

STATE OF NEW YORK

3278--A

2025-2026 Regular Sessions

IN SENATE

January 24, 2025

Introduced by Sens. BROUK, ADDABBO, BAILEY, CLEARE, FAHY, HARCKHAM, HELMING, JACKSON, MATTERA, MAY, MURRAY, ORTT, PALUMBO, RHOADS, ROLISON, SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the social services law, in relation to the practice of a licensed school psychology practitioner

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

1 Section 1. Legislative intent and findings. The legislature finds
2 that the ever-growing social and emotional needs of children and youth
3 have only been intensified by the COVID-19 pandemic. The legislature
4 acknowledges that the U.S. Surgeon General has declared a national emer-
5 gency in relation to children's mental health, and that parents and
6 professionals are calling for greater access to mental health services
7 for children. The legislature therefore intends to ensure services are
8 available for children, youth, and their parents to seek the help they
9 need by allowing school psychology professionals to assist these indi-
10 viduals outside of a traditional setting. The legislature finds that
11 increasing the number of trained professionals who are able to provide
12 mental health services outside of an educational setting will be posi-
13 tive for the children, parents, school, and society. School psychology
14 professionals are trained and educated in psychopathology, the psychol-
15 ogy of learning, motivation and human development in order to address
16 the many factors influencing their adjustment in school and life.
17 Accordingly, these factors may include trauma, social and emotional
18 adjustment, inequitable and historically marginalized community condi-
19 tions, school climate, and home/school/community collaboration. The
20 legislature therefore declares that by addressing the needs of children

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

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1 through prevention services, assessments and/or counseling, school
2 psychology professionals can contribute to their future success. It is
3 important that school psychology professionals are held to specific
4 standards and requirements that will ensure competent services.

5 § 2. The education law is amended by adding a new article 153-A to
6 read as follows:

7 ARTICLE 153-A

8 LICENSED SCHOOL PSYCHOLOGY PRACTITIONER

9 Section 7620. Introduction.

10 7621. Practice of licensed school psychology practitioner and
11 use of the title "licensed school psychology practition-
12 er".

13 7622. Definition of the practice of a licensed school psychology
14 practitioner.

15 7623. Requirements for a professional license.

16 7624. Boundaries of professional competency.

17 7625. Limited permits.

18 7626. Exemptions.

19 7627. Special provisions.

20 7628. Mandatory continuing education.

21 § 7620. Introduction. This article applies to the profession and prac-
22 tice of a licensed school psychology practitioner and to the use of the
23 title "licensed school psychology practitioner". The general provisions
24 for all professions contained in article one hundred thirty of this
25 title apply to this article.

26 § 7621. Practice of licensed school psychology practitioner and use of
27 the title "licensed school psychology practitioner". Only a person
28 licensed or exempt under this article shall practice as a licensed
29 school psychology practitioner or use the title "licensed school
30 psychology practitioner".

31 § 7622. Definition of the practice of a licensed school psychology
32 practitioner. The practice of a licensed school psychology practitioner
33 is:

34 1. the assessment, including psycho-educational, developmental and
35 vocational assessment, evaluation and interpretation of intelligence,
36 cognitive processes, aptitudes, interests, academic achievement, adjust-
37 ment, personality factors and motivations, or any other attributes, to
38 individuals or groups of preschool and school-age children and adoles-
39 cents that relate to learning, education or adjustment needs;

40 2. the development and implementation of educationally-related
41 psychotherapeutic and behavioral approaches to increase school adjust-
42 ment and academic success, counseling and interpretive services to
43 reduce education-related problems including, but not limited to, verbal
44 interaction, interviewing, behavior techniques, developmental and voca-
45 tional intervention, environmental management and group processes;

46 3. consultation with representatives of schools, agencies and organ-
47 izations, families or individuals, including psycho-educational, devel-
48 opmental and vocational assistance or direct educational services,
49 related to learning problems and adjustments to those problems to the
50 benefit of an individual or group of preschool and school-age children
51 and adolescents; and

52 4. the development of programming, including designing, implementing
53 or evaluating educationally and psychologically sound learning environ-
54 ments and the facilitation of psycho-educational development of individ-
55 uals, families or groups.

