STATE OF NEW YORK

5612

2025-2026 Regular Sessions

IN SENATE

February 25, 2025

Introduced by Sen. ADDABBO -- 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 authorizing occupational therapy services to be provided in school to certain students

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

Section 1. Section 912 of the education law, as amended by chapter 477 of the laws of 2004, is amended to read as follows:

§ 912. Health and welfare services to all children. The voters and/or trustees or board of education of every school district shall, upon request of the authorities of a school other than public, provide resident children who attend such school with any or all of the health and welfare services and facilities which are made available by such voters and/or trustees or board of education to or for children attending the public schools of the district. Such services may include, but are not limited to all services performed by a physician, physician assistant, dentist, dental hygienist, registered professional nurse, nurse practitioner, school psychologist, school social worker [~~or~~], school speech therapist, **or school occupational therapist,** and may also include dental prophylaxis, vision and hearing screening examinations, the taking of medical histories and the administration of health screening tests, the maintenance of cumulative health records and the administration of emergency care programs for ill or injured students. Any such services or facilities shall be so provided notwithstanding any provision of any charter or other provision of law inconsistent herewith. Where children residing in one school district attend a school other than public located in another school district, the school authorities of the district of residence shall contract with the school authorities of the district where such nonpublic school is located, for the provision of such health and welfare services and facilities to such children by the school district where such nonpublic school is located, for a consider-

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

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ation to be agreed upon between the school authorities of such districts, subject to the approval of the qualified voters of the district of residence when required under the provisions of this chapter. Every such contract shall be in writing and in the form prescribed by the commissioner, and before such contract is executed the same shall be submitted for approval to the superintendent of schools having jurisdiction over such district of residence and such contract shall not become effective until approved by such superintendent.

§ 2. The education law is amended by adding a new section 912-c to read as follows:

§ 912-c. Occupational therapy services. 1. For the purposes of this section, "occupational therapy services" means screening, evaluation, consultation, treatment and other interventions delivered by an occupational therapist, or occupational therapy assistant, licensed under article one hundred fifty-six of this chapter.

2. The board of education or trustees of each school district and the city school district of the city of New York may provide occupational therapy services to students in grades pre-kindergarten through twelve with occupational impairments of a severity that does not adversely affect the student's educational performance but does present a barrier to functioning at home or in the community. Any student who is determined to be in need of such occupational therapy services shall receive such therapy upon the recommendation of the building administrator.

3. A student, whose occupational impairment adversely affects the student's educational performance shall be referred to the committee on special education for further evaluation and recommendation for special education services and programs pursuant to article eighty-nine of this chapter.

§ 3. Section 305 of the education law is amended by adding a new subdivision 63 to read as follows:

63. a. The commissioner shall issue a guidance memorandum to every school district on the provision of occupational therapy services in schools. Such memorandum shall include guidance on early intervening services and mental health related services and shall provide information regarding the services that occupational therapists may provide within their scope of practice as a school occupational therapist.

b. The commissioner is authorized and directed to amend the regulations regarding pupil personnel services to account for the addition of licensed occupational therapists and to promulgate additional rules and regulations for such purpose. Such rules and regulations shall establish the education, work experience and required study for qualification as a school occupational therapist.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.