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

4296

2009-2010 Regular Sessions

I N S E N A T E

April 21, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the administration of exams to students with disabilities

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

Section 1. Legislative findings and intent. The legislature finds that certain students with disabilities are allowed extended testing time according to their individual education program, or perhaps even accommodations provided pursuant to regulations promulgated under section 504 of the Rehabilitation Act of 1973. The legislature further finds that these students, as a result of this extended time allowance, are being subjected to ten or eleven straight hours of testing when they are required to take two regents exams in the same date.

The legislature acknowledges the department of education's need for security concerning the substance of the examination. As such, the legislature understands the department's continuing hesitance to allow these students with disabilities to take the exams on days other than which they had been officially scheduled.

However, the benefits of providing these children with respite between each exam far outweighs the potential of one of these students garnering information about the exam from another student who had previously taken the exam. Therefore, it is the intent of this legislature to have the commissioner of education implement a process whereby students with certain disabilities are not required to take more than one regents examination in any given day.

S 2. The education law is amended by adding a new section 319 to read as follows:

S 319. EXAMINATION OF STUDENTS WITH DISABILITIES. 1. THE COMMISSIONER SHALL ENSURE THAT ANY CHILD WHO HAS EXTENDED TESTING TIME PROVISIONS ON HIS OR HER INDIVIDUAL EDUCATION PROGRAM, OR WHO RECEIVES EXTENDED TEST-

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

LBD10290-02-9

ING TIME ACCOMMODATIONS PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973, SHALL ONLY BE REQUIRED TO TAKE ONE REGENTS EXAMINATION ON ANY GIVEN DAY.

2. THE STUDENT WHO HAS EXTENDED TESTING TIME PROVISIONS ON HIS OR HER INDIVIDUAL EDUCATION PROGRAM, OR WHO RECEIVES EXTENDED TESTING TIME ACCOMMODATIONS PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973, OR HIS OR HER MOTHER, FATHER, OR OTHER LEGAL GUARDIAN MAY, IN THEIR OWN DISCRETION, WAIVE THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is hereby authorized and directed to be made on or before such effective date.