§ 7623. Requirements for a professional license. To qualify for a license as a licensed school psychology practitioner, an applicant shall fulfill the following requirements:

1. Application: File an application with the department;

2. Education: Complete a minimum of sixty graduate semester hours in psychology credits including a master's degree and fulfill the requirements of an advanced degree in school psychology or its equivalent or doctoral degree in school psychology from a program registered by the department, or determined by the department to be the substantial equivalent in accordance with the commissioner's regulations. The graduate coursework shall reflect the training and credentialing standards established by a national certifying body having school psychology certification or regional standards acceptable to the commissioner and include, but not be limited to, the following areas:

(i) biological, social and cultural bases of development;

(ii) psychopathology and exceptionality in learning and behavior;

(iii) assessment and appraisal of learners in home and school contexts;

(iv) consultation and collaboration in family, school and community systems;

(v) effective instruction and development of cognitive and academic skills;

(vi) prevention and treatment of behavioral and emotional disorders and deficits;

(vii) school organization, curriculum, policy and law;

(viii) research and program evaluation;

(ix) professional and ethical practice of psychology in schools; and

(x) completion of a twelve hundred hour supervised internship in school psychology, with no less than six hundred hours completed within a school setting or such other setting otherwise governed by the provisions of section sixty-five hundred three-a or sixty-five hundred three-b of this title relating to waivers for entities providing professional services.

3. Experience: Complete a minimum of three thousand hours of post-master's supervised experience relevant to the practice of school psychology satisfactory to the board and in accordance with the commissioner's regulations, such supervised experience which may include one thousand two hundred hours completed as part of a program in school psychology. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience;

4. Examination: Pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

5. Age: Be at least twenty-one years of age;

6. Character: Be of good moral character as determined by the department; and

1 7. Fees: Pay a fee of two hundred dollars to the department for an
2 initial license and a fee of one hundred seventy dollars for each trien-
3 nial registration period.

4 § 7624. Boundaries of professional competency. 1. It shall be deemed
5 practicing outside the boundaries of a person's professional competence
6 for a person licensed pursuant to this article, in the case of treatment
7 of any serious mental illness, to provide any mental health services
8 for such illness on a continuous and sustained basis without a medical
9 evaluation of the illness by, and consultation with, a physician regard-
10 ing such illness. Such medical evaluation and consultation shall be to
11 determine and advise whether any medical care is indicated for such
12 illness. For purposes of this section, "serious mental illness" means
13 schizophrenia, schizoaffective disorder, bipolar disorder, major
14 depressive disorder, panic disorder and obsessive-compulsive disorder.
15 Nothing in this section shall be construed to prevent, limit or impair
16 consultation with any other health or mental health professional.

17 2. Any individual whose license or authority to practice derives from
18 the provisions of this article shall be prohibited from:

19 (a) prescribing or administering drugs as defined in this chapter as a
20 treatment, therapy, or professional service in the practice of such
21 individual's profession;

22 (b) using invasive procedures as a treatment, therapy, or professional
23 service in the practice of such individual's profession. For purposes of
24 this subdivision, "invasive procedure" means any procedure in which
25 human tissue is cut, altered, or otherwise infiltrated by mechanical or
26 other means. Invasive procedure includes surgery, lasers, ionizing
27 radiation, therapeutic ultrasound, or electroconvulsive therapy; or

28 (c) engaging in dual setting practice, or otherwise offering or
29 providing private practice services to a student of a school or special
30 education program where the practitioner is currently employed or under
31 contract with such school or program.

32 3. Nothing in this article shall be deemed to authorize, grant or
33 extend hospital privileges to individuals licensed under this article.

34 § 7625. Limited permits. 1. The department may issue a limited permit
35 to an applicant who meets all qualifications for licensure, except the
36 examination and/or experience requirements, in accordance with regu-
37 lations promulgated therefor.

38 2. Limited permits shall be for one year; such limited permits may be
39 renewed, at the discretion of the department, for one additional year.

40 3. The fee for each limited permit and for each renewal shall be
41 seventy dollars.

42 4. A limited permit holder shall practice only under supervision as
43 determined in accordance with the commissioner's regulations.

