STATE OF NEW YORK

8842

IN SENATE

January 8, 2026

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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:

Section 1. Subparagraph 1 of paragraph b and paragraph c of subdivision 2 of section 3602-c of the education law, subparagraph 1 of paragraph b as amended and paragraph c as added by chapter 378 of the laws of 2007, are amended to read as follows:

(1) For the purpose of obtaining education for students with disabilities, as defined in paragraph d of subdivision one of this section, such request shall be reviewed by the committee on special education of the school district of location, which shall develop an individualized education service program for the student based on the student's individual needs in the same manner and with the same contents as an individualized education program. The committee on special education shall assure that special education programs and services are made available to students with disabilities attending nonpublic schools located within the school district on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools located within the school district. Review of the recommendation **or implementation** of the committee on special education may be obtained by the parent or person in parental relation of the pupil pursuant to the provisions of section forty-four hundred four of this chapter.

c. Due process complaints relating to compliance of the school district of location with child find requirements, **or with the recommendation or implementation of an individualized education service program,** including evaluation requirements, may be brought by the parent or person in parental relation of the student pursuant to section forty-four hundred four of this chapter.

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

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

LBD14185-01-5

2. Boards of education of all school districts of the state shall furnish services to pupils who are residents of this state and who attend nonpublic schools located in such school districts, upon the written request of the parent, guardian or persons legally having custody of any such pupil. Such a request shall be filed with the board of education of the school district in which the parent, guardian or persons legally having custody of the pupil resides on or before the first day of June preceding the school year for which the request is made; provided that, in the case of education for students with disabilities, where a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year or when a student with a disability establishes residence in the school district after June first of the preceding year and prior to April first of the current school year, such request shall be submitted within thirty days after such student is first identified or establishes residence in the district, as applicable. For students first identified or establishing residence after March first of the current school year, any such request for education for students with disabilities in the current school year that is submitted on or after April first of such current school year, shall be deemed a timely request for such services in the following school year. For the purpose of obtaining education for students with disabilities, as defined in paragraph d of subdivision one of this section, such request shall be reviewed by the committee on special education in accordance with the provisions of section forty-four hundred two of this chapter. Review of the recommendation **or implementation** of the committee on special education may be obtained by the parent, guardian or persons legally having custody of the pupil pursuant to the provisions of section forty-four hundred four of this chapter. Such school district shall contract with the school district in which the nonpublic school attended by the pupil is located, for the provision of services pursuant to this section, except that in the case of education for students with disabilities, the school district of residence may provide such services directly or by contract with the school district of location.

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