

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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June 12, 2012
Start: 1:15 p.m.
Recess: 5:43 p.m.

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:

ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:

Albert Vann
Vincent Ignizio
Lewis A. Fidler
Margaret Chin
G. Oliver Koppell
Karen Koslowitz
Mark Weprin
Deborah Rose
Charles Barron
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Letitia James
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A P P E A R A N C E S

COUNCIL MEMBERS:

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A P P E A R A N C E S (CONTINUED)

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Deputy Chancellor Designee
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Laurie Hanin
Executive Director
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SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON JACKSON: Good

afternoon everyone, we are beginning this hearing at 1:15 p.m. on--what's the day--Tuesday, June 12th. And this is an oversight hearing on the New York City Department of Education special education reform. And before I read my opening statement, let me introduce my colleagues that are present this afternoon. To my left is Council Member Al Vann of Brooklyn; and to my right is Vincent Ignizio of Staten Island, Lew Fidler from Brooklyn, Margaret Chin of Manhattan; and up front, Oliver Koppell of the Bronx and Karen Koslowitz of Queens. We'll be joining by other members of the City Council at this oversight hearing.

Those who wish to testify need to sign up with the Sergeant-of-Arms at the front of the desk. There is an overflow room, so if anyone else is coming, they need to move over to the overflow room.

And good afternoon and welcome to today's Education Committee oversight hearing on DOE's special education reform. Special education

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2 has long been a problem in New York City. It is
3 supposed to provide required services for students
4 with disabilities, but for decades, special
5 education was also used as a dumping ground for
6 children considered to have behavioral problems,
7 most of whom were black and Latino males. Besides
8 children being inappropriately referred and placed
9 in special education classes, once there, most
10 students never made it out of special ed.

11 Performance of special education students lagged
12 far behind that of their peers in general
13 education classes and most never graduate high
14 school, but rather, drop out or age out at 21.

15 Parents and advocates complain of
16 delays in backlogs and the evaluation and
17 placement process for special education and claim
18 that many students are not receiving the services
19 they need as specified in their Individualized
20 Education Program, commonly referred to as IEP.
21 In short, the City's special education system has
22 an appalling record of failing the very students
23 it is designed to help.

24 Under Mayor Bloomberg, the special
25 education system has already been reorganized

1
2 twice--first in 2003 and then again in 2007,
3 reflecting the major restructuring of the whole
4 school system. In the first reform, DOE condensed
5 the 37 existing district level committees on
6 special educations into ten regional SCEs--CSEs,
7 and shifted primary responsibility for student
8 evaluations to the school level. At the same
9 time, the Department of Education eliminated
10 school level special education supervisors,
11 placing responsibility for overseeing special
12 education programs on school principals and
13 reassigned education evaluators to classrooms,
14 relying instead on school psychologists to serve
15 as case manager for all evaluations.

16 The 2007 reorganization shifted
17 even more responsibilities to school
18 psychologists, including responsibilities for the
19 evaluation and placement of turning five
20 population, turning five are kids that are turning
21 five and going into the system and kindergarten.

22 While certainly well intentioned,
23 these reorganizations of special education always
24 have some unintended consequences. The current
25 special education reform aims to improve education

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2 for students with disabilities by enrolling them
3 in their neighborhood zoned schools and
4 mainstreaming them alongside general education
5 students as much as possible. The reform began in
6 the 2010-2011 school year with a pilot program in
7 260 schools and 10 networks out of a total of 60
8 networks. The pilot, or called phase one, of the
9 reform lasted two years.

10 Phase two begins this September
11 when the reform expands to all schools citywide in
12 the 2011-2012 school year. Incoming students with
13 disabilities, primarily kindergarten, sixth grade,
14 ninth grade, and transfer students, entering
15 school in September will attend the zoned or
16 choice school that they would attend if they did
17 not have a disability. The only exceptions are
18 for students with the most significant
19 disabilities who require a highly specialized
20 program.

21 The Department of Education has
22 also changed its Fair Student Funding formula to
23 support the reform effort.

24 The Department of Education has
25 stated three major goals for the reform. One, to

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2 close the achievement gap between students with
3 disabilities and their non-disabled peers. Two,
4 to increase access to the general education
5 curriculum for students with disabilities. And
6 three, to build school-based capacity to support
7 the diverse needs of students with disabilities.
8 Many advocates, parents, educators, and others,
9 including myself, support the goal of this reform,
10 which are in keeping with the federal and state
11 least restrictive environment, commonly known as
12 LRE, the mandate that students with disabilities
13 should be educated with non-disabled students to
14 the maximum extent appropriate.

15 However, there are many concerns
16 over DOE's implementation of the reform. Some
17 critics think that the reform is really about
18 cutting the costs and saving money. Many parents
19 fear that implementation of the reform citywide
20 this September is too rushed and would like to
21 delay or slow down the system-wide rollout. Many
22 parents, advocates, and educators also maintain
23 that small class sizes are essential for the plan
24 to mainstream special needs students in general
25 education classes to be successful. Putting

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2 special needs students in general education class
3 of 30 or more students would not serve their
4 needs.

5 Advocates are also concerned that
6 there has been insufficient staff training and
7 that schools have not been adequately prepared to
8 implement the reforms this September and they fear
9 that neighborhood schools may lack essential
10 services needed by students with special needs,
11 and in essence, not meeting the needs of their
12 IEP.

13 The departure of the City's two-
14 stop top special education officials, Deputy
15 Chancellor Laura Rodriguez and Executive Director
16 of Special Education, Lauren Katzman, further
17 erodes confidence in DOE's ability to carry out
18 the plan reforms. A letter to DOE from Community
19 Education Council of District 2, CEC 2, clearly
20 articulates this concern, and I quote, during the
21 time when a new initiative is introduced, a stable
22 staff, particularly the architects of the reform
23 at the leadership level, is critical in avoiding
24 confusion and facilitating a smoother
25 implementation. End quote.

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2 One of the most troubling issues is
3 the limited information and data about the phase
4 one pilot schools. The positive results that DOE
5 touts for phase one schools are that students in
6 the pilot schools were referred to special
7 education less frequently and moved into less
8 restrictive environments more often than in
9 comparable schools not participating in the pilot,
10 but those results just reflect what DOE told
11 schools to do in implementing the reform, not any
12 improvements in student outcomes though.

13 According to DOE, national research
14 shows that students with disabilities who spend
15 more time in general education classrooms have
16 higher achievement, fewer absences, and less
17 disruptive behavior. In fact, DOE acknowledges
18 that there was no improvement in attendance and
19 test scores for the students with special needs in
20 the pilot schools and no mention of other
21 improvements, such as reduction in the number of
22 suspensions or other measures of behavioral
23 changes in phase one schools.

24 Some critics suspect that DOE's
25 silence on phase one, they mask bad news. There

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2 are also concerns that changes in Fair Student
3 Funding, the weights for special education
4 students, will serve as a perverse incentive to
5 deny students needed services. This concern was
6 clearly articulated by the New York City Parent
7 Union, and I quote: The DOE is decreasing the
8 funding for full time integrated co-teaching
9 services and full time special classes, forcing
10 principals to coerce parents to change their
11 child's IEP because they don't have money to
12 provide all mandated services and support, end
13 quote.

14 Teachers and other school staff
15 have also expressed concerns about the reform's
16 implementation. There is a great deal of concern
17 regarding the impact of multiple transitions in
18 and out of various classroom settings each day on
19 vulnerable special needs students, especially
20 kindergarteners. Educators are also concerned
21 that they might be pressured into recommending
22 fewer or less intensive services than the student
23 needs.

24 There is also a fear that school
25 staff could face disciplinary action if their

1
2 recommendations for student services don't conform
3 to a predetermined pattern.

4 A reference guide for principals on
5 the reform states that network and central staff
6 will audit student referrals and that, quote
7 unquote, progressive disciplinary measures, end
8 quote, will apply for school leaders and IEP teams
9 for, quote, recommendations that are not in the
10 best interests of students, end quote.

11 Parents across the city are being
12 told by schools that they cannot provide services
13 mandated on the child's current IEP, or that they
14 may not know if they can until September of this
15 year. Parents must either wait anxiously all
16 summer or agree to changes in their child's IEP to
17 match what the school can offer.

18 These are serious concerns and we
19 hope to get answers to questions about these
20 issues, as well as more information about the
21 implementation of the reform at today's hearing.

22 Once again, I have to comment about
23 the lack of basic information and data about the
24 special education reform on the DOE's website for
25 the public, which, in my opinion, is not

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2 excusable. If in fact, you want everybody to
3 know, you want people to have confidence, you want
4 people to understand what you're doing, give them
5 the information that they need, post it on a
6 website.

7 The Committee will also consider
8 Resolution number 1330 today at today's hearing
9 and this is the resolution that will call upon the
10 New York State Legislature to pass and the
11 Governor to sign legislation that would amend the
12 state education law to enabling New York City to
13 require that all 5-year old children in the city
14 of New York attend kindergarten. As you know, the
15 state law does not mandate full day kindergarten
16 and only mandates children to go to school when
17 they turn six years old.

18 Everyone who wishes to testify
19 today must fill out a witness slip, which is
20 located, as I indicated in the beginning, at the
21 desk of the Sergeant-at-Arms near the entrance to
22 the room. And obviously, if you're in the
23 overflow room, you need to come forward.

24 If you wish to testify on
25 Resolution 1330, please indicate on the witness

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2 slip whether you're here to testify in favor or in
3 opposition to the resolution. And I want to point
4 out, however, that we will not be voting on the
5 resolution as this is just the first hearing.

6 To allow as many people as possible
7 to testify, testimony will be limited to three
8 minutes per person.

9 I'm also going to ask my colleagues
10 to limit their questions and comments to five
11 minutes. And if you wish, if there's a second
12 round, you can request to come on the second round
13 and we will afford you that opportunity if time
14 permits.

15 And now and I'd like to turn the
16 floor over to our colleague Steve Levin, who is
17 the primary sponsor of Resolution 1330, for his
18 remarks on that particular resolution. Our
19 colleague, Steve Levin of Brooklyn.

20 COUNCIL MEMBER LEVIN: Thank you,
21 Chairman Jackson. I'll keep my remarks very
22 brief, as we have a lot of important business to
23 do today.

24 I am urging my colleagues to
25 support Resolution number 1330, which would

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2 mandate that all 5-year olds in the city of New
3 York attend kindergarten. The situation that we
4 have now, that is not the case and, as a result,
5 there are approximately 2,500 children in the city
6 of New York who attend first grade who have not
7 had access to kindergarten education.

8 Now as we all know, early childhood
9 education is the key to the health of our society,
10 that our kids in terms of development, it is
11 vitally important that at the earliest age
12 possible, that they have access to a quality
13 education starting at birth and continuing through
14 their childhood, and kindergarten is an absolutely
15 essential and important part of that process.

16 This bill would--or this resolution
17 in support of state legislation would remedy what
18 is an inequity in our city, it makes economic
19 sense for our future so that in years down the
20 line, as it mentions in the resolution, early
21 childhood education makes an economic sense as
22 economists project that every dollar invested in
23 quality early care and education saves taxpayers
24 up to \$13 in future costs. That's the cold, hard
25 facts, we owe it to the kids of New York City to

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support this resolution.

Thank you very much, Mr. Chairman.

CHAIRPERSON JACKSON: Thank you, Council Member Levin. We have, I've indicated earlier, we've been joined by additional colleagues, our colleague Mark Weprin of Queens is here, our colleague to his left, Council Member Debbie Rose of Staten Island, and Council Member Charles Barron of Brooklyn.

With that, then now we'll turn over the mic and floor to officials from the Department of Education to introduce themselves, their name and their position with the Department of Education, and then they may begin their testimony and presentation.

LAURA RODRIGUEZ: Good afternoon, I'm Laura Rodriguez, I'm the Deputy Chancellor for the Division of Students with Disabilities and English Language Learners.

CORINNE ANSELMI: Good afternoon, I am Corinne Anselmi, I am the incoming Deputy Chancellor for the Division of Special Education and ELLs.

SHAEL SURANSKY: I am Shael

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2 Suransky, Chief Academic Officer and the Senior
3 Deputy Chancellor.

4 LAURA RODRIGUEZ: Good afternoon,
5 Chairman Jackson and members of the Education
6 Committee here today. My name is Laura Rodriguez
7 and I am the Deputy Chancellor of the Division of
8 Students with Disabilities and English Language
9 Learners at the New York City Department of
10 Education. I'm joined by Shael Suransky, the
11 DOE'S Senior Deputy Chancellor and Chief Academic
12 Officer, and Corinne Rello-Anselmi, Deputy
13 Chancellor Designee for the Division of Students
14 with Disabilities and English Language Learners.

15 As you may know, I will be retiring
16 in July after 34 years of service to New York City
17 public schools.

18 CHAIRPERSON JACKSON:
19 Congratulations.

20 LAURA RODRIGUEZ: Thank you. Thank
21 you, Councilman. Effective July 1st, Corinne
22 Rello-Anselmi will succeed me as Deputy
23 Chancellor. Ms. Rello-Anselmi has served in New
24 York City public schools with distinction for 33
25 years and currently oversees 324 schools as leader

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2 of 12 school support networks. When I was
3 regional superintendent in the East Bronx, Ms.
4 Rello-Anselmi served as my deputy superintendent
5 for special education, and I am pleased to work
6 with her closely again as she transitions into
7 this role. Prior to serving as my deputy, Ms.
8 Rello-Anselmi was principal of P.S. 108 in the
9 Bronx for ten years, a school where she was a
10 recipient of the Teacher's College Cahn Fellowship
11 for Distinguished Principals. Ms. Rello-Anselmi
12 began her career at P.S. 108 as a teacher of
13 students with disabilities.

14 We are pleased to be here today to
15 discuss the department's efforts to reform special
16 education in New York City. Since 2005, we have
17 elevated the four-year graduation for students
18 with disabilities from 17.1% to 31%, increasing
19 the number of students with disabilities
20 graduating with Regents diploma during this time
21 by 10.3 percentage points. This represents
22 tremendous gains for many of our students, and we
23 want to celebrate their accomplishments.

