

# STATE OF NEW YORK

356

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. JACKSON, BRISPORT, BROUK, COONEY, HARCKHAM, HOYLMAN, MAY, MYRIE, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA -- 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:

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

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

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

2. a. School health services for the purposes of this article shall mean the several procedures, including, but not limited to, medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health

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

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1 status of the child; to inform parents or other persons in parental  
2 relation to the child, pupils and teachers of the individual child's  
3 health condition subject to federal and state confidentiality laws; to  
4 guide parents, children and teachers in procedures for preventing and  
5 correcting defects and diseases; to instruct the school personnel in  
6 procedures to take in case of accident or illness; to survey and make  
7 necessary recommendations concerning the health and safety aspects of  
8 school facilities and the provision of health information.

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

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

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

54 § 2. Section 902 of the education law, as amended by chapter 477 of  
55 the laws of 2004, paragraph a of subdivision 2 as amended by chapter 376

1 of the laws of 2015, paragraph b of subdivision 2 as amended by chapter  
2 501 of the laws of 2005, is amended to read as follows:

3 § 902. Employment of health and mental health professionals. 1. a. As  
4 used in this article "health professionals" means persons duly licensed  
5 or otherwise authorized to practice a health profession pursuant to  
6 applicable law, including, but not limited to, physicians, registered  
7 professional nurses, nurse practitioners, physicians assistants, optome-  
8 trists, dentists, dental hygienists, dietitians and nutritionists, and  
9 audiologists.

10 b. As used in this article, "mental health professionals" shall mean  
11 certified school psychologists and certified or licensed school social  
12 workers duly authorized to provide mental health services pursuant to  
13 applicable law.

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

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

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

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

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

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