

# STATE OF NEW YORK

S. 8307--C

A. 8807--C

## SENATE – ASSEMBLY

April 20, 2024

The Enacted Budget accepts the Executive’s proposal to remove the temporary exemption school psychologists currently have that allows them to practice as early intervention (EI) providers and extend their authorization to provide non-EI services for certain preschool programs from June 30, 2024 to June 30, 2026.

7 Section 1. Paragraph d of subdivision 6 of section 4410 of the education law, as amended  
8 by chapter 217 of the laws of 2015, is amended to read as follows:

9 d. Notwithstanding any other provision of the law to the contrary, the exemption in  
10 subdivision one of section seventy-six hundred five of this chapter shall apply to persons  
11 employed on a full-time or part-time salary basis, which may include on an hourly, weekly,  
12 or monthly basis, or on a fee for evaluation services basis provided that such person is  
13 employed by and under the dominion and control of a center-based program approved  
14 pursuant to subdivision nine of this section as a certified school psychologist to provide  
15 activities, services and use of the title psychologist to students enrolled in such approved  
16 center-based program; and to certified school psychologists employed on a full-time or  
17 part-time salary basis, which may include on an hourly, weekly, or monthly basis, or on a  
18 fee for evaluation services basis provided that the school psychologist is employed by and  
19 under the dominion and control of a program that has been approved pursuant to paragraph  
20 b of subdivision nine of this section, or subdivision nine-a of this section, to conduct a  
21 multi-disciplinary evaluation of a preschool child having or suspected of having a disability  
22 where authorized by paragraph a [~~or b~~] of subdivision six of section sixty-five hundred  
23 three-b of this chapter [~~]; and to certified school psychologists employed on a full-time  
24 or part-time basis, or on fee for evaluation services basis provided that such  
25 psychologist is employed by and under the dominion and control of an agency  
26 approved in accordance with title two A of article twenty-five of the public health law  
27 to deliver early intervention program multidisciplinary evaluations, service  
28 coordination services and early intervention program services, where authorized by  
29 paragraph a or b of subdivision six of section sixty-five hundred three b of this  
30 chapter, each], in the course of their employment. Nothing in this section shall be  
31 construed to authorize a certified school psychologist or group of such school psychologists  
32 to engage in independent practice or practice outside of an employment relationship.~~

33 § 2. Subdivision 1 of section 7605 of the education law, as amended by chapter 217 of the  
34 laws of 2015, is amended to read as follows:

1 1. The activities, services, and use of the title of psychologist, or any derivation thereof, on  
2 the part of a person in the employ of a federal, state, county, or municipal agency, or other  
3 political subdivision, or a chartered elementary or secondary school or degree-granting  
4 educational institution insofar as such activities and services are a part of the duties of ~~[his]~~  
5 such salaried position; or on the part of a person in the employ has a certified school  
6 psychologist on a full-time or part-time salary basis, which may include on an hourly,  
7 weekly, or monthly basis, or on a fee for evaluation services basis provided that such person  
8 employed as a certified school psychologist is employed by and under the dominion and  
9 control of a preschool special education program approved pursuant to paragraph b of  
10 subdivision nine of subdivision nine-a of section forty-four hundred ten of this chapter to  
11 provide activities, services and to use the title “certified school psychologist”, so long as  
12 this shall not be construed to permit the use of the title “licensed psychologist”, to students  
13 enrolled in such approved program or to conduct a multidisciplinary evaluation of a  
14 preschool child having or suspected of having a disability [~~;~~ ~~or on the part of a person in~~  
15 ~~the employ as a certified school psychologist on a full-time or part-time salary basis,~~  
16 ~~which may include on an hourly, weekly, or monthly basis, or on a fee for evaluation~~  
17 ~~services basis provided that such person employed as a certified school psychologist~~  
18 ~~is employed by and under the dominion and control of an agency approved in~~  
19 ~~accordance with title two-A of article twenty-five of the public health law to deliver~~  
20 ~~early intervention program multidisciplinary evaluations, service coordination~~  
21 ~~services and early intervention program services], where each such preschool special~~  
22 education program [~~or early intervention provider~~] is authorized by paragraph a [or b]  
23 of subdivision six of section sixty-five hundred ~~[three]~~ three-b of this title [~~, each~~] in the  
24 course of their employment. Nothing in this subdivision shall be construed to authorize a  
25 certified school psychologist or group of such school psychologists to engage in  
26 independent practice or practice outside of an employment relationship.

27 § 3. Section 3 of chapter 217 of the laws of 2015, amending the education law relating to  
28 certified school psychologists and special education services and programs for preschool  
29 children with handicapping conditions, as amended by chapter 339 of the laws of 2022, is  
30 amended to read as follows:

31 § 3. This act shall take effect immediately and shall be deemed to have been in full force  
32 and effect on and after July 1, 2014, provided, however that the provisions of this act  
33 shall expire and be deemed repealed June 30, ~~[2024]~~ 2026.

34 § 4. This act shall take effect immediately and shall be deemed to have been in full  
35 force and effect on and after April 1, 2024; provided, however, that sections one and  
36 two of this act shall take effect April 1, 2025; provided further, however, that the  
37 amendments to paragraph d of subdivision 6 of section 4410 of the education law  
38 made by section one of this act shall not affect the expiration of such paragraph and  
39 shall be deemed to expire therewith; and provided further, however, that the  
40 amendments to subdivision 1 of section 7605 of the education law made by section  
41 two of this act shall not affect the expiration of such subdivision and shall be deemed  
42 to expire therewith.

Explanation – Matter underscored is new; matter in [~~brackets~~] is old law to be omitted.