

# STATE OF NEW YORK

8906

## IN SENATE

March 26, 2024

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a student mental health apprenticeship retention and training (SMART) internship grant program

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

1 Section 1. The education law is amended by adding a new section 319 to  
2 read as follows:

3 § 319. Student mental health apprenticeship retention and training  
4 (SMART) internship grant program. 1. As used in this section, the  
5 following terms shall have the following meanings:

6 (a) "Debt or expenses repayment" means debt or expenses connected to a  
7 recipient's student loans.

8 (b) "Department" means the department of education.

9 (c) "Designated recipient" means an individual who is enrolled in, and  
10 in good standing at, as determined by the program, a graduate-level  
11 mental health professional program maintained by an institution of high-  
12 er education located in this state or out-of-state, which includes a  
13 department-approved school counselor education or preparation program  
14 maintained by an institution of higher education located in this state  
15 or out-of-state, school social worker education or preparation program  
16 maintained by an institution of higher education located in this state  
17 or out-of-state, or school psychology education or preparation program  
18 maintained by an institution of higher education located in this state  
19 or out-of-state that offers designations, a focus, or special certif-  
20 ications in the provision of school mental health services, and who is  
21 working toward obtaining any of the following:

22 (i) a license to practice social work pursuant to article one hundred  
23 fifty-four of this chapter;

24 (ii) a school counseling endorsement issued by the department on his  
25 or her teaching certificate;

26 (iii) a school psychologist; or

27 (iv) a school social worker.

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

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(d) "Extenuating circumstance" means a circumstance determined by the department in consultation with the designated recipient to whom the circumstance applies or who is impacted by the circumstance.

(e) "Field supervisor", "field instructor", or "supervisor" means an individual who supervises an eligible designated recipient and to whom the following apply, as applicable:

(i) For an individual who is supervising, as described in this subdivision, a designated recipient who is working toward obtaining a preliminary school psychologist certificate, or a school psychologist certificate, the individual providing supervision maintains a school psychologist certificate during the supervision.

(ii) For an individual who is supervising, as described in this subdivision, a designated recipient who is working toward obtaining temporary or full school social worker approval, the individual providing supervision maintains full school social worker approval during the supervision.

(iii) For an individual who is supervising a designated recipient who is working toward obtaining a school counselor license, a preliminary school counselor credential, or a school counselor endorsement issued by the department on his or her teaching certificate, the individual providing supervision maintains a school counselor, maintains a school counselor endorsement on his or her teaching certificate, or is a school counselor educator in a department-approved school counselor preparation program during the supervision.

(f) "School fiscal year" means a fiscal year that commences July first and continues through June thirtieth.

(g) "The grant program" means the student mental health apprenticeship retention and training (SMART) internship grant program created in subdivision two of this section.

2. (a) The department shall create and administer a student mental health apprenticeship retention and training (SMART) internship grant program to provide grants to designated recipients and to provide grants to field supervisors, field instructors, and supervisors as described in this section. It is the intent of the legislature that the grant program lead to, at a minimum, both of the following:

(i) The provision of paid and educationally meaningful internship practicum in school settings for designated recipients; and

(ii) The utilization of funding obtained by a public school to hire designated recipients who obtained a grant under this section.

(b) The department shall administer grant funding through the grant program to designated recipients through agreements. The agreements described in this subdivision shall meet the following criteria:

(i) The department shall administer grant funding as described in this subdivision in an amount per eligible designated recipient that is equal to twenty-five dollars per hour for each hour spent in an intern capacity for up to twenty hours per week of an internship in a public school that occurs over a thirty-week period in a school year or a lump sum amount equal to fifteen thousand dollars for up to twenty hours per week of an internship in a public school that occurs over a thirty-week period in a school year. The lump sum amount described in this subdivision must be paid at the end of the thirty-week period described in this subdivision. As used in this subdivision, "eligible designated recipient" means a designated recipient to whom both of the following apply:

(A) Either of the following:

(1) The individual is enrolled in a graduate-level mental health professional program described in paragraph (c) of subdivision one of

this section who is in the first year of an internship period required by the program and who is serving as a substitute teacher or in a paraprofessional role in a public school as described in this subdivision or who is in a supervised role in a public school as described in this subdivision and following best-practice training and supervision requirements as indicated by national standards set forth by the appropriate national professional organizations. As used in this clause, "supervised role" means a role in which the individual is supervised by a field supervisor, field instructor, or supervisor while he or she is serving in the role; or

(2) The individual is enrolled in a graduate-level mental health professional program described in paragraph (c) of subdivision one of this section who is in the second year of an internship period required by the program and who is in a supervised role in a public school as described in this subdivision and following best-practice training and supervision requirements as indicated by national standards set forth by the appropriate national professional organizations. As used in this clause, "supervised role" means a role in which the individual is supervised by a field supervisor, field instructor, or supervisor while he or she is serving in the role.

(B) At least one of the following applies to the individual's work as described under this subdivision:

(1) The individual is interning in a discipline that has been designated as critical shortage by the superintendent of public instruction for the immediately preceding school fiscal year;

(2) The individual is interning in a public school in which not less than fifty percent of pupils enrolled are eligible for free or reduced-price meals; or

(3) The individual is interning in a public school that received funding in the immediately preceding school fiscal year.

(c) Include a requirement that the designated recipient who receives funding through the grant program shall work at a public school for not less than three school years as of the date of the agreement.

(d) A payment or payments of funding through the grant program must be made as follows to designated recipients, pursuant to an agreement between the designated recipient, the public school in which he or she is interning as described in this subdivision and the graduate-level mental health professional program described in paragraph (c) of subdivision one of this section that he or she is enrolled:

(i) On the same pay period or schedule offered to other educational professionals at the public school in which the designated recipient is serving for purposes of qualifying for funding under this section; or

(ii) Through one lump-sum payment on the date on which the designated recipient's service for purposes of qualifying for funding under this section ends.

(e) Both of the following apply to funding distributions as described in this subdivision, as applicable:

(i) For recipients of the funding who receive twenty-five dollars per hour as described in this subdivision:

(A) If the recipient permanently ceases to satisfy the qualification requirements that initially made the recipient eligible for funding under this section either by his or her own initiative, by initiative of the public school in which he or she was interning, or by initiative of the graduate-level mental health professional program described in paragraph (c) of subdivision one of this section, payments must stop as of the date on which this occurs; and

1 (B) If the recipient temporarily ceases to satisfy the qualification  
2 requirements that initially made the recipient eligible for funding  
3 under this act because he or she is relocating to intern in another  
4 public school or due to a leave of absence, payments must stop during  
5 the period which the individual does not meet the requirements, but may  
6 be continued when the individual again meets the qualification require-  
7 ments, but must not be continued beyond thirty weeks from the date the  
8 individual initially started his or her internship at the public school  
9 under this subdivision.

10 (ii) For recipients of the funding who receive the lump sum of fifteen  
11 thousand dollars as described in this section:

12 (A) If the recipient permanently ceases to satisfy the qualification  
13 requirements that initially made the recipient eligible for funding  
14 under this section either by his or her own initiative, by initiative of  
15 the public school in which he or she was interning, or by initiative of  
16 the graduate-level mental health professional program described in para-  
17 graph (c) of subdivision one of this section, the recipient may receive  
18 a pro rata amount of the lump sum that reflects the number of hours the  
19 individual interned at the public school while meeting the qualification  
20 requirements for funding under this section; or

21 (B) If the recipient temporarily ceases to satisfy the qualification  
22 requirements that initially made the recipient eligible for funding  
23 under this section because he or she is relocating to intern in another  
24 public school or due to a leave of absence, the individual is still  
25 eligible to receive the full amount of the lump sum if he or she  
26 completes all of the qualification requirements for funding under this  
27 section.

28 3. The department may, for extenuating circumstances, make a debt or  
29 expense repayment to a designated recipient before or during each year  
30 of service that the designated recipient shall complete or is completing  
31 for purposes of qualifying for funding under this section.

32 4. Each state university that designated recipients are enrolled in  
33 for the graduate-level mental health professional program described in  
34 paragraph (c) of subdivision one of this section may continue implement-  
35 ing any existing evaluation processes required as part of any certif-  
36 ication, licensing, or approval requirements associated with serving as  
37 a school mental health professional. For purposes of this section, the  
38 results from an evaluation described in this subdivision may be used as  
39 a reason for the individual's disqualification for grant funding under  
40 this section.

41 5. A designated recipient that receives a grant under this act shall  
42 submit any evaluations he or she receives as described in subdivision  
43 four of this section and any evaluations received from the public school  
44 in which he or she is interning. Upon receiving an evaluation, the  
45 department shall determine whether the designated recipient is still  
46 eligible to receive grant funding under this section or whether the  
47 recipient is subject to subdivision four of this section and shall noti-  
48 fy the recipient of its determination.

49 6. The department shall administer grant funding through the grant  
50 program to field supervisors, field instructors, or supervisors. A grant  
51 to a field supervisor, field instructor, or supervisor under this  
52 subsection must not exceed two hundred fifty dollars for each designated  
53 recipient that he or she supervises.

54 7. A designated recipient who receives a grant under this act is not  
55 prohibited from applying for another grant under this act if he or she  
56 meets the qualifications for grant funding under this section.

1     § 2. Beginning one year after the effective date of this act, the  
2 department of education shall report to the governor, the temporary  
3 president of the senate and the speaker of the assembly, the status and  
4 outcomes of the student mental health apprenticeship retention and  
5 training (SMART) internship grant program.

6     § 3. This act shall take effect on the first of July next succeeding  
7 the date on which it shall have become a law. Effective immediately, the  
8 addition, amendment and/or repeal of any rule or regulation necessary  
9 for the implementation of this act on its effective date are authorized  
10 to be made and completed on or before such effective date.