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SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo 

Subject: Qualifications of Psychologists Employed by Preschool Special Education Multidisciplinary Evaluation Programs Approved Pursuant to Section 4410 of the Education Law

The purpose of this memorandum is to ensure that all multidisciplinary evaluation programs (MDEs) approved pursuant to section 4410 of the Education Law understand that Education Law does not permit use of school psychologists without appropriate professional licensure under Title VIII of the Education Law to provide psychology services or evaluations to students in MDE programs except as exempted by section 7601 of the Education Law.

Education Law section 7601 states that only a person licensed or otherwise authorized under Article 153 of the Education Law (related to the profession of psychology) may practice psychology, use the title “psychologist” or describe his or her services using the terms “psychology, psychologist or psychological.” The requirements in section 7605(1) of the Education Law exempts from licensure “a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or chartered elementary or secondary school or degree-granting educational institution.” While the exemption, by amendment to Education Law section 4410 applies to school psychologists providing services in certain preschool programs, it does not apply to MDE programs operated by private agencies. As such, all 4410 MDE programs operated by private entities should review the qualifications of psychologists in such programs and take immediate steps to ensure that such individuals hold the appropriate professional licensure.

MDE programs should direct their questions regarding this memorandum to Kathleen M. Doyle, Executive Secretary of the State Board of Psychology at (518) 474-3817 or appropriate Special Education Quality Assurance Office (<http://www.p12.nysed.gov/specialed/quality/regassoc.htm>).