S T A T E O F N E W Y O R K

1811

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. NOLAN -- Multi-Sponsored by -- M. of A. MILLMAN, PHEFFER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to permitting parents or guardians of twins or higher order multiples to request placement of such children in the same classroom or separate classrooms

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

Section 1. The education law is amended by adding a new section 3210-a to read as follows:

S 3210-A. CLASSROOM PLACEMENT OF TWINS OR HIGHER ORDER MULTIPLES. 1. EACH SCHOOL DISTRICT SHALL DEVELOP AND PUBLISH A WRITTEN POLICY ABOUT THE PLACEMENT OF TWINS AND HIGHER ORDER MULTIPLES IN SCHOOL CLASSES. DEVELOPMENT OF SUCH POLICY SHALL INCLUDE NOTICE TO AND COMMENT FROM THE SCHOOL ADMINISTRATORS, TEACHERS, PARENTS AND, BY INVITATION FROM THE SCHOOL DISTRICT, OTHER PERSONS WHO MAY HELP THE SCHOOL DISTRICT DEVELOP ITS POLICY ABOUT PLACEMENT OF TWINS AND HIGHER ORDER MULTIPLES. UPON ADOPTION BY THE SCHOOL DISTRICT, IT SHALL SEND TO EACH HOUSEHOLD IN THE DISTRICT A COPY OF THE POLICY.

2. THE SCHOOL DISTRICT POLICY ABOUT PLACEMENT OF TWINS AND HIGHER ORDER MULTIPLES SHALL INCLUDE BUT NOT BE LIMITED TO:

A. IDENTIFICATION OF THE OFFICES IN THE SCHOOL DISTRICT AND EACH SCHOOL WHICH SHALL OVERSEE IMPLEMENTATION OF THE POLICY;

B. THE PROCESS BY WHICH PARENTS OF TWINS OR HIGHER ORDER MULTIPLES MAY REQUEST THESE CHILDREN BE PLACED IN THE SAME CLASSROOM OR IN SEPARATE CLASSROOMS IF THE CHILDREN ARE IN THE SAME GRADE LEVEL AT THE SAME SCHOOL. THE PROCESS SHALL SET OUT HOW THE PARENTS MAY REQUEST CLASSROOM PLACEMENT OF THEIR TWINS OR HIGHER ORDER MULTIPLES INCLUDING THE INFORMATION WHICH PARENTS MUST SUBMIT WITH THEIR REQUEST, DEADLINES FOR MAKING THE REQUEST AND A DECISION ABOUT CLASSROOM PLACEMENT AND ANY SUPPORTING DOCUMENTATION NECESSARY AS WELL AS PROCEDURES BY WHICH PARENTS MAY APPEAL A SCHOOL DECISION ABOUT CLASSROOM PLACEMENT. A DECI-

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

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SION ON APPEAL SHALL BE BINDING ON ALL PARTIES. THE POLICY SHALL IDENTIFY THE SCHOOL OFFICE WHICH SHALL DECIDE THE QUESTION OF CLASSROOM PLACEMENT. THE SCHOOL MAY RECOMMEND CLASSROOM PLACEMENT TO THE PARENTS AND PROVIDE PROFESSIONAL EDUCATION ADVICE TO THE PARENTS TO ASSIST THEM IN MAKING THE BEST DECISION FOR THE EDUCATION OF THEIR TWINS OR HIGHER ORDER MULTIPLES; AND

C. CRITERIA BY WHICH THE SCHOOL SHALL MAKE DECISIONS ABOUT PLACING TWINS OR HIGHER ORDER MULTIPLES IN CLASSROOMS. AFTER PLACEMENT OF SUCH CHILDREN, A TEACHER MAY ASK THE SCHOOL PRINCIPAL TO REVIEW THE DECISION ABOUT CLASSROOM PLACEMENT. IF THE SCHOOL PRINCIPAL, AFTER CONSULTATION WITH THE TEACHER AND THE CHILDREN'S PARENTS, DETERMINES THAT THE PLACEMENT DISADVANTAGES THE TWINS OR HIGHER ORDER MULTIPLES OR THE OTHER CHILDREN IN THE CLASS OR OTHERWISE INTERFERES WITH EDUCATION IN THE CLASSROOM, THE SCHOOL PRINCIPAL MAY MAKE OTHER CLASSROOM ASSIGNMENTS. THE SCHOOL PRINCIPAL OR THE PARENTS MAY APPEAL SUCH ASSIGNMENTS TO THE SCHOOL DISTRICT OFFICE WHICH OVERSEES IMPLEMENTATION OF THE POLICY ABOUT TWINS OR HIGHER ORDER MULTIPLES. A DECISION BY SUCH SCHOOL DISTRICT OFFICE SHALL BE BINDING ON ALL PARTIES.

3. FOR THE PURPOSES OF THIS SECTION, "HIGHER ORDER MULTIPLES" MEANS TRIPLETS, QUADRUPLETS, QUINTUPLETS OR MORE.

S 2. This act shall take effect July 1, 2009. Provided, however, that the commissioner of education has ninety days from the date on which it shall have become a law to add, amend and/or repeal any rules or regulations necessary for the implementation of this act.