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2015-2016 Regular Sessions

I N   A S S E M B L Y

April 2, 2015
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Introduced by M. of A. NOLAN, RUSSELL, ARROYO, BLAKE, COLTON, COOK, FAHY, KAMINSKY, LINARES, LIFTON, O'DONNELL, SCARBOROUGH, SILVER, SIMON, SOLAGES, THIELE, OTIS -- Multi-Sponsored by -- M. of A. GLICK, HEVESI, MAGEE, MARKEY, MOSLEY, RIVERA, WALKER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing parents with the right and authority to exempt their children from taking standardized assessments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 319 to
2 read as follows:
3 S 319. STUDENT EXEMPTION FROM STANDARDIZED ASSESSMENTS. 1. A PARENT OF
4 A STUDENT OR PERSON IN PARENTAL RELATIONSHIP TO A STUDENT SHALL HAVE THE
5 RIGHT AND AUTHORITY TO EXEMPT SUCH STUDENT FROM TAKING STANDARDIZED
6 ASSESSMENTS, INCLUDING BUT NOT LIMITED TO THE STATE THIRD GRADE THROUGH
7 EIGHTH GRADE MATH AND ENGLISH LANGUAGE ARTS ASSESSMENTS, A STATE FIELD
8 TEST ASSESSMENT OR A STATE ASSESSMENT ADMINISTERED FOR PURPOSES OF, OR
9 PURSUANT TO, SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER. THE PARENT
10 OF A STUDENT OR PERSON IN PARENTAL RELATIONSHIP TO THE STUDENT SHALL
11 NOTIFY THE SCHOOL PRINCIPAL IN WRITING OR OTHER VERIFIABLE MEANS, AS
12 DETERMINED BY THE SCHOOL DISTRICT, AT ANY TIME PRIOR TO THE ADMINIS-
13 TRATION OF SUCH ASSESSMENT OR ASSESSMENTS.
14 2. THE SCHOOL SHALL OFFER TO STUDENTS EXEMPTED BY THEIR PARENTS OR
15 PERSONS IN PARENTAL RELATION FROM A STANDARDIZED ASSESSMENT PURSUANT TO
16 THIS SECTION ALTERNATIVE EDUCATIONAL OR ENRICHMENT PROGRAMS DURING THE
17 TIME THAT SUCH STANDARDIZED ASSESSMENT IS ADMINISTERED.
18 3. THERE SHALL BE NO RETALIATION OR OTHER NEGATIVE ACTION AGAINST A
19 STUDENT, PARENT, TEACHER, PRINCIPAL OR BUILDING ADMINISTRATOR, SCHOOL
20 BUILDING OR SCHOOL DISTRICT IN RESPONSE TO A PARENT'S EXEMPTION OF A
21 STUDENT FROM STANDARDIZED ASSESSMENTS PURSUANT TO THIS SECTION.
22 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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