

LDA

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MEMO IN OPPOSITION JUNE 5, 2009

S.5636-Oppenheimer/A.8398-Nolan; Relates to special education programs and services and implementation of the federal individuals with disabilities education improvement act; repealer

The Learning Disabilities Association of New York State opposes this legislation.

We oppose reducing the statute of limitations for parentally placed private school admission to 180 days. Parents need appropriate avenues of recourse for holding schools accountable for meeting the educational needs of their children with disabilities. This proposal would be a step back. In certain case, the action in need of remedy may not be readily apparent to parents within 6 months. We are concerned that without this appropriate and reasonable statute of limitations provisions, parent's rights would be weakened and school districts would be less accountable.

We oppose relaxing space planning requirements. For students with disabilities to receive an appropriate education, they must have the appropriate space within the school facility. For many children with disabilities, space requirements are a critical need. Schools need to be held accountable on space requirements to assure the educational needs of special needs students are met, and that parents have an avenue of recourse for holding schools accountable. We are concerned that without appropriate space requirement plans, special needs children may find increased instances of inappropriate instructional space. This includes common corridors, lunchrooms, auditoriums, etc.

We oppose repeal of the requirement for written consent of the parent for a student with a disability for the initial provision of special education services during the months of July and August. We have stated before that this would not be necessary only if there is an assurance that extended school year programming be discussed as a normal part of CSE meetings, and be provided to eligible students. We do not support this provision without this assurance.

Finally, we strongly oppose the process that brought these "mandate relief"/reduced accountability proposals to legislation. The Education Department brought these proposals to the Legislature for introduction, well before the public comment period on these proposals had closed. This blatant disregard for parents and other stakeholders is regrettable. This legislation is therefore not supportable.

The Learning Disabilities Association of New York State opposes this legislation and urges that this bill be held in committee.