



LEGISLATIVE BRIEFS...

October 2007

Update: Where is New York with ... Healthy School Foods?

The 2007 NYS legislative session ended on June 21st without the adoption of a law to enact nutritional and physical health provisions and guidelines for our schools. Oh, but there were bills a' plenty: the Galef bill, the Saland bill, Governor Spitzer's Healthy Schools Act, just to name a few! Disappointed, yet galvanized by our mission to ensure the health, safety and welfare of NY's children, the NYS PTA continues to dialogue with representatives of the governor's and state legislators' offices on this important issue. Watch for updates and be ready when the *Alert* goes out to support a bill that will provide every student with a healthy school environment that models what we teach.

Burden of Proof

Governor Eliot Spitzer signed legislation creating a process for parents of children with disabilities who chose to challenge school districts' decisions about which educational services are appropriate for their children. This new law (Chapter 583 of the Laws of 2007) puts the burden on the school district to prove that it is satisfying its legal obligation to provide an appropriate individualized education program for a student with a disability. Opponents state this law is in conflict with the 2005 United States Supreme Court decision in *Shaffer v. Weast*. For more information...

<http://www.ny.gov/governor/press/0816073.html>

<http://www.wrightslaw.com/news/05/schaffer.weast.htm>

Additional Changes to NY Special Education Law

- Districts of residence must ensure that special education services are delivered to students in charter schools in the same manner that services are delivered to students with disabilities in other schools within the district.
- School nurse services are now included as a "related service," but the law clarifies that the district is not required to optimize or maintain a surgically implanted device.
- Districts are authorized to create processes to permit changes to an IEP without convening a meeting of the Committee on Special Education and to allow CSE members to be excused from meetings with the consent of the student's parent.

Allergy Management Act

On August 15, 2007 Governor Spitzer signed legislation (A4051; S0298) mandating that the Education Commissioner create a management and safety plan to address potential harm to children with severe food allergies. Upon completion of this policy, it will be forwarded to all boards of education for consideration and action. This new mandate does not specifically require that districts adopt the state policy, only that they take some action after "considering" the policy. The state policy must be sent to each board no later than June 30, 2008. For provisions of the legislation: <http://www.assembly.state.ny.us/leg/?by=k&q=allergy+management>

School Bus Idling

Governor Eliot Spitzer signed legislation (8/28/07) that will reduce air pollution from idling school buses. The bill combines Assembly bill A.8486 and Senate bill S.5973 to require the Commissioner of Education to issue regulations requiring certain school districts, particularly those with a significant number of children with asthma, to minimize the idling of school buses while parked on school grounds or in front of schools. For more information...

<http://www.ny.gov/governor/press/0907072.html>
www.assembly.state.ny.us

Back-to-Washington

As students returned to school, the U.S. Congress returned to Washington the week of September 4th and began what is expected to be a very busy fall session. At the top of Congress's to-do list are the annual appropriations bills. With less than a month until the start of the new fiscal year, none of the 12 spending bills have been sent to President George W. Bush for his signature. If Congress does not approve each of the 12 annual appropriations bills by the end of the fiscal year, October 1, 2007 at midnight, Congress must adopt a temporary extension of current expenditures to prevent government services from shutting down.

In addition to appropriations work, Congress is expected to adopt a conference report on a student loan overhaul bill, reauthorization of the Higher Education Act, reauthorization of Head Start, a reauthorization of user fees that underwrite new drug reviews by the Food and Drug Administration, a reauthorization of the State Children's Health Insurance Program, and an energy policy bill. For more information...

www.pta.org This Week in Washington September 4, 2007 and July 24, 2007

Children's Health Insurance: State and Federal Conflict

Prior to adjourning for the August recess, both houses of Congress (U.S. Senate and House of Representatives) approved legislation to renew and expand the State Children's Health Insurance Program (SCHIP). SCHIP, created 10 years ago, is a state-federal partnership that covers about 6.6 million children from low-income families not poor enough to qualify for Medicaid. The Congressional Budget Office estimates that under the Senate proposal 4 million children who would otherwise be uninsured would be covered by 2012. Current law expires 9/30/07. A side-by-side comparison of the Senate and House bills is available at: <http://chn.org/pdf/2007/House&Senatesidebyside.pdf> For more information go to: www.pta.org click on "Issues and Action", "This Week in Washington" September 4, 2007

Then, while Congress was in recess, an "arbitrary" federal decision was announced by the Bush administration complicating Congress's work on reauthorization of SCHIP by issuing regulations that would make it more difficult for states to expand coverage to middle-income children and adults. This decision essentially blocks New York's legislatively approved expansion of children's health insurance. Governor Spitzer has joined a NY delegation in planning a state campaign to roll back the Bush Administration ruling that blocks a bi-partisan effort to provide affordable health insurance to families across New York State. For more information...

http://www.ny.gov/governor/press/SCHIP_Letters.html

No Child Left Behind Act

To be in compliance with the federal No Child Left Behind Act, NY's Chapter 425 of the Laws of 2002 has been amended to extend the effectiveness of the provisions of the act relating to supplemental educational services, unsafe school choice and compliance with the Gun Free Schools Act. This legislation also includes extending the effectiveness of the provisions of the act relating to the education of homeless children and the transfer of student disciplinary records until June 30, 2008. For more information on the reauthorization of NCLB...

<http://enews.edweek.org/GoNow/a15864a170843a272331960a15>