

# STATE OF NEW YORK

8842--A

## IN SENATE

January 8, 2026

Introduced by Sens. SCARCELLA-SPANTON, ADDABBO, BASKIN, COMRIE, GONZALEZ, GOUNARDES, HARCKHAM, MARTINEZ, MYRIE, OBERACKER, RAMOS, SEPULVEDA, STAVISKY, SUTTON, WEBER, ZELLNER -- 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

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.

21 c. Due process complaints relating to compliance of the school  
22 district of location with child find requirements, or with the recommen-  
23 dation or implementation of an individualized education service program,  
24 including evaluation requirements, may be brought by the parent or

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

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1 person in parental relation of the student pursuant to section forty-  
2 four hundred four of this chapter.

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

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

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