



New York Association of School Psychologists

## Mandate Relief for School Districts and other Educational Entities

The New York Association of School Psychologists (NYASP) is an active partner with New York State in efforts to contain educational costs and provide flexibility to school districts in budget development. There are many reasonable mandate relief and flexibility provisions that appear to have minimal impact upon student programs or established protections afforded to students and/or parents. It is imperative to eliminate unnecessary mandates which place a financial burden upon school districts.

However, it is equally important to be mindful that some mandates provide important benefits and offer protection to children and families. There are mandates that represent sound educational practice. One of the often targeted areas is “Special Education mandates that exceed federal requirements.” NYASP wants to ensure that certain provisions related to special education services remain intact in order to prevent unintended negative consequences that may severely impact the education of New York’s most vulnerable students. In fact, the removal of some mandates could increase the costs of special education in New York.

Significant concerns exist within the proposed Executive Education Budget, specifically related to “school district mandate relief”. The proposal by the Mandate Relief Council which would allow school districts the ability to petition for “waivers from certain duties” is cause for grave concern. While the Individuals with Disabilities in Education

Act (IDEA, 2004) provides the minimum standards for the provision of special education services, New York has been a leader in recognizing the value of requiring provisions that have been proven to support the education of all children. It is important for school communities to recognize that some mandates are just best practice and vital to providing a free appropriate public education which ultimately adds value to the education of all children. Therefore, restraint must be employed in making over-inclusive demands for “mandate relief” to ensure that New York State does not

jeopardize the educational advancements of our students. Districts are encouraged to be mindful of requesting waivers that damage services to children and explore flexibility and relief that currently exists within education law.

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One illustration of the damaging effect of waiving certain special education mandates would be the removal of the requirement to have a school psychologist as a member of the Committee on Special Education. This type of waiver would provide minimal

fiscal relief for school districts and has the potential to negatively impact students and families with special education needs. The school psychologists are integral members of the general and special education process in schools. As mandated members of the CSE, school psychologists are the only professionals who are uniquely trained and qualified to provide all of the following services:

- Use assessment data to identify strengths and needs, develop interventions, and measure progress and outcomes.
- Develop IEP's and Research Based Interventions for students classified under all 13 Special Education classifications.
- Develop FBA/BIP's in conjunction with families and school staff.
- Consult and collaborate with teachers, administrators and parents to promote positive outcomes for students.
- Develop interventions and supports to promote the development of academic skills.
- Develop and provide mental health services to promote mental wellness and social and life skills.
- Provide preventive services on multiple levels to build resiliency in youth or respond to crises that occur in schools.
- Work with families to support their influence on children's learning and mental health, as well as develop a collaborative relationship between home and school.
- Understand the impact of factors related to diversity on learning and development.
- Understand ethical and legal practice of school psychology, as well as multiple models of service delivery.
- Understand and present information pertaining to both federal and state Special Education laws to ensure legal compliance and avoid costly due process proceedings.

With their expertise in these areas, the school psychologists often design the Response to Intervention and Positive Behavioral Support programs in districts. All of these skills serve to control the classification rates of students with disabilities, broaden the school-based options and programs, institute appropriate conduct and discipline policies and procedures, promote an individualized approach to student's needs, and promote quality

programs and instructional practices based upon research and data. Removal of the mandate for these professionals as part of the CSE eliminates the protections and benefits afforded to school districts, students, and parents. The vast majority of school psychologists in New York State are engaged in a variety of activity beyond membership on the CSE. They bring the expertise of these varied roles to the CSE and are able to provide recommendations that will benefit the student, family, and the school district. ***Therefore, the relief of this mandate would not represent substantial savings to school districts.***

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Concern seems to have been raised related to the mandate for the attendance of these professionals on the CSE and potential delays in the scheduling or conduct of meetings. While non-compliance with timelines

established in the special education process is an important issue, remedies for these concerns already exist within the law. Chapter 311 of 1999 allows for members of the CSE to serve multiple roles on the CSE and Chapter 378 of 2007 allows members of the CSE to be excused from attendance with parental consent. Therefore, any potential delay in scheduling or conducting CSE meetings due to difficulties in assembling members can be addressed through these procedures.

It is of vital importance to ensure that mandate relief decisions are balanced between the educational needs of children and fiscal matters. Decisions CANNOT be made based upon funding alone. This is the very reason that the protections were offered by Federal and State mandates. Authorizing waivers may lead to the unintended consequence of removing the protections necessary to provide appropriate educational supports for children with learning needs.

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***For more information about Mandate Relief and Flexibility, contact  
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