

STATE OF NEW YORK

1480

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. SIMON, DINOWITZ, M. G. MILLER, SEAWRIGHT, TITONE, GOTTFRIED, COLTON, COOK, FINCH, RODRIGUEZ, PERRY, FARRELL, LALOR, QUART, WEPRIN, O'DONNELL, BUCHWALD, JAFFEE, ARROYO, PEOPLES-STOKES, JEAN-PIERRE, WOERNER, BLAKE, ORTIZ, SEPULVEDA, DILAN, HUNTER, RICHARDSON, DAVILA, BICHOTTE, HYNDMAN, PICHARDO, CRESPO, HARRIS -- Multi-Sponsored by -- M. of A. ABBATE, BARRON, BRAUNSTEIN, GIGLIO, GLICK, HEVESI, HIKIND, HOOPER, JOYNER, LOPEZ, McDONALD, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the certification or training of teachers, administrators and instructors in the area of dyslexia and related disorders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3004 of the education law is amended by adding a
2 new subdivision 7 to read as follows:

3 7. a. Notwithstanding any other provision of law, the commissioner is
4 authorized and empowered to certify or require training of teachers,
5 administrators and instructors in the area of dyslexia and its related
6 disorders. The commissioner shall have the power to prescribe the neces-
7 sary regulations and establish such programs and training related to the
8 needs of children with dyslexia or a related disorder. Such programs and
9 training shall include, but not be limited to, successful completion of
10 sufficient hours of coursework and supervised clinical experience, as
11 determined by the commissioner to be evidence-based effective programs,
12 such as multisensory structured language education or other similar
13 education programs for teaching children at risk for being, or diagnosed
14 as, dyslexic or a related disorder. Such programs or training may be
15 obtained from an institution or provider which has been approved by the
16 department to provide such programs and training.

17 b. For the purposes of this section, the term "dyslexia" shall mean a
18 specific learning disorder that is neurological in origin and that is

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

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1 characterized by unexpected difficulties with accurate or fluent word
2 recognition and by poor spelling and decoding abilities not consistent
3 with the person's intelligence, motivation, and sensory capabilities,
4 which difficulties typically result from a deficit in the phonological
5 component of language.

6 § 2. Clause (a) and subclause (i) of clause (b) of subparagraph 3 of
7 paragraph b of subdivision 1 of section 4402 of the education law,
8 clause (a) as amended by chapter 53 of the laws of 1991 and subclause
9 (i) of clause (b) as amended by chapter 378 of the laws of 2007, are
10 amended to read as follows:

11 (a) Obtain, review and evaluate all relevant information, including
12 but not limited to that presented by the parent, person in parental
13 relationship and teacher, pertinent to each child suspected of or iden-
14 tified as having a handicapping condition, including the results of a
15 physical examination performed in accordance with sections nine hundred
16 three, nine hundred four and nine hundred five of this chapter and,
17 where determined to be necessary by a school psychologist, an appropri-
18 ate psychological evaluation performed by a qualified private or school
19 psychologist, and other appropriate assessments as necessary to ascer-
20 tain the physical, mental, emotional and cultural-educational factors
21 which may contribute to the suspected or identified handicapping condi-
22 tion, and all other school data which bear on the child's progress,
23 including, where appropriate, observation of classroom performance. If
24 the committee or subcommittee has reason to believe that the handicap-
25 ping condition may involve dyslexia, as defined in paragraph b of subdivi-
26 vision seven of section three thousand four of this chapter, or a
27 related disorder, the child shall be evaluated and tested according to
28 current scientific understanding of dyslexia to determine whether the
29 child has dyslexia or a related disorder.

