

Citywide Council on Special Education

New York State Education Department
89 Washington Avenue
Board of Regents, Room 110 EB
Albany, New York 12234

November 7, 2011

Sent Electronically

Hon. Chancellor Tisch and Hon. Members of the Board of Regents,

The Citywide Council on Special Education (CCSE) has a statutory duty to comment and advise on the process of establishing committees and/or subcommittees on special education (CSE) in community school districts. Once again, we are contacting you to oppose the proposed removal of the mandate for a psychological evaluation as part of an initial assessment and the school psychologist's ability to determine the need for additional assessment data, as well as the removal of the school psychologist from the CSE and/or CSE subcommittee.

At a CSE/subcommittee meeting, a school psychologist is qualified to explain the meaning of test results and the presence of disability to parents in plain language. In the case of a specific learning disability, the psychologist is the only person on the team who can interpret the psycho-educational needs assessments. It is critical for parents to understand the nature of the disability and educational needs identified in the evaluation. With this information parents are able to make informed decisions regarding the provision of, or continuation of, educational services and programs that are appropriate for their child.

As part of an initial evaluation, a child must be assessed in all areas of suspected disability. Classifications require individualized assessments and interpretation of the results to determine the depth and breadth of need. In the instance of specific learning disability, the IDEA requires consideration of seven areas of functioning: oral expression, listening comprehension, written expression, basic reading skill, mathematic calculation, and mathematic reasoning. Eliminating the requirement that an individual evaluation include a psychological evaluation and specific assessments as part of the initial evaluation, with the appropriate explanation by a qualified professional, will increase the risk of litigation from parents. If school psychologists are eliminated from the team, it is quite possible that team members may only use classroom test scores and behavior reports as reasons to provide special education services, without determining the reason for the behavioral difficulty.

You have heard resounding opposition from parents, educators and other advocates. Furthermore, mandate relief has not yielded the intended flexibility and options for our students. The message it sends to school districts is that they are required to do less. We ask you to listen to your constituency and keep these two reasonable New York State special education mandates in place so our students will be properly identified and receive the appropriate education in order to be college and career ready.

Please contact us with any questions or if we can be of assistance.

Sincerely,

/JBS/
Jaye Bea Smalley, Co-President

/JTE/
John T. Englert, Co-President

cc: New York State Assembly Education Committee
New York State Senate Education Committee
Deputy Commissioner Rebecca H. Cort
Commissioner John B. King, Jr.