

# 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.

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1 § 4421. Dual employment permitted. Employees of a covered school may  
2 accept dual employment with a public educational employer, including  
3 part-time, after-school, or administrative roles, unless a direct  
4 conflict of interest is demonstrated in writing by such employer.

5 § 4422. Transition window for offers of employment. 1. Any public  
6 educational employer that extends an offer of employment to an employee  
7 of a covered school shall provide to such employee:

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

9 (b) a minimum decision window of fourteen calendar days before requir-  
10 ing a response.

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12 section shall not be rescinded solely due to the employee exercising  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

15 § 4423. Prohibition of anti-competitive labor disruption. 1. It shall  
16 be unlawful for any public or private entity to engage in a pattern or  
17 practice of labor solicitation, inducement, or interference that  
18 substantially impairs the operational capacity of a covered school by:

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

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

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

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

27 § 4424. Private right of action. 1. A covered school harmed by a  
28 violation of this article may bring a civil action in a court of compe-  
29 tent jurisdiction for:

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

31 (b) compensatory damages; and

32 (c) reasonable attorneys' fees and costs.

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

36 § 4425. Rules and regulations. The regents shall promulgate any rules  
37 and/or regulations necessary to implement the provisions of this arti-  
38 cle, consistent with licensing and labor standards, within one hundred  
39 eighty days of the effective date of this article, and shall update such  
40 rules and/or regulations as necessary.

41 § 4426. Severability. If any clause, sentence, paragraph, subdivision  
42 or section of this article shall be adjudged by any court of competent  
43 jurisdiction to be invalid, such judgment shall not affect, impair, or  
44 invalidate the remainder thereof, but shall be confined in its operation  
45 to the clause, sentence, paragraph, subdivision or section thereof  
46 directly involved in the controversy in which such judgment shall have  
47 been rendered. It is hereby declared to be the intent of the legislature  
48 that this article would have been enacted even if such invalid  
49 provisions had not been included herein.

50 § 3. This act shall take effect immediately.