

STATE OF NEW YORK

1325--B

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sens. HOYLMAN-SIGAL, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on New York City Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the submission of requests to the committee on special education for the educational services mandated by an individualized education services program

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

1 Section 1. Section 3602-c of the education law is amended by adding
2 two new subdivisions 2-d and 2-e to read as follows:

3 2-d. a. For education provided to students with disabilities beginning
4 in the two thousand twenty-four--two thousand twenty-five school year
5 and each school year thereafter, the school district of location shall
6 annually provide written notice to all parents or persons in parental
7 relation to students with disabilities attending nonpublic schools with-
8 in their district regarding the process for requesting special education
9 services. Such notice shall: (i) be provided in the native language of
10 the parent or person in parental relation; (ii) be provided at least
11 twenty-eight days before any deadlines by which requests for special
12 education services must be submitted; (iii) specify all deadlines by
13 which requests for special education services must be submitted; (iv)
14 clearly describe the procedures for submitting such requests and detail
15 any required documentation; and (v) provide contact information for
16 obtaining additional information or assistance regarding the application
17 process.

18 b. In cases where parents or persons in parental relation receive the
19 notice pursuant to this subdivision after May first preceding the rele-

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

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1 vant school year, any request for special education services submitted
2 within twenty-eight days after receipt of such notice shall be deemed
3 timely for that same school year.

4 c. No services provided pursuant to this section shall be conditioned
5 upon the waiver of any procedural safeguards available pursuant to: (i)
6 this article; (ii) article eighty-nine of this chapter; or (iii) any
7 other applicable state or federal law. Any agreement purporting to waive
8 such safeguards shall be deemed void as a matter of public policy.

9 2-e. a. The provisions of this subdivision shall apply solely to any
10 city school district in a city having a population of one million or
11 more inhabitants, for the two thousand twenty-four--two thousand twenty-
12 five school year.

13 b. For purposes of this subdivision, "procedural grounds" shall mean
14 administrative or procedural errors in the application process, includ-
15 ing, but not limited to, failure to meet submission deadlines, incom-
16 plete documentation, or other technical errors, and shall not pertain to
17 substantive determinations regarding the student's eligibility or educa-
18 tional needs.

19 c. Within twenty-eight days of the effective date of this subdivision,
20 the committee on special education of the school district of location
21 shall provide written notice to each parent or person in parental
22 relation to a student with a disability attending a nonpublic school
23 located within such district who either (i) did not submit a request for
24 services for the two thousand twenty-four--two thousand twenty-five
25 school year or (ii) whose request for services was denied on procedural
26 grounds prior to the effective date of this subdivision. Such notice
27 shall clearly describe the opportunity to submit a request for services
28 pursuant to subdivision two-d of this section and provide a reasonable
29 opportunity to cure any procedural deficiencies in a previously submit-
30 ted request.

31 d. Parents or persons in parental relation to a student with a disa-
32 bility who was otherwise eligible to receive special education services
33 but was denied provision of such services on procedural grounds may seek
34 compensatory services as a remedy for the harm caused by the lack of
35 services. Claims for compensatory services must be filed within one-year
36 of the end of the school year for which the services were denied or
37 within one-year of the effective date of this subdivision, whichever
38 date is later. Claims shall be adjudicated by an impartial hearing offi-
39 cer appointed pursuant to section forty-four hundred four of this chap-
40 ter and shall include sufficient documentation to demonstrate the
41 student's eligibility for compensatory services.

42 e. Upon approval of a claim for compensatory services pursuant to this
43 subdivision, the committee on special education shall review the
44 student's needs and incorporate compensatory services into the student's
45 individualized education services program. If the student has an exist-
46 ing individualized education services program, the committee shall amend
47 such program to include compensatory services unless and until a new
48 evaluation or review determines further amendments are necessary.

49 § 2. This act shall take effect immediately.