



# MEMORANDUM OF SUPPORT

## *Special Education Waiver*

In relation to the 2013 – 2014 Executive Education Budget

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## ***The New York State Council of School Superintendents SUPPORTS granting school districts waivers from special education mandates.***

In his executive budget, Governor Cuomo proposes to allow school districts, BOCES and approved private schools to obtain waivers from specified special education mandates prescribed in state law or regulation.

The Council of School Superintendents strongly supports a waiver process for special education mandates as a first step towards allowing greater flexibility and local control over special education while reducing costs and increasing success for students.

Under the Governors proposal, the Commissioner of the State Education Department would be authorized to grant a waiver from most special education requirements imposed on school district, upon finding that the waiver will “enable a local school district ... to implement an innovative special education program ... and will enhance student achievement and/or opportunities for placement in regular classes and programs.” Waivers would be valid for one school year.

Districts would be required to submit waiver requests to the Commissioner at least 60 days before they are proposed to take effect, and to provide notice of the planned waiver requests to families whose children would be affected at least 60 days prior to submitting the request. Any comments from affected families would be included with the waiver submission.

The school district must also submit an annual report to the Commissioner at the end of each school year discussing the “operation and evaluation” of the waiver program.

The Council strongly supports this proposal. New York State has far more extensive special education mandates than most other states. This path drives up costs without producing better outcomes for students with disabilities. The proposal would provide opportunities to demonstrate that there are better ways to serve these students.

While this is a good first step towards special education reform, much more is needed to ensure our special education students are receiving the best mainstream education possible while aligning our services and costs to other states.