

STATE OF NEW YORK

7956

2021-2022 Regular Sessions

IN ASSEMBLY

June 2, 2021

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

AN ACT in relation to requiring school districts to provide special education and related services to certain students exceeding age of 21

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

1 Section 1. As a result of the coronavirus (COVID-19) pandemic, many
2 students with disabilities lost educational opportunities and related
3 services. Many suffered significant learning loss or regressed and many
4 never received transition services. Thus, it is appropriate that each
5 New York school district assess each student with a disability and,
6 where appropriate, provide needed special education and support services
7 according to the student's Individualized Education Program (IEP).

8 § 2. Notwithstanding any provision of law, rule or regulation to the
9 contrary, including subdivision 1 of section 4401 of the education law
10 concerning the maximum age of eligibility for special education and
11 related services, each New York school district shall comply with the
12 following.

13 a. For a student with disabilities who attained the age of 21 during
14 the 2019-2020 or 2020-2021 school years, each New York school district
15 (1) shall immediately convene a meeting of the committee on special
16 education with the parent of the student to determine whether the
17 student requires compensatory special education and related services
18 contained in the student's individualized education plan due to the
19 failure to implement services in the individualized education plan,
20 regression and/or learning loss; and, (2) shall provide any such
21 required compensatory special education and related services in the
22 2021-2022 school year (commencing July 1, 2021) if the parent of the
23 student in conjunction with the committee on special education deter-
24 mines that the student requires such special education and related
25 services. A student may receive such education and related services,

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

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1 including transition services, regardless of whether the student
2 received a diploma but shall not be eligible to receive such education
3 and services beyond June 30, 2022, unless otherwise provided in a
4 student's individualized education program.

5 b. For a student with disabilities who attained the age of 21 during
6 the 2021-2022 school year, each New York school district (1) shall imme-
7 diately convene a meeting of the committee on special education with the
8 parent of the student to determine whether the student requires compen-
9 satory special education and related services contained in the student's
10 individualized education program due to the failure to implement
11 services in the individualized education program, regression and/or
12 learning loss; and, (2) shall provide any such required compensatory
13 special education and related services in the 2021-2022 school year
14 (commencing July 1, 2021) and, if necessary, in the 2022-23 school year
15 (commencing July 1, 2022), if the parent of the student in conjunction
16 with the committee on special education determines that the student
17 requires such special education and related services. A student may
18 receive such education and related services, including transition
19 services, regardless of whether the student received a diploma but shall
20 not be eligible to receive such education and services beyond June 30,
21 2023, unless otherwise provided in a student's individualized education
22 program.

23 c. As used in this section, "parent" means the natural or adoptive
24 parent, the legal guardian, resource family parent when willing to so
25 serve, a surrogate parent, or a person acting in the place of a parent,
26 such as a grandparent or stepparent with whom the student lives or a
27 person legally responsible for the student's welfare. Parent shall also
28 include an adult student who has attained the age of 18, who is not
29 under legal guardianship, and who is entitled to receive special educa-
30 tion and related services.

31 d. A student receiving special education and related services pursuant
32 to this section shall be afforded the same rights, privileges, and reme-
33 dies provided to students with disabilities pursuant to state law, State
34 Education Department regulations concerning special education, and the
35 federal "Individuals with Disabilities Education Act", 20 U.S.C. s.1400
36 et seq.

37 § 3. This act shall take effect immediately.