24 However, far, far too many of our
25 students with disabilities have not realized

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2 similar success. Currently, our students with
3 disabilities are graduating at only half the rate
4 of their non-disabled peers, which is
5 unacceptable.

6 For too long, educating students
7 with disabilities in New York City has meant
8 separating them from their non-disabled peers.
9 Special education has been treated as a place, not
10 a service in support of students' instruction.
11 Given everything we know about special education
12 and the results, it is clear that this approach is
13 not working for the vast majority of our students.
14 Pursuant to the federal Individuals with
15 Disabilities Education Act, IDEA, students are
16 entitled to a free, appropriate public education
17 in the least restrictive environment and, to the
18 maximum extent appropriate, students with
19 disabilities should be educated with children who
20 are not disabled.

21 What constitutes a least
22 restrictive environment will differ for individual
23 children. Some may require settings outside of
24 the general education classroom for all or part of
25 the school day. We are not advocating for those

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2 settings to change. However, we are requiring
3 schools to comply with IDEA and ensure that
4 students with disabilities have access to the same
5 classrooms and the same curricula as their non-
6 disabled peers.

7 The overall instructional goal of
8 this reform effort is clear: Improve long-term
9 academic outcomes for students with disabilities.
10 We propose to do this in three key ways. Number
11 one, ensure access to the Common Core standards
12 through Universal Design for Learning; two,
13 develop high quality Individualized Education
14 Plans, IEPs, that are aligned to meet students'
15 individualized needs; and three, to create
16 flexible programs for students in support of their
17 individualized needs.

18 Universal Design for Learning, also
19 known as UDL, is a set of principles that provides
20 teachers with a structure to develop instruction
21 to meet the diverse needs of all learners. It's a
22 research-based framework, and UDL suggests that
23 each student learns in a unique manner, so a one-
24 size-fits-all approach is not effective. By
25 creating options of how instruction is presented,

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2 how students express their ideas and what they
3 know, and how teachers can engage students in
4 their learning, instruction can be customized and
5 adjusted to meet individual student needs.

6 And as a matter of fact, the
7 recently updated and required New York State IEP,
8 which was implemented starting last year in July
9 2011, prompts IEP teams to consider the
10 instructional services students need in each
11 subject area. So the state-required IEP also
12 helped us to promote the instructional goals of
13 the reform because it requires thoughtful
14 consideration of student needs and how those needs
15 can be met in the least restrictive environment
16 for each child. Using the full range of programs
17 and services available through our continuum of
18 services, which is the legal framework that we
19 must follow, there is one in every state, and it
20 gives schools the ability to meet students' needs
21 in part-time or full-time settings as appropriate,
22 based on students' individual educational goals.

23 Now the operational changes that
24 will go into effect this September 2012 are
25 designed to support these instructional goals

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2 while also maintaining stability for our students
3 and schools. The changes in enrollment for
4 students with disabilities will focus primarily on
5 the articulating grades, and for most of our
6 schools, this means kindergarten, grade six, and
7 grade nine, as well as students who are registered
8 over the counter during the year.

9 Schools will have the ability to
10 meet the needs of their students as determined by
11 the students' IEPs, and to create programs that
12 meet student needs. The programs and services
13 offered may look different at different schools,
14 based on the needs of the students in each school
15 community. The process by which a school team
16 works with a student's family to identify the
17 student's needs and determine the best way to meet
18 these needs will not change. All regulations and
19 procedural safeguards remain fully in place.

20 Families are valued and integral members of the
21 IEP team and schools will work closely with
22 families in order to ensure that the programs and
23 services recommended on the IEP match the needs of
24 the students.

25 When we began this work with 260

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2 schools that were involved in phase one of this
3 reform in the fall of 2010, we focused on how to
4 implement this reform in a way that was meaningful
5 and maintained stability for schools. We know
6 that educating students in more inclusive settings
7 produces positive academic results. There is a
8 great deal of national research supporting the
9 academic goals of the reform, and a few of these
10 studies are highlighted in our presentation today.
11 By phasing in policy changes to one subset of
12 schools--the 260 schools--before implementing
13 citywide, we were able to identify some of the
14 best practices for implementation that we can now
15 roll out system-wide.

16 As you're aware, we delayed the
17 roll out of the reform to the rest of the city for
18 one year because we recognized the need to build
19 more capacity to support schools with the
20 implementation. This preparation included hiring
21 60 instructional coaches for each network
22 dedicated solely to supporting schools with our
23 special education reforms, developing a
24 partnership with the Teacher's College Inclusive
25 Classroom Project, and developing and supporting

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2 school-level implementation teams charged with
3 creating plans to meet the needs of students with
4 IEPs. We also provided training opportunities for
5 general education and special education teachers
6 in a range of subjects, including Universal Design
7 for Learning, development of high quality IEPs,
8 flexible programming for students, and supporting
9 student behavior, and effectively engaging
10 families.

11 We are encouraged by many
12 qualitative measures of the reform's success and
13 the best practices we learned from our phase one
14 schools. One thing we have observed, particularly
15 in our phase one schools, were the social benefits
16 to students with disabilities attending schools in
17 their neighborhoods. If a child is educated at a
18 school away from his neighborhood, it's harder for
19 him to build friendships among his classmates who
20 he is not likely to see outside of school, and
21 also among the local children in his neighborhood,
22 who he doesn't see in school. For our students
23 with disabilities, breaking down these social
24 barriers and integrating them into the mainstream
25 of both the instructional and relational life of

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the school is of tremendous value.

From an instructional perspective, we've also seen many schools implement improved practices. For example, one particular network helped to improve literacy programs, not only for students with disabilities, but also for struggling students without IEPs. Both general education and special education staff received training in literacy interventions and then implemented a schoolwide reading block that targeted the needs of students with and without disabilities. By changing the school schedule so that all of the teachers in a grade implemented the literacy block at the same time, the fluidity between general and special education settings was more seamless. No student missed another content area by being in a different setting for the literacy block.

Other schools changed the structures of their grade level and content area meetings so that the special general education teachers had additional planning time and were able to collaborate and consult in order to best meet the needs of all of their students. Time and

1
2 again, we saw schools succeed by building the
3 capacity of general educators and promoting
4 ownership of all the students by all the teachers.

5 Building on the successes of phase
6 one, I am confident that the team assembled under
7 Ms. Rello-Anselmi will successfully manage this
8 leadership transition and continue to support the
9 needs of all of our students.

10 Ms. Anselmi?

11 CORINNE ANSELMI: Good afternoon,
12 Chairman Jackson and City Council Members. It is
13 with great pleasure and optimism that I take over
14 this role in July. As we plan for the challenges
15 ahead, I am confident that this transition will be
16 a seamless one.

17 With my time today, I would like to
18 discuss school preparation. As a leader of a
19 cluster of 324 schools for the past few years, I
20 have overseen this work intimately and can speak
21 to its depth from multiple perspectives.

22 Our focus in preparing schools and
23 families for this work is in four key areas:
24 leadership development, building the capacity of
25 all teachers to serve all students, supporting

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2 positive student behavior, and supporting families
3 in navigating these changes to the system.

4 Leadership Development. As former
5 principal, I know firsthand that, unless the
6 school leader truly believes that all of her
7 students can succeed, creating a school--sorry,
8 inclusive school culture will be an uphill battle.
9 For this reason, we have engaged every principal
10 in the city through feedback sessions conducted
11 this winter and spring. This past Saturday,
12 Chancellor Walcott held a principals' conference
13 at Brooklyn Tech High School at which a majority
14 of our principals were in attendance and
15 participated in professional development geared
16 towards our instructional priorities, including
17 how to create more inclusive classroom
18 environments and develop effective programs to
19 meet the needs of students with disabilities.

20 Our school support networks have
21 conducted training for principals and teacher
22 leaders in the support of this work, which is
23 customized to meet the individual needs of
24 schools. Principals will need to designate a
25 school implementation team tasked with evaluating

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2 the needs of incoming students, identifying
3 resources available within the school to meet
4 student needs, and, when necessary, determine the
5 need for any additional resources.

6 Through the leadership of our
7 network-level special education achievement
8 coaches, we are building the capacity of both
9 general and special educators to leverage the
10 continuum of special education services to meet
11 the unique needs of every student in their
12 classrooms. We are working to expand teachers'
13 toolkits of research-based instructional
14 strategies aligned to student's IEPs, and
15 effectively applying these strategies in the
16 delivery of services to students with disabilities
17 and non-disabled students who may require
18 different instructional strategies. We have
19 created a professional development institute for
20 our network-level coaches, and will target schools
21 for additional assistance from the Columbia
22 Teacher's College Inclusive Classroom Project.

23 We know that there are students
24 with and without IEPs who exhibit behavioral
25 challenges and that appropriate and engaging

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2 instruction in classroom environment that is
3 conducive to learning is the best first step in
4 managing the behavior. We also recognize that
5 this is an area in which teachers want and need
6 additional support. To address this, we have
7 trained many network and school staff on Positive
8 Behavior Intervention Supports, PBIS, and built
9 teachers' capacity to conduct Functional Behavior
10 Assessments, FBAs, and to create high quality
11 Behavior Intervention Plans, known as BPS. We
12 recognize that it is critical to create an
13 environment where all students can learn.

14 Parents and families are primary
15 stakeholders in the process of developing student
16 IEPs and ensuring that a student's needs are being
17 met through appropriate program and service
18 recommendations. We believe that the challenge--
19 the change in enrollment processes for students
20 with disabilities entering the school system next
21 year or transitioning from one school to another
22 will benefit families greatly. For the past
23 several decades, students with disabilities were
24 placed in class based on availability of seats for
25 a particular program type. What was lost in this

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2 model was two-fold: First, a thoughtful
3 consideration of a full range of programs and
4 services that could meet the needs of these
5 students beyond a seat-in-a-class model; and
6 second, equal access to local schools for students
7 with disabilities. Unless a school was designated
8 to open a special class or co-teaching class,
9 schools did not need to create programs to meet
10 the needs of individual students with
11 disabilities. As a result, approximately 40% of
12 our students with IEPs attended a school other
13 than the one in which they were zoned. Next year,
14 in the articulating grades and for students new to
15 a community, students will be offered seats in
16 their local schools and their schools will be
17 expected to create programs to meet the student's
18 needs. If families wish to transfer to another
19 school, the previous reasons for transfer will
20 continue to apply, such as safety, travel, and
21 medical hardships.

22 For families that need help
23 navigating these changes, we have created a
24 dynamic parent website. We believe that the best
25 information for a school's particular program can

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2 be found at the school level so we recommend that
3 families with questions first reach out to local
4 schools. If families need additional information
5 or wish to address an issue that could not be
6 solved at the school level, we recommend that they
7 e-mail our team directly at
8 schoolseducationreform@schools.nyc.gov or visit
9 their local district family advocate. If a family
10 is new to New York City, we recommend they visit
11 their local committee of special education.

12 In closing, by phasing this reform
13 in gradually, primarily through the entering
14 grades, and by providing the necessary supports to
15 our teachers and principals, we firmly believe
16 that our schools will be able to be prepared to
17 serve students in more inclusive classroom
18 environments. Furthermore, we have given the low
19 rates of achieve--with given the low rates of
20 achievement for our students with disabilities, we
21 believe there is no time to waste.

22 I look forward to working with the
23 members of the Committee and the Council at large
24 on this important issue. And with that, we are
25 happy to answer your questions.

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2 CHAIRPERSON JACKSON: Well let me
3 thank both of you for your presentation. We've
4 been joined by additional colleagues of ours:
5 Danny Dromm, directly in front of me, a Council
6 Member from Queens; Letitia James sitting next to
7 me on my left, a Council Member from Brooklyn;
8 Gale Brewer, our colleague is in the first row in
9 the beige suit, she's from Manhattan; Jimmy Vacca--
10 --where's Jimmy? Jimmy Vacca is all the way at the
11 end to my far right; Helen Diane Foster is sitting
12 next to Gale Brewer in the front, from the Bronx,
13 both Jimmy and Helen are from the Bronx; Dan--I
14 have a list--Dan Garodnick of Manhattan is in the
15 back against the wall; Dan Halloran of Queens is
16 sitting next to council here.

17 FEMALE VOICE: Welcome back.

18 CHAIRPERSON JACKSON: Welcome back.
19 Eric Ulrich, our colleague from Queens, he was
20 here, I think he's standing outside; and our
21 colleague from Brooklyn, David Greenfield. Those
22 are our colleagues that are all present.
23 Obviously, this room is pretty tight, we'll be
24 glad when we get back over to City Hall in order
25 to have a full range of desk and seat for our

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colleagues.

So with that, colleagues, I had indicated before that members that have any questions, please communicate with Aysha so she can put you on the list, and we're going to limit questions to five minutes, and if there is a second round, we can put your name on the second round.

So with that, let me just ask one or two questions and then I'll turn to our colleagues. So Council staff have heard anecdotally that principals are advising staff to write IEPs in a manner that would result in more Fair Student Funding for the school, rather than writing them based entirely on the student's needs. So what steps is the Department of Education taking to ensure that this is not happening? And before you answer that, have you heard of such complaints, and if so, how did you respond to them?

LAURA RODRIGUEZ: Well the changes we introduced this year in the Fair Student Funding formula are based on the instructional goals of the reform and they're based on work we

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2 did over the past few years with phase one
3 schools, and so principals are always concerned
4 about being able to fully mandate a--fully support
5 a student's mandates on IEPs, and so with change
6 comes the need for clarity. The changes that
7 we've made to the Fair Student Funding have to do
8 with the instructional goals, which is to help
9 principals understand that, beyond the 100% kind
10 of more segregated instruction that generally a
11 majority of our students have received, that the
12 continuum of services allows many other
13 instructional possibilities. And so through a
14 series of--

15 CHAIRPERSON JACKSON: [Interposing]
16 My colleagues, I'm sorry, if--your conversations
17 are too loud so you're interrupting the speaker,
18 so keep your tones down or take it outside,
19 please, if you don't mind. Thank you.

20 LAURA RODRIGUEZ: So since we were
21 introducing this for the first time system-wide,
22 we have conducted the entire year a series of
23 professional development sessions from the
24 technical teams, the operational teams, and the
25 instructional teams to help ensure that there is

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2 understanding as to, one, that this is not a cost
3 savings initiative; two, that this is about
4 supporting what's on the IEP with greater
5 flexibility like the example I gave, an entire
6 school, a network that chose to focus on literacy,
7 because one of the primary reasons many children
8 are referred to special education has to do,
9 besides behavior, with issues of literacy, so
10 focusing on literacy is important. And,
11 therefore, we need to ensure that the funding
12 follows each child and allows the schools the
13 flexibility to meet the instructional needs of
14 students.

15 CHAIRPERSON JACKSON: So let me ask
16 again, have you heard that the principals were
17 telling staff an order to write IEPs so that their
18 schools will get more money? That's the bottom
19 line and you never responded to that. Have you
20 heard that? When I say you, you and other people
21 work in the department, have you heard that? If
22 so, how did you respond to it?

23 LAURA RODRIGUEZ: We have heard
24 that that is a concern.

25 CHAIRPERSON JACKSON: Okay.

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LAURA RODRIGUEZ: We have heard that from the field, but I haven't heard principals calling me to tell me that.

CHAIRPERSON JACKSON: So you've heard it from the field.

LAURA RODRIGUEZ: Yes, we--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --have heard that and so--

CHAIRPERSON JACKSON: [Interposing] And basically you iterated that it's about fulfilling the IEPs of the students and where--

LAURA RODRIGUEZ: [Interposing] Yeah, but that doesn't change, right.

CHAIRPERSON JACKSON: --I've gathered where flexibility in the IEPs in order to mainstream them towards the goals--

LAURA RODRIGUEZ: Yes.

CHAIRPERSON JACKSON: --is an acceptable thing, that's what I'm hear you saying, is--

LAURA RODRIGUEZ: That's correct.

CHAIRPERSON JACKSON: --that correct?

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LAURA RODRIGUEZ: Yes. Would you like to--

[Crosstalk]

CHAIRPERSON JACKSON: Okay. But also I heard that you said that in the field and training and what have you, you're communicating, it's not about the money, it's about meeting the needs of students, am I hearing you correct?

LAURA RODRIGUEZ: Yes, I'm hearing that those are concerns of advocates, of parents--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --and of others and teachers who sometimes have said that.

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: So we need to clear up of those misconceptions. That is not the purpose.

CHAIRPERSON JACKSON: Right. So if principals are informing teachers and others that are writing IEPs or implementing them, have you heard that that is the case; and, if so, what have you done about it? To say, hey, if that's what's being said, that is not correct, you should not be doing that. In my opinion, that should be a very,

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2 very clear statement that that is totally
3 unacceptable 'cause it's not about money, it's
4 about ensuring the goals of the phase, I mean, of
5 the reform, am I right or wrong?

6 LAURA RODRIGUEZ: That's correct,
7 and as a matter of fact in this past Saturday's
8 conference where we had over 1,500 principals,
9 they heard that message very clearly from Chief
10 Academic Officer Suransky, they heard that
11 followed up in individual workshops. Throughout
12 the series of workshops this entire year, we have
13 been reinforcing the message, this is not about
14 more money or less money, this is about improving
15 long-term student outcomes for students with
16 disabilities because for a long time, when we said
17 special education, it was about compliance, it was
18 about segregation, it was about everything but how
19 do teachers work together and how do we support
20 principals so they can support teachers to work
21 together to leverage their expertise in each
22 classroom in each school community.

23 CHAIRPERSON JACKSON: Okay. Now--

24 SHAEL SURANSKY: Can I just add
25 something? 'Cause I--

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CHAIRPERSON JACKSON: Sure, go ahead.

SHAEL SURANSKY: --I did speak directly to--

CHAIRPERSON JACKSON: [Interposing] Just identify yourself, if you don't mind.

SHAEL SURANSKY: Shael Suransky.

CHAIRPERSON JACKSON: Thank you.

SHAEL SURANSKY: I think that whenever there is a change in the budget or in anything else, people are anxious about it and they always try and figure out well is there some other agenda here. And if you really look at the changes in the funding formula, what you see is what we're trying to do is allow schools to fund the programs that kids actually need. Like right now in our old formula, that wasn't always possible. There wasn't enough flexibility to create the right programs for kids and actually fund them appropriately. That's what the change is for, it's to make sure that when a child has a set of needs and the school has a plan to meet those needs by targeting the services for that kid, that we actually fund that appropriately,

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2 which we haven't been doing successfully in the
3 past, and that's what the change is about.

4 CHAIRPERSON JACKSON: Okay. And
5 you know, I've heard parents and advocates say,
6 you know, the goals are fine; one thing is setting
7 the goals and another thing is implementing the
8 goals, and the effect that it has on their
9 students and children, and hopefully it will be
10 positive and not negative. I mean, they don't--

11 SHAEL SURANSKY: [Interposing]
12 That's our whole--

13 [Crosstalk]

14 CHAIRPERSON JACKSON: --need
15 anymore negative consequences, let me--

16 SHAEL SURANSKY: Yeah.

17 CHAIRPERSON JACKSON: --just say
18 that loud and clear. So let me ask the question
19 about the funding--

20 SHAEL SURANSKY: [Interposing] Can
21 I just--I'm sorry, just--

22 [Crosstalk]

23 CHAIRPERSON JACKSON: Go ahead.

24 SHAEL SURANSKY: --to note, we
25 actually expect to see our special ed funding

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budget allocations increase as a result of this reform, not decrease.

CHAIRPERSON JACKSON: Okay. Okay.

So let me ask a question how much funding, if any at all, in this fiscal year is budgeted for professional development relating to special education reform?

SHAEL SURANSKY: I can get back to you with the exact number, but it's--

CHAIRPERSON JACKSON: [Interposing]

She pulled up a slide here, page 14, my colleagues. Go ahead.

SHAEL SURANSKY: This is the per pupil that schools get--

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: --but this is not sort of a separate--

CHAIRPERSON JACKSON: For PD?

SHAEL SURANSKY: --budget on PD, but Laura spoke at length about the different structure. So as part of our Race to the Top, about something on the order of \$20 million is allocated to capacity building around students with disabilities, and in addition to that, there

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2 is work that happens at the school level around PD
3 that it comes out of their budgets. And so we
4 could research the combination of that and get it
5 to you.

6 CHAIRPERSON JACKSON: Okay. So my
7 second question, you may have touched on this, are
8 schools required to use any of their own
9 professional development funding for training
10 related to special education reform?

11 SHAEL SURANSKY: Schools are
12 required to have a school level implementation
13 team and there will be lead teachers identified in
14 each school that are being trained by Central
15 staff and those teachers are also going to be
16 involved within their schools in delivering
17 professional development. As you know, the
18 biggest constraint on professional development is
19 often time, not necessarily needing to pay
20 external consultants or vendors for that work. We
21 actually have a lot of talent in the system around
22 providing this professional development, both
23 inside our schools and outside of our schools, and
24 making the time within the school day so that
25 teachers can really focus on that is a priority

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2 that we've been discussing with principals since
3 February in the trainings and feedback sessions
4 that we've had with them so that they are building
5 it in. And our job is to meet the demand and make
6 sure that every single school has a plan in place,
7 and when there's teachers in a school that feel
8 that it's not working for them for whatever reason
9 and they need more professional development, that
10 we can provide that from Central.

11 CHAIRPERSON JACKSON: Okay. And
12 that sounds great, but then again, if I'm a
13 principal and I'm looking at my budget and I have
14 a \$400,000 hole and I can't afford--you're telling
15 me I have to spend money on professional
16 development for the special education reform. So
17 to ask more specifically, okay, so I'm hearing you
18 saying that schools are going to send staff for
19 training regarding the special education reform
20 being provided by Central, I assume they don't
21 have to pay for that, right, am I right or wrong?

22 SHAEL SURANSKY: That's correct.
23 That's correct.

24 CHAIRPERSON JACKSON: Okay. So I'm
25 going to have to--if I'm a principal, let's assume

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I have five teachers in my school and they have to attend, let's say, two days of training, I have to replace those if they're in a classroom, is that correct? That comes out of their budget? Yes?

SHAEL SURANSKY: Well it depends, I mean--

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: --if there's a weekend training or an after school training, we often fund the per session costs for the teachers to attend that training so it doesn't happen in a way that would disrupt the school day.

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: What we're trying to do always with professional development is connected to the practice in school so that you can do some amount that's pull out, but you also have to push into the school, and so we have instructional coaches attached to each school that have expertise in special ed that go into the schools and also provide training so teachers may get training directly through someone coming into their classroom and co-teaching with them, they may have stuff during their common planning time

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2 or at the department meetings. And as I said
3 before, we're working with special leaders within
4 each school around this so that there is capacity
5 in the school. We want to make sure, for this to
6 be sustainable, it can't all come from the
7 outside, the school--

8 CHAIRPERSON JACKSON: [Interposing]
9 I think we all agree on that.

10 SHAEL SURANSKY: --the school needs
11 to develop that capacity. And part of the reason
12 we delayed it last year is we didn't feel like
13 we'd laid that foundation and so this year we
14 hired--we spent a lot of money to hire additional
15 special ed instructional coaches to work with the
16 schools and work with the principals to try and
17 lay this foundation, and it's going to continue,
18 those coaches will continue to be in place and we
19 are ramping that up.

20 We also, as Laura mentioned--and
21 you guys may want to add on to this--have had a
22 really successful partnership with Teachers
23 College, which we've paid for Centrally, and
24 that's trained over 1,000 principals and teachers
25 this year in some of the core elements of the

1 reform. Those folks are now in their schools
2 taking on this leadership role, and we're going to
3 continue that as well.

4 CHAIRPERSON JACKSON: Very good.

5 So let me ask this last question and then I'll
6 turn to my colleagues. We have heard from some
7 parents whose children had significant special
8 needs and required significant services a few
9 months ago are being told now by DOE this month
10 that their child is at the appropriate grade level
11 and suddenly flourishing academically and,
12 therefore, no longer in need of special education
13 class. Does that sound right to you? Just based
14 on what I've communicated, assuming what we have
15 told are correct--

16 SHAEL SURANSKY: Well let me--

17 CHAIRPERSON JACKSON: --does that
18 sound right to you? It doesn't sound right to me,
19 let me tell you that, and I'm not a special ed
20 leader.

21 SHAEL SURANSKY: Well let me start
22 and then I'll pass it to Laura and Corinne to add
23 on, but you, yourself, noted in your opening
24 statement that for a long time many students had
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2 been identified as having a disability often, not
3 because they had a disability, but because they
4 were noncompliant--

5 CHAIRPERSON JACKSON: Right.

6 SHAEL SURANSKY: --you know, and--

7 CHAIRPERSON JACKSON: It may be a
8 behavioral problem.

9 SHAEL SURANSKY: --and that was an
10 easy way to get them out of the classroom. And so
11 that is a problem that has existed for a long time
12 in our city and so there are going to be instances
13 where there are inappropriate IEPs that need to be
14 revised. I very much hope that in an instance
15 where a kid has an appropriate IEP that what we're
16 doing is reinforcing and strengthening the
17 delivery of services. Now what we know about the
18 kids who are in self-contained classes for their
19 whole career is that they only have a 5%
20 graduation rate. So it's pretty much a academic
21 death sentence if you end up with that without any
22 other supports.

23 And so we have an obligation to
24 those students to figure out a way to support them
25 more effectively and part of that means rethinking

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2 the set of services and being much more targeted.
3 So in the past where we said, okay, you're self-
4 contained, just go in that class and that's where
5 you stay, what we're saying is, let's look closely
6 at exactly where you have disabilities, exactly
7 where you're behind, and if you're behind, what
8 are the targeted supports we can offer: Do you
9 need tutoring around literacy; do you need some
10 special support around your math skills; do you
11 need special support around organizational skills;
12 do you need counseling services. Any number of
13 different needs may come up in the process of
14 developing an IEP and each kid needs to have one
15 that really works for them and that is the process
16 that we have been going through.

17 CHAIRPERSON JACKSON: So in that
18 situation, if a parent disagrees, there are parent
19 advocates, is that correct? And you had
20 indicated, Laura or Corinne--is that correct?--in
21 your presentation that a parent should start at
22 the local school level, if there is disagreement
23 there or if they need additional help, they should
24 go to the district parent advocate, is that
25 correct? And I believe that's what you said, help

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me--

LAURA RODRIGUEZ: [Interposing]

That's one option, yes, that is--

CHAIRPERSON JACKSON: One option.

LAURA RODRIGUEZ: --what she said,
yes.

CHAIRPERSON JACKSON: But you,
ideally, you prefer for it to be resolved at the
least--

LAURA RODRIGUEZ: [Interposing] The
school level.

CHAIRPERSON JACKSON: --school
level, the lowest level possible rather than, you
know, going to the district first because they're
going to say did you speak to them at the school
level, is that correct?

LAURA RODRIGUEZ: Yes.

CHAIRPERSON JACKSON: Okay. All
right, so--

LAURA RODRIGUEZ: [Interposing] Can
I add something to--

CHAIRPERSON JACKSON: Sure, go
ahead.

LAURA RODRIGUEZ: --that?

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2 CHAIRPERSON JACKSON: But I want
3 you to answer also what should this parent that I
4 just described, what should they do in trying to
5 get clarity or resolve that situation?

6 LAURA RODRIGUEZ: Well the issue I
7 want to clarify is when a child actually has more
8 significant challenges and more significant
9 disabilities. The fear out there sometimes when
10 change brings around uncertainty and unknowns, our
11 specialized programs are not going away so such
12 things that--such programs like the programs
13 offered in District 75, those remain, those
14 remain, their funding remains, the support
15 structure, there is a District 75 superintendent
16 structure who is part of our team and works
17 closely with us. If a child's IEP says barrier-
18 free on it, that child will be in a barrier-free
19 site. Obviously, we can't create all sites to be
20 barrier-free overnight.

21 We must honor the IEP, so we have
22 had to clarify for the public, especially for the
23 parents, that if a child has more significant
24 disabilities, there's a range of options and
25 specialized programs that we will continue to

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2 offer across the city of New York, ASD Nest
3 programs or some of those programs, those will
4 continue to exist.

5 If a family needs to--as now to get
6 to the other part of your question--

7 CHAIRPERSON JACKSON: Okay.

8 LAURA RODRIGUEZ: --as you said,
9 Councilman Jackson, a family should be able to
10 resolve an issue at the school level, otherwise,
11 there's a problem with the school and it's not
12 functioning correctly. But if it can't, it has
13 various ways to get resolution, including what was
14 already mentioned, one of the things we have
15 clarified is there is a network structure and we
16 work closely with the five clusters in New York
17 City, each of which has about 12 networks, and so
18 these people are accountable to us at Central. If
19 there are issues that come to my office, I have a
20 team dedicated to resolving problems, that doesn't
21 go away either. But if an issue gets to a
22 network, we expect that that network resolve it;
23 if they can't resolve it, it gets escalated up to
24 Central, and there is an escalation process.

25 Again, we're pushing for capacity

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2 at the school level so it can get resolved at the
3 school level, but sometimes in a big system, that
4 doesn't happen.

5 CHAIRPERSON JACKSON: So how does a
6 parent know about their network when basically all
7 they know about is their local school? And I
8 believe, you know, because there is the parent
9 coordinator, who is going to advise the parent,
10 here's your options, here's the school? If the
11 school doesn't revolve it, are the school
12 officials going to say that, you know, I hope we
13 resolve your issue or concern regarding your
14 child, if not, here is the network person that you
15 can contact or the district--what is it called,
16 the district--

17 SHAEL SURANSKY: Family advocate.

18 LAURA RODRIGUEZ: Family advocate.

19 CHAIRPERSON JACKSON: Family
20 advocate. What is the next step in that process
21 for a parent locally after the school? Assuming
22 that the parent is not happy with whatever they're
23 being told, does the school have an obligation to
24 communicate, here are your options beyond here,
25 and then give them the name, the phone number, the

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e-mail of those individuals for the next level up?
That would be the network or would it be the
district parent advocate?

LAURA RODRIGUEZ: Well you mention
parent coordinators, which we have provided a
higher level of training to our parent
coordinators so that they can make all this
information available.

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: Many parents in
some instances go directly to Central, and that
continues, they write to me, they write--

CHAIRPERSON JACKSON: [Interposing]
But you would prefer people to try to resolve
things locally, which is normal.

LAURA RODRIGUEZ: That is correct.

CHAIRPERSON JACKSON: Right.

LAURA RODRIGUEZ: So through
different ways, and I think we continue to improve
in those ways, we make available the names of the
network leader--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --'cause we want
the leadership of the network to be accountable

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and too depending on the problem--

CHAIRPERSON JACKSON: Right.

LAURA RODRIGUEZ: --at hand, figure out who the person on his or her team is to resolve the problem. And that's been our approach to date.

CHAIRPERSON JACKSON: Okay. Very good.

SHAEL SURANSKY: Can I just add one thing, Chairman?

CHAIRPERSON JACKSON: Sure, go ahead.

SHAEL SURANSKY: You mentioned the note in the guide around progressive discipline, and what it refers to is when we find out that a school is violating a kid's rights, there is a process of progressive discipline where we first work with them at the network level to make sure that it's implemented correctly, but ultimately, it will go to the superintendent, who will have to discipline the principal if they are not complying with the student's IEP and the rules around that. And so I just want to make that really clear that the point of the progressive discipline is this is

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a mechanism to make sure that principals are doing--

CHAIRPERSON JACKSON: [Interposing]

That they do follow--

SHAEL SURANSKY: --what they're supposed to be doing--

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: --under the law, and that very, very clear about that.

CHAIRPERSON JACKSON: [Interposing]

It's not only principals, it's anyone that's involved in putting together and--

SHAEL SURANSKY: Correct.

CHAIRPERSON JACKSON: --following it, is that correct?

SHAEL SURANSKY: That's correct.

CHAIRPERSON JACKSON: Okay. All right, I think that's pretty clear. Because if they don't, there's a negative impact on the student's development, is that correct?

SHAEL SURANSKY: Absolutely.

LAURA RODRIGUEZ: That's correct.

CHAIRPERSON JACKSON: Okay. Very good. Let me turn to our colleague Steve Levin,

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2 followed by our colleague Letitia James. And I
3 apologize if I took longer than five minutes, but
4 I had to clarify the stuff. And I try to be
5 flexible, I understand this is a very complicated
6 subject for many people that are not directly
7 involved, and I'm not directly involved as a
8 parent or guardian.

9 Council Member Levin.

10 COUNCIL MEMBER LEVIN: Thank you,
11 Mr. Chairman. Thank you very much all for
12 testifying today.

13 Actually, Deputy Chancellor
14 Suransky, I actually want to follow up on the
15 point that you just talked about with the
16 progressive disciplinary measures. In that same
17 set of notes under the heading of program
18 recommendation auditing that went out to schools,
19 it refers several times to the best interests of
20 students, that the placements be geared towards
21 quote the best interests of students. If a
22 student has an IEP that recommends that they be in
23 a setting of 12 to 1, but the least restrictive
24 environment calls for them to be in a general ed
25 classroom of 30 students. So they're going

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2 against their IEP by being placed in a general ed
3 classroom of 30 students. Which one is the best
4 interest of the student, is it the least
5 restrictive environment or is it the IEP that's
6 calling for a 12 to 1?

7 SHAEL SURANSKY: Well I'm going to
8 start, but let me pass it to Corinne because she's
9 very expert on this stuff.

10 COUNCIL MEMBER LEVIN: Okay.

11 'Cause they can't both be right, there's--

12 [Crosstalk]

13 SHAEL SURANSKY: [Interposing] Well
14 so let me just put a frame around it. What least
15 restrictive environment means is not just be in
16 general ed with no support. Least restrictive
17 environment means serve the student in a way that
18 meets their needs in the least restrictive
19 environment that will meet their needs. So that
20 could very well be--

21 COUNCIL MEMBER LEVIN:

22 [Interposing] But if their needs are well--

23 SHAEL SURANSKY: --a 12 to 1
24 classroom for some students, that might be the
25 least restrictive environment for some students,

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and for other students, it might be a blend of a mix of self-contained and supports where they're in a classroom with general ed peers. But do you want to speak to this?

CORINNE ANSELM: So it's not an either or situation here. What we're talking--I'm sorry.

COUNCIL MEMBER LEVIN: Either one.

CORINNE ANSELM: Whatever. So if a child has a recommendation of a 12 to 1--

COUNCIL MEMBER LEVIN: Right.

CORINNE ANSELM: --what we really want schools to do is to look at the IEP and look at that child very carefully and determine that when that assessment was done, was it in in line to what the school was doing in the best needs of that child in terms of exposure to the general ed curriculum and access to all programs and possibilities within that school. If the child can be supported in a part-time program or an ICT program and still reap the benefits of being totally inclusive within the school, we want that for that child.

Sometimes IEPs are written by teams

1
2 that do not understand the culture of the school
3 the child is going to attend. By this, I mean,
4 one of the things that was brought up before was,
5 when a parent has a review of an IEP and then two
6 months later they look at the IP again and say,
7 no, this is something else that could be
8 happening, it is because what we are looking to
9 strive for is that when a child enters a school,
10 there is a team of experts, look at this IEP,
11 hopefully constructed in a way that really knows
12 this child and matches what the school can offer
13 and benefits the child. When we keep children,
14 especially 12 to 1 children, in a segregated class
15 because of behavior alone, there are other ways to
16 address that child's need and still give them the
17 opportunity of inclusive into a general ed
18 environment where they could benefit from the
19 curriculum.

20 COUNCIL MEMBER LEVIN: But a
21 general ed--excuse me for interrupting--but a
22 general ed environment potentially where they're
23 going to still--they're going to have a teacher to
24 student ratio of 1 to 30.

25 CORINNE ANSELM: It could be with

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two teachers, it could be with outside--

[Crosstalk]

COUNCIL MEMBER LEVIN:

[Interposing] But it also could be with one teacher, that's what I'm saying. It could be with two teachers, but is there a situation that we envision where they very well may be--do not have, in terms of--there may be the support services coming in, but do not necessarily have, in terms of the classroom ratio--

CORINNE ANSELM: [Interposing] I understand that and--

COUNCIL MEMBER LEVIN: --what their IEP is calling for or even close.

CORINNE ANSELM: Right. Then the child would remain in a 12 to 1 if it's really not beneficial for the child to be moved.

COUNCIL MEMBER LEVIN: But then--

CORINNE ANSELM: We are not going to move a child in the name of going to LRE unless the school and the parent and the community feel that they can support that child.

COUNCIL MEMBER LEVIN: Then I suggest you guys revise this because this--that's

1
2 in discord to what this statement is saying, which
3 is that--this statement reads to me like, you
4 know, you'd better be putting these kids in the
5 least restrictive environment, that it says best
6 interest of students, it doesn't define best
7 interests of students. The best interests of
8 students is then follow the least restrictive
9 environment, it's not saying that the best
10 interest of the student is to adhere to their IEP,
11 right?

12 SHAEL SURANSKY: So every single
13 document that we put out, including that one,
14 starts with that we need to adhere to the IEP, and
15 we have done extensive training. This is a sort
16 of summary phrase that you're pulling out around
17 what least restrictive environment means and it
18 doesn't actually mean going into a general ed
19 class with no support, it would very rarely happen
20 that that would be the proposal. Most likely,
21 what might happen is the student would have some
22 blend of self-contained supports with other push
23 in supports where they can be included with their
24 general ed peers.

25 And I want to be very clear about

1
2 another thing that, as we craft these plans, if
3 the services don't currently exist in the school,
4 we are going to put services into the school as
5 needed in order to meet the needs of students.
6 And so the funding will follow the kid, and we
7 will work very closely, and are already going
8 through a process with principals to plan for
9 this, so that they actually have the right set of
10 services for the students that they're getting.

11 LAURA RODRIGUEZ: I want to add
12 another dimension, maybe, to clarify. I mentioned
13 before that the state changed its IEP. The
14 components of IEPs are the same for the past many
15 years, what changed with the new state IEP in 2011
16 was the approach. So it requires us to look at
17 each content area: What are the child's needs and
18 performance levels in math--

19 COUNCIL MEMBER LEVIN: Different
20 subjects.

21 LAURA RODRIGUEZ: --in ELA--

22 COUNCIL MEMBER LEVIN: Right.

23 LAURA RODRIGUEZ: --in social
24 studies, in science. Sometimes higher supports
25 are needed--

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[Crosstalk]

LAURA RODRIGUEZ: --in certain content areas--

COUNCIL MEMBER LEVIN: Sure, yeah.

LAURA RODRIGUEZ: --versus a child may have more ability in math or in science and, therefore, a consideration for a least restrictive environment in a particular content area may be appropriate. And so that is also what we are incentivizing.

In the past, they were looked at as homogeneous, non-diverse children, that any child with a disability was just like they're all the same. And yet, they have a diversity of talents and a diversity of needs, and so the IEP of the state Ed department and our own reform is really trying to move us--

[Crosstalk]

LAURA RODRIGUEZ: --in a direction to--

COUNCIL MEMBER LEVIN: Yeah.

LAURA RODRIGUEZ: --look at them as individuals and look at their individual academic and social needs.

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2 And the last thing I'll say about
3 that is up here is a continuum of services--

4 CHAIRPERSON JACKSON: [Interposing]
5 That's slide number eight?

6 COUNCIL MEMBER LEVIN: Right.

7 LAURA RODRIGUEZ: Slide number
8 eight, yes. The least restrictive, right, non-
9 special education to the most restrictive: home,
10 hospitalization, and structure--

11 COUNCIL MEMBER LEVIN: Of course.

12 LAURA RODRIGUEZ: --right? And so
13 in New York City, we were mostly right here, self-
14 contained. Most of our children were 100% self-
15 contained or the opposite, one period of sets--

16 COUNCIL MEMBER LEVIN: Yeah.

17 LAURA RODRIGUEZ: --less support,
18 and yet there's a whole range that's possible--

19 COUNCIL MEMBER LEVIN:
20 [Interposing] It's a continuum.

21 LAURA RODRIGUEZ: Right.

22 COUNCIL MEMBER LEVIN: But you
23 understand that the concern is that the kids will
24 be not--that the principals will be feeling the
25 pressure to get more kids into the least intrusive

1
2 setting there or the most least restrictive
3 environment at sacrificing the level of support.
4 And that's the fear, is that their needs--I mean,
5 this proposal would require such constant
6 vigilance so that every child in every subject
7 area is constantly monitored, and so the question
8 is whether or not there's the infrastructure in
9 place to do that high level of monitoring for each
10 kid in each subject area. Thank you, Mr.
11 Chairman.

12 CHAIRPERSON JACKSON: Thank you.
13 And as soon as you respond, we may move on. Did
14 you want to respond to him on that, Council Member
15 Levin on that--

16 SHAEL SURANSKY: [Interposing]
17 Yeah, I understand that's the concern. There's
18 also another risk, which is leaving kids where
19 they are because that's not working. And so just
20 understand when we talk about pressure in this
21 instance, what that involves is not pressure to
22 violate the IEP, in fact, the progressive
23 discipline that I spoke about, there is a very
24 heavy pressure against going against that IEP.
25 The trick here is how do you start to build an

1
2 understanding--and you're right, that this is not
3 something that you can do just by snapping your
4 finger, it's not an immediate thing--of what is
5 really going to work to move our kids with
6 disabilities--

7 COUNCIL MEMBER LEVIN: Right.

8 SHAEL SURANSKY: --and how do we
9 craft programs along this continuum that will
10 really lead to academic success for those
11 students. And that's what we're trying to work on
12 with our schools.

13 COUNCIL MEMBER LEVIN: Right, let's
14 hope that that's the message that's really getting
15 down to the principals.

16 CORINNE ANSELM: Yes.

17 CHAIRPERSON JACKSON: Thank you.

18 COUNCIL MEMBER LEVIN: Thank you.

19 CHAIRPERSON JACKSON: Thank you,
20 Council Member. Council Member Letitia James of
21 Brooklyn, followed by Council Member Chin of
22 Manhattan.

23 COUNCIL MEMBER JAMES: Thank you.

24 [Pause] One more time, okay. So I think your
25 guiding principles are laudable, but I do have

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2 concerns, and the concerns that I express are
3 based on my experience dealing with some children
4 in my neighborhood who were misdiagnosed or were
5 not diagnosed as being autistic, only to find out
6 later on in their maturation that they were, in
7 fact, autistic and they weren't properly
8 diagnosed. They were having behavioral problems
9 and, unfortunately, DOE missed that diagnosis.

10 That notwithstanding, I do know
11 that special ed covers a wide spectrum of services
12 and one size does not fit all and that, you know,
13 children with special needs fall all along the
14 spectrum. So I guess, let me begin my questioning
15 with my first question and that is, how do you
16 define least restrictive environment? What does
17 that mean? I know what that means in a legal
18 context, but how are you defining it?

19 CORINNE ANSELM: It would be an
20 environment that supports the learning needs of
21 the student, yet gives them access to as many
22 viable general ed curriculum opportunities that
23 could be afforded to them with their peers.

24 COUNCIL MEMBER JAMES: That would
25 suggest that you are going to analyze every

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child's IEP, and if that is the case, at what point do you plan on doing that?

CORINNE ANSELM: What we look to do is that, on the school level--

COUNCIL MEMBER JAMES: Yes.

CORINNE ANSELM: --that we would support principals in teams of trained teachers that, when students enter the building with an IEP, that they meet with the family, review the IEP, and explore the possibilities for that child in terms of integration into the schoolwide programs that are available.

COUNCIL MEMBER JAMES: And when will the teachers receive this professional development?

CORINNE ANSELM: It'll be ongoing, and it continues to be ongoing. Right now, the structure that I currently exist in, our coaches-- I am a cluster leader right now--my networks each have a coach that works with school coaches on working with the teachers about how to be part of a school implementation team, how to review an IEP, and how to develop, for lack of a better term, a service delivery model for students, how

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best can this school--what programs do we have that would match the needs of this child so that we may give this student an opportunity to engage with their peers more often than not during the day and yet meet their specific learning needs.

COUNCIL MEMBER JAMES: So this reform was based on a pilot, yes?

CORINNE ANSELM: Yes.

COUNCIL MEMBER JAMES: And based on that pilot, how many of the children who were integrated or mainstreamed, how many of them were, in fact, disciplined? Does it result in a reduction of those types of actions?

LAURA RODRIGUEZ: Do you mean suspend--

COUNCIL MEMBER JAMES: Suspensions, yes.

LAURA RODRIGUEZ: Oh. Right, suspension data is one of the indicators we're going to look in our year two review of the 260 schools. The indicators we looked at in after--we started in September 2010--

COUNCIL MEMBER JAMES: Yes?

LAURA RODRIGUEZ: --and after one

1
2 year we took a look and see how those 260 schools
3 were doing in a couple of indicators. One was
4 attendance, the other one was referrals to special
5 education and movement towards least restrictive
6 environment. That was after about 10 or 12 months
7 of work, the initial phase one.

8 This year, they're completing the
9 second year--

10 COUNCIL MEMBER JAMES: So let me--

11 LAURA RODRIGUEZ: --for those 260
12 schools.

13 COUNCIL MEMBER JAMES: Let's just
14 stick with phase one. Can you give a preliminary
15 report on those three indicators on how they did?

16 LAURA RODRIGUEZ: Right, there's a
17 slide, can you put up the slide?

18 CHAIRPERSON JACKSON: So you did
19 not consider whether or not there were additional
20 disciplinary suspensions and what have you, that
21 was not--

22 LAURA RODRIGUEZ: [Interposing] Not
23 for year one.

24 CHAIRPERSON JACKSON: --a statistic
25 that you--but you will do that in tier--in--

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LAURA RODRIGUEZ: [Interposing]

That's one of the--

COUNCIL MEMBER JAMES: Phase two.

CHAIRPERSON JACKSON: --phase two
of the phase one schools or--

LAURA RODRIGUEZ: [Interposing]

Phase one schools to look at--'cause we learned
from phase one. The reason we did phase one, was
mainly to learn from them, to see how do we
systematize it across all the schools. So, yes,
disruptive behaviors, one of our slides talks
about the benefits of inclusive classrooms and one
of them is minimizing disruptive behaviors. And
so we will be looking at that indicator in year
two of phase one, which we will be working on that
this fall looking at the data backwards.

CHAIRPERSON JACKSON: Okay. So now
we're looking at what, slide number four?

LAURA RODRIGUEZ: [Interposing]

What we actually looked at at year one in slide
four.

CHAIRPERSON JACKSON: Okay.

COUNCIL MEMBER JAMES: Okay.

LAURA RODRIGUEZ: Right. So

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2 remember, this was our first year, from September
3 2010 to June 2011. Not this slide, the actual
4 results of phase one. Right here, the preliminary
5 trends between 2010--

6 CHAIRPERSON JACKSON: [Interposing]
7 That's slide number six.

8 LAURA RODRIGUEZ: Yes, slide six.

9 CHAIRPERSON JACKSON: Okay.

10 COUNCIL MEMBER JAMES: Mr.
11 Chairman, can I get more time?

12 CHAIRPERSON JACKSON: Yeah, go
13 ahead, please, continue.

14 LAURA RODRIGUEZ: What we saw in
15 the two bottom bullets there--

16 COUNCIL MEMBER JAMES: Yeah.

17 LAURA RODRIGUEZ: --initial
18 referrals rates decreased twice as much in phase
19 one schools. So it encourages us because it means
20 we're attending to instructional needs in general
21 education and giving them interventions before we
22 consider a referral to special ed. That's
23 encouraging, we're going to keep looking at that.

24 And the second thing we've found
25 was that phase one schools showed a greater

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increase in recommendations to less restrictive settings. I want to go back to your question about--

COUNCIL MEMBER JAMES: The definition.

LAURA RODRIGUEZ: --LRE, right. For each child, his or her LRE is different, right? Because, again, each child is different along that--

COUNCIL MEMBER JAMES: Sure.

LAURA RODRIGUEZ: --continuum of possibilities. And so that in and of itself bringing understanding to the fact that each child's least restrictive environment is unique--

COUNCIL MEMBER JAMES: Right.

LAURA RODRIGUEZ: --is an important consideration. When I first started this job at the Central team, one of the complaints I heard was teachers don't have access to IEPs. And having come from the field, many times, even when they had access to IEPs, they weren't used, right, to monitor instruction, to plan for instruction. So to get at the question of LRE, the new state IEP is really forcing us to look at each child's

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2 needs and talents in each content area. The last
3 thing we do in that process is to figure out the
4 place or the setting, the least restrictive
5 environment. Are we going to do it in a more
6 restrictive, in a setting that, you know, requires
7 specialization, are we going to do it closer to
8 general ed.

9 COUNCIL MEMBER JAMES: Because time
10 is limited, let me just say that, in order for
11 this to be successful--and I have my serious
12 questions--I think smaller classroom size is key
13 to all of this. I think, obviously, having more
14 than one teacher in a classroom is going to be
15 critical to this. I think having additional
16 services in every school is going to be critical
17 to all of this. And I think making sure that
18 teachers and faculty and administrative staff have
19 their requisite services. And because I'm really,
20 really concerned--we live in a very litigious
21 society--that if students with IEPs are not given
22 their services, I think DOE will be sued up the
23 wazoo by parents because they are concerned that
24 what is required or mandated within their IEP the
25 children are not being provided. And those are my

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concerns.

And so dealing with autistic children as I do in my district, I do know what works is smaller classrooms and individual instructions with two teachers in a classroom, and currently now with 25 students, sometimes 30 students, if you try to mainstream children who have special services, these children, to coin the phrase that the Deputy Chancellor used, we are basically going to engage in--I forget the term you used, you used--

SHAEL SURANSKY: Academic death--

[Crosstalk]

COUNCIL MEMBER JAMES: Academic--

SHAEL SURANSKY: --death sentence.

COUNCIL MEMBER JAMES: --death

sentence. I think we are going to sentence them to complete failure if we don't provide them with the services that is mandated and that they need. And I truly believe it's all of the things that I just described, if not more.

LAURA RODRIGUEZ: And we agree.

CHAIRPERSON JACKSON: Thank you,
Council Member.

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2 LAURA RODRIGUEZ: This reform is
3 about appropriate services--

4 CHAIRPERSON JACKSON: Okay.

5 LAURA RODRIGUEZ: --at the
6 appropriate time.

7 CHAIRPERSON JACKSON: Okay. So
8 before I turn to our colleague Margaret Chin of
9 Manhattan, earlier we were joined, and I failed to
10 announce him, Council Member Fernando Cabrera of
11 the Bronx was here.

12 But, Margaret, let me just ask one
13 quick question before I turn it over to you. My
14 understanding is usually during the summer
15 principals are not in their host school, is that
16 true? Because I have a question on that. Because
17 the question that follows is are there going to be
18 additional support and resources for parents
19 experiencing this transition, especially during
20 the summer when people have a lot of questions,
21 when their students are entering with the IEPs.
22 So that's what the issue and concern is. You
23 know, during--

24 SHAEL SURANSKY: [Interposing] So
25 some principals run summer [off mic] programs in

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2 their own building, other principals may run
3 summer school programs in a neighboring building
4 if they're sharing it with another school. But
5 typically, there's multiple supervisors onsite and
6 so there's a good deal of flexibility also in
7 terms of the principal's schedules, principals are
8 also involved in training staff and dealing with
9 other issues related to their school. So I think
10 that if there were specific needs that came up,
11 there is room for that. And I think we've been
12 working with folks--one of the things we talked
13 about earlier was the turning five process for
14 kindergartners coming in, and we've been working
15 really hard to make sure as many of those happen
16 in the school where the kid is actually going
17 during the winter and spring so that those
18 conversations can already have begun. Now that
19 won't be true in every instance because sometimes
20 a kid is coming to the city from outside or they
21 move to another neighborhood, and we've directed
22 schools to engage to the maximum extent possible
23 with families who are coming into their programs.

24 CHAIRPERSON JACKSON: So if there
25 is conversations that are taking place and before

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2 school officially closes and then the summer is--
3 school is out and summertime is here, if parents
4 have issues and concerns and if they go and ring
5 the school, knock on the school and there's no one
6 there, where should parents go during the summer
7 if they have issues and concerns if their host
8 school is either not open or the principal or
9 appropriate staff are not there to address their
10 issues or concerns, they should go to their
11 network? And where would they find out who their
12 network--

13 SHAEEL SURANSKY: [Interposing] It's
14 on the website.

15 LAURA RODRIGUEZ: Yep.

16 CHAIRPERSON JACKSON: So, for
17 example, if I was a parent at a school--

18 SHAEEL SURANSKY: [Interposing] You
19 just look up the school on the website--

20 CHAIRPERSON JACKSON: --and then--

21 SHAEEL SURANSKY: --it has your
22 network leader's phone number on it and--

23 CHAIRPERSON JACKSON: Okay.

24 SHAEEL SURANSKY: --it also--

25 CORINNE ANSELM: [Interposing]

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Also the parent coordinator.

SHAEL SURANSKY: --it also has the parent coordinator for the school and the principal's number. And there usually is someone connected to the school around, like, it's not that the school totally shuts down.

CHAIRPERSON JACKSON: Okay. Okay.

LAURA RODRIGUEZ: Also we've worked out a process with our committees for special education throughout the city--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --and there is a protocol which we can get back to you on of how they can access information.

CHAIRPERSON JACKSON: If you can get that to us so that I will then, as the chair of the Education, make sure we get it to all of the Council Members so if any issues or concerns come up, that, let's say, a parent says I have gone to the school, then we have all of the information to provide to them. We can easily go online in our office to tell them who their network leaders are, the parent coordinator or the principal's phone numbers and e-mail addresses,

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2 because I do not assume that everyone has access
3 or even know how to use computers with respects to
4 accessing information. Okay?

5 Well thank you very much. Now
6 we're going to turn to our colleague Margaret
7 Chin, followed by our colleague Vincent Ignizio of
8 Staten Island.

9 COUNCIL MEMBER CHIN: Thank you,
10 Chair. I wanted to follow up the question
11 involving parents engagement. I know you that you
12 have a slide in your presentation, but my concern
13 is translation and interpretation services for the
14 parents. So what do you have in place right now
15 and what language do you have available so that
16 the parents with the special needs kids will be
17 able to understand what's going on with the
18 special ed reform; and what kind of, you know
19 resources that they could ask for; and if they
20 have questions, how do they get their questions
21 resolved.

22 [Pause]

23 ANDREW HOLLANDER: Department of
24 Education has a--

25 COUNCIL MEMBER CHIN: You got to

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use the mic.

ANDREW HOLLANDER: Sorry. Hi, my name is Andrew Hollander, I work for the Division of Students with Disabilities and ELLs. There is a parent guide for parents of students who have disabilities, the parent guide is available in hard copy in, I believe, the nine official languages of New York City, and we can make that available. That's available throughout the school, throughout the city and our schools and our CSEs for parents.

COUNCIL MEMBER CHIN: So I assume in those guides there are phone numbers that parents can call and--

ANDREW HOLLANDER: Yes.

COUNCIL MEMBER CHIN: --people who answer those phones will be able to help them in the language that they need?

ANDREW HOLLANDER: Yes.

COUNCIL MEMBER CHIN: Okay. Now also for parents with the special needs kids that are coming into those grades in September that you're instituting the reform, how are they being prepared? I mean, you talked about the 5-year old

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2 coming into the kindergarten, but what about the
3 one that's going into the sixth grade and the one
4 that are going into the ninth grade, how are the
5 parents involved in that process so they
6 understand that their kids is going to be going
7 into mainstream or whatever program?

8 LAURA RODRIGUEZ: So traditionally
9 during the springtime, usually the months of
10 March, April, and May, IEPs are reviewed and teams
11 are convened and this is at least the annual
12 review. We are promoting in the reform much more
13 interaction, not waiting for annual reviews, but
14 actually using the process to help the child
15 progress or give more supports as needed.

16 So for children already in the
17 schools in grades other than the entering grades,
18 we want the schools to look at their IEPs area by
19 area, content area by content area and apply the
20 same principles, but what we saw in phase one, the
21 260 schools, sometimes changes were not necessary
22 and the way we are introducing the budgets and the
23 changes, it gives maximum stability. So it is
24 very possible that what a parent needs to know is
25 that here are the areas where my child needs

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2 further support, here are the areas where he or
3 she is progressing, that IEP may or may not change
4 significantly from third grade to fourth grade or
5 from first grade to second grade. Again, it's
6 those articulation entry points where we're
7 opening up the access for children to be able to
8 go to their neighborhood schools, so the
9 opportunity is certainly at those grades because
10 many schools will experience having to establish
11 classes and serving children that maybe in the
12 past they had not.

13 So two things can happen: either a
14 parent can expect continuing services because
15 that's what the child necessitates, or the child
16 can be making progress and, therefore, will move
17 towards a less restrictive environment for part of
18 the time. And so the principles apply, that
19 doesn't change, that's true every year with or
20 without a reform what was supposed to be
21 happening, but what actually has happened for far
22 too many children is that the IEP was not
23 revisited, we didn't look at each of the content
24 areas, we didn't use it as an instructional tool.

25 COUNCIL MEMBER CHIN: But I guess

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2 what I wanted to focus on is that, like, for the
3 kids who are going to sixth grade, they're going
4 to middle school so they were having--

5 [Crosstalk]

6 LAURA RODRIGUEZ: [Interposing]
7 Changing schools.

8 COUNCIL MEMBER CHIN: Yeah,
9 they're--

10 LAURA RODRIGUEZ: Okay.

11 COUNCIL MEMBER CHIN: --changing
12 school and they would have a choice to go to their
13 local school now.

14 LAURA RODRIGUEZ: So for the
15 children going to middle school, for many of them
16 then can go to their neighborhood school, but they
17 can also apply to their schools of choice. So the
18 middle school process applies. One of the things
19 we wanted to ensure in the reform is that whatever
20 we do for general education in the admissions
21 process and the choices for families, we do also
22 for students with disabilities.

23 COUNCIL MEMBER CHIN: So how would
24 a parent know that if their kids apply to a
25 specific middle school that that middle school

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2 will be able to educate their kids with special
3 needs?

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LAURA RODRIGUEZ: Right, so the
5 middle school process for the city, parents get
6 communications in the fall, and so they will
7 continue to get that information. What they will
8 see more of is more choices for their children
9 because there will be the expectation across the
10 city that, at the middle school level and at the
11 high school level, if a child meets the
12 requirements, that a child with disabilities, that
13 they have the ability to apply to those choices,
14 in addition to their community schools.

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COUNCIL MEMBER CHIN: So in this
16 past fall, because you are already--you're
17 instituting this in the coming year September, so
18 the parents have already gotten information that
19 gave them a wider choice.

20

LAURA RODRIGUEZ: What happens with
21 both high schools that are in high demand, as
22 demonstrated in the high school directory, and
23 with middle schools, when we introduce those
24 reforms, the process was already underway. So it
25 is true that there was more information, but

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2 probably at this entry point, not all the
3 information was reached everywhere it needed to be
4 reached. Coming this fall and moving forward, our
5 expansion of choice will be known and then
6 integrated into all the materials in a very direct
7 way, and translated, by the way.

8 COUNCIL MEMBER CHIN: So is there
9 an opportunity for parents to, sort of, ask for
10 more choices if they did not see them in the
11 spring--

12 LAURA RODRIGUEZ: [Interposing]
13 There was for the middle school process through
14 the appeals process. And that was communicated to
15 parents. Moving forward, we will expand those
16 choices and expand the amount of information, but
17 for the process that just happened, as you're
18 indicating, the communication that went back to
19 the schools was through the middle school appeals
20 process, if you're referring to middle schools.

21 COUNCIL MEMBER CHIN: Okay. So
22 just one last question, is on your phase one, did
23 you do any kind of analysis or get some feedback
24 from parents who were--whose kids were involved in
25 the special pilot program in terms of what they

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thought about the program, how their kids did, and issues that might've come up?

LAURA RODRIGUEZ: That's an area that we're going to increase focus on in the year two study. What we did do in year one, we did hold series of parent sessions by borough and we gave information and got information during those sessions. And mostly what they want is a lot of clarification of opportunities. They're excited by more opportunities and their concerns that it doesn't mean less service, and those are the things we've been clarifying at this point.

COUNCIL MEMBER CHIN: Okay. Thank you. Thank you, Chair.

CHAIRPERSON JACKSON: So the feedback from parents, was that pre-implementation or post-implementation of phase one?

LAURA RODRIGUEZ: Along the way.

CHAIRPERSON JACKSON: Along the way. But did you--

LAURA RODRIGUEZ: A pre--

CHAIRPERSON JACKSON: --when you say along the way, halfway, versus, you know, the end of the full year, that's a big difference, you

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know?

LAURA RODRIGUEZ: Pre-
implementation was July 2009, the Garth Harries
report--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --where many
advocates and parents participated in making the
recommendations to the Department of Education
about their dissatisfaction with opportunities for
students with disabilities. My position
establishing a cabinet-level position and this
work which was in the spirit of the Garth Harries
report, the focus had to be on long-term outcomes.
So pre the phase one implementation, we knew, we
heard from parents and advocates that we weren't
doing a good enough job, and so our implementation
and where we decided to start smaller, in a system
this big, we had to learn from the 260 schools.
Along the way, there were opportunities to hear
from advocates and from parents. One of the
things we want to do is survey parents now about
this past year of phase one, now that it's two
years, and learn concretely what their experiences
were, and that is another area we're considering

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in our year two look at phase one.

CHAIRPERSON JACKSON: Good. Thank you. Council Member Ignizio of Staten Island, followed by Council Member Brewer of Manhattan.

COUNCIL MEMBER IGNIZIO: Thank you, Mr. Chairman. And I just want to say thank you to Laura for all your service to the city.

LAURA RODRIGUEZ: Thank you.

COUNCIL MEMBER IGNIZIO: You well-earned retirement, but we're going to miss having you there, so I wanted to thank you.

LAURA RODRIGUEZ: Thank you.

COUNCIL MEMBER IGNIZIO: And welcome Corinne, of course. My daughter is turning five so I am as intimately involved in the turning five in my house is spoken about every day. If you know you have a little one, you understand that.

I want to say a couple of things. First, I think we're changing the culture and this is a major legacy project for you all and this Council wants to be part and parcel to its success, because we're here because it was spawned by failure, quite frankly. And I applaud the DOE

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2 for recognizing that, it's difficult for
3 government to ever recognize when it wasn't
4 working and working as well. And one thing I hope
5 when we change the culture, we continue to change
6 the culture that advocates are not the enemy,
7 'cause very often advocates feel like it's them
8 versus the huge DOE versus government and their
9 opinions there with--they have kids in the
10 schools, they know are not being heard. And I
11 hope that this not one-size-fits-all scenario is
12 really, really helpful.

13 I mean, I think the focus on
14 content is so, so important and, you know, this is
15 like Smart Bomb technology for special needs kids,
16 attacking their special needs, and I think that's
17 really, really going to work well, but I think we
18 need to get things on the table again 'cause I'm
19 not sure, even though we've said it, I'm not sure
20 it was heard: District 75 will be held harmless
21 in this plan, correct?

22 LAURA RODRIGUEZ: Yes, District 75
23 will continue to provide services to children in
24 need of those services--

25 COUNCIL MEMBER IGNIZIO: Right.

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LAURA RODRIGUEZ: --that is correct.

COUNCIL MEMBER IGNIZIO: Okay. So, I mean, that needs to be--that is one that I've heard, I mean, I have a very, very strong District 75 contingent on Staten Island and I'm proud of them, but I want them to hear that as well.

My question is, if--

CHAIRPERSON JACKSON: [Interposing] Vincent, you heard what she said, they will continue to provide it if they need it--

COUNCIL MEMBER IGNIZIO: Right.

CHAIRPERSON JACKSON: --because what that says is that everything is going to be evaluated and if, in fact, a team determines that a student that is in District 75 doesn't need it, they won't be in it. I'm hearing that.

LAURA RODRIGUEZ: I think the question was about the structure of District 75, whether it will continue to exist and provide the services--

COUNCIL MEMBER IGNIZIO: I'm going there.

LAURA RODRIGUEZ: --to children who

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needs it.

CHAIRPERSON JACKSON: Yeah, no,
yeah, okay. And--

COUNCIL MEMBER IGNIZIO: Yeah.

CHAIRPERSON JACKSON: --the answer
is yes, is that correct?

LAURA RODRIGUEZ: Yes.

CHAIRPERSON JACKSON: Okay.

COUNCIL MEMBER IGNIZIO: Yeah, I'm
going there with regards to movement of a child
that needs to be put into District 75 or movement
of a child that needs to be taken out of District
75 into a less restrictive environment, the money
goes with them is what I had heard, but can you
elaborate on that?

LAURA RODRIGUEZ: So the funding
structure for District 75 to fund all the programs
in the 300 plus programs that are District 75,
about 58 principals who have the main schools,
right?

COUNCIL MEMBER IGNIZIO: Yeah.

LAURA RODRIGUEZ: Throughout the
city, those funding processes to support those
schools and programs remain. Remain the way they

1
2 have traditionally been funded, the funding for
3 those programs does not change, has not changed.
4 That's one, I think, one question.

5 COUNCIL MEMBER IGNIZIO: Yes.

6 LAURA RODRIGUEZ: Second question,
7 when we--so I think it was Councilwoman who just
8 left--

9 FEMALE VOICE: James.

10 COUNCIL MEMBER IGNIZIO: Ms. James?

11 LAURA RODRIGUEZ: --James, right,
12 who said does this require looking at all IEPs,
13 yes, you know, we want the IEPs to be dynamic
14 living documents, so when we see a referral from
15 general education to like District 75, you know,
16 that's like a huge leap, or anything in between,
17 we want to be very vigilant that, you know, what
18 is that about, you know, why is a referral to such
19 restriction necessary and is--

20 COUNCIL MEMBER IGNIZIO: Yeah. No-

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22 [Crosstalk]

23 LAURA RODRIGUEZ: --that
24 appropriate.

25 COUNCIL MEMBER IGNIZIO: --and I

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think I want that too, I don't--

LAURA RODRIGUEZ: Right.

COUNCIL MEMBER IGNIZIO: --I love that gone are the days where we're going to say, this kid, I can't deal with it, just stick him in special ed and then kind of wash--

LAURA RODRIGUEZ: Right.

COUNCIL MEMBER IGNIZIO: --your hands of it, walk away--

LAURA RODRIGUEZ: Right.

COUNCIL MEMBER IGNIZIO: --and then that's the end of it--

LAURA RODRIGUEZ: Right.

COUNCIL MEMBER IGNIZIO: --but do we have the resources, do we have the wherewithal, do we have the ability that if we see success in a certain content-based instruction, that we can enhance that and--or continue to focus on that modality of instruction? If we see a child--

LAURA RODRIGUEZ: [Interposing] You don't mean just District 75?

COUNCIL MEMBER IGNIZIO: No, no, no, no, I'm back in--

LAURA RODRIGUEZ: Okay. Now you're

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generalizing.

COUNCIL MEMBER IGNIZIO: --I'm
sorry, I'm back in general.

LAURA RODRIGUEZ: Right.

COUNCIL MEMBER IGNIZIO: If we see
a child responding, we're doing content-based
evaluation, we see a child really responding to a
certain modality of instruction, how can we up
that without going back and saying it needs to be
altered on the IEP, or can it?

LAURA RODRIGUEZ: I think, if I'm
hearing your question right, I'll give you an
example, maybe ASD Nest programs for children on
the autism spectrum?

COUNCIL MEMBER IGNIZIO: I know it
well.

LAURA RODRIGUEZ: Right? Okay. So
couple years ago we started smaller and I know in
the last three years that I've been at the
Department of Education, there's been a need to
expand that service, that resource. And so at the
same time that we're saying least restrictive
environment and general education access, we're
also paying attention to what I think you're

1
2 highlighting is when there's a specialized need
3 and we see a response that seems to be helping
4 kids, are we going to expand that.

5 COUNCIL MEMBER IGNIZIO: Yes,
6 ma'am.

7 LAURA RODRIGUEZ: And so we need to
8 be strategic about that and so like an area like
9 ASD Nest, we have more than doubled the programs
10 in the past few years. And we need to be
11 deliberate about that and--

12 COUNCIL MEMBER IGNIZIO: Okay. I
13 take you--

14 LAURA RODRIGUEZ: --expand them as
15 needed.

16 COUNCIL MEMBER IGNIZIO: --I take
17 your word for it, if that's where we're going, and
18 I think we shouldn't give short drift to the
19 social aspect of keeping children with special
20 needs in their own school and making friends and
21 that helps them in ways that, I'm sure you all are
22 aware, but the public at large should just be
23 aware. So, I mean, I believe in it, I hope it's
24 going to work, and we here in this Council, I know
25 Robert Jackson and myself are going to be

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following it every step of the way.

So thank you for the time, Mr. Chairman. It's a very complicated issue to get these questions out in the timeline we're getting, so thank you for being generous with the time. Good to see you.

CHAIRPERSON JACKSON: Sure. As I indicated, you know, we want to make sure that the Q and A's is pretty thorough so that everyone can understand it. So Council Member Gale Brewer.

COUNCIL MEMBER BREWER: Well thank you. First of all, P.S. 75 is very excited about the Nest program, and I know that it's coming next year. So one of my questions is, they put a great deal of time into training teachers, to their credit, does that kind of model work for just even when you're just doing inclusion? I mean, I have a lot of wonderful schools, like Manhattan School for Children, which has that model of tremendous teacher training, so do you think there'll be enough teacher training--I know it was asked earlier by the chair--to make these models work?

LAURA RODRIGUEZ: It's the one commitment that we continue to make, unless the

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teacher's capacity is built and we give them the forums to expand their practice with more diverse children, it won't work.

COUNCIL MEMBER BREWER: Okay.

LAURA RODRIGUEZ: So that commitment to both ASD Nest continues, there's a high level of teacher support--

COUNCIL MEMBER BREWER: Yeah.

LAURA RODRIGUEZ: --and we need to systematize that for all the teachers.

COUNCIL MEMBER BREWER: Because Nest does it a year in advance, is that what you're talking about or is Nest somewhat unique in that situation? They're training now for 2013.

LAURA RODRIGUEZ: Right, that is the Nest model and that's ideal, as more teachers are prepared to work with more diversity, that that would be introduced progressively. Again, and we really mean to move this progressively.

COUNCIL MEMBER BREWER: Okay. And I should understand the formula for the student funding, but District 2, I think, has got some model schools that you mentioned earlier. Does each classroom get more money? Can you just

1
2 explain that to us again? In other words, if you
3 are implementing this model in a classroom--

4 LAURA RODRIGUEZ: Which model?

5 COUNCIL MEMBER BREWER: This whole
6 new--

7 [Crosstalk]

8 LAURA RODRIGUEZ: Okay.

9 COUNCIL MEMBER BREWER: --the whole
10 new model. I mean, and some schools are already
11 doing it, if you look at Manhattan School for
12 Children in a sense, they are doing essentially
13 what you're talking about doing citywide. I'm in
14 those classrooms all the time. So my question is,
15 either for learning disabled children, physically
16 disabled children, whatever the challenge is, does
17 that classroom, all classrooms get--how does the
18 funding work, is it any different at all if you're
19 implementing this model? In other words, is there
20 enough funding to be able to make that classroom
21 work?

22 LAURA RODRIGUEZ: Again, I think
23 the slide we saw it before, we actually anticipate
24 as in the past several years, we continue to spend
25 more money in general for special education. The

1
2 funding change in the Fair Student Funding
3 formula--

4 COUNCIL MEMBER BREWER: Yes. That
5 I know.

6 LAURA RODRIGUEZ: --targets that 20
7 to 60% range of services. When we saw the
8 continuum of services, we saw all those options,
9 in the past, we did not fund that in a way that
10 allowed schools to have more options and
11 flexibility. The one thing we learned from the
12 phase one principals in the beginning, they were
13 all fearful that there wouldn't be enough money
14 and then that conversation shifted to, oh, it
15 gives me a flexibility to meet needs. And so
16 that's what we anticipate as we roll this out
17 system-wide that we have put structures in place
18 so that we ask schools to fund the mandates first.
19 So they're going to fund students with
20 disabilities, they're going to fund IEPs, they're
21 going to fund these models, right. And when there
22 may be a situation where they don't have enough
23 resources, there is an appeals process, which is
24 very much like what happens in general education.
25 Again, we're trying to parallel the operational

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processes that we use in general ed for students with disabilities.

COUNCIL MEMBER BREWER: How does after school work, if at all? Has that come up? Is that an issue? Is it just any challenges that could result from after school?

LAURA RODRIGUEZ: You mean--

COUNCIL MEMBER BREWER: [Interposing] You have many different after school programs, you got tons of different kinds.

LAURA RODRIGUEZ: We would hope that students with disabilities participate.

COUNCIL MEMBER BREWER: Okay. But I hope so too. I mean, I have a son who graduated HC 30 100 years ago, so I'm very familiar--

CORINNE ANSEMI: [Interposing] I was an HC 30 teacher.

COUNCIL MEMBER BREWER: Yes, I'm quite familiar with--getting him through high school was my biggest accomplishment, so I understand this, but it's a challenge. Even the after school is not always perfect, you've got parent programs, you've got 21st century programs, they go on trips, it needs attention.

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2 My other question is some--do you
3 listen very closely to the advisory board that is
4 set up for this program? I know that Jaye Smalley
5 is on it, she's from my district, do you listen to
6 her? She has lots of good ideas.

7 LAURA RODRIGUEZ: The citywide
8 council?

9 COUNCIL MEMBER BREWER: Yes.

10 LAURA RODRIGUEZ: Yes, and many of
11 the members are actually here--

12 COUNCIL MEMBER BREWER: I know,
13 but--

14 LAURA RODRIGUEZ: --yes, we
15 actively participate with them and we do listen to
16 many of their good recommendations and interact
17 very frequently.

18 COUNCIL MEMBER BREWER: Okay.
19 'Cause there's some, it's a lot of positive
20 feeling that this could work, but like everything
21 else, the details are what's relevant. So there
22 is some concern that if the students who need, you
23 know, need specific services, that they might have
24 to plummet before they receive them, is that
25 something that you're trying to address before

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that happens?

LAURA RODRIGUEZ: Again, we want to address the individual needs of each child and so if they need more specialized service, we will find the ways to provide that.

COUNCIL MEMBER BREWER: Finally--

LAURA RODRIGUEZ: That's our commitment.

COUNCIL MEMBER BREWER: All right.

You know, I've been pushing for mental health in the schools, it's something that I feel strongly, mental health services, culturally appropriate, et cetera. Are you looking to see in the schools that you're implementing them what kind of health services already exist and whether there should be anything added? Because you know, it's fine, it might work out really well for the students who are there, who have IEPs, and I am only too familiar with those students. However, other students, teachers, everybody also have questions, who's going to answer all those questions?

LAURA RODRIGUEZ: On the issue of--

COUNCIL MEMBER BREWER:

[Interposing] Integrating.

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LAURA RODRIGUEZ: --coordination--

COUNCIL MEMBER BREWER:

Integrating, sleep overs--

LAURA RODRIGUEZ: --of all

services--

COUNCIL MEMBER BREWER: --you got

sleep over issues, you got all those kinds of, you

know, stuff that parents want to know and that--

who answers all of those questions?

LAURA RODRIGUEZ: Okay. Now I'm

hearing two different questions.

COUNCIL MEMBER BREWER: Well I find

that the mental health support is culturally

appropriate, that's a social worker that's

trained, is incredibly helpful in a school--

LAURA RODRIGUEZ: Yes.

COUNCIL MEMBER BREWER: --and any

way I can get that person in, I'm going to try, so

maybe this particular new initiative of yours

could help us get that kind of support in the

school.

LAURA RODRIGUEZ: Actually, the

principals raised that at this Saturday's

conference about--

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COUNCIL MEMBER BREWER:

[Interposing] 'Cause I have been driving them
crazy--

[Crosstalk]

LAURA RODRIGUEZ: --about--

COUNCIL MEMBER BREWER: --this
topic.

LAURA RODRIGUEZ: So it's an area
that we said we need to continue to work on, yes.

COUNCIL MEMBER BREWER:

[Interposing] Okay. 'Cause Dennis said in his
report--

LAURA RODRIGUEZ: Yes.

COUNCIL MEMBER BREWER: --that he's
putting in some capital money--

LAURA RODRIGUEZ: Yes.

COUNCIL MEMBER BREWER: --but not
one dime of expense. You can't put a social
worker in with bricks and mortar, you actually
have to pay that person. So we need to think
about that. I call it mental health services, you
call it anything you want, that's culturally
appropriate. Steve Levin and I and Oliver Koppell
are crazed on this topic. It would help you

1
2 implement whatever this program is, RTI, whatever
3 that you're--RTI that you're calling, whatever it
4 is.

5 Finally, the charter schools are
6 exempt, is that correct? From any of this?

7 LAURA RODRIGUEZ: The charter
8 schools are governed by their state legislation,
9 what we--

10 COUNCIL MEMBER BREWER:

11 [Interposing] Okay. What is--translate.

12 LAURA RODRIGUEZ: --have seen
13 happen recently is a requirement that they recruit
14 and retain more students with disabilities
15 relative to the geography where they exist--

16 COUNCIL MEMBER BREWER:

17 [Interposing] Okay. So when that student doesn't
18 last too long and goes to the local school, then
19 what happens? Of course, that's what's happening,
20 I got it all tracked--

21 LAURA RODRIGUEZ: Right.

22 COUNCIL MEMBER BREWER: --in my
23 district.

24 LAURA RODRIGUEZ: What I want to
25 say what we described applies to our schools, all

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our schools, the charter schools are governed by their legislation.

COUNCIL MEMBER BREWER: So they don't have to take--they can be urged to support this inclusionary method, but they don't have to, is that correct?

LAURA RODRIGUEZ: At this point, that is correct.

COUNCIL MEMBER BREWER: That's a big problem. I'll just leave it like that, Mr. Chair, but I got five who just left this week that went back to my local school.

CHAIRPERSON JACKSON: Are those five with children with special needs?

COUNCIL MEMBER BREWER: They are.

CHAIRPERSON JACKSON: Okay. Well thank you, that's a subject that obviously we're going to have to address. Thank you. Let me turn to--let me ask a question as far as we talked about reviewing student's IEPs to determine appropriateness of services, so I make the assumption--and maybe you can correct me if I'm wrong--how many students are there, approximately, with IEPs? Some people say about 185,000?

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2 LAURA RODRIGUEZ: A hundred and
3 sixty-four thousand--

4 CHAIRPERSON JACKSON: A hundred and
5 sixty-four--

6 LAURA RODRIGUEZ: --students.

7 CHAIRPERSON JACKSON: --thousand.

8 Okay. So is there going to be a review of all of
9 the students IEPs, and if so, how long is that
10 going to take? And then think about that for one
11 second. Second part of that is if that's being
12 done at the local level by a school-based team or
13 individuals, who is going to review and measure to
14 determine whether or not the IEP that's being
15 reviewed--all 164,000--is appropriate for the
16 needs of that student? In essence, what's the
17 level of review to make a determination that, yes,
18 the IEP is okay because this special education
19 supervisor, principal, or team leader, whoever is
20 doing it, they did it right, it's good? Because
21 we've reviewed it either at the network or we've
22 reviewed it at the Central, what's the review
23 process in reviewing 164,000 IEPs? And then also,
24 so if an IEP--let's assume September of this year,
25 how often then must be the periodic review of a

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student's IEP? So is it like twice a year, is it three times a year? So that was the questions that I ask, if you don't mind. And then Steve once we get--

[Pause]

CORINNE ANSELM: So if I think I understand your question, this is not an en masse--

CHAIRPERSON JACKSON: [Interposing]
Can you just push your mic down a little bit--

CORINNE ANSELM: Oh, I'm sorry.

CHAIRPERSON JACKSON: --closer to your mouth? That's okay, go ahead.

CORINNE ANSELM: The review of IEPs is done at the annual review process every year--

CHAIRPERSON JACKSON: [Interposing]
Okay. And that's depending--

CORINNE ANSELM: --okay? And that's required--

CHAIRPERSON JACKSON: --on each individual when--

CORINNE ANSELM: Yes.

CHAIRPERSON JACKSON: --whenever it

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is.

CORINNE ANSELM: Right.

CHAIRPERSON JACKSON: Okay.

CORINNE ANSELM: And every year there is a tri-annual, which is a complete evaluation and review done by the school-based team, otherwise known as the SIT team, otherwise known as the IEP team, but the school--

[Crosstalk]

CHAIRPERSON JACKSON: [Interposing]
You mean tri-annually, every three years you mean?

CORINNE ANSELM: Yeah, tri-annual has to be done, yes, legally.

CHAIRPERSON JACKSON: Okay. Okay.

CORINNE ANSELM: But teachers and schools are charged with the review of the IEP on a regular basis also putting the requirement of a progress report and meeting those goals. As they are met and achieved, the teacher must review that the goals are met. So it's ongoing, it's not just kept to a cycle of review, it should be ongoing by the classroom teacher--

CHAIRPERSON JACKSON: Okay.

CORINNE ANSELM: --and the school.

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2 CHAIRPERSON JACKSON: So clarity
3 for my purposes--

4 CORINNE ANSELM: Sure.

5 CHAIRPERSON JACKSON: --you say
6 should be reviewed on a regular basis--

7 CORINNE ANSELM: Yes.

8 CHAIRPERSON JACKSON: -- regular
9 basis, is that like every three months or it's no
10 periodic review, it's on a, you know, I mean,
11 because everybody--

12 CORINNE ANSELM: [Interposing] We
13 are required yearly to have an annual review, the
14 teachers sit down--

15 CHAIRPERSON JACKSON: [Interposing]
16 Okay. Annual review every year--

17 CORINNE ANSELM: Yes.

18 CHAIRPERSON JACKSON: --and then
19 the tri-annual mandated, is that correct?

20 CORINNE ANSELM: Right, every
21 three years for a complete review of appropriate
22 programs. But a child's IEP can be updated and
23 services--

24 CHAIRPERSON JACKSON: [Interposing]
25 Whenever necessary.

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CORINNE ANSELM: Whenever
necessary.

CHAIRPERSON JACKSON: Okay.

CORINNE ANSELM: It's not a lock
step process.

CHAIRPERSON JACKSON: Right.

CORINNE ANSELM: Because what we
are asking for is that now teachers have the IEP
in their hand, they are working with the parents,
they are working with the students, and as the
goals are achieved, that they are updated and
appropriate goals put into place and a decision
made as to on the level of the student achievement
whether or not this still remains to be an
appropriate placement for this child.

CHAIRPERSON JACKSON: So go back
to, since we're moving on to reform and phase one
has already taken place and you're going to do a
more in-depth analysis of the phase one schools in
the second phase of it, and you're bringing all
the other schools in basically from day one, the
ones that were not part of phase one. So to go
back, the 164,000 IEPs, are they expected to be
reviewed and basically stamped, yes, this is okay;

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2 no, it's not okay and then revamp the ones that
3 are not okay? Is that going to take place this
4 year and how long is it going to take to review
5 all of those IEPs? And I know it's going on in
6 every school, but how long is that going to take,
7 in your opinion? How long should it take? Should
8 it take three months? Should it take by January
9 of 2013? Or would it be they will review all of
10 them and update all of them within one year? In
11 my opinion, that's one year is too long so...

12 SHael SURANSKY: So two things--

13 CHAIRPERSON JACKSON: Okay.

14 SHael SURANSKY: --for the reform,
15 we're focusing on the transition grades--

16 [Crosstalk]

17 CHAIRPERSON JACKSON: [Interposing]
18 The transition grades, that's--

19 SHael SURANSKY: --K, six, and
20 nine.

21 CHAIRPERSON JACKSON: --that's
22 kindergarten--

23 SHael SURANSKY: Sixth grade.

24 CHAIRPERSON JACKSON: --six, and
25 nine.

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SHAEL SURANSKY: So as kids come into schools--

CHAIRPERSON JACKSON: At those levels.

