STATE OF NEW YORK

10041

IN ASSEMBLY

January 30, 2026

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 special education labor market fairness

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

Section 1. Legislative findings and intent. The legislature finds that the stability of preschool and school-age special education providers approved under article 89 of the education law is vital to the education and well-being of children with disabilities. Abrupt hiring and recruitment practices by public educational institutions, including the New York city department of education, have undermined the continuity of services and created inequitable labor market conditions. The state must protect these essential programs from coercive labor practices that act in restraint of competition.

§ 2. The education law is amended by adding a new article 89-A to read as follows:

ARTICLE 89-A

SPECIAL EDUCATION LABOR MARKET FAIRNESS

Section 4420. Definitions.
4421. Dual employment permitted.
4422. Transition window for offers of employment.
4423. Prohibition of anti-competitive labor disruption.
4424. Private right of action.
4425. Rules and regulations.
4426. Severability.

§ 4420. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Covered school" means a school or preschool receiving funding under article eighty-nine of this title for the provision of special education, as defined by subdivision one of section forty-four hundred one of this title.

2. "Public educational employer" means a public school district or the New York city department of education.

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

LBD14223-01-5

§ 4421. Dual employment permitted. Employees of a covered school may accept dual employment with a public educational employer, including part-time, after-school, or administrative roles, unless a direct conflict of interest is demonstrated in writing by such employer.

§ 4422. Transition window for offers of employment. 1. Any public educational employer that extends an offer of employment to an employee of a covered school shall provide to such employee:

(a) a written offer with terms of employment; and

(b) a minimum decision window of fourteen calendar days before requiring a response.

2. An offer of employment made pursuant to subdivision one of this section shall not be rescinded solely due to the employee exercising their right to the consideration period provided for under paragraph (b) of subdivision one of this section.

§ 4423. Prohibition of anti-competitive labor disruption. 1. It shall be unlawful for any public or private entity to engage in a pattern or practice of labor solicitation, inducement, or interference that substantially impairs the operational capacity of a covered school by:

(a) inducing multiple staff to resign on short notice;

(b) leveraging state authority or employment offers to coerce rapid departure; or

(c) disrupting service delivery without coordination or transition support.

2. Conduct described under subdivision one of this section is declared to be an unlawful restraint on fair competition in the special education services sector.

§ 4424. Private right of action. 1. A covered school harmed by a violation of this article may bring a civil action in a court of competent jurisdiction for:

(a) injunctive relief to prevent ongoing or future violations;

(b) compensatory damages; and

(c) reasonable attorneys' fees and costs.

2. A cause of action under subdivision one of this section shall be independent of, and shall not limit, any rights under section three hundred forty of the general business law or other applicable law.

§ 4425. Rules and regulations. The regents shall promulgate any rules and/or regulations necessary to implement the provisions of this article, consistent with licensing and labor standards, within one hundred eighty days of the effective date of this article, and shall update such rules and/or regulations as necessary.

§ 4426. Severability. If any clause, sentence, paragraph, subdivision or section of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or section thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this article would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately.