STATE OF NEW YORK

3950--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. PHEFFER AMATO, WEPRIN -- read once and referred 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 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:

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

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

b. In cases where parents or persons in parental relation receive the notice pursuant to this subdivision after May first preceding the relevant school year, any request for special education services submitted within twenty-eight days after receipt of such notice shall be deemed timely for that same school year.

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

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

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

b. For purposes of this subdivision, "procedural grounds" shall mean administrative or procedural errors in the application process, including, but not limited to, failure to meet submission deadlines, incomplete documentation, or other technical errors, and shall not pertain to substantive determinations regarding the student's eligibility or educational needs.

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

d. Parents or persons in parental relation to a student with a disability who was otherwise eligible to receive special education services but was denied provision of such services on procedural grounds may seek compensatory services as a remedy for the harm caused by the lack of services. Claims for compensatory services must be filed within one-year of the end of the school year for which the services were denied or within one-year of the effective date of this subdivision, whichever date is later. Claims shall be adjudicated by an impartial hearing officer appointed pursuant to section forty-four hundred four of this chapter and shall include sufficient documentation to demonstrate the student's eligibility for compensatory services.

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

§ 2. This act shall take effect immediately.