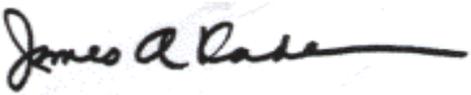




September 2005

TO: District Superintendents
Superintendent of Schools
Presidents of Boards of Education
Directors of Special Education
Superintendents of State-Operated and State-Supported Schools
New York City Board of Education
Principals of Public Schools
Directors of Pupil Personnel Services
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Project Directors and Professional Development Specialists
Regional School Support Centers
Other State Agencies

FROM: James A. Kadamus 
Deputy Commissioner
Elementary, Middle, Secondary and Continuing Education

Rebecca H. Cort 
Deputy Commissioner
Vocational and Educational Services for Individuals with Disabilities

SUBJECT: Health, Dental and Mental Health Clinics Located on School Property

This memorandum is to announce new legislation that has the potential to significantly improve access to health services for preschool and school-age children by allowing health, dental and mental health clinics to be located on school property. On August 4, 2005, Governor Pataki signed this Regents legislative priority bill as Chapter 513 of the Laws of 2005. This bill became effective immediately.

Chapter 513 amended section 414 of Education Law to provide clear statutory authority for the use of school space for licensed school health or mental health clinics. This bill clarifies that the cost of providing health, dental and mental health services would not be a charge upon the school district except as otherwise authorized by law, but may be paid out of any federal, State or local funds lawfully available for such purposes; prohibits the use of school district building aid to build space specifically for this purpose; requires that all health professionals providing health, dental or mental health services in such clinics to be licensed under Title VIII of Education Law, unless otherwise exempted by law, and to be authorized to provide services to the extent

permitted under their respective practice acts; and protects the school district or board of cooperative educational services (BOCES) from liability by acts of negligence or misconduct by the clinic or the clinic's officers or employees.

School districts and BOCES are encouraged to take advantage of the opportunities this new legislation presents. Health, dental and mental health clinics located on school property are expected to expand access to services, provide preventive medicine and help children stay in school while offering a convenient way for parents to ensure their children get quality physical and mental health attention. It is well documented that children in good health and mental health perform better in school. Some reported benefits from other states using school-based health clinics include the facilitation of the entry of new students into the classroom because new students are able to receive immunizations and/or physicals more quickly; lost school days due to health issues are minimized because students needing health care can visit the clinic and often return to classes the same day, reducing absenteeism; and health and mental health issues can be addressed in a more timely and collaborative manner because communication between education and clinic staff is facilitated.

A copy of Chapter 513 of the Laws of 2005 is attached and can be accessed at <http://assembly.state.ny.us/leg/?bn=A08453&sh=t>. Questions regarding this legislation may be directed to:

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Special Education Policy and Partnerships Unit
518-473-2878

Naomi Marsh
Student Support Services
518-486-6090

Carl Thurnau
Office of Facility Planning
518-474-3906.

Attachment