



NEW YORK STATE SENATOR

Pete Harckham

Harckham, Abinanti Bill to Ensure Special Services for Students Passes in Legislature

[Pete Harckham](#)

June 10, 2021

ISSUE:

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Albany, NY – New York State Senator Pete Harckham and Assemblyman Thomas J. Abinanti announced today that their bill (S.7192 / A.8021) allowing students in individualized education plans to continue receiving their special education services has been approved by the State Legislature. This bill is focused on students with unique needs and abilities who would have turned 21 years old during the 2019-2020 or 2020-2021 school years and did not receive their individualized education plan (IEP) because of the coronavirus pandemic.

Under current state law, unique needs students can be removed from their individualized education services as soon as they hit their 21st birthday. The newly approved bill allows these students to finish their education plans up until their 23rd birthday.

“The pandemic disrupted a good deal of our state’s education system, and among those most impacted were students with unique needs, who missed out over a year’s worth of programs and services,” said Harckham. “This bill recognizes that these students should be allowed to finish their programs because of the structure and stability they provide, which all help the students to thrive.”

“Some school districts mistakenly believe that language in New York State law requires that they stop providing IEP mandated services when a student with disabilities reaches the age of 21,” said Abinanti. “This bill makes it clear that the general age out provision does not relieve school districts of their federally and state

required obligation to give compensatory services to students with disabilities who were deprived of the services during the pandemic, regardless of age.”

The effects of school closures and remote learning because of Covid-19 on students with disabilities have become painfully clear. This legislation gives approval to school districts to continue providing special educational services to students who turn 21 years old in the 2019-20 or 2020-21 school years and are enrolled in the school district, pursuing their individualized education plan. The bill will take effect immediately when signed into law, but will expire on June 30, 2023.

Special education experts have noted that the students most affected by the Covid-19 pandemic were those with unique needs and learning disabilities. Evaluations and testing were suspended, and some fell by the wayside. Harckham and Abinanti’s bill will give students the compensatory educational services they are entitled to.

related legislation

[2021-S7192](#)

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- Introduced
 - In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - ◦ On Floor Calendar Senate
 - ◦ Passed Assembly
 - ◦ Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

[Provides that a student enrolled in an individualized education plan during certain school years may continue to receive educational services](#)

June 04, 2021

Senate Floor Calendar

Sponsored by [Pete Harckham](#)

Do you support this bill?

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Aye

Nay