SHAEL SURANSKY: Right. That's--

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: --the main focus of the reviews that are happening, but there is naturally an annual review for every kid.

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: Every--

SHAEL SURANSKY: And that happens every year with or without this reform. So--

CHAIRPERSON JACKSON: But with the reform, we're focusing it on K, six, and nine, is that correct?

[Crosstalk]

SHAEL SURANSKY: And that--

CHAIRPERSON JACKSON: [Interposing] How many children is that, give or take? Just give me a round number if you don't know the specific number.

SHAEL SURANSKY: Probably like 300 to 400--like 300,000 approximately.

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CHAIRPERSON JACKSON: No, no, no,
just you're talking about--

SHAEL SURANSKY: [Interposing] Oh,
you just mean the kids who are special ed?

CHAIRPERSON JACKSON: Yeah, yeah.
[Crosstalk]

SHAEL SURANSKY: Forty.

CHAIRPERSON JACKSON: About 40,000?

SHAEL SURANSKY: Thirty to forty.

CHAIRPERSON JACKSON: About 30 to
40,000?

SHAEL SURANSKY: Yeah.

CHAIRPERSON JACKSON: Okay. At
those kindergarten, six, and nine, is that
correct, give or take?

SHAEL SURANSKY: Yeah.

CHAIRPERSON JACKSON: Okay. All
right, continue, if you--I'm sorry.

SHAEL SURANSKY: So that was just
the point is that it's not that every single IEP
is going to be changed as a result of this reform,
there--

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: --is a process

1 every year to check and make sure that every
2 single IEP is right for the kid. And, as schools
3 are working on this, they will be looking at it
4 through that lens, but the primary, sort of, entry
5 point to this, and part of the reason we're trying
6 to do it in a phased way so that we don't create
7 instability, is by focusing on these transition
8 grades.
9

10 LAURA RODRIGUEZ: Just for clarity,
11 the 164,000 include all the school-aged children
12 citywide, including District 75. The totality of
13 students with IEPs is 220,288 when you include
14 preschool, parochial schools, charter schools,
15 private schools, and the whole range.

16 CHAIRPERSON JACKSON: The whole
17 range.

18 LAURA RODRIGUEZ: But we deal with
19 the 164 more--

20 [Crosstalk]

21 CHAIRPERSON JACKSON: [Interposing]
22 So even you're saying inclusive of all, even the
23 charter schools, they're in that number that you
24 just gave or excluding them?

25 LAURA RODRIGUEZ: [Interposing] No,

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the 164--

CHAIRPERSON JACKSON: No, no, I'm talking about the 220--

LAURA RODRIGUEZ: [Interposing] Two twenty, yes.

CHAIRPERSON JACKSON: --that's inclusive of--

LAURA RODRIGUEZ: Yes.

CHAIRPERSON JACKSON: Okay. And that's very minuscule, the number in charter schools, isn't that correct? Do you have that number?

LAURA RODRIGUEZ: The number I'm looking at is 4,409.

CHAIRPERSON JACKSON: Okay. All right. [Pause] So I guess the question is if the IEP--if a parent feels that the IEP is not working and the year review is not up, they should automatically go the normal process we talked about, say, hey, I don't think this is being working for my child, I want it reviewed, reevaluated now, is that appropriate?

CORINNE ANSELMINI: That's always been an option for a parent now and in the reform,

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2 that a parent who is not happy with the IEP or who
3 doesn't feel it appropriately meets the needs of
4 the child can request--

5 [Crosstalk]

6 CHAIRPERSON JACKSON: [Interposing]

7 And if a parent doesn't have the knowledge and
8 expertise of all of the jargon, the acronyms, and
9 all of that, then they could ask from a
10 perspective, there's always, I guess, a parent
11 advocate? Is there a list, is that in the school
12 or is in the region or what? Where is that just
13 in case of a parent needs help and they can't
14 navigate the system themselves, whether or not
15 it's because of their lack of knowledge, whether
16 or not it's the language or others, where is the
17 list of parent advocates for a parent to go to?

18 [Off mic]

19 CHAIRPERSON JACKSON: At the
20 school?

21 LAURA RODRIGUEZ: A school can make
22 that information available to them, many do come--

23 [Crosstalk]

24 LAURA RODRIGUEZ: I'm sorry?

25 CORINNE ANSELM: They're saying in

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the back of the hand--

[Crosstalk]

LAURA RODRIGUEZ: [Interposing] And it's listed in the back of the parent handbook.

CHAIRPERSON JACKSON: Parent handbook.

LAURA RODRIGUEZ: Yes.

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: Parent guide.

CHAIRPERSON JACKSON: And the parent guide is given to every parent that has a children with special needs with an IEP, is that correct?

LAURA RODRIGUEZ: Yes, yes.

CHAIRPERSON JACKSON: Is it given to them or is it said to them, it's available on the website, which one?

LAURA RODRIGUEZ: Both, both.

CHAIRPERSON JACKSON: Both? Okay.

LAURA RODRIGUEZ: They can have it in hard copy or they can look it up.

CHAIRPERSON JACKSON: So if they don't have it, they could just ask for it at the school?

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2 LAURA RODRIGUEZ: Yes. And we
3 routinely give them out at all our sessions--

4 CHAIRPERSON JACKSON: Okay.

5 LAURA RODRIGUEZ: --yes.

6 CHAIRPERSON JACKSON: I'm just--

7 LAURA RODRIGUEZ: Yes.

8 CHAIRPERSON JACKSON: --even though
9 I know you respond to them, I'm just asking the
10 questions--

11 LAURA RODRIGUEZ: Yes.

12 CHAIRPERSON JACKSON: --especially
13 now from a public relations point of view so if
14 people have any questions, it's there.

15 [Pause]

16 CHAIRPERSON JACKSON: Let me turn
17 to my colleague Steve Levin and then I'll listen
18 to what they have to say to me.

19 COUNCIL MEMBER LEVIN: Okay. Thank
20 you, thank you, Mr. Chairman, and thank you all
21 for the opportunity to ask a couple further
22 questions. I wanted to ask about charters because
23 it has been kind of nonexistent in this
24 conversation, and just your response before to
25 Council Member Brewer that, you know, they all

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2 have their state charters and it's dictated. I
3 mean, we have this debate all the time in this
4 city about charters and DOE's position is always
5 that charters are public schools, charters are
6 public schools. They receive public--

7 SHAEEL SURANSKY: [Interposing]

8 Yeah, they are, but they're governed differently.
9 They're governed differently, and that's what
10 makes them a charter, and so where we can mandate
11 anything within the district in terms of
12 practices, a charter school is governed by a state
13 law that sets up a board that makes those
14 decisions for that charter school as long as they
15 comply with the state and federal rules. So there
16 are audits that the state does of every single
17 charter school to make sure that they're in
18 compliance with the student's IEPs and with the
19 rules that govern this.

20 But in terms of an instructional
21 reform like this one where we're creating a set of
22 best practices, training people in those best
23 practices, that is not part of what we can do in
24 relation to a charter school, that is what the
25 charter's board can do that.

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COUNCIL MEMBER LEVIN: But are

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they, okay, then--

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SHAEL SURANSKY: And honestly, like

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charter schools--

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COUNCIL MEMBER LEVIN:

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[Interposing] Are they doing it?

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SHAEL SURANSKY: --do use some of

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these same practices very effectively.

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COUNCIL MEMBER LEVIN: Are we

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having, I mean, is this conversation taking place

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in a vacuum relative to charter schools right now,

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are they involved in this conversation too? I

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mean, if the Department of Education in New York

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City is instituting special ed reform at such a

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level as we're trying to do right now, charters,

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it seems to me, charters have been entirely left

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out of the equation, or the conversation, right?

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I mean, they're not even--I mean, there's no

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mention of them.

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SHAEL SURANSKY: Well we do not

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regulate the charter schools, I mean, this is--

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COUNCIL MEMBER LEVIN: Right, but

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when you get--

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SHAEL SURANSKY: --sort of goes to

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the core of what a charter school is.

COUNCIL MEMBER LEVIN: But you say that, I mean, we always say they're public schools and--

[Crosstalk]

SHAEL SURANSKY: [Interposing] They are public schools--

COUNCIL MEMBER LEVIN: --public space and they receive public subsidy and--

SHAEL SURANSKY: Right, and but--

COUNCIL MEMBER LEVIN: --all that stuff.

SHAEL SURANSKY: --but the difference between a charter school and a district school is that the district has regulatory authority over the district schools, the state has regulatory authority over the charter schools which they've delegated to the charter's board.

COUNCIL MEMBER LEVIN: I hear you. Do we track the level of the disability of students within--

SHAEL SURANSKY: Yes.

COUNCIL MEMBER LEVIN: --do we track the number of students in charter schools

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SHAEL SURANSKY: Yes. Yes.

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COUNCIL MEMBER LEVIN: --of

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disabilities that they have? We have--

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SHAEL SURANSKY: Yes.

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COUNCIL MEMBER LEVIN: --all that--

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SHAEL SURANSKY: [Interposing]

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Yeah, I have it here actually if you want to look

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at it.

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COUNCIL MEMBER LEVIN: Okay. I'd

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like to take a look at that. Additionally, I

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would like to ask, you know, since networks are

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being tasked with a lot of the professional

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development and the support services, I'd like to

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kind of follow up, Chairman Jackson mentioned

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before about how much money we're spending on

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professional development and support services. I

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mean, what unit of appropriation is this in? I

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mean, is it being tracked that way, is this going

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into special ed or is it going--'cause networks

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have now been absorbed into the general ed unit of

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appropriation 401, you know, it's not--2

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SHAEL SURANSKY: Yeah.

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COUNCIL MEMBER LEVIN: --so if

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2 we're putting money into networks, is that going
3 into--is that in the general ed budget or is it in
4 the special ed budget? Where is--

5 SHAEL SURANSKY: [Interposing] It's
6 actually, the funding for the coaches that we--the
7 positions that we created that I spoke about
8 earlier that are on the network teams is funded
9 through Race to the Top, and so this is a federal
10 grant that runs through the state and it is in one
11 of the reimbursable lines and--

12 COUNCIL MEMBER LEVIN:
13 [Interposing] Exclusively non-City tax levy money.

14 SHAEL SURANSKY: Correct. Now
15 there are also other federal and state funds that
16 support special ed like IDEA and that would also
17 support some of these initiatives.

18 COUNCIL MEMBER LEVIN: Okay. But
19 none of it is through City tax levy money so...

20 SHAEL SURANSKY: I mean--

21 COUNCIL MEMBER LEVIN: Long term,
22 we're going to have to support it--

23 [Crosstalk]

24 SHAEL SURANSKY: UA 481--

25 COUNCIL MEMBER LEVIN: --city tax

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levy.

SHAEL SURANSKY: --has some lines around the infrastructure around special ed, but in terms of the specific instructional supports that we've developed as part of this reform, that's where the money is coming from.

COUNCIL MEMBER LEVIN: Okay. You know, in years past there was school-based special ed supervisors, and that was done away with in, I think, the 2003 reforms. It would seem to me that with a reform of this scale, where general ed teachers are being asked to take on a task that they are, you know, there may be professional development, there might be support services, you know, special education is a real--that takes a significant amount of training, that's a profession in and of itself as a special education instructor. How would these network coaches really be equipped to oversee what are, essentially, you know, hundreds of teachers that have not had the--I mean, we're talking about professional education experience and their own education of, you know, they were trained--they got their degrees in not in being special

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education instructors. I just I don't quite see how--

SHAEL SURANSKY: Well so--

COUNCIL MEMBER LEVIN: --that level of professional development is going to be able to accomplish what needs to be done for the general education teacher, your regular third or fourth grade teacher that just hasn't had this type of experience or training throughout their career.

CORINNE ANSELM: So the only way that--agreed that, as a special educator, I had possessed a certain training that I was able to utilize with my special populations, but one of the things that I lived personally was, as a building principal, transforming a general ed population of teachers to be more aware and been given professional development to understand the needs of all students in terms of literacy, math development, and in terms of how best for them to be able to differentiate instruction in their classrooms and understand the point of entry into the work and how best students learn. We were able to transform a lot of self-contained students back into the general ed classrooms through the

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2 expert teaching of teachers who now looked at
3 students individually, as did a special educator,
4 who understood how to assess student's needs and
5 to plan for that student accordingly in terms of
6 reading instruction, mathematics instruction,
7 anything pertaining to their overall development
8 academically. So it was supported schoolwide by
9 both general and special education teachers and
10 professional development was brought in to the
11 school by experts who have done this work.

12 Now on the network level right now,
13 we have coaches who are working with coaches
14 within schools that have this expertise. Granted,
15 there is much more to be done and right now at the
16 TC--

17 [background noise]

18 CORINNE ANSELM: --project, what I
19 was most impressed with general--Teacher's
20 College, what I was most impressed with was
21 general ed and special education teachers taking
22 an inquiry look as to causal effects, causal
23 effects? Of why students struggle in certain
24 areas in both literacy, mathematic, social,
25 emotionally, and understanding how best to reach

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those students and serve those students within the context of their own classrooms.

So this is a growing piece. Even in teacher certification right now, we are asking colleges and with teachers are coming out better prepared in understanding the need to teach--to understand all students and their specific learning needs.

COUNCIL MEMBER LEVIN: Okay. And you kind of elucidated it is you, as principal with a special education background, were--

CORINNE ANSELM: Yes.

COUNCIL MEMBER LEVIN: --were equipped to do this with your teachers, A, because you had the expertise, B, 'cause you were probably a really good principal, and C, because you were school-based, you were in the school at all times. There's that nexus there between a principal and teachers is very different than the nexus between network coaches and teachers. And--

CORINNE ANSELM: Well that--

COUNCIL MEMBER LEVIN: --and so, you know, in looking back at where we were in 2003 while there was a position school-based special ed

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2 supervisors that were in the school, that nexus
3 would be different than the nexus between--

4 CORINNE ANSELM: Okay.

5 COUNCIL MEMBER LEVIN: --network