44 § 7626. Exemptions. Nothing contained in this article shall be
45 construed to:

46 1. apply to the practice, conduct, activities, services or use of any
47 title by any person licensed or otherwise authorized to practice medi-
48 cine within the state pursuant to article one hundred thirty-one of this
49 title or by any person registered to perform services as a physician
50 assistant within the state pursuant to article one hundred thirty-one-B
51 of this title or by any person licensed or otherwise authorized to prac-
52 tice psychology within this state pursuant to article one hundred
53 fifty-three of this title or by any person licensed or otherwise author-
54 ized to practice as a licensed clinical social worker within this state
55 pursuant to article one hundred fifty-four of this title, or by any
56 person licensed or otherwise authorized to practice nursing as a regis-

1 tered professional nurse within this state pursuant to article one
2 hundred thirty-nine of this title, or by any person licensed or other-
3 wise authorized to practice mental health counseling, marriage and fami-
4 ly therapy, creative arts therapy, or psychoanalysis within the state,
5 or by any person licensed or otherwise authorized to practice applied
6 behavior analysis within the state pursuant to this article; provided,
7 however, that no physician, physician's assistant, registered profes-
8 sional nurse, psychologist, licensed clinical social worker, licensed
9 mental health counselor, licensed marriage and family therapist,
10 licensed creative arts therapist, licensed psychoanalyst or licensed
11 applied behavior analyst may use the title unless licensed under this
12 article;

13 2. prohibit or limit any individual who is credentialed under any law,
14 including attorneys, rape crisis counselors, certified alcoholism coun-
15 selors and certified substance abuse counselors from providing mental
16 health services within their respective established authorities;

17 3. prohibit or limit the practice of a profession licensed pursuant
18 to this article by a student, intern or resident in, and as a part of, a
19 supervised educational program in an institution approved by the depart-
20 ment;

21 4. prohibit or limit the provision of pastoral counseling services by
22 any member of the clergy or Christian Science practitioner, within the
23 context of such member of the clergy or Christian Science practitioner's
24 ministerial charge or obligation;

25 5. prohibit or limit individuals, churches, schools, teachers, organ-
26 izations, or not-for-profit businesses, from providing instruction,
27 advice, support, encouragement, or information to individuals, families,
28 and relational groups;

29 6. prohibit or limit an occupational therapist from performing work
30 consistent with article one hundred fifty-six of this title;

31 7. affect or prevent the activities or services on the part of a
32 person in the employ of a federal, state, county, or municipal agency,
33 other political subdivision, or a chartered elementary or secondary
34 school or degree-granting educational institution insofar as such activ-
35 ities and services are a part of the duties of such person's salaried
36 position; or

37 8. impair or affect the conduct, activities or services of a techni-
38 cian to administer and score standardized objective (non-projective)
39 psychological or neuropsychological tests which have specific predeter-
40 mined and manualized administrative procedures which entail observing
41 and describing test behavior and test responses, and which do not
42 require evaluation, interpretation or other judgments as provided in
43 subdivision eleven of section seventy-six hundred five of this title.

44 § 7627. Special provisions. 1. Any nonexempt person practicing the
45 profession of licensed school psychology practitioner shall apply for a
46 license of such profession within one year of the effective date of this
47 section.

48 (a) If such person does not meet the requirements for a license estab-
49 lished within this article, such person may meet alternative criteria
50 determined by the department to be the substantial equivalent of such
51 criteria.

52 (b) If such person meets the requirements for a license established
53 within this article, except for examination, and has been certified or
54 registered by a national certifying or registering body having certif-
55 ication or registration standards acceptable to the commissioner, the
56 department shall license without examination.

1 2. Notwithstanding the requirements of section seventy-six hundred
2 twenty-three of this article, and for a period of time not to exceed two
3 years from the effective date of this article, an individual may be
4 licensed as a school psychology practitioner provided such person has
5 either:

6 (a) met the educational requirements as defined in section seventy-six
7 hundred twenty-three of this article and performed the duties of a
8 school psychologist as authorized by article one hundred fifty-three of
9 this title or any other provision of law, for two of the past five years
10 prior to the effective date of this article; or

11 (b) performed the duties of a school psychologist as authorized by
12 article one hundred fifty-three of this title or any other provision of
13 law, for at least five years prior to the effective date of this arti-
14 cle.

15 3. Any person licensed pursuant to this article may use accepted codes
16 and classifications of signs, symptoms, dysfunctions and disorders, as
17 approved in accordance with regulations promulgated by the department,
18 in the practice of such licensed profession.

19 4. Nothing in this article shall be deemed to alter, modify or affect
20 the provisions of section three thousand twelve or twenty-five hundred
21 ten of this chapter or otherwise affect the certification of a school
22 psychologist.

