STATE OF NEW YORK

6791

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. PALUMBO -- 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 mental health certificates

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

Section 1. The section heading of section 903 of the education law, as amended by chapter 281 of the laws of 2007, is amended and a new subdivision 2-a is added to read as follows:

Students to furnish health certificates[~~; and~~], dental health certificates**, and mental health certificates**.

2-a. a. A mental health certificate shall be requested from each student. Each student is requested to furnish a mental health certificate at the same time that health certificates are required. An assessment and mental health history of any child may be requested by the local school authorities at any time in their discretion to promote the educational interests of such child. Each certificate shall be signed by a duly licensed physician, psychologist, psychiatrist or licensed clinical social worker who is authorized by law to practice in this state, and consistent with any applicable written practice agreement, or by a duly licensed physician, psychologist, psychiatrist or licensed clinical social worker who is authorized to practice in the jurisdiction in which the assessment was given, provided that the commissioner has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. Each such certificate shall describe the mental health condition of the student when the assessment was made, which shall not be more than twelve months prior to the commencement of the school year in which the assessment is requested, and shall state whether such student is in fit condition of mental health to permit his or her attendance at the public school.

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

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b. A notice of request for mental health certificates shall be distributed at the same time that parents or persons in parental relationship to students are notified of health examination requirements and shall state that a list of mental health practices, physicians, psychologists, psychiatrists and licensed clinical social workers to which children may be referred for mental health services on a free or reduced cost basis is available upon request at the child's school. The department shall, in collaboration with the department of health, compile and maintain a list of mental health practices, physicians, psychologists, psychiatrists and licensed clinical social workers to which children may be referred for mental health services on a free or reduced cost basis. Such list shall be made available to all public schools and be made available to parents or persons in parental relationship upon request. The department shall promulgate regulations to ensure the gathering and dissemination of the proper information to interested parties.

§ 2. This act shall take effect the first of July next succeeding the date on which it shall have become a law.