



cnysea@gmail.com
518.470.3872

Lori DeCarlo
Co-President

CNYSEA
Post Office Box 291
Slingerlands, NY 12159-0291

Heidi McCarthy
Co-President

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James P. DeLorenzo
Assistant Commissioner
New York State Education Department
P-12: Office of Special Education
89 Washington Avenue, Room 309 EB
Albany, New York 12234

Dear Mr. DeLorenzo:

The Council of New York Special Education Administrators (CNYSEA) Board of Directors' thanks you for the information you shared in your July 24, 2014 letter regarding proposals for changes to regulations affecting Consultant Teacher, Resource Room services and Teacher Certification in Special Education.

You concluded your letter with an expression of interest in the status of our recommendations after there had been an opportunity for input by the general CNYSEA membership. We have been able to poll our members and find that 95% of those responding were enthusiastically supportive of our recommendations. The other 5% were neutral; none opposed the recommended changes. Following this poll of our membership, a formal resolution was placed before those assembled for our Annual Business Meeting at the Summer Institute, see attached resolution. The resolution received favorable comment and passed unanimously. Compelled by these measures of support for the recommended changes, we are reaching out to you to continue the dialogue.

With regard to the Consultant Teacher/Resource Room (CT/RR) proposal: We recognize there was discussion in 2008/2009 about the possibility of repealing the minimum level of service requirements to provide a measure of mandate relief. Ultimately, the minimum services levels were retained. We do not view this matter as an issue of mandate relief. Rather, the issue is providing students with disabilities access to the least restrictive environment and a plan of services that is individualized to meet their needs. As stated in our July 15, 2014 letter, we continue to believe these minimum prescribed levels of service are unnecessary, misguided, and inconsistent with the individualization of services that defines special education. The fact that in 2009 New York State Education Department (NYSED) did not advance a regulatory proposal to repeal the minimum level of service requirements for consultant teacher and resource room services does not negate the appropriateness of our proposal. Moreover, we know that unnecessary minimum service levels can and have been repealed as evidenced by the recent change with respect to mandated frequency of speech and language therapy. We strongly believe it is now time for the corresponding minimum CT and RR service levels to be repealed.

With respect to teacher certification in special education: We continue to believe that changes to the current certification structure, along the lines of our proposal, will allow for more essential flexibility. We recognize that changes were made in 2010 after extensive discussion and input from the field. However, our concerns and resultant recommended revisions are in response to actual challenges and hardships districts across the state are experiencing since then. The fact that collectively we did not foresee the challenges the new certification scheme would create, should not prevent amendments to be taken now, in order to better serve districts and students. We acknowledge and appreciate that NYSED acted quickly and changed one aspect of the new certification process, the short-lived requirement that beginning teachers must advance from *initial* certification to *professional* status within 3 years (instead of what had always been 5 years to advance from *provisional to permanent*), when it became apparent that the shortened timeline was unworkable. The fact that NYSED has the ability to make changes in order for public education to function effectively is evidence that it is possible to make changes to the certification for special education teachers as well. Our current proposal is outlined in the attached resolution, which allows districts the flexibility to staff their schools with highly effective special education teachers where they are most needed.

The CNYSEA Board of Directors looks to the Department to convene a forum for further dialogue on these important matters. In keeping with our commitment to transparency, we would like you to know that we are currently engaging in advocacy conversations with other professional organizations and stakeholders.

Sincerely,



Lori DeCarlo
Co-President



Heidi McCarthy
Co-President