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

7982

I N S E N A T E

June 2, 2016

Introduced by Sen. LARKIN -- 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 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:

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

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

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

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

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

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