Memorandum in Support

S.8802 (Mayer) / A.9973 (Griffin)

AN ACT to amend chapter 217 of the laws of 2015, amending the education law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions.

Schuyler Center supports S.8802/A.9973 allowing for certified school psychologists to continue to conduct evaluations on infants, toddlers and preschool children who are suspected of having a disability.

The Schuyler Center for Analysis and Advocacy is a 150-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people living in poverty.

The State has a legal obligation to ensure all children receive Early Intervention (EI) and preschool special education evaluations and services under the federal Individuals with Disabilities Education Act (IDEA). Ensuring young children with disabilities receive services in a timely manner can prevent the need for more intensive—and expensive—special education services later on. It is also simply the right thing to do for a child’s health and development.

Chapter 217 of the Laws of 2015 allows for certified school psychologists to conduct evaluations of preschool children ages 3-5 for special education services and children ages 0-2 for Early Intervention. However, the law is set to expire on June 30, 2022 and the State Department of Health has advised the field that these professionals will no longer be able to serve as EI providers after that date. This legislation clarifies that certified school psychologists are allowed to perform these evaluations outside of school and in family and community-based settings. The legislation would extend the provisions of Chapter 217 to June 2024, ensuring that school psychologists can continue providing EI and preschool special education evaluations and services. Until the State has alternative providers to fulfill the mandates of children who need evaluations or services from psychologists, the State must continue to authorize school psychologists to evaluate and serve young children in the EI program and preschool special education.

The Schuyler Center for Analysis and Advocacy strongly urges the Governor to sign this legislation.

6/30/22