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

6758

I N S E N A T E

March 6, 2014

Introduced by Sen. TKACZYK -- 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 allowing parents and legal guardians of children with an individualized education program to opt such children out of the "common core standards" and certain testing

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

Section 1. The legislature finds that the primary federal law governing the education of children with special needs is the Individuals with Disabilities Education Act (IDEA). The IDEA was enacted by the congress of the United States in 1990, and reauthorized in 1997 and 2004. The intent of the IDEA was to ensure the right of children with disabilities to receive a free appropriate public education (FAPE), striving to grant equal access to students with disabilities, and provide them special education services. Further, to implement the IDEA, special education services and procedures are established, created on an individualized basis, so as to meet the unique needs of students with disabilities.

The legislature further finds that the tool utilized to fulfill these rights for children with special needs is the individualized education program (IEP). Nothing in this section shall preclude New York state from adopting laws, rules and regulations which may be more stringent or comprehensive than relevant federal laws.

S 2. Section 4402 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A. ANY PARENT OR LEGAL GUARDIAN OF A CHILD WITH AN ESTABLISHED INDIVIDUALIZED EDUCATION PROGRAM (IEP) MAY, WITH TEN DAY PRIOR WRITTEN NOTICE TO THE PRINCIPAL OF THE SCHOOL THE CHILD IS ATTENDING, OPT THAT CHILD OUT OF ANY STANDARDIZED TEST INCLUDING THE "COMMON CORE STANDARDS", OR THOSE TESTS ADMINISTERED PURSUANT TO CHAPTER ONE HUNDRED THREE OF THE LAWS OF TWO THOUSAND TEN.

B. ANY CHILD WHO IS OPTED-OUT OF A TEST SHALL BE PROVIDED ALTERNATE EDUCATIONAL PROGRAMMING CONCOMITANT WITH THE TIME ESTABLISHED FOR THOSE STANDARDIZED TESTS. SUCH EDUCATIONAL PROGRAMMING SHALL BE APPROPRIATE AND CONSISTENT WITH THE CHILD'S IEP.

S 3. This act shall take effect immediately.

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

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