

STATE OF NEW YORK

9230

2025-2026 Regular Sessions

IN ASSEMBLY

November 3, 2025

Introduced by M. of A. TAPIA -- read once and referred 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:

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

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

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

18 § 3214-a. Manifestation determination reviews; additional provisions.
19 1. For the purposes of this section, the following terms shall have the
20 following meanings:

21 (a) "Manifestation determination review" or "MDR" means a review of a
22 qualifying student's behavior that is subject to disciplinary action to
23 determine if such behavior is a manifestation of such qualifying
24 student's disability or presumed disability, conducted pursuant to

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

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1 subsection (k) of section fourteen hundred fifteen of title twenty of
2 the United States code and any federal regulations implementing such
3 statute, 8 NYCRR 201.4, and/or paragraph g of subdivision three of
4 section thirty-two hundred fourteen of this part.

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

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

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

19 (a) the final determination of each MDR;

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

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

24 (d) each qualifying student's classification under the federal indi-
25 viduals with disabilities education act;

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

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

30 (g) whether a functional behavioral assessment and/or behavior inter-
31 vention plan was conducted pursuant to subsection (k) of section four-
32 teen hundred fifteen of title twenty of the United States code and any
33 federal regulations implementing such statute within sixty days follow-
34 ing each MDR.

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

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

45 (b) The commissioner may promulgate rules and/or regulations to estab-
46 lish additional reporting elements, methods of disaggregation, and tech-
47 nical standards necessary to implement this subdivision.

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

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