STATE OF NEW YORK

7363

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the mental hygiene law, the education law and the social services law, in relation to protecting the communication rights of individuals with disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 13.45 to read as follows:

§ 13.45 New York state communication bill of rights for individuals with disabilities.

(a) Each person with a disability has the right to communicate in their preferred manner and no state agency, school, community residence, or service provider shall restrict or deny access to a validated communication method.

(b) In order to ensure that each person with a disability is able to lead a life of dignity, the commissioner shall include in rules and regulations a statement of the rights of such persons to communicate in their preferred manner and the obligations of all staff and providers under this section, which shall include, but not be limited to:

(1) the right to utilize any validated communication method that meets the needs of individuals with disabilities, including but not limited to:

(i) augmentative and alternative communication (AAC) devices;

(ii) letterboards and typing-based communication;

(iii) sign language and non-verbal gestural systems;

(iv) facilitated and supported communication methods; and

(v) speech-generating devices or any other assistive technology;

(2) the right to have such individual's communication method recognized and supported in schools, community residences, and public institutions;

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

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(3) the right to speech therapy and communication support without arbitrary restrictions;

(4) the right to have at least one trained staff member available in every facility or program to support individuals who require specialized communication assistance;

(5) the right to receive appropriate communication supports from trained staff, including direct support professionals (DSPs), educators, and healthcare providers; and

(6) the right to experience no restrictions or bans on an individual with disabilities' chosen communication method, except where legitimate medical or safety concerns exist.

§ 2. Section 13.23 of the mental hygiene law is amended by adding a new subdivision (d) to read as follows:

(d) The commissioner shall establish education and training programs to ensure compliance with the New York state communication bill of rights for individuals with disabilities established pursuant to section 13.45 of this article. Such trainings shall include, but not be limited to:

(1) training all direct support professionals (DSPs), educators, and care staff in communication accommodations and alternative communication methods; and

(2) educating staff on the requirements in section 13.45 of this article including to facilitate an individual's preferred communication method unless an alternative method is agreed upon by the individual and their legal guardian.

§ 3. The mental hygiene law is amended by adding a new section 13.47 to read as follows:

§ 13.47 Communication rights advisory board.

(a) There is hereby established within the office the communication rights advisory board. Such board shall consist of eighteen members, fifteen of whom shall be appointed and three of whom shall serve ex officio. Of the appointed members, three shall be appointed by the governor, three shall be appointed by the temporary president of the senate, three shall be appointed by the speaker of the assembly, three shall be appointed by the minority leader of the senate and three shall be appointed by the minority leader of the assembly. Of the three members appointed by each appointing authority, one member shall have expertise of work as a speech-language pathologist or at a disability rights organization, one member shall be a family advocate and one member shall be a self-advocate in the community that such advocate resides. A representative from each of the following state agencies shall serve ex officio: the office for people with developmental disabilities; the department of education; and the department of health. The chair of the board shall be selected by the governor.

(b) Members of the board shall serve for a term of three years, at which point such membership position shall be subject to reappointment. Vacancies on the board shall be filled in the same manner as the original appointment once a member's term has expired, or if a member resigns before their term has expired. Members of the board shall receive no compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties within amounts appropriated therefor.

(c) The board shall have the following tasks and duties:

(1) create a formal complaint and reporting system for individuals with disabilities and their families to report the violation of any right listed in section 13.45 of this article;

(2) identify legislative and regulatory activity which may be required to improve communication rights for individuals with disabilities; and

(3) such other matters as may be deemed appropriate by the members of the board.

(d) Such board shall meet at least quarterly. Special meetings may be called by the chair. The agenda and meeting place of all regular or special meetings shall be made available to the public in advance of such meetings.

(e) The advisory board shall submit a written report to the governor, the temporary president of the senate and the speaker of the assembly by no later than October first of the year next succeeding the effective date of this section and annually thereafter, setting forth the recommendations and activities of the board on matters within the scope of its duties as set forth in this section.

§ 4. Section 305 of the education law is amended by adding a new subdivision 63 to read as follows:

63. The commissioner shall promulgate rules and regulations to establish uniform statewide protocols for students with disabilities to communicate in their preferred manner. Such protocols shall include but not be limited to: prohibiting schools from restricting or denying access to a validated communication method unless an alternative method is agreed upon by the individual and their legal guardian; training staff in communication accommodations and alternative communication methods; requiring ongoing access to speech therapy and communication support without arbitrary restrictions; and requiring that at least one trained staff member is available in every school to support individuals who require specialized communication assistance.

§ 5. Section 17 of the social services law is amended by adding a new subdivision (m) to read as follows:

(m) in conjunction with the commissioner of the office for people with developmental disabilities, ensure that any state-funded program for people with disabilities allows individuals with disabilities to communicate in their preferred manner and does not restrict or deny access to a validated communication method including those methods listed in paragraph one of subdivision (b) of section 13.45 of the mental hygiene law.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.