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

5055

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. STEWART-COUSINS -- 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 suspension procedures for disruptive pupils

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

Section 1. Paragraphs l and m of subdivision 2 of section 2801 of the education law, as added by chapter 181 of the laws of 2000, are amended and a new paragraph n is added to read as follows:

l. a minimum suspension period, for [students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom] DISRUPTIVE PUPILS AS DEFINED IN PARAGRAPH B OF SUBDIVISION TWO-A OF SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER, AFTER EVERY THREE REMOVALS BY A TEACHER OR TEACHERS DURING A SCHOOL YEAR PURSUANT TO SUBDIVISION THREE-A OF SUCH SECTION, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law[. For purposes of this section, the definition of "repeatedly are substantially disruptive" shall be determined in accordance with the regulations of the commissioner]; [and]

m. a minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to paragraph a of subdivision two-a of section thirty-two hundred fourteen of this chapter, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law[.]; AND

N. A PLAN OF INTERVENTION TO ADDRESS THE UNDERLYING CAUSES OF THE DISRUPTIVE BEHAVIOR OF A STUDENT WHO HAS BEEN SUSPENDED PURSUANT TO PARAGRAPH L OF THIS SUBDIVISION AND SUBDIVISION THREE OF SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER, TO BE DEVELOPED AND IMPLEMENTED BY THE SCHOOL PRINCIPAL OR HIS OR HER DESIGNEE, IN COLLABORATION WITH THE STUDENT'S TEACHER OR TEACHERS, PARENTS OR LEGAL GUARDIANS, AND OTHER

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

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SCHOOL PERSONNEL AS NEEDED, WHICH SHALL DESCRIBE THE CAUSES OF THE DISRUPTIVE BEHAVIOR, DEVISE A STRATEGY TO ADDRESS THE BEHAVIOR AND IDENTIFY THOSE RESPONSIBLE FOR IMPLEMENTING THE PLAN. SUCH A PLAN SHALL BE DELIVERED TO THE STUDENT'S PARENTS OR LEGAL GUARDIANS AND TEACHERS AND PUT INTO EFFECT WITHIN FIFTEEN SCHOOL DAYS OF THE COMPLETION OF THE SUSPENSION, PURSUANT TO PARAGRAPH L OF THIS SUBDIVISION.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.