



THE STATE EDUCATION DEPARTMENT THE STATE OF NEW YORK

November 1995

**TO:** District Superintendents  
Presidents of Boards of Education  
Superintendents of Schools  
Organizations, Parents and Individuals Concerned with Special Education  
Superintendents of State-Operated and State-Supported Schools  
Nonpublic School Administrators and Educators  
State and Local Teacher Associations  
New York City Board of Education  
Executive Directors of Approved Private Schools  
Directors of Special Education  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education  
Directors of Pupil Personnel Services  
Directors of Approved Preschool Programs and Preschool Educators  
Municipality Preschool Special Education Coordinators  
Early Childhood Direction Centers  
Colleges with Special Education Teacher Training  
Commissioner's Advisory Panel for Special Education Services  
Preschool Special Education Advisory Committee  
Impartial Hearing Officers  
SETRC Project Directors and Training Specialists  
Head Start Directors  
Chief Elected Officials of Counties  
Independent Living Centers

**FROM:** Joanne B. Collins, Executive Coordinator,  
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Office for Special Education Services

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**SUBJECT:** Clarification of the Use of Teachers of the Speech and Hearing Handicapped

Since the dissemination of our July 1995 memorandum (attached) a number of issues have been raised regarding the use of New York State certified teachers of the speech and

hearing handicapped to provide speech-language pathology services to preschool students with disabilities. The purpose of this memorandum is to provide information on these issues in a question and answer format.

1. Do center-based preschool special education programs, approved under §4410 of the Education Law, meet the exemption cited in §8207(2) of the Education Law, thereby permitting these programs to employ unlicensed teachers of the speech and hearing handicapped to provide speech-language pathology services?

Yes. The State Education Department believes that the intent underlying Education Law §8207(2) is to allow teachers of the speech and hearing handicapped to provide speech-language pathology services while employed in a school setting. Center-based preschool special education programs, like special education programs for students in grades kindergarten through 12, are school settings. We construe the term "elementary schools," as used in §8207(2), as intended to include such educational programs. Therefore, center-based programs approved to provide preschool special education programs and services, pursuant to Subdivision nine of §4410 of the Education Law, may employ teachers of the speech and hearing handicapped who do not also hold a license as a speech-language pathologist to provide speech-language pathology services to preschool students with disabilities. Municipalities should continue to reimburse approved programs that employ these unlicensed teachers.

2. Are private health clinics or other private agencies that are on the municipal list as related service providers for preschool children, under §4410 of the Education Law, covered by §8207(2) and, therefore, able to employ unlicensed teachers of the speech and hearing handicapped?

No. The exemption in Education Law §8207(2) does not extend to persons employed by a private health clinic or other private agency that is not a school. Independent agencies that contract with municipalities, pursuant to §4410 of the Education Law, may not employ individuals whose sole credential is a certificate as a teacher of the speech and hearing handicapped to provide speech-language pathology services to preschool students with disabilities. However, teachers of the speech and hearing handicapped may provide related services on a contractual basis as special education teachers if the nature of the service is considered *specialty designed instruction* on the child's Individualized Education Program (IEP). Such instruction could address the speech and language development of the child. A child's IEP should indicate whether the child requires instructional services (special education speech and language instruction) or speech therapy services (speech pathology). In the case of instructional services, the goals and objectives of the IEP will focus on communication development to promote the child's learning, whereas in the case of speech therapy services, the goals and objectives will focus on preventing, correcting or remediating a communication disorder.

3. Is it permissible for teachers of the speech and hearing handicapped to function as special education teachers under a Special Education Itinerant Teacher Services (SEIT) program?

