

5361

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sens. FLANAGAN, FELDER -- 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 eliminating the
requirement for written parental consent prior to initial placement of
a student with a disability in a July/August program;

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

1 Section 1. Paragraph a of subdivision 2 of section 4402 of the educa-
2 tion law, as amended by chapter 243 of the laws of 1989, is amended to
3 read as follows:
4 a. The board of education or trustees of each school district shall be
5 required to furnish suitable educational opportunities for [children
6 with handicapping conditions] STUDENTS WITH DISABILITIES by one of the
7 special services or programs listed in subdivision two of section
8 forty-four hundred one OF THIS ARTICLE. The need of the individual child
9 shall determine which of such services shall be rendered. Each district
10 shall provide to the maximum extent appropriate such services in a
11 manner which enables [children with handicapping conditions] STUDENTS
12 WITH DISABILITIES to participate in regular education services when
13 appropriate. Such services or programs shall be furnished between the
14 months of September and June of each year, except that for the nineteen
15 hundred eighty-seven--eighty-eight school year and thereafter, with
16 respect to the students whose [handicapping conditions] DISABILITIES are
17 severe enough to exhibit the need for a structured learning environment
18 of twelve months duration to maintain developmental levels, the board of
19 education or trustees of each school district upon the recommendation of
20 the committee on special education [and, in the first instance, the
21 consent of the parent] shall also provide, either directly or by
22 contract, for the provision of special services and programs as defined
23 in section forty-four hundred one of this article during the months of
24 July and August as contained in the individualized education program for

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

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1 each eligible [child] STUDENT, and with prior approval by the commis-
2 sioner if required; provided that [(i) a student with a handicapping
3 condition who is first eligible to attend public school in the nineteen
4 hundred eighty-seven--eighty-eight school year shall not be eligible to
5 receive services pursuant to this paragraph during the months of July
6 and August nineteen hundred eighty-seven and (ii) a student with a
7 handicapping condition who is first eligible to attend public school in
8 the nineteen hundred eighty-eight--eighty-nine school year shall not be
9 eligible to receive services pursuant to this paragraph during the
10 months of July and August nineteen hundred eighty-eight and (iii) a
11 student with a handicapping condition who is eligible for services
12 during the months of July and August nineteen hundred eighty-nine pursu-
13 ant to the provisions of subdivision six of section forty-four hundred
14 ten of this article shall not be eligible to receive services pursuant
15 to this paragraph during such months and (iv)] a student with a [handi-
16 capping condition] DISABILITY who is eligible for services, including
17 services during the months of July and August, pursuant to section
18 forty-four hundred ten of this article shall not be eligible to receive
19 services pursuant to this paragraph during the months of July and
20 August.

21 S 2. This act shall take effect immediately.