

Too often legal minimums are interpreted by districts as what should be provided, and it is often a formidable challenge for families to ask the district for more than the minimums. When the law is not specific about services to be provided many parents are left at a distinct disadvantage in advocating for their child. Without these protections for the students, the district will determine what is appropriate, and this decision may be based more on fiscal concerns than on proven evidence based practices. Service minimums help to provide continuity and consistency for both students and professionals.

Within this context, we are opposed to any changes in minimum services for children, or any changes that would increase the ratio of students with disabilities to instructors.

Children with learning or developmental disabilities are most vulnerable and will be most hurt by these changes.

Repealing the minimum service delivery requirements for speech and language

LDA NYS opposes a change in the minimum level of speech and language services. 30 minutes two times a week is very little direct instruction. No supporting evidence has been offered that would indicate that this proposed reduction in service is warranted by students in our state. There has also not been any report that less service would be successful, and what the new service with no minimums would actually look like for a student.

In fact, evidence-based practice indicates that twice a week therapy for 30 minutes is a low minimum for treatment that is effective. Without any support to indicate otherwise, why would we consider changing this for students with language and communication challenges?

Speech and Language service providers are the experts in this area. Their professional position that twice a week at 30 minutes for each session is a low minimum standard should be valued and supported by the Regents.

Speech and language services are greatly valued by families. They are often the key to early identification and intervention for families. Speech and Language services are often the initial service offered to pre-schoolers, and provide the necessary skills to prepare children to successfully transition to school and successfully stay on par with their peers when they are in school. Speech and Language services are often preventive services for children with communication disorders. It is impossible to conceive of what services that are less than 30 minutes two times a week would look like for a student.

Authorizing school districts to add up to two additional students to integrated co-teaching classes

We oppose this action. The proposal does not identify how and when this variance would be enacted. What educational justification would be required for the variance to be issued? Who within the district would initiate the variance and provide the documentation that “shall sufficiently demonstrate education justification and consistency with providing an appropriate education for all children affected” as described in the proposed revised regulation? How will the CSE be involved?

How and who would ensure that the classroom does not have too many students with disabilities with varying needs? Would there be a ratio between students with disabilities and students without disabilities? How do we make sure that students with disabilities are in classrooms with similar needs? Classroom placement is critical for students with learning disabilities. Co-teaching is a model that requires active collaboration and communication among all members of the instructional team to meet the needs of all of the students in class. This does not always happen, and without this high level of integration, students with disabilities may not receive the support and services they need to be successful.

What will the impact of increasing the number of students with disabilities be on students without disabilities? How will this increase impact the education of all students in the classroom? How will the classroom profile be established?

An increase of two students could compromise the quality of instruction for all students, with and without disabilities, in some situations. While co-taught classrooms can be very successful, this action is being presented as a “cost saving” action and we are deeply concerned that this will support districts in increasing the number of students with disabilities in classrooms without sufficient preparation, and result in “dumping” students inappropriately, compromising the educational outcomes of students with learning disabilities.

Students with learning disabilities need adequate supports and services to be successful. They benefit from a successfully implemented co-teaching instructional model, where the preparation, monitoring, ongoing supports and services are clearly in place. Two additional students could compromise the instructional team’s ability to ensure that each student with disabilities receives all that they need to be successful.

We are concerned that this proposed action could allow school districts to circumvent the CSE’s ability to ensure that integrated co-taught classes are adequately and meaningfully described in an IEP and appropriately implemented by a school.

Repealing the requirement that each student with autism receive instructional services to meet his/her individual language needs at a minimum of 30 minutes daily in groups not to exceed two, or 60 minutes daily in groups not to exceed six.

We are very interested in keeping this mandate. Many parents of children with autism come to LDA NYS for advocacy support and guidance. Many children have properly moved from a classification of learning disability to a more appropriate classification of autism. Many of the adults in our adult service programs have autism and early intervention with appropriate, intensive services is critical to improving long term outcomes.

It is our understanding that these mandates were initially implemented in order to ensure that a minimum level of intensive services were provided to this group of students. A mandate was required in order to protect this group of vulnerable students, and prompt districts to build specialized educational supports that are intense and focused. The needs for a mandate remain.

LDA NYS opposes removing service minimums without written assurances that adequate services will be in place for children with autism.

Finally, we are very concerned that this package of school-district “mandate relief” proposals are offered without any data or even suggestions as to how much money would be saved for districts if these proposals were enacted. Without any such evidence, we cannot support these initiatives that would relax standards that now protect children with disabilities and their families.

Thank you for this opportunity to present our views. Be assured that LDANYS looks forward to continuing to work positively and constructively with the Department on these and the many other critical issues affecting the education of children with Learning Disabilities and other related neurological impairments.