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

386

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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

AN ACT to amend the education law, in relation to tuition-free courses for persons with disabilities

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

Section 1. Subparagraph 1 of paragraph h of subdivision 2 of section 355 of the education law, as separately amended by chapters 552 and 616 of the laws of 1985, is amended to read as follows:

(1) Notwithstanding the provisions of any other general, special or local law, rule or regulation, such regulations may permit persons sixty years of age or over AND PERSONS WITH DISABILITIES to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a state-operated institution by an individual who is otherwise qualified under the regulations promulgated pursuant to this section. FOR THE PURPOSES OF THIS SUBPARAGRAPH, A "PERSON WITH A DISABILITY" SHALL MEAN A PERSON HAVING A PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY.

S 2. Paragraph (b) of subdivision 7 of section 6206 of the education law, as added by chapter 344 of the laws of 1995, is amended to read as follows:

(b) Notwithstanding the provisions of any other general, special or local law, rule or regulation, the board of trustees may permit persons sixty years of age or over AND PERSONS WITH DISABILITIES to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at the city university of New York by an individual

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

LBD02466-01-9

who is otherwise qualified under this section. FOR THE PURPOSES OF THIS PARAGRAPH, A "PERSON WITH A DISABILITY" SHALL MEAN A PERSON HAVING A PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY.

S 3. Subdivision 5 of section 6303 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

5. Notwithstanding the provisions of any other general, special or local law, rule or regulation, community colleges may permit persons sixty years of age or over AND PERSONS WITH DISABILITIES to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, subject to the provisions of section sixty-three hundred four of this [chapter] ARTICLE, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a community college by an individual who is otherwise qualified under the regulations and the provisions of section sixty-three hundred four of this [chapter] ARTICLE. FOR THE PURPOSES OF THIS SUBDIVISION A "PERSON WITH A DISABILITY" SHALL MEAN A PERSON HAVING A PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY. The provisions of this [paragraph] SUBDIVISION shall not affect any state aid to community colleges granted pursuant to THIS article [one hundred twenty-six of this chapter].

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.