

Mandate Review Request #2012040008

Note: All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

Name of Local Government: Byram Hills School District
Type of Local Government: School District
County: 14822

Name of Mandate: Special Education: a) Burden of Proof; b) Parental Placements; c) Eliminate requirement that individual evaluation includes...

Type of Mandate: Statute

Citation for Mandate: a)Burden of Proof: New York Education - Article 89 - §4404 Appeal Procedures for Children With Handicapping Conditions
b)Parental Placements: Chapter 378 of the Laws of 2007
c)Eliminate requirement that individual evaluation includes specific assessments: Education Law 4402(1)(b)(3)(a)

Description of Mandate: a) Burden of Proof: Districts must demonstrate that the IEP is appropriate and the private school placement is inappropriate-burden of proof is responsibility of school district.
b) There is no limit on tuition reimbursement when parents unilaterally place their students in expensive private schools and a litigation begins and settlement or mediation is sought.
c) NY State requires extensive specific assessments for every child referred to the Committee on Special Education.

Recommended Change: a)Burden of Proof: Amend the law that shifted the burden of proof from parents to schools which is counter to the 2007 US Supreme Court decision.
b) Parental Placements: Cap district contributions to out-of-district placements when comparable programs are offered by the district of residence (LHCSS mandate relief item)
c)Eliminate requirement that individual evaluation includes specific assessments: LHCSS mandate relief item

Estimated Savings from the Recommended Change to the Local Government:
347000

Estimated Statewide Savings from the Recommended Change:

Description of Methodology Used in Estimating Savings: Actual special education cost data for the past 2 years was retrieved on actual student cases.