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

7392

I N S E N A T E

April 7, 2010

Introduced by Sen. PERALTA -- 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 the proper and accurate identification of children with handicapping conditions

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

Section 1. Paragraph c of subdivision 5 of section 3208 of the education law, as amended by chapter 352 of the laws of 2005, is amended to read as follows:

c. If such screening indicates a suspected disability, which may require the provision of special education services or programs, A QUALIFIED SCHOOL DISTRICT SOCIAL WORKER SHALL COMPILE A PSYCHOSOCIAL HISTORY. THIS PSYCHOSOCIAL HISTORY SHALL BE USED WHEN a referral shall be made to the committee on special education.

S 2. Paragraph c of subdivision 5 of section 3208 of the education law, as amended by chapter 273 of the laws of 1986, is amended to read as follows:

c. If such screening indicates a suspected handicapping condition, which may require the provision of special education services or programs, A QUALIFIED SCHOOL DISTRICT SOCIAL WORKER SHALL COMPILE A PSYCHOSOCIAL HISTORY. THIS PSYCHOSOCIAL HISTORY SHALL BE USED WHEN a referral shall be made to the committee on special education.

S 3. Clause (a) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 53 of the laws of 1991, is amended to read as follows:

(a) Obtain, review and evaluate all relevant information, including but not limited to that presented by the parent, person in parental relationship and teacher, pertinent to each child suspected of or identified as having a handicapping condition, including the results of a physical examination performed in accordance with sections nine hundred three, nine hundred four and nine hundred five of this chapter and, where determined to be necessary by a school psychologist, A PSYCHOSOCIAL HISTORY AND an appropriate psychological evaluation performed OR COMPILED by a qualified private or school psychologist AND A SOCIAL

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

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WORKER, and other appropriate assessments as necessary to ascertain the physical, mental, emotional and cultural-educational factors which may contribute to the suspected or identified handicapping condition, and all other school data which bear on the child's progress, including, where appropriate, observation of classroom performance.

S 4. This act shall take effect on the thirtieth day after it shall have become a law, provided that the amendments to paragraph c of subdivision 5 of section 3208 of the education law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 22 of chapter 352 of the laws of 2005, as amended, when upon such date the provisions of section two of this act shall take effect.