

STATE OF NEW YORK

9385--A

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. R. CARROLL, WEPRIN, KAY, PHEFFER AMATO, McMAHON, HEVESI, WIEDER, ROZIC, PAULIN, STECK, DAVILA, STERN, KASSAY, SIMONE, CONRAD, McDONALD, CLARK -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to due process rights for non-public school students with special needs

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

1 Section 1. Subparagraph 1 of paragraph b and paragraph c of subdivi-
2 sion 2 of section 3602-c of the education law, subparagraph 1 of para-
3 graph b as amended and paragraph c as added by chapter 378 of the laws
4 of 2007, are amended to read as follows:
5 (1) For the purpose of obtaining education for students with disabili-
6 ties, as defined in paragraph d of subdivision one of this section, such
7 request shall be reviewed by the committee on special education of the
8 school district of location, which shall develop an individualized
9 education service program for the student based on the student's indi-
10 vidual needs in the same manner and with the same contents as an indi-
11 vidualized education program. The committee on special education shall
12 assure that special education programs and services are made available
13 to students with disabilities attending nonpublic schools located within
14 the school district on an equitable basis, as compared to special educa-
15 tion programs and services provided to other students with disabilities
16 attending public or nonpublic schools located within the school
17 district. Review of the recommendation of the committee on special
18 education, including its implementation thereof, may be obtained by the
19 parent or person in parental relation of the pupil pursuant to the
20 provisions of section forty-four hundred four of this chapter.

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

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1 c. Due process complaints relating to compliance of the school
2 district of location with child find requirements, or with the recommen-
3 dation or implementation of an individualized education service program,
4 including evaluation requirements, may be brought by the parent or
5 person in parental relation of the student pursuant to section forty-
6 four hundred four of this chapter.

7 § 2. Subdivision 2 of section 3602-c of the education law, as amended
8 by chapter 474 of the laws of 2004, is amended to read as follows:

9 2. Boards of education of all school districts of the state shall
10 furnish services to pupils who are residents of this state and who
11 attend nonpublic schools located in such school districts, upon the
12 written request of the parent, guardian or persons legally having custo-
13 dy of any such pupil. Such a request shall be filed with the board of
14 education of the school district in which the parent, guardian or
15 persons legally having custody of the pupil resides on or before the
16 first day of June preceding the school year for which the request is
17 made; provided that, in the case of education for students with disabil-
18 ities, where a student is first identified as a student with a disabili-
19 ty after the first day of June preceding the school year for which the
20 request is made and prior to the first day of April of such current
21 school year or when a student with a disability establishes residence in
22 the school district after June first of the preceding year and prior to
23 April first of the current school year, such request shall be submitted
24 within thirty days after such student is first identified or establishes
25 residence in the district, as applicable. For students first identified
26 or establishing residence after March first of the current school year,
27 any such request for education for students with disabilities in the
28 current school year that is submitted on or after April first of such
29 current school year, shall be deemed a timely request for such services
30 in the following school year. For the purpose of obtaining education for
31 students with disabilities, as defined in paragraph d of subdivision one
32 of this section, such request shall be reviewed by the committee on
33 special education in accordance with the provisions of section forty-
34 four hundred two of this chapter. Review of the recommendation of the
35 committee on special education, including its implementation thereof,
36 may be obtained by the parent, guardian or persons legally having custo-
37 dy of the pupil pursuant to the provisions of section forty-four hundred
38 four of this chapter. Such school district shall contract with the
39 school district in which the nonpublic school attended by the pupil is
40 located, for the provision of services pursuant to this section, except
41 that in the case of education for students with disabilities, the school
42 district of residence may provide such services directly or by contract
43 with the school district of location.

44 § 3. This act shall take effect immediately; provided, however, that
45 the amendments to subdivision 2 of section 3602-c of the education law
46 made by section one of this act shall be subject to the expiration and
47 reversion of such subdivision when upon such date the provisions of
48 section two of this act shall take effect.