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

4170--B

Cal. No. 314

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 30, 2009

Introduced by M. of A. COOK, GALEF -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BARRA, BOYLAND, COLTON, HEVESI, HOOPER, JOHN, MARKEY, McENENY, PHEFFER, REILLY, SCARBOROUGH, SCHROEDER, TITONE, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Education -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the education law, in relation to permitting membership in certain school related associations by grandparents of certain children

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

Section 1. Subdivision 15 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended by adding a new closing paragraph to read as follows:

THE CHANCELLOR SHALL BY RULE OR REGULATION PROVIDE FOR THE INVOLVEMENT INCLUDING MEMBERSHIP, IN ANY PARENTS' ASSOCIATION OR PARENT-TEACHER ASSOCIATION ESTABLISHED PURSUANT TO THIS SUBDIVISION, OF A GRANDPARENT WHO IS IN PARENTAL RELATION TO A CHILD WHO ATTENDS A SCHOOL WITHIN THE JURISDICTION OF THE COMMUNITY SCHOOL DISTRICT. FOR PURPOSES OF THIS SUBDIVISION, A GRANDPARENT SHALL BE CONSIDERED TO BE IN PARENTAL RELATION TO A CHILD WHEN SUCH GRANDPARENT HAS ASSUMED CARE OF SUCH CHILD BECAUSE SUCH CHILD'S PARENTS ARE NOT AVAILABLE DUE TO DEATH, IMPRISONMENT, MENTAL ILLNESS, LIVING OUTSIDE THE STATE, ABANDONMENT OF THE CHILD, OR OTHER CIRCUMSTANCES. A DETERMINATION OF WHETHER A GRANDPARENT IS IN PARENTAL RELATION TO A CHILD SHALL BE BASED UPON THE INDIVIDUAL CIRCUMSTANCES SURROUNDING GUARDIANSHIP AND CUSTODIAL CARE OF SUCH CHILD.

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

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S 2. Subdivision 15 of section 2590-h of the education law, as amended by chapter 720 of the laws of 1996, is amended by adding a new closing paragraph to read as follows:

THE CHANCELLOR SHALL BY RULE OR REGULATION PROVIDE FOR THE INVOLVEMENT INCLUDING MEMBERSHIP, IN ANY PARENTS' ASSOCIATION OR PARENT-TEACHER ASSOCIATION ESTABLISHED PURSUANT TO THIS SUBDIVISION, OF A GRANDPARENT WHO IS IN PARENTAL RELATION TO A CHILD WHO ATTENDS A SCHOOL WITHIN THE JURISDICTION OF THE COMMUNITY SCHOOL DISTRICT. FOR PURPOSES OF THIS SUBDIVISION, A GRANDPARENT SHALL BE CONSIDERED TO BE IN PARENTAL RELATION TO A CHILD WHEN SUCH GRANDPARENT HAS ASSUMED CARE OF SUCH CHILD BECAUSE SUCH CHILD'S PARENTS ARE NOT AVAILABLE DUE TO DEATH, IMPRISONMENT, MENTAL ILLNESS, LIVING OUTSIDE THE STATE, ABANDONMENT OF THE CHILD, OR OTHER CIRCUMSTANCES. A DETERMINATION OF WHETHER A GRANDPARENT IS IN PARENTAL RELATION TO A CHILD SHALL BE BASED UPON THE INDIVIDUAL CIRCUMSTANCES SURROUNDING GUARDIANSHIP AND CUSTODIAL CARE OF SUCH CHILD.

S 3. This act shall take effect immediately; provided that the amendments to subdivision 15 of section 2590-h of the education law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section two of this act shall take effect.