



New York State  
School Boards  
Association

*Better School Boards Lead to Better Student Performance*

24 Century Hill Drive, Suite 200  
Latham, New York 12110-2125

Tel: 518.783.0200 | Fax: 518.783.0211  
[www.nyssba.org](http://www.nyssba.org)

April 13, 2020

Senator Schumer  
322 Hart Senate Office Building  
Washington, DC 20515

Re: Individuals with Disabilities Education Act (IDEA) Funding and Flexibility

Dear Senator Schumer,

The New York State School Boards Association (NYSSBA) greatly appreciates Congress' bipartisan leadership to provide preliminary resources to states and school districts for IDEA and other education services through the Education Stabilization Fund appropriated through the recent CARES Act.

Our school districts are doing everything they can to ensure all students, including students with disabilities, are getting high-quality educational services during this unprecedented pandemic. We are writing to urge you to support both additional funding and flexibility for IDEA in the upcoming supplemental relief package. Schools are working hard to provide services to all students during the COVID-19 pandemic.

NYSSBA requests that Congress fully fund the federal share of the national investment in special education this year or at least provide a minimum of \$13 billion immediately through the next supplemental appropriation. Not only has the Coronavirus pandemic interrupted the delivery of education services; as the state with the largest number of cases in the country, New York school districts are facing reductions in state and local revenues that finance the majority of special education services. Federal investment must be greater to address this dire need.

Furthermore, we urge Congress to provide narrowly tailored and temporary flexibility to school districts as they continue to act in good faith to provide appropriate special education and related services to the extent feasible to students with disabilities during this catastrophe that has interrupted normal school operations. This includes relaxing certain HIPAA laws for students receiving services online or over the phone; pausing or extending timeline requirements for special education evaluation, eligibility, transition, and Individualized Education Program (IEP) teams under the law; allowing for flexibility in adjusting IEPs quickly and appropriately; and ensuring districts are not held liable for their inability to meet every procedural hurdle in the law, as long as they are making good faith efforts to remain compliant.

If you have any questions or require additional information, please do not hesitate to contact us at 518-783-0200 or [bob.schneider@nyssba.org](mailto:bob.schneider@nyssba.org).

Sincerely,

Fred Langstaff  
President

Robert Schneider  
Executive Director

Brian Fessler  
Director of Governmental Relations

Cc. Chip Slaven, NSBA  
Deborah Rigsby, NSBA