

Mandate Review Request #2012050008

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: Chappaqua Central School District
Type of Local Government: School District
County: Westchester

Name of Mandate: New York Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions

Type of Mandate: Statute

Citation for Mandate: New York Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions
http://law.onecle.com/new-york/education/EDN04404_4404.html
§4404 of the Education Law, Laws of New York, 2007, Chapter 583

Description of Mandate: Provides that in an impartial due process hearing pursuant to § 4404 of NY Education Law to challenge the recommendation of a school district relating to the provision of services to a student with a disability, the burden of proof is placed on the school district providing special education to the student.

Recommended Change: Align New York State law with the 2005 US Supreme Court decision, Schaffer v. West, by placing the burden of proof onto the parties challenging a school district's recommendations pursuant to § 4404 of NY Education Law.

Estimated Savings from the Recommended Change to the Local Government: Approximately \$100,000 in yearly excess cost, plus testing, time, etc.

Estimated Statewide Savings from the Recommended Change:

Description of Methodology Used in Estimating Savings: Calculated on the basis of an immediate positive correlation of approximately \$100,000 increase in settlement fees for the year immediately following such 2007 law and remaining at about the same level to date (settlement costs from 2006 to date: 2006-07: \$68,410; 2007-08: \$65,450; 2008-09: \$164,102; 2009-10: \$108,044; 2010-11: \$150,325; 2011-12 Budgeted: \$150,000; 2012-13 Adopted Budget: \$160,000).