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

5638

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. CONTE, ALFANO, BROOK-KRASNY, CALHOUN, COLTON, DUPREY, FINCH, KOLB, McKEVITT, MILLER, MOLINARO, SAYWARD, SCOZZAFAVA, SPANO, WALKER, WEISENBERG, RAIA, SALADINO -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, BUTLER, CROUCH, ERRIGO, FIELDS, JORDAN, RABBITT, THIELE, TOBACCO, TOWNSEND -- read once and referred to the Committee on Education

AN ACT to amend the education law and the state finance law, in relation to identifying the incidence and needs of those affected by autism spectrum disorder in this state and requiring training of education personnel

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

Section 1. Legislative intent. The legislature finds that a statewide study is needed to help school districts and state officials obtain true numbers relating to the incidence of children with autism spectrum disorder. The legislature further finds that on average the annual cost of educating a child with an autism spectrum disorder is $23,000 in order to properly train teachers and school personnel. It is further found that parents need assistance on how to deal with educational and other challenges faced by having a child with an autism spectrum disorder. Therefore, the legislature hereby finds and declares that it is the policy of New York state to ensure that state and local educational authorities improve the methods by which parents of children affected by autism spectrum disorder receive proper treatment and services by limiting the bureaucratic roadblocks currently frustrating the needs of such families.

S 2. This act shall be known and may be cited as the "Autism Identification and Education Act of 2009".

S 3. 1. The department of health, in conjunction with the office of mental health, the office of mental retardation and developmental disabilities, the commission on quality care and advocacy for persons with

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

LBD04285-01-9

disabilities and the state education department shall collaboratively with local entities engage in a study of the incidences of autism spectrum disorders in New York state. Such study shall include recent clinical observations in children diagnosed with autism spectrum disorders, environmental factors associated with autism spectrum disorders, the number of children currently receiving services, educational records of affected students and any other topic related to autism spectrum disorders which are deemed relevant.

2. Not later than one year after the effective date of this act, the department of health shall prepare a report setting forth and evaluating the findings of the study. Such report shall include, but need not be limited to:

(a) an assessment of the extent of the rising incidence of autism spectrum disorders;

(b) an assessment and suggestion for improving available options for persons diagnosed with autism spectrum disorders; and

(c) an assessment of the success of any local or statewide programs which are engaged in the study and/or treatment of autism spectrum disorders.

S 4. Section 4402 of the education law is amended by adding a new subdivision 8 to read as follows:

8. THE BOARD OF EDUCATION OR TRUSTEES OF EACH SCHOOL DISTRICT AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL PROVIDE AND REQUIRE A PROGRAM OF EDUCATION AND TRAINING FOR SCHOOL DISTRICT PERSONNEL INCLUDING TEACHERS, PARA-PROFESSIONALS, CUSTODIANS AND BUS DRIVERS ON THE SPECIFIC NEEDS OF CHILDREN WITH AUTISM SPECTRUM DISORDERS. SUCH PROGRAMS SHALL INCLUDE INSTRUCTION IN THE SPECIFIC NEEDS OF CHILDREN WITH AUTISM SPECTRUM DISORDERS AND METHODS OF PROPERLY INTERACTING WITH SUCH STUDENTS. SUCH TRAINING MAY BE PROVIDED THROUGH A BOARD OF COOPERATIVE EDUCATION SERVICES, THROUGH PROGRAMS PROVIDED BY OTHER DISTRICTS OR OTHER APPROVED PROGRAMS.

S 5. Subdivision 3 of section 95-e of the state finance law, as added by chapter 301 of the laws of 2004, is amended to read as follows:

3. (a) Monies of the fund shall be expended only for autism awareness projects [or], autism research projects OR OUTREACH PROGRAMS FOR SCHOOL DISTRICTS AND COMMUNITY ORGANIZATIONS WHICH PROVIDE AFTER-SCHOOL PROGRAMS, SOCIAL EVENT AND SUMMER CAMP PROGRAMS FOR CHILDREN AND FAMILIES OF CHILDREN WITH AUTISM SPECTRUM DISORDERS approved by the department of health in New York state provided, however, that no more than ten percent of monies from such fund shall be expended on the aggregate number of autism research projects approved in a fiscal year.

(b) As used in this section, the term "autism research project" means scientific research approved by the department of health into the causes and/or treatment of autism, and the term "autism awareness project" means a project approved by the department of health aimed toward educating the general public about the causes, symptoms, and treatments of autism. THE TERM "AUTISM SPECTRUM DISORDER" MEANS A NEUROBIOLOGICAL CONDITION THAT INCLUDES AUTISM, ASPERGER SYNDROME, RETT'S SYNDROME, OR PERVASIVE DEVELOPMENTAL DISORDER.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.