

# Mandate Relief Needed for Special Education in New York

Posted: 11/7/11 12:08 PM ET

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New York State imposes more than 200 special education mandates beyond those required by federal law. Many of them translate into higher costs and fuel rapid and unsustainable spending growth. School districts may soon get some relief, if reforms proposed by the New York State Department of Education are approved by the Board of Regents and, as needed, by the State Legislature. Those changes, which should be adopted by the Regents this month, would bring New York's special education procedures more in line with federal requirements.

In 2008-09 (the most recent year for which data are available), the [average cost of instruction](#) per general education student in New York State was \$10,874; for special education students the cost was 2.4 times greater, \$26,551. Instructional spending for special education has increased over the past decade at an average annual rate of 7.5 percent, 20 percent faster than for general education.

This expenditure growth is not sustainable, especially given the intense pressure on federal and state funding. It will be impossible to curb school spending to the extent required by fiscal realities without addressing the significant and rapidly increasing expenditures for special education.

A set of proposals was released by the State Department of Education early in June with the expectation that it would go before the Regents in September after a period of public comment. In September, action on the proposals was put off until November.

The mandate relief items to be addressed at the November meeting are discussed in greater detail in a new report by the Citizens Budget Commission -- titled "Mandate Relief on the Way?" -- available at no cost at [www.cbcny.org](http://www.cbcny.org). The proposals would provide school districts with greater flexibility to meet student needs and to control spending, without in any way reducing the quality of special education. They would cut back on excessive bureaucratic requirements and on blanket policies governing district spending that lock in more intensive services than students may need. For example, the federal standard for initial student evaluations would be adopted by repealing the State

law that requires that each evaluation include a physical exam, psychological evaluation, social history, classroom observation and a functional behavior assessment when behavior is a concern. Instead the multidisciplinary school committees that govern special education services would be allowed to determine what evaluations to administer based on each student's needs. The guiding principle in special education should be the provision of appropriate individualized services, and these changes would uphold that principle.

The proposals have no shortage of adversaries. Public employee unions, professional associations, and special education advocacy groups around the State have mounted considerable opposition to the changes. Jobs are at stake: New York is running one of the most intensively staffed special education systems in the nation. Nearly two times as many professionals per special education pupil are employed in New York than the nation on average -- the student-to-staff ratio in New York is 5.5 compared to the U.S. average of 10.1. In three categories -- psychologists, occupational therapists, and physical therapists -- New York ranks number one.

The Regents should approve the proposed changes in November and resist the temptation to weaken them or postpone them once again. Then the forum will shift to the legislature, which can do its part by passing the necessary changes to State law.

The parents of special education students are understandably concerned about changes to regulations that might impact their children's education, but there is no evidence that the pending proposals will diminish the quality of special education in New York. Rather, they will reduce unnecessary and unsustainable costs. Service quality as measured by student performance should be the indicator of success in the educational environment, not specific staffing ratios.

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