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

9253--A

I N  A S S E M B L Y

April 3, 2014

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to allowing school districts to opt children with an individualized education program 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. Section 4402 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A. ANY PARENT, LEGAL GUARDIAN OR SCHOOL DISTRICT MAY ELECT TO OPT A CHILD WITH AN ESTABLISHED INDIVIDUALIZED EDUCATION PROGRAM (IEP) 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. THE SCHOOL DISTRICT SHALL BE GUIDED IN ITS DECISION TO EXEMPT SUCH CHILD FROM SUCH TESTS BY THE MEMBERS OF THE COMMITTEE WHICH ESTABLISHED THE INDIVIDUALIZED EDUCATION PROGRAM.

B. THE DISTRICT, WITH THE ASSISTANCE OF THE MEMBERS OF THE COMMITTEE WHO ESTABLISHED THE INDIVIDUALIZED EDUCATION PROGRAM OF A CHILD WHO IS OPTED-OUT OF A TEST SHALL NOTE IN THE RECORDS OF SUCH CHILD THE REASONS WHY THE CHILD WAS EXEMPTED FROM TAKING SUCH TEST AND SHALL ALSO IDENTIFY HOW THE CHILD SHALL BE TAUGHT, SUCH AS USING EXISTING NEW YORK STATE STANDARDS AND METHODOLOGIES, IN A MANNER THAT IS APPROPRIATE AND CONSISTENT WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.

S 2. 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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