

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:

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

5 (1) For the purpose of obtaining education for students with disabili-
6 ties, as defined in paragraph d of subdivision one of this section, such
7 request shall be reviewed by the committee on special education of the
8 school district of location, which shall develop an individualized
9 education service program for the student based on the student's indi-
10 vidual needs in the same manner and with the same contents as an indi-
11 vidualized education program. The committee on special education shall
12 assure that special education programs and services are made available
13 to students with disabilities attending nonpublic schools located within
14 the school district on an equitable basis, as compared to special educa-
15 tion programs and services provided to other students with disabilities
16 attending public or nonpublic schools located within the school
17 district. Review of the recommendation or implementation of the commit-
18 tee on special education may be obtained by the parent or person in
19 parental relation of the pupil pursuant to the provisions of section
20 forty-four hundred four of this chapter.

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

27 § 2. Subdivision 2 of section 3602-c of the education law, as amended
28 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

1 2. Boards of education of all school districts of the state shall
2 furnish services to pupils who are residents of this state and who
3 attend nonpublic schools located in such school districts, upon the
4 written request of the parent, guardian or persons legally having custo-
5 dy of any such pupil. Such a request shall be filed with the board of
6 education of the school district in which the parent, guardian or
7 persons legally having custody of the pupil resides on or before the
8 first day of June preceding the school year for which the request is
9 made; provided that, in the case of education for students with disabili-
10 ties, where a student is first identified as a student with a disabili-
11 ty after the first day of June preceding the school year for which the
12 request is made and prior to the first day of April of such current
13 school year or when a student with a disability establishes residence in
14 the school district after June first of the preceding year and prior to
15 April first of the current school year, such request shall be submitted
16 within thirty days after such student is first identified or establishes
17 residence in the district, as applicable. For students first identified
18 or establishing residence after March first of the current school year,
19 any such request for education for students with disabilities in the
20 current school year that is submitted on or after April first of such
21 current school year, shall be deemed a timely request for such services
22 in the following school year. For the purpose of obtaining education for
23 students with disabilities, as defined in paragraph d of subdivision one
24 of this section, such request shall be reviewed by the committee on
25 special education in accordance with the provisions of section forty-
26 four hundred two of this chapter. Review of the recommendation or imple-
27 mentation of the committee on special education may be obtained by the
28 parent, guardian or persons legally having custody of the pupil pursuant
29 to the provisions of section forty-four hundred four of this chapter.
30 Such school district shall contract with the school district in which
31 the nonpublic school attended by the pupil is located, for the provision
32 of services pursuant to this section, except that in the case of educa-
33 tion for students with disabilities, the school district of residence
34 may provide such services directly or by contract with the school
35 district of location.

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