



NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION, INC.

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June 29, 2012

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

L.D.  
7/6

Re: Reimbursements for Private School Placements of Certain Students  
S.7722-A (Flanagan)/A.10722-A (Weinstein)

Dear Governor Cuomo:

The waning hours of the New York State Legislative Session brought forth from nowhere legislation that expands the ability of parents to demand tuition reimbursement for non-state approved private school placements.

For obvious reasons the introduction of a bill that heaps financial and administrative burdens on local school districts was held to the last-possible moment.

Had lawmakers been provided time to deliberate this bill's provisions, they would have been forced to confront the financial and educational impact on local schools and taxpayers.

Instead, the Senate and Assembly passed legislation that, among other stipulations:

- requires Committees on Special Education (CSE) to take a student's home life and cultural environment into account when making special education placements
- allows families' cultural priorities to supersede educational appropriateness in determining placements
- authorizes parents to reject CSE special education placements they decide do not take into account a student's "home environment and family background"
- enables parents to then make a unilateral placement of the student in a private school of their choosing
- provides for the parents to then demand tuition reimbursement from the school district
- further provides that reimbursement must be made within 30 days of tuition payments made by parents for unapproved placements despite the fact that CSEs don't have the authority to make such payments
- mandates a payment schedule for these unforeseen costs that is out of sync with school budget cash-flow and would likely necessitate borrowing and incurring interest expenses

- stipulates that “any possible educational impact differences between the school environment and family background” also may be used as a factor in seeking tuition reimbursement
- in its overly broad language it leaves determination of educational impact open to various interpretations and inevitable litigation

New York State School Boards Association advises that the State’s school attorneys have uniformly opined that this legislation violates both federal statute and case law and conflicts with current State law.

This legislation creates a mandate of incalculable costs in what has already become the fastest-growing and uncontrolled portion of local school budgets. Its passage, well after revenue-capped school budgets were approved by the voters, demands that payment come from other special education students and general education programs.

Not only have schools experienced the betrayal of promised significant mandate relief, this legislation comes in addition to the prior enactment of the costliest administrative mandates in decades.

If the State of New York believes this is appropriate, it needs to provide full funding from its broader revenue base and not expect local taxpayers to foot the bill. Absent the State taking responsibility for covering the costs of this mandate, it should be rejected via gubernatorial veto.

Sincerely,



James March, President

Brian Sales, Legislation Committee Chair