subject to federal and state confidentiality laws; to
26 guide parents, children and teachers in procedures for preventing and
27 correcting defects and diseases; to instruct the school personnel in

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

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1 procedures to take in case of accident or illness; to survey and make
2 necessary recommendations concerning the health and safety aspects of
3 school facilities and the provision of health information.

4 b. (i) School mental health services provided by a certified school
5 psychologist for purposes of this article shall mean the several proce-
6 dures, including, but not limited to, evaluations, screenings and
7 assessments, designed to determine the mental health and well-being
8 status of the child; to inform parents or other persons in parental
9 relation to the child, pupils and teachers of the individual child's
10 mental health condition subject to federal and state confidentiality
11 laws; to address identified mental health needs of the child; to
12 instruct the school personnel in interventions, techniques, and behav-
13 ioral approaches to respond to the mental health needs of the child; to
14 provide such interventions, approaches and services as necessary to
15 address the mental health needs of the child; and to make necessary
16 recommendations concerning the mental health aspects of the school envi-
17 ronment and the provision of mental health information.

18 (ii) School mental health services provided by licensed or certified
19 school social workers for the purposes of this article shall mean the
20 several procedures and services including, but not limited to, assess-
21 ments, evaluations and psychosocial intervention plans that are designed
22 to prevent and intervene to address mental, social, emotional, behav-
23 ioral, developmental, and addictive disorders, conditions, and disabili-
24 ties of the psychosocial aspect of illness and injuries experienced by
25 the child. Services provided by a licensed clinical social worker, or
26 under supervision, in accordance with the commissioner's regulations
27 governing the practice of social work services, those services shall
28 include: diagnosis of mental, emotional, behavioral and developmental
29 disorders and disabilities, and the psychosocial aspects of illness,
30 injury, disability and impairment undertaken within a psychosocial
31 framework; administration and interpretation of tests and measures of
32 psychosocial functioning; development and implementation of appropriate
33 assessment based treatment plans; and the provision of crisis and leth-
34 ality assessments, and short term and long term psychotherapy and
35 psychotherapeutic treatment to students, families and groups, undertaken
36 for the purpose of preventing, assessing, treating, ameliorating and
37 resolving psychosocial dysfunction with the goal of maintaining and
38 enhancing the mental, emotional, behavioral, and social functioning and
39 well-being of the child in the context of the family, school, and commu-
40 nity; to work as a liaison between parent, child, school, and community
41 and function within applicable confidentiality laws; to instruct school
42 personnel regarding interventions, techniques, and behavioral
43 approaches; to respond to the mental health needs of the child; and to
44 make necessary recommendations concerning the mental health aspects of
45 the school environment and the provision of mental health information.

46 3. The mental health professionals required herein shall be in addi-
47 tion to such personnel as necessary to implement the provisions of the
48 federal Individuals with Disabilities Education Act (IDEA), as amended.

49 § 2. Section 902 of the education law, as amended by chapter 477 of
50 the laws of 2004, paragraph a of subdivision 2 as amended by chapter 376
51 of the laws of 2015, paragraph b of subdivision 2 as amended by chapter
52 501 of the laws of 2005, is amended to read as follows:

53 § 902. Employment of health and mental health professionals. 1. a. As
54 used in this article "health professionals" means persons duly licensed
55 or otherwise authorized to practice a health profession pursuant to
56 applicable law, including, but not limited to, physicians, registered

1 professional nurses, nurse practitioners, physicians assistants, optome-
2 trists, dentists, dental hygienists, dietitians and nutritionists, and
3 audiologists.

4 b. As used in this article, "mental health professionals" shall mean
5 certified school psychologists and certified or licensed school social
6 workers duly authorized to provide mental health services pursuant to
7 applicable law.

8 2. a. The board of education, and the trustee or board of trustees of
9 each school district, shall employ, at a compensation to be agreed upon
10 by the parties, a qualified physician, or a nurse practitioner to the
11 extent authorized by the nurse practice act and consistent with subdivi-
12 sion three of section six thousand nine hundred two of this chapter, to
13 perform the duties of the director of school health services, including
14 any duties conferred on the school physician or school medical inspector
15 under any provision of law, to perform and coordinate the provision of
16 health services in the public schools and to provide health appraisals
17 of students attending the public schools in the city or district. The
18 physicians or nurse practitioners so employed shall be duly licensed
19 pursuant to applicable law.

20 b. Any such board or trustees may employ one or more school nurses,
21 who shall be registered professional nurses, as well as other health
22 professionals, as may be required. Such registered professional nurses
23 and other health professionals shall aid the director of school health
24 services of the district and shall perform such duties, including health
25 instruction for the benefit of the public schools as may be prescribed
26 by such board or trustees, in compliance with each such health profes-
27 sional's practice act.

28 c. Any such board or trustees shall employ one or more school psychol-
29 ogist and school social worker, as may be required. Such professional
30 shall perform such duties as may be prescribed by such board or trus-
31 tees, in compliance with such professional's authorization.

32 3. Health and mental health professionals may be employed by the trus-
33 tees or boards of education of two or more school districts, and the
34 compensation of such health and mental health professionals, and the
35 expenses incurred in providing school health and mental health services
36 for students as provided in this article, shall be borne jointly by such
37 districts, and be apportioned among them in any manner agreed to by such
38 districts in a sharing agreement entered pursuant to section one hundred
39 nineteen-o of the general municipal law. The trustees or boards of
40 education of two or more school districts in a supervisory district may
41 enter into an agreement, or agreements as may be required, with a board
42 of cooperative educational services for the provision of the services of
43 one or more mental health professional or registered professional nurs-
44 es, and other health professionals to perform health and mental health
45 services, including health and mental health instruction in such
46 districts.

47 4. The mental health professionals required herein shall be in addi-
48 tion to such personnel as necessary to implement the provisions of the
49 federal Individuals with Disabilities Education Act (IDEA), as amended.

50 § 3. This act shall take effect on the first of September next
51 succeeding the date on which it shall have become a law. Effective imme-
52 diately, the addition, amendment and/or repeal of any rule or regulation
53 necessary for the implementation of this act on its effective date is
54 authorized to be made on or before such effective date.