MEMORANDUM OF OPPOSITION
A.9961-A (Weisenberg)/S.7225 (Flanagan)

The New York State Council of School Superintendents OPPOSES this legislation, and urges attention.

This legislation would require that parents of a student being brought before the superintendent for a suspension hearing be apprised of their right to have the student referred to the Committee on Special Education for an evaluation and a manifestation hearing.

The Council is deeply concerned that, if enacted, this legislation could cripple processes for dealing with egregious student behavior and conflict with the many bullying prevention and school safety initiatives we have in our schools.

Some parents could attempt to manipulate the suspension system and use special education classification as a tool to keep their badly behaving child in school. As a result, school district Committees on Special Education could be inundated with new requests for evaluations, harming their capacity to carefully and expeditiously address the needs of children in definite need of special education services.

At a minimum, it must be made clear that a request for consideration by the Committee on Special Education would not affect the superintendent hearing process nor delay decision-making on how to deal with potentially dangerous students.

We do believe that more attention and discussion concerning mental health issues and disruptive behavior amongst our students is needed. We look forward to working with the educational advocates and state policy makers to ensure this occurs. But this legislation could impair the ability of districts to make timely decisions in dealing with both dangerous students and students with definite needs for special education services.

The Council of School Superintendents OPPOSES this legislation and urges further collaborative discussions on these issues.