STATE OF NEW YORK

8740

IN SENATE

January 8, 2026

Introduced by Sen. SEPULVEDA -- 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 requiring additional reporting and documentation requirements for manifestation determination reviews

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

Section 1. Legislative findings and intent. The legislature finds that students with disabilities continue to be disproportionately suspended and excluded from classrooms, often without proper consideration of their disabilities as required under federal and state law. Manifestation determination reviews (MDRs), which are designed to protect these students, are frequently conducted without meaningful parental involvement or adequate review of relevant student needs and services.

The legislature further finds that the inconsistent application of MDR procedures undermines students' access to education and contributes to negative long-term outcomes, including academic disengagement and increased dropout rates. This act is intended to promote equity, transparency, and compliance by improving how MDRs are documented and reported across all school districts, and by ensuring that disciplinary decisions are made with due consideration of a student's disability and needs.

§ 2. The education law is amended by adding a new section 3214-a to read as follows:

§ 3214-a. Manifestation determination reviews; additional provisions. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Manifestation determination review" or "MDR" means a review of a qualifying student's behavior that is subject to disciplinary action to determine if such behavior is a manifestation of such qualifying student's disability or presumed disability, conducted pursuant to subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and any federal regulations implementing such

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

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statute, 8 NYCRR 201.4, and/or paragraph g of subdivision three of section thirty-two hundred fourteen of this part.

(b) "Qualifying student" means a "child with a disability" or "student with a disability" as defined by section forty-four hundred one of this chapter, or a student presumed to have a disability for discipline purposes.

(c) "MDR worksheet" means a documentation tool utilized during the manifestation determination review process to guide and record the review team's deliberations. The MDR worksheet shall reflect the data collection and analysis requirements set forth in this section. A uniform worksheet may be developed or adopted at the state level, but nothing in this section shall be construed to require its use.

2. Each school district shall, through a MDR worksheet, collect and annually report to the department the following information for each manifestation determination review conducted during the prior school year:

(a) the final determination of each MDR;

(b) the number of suspension days initially proposed by the school district in each suspension subject to a MDR;

(c) the number of suspension days actually imposed on each qualifying student during such school year;

(d) each qualifying student's classification under the federal individuals with disabilities education act;

(e) demographic data of each qualifying student subject to a MDR;

(f) the parties attending each MDR, including whether a parent or guardian or representative of a parent or guardian of the qualifying student, or interpreter, was present at each MDR; and

(g) whether a functional behavioral assessment and/or behavior intervention plan was conducted pursuant to subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and any federal regulations implementing such statute within sixty days following each MDR.

3. All school districts are required to attach a copy of their MDR worksheet to any "prior written notice" for the MDR meeting.

4. (a) The department shall publicly report the information collected under subdivision two of this section for each school district, disaggregated by demographic categories, including but not limited to, race, gender, English language learner status, and federal individuals with disabilities education act disability classification. The department shall report such information in an accessible format and shall issue an annual report summarizing school district-level and statewide trends related to manifestation determination reviews.

(b) The commissioner may promulgate rules and/or regulations to establish additional reporting elements, methods of disaggregation, and technical standards necessary to implement this subdivision.

5. The commissioner shall be authorized to promulgate any rules and/or regulations necessary to implement the provisions of this section.

§ 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.