

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 univer-
sity 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 Assem-
bly, do enact as follows:

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

3 § 239-c. Proof of disability for the purposes of accommodation. 1. The
4 regents shall establish a policy of accepting the following forms of
5 documentation as proof that a student or prospective student is an indi-
6 vidual with a disability, which shall include, but not be limited to:

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

16 (b) Documentation that such individual has received services or accom-
17 modations provided to such individual under a section 504 plan provided
18 to such individual pursuant to section 504 of the Rehabilitation Act of
19 1973. A university may ask for additional documentation, if needed, to
20 establish a reasonable accommodation.

21 (c) A plan or record of service for the individual from a private
22 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

1 institution of higher education provided in accordance with the Ameri-
2 cans with Disabilities Act.

3 (d) A record or evaluation from a relevant licensed professional find-
4 ing that the individual has a disability.

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

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

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

12 3. Nothing in this section shall prohibit a university under the
13 jurisdiction of the regents from establishing a less burdensome criteria
14 for determining whether an individual is an individual with a disabili-
15 ty.

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

18 § 6235. Proof of disability for the purposes of accommodation. 1. The
19 board of trustees shall establish a policy of accepting the following
20 forms of documentation as proof that a student or prospective student is
21 an individual with a disability, which shall include, but not be limited
22 to:

23 (a) Documentation that such individual has had an Individualized
24 Education Program (IEP) under the Individuals with Disabilities Educa-
25 tion Act (IDEA) pursuant to part three hundred of title thirty-four of
26 the code of federal regulations, as such regulations may, from time to
27 time, be amended. The city university may ask for additional documenta-
28 tion from an individual who had an IEP but who was subsequently evalu-
29 ated and determined to be ineligible for services under the IDEA,
30 including an individual who was determined to be ineligible for such IEP
31 during elementary school.

32 (b) Documentation that such individual has received services or accom-
33 modations provided to such individual under a section 504 plan provided
34 to such individual pursuant to section 504 of the Rehabilitation Act of
35 1973. The city university may ask for additional documentation, if need-
36 ed, to establish a reasonable accommodation.

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

41 (d) A record or evaluation from a relevant licensed professional find-
42 ing that the individual has a disability.

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

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

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

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

54 § 3. This act shall take effect immediately.