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

5646

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. CUSICK, JAFFEE, CRESPO, LUPARDO, COLTON, ZEBROWSKI, TITUS, ABINANTI, PERRY, CLARK -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, COOK, McDONALD, SCHIMEL, SIMANOWITZ, TITONE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the commissioner of education to make recommendations to the board of regents relating to the adoption of instruction on children with disabilities for students in grades kindergarten through twelve

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 53 to read as follows:

53. A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE BOARD OF REGENTS RELATING TO THE ADOPTION OF INSTRUCTION ON CHILDREN WITH DISABILITIES FOR PUPILS IN GRADES KINDERGARTEN THROUGH TWELVE TO IMPROVE THE UNDERSTANDING AND ACCEPTANCE OF CHILDREN WITH DISABILITIES.

B. PRIOR TO MAKING THE RECOMMENDATIONS TO THE BOARD OF REGENTS THE COMMISSIONER SHALL:

(I) SEEK THE RECOMMENDATIONS OF TEACHERS, SCHOOL ADMINISTRATORS, TEACHER EDUCATORS AND OTHERS WITH EDUCATIONAL EXPERTISE IN THE PROPOSED CURRICULUM;

(II) SEEK COMMENT FROM PARENTS, STUDENTS AND OTHER INTERESTED PARTIES;

(III) CONSIDER THE AMOUNT OF INSTRUCTIONAL TIME SUCH CURRICULUM WILL REQUIRE AND WHETHER SUCH TIME WOULD DETRACT FROM OTHER MANDATED COURSES OF STUDY;

(IV) CONSIDER THE FISCAL IMPACT, IF ANY, ON THE STATE AND SCHOOL DISTRICTS; AND

(V) CONSIDER ANY ADDITIONAL FACTORS THE COMMISSIONER DEEMS RELEVANT.

C. NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE A RECOMMENDATION TO THE

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

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BOARD OF REGENTS TO EITHER ADOPT AND PROMULGATE APPROPRIATE RULES AND REGULATIONS IMPLEMENTING SUCH CURRICULUM OR REJECT THE IMPLEMENTATION OF SUCH CURRICULUM. UPON RECEIVING A RECOMMENDATION FROM THE COMMISSIONER, PURSUANT TO THIS SUBDIVISION, THE BOARD OF REGENTS SHALL VOTE TO EITHER ACCEPT OR REJECT THE COMMISSIONER'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER RECEIVING SUCH RECOMMENDATION.

D. IF THE BOARD OF REGENTS ADOPTS SUCH CURRICULUM, THE CURRICULUM REQUIREMENT SHALL TAKE EFFECT NO LATER THAN THE NEXT SCHOOL YEAR AFTER SUCH CURRICULUM HAS BEEN ADOPTED.

E. IF THE BOARD OF REGENTS REJECTS SUCH CURRICULUM, THE COMMISSIONER SHALL PROVIDE A REPORT AS TO THE DETERMINATION OF THE BOARD TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION PROVIDING THE REASONS FOR SUCH REJECTION NOT LATER THAN THIRTY DAYS AFTER THE BOARD OF REGENTS REJECTS SUCH CURRICULUM.

S 2. This act shall take effect immediately.