Yes. Pursuant to §4410 of the Education Law and §200.16 of the Regulations of the Commissioner of Education, SEIT is an approved program provided by a certified special education teacher. Such services must be for the purpose of providing specialized instruction or group instruction and/or indirect services to preschool students with disabilities, and are not the same as the practice of the profession of speech-language pathology. Under §200.1(l) a special education teacher means a person to teach students with disabilities pursuant to Part 80 of the Regulations. Therefore, it is permissible for a teacher of the speech and hearing handicapped to provide specialized instruction through a contractual arrangement with a municipality that administers a SEIT program approved by the State Education Department. However, participation in a SEIT program does not preclude a child receiving speech-language pathology services in addition to the specialized instructional services provided by the SEIT program. To clarify, specialized instructional services may be provided by a teacher of the speech and hearing handicapped, but speech-language pathology services must be provided in accordance with the requirements outlined in the July 1995 memorandum.

4. May municipalities contract with teachers of the speech and hearing handicapped who are completing their experience requirement for licensure to provide speech services to preschool children with disabilities?

Yes. Only a person licensed or otherwise authorized under Article 159 of the Education Law may practice speech-language pathology or use the title of speech-language pathologist. According to Article 159, §8207(3), persons "engaging in clinical or academic practice under the supervision of a licensed speech-language pathologist or audiologist for such period of time as may be necessary to complete an experience requirement for a professional license..." are exempt from licensure. Therefore, a teacher of the speech and hearing handicapped who has met the education requirement for licensure and is now completing the experience requirement for licensure as a speech-language pathologist may contract to provide speech services to preschool students with disabilities as long as such contracting is part of the approved experience requirement and is performed under the supervision of a licensed speech-language pathologist. These individuals should have applied for licensure by submitting the required fee, application and documentation. The proposed supervised experience will be acknowledged by the issuance of Form 6, **Notification of Approval of Supervisory Plan**, by the Department. Applications for licensure may be requested by calling the Office of the State Board for Speech-Language Pathology and Audiology at (518) 473-0221.

5. To satisfy the permanent certification requirements as a teacher of the speech and hearing handicapped, an individual must complete satisfactorily a one-academic year supervised internship or two years of school experience as a teacher in a public or nonpublic school. Could a provisionally certified teacher of the speech and hearing handicapped satisfy "the two years of school experience" requirement by providing services to preschool students with disabilities, according to their individualized education programs, in the child's home or other non-school setting?

Yes.

6. Is a licensed speech-language pathologist who holds a certificate of qualification as a teacher of the speech and hearing handicapped authorized to teach? What are the procedures for converting the certificate of qualification to a provisional or permanent certificate?

The certificate of qualification (CQ) is evidence that the holder is eligible for employment as a substitute teacher. However, an individual desiring to accept regular employment must exchange the certificate of qualification for a provisional certificate which is valid for five years. At the commencement of regular employment, during the period of validity of the CQ, the holder must deliver such certificate to the chief executive of the district or agency offering employment, who shall forward the CQ to the Office of Teaching for the issuance of a provisional certificate. Permanent certification is issued upon completion of the requirements for permanent certification in effect at the time of issuance of the provisional certificate. Additional questions regarding this issue should be directed to the Office of Teaching at the telephone number noted below.

7. Chapter 82 of the Laws of 1995 expanded the definition of an approved evaluator to include a school district or group of appropriately licensed and/or certified professionals associated with a public or private agency approved by the Commissioner. Do these public and private agencies meet the exemption of §8207(2) of the Education Law, thereby permitting these agencies to employ unlicensed teachers of the speech and hearing handicapped to provide speech-language pathology?

An individual employed by a Federal, State, or local government or a public or nonpublic elementary or secondary school or an institution of higher education may practice speech-language pathology as an unlicensed teacher of the speech and hearing handicapped and may conduct evaluations pursuant to §4410 (9-a) of the Education Law. However, the exemption does not extend to persons employed by a private health clinic or other private agency that is not a school. Individuals employed in these private agencies must be both licensed as a speech-language pathologist and hold New York State teacher certification. Additionally, none of these approved evaluators may

contract with teachers of the speech and hearing handicapped who are not also licensed as speech-language pathologists. A contracting relationship to provide speech-language pathology services requires licensure.

Further questions regarding this information should be directed to one of the following offices:

Office for Special Education Services  
(518) 473-2878

Office of the State Board of Speech-Language Pathology and Audiology  
(518) 473-0221

Office of Teaching  
(518) 474-6440

Attachment