

# STATE OF NEW YORK

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1969

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

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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.