

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

5613--A

2009-2010 Regular Sessions

I N S E N A T E

May 21, 2009

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing that variance of class size by notification for the middle and secondary grades will no longer be permitted for special act school districts

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

1 Section 1. Subparagraph 1 of paragraph d of subdivision 2 of section
2 4402 of the education law, as amended by chapter 474 of the laws of
3 1996, is amended to read as follows:
4 1. Notwithstanding any provision of law, rule or regulation to the
5 contrary, the board of education or trustees of a school district,
6 except a city school district in a city with a population of one million
7 or more inhabitants OR A SPECIAL ACT SCHOOL DISTRICT may, upon written
8 notice to the commissioner in compliance with subparagraph two of this
9 paragraph and parental notification, for the remainder of the school
10 year exceed the standards established in regulation for special educa-
11 tion class sizes for middle and secondary school students as defined by
12 the commissioner for purposes of this section by no more than a twenty
13 percent increase above such standards, provided that the district is in
14 compliance with such standards at the start of classes in September of
15 the school year, and further provided that a city school district in a
16 city with a population of one hundred twenty-five thousand or more and
17 less than one million inhabitants shall have the option of either
18 increasing maximum class sizes in any school year pursuant to this
19 section or establishing class sizes for special classes for certain
20 students with disabilities in accordance with the provisions of subdivi-
21 sion six of this section.

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

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1 S 2. This act shall take effect immediately, provided however, that
2 the amendments to paragraph d of subdivision 2 of section 4402 of the
3 education law made by section one of this act shall not affect the
4 repeal of such paragraph and shall be deemed repealed therewith.