



BYRAM HILLS SCHOOL DISTRICT

"A great place to learn"

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Jacquelyn L. Taylor, Ed.D.
Superintendent of Schools

Be it resolved by the Byram Hills School District that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit.

WHEREAS, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded state mandates upon our local municipalities and school districts; and

WHEREAS, in response to New York's property tax crisis, the Governor and members of the New York State Legislature enacted legislation imposing a limit on the annual growth of the local school tax levy; and

WHEREAS, New York State school districts are under unprecedented funding shortfalls due to three years of frozen Foundation Aid, last year's \$1.2 billion aid cut, expiration of federal stimulus aid and revenue restrictions under the tax levy limit, which goes into effect for the 2012-13 school year, and

WHEREAS, unfunded and underfunded state mandates continually increase the obligations and expenditures of local public school districts, and a property tax levy limit without significant mandate reform will inescapably lead to drastic cuts in essential local school district programs and services, as well as significant layoffs of school district employees, and in some cases outright insolvency, in New York State school districts; and

WHEREAS, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from our school district's top priority of student learning,

THEREFORE, BE IT RESOLVED,

that we the members of the Board of Education of the Byram Hills School District join fellow school board members in Westchester and Putnam Counties in affirming the obligation of the Governor of the State of New York and the members of the New York State Senate and New York State Assembly, to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Byram Hills School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandate to determine whether the specific statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed:

SPECIAL EDUCATION

- 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.
New York Education - Article 89 - § 4404 Appeal Procedures for Children With Handicapping Conditions
- 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)

Chapter 378 of the Laws of 2007 - Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA) 2004 and New York State (NYS) Education Law Section 3602-c

c. *Eliminate requirement that individual evaluation includes specific assessments - (LHCSS mandate relief item)*

Education Law 4402(1)(b)(3)(a)

The Byram Hills School District located in Armonk, New York with an enrollment of 2,652 students for 2011-2012 estimates that if the legislature and Governor would address the reform in the area of Special Education for children with handicapping conditions, the district could save approximately \$347,000.

a) Burden of Proof cases in the last few years have been very expensive. The costs to the district are approximately \$297,500 in tuition reimbursements and approximately \$30,000 in legal fees. There is no data available that indicates students are better served in these private school placements. In fact, students served in the Byram Hills School District may have stronger college and career readiness due to the extensive support available in the district. The challenges of students and families with disabilities are very real. However, the current appeals procedure has generated a specialty of lawyers who do not promote mediation or reasonable, cost effective solutions between parents and school districts.

The Supreme Court in 2005 ruled that the burden of proof decision of the New York Second Circuit Court decision of 1998 should be overturned and that due to the high level of procedural safeguards afforded to parents of children with handicapping conditions, the burden of proof rightly falls on the party seeking tuition reimbursement.

b) Parental Placements – Due to New York State regulations, (e.g. a substantial number of assessments required by New York State) more parents are unilaterally placing their children with handicapping conditions in private placements. This is abundantly unfair that the school district should enter into litigation on many of these cases in which the school district can provide a free appropriate public education. We seek a cap on these expenses. Savings for Byram Hills is estimated at \$20,000 per year per student.

c) Education Law 4402(1) (b)(3)(a) requires specific assessments for children suspected of a disability. The district seeks relief from this mandate which exceeds the federal law. This law precedes the New York State Assessment System (RTI) Response To Intervention and (AIS) Academic Intervention Services. This law is an example of not reevaluating the implications of one law once other mandates were added. We estimate the savings to be \$20,000 per year and improved instructional time for students

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester and Putnam Counties.

Byram Hills Board of Education

Mr. Ira Schulman, President

Mr. Brett Summers, Vice President

Dr. Leslie Blum Cziner

Dr. Alban Burke

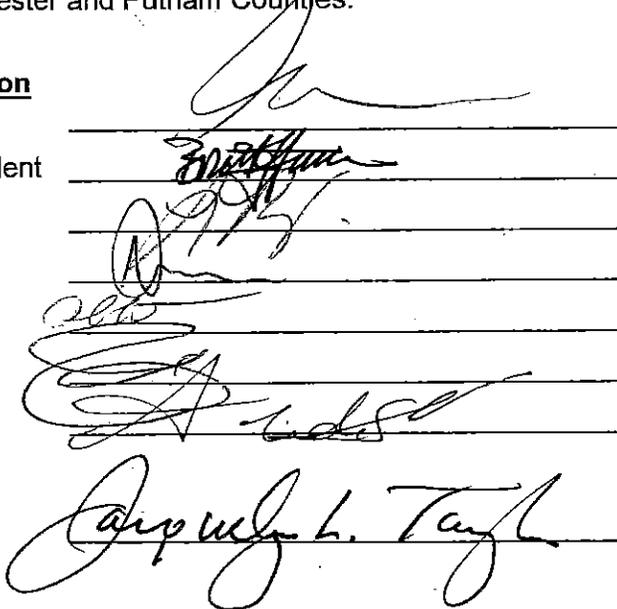
Ms. Robin Glat

Ms. Joyce Meiklejohn

Dr. Ann Tedesco

Superintendent

Dr. Jacquelyn L. Taylor



Handwritten signatures of the Byram Hills Board of Education members and Superintendent Dr. Jacquelyn L. Taylor, each on a horizontal line.