23 § 7628. Mandatory continuing education. 1. (a) Each licensed school
24 psychology practitioner required under this article to register trienni-
25 ally with the department to practice in this state, shall comply with
26 the provisions of mandatory continuing education requirements prescribed
27 in subdivision two of this section, except as set forth in paragraphs
28 (b) and (c) of this subdivision. Licensed school psychology practition-
29 ers who do not satisfy the mandatory continuing education requirements
30 shall not practice until they have met such requirements, and they have
31 been issued a registration certificate, except that a licensed school
32 psychology practitioner may practice without having met such require-
33 ments if they are issued a conditional registration certificate pursuant
34 to subdivision three of this section.

35 (b) Each licensed school psychology practitioner shall be exempt from
36 the mandatory continuing education requirements for the triennial regis-
37 tration period during which they are first licensed. In accordance with
38 the intent of this section, adjustment to the mandatory continuing
39 education requirement may be granted by the department for reasons of
40 health that are certified by an appropriate health care professional,
41 for extended active duty with the armed forces of the United States, or
42 for other good cause acceptable to the department which may prevent
43 compliance.

44 (c) A licensed school psychology practitioner shall be exempt from the
45 mandatory continuing education requirement upon the filing of a state-
46 ment with the department declaring such status. Any licensee who returns
47 to the practice of licensed school psychology during the triennial
48 registration period shall notify the department prior to reentering the
49 profession and shall meet such mandatory education requirements as shall
50 be prescribed by regulations of the commissioner.

51 2. During each triennial registration period an applicant for regis-
52 tration as a licensed school psychology practitioner shall complete a
53 minimum of thirty-six hours of acceptable formal continuing education, a
54 maximum of twelve hours of which may be self-instructional course work
55 acceptable to the department. A licensed school psychology practitioner
56 whose first registration date following the effective date of this

section occurs less than three years from such effective date, but on or after January first, two thousand thirty up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirement shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision three of this section. Continuing education hours taken during one triennium may not be transferred to the subsequent triennium.

3. (a) The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and complete any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices without such registration may be subject to disciplinary proceedings pursuant to this title.

(b) For purposes of this section "acceptable formal education" shall mean formal courses of learning which contribute to professional practice in school psychology and which meet the standards prescribed by regulations of the commissioner. Such formal courses of learning shall include, but not be limited to, collegiate level credit and non-credit courses, professional development programs and technical sessions offered by national, state and local professional associations and other organizations acceptable to the department, and any other organized educational and technical programs acceptable to the department. Continuing education courses must be taken from a provider who has been approved by the department, based upon an application and fee, pursuant to the regulations of the commissioner. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement. Licensed school psychology practitioners shall maintain adequate documentation of completion of acceptable formal continuing education and shall provide such documentation at the request of the department. Failure to provide such documentation upon the request of the department shall be an act of misconduct subject to disciplinary proceedings pursuant to this title.

(c) The mandatory continuing education fee shall be determined by the department. Such fee shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fees as required by law.

§ 3. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 733 of the laws of 2023, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed school psychology practi-

1 tioner, licensed master social worker, licensed clinical social worker,
2 licensed creative arts therapist, licensed marriage and family thera-
3 pist, licensed mental health counselor, licensed psychoanalyst, dental
4 hygienist, licensed behavior analyst, certified behavior analyst assist-
5 ant, or athletic trainer shall, in addition to all the other licensure,
6 certification or permit requirements, have completed two hours of
7 coursework or training regarding the identification and reporting of
8 child abuse and maltreatment. The coursework or training shall be
9 obtained from an institution or provider which has been approved by the
10 department to provide such coursework or training. The coursework or
11 training shall include information regarding the physical and behavioral
12 indicators of child abuse and maltreatment and the statutory reporting
13 requirements set out in sections four hundred thirteen through four
14 hundred twenty of the social services law, including but not limited to,
15 when and how a report must be made, what other actions the reporter is
16 mandated or authorized to take, the legal protections afforded repor-
17 ters, and the consequences for failing to report. Such coursework or
18 training may also include information regarding the physical and behav-
19 ioral indicators of the abuse of individuals with developmental disabil-
20 ities and voluntary reporting of abused or neglected adults to the
21 office for people with developmental disabilities or the local adult
22 protective services unit. Each applicant shall provide the department
23 with documentation showing that ~~[he or she]~~ such applicant has completed
24 the required training. The department shall provide an exemption from
25 the child abuse and maltreatment training requirements to any applicant
26 who requests such an exemption and who shows, to the department's satis-
27 faction, that there would be no need because of the nature of ~~[his or~~
28 ~~her]~~ such applicant's practice for ~~[him or her]~~ such applicant to
29 complete such training;

