

10484--A

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. SKOUFIS -- 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 policies that allow students with disabilities to participate in a high school graduation ceremony

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Zachary's Law".

3 S 2. Section 4402 of the education law is amended by adding a new
4 subdivision 9 to read as follows:

5 9. THE BOARD OF EDUCATION OR THE BOARD OF TRUSTEES OF EACH SCHOOL
6 DISTRICT THAT OPERATES A HIGH SCHOOL SHALL ESTABLISH A POLICY AND ADOPT
7 PROCEDURES TO ALLOW ANY STUDENT WITH A DISABILITY IN SUCH DISTRICT TO
8 PARTICIPATE IN THE GRADUATION CEREMONY OF THE STUDENT'S HIGH SCHOOL
9 GRADUATING CLASS AND ALL RELATED ACTIVITIES IF SUCH STUDENT HAS BEEN
10 ISSUED A SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL BUT HAS NOT
11 OTHERWISE QUALIFIED FOR A REGENTS OR LOCAL HIGH SCHOOL DIPLOMA. SUCH
12 STUDENT SHALL BE ELIGIBLE TO PARTICIPATE IF THE STUDENT'S INDIVIDUALIZED
13 EDUCATION PROGRAM PRESCRIBES SPECIAL EDUCATION, TRANSITION PLANNING,
14 TRANSITION SERVICES, OR RELATED SERVICES BEYOND THE STUDENT'S FOUR
15 ACADEMIC YEARS AFTER THE STUDENT'S ENTRY INTO HIGH SCHOOL. THE POLICY
16 AND PROCEDURES SHALL PROVIDE ANNUAL WRITTEN NOTICE TO ALL STUDENTS WITH
17 DISABILITIES AND THEIR PARENTS OR GUARDIANS ABOUT THE SCHOOL DISTRICT'S
18 POLICY AND PROCEDURES ADOPTED IN ACCORDANCE WITH THIS SUBDIVISION. NOTHING IN THIS SUBDIVISION SHALL COMPEL A STUDENT WITH DISABILITIES TO
19 PARTICIPATE IN THE HIGH SCHOOL GRADUATION CEREMONY AND ACTIVITIES. THE
20 SUPERINTENDENT SHALL CONSIDER THE RECOMMENDATION, IF ANY, OF THE
21 STUDENT'S COMMITTEE ON SPECIAL EDUCATION AS WELL AS THE STUDENT'S OWN
22 EXPRESSED PREFERENCE. FOR PURPOSES OF THIS SUBDIVISION, A STUDENT'S HIGH
23 SCHOOL GRADUATING CLASS SHALL BE THE TWELFTH GRADE CLASS WITH WHICH SUCH
24 STUDENT WITH A DISABILITY ENTERED INTO NINTH GRADE.

25 S 3. This act shall take effect on the ninetieth day after it shall
26 have become a law.
27

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

LBD15615-05-6