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**THE LEAGUE
OF WOMEN VOTERS**
of New York State

MEMORANDUM IN OPPOSITION TO:
A.9938 (Weinstein)/ S.7691 (Felder)

To: New York State Assembly
Date: June 12, 2014

Subject: An act to amend the education law, in relation to determinations of appropriate educational programs for certain students in a school district in a city having a population of one million or more

The League of Women Voters of New York State strongly opposes this legislation, which would shift the financial burden from parents to the New York City Department of Education (DOE) in the procedures by which parents who seek reimbursement from the state for the cost of enrolling their children in private special education programs, regardless of the appropriateness of such placements or the public school district's ability to provide appropriate services.

Parents have a right to seek an alternative special education placement if the school to which a child is assigned cannot meet the child's needs. And it is reasonable to expect a timely assessment of a child's needs in relation to a school's program and services. Existing law provides for the placement of a child in a private special education program when appropriate. Under the federal Individuals with Disabilities Education Act ("IDEA"), a child who requires special education may be removed from public schools; the child's parents may seek tuition reimbursement from the state if the school district cannot provide appropriate programs. However, this legislation permits "unilateral parental placement" of a child in a private school special-education program, reimbursing the costs to parents pursuant to a post- placement settlement agreement – with the unilateral private-school placement and reimbursement to continue pending review and appeal. New York City DOE, standing in the shoes of the taxpayers, will have the burden of challenging the use of public funds to subsidize private special-education placements. Such tuition paid by the public school system cannot be recovered from the parent even if the private placement is found to be unwarranted.

This legislation would not serve New York City's school system or its students; the proposed law would not promote more effective special education programs and services. If enacted, the proposed law would further strain the DOE's budget by requiring DOE to subsidize private special education programs regardless of their appropriateness and it would create financial incentives for parents to remove their children from public special education programs.

The League of Women Voters of New York State urges the Assembly to reject A.9938.