STATE OF NEW YORK

6587

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to standards of proof for the purposes of establishing a student has a disability in the university of the state of New York or the city university of New York system

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

Section 1. The education law is amended by adding a new section 239-c to read as follows:

§ 239-c. Proof of disability for the purposes of accommodation. 1. The regents shall establish a policy of accepting the following forms of documentation as proof that a student or prospective student is an individual with a disability, which shall include, but not be limited to:

(a) Documentation that such individual has had an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA) pursuant to part three hundred of title thirty-four of the code of federal regulations, as such regulations may, from time to time, be amended. A university may ask for additional documentation from an individual who had an IEP but who was subsequently evaluated and determined to be ineligible for services under the IDEA, including an individual who was determined to be ineligible for such IEP during elementary school.

(b) Documentation that such individual has received services or accommodations provided to such individual under a section 504 plan provided to such individual pursuant to section 504 of the Rehabilitation Act of 1973. A university may ask for additional documentation, if needed, to establish a reasonable accommodation.

(c) A plan or record of service for the individual from a private school, a local educational agency, a state educational agency or an

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

LBD09629-01-5

institution of higher education provided in accordance with the Americans with Disabilities Act.

(d) A record or evaluation from a relevant licensed professional finding that the individual has a disability.

(e) A plan or record of disability from another institution of higher education.

(f) Documentation of a disability due to service in the uniformed services.

2. The regents shall provide such policy to students, faculty, and the public in accessible formats, including during any student orientation, and publicly posted on such university's website.

3. Nothing in this section shall prohibit a university under the jurisdiction of the regents from establishing a less burdensome criteria for determining whether an individual is an individual with a disability.

§ 2. The education law is amended by adding a new section 6235 to read as follows:

§ 6235. Proof of disability for the purposes of accommodation. 1. The board of trustees shall establish a policy of accepting the following forms of documentation as proof that a student or prospective student is an individual with a disability, which shall include, but not be limited to:

(a) Documentation that such individual has had an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA) pursuant to part three hundred of title thirty-four of the code of federal regulations, as such regulations may, from time to time, be amended. The city university may ask for additional documentation from an individual who had an IEP but who was subsequently evaluated and determined to be ineligible for services under the IDEA, including an individual who was determined to be ineligible for such IEP during elementary school.

(b) Documentation that such individual has received services or accommodations provided to such individual under a section 504 plan provided to such individual pursuant to section 504 of the Rehabilitation Act of 1973. The city university may ask for additional documentation, if needed, to establish a reasonable accommodation.

(c) A plan or record of service for the individual from a private school, a local educational agency, a state educational agency or an institution of higher education provided in accordance with the Americans with Disabilities Act.

(d) A record or evaluation from a relevant licensed professional finding that the individual has a disability.

(e) A plan or record of disability from another institution of higher education.

(f) Documentation of a disability due to service in the uniformed services.

2. The board of trustees shall provide such policy to students, faculty, and the public in accessible formats, including during any student orientation, and publicly posted on the city university's website.

3. Nothing in this section shall prohibit the city university under the jurisdiction of the board of trustees from establishing a less burdensome criteria for determining whether an individual is an individual with a disability.

§ 3. This act shall take effect immediately.