

5613

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

AN ACT to amend the education law, in relation to including special act
districts as an entity to obtain prior approval from the education
department for variance in class size

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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.
22 S 2. This act shall take effect immediately; provided however, that
23 the amendments to subparagraph 1 of paragraph d of subdivision 2 of
24 section 4402 of the education law made by section one of this act shall
25 not affect the repeal of such subparagraph and shall be deemed repealed
26 therewith.

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

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