



# MEMORANDUM OF OPPOSITION

## A.9961-A (Weisenberg)/S.7225 (Flanagan)

In relation to providing certain special education information  
before a Superintendents suspension hearing

June 12, 2012

### ADVOCACY TEAM

Robert J. Reidy, Jr.  
Executive Director  
[rreidy@nyscoss.org](mailto:rreidy@nyscoss.org)

Robert N. Lowry, Jr.  
Deputy Director for  
Advocacy, Research and  
Communications  
[boblowsy@nyscoss.org](mailto:boblowsy@nyscoss.org)  
518.435.5996

Kyle McCauley Belokopitsky  
Assistant Director for  
Government Relations  
[kyle@nyscoss.org](mailto:kyle@nyscoss.org)  
518.817.3017

### 2011 - 2012 OFFICERS

Marilyn C. Terranova  
President  
Eastchester  
580 White Plains Road  
Eastchester, NY 10709

James T. Langlois  
President-Elect  
Putnam-No. Westchester  
BOCES

Mary Beth R. Fiore  
Vice President  
Elmira Heights

Neil F. O'Brien  
Treasurer  
Port Byron

Robert W. Christmann  
Past President  
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Ilion (2012)

Whitney K. Vantine  
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***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.***