30 (i) Make recommendations based upon a written evaluation setting forth
31 the reasons for the recommendations, to the child's parent or person in
32 parental relation and board of education or trustees as to appropriate
33 educational programs and placement in accordance with the provisions of
34 subdivision six of section forty-four hundred one-a of this article, and
35 as to the advisability of continuation, modification, or termination of
36 special class or program placements which evaluation shall be furnished
37 to the child's parent or person in parental relation together with the
38 recommendations provided, however that the committee may recommend a
39 placement in a school which uses psychotropic drugs only if such school
40 has a written policy pertaining to such use that is consistent with
41 subdivision four-a of section thirty-two hundred eight of this chapter
42 and that the parent or person in parental relation is given such written
43 policy at the time such recommendation is made. If the child is deter-
44 mined to have dyslexia, as defined in paragraph b of subdivision seven
45 of section three thousand four of this chapter, or a related disorder,
46 the recommendations shall be made by the individual educational planning
47 team, which shall be knowledgeable in the current scientific understand-
48 ing of dyslexia, including the instructional components and approaches
49 for students with dyslexia. If such recommendation is not acceptable to
50 the parent or person in parental relation, such parent or person in
51 parental relation may appeal such recommendation as provided for in
52 section forty-four hundred four of this [chapter] article.

53 § 3. Clause (b) of subparagraph 3 of paragraph b of subdivision 1 of
54 section 4402 of the education law, as amended by chapter 716 of the laws
55 of 1991, is amended to read as follows:

1 (b) Make recommendations based upon a written evaluation setting forth
2 the reasons for the recommendations, to the child's parent or person in
3 parental relationship and board of education or trustees as to appropri-
4 ate educational programs and placement in accordance with the provisions
5 of subdivision six of section forty-four hundred one-a of this article,
6 and as to the advisability of continuation, modification, or termination
7 of special class or program placements which evaluation shall be
8 furnished to the child's parent or person in parental relationship
9 together with the recommendations provided, however that the committee
10 may recommend a placement in a school which uses psychotropic drugs only
11 if such school has a written policy pertaining to such use and that the
12 parent or person in parental relationship is given such written policy
13 at the time such recommendation is made. If the child is determined to
14 have dyslexia, as defined in paragraph b of subdivision seven of section
15 three thousand four of this chapter, or a related disorder, the recom-
16 mendations shall be made by the individual educational planning team,
17 which shall be knowledgeable in the instructional components and
18 approaches for students with dyslexia. If such recommendation is not
19 acceptable to the parent or person in parental relationship, such parent
20 or person in parental relationship may appeal such recommendation as
21 provided for in section forty-four hundred four of this [chapter] arti-
22 cle.

23 § 4. Paragraph a of subdivision 2 of section 4402 of the education
24 law, as amended by section 16-a of part A of chapter 56 of the laws of
25 2014, is amended to read as follows:

26 a. The board of education or trustees of each school district shall be
27 required to furnish suitable educational opportunities for students with
28 disabilities by one of the special services or programs listed in subdi-
29 vision two of section forty-four hundred one of this article. The need
30 of the individual child shall determine which of such services shall be
31 rendered. If the student is a student with dyslexia or a related disor-
32 der, the district shall be required to provide to such student the
33 services of a teacher or instructor trained in dyslexia and related
34 disorders pursuant to subdivision seven of section three thousand four
35 of this chapter. Each district shall provide to the maximum extent
36 appropriate such services in a manner which enables students with disa-
37 bilities to participate in regular education services when appropriate.
38 Such services or programs shall be furnished between the months of
39 September and June of each year, except that for the nineteen hundred
40 eighty-seven--eighty-eight school year and thereafter, with respect to
41 the students whose disabilities are severe enough to exhibit the need
42 for a structured learning environment of twelve months duration to main-
43 tain developmental levels, the board of education or trustees of each
44 school district upon the recommendation of the committee on special
45 education shall also provide, either directly or by contract, for the
46 provision of special services and programs as defined in section forty-
47 four hundred one of this article during the months of July and August as
48 contained in the individualized education program for each eligible
49 student, and with prior approval by the commissioner if required;
50 provided that a student with a disability who is eligible for services,
51 including services during the months of July and August, pursuant to
52 section forty-four hundred ten of this article shall not be eligible to
53 receive services pursuant to this paragraph during the months of July
54 and August.

55 § 5. This act shall take effect on the thirtieth day after it shall
56 have become a law, provided that the amendments to subclause (i) of

1 clause (b) of subparagraph 3 of paragraph b of subdivision 1 of section
2 4402 of the education law made by section two of this act shall be
3 subject to the expiration and reversion of such clause pursuant to
4 section 22 of chapter 352 of the laws of 2005, as amended, and subdivi-
5 sion d of section 27 of chapter 378 of the laws of 2007, as amended,
6 when upon such date the provisions of section three of this act shall
7 take effect.