



June 7, 2010

Dear Chairman Tilles, and Honorable Members of the Board of Regents Subcommittee on VESID,

I am writing to you from the ARISE Coalition<sup>i</sup>, a group parents, educators, and advocates that work together to provide a collective voice for students with disabilities in New York City. I write today specifically to state concerns about the process and procedure whereby the New York State Education Department (NYSED) has initiated, once again, proposals that threaten to adversely affect special education supports and services, and cloaked those proposals under the mantle of cost-saving mandate relief.<sup>ii</sup> Our concerns at this point include the following:

- NYSED has put forth nothing to address fears that the changes they urge will not adversely affect students with disabilities;
- NYSED has put forth nothing to demonstrate cost savings to the state if these proposals are enacted;
- NYSED has made a number of these proposals previously and parents of students with disabilities have spoken against a number of them; and
- The timing of the proposals seems intended to short-cut meaningful consideration by the Regents and the legislators, and the opportunity for public comment.

**NYSED has put forth nothing to address fears that the changes they urge will not adversely affect students with disabilities**

With respect to NYSED's contention that their proposals will not "significantly impact the quality of special education supports and services available to students with disabilities," NYSED has offered nothing to support that point. For example, no studies have been conducted or offered to demonstrate whether the current ratios and class size limits for integrated co-teaching are even effective and whether students with disabilities in those settings are making the educational strides anticipated. How can NYSED propose altering those ratios and limits without conducting such research?

**NYSED has put forth nothing to demonstrate cost savings to the state if these proposals are enacted**

The State Education Department has offered nothing in the little they have put forth at this point to suggest any real or significant cost savings to New York. As the primary reasons given by NYSED for these proposals is the “current fiscal climate,” we would expect an accounting of how they propose these changes will in fact save money for the State.

**NYSED has made a number of these proposals previously and parents of students with disabilities have spoken against a number of them**

The NYSED memo of April 1, 2010 does recognize that five of their current proposals were raised in the past. However, their memo suggests after a period of public comment, the proposals the Regents provided support for the legislative proposals. In fact, while there was a brief period of public comment, and parents, advocates, and educators around the State made arguments against a number of the proposals, NYSED moved forward urging key legislators to introduce legislation before the public hearings had been completed. That legislation, introduced during the course of the public hearings, was soon thereafter withdrawn by their sponsors and the substance of the proposals never considered by the legislators.

In addition, some of the cost-containment recommendations that NYSED claims in their memo as first time submissions are repeats of prior years’ proposals. These include: amending the regulations to authorize a variance to the maximum number of students with disabilities in an integrated co-teaching class; repealing the minimum frequency/duration requirements for speech and language related services; and reducing the statute of limitations to request due process hearings to one year.

**The timing of the proposals seems intended to short-cut meaningful consideration by the Regents and the legislators, and the opportunity for public comment**

Even assuming NYSED’s contention that a number of these proposals have already been embraced by New York stakeholders, and noting the similarity of some of the new proposals to those made in the past, we wonder why NYSED would wait until late spring to make these recommendations. NYSED has had since the spring of 2009 to prepare these proposals, and we wonder, therefore, why their April 1<sup>st</sup> memorandum should be so bare-bones. In fact, if they really planned to present to the Regents and allow a sufficient period of time for meaningful consideration by the Regents, for a period of stakeholder comment and review, and for the legislature to research, consider, and if necessary, debate the merits of the legislative requests, considerably more lead time would have been apt.

We are certain we will have more to say on the substance of the proposals later this month when NYSED returns to the Regents with more concrete recommendations. We do not feel, however, that there is significant substance in their current requests for us to offer comment in a meaningful way. Thus, we have taken this opportunity to raise a number of significant concerns we have about the process, timing, and procedure that NYSED has chosen to move many of the same proposals they have made in the past, and which have been rejected by stakeholders, as well as some new, but wholly unsubstantiated proposals.

Sincerely,

Maggie Moroff  
Coordinator of the ARISE Coalition  
[www.arisecoalition.org](http://www.arisecoalition.org)

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<sup>i</sup> The members of the ARISE Coalition include Advocates for Children of New York Inc., AHRC New York City, Cathy Albisa, David C. Bloomfield Brooklyn College, CUNY, Bronx Independent Living Services, Brooklyn Center for the Independence of the Disabled Center for the Independence of the Disabled, Citywide Council on Special Education, The Cooke Center for Learning and Development, Richard and Lora Ellenson, Families Helping Families, Ben Fox, Carol A. Greenburg, Paul Hutchinson, The Learning Disabilities Association of New York City, Aurelia Mack, Diana Mendez, The Mental Health Association of New York, Metropolitan Parent Center of Sinergia Inc., National Economic and Social Rights Initiative, New Alternatives for Children, New York Branch of the International Dyslexia Association, New York Lawyers for the Public Interest, New York Performance Standards Consortium, Parents for Inclusive Education, Parent to Parent of New York State, Parent to Parent of Staten Island, Raphael Rivas, Resources for Children with Special Needs, Cathy Rikhye Ed. D. Department of Curriculum and Teaching Teachers College Columbia University, Iriss Shimony, Jo Anne Simon P.C., United Cerebral Palsy of New York City, United Federation of Teachers, United We Stand, RueZalia Watkins.

<sup>ii</sup> See. NYSED memorandum of April 1, 2010 to the VESID Committee, "Cost Containment Proposals Relating to Special Education Requirements" available at [http://www.regents.nysed.gov/meetings/2010Meetings/April\\_2010/0410vesidd2.htm](http://www.regents.nysed.gov/meetings/2010Meetings/April_2010/0410vesidd2.htm).