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

979

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I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, MILLMAN, REILLY, TITUS, PAULIN, MARKEY, PEOPLES-STOKES, CAHILL -- Multi-Sponsored by -- M. of A. GUNTHER, HOOPER, McENENY, SCHIMEL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing school districts to permit students who receive home instruction to participate in non-academic courses and programs at public schools

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

Section 1. Paragraph a of subdivision 2 of section 3602-c of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

a. Boards of education of all school districts of the state shall furnish services to students who are residents of this state and who attend nonpublic schools located in such school districts, upon the written request of the parent or person in parental relation of any such student. BOARDS OF EDUCATION MAY ALSO FURNISH NON-ACADEMIC SERVICES AND PROGRAMS TO STUDENTS RESIDING IN THE DISTRICT WHO RECEIVE HOME INSTRUCTION AT THE REQUEST OF THE PARENT OR PERSON IN PARENTAL RELATION OF ANY SUCH STUDENT. Such a request for career education or services to gifted students shall be filed with the board of education of the school district in which the parent or person in parental relation of the student resides on or before the first day of June preceding the school year for which the request is made. In the case of education for students with disabilities, such a request shall be filed with the trustees or board of education of the school district of location on or before the first of June preceding the school year for which the request is made, or by July first, two thousand seven for the two thousand seven--two thousand eight school year only, provided that where a student is first identified as a student with a disability after the

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

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first day of June preceding the school year for which the request is made, or thirty days after the chapter of the laws of two thousand seven which amended this paragraph, takes effect where applicable, and prior to the first day of April of such current school year, such request shall be submitted within thirty days after such student is first identified. For students first identified after March first of the current school year, any such request for education for students with disabilities in the current school year that is submitted on or after April first of such current school year, shall be deemed a timely request for such services in the following school year.

S 2. Subdivision 2 of section 3602-c of the education law, as amended by chapter 474 of the laws of 2004, is amended to read as follows:

2. Boards of education of all school districts of the state shall furnish services to pupils who are residents of this state and who attend nonpublic schools located in such school districts, upon the written request of the parent, guardian or persons legally having custody of any such pupil. BOARDS OF EDUCATION MAY ALSO FURNISH NON-ACADEMIC SERVICES AND PROGRAMS TO STUDENTS RESIDING IN THE DISTRICT WHO RECEIVE HOME INSTRUCTION AT THE REQUEST OF THE PARENT, GUARDIAN OR PERSONS HAVING CUSTODY OF ANY SUCH PUPIL. Such a request shall be filed with the board of education of the school district in which the parent, guardian or persons legally having custody of the pupil resides on or before the first day of June preceding the school year for which the request is made; provided that, in the case of education for students with disabilities, where a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year or when a student with a disability establishes residence in the school district after June first of the preceding year and prior to April first of the current school year, such request shall be submitted within thirty days after such student is first identified or establishes residence in the district, as applicable. For students first identified or establishing residence after March first of the current school year, any such request for education for students with disabilities in the current school year that is submitted on or after April first of such current school year, shall be deemed a timely request for such services in the following school year. For the purpose of obtaining education for students with disabilities, as defined in paragraph d of subdivision one of this section, such request shall be reviewed by the committee on special education in accordance with the provisions of section forty-four hundred two of this chapter. Review of the recommendation of the committee on special education may be obtained by the parent, guardian or persons legally having custody of the pupil pursuant to the provisions of section forty-four hundred four of this chapter. Such school district shall contract with the school district in which the nonpublic school attended by the pupil is located, for the provision of services pursuant to this section, except that in the case of education for students with disabilities, the school district of residence may provide such services directly or by contract with the school district of location.

S 3. Subdivision 6 of section 3602-c of the education law, as added by chapter 593 of the laws of 1974, is amended to read as follows:

6. Boards of education are authorized to determine by resolution which courses of instruction, INCLUDING NON-ACADEMIC COURSES AND PROGRAMS, shall be offered, the eligibility of pupils to participate in specific courses, and the admission of pupils. All pupils in like circumstances

shall be treated similarly. FOR THE PURPOSES OF THIS SECTION STUDENTS WHO RECEIVE HOME INSTRUCTION SHALL RECEIVE THE SAME OPPORTUNITIES FOR PARTICIPATION IN NON-ACADEMIC COURSES AND PROGRAMS AS STUDENTS WHO ATTEND NONPUBLIC SCHOOLS.

S 4. This act shall take effect immediately, provided that the amendments to subdivision 2 of section 3602-c 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 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.