30 § 4. Section 7602 of the education law, as added by chapter 987 of the
31 laws of 1971, is amended to read as follows:

32 § 7602. State board for psychology. A state board for psychology
33 shall be appointed by the board of regents on recommendation of the
34 commissioner for the purpose of assisting the board of regents and the
35 department on matters of professional licensing and professional conduct
36 in accordance with section sixty-five hundred eight of this title. The
37 board shall be composed of not less than eleven ~~[psychologists licensed~~
38 ~~in this state]~~ members, seven of whom shall be licensed psychologists,
39 two of whom shall be licensed school psychology practitioners and two of
40 whom shall be public members. An executive secretary to the board shall
41 be appointed by the board of regents upon the recommendation of the
42 commissioner and shall be a psychologist, licensed in this state.

43 § 5. Paragraph (a) of subdivision 1 of section 413 of the social
44 services law, as amended by chapter 733 of the laws of 2023, is amended
45 to read as follows:

46 (a) The following persons and officials are required to report or
47 cause a report to be made in accordance with this title when they have
48 reasonable cause to suspect that a child coming before them in their
49 professional or official capacity is an abused or maltreated child, or
50 when they have reasonable cause to suspect that a child is an abused or
51 maltreated child where the parent, guardian, custodian or other person
52 legally responsible for such child comes before them in their profes-
53 sional or official capacity and states from personal knowledge facts,
54 conditions or circumstances which, if correct, would render the child an
55 abused or maltreated child: any physician; registered physician assist-
56 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;

1 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
2 athletic trainer; psychologist; licensed school psychology practitioner;
3 registered nurse; social worker; emergency medical technician; licensed
4 creative arts therapist; licensed marriage and family therapist;
5 licensed mental health counselor; licensed psychoanalyst; licensed
6 behavior analyst; certified behavior analyst assistant; hospital person-
7 nel engaged in the admission, examination, care or treatment of persons;
8 a Christian Science practitioner; school official, which includes but is
9 not limited to school teacher, school guidance counselor, school
10 psychologist, school social worker, school nurse, school administrator
11 or other school personnel required to hold a teaching or administrative
12 license or certificate; full or part-time compensated school employee
13 required to hold a temporary coaching license or professional coaching
14 certificate; social services worker; employee of a publicly-funded emer-
15 gency shelter for families with children; director of a children's over-
16 night camp, summer day camp or traveling summer day camp, as such camps
17 are defined in section thirteen hundred ninety-two of the public health
18 law; day care center worker; school-age child care worker; provider of
19 family or group family day care; employee or volunteer in a residential
20 care facility for children that is licensed, certified or operated by
21 the office of children and family services; or any other child care or
22 foster care worker; mental health professional; substance abuse counse-
23 lor; alcoholism counselor; all persons credentialed by the office of
24 [~~alcoholism and substance abuse~~] addiction services and supports;
25 employees, who are expected to have regular and substantial contact with
26 children, of a health home or health home care management agency
27 contracting with a health home as designated by the department of health
28 and authorized under section three hundred sixty-five-1 of this chapter
29 or such employees who provide home and community based services under a
30 demonstration program pursuant to section eleven hundred fifteen of the
31 federal social security act who are expected to have regular and
32 substantial contact with children; peace officer; police officer;
33 district attorney or assistant district attorney; investigator employed
34 in the office of a district attorney; or other law enforcement official.

35 § 6. Subparagraph (i) of paragraph a of subdivision 1 of section
36 6503-a of the education law, as amended by chapter 554 of the laws of
37 2013, is amended to read as follows:

38 (i) services provided under article one hundred fifty-three-A, one
39 hundred fifty-four, one hundred sixty-three or one hundred sixty-seven
40 of this title for which licensure would be required, or

41 § 7. Severability. If any clause, sentence, paragraph, section or part
42 of this act shall be adjudged by any court of competent jurisdiction to
43 be invalid, the judgment shall not affect, impair, or invalidate the
44 remainder thereof, but shall be confined in its operation to the clause,
45 sentence, paragraph, section or part thereof directly involved in the
46 controversy in which the judgment shall have been rendered.

47 § 8. This act shall take effect eighteen months after it shall have
48 become a law. Effective immediately the department of education is
49 authorized to promulgate any and all rules and regulations and take any
50 other measure necessary to implement this act on or before its effective
51 date, including, but not limited to, the appointment of the state board
52 for psychology, the acceptance and processing of applications for lisen-
53 sure and the issuance of licenses.