

Mandate Review Request #2012050003

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: North Salem Central School District
Type of Local Government: School District
County: Westchester/Putnam

Name of Mandate: Special Education

Type of Mandate: Statute

Citation for Mandate: NYS has 204 special education mandates that exceed Federal Law. See SED Document: New York State Law, Regulations and Policy Not Required by Federal Law (revised 1/2011), <http://www.p12.nysed.gov/specialed/publications/partb-analysischart.htm>.

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Recommended Change: The number of mandates should be reduced so as to align Federal Law. This can be done without compromising special education services. See, [http://www.lhcss.org/positionpapers/council_of_NY_Sp_Ed_Admin_appendix G.pdf](http://www.lhcss.org/positionpapers/council_of_NY_Sp_Ed_Admin_appendix_G.pdf). In particular, but without limitation (i) Education Law 3602, which creates entitlement to special education for students parentally placed in private schools should be amended to cap district contributions to out of district placements when comparable programs are offered by the district of residence; and (ii) Education Law 4404, which shifted the burden of proof from parents to schools should be amended because it is contrary to the US Supreme Court's 2005 decision in Schaffer v Weast, 546 U.S. 49 (2005).

Estimated Savings from the Recommended Change to the Local Government: Between \$100,000 & \$500,000 in any given year

Estimated Statewide Savings from the Recommended Change: \$2-3 Billion over 5 years

Description of Methodology Used in Estimating Savings: See, <http://www.lhcss.org/positionpapers/mandatereliefplacement.pdf>. The local range reflects the fact that expenditures can vary widely from year to year depending upon the individual needs of the student population.