STATE OF NEW YORK

5394--A

2019-2020 Regular Sessions

IN SENATE

April 29, 2019

Introduced by Sens. JACKSON, BENJAMIN, RAMOS, SALAZAR -- read twice and ordered printed, and when printed to be committed 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 opting out of certain state assessments

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 60 to read as follows:

60. a. The commissioner shall ensure that school districts provide notice to parents of students in grades three through eight of the parent's right to opt their student out of the grade three through eight English language arts and math state assessments. Such notice shall be developed by the department, written in clear and concise language and translated in the six most common languages in the state. The notice shall be made available on the department's website.

b. The commissioner shall ensure that school districts provide parents of students in grades three through eight with the notice pursuant to paragraph a of this subdivision. Such notification shall be given no later than thirty days after the start of the school year.

c. The school district shall honor a parent's decision to exercise their right to opt their student out of the grade three through eight English language arts and math state assessments. The school district shall be prohibited from taking punitive measures against a student whose parent has chosen to opt their student out of the grades three through eight English language arts and math state assessments.

d. Any violation of this subdivision may be subject to an appeal to the commissioner.

§ 2. This act shall take effect on the first of July next succeeding the date on which 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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