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Memorandum in Opposition

TO: Members, New York State Senate and Assembly

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RE: A.7363-C (Santabarbara)/S.7792-B (Fahy)

Cerebral Palsy Associations of New York State (CP State) was founded in 1946 by parents of children with cerebral palsy looking for services. Today it is a broad-based, multi-service organization with 30 Affiliates across the state and 19,000 employees providing support, services and programs across the lifespan for over 100,000 individuals with developmental disabilities and their families. CP State was founded and has worked for the past eighty years to enhance the rights of and services for individuals with disabilities and their families.

CP of NYS opposes A.7363-C (Santabarbara)/S.7792-B (Fahy) which amends the Mental Hygiene Law Education Law, to require that anyone with a disability ... “have the right to communicate in their preferred manner and utilize any communication supports...” which would include reimbursement by the Office for People with Developmental disabilities. As currently written, this legislation will negatively impact people with complex communication needs.

CP State Affiliates, across New York State, have traditionally provided supports and services for individuals with complex needs, including communication needs. Our Affiliates have been on the cutting edge of and encourage the use of evidence-based methods that enhance communicative abilities of people with developmental disabilities. We believe in promoting evidence-based practices that prioritize clear, direct methods of communication, empowering individuals with disabilities to express their authentic voice independently. Our shared goal is to provide strategies that foster genuine expression and independent communication while adhering to the highest standards of clinical integrity and ethical responsibility.

For the past eighty years, CP State has strongly advocated for the rights of all people with developmental disabilities to have their own voice, thoughts, and opinions to be heard and respected. Communication that reflects the thoughts, will, and opinions of the person is essential to ensure maximal individual autonomy and decision-making. This includes individuals who are non or minimally verbal who may be able to communicate via different methods or

with the use of technology. However, communication methods vary, and it is critical to understand which methods have empirical support.

Augmentative and Alternative Communication (AAC) is a well-established, evidence-based approach that helps individuals with significant speech or language limitations communicate independently. AAC systems are individualized and may include low-tech options (such as sign language or picture exchange) or high-tech tools (such as speech-generating devices). The AAC approach is a clinically driven intervention that presumes competence, emphasizes independent communication, and has substantial empirical support in peer reviewed studies. As used here, “empirical support” refers to AAC interventions that have adequate and controlled scientific research evidence that demonstrate effectiveness and validity of the approach in enhancing a person’s ability to communicate independently.

In contrast, certain communication methods lack credible scientific evidence. Approaches that rely on prompts, physical assistance, or facilitator involvement—rather than independent communication—have not been shown to be valid or reliable. These include Facilitated Communication (FC), Rapid Prompting Method (RPM), Spelling to Communicate (S2C), and related techniques.

Facilitated Communication, in particular, has been thoroughly discredited. Research consistently shows that the facilitator—not the individual—is directing the communication, often unintentionally. These findings raise serious concerns about accuracy and authenticity.

The use of FC and similar methods poses real risks. It can delay access to effective, evidence-based interventions like AAC and has led to documented harm, including false allegations of abuse. Without reliable scientific support, these methods are considered experimental and cannot be trusted to reflect a person’s true thoughts.

All communication approaches should be grounded in rigorous scientific evidence. Supporting proven AAC methods is essential to ensuring that individuals with complex communication needs can express themselves accurately, independently, and with dignity.

Unfortunately, A.7363-C/ S.7792-B undermines the goal of promoting independent, evidence-based communication for individuals with disabilities.

For all of the above reasons, Cerebral Palsy Associations of New York State strongly opposes A.7363-C (Santabarbara)/S.7792-B (Fahy) and urges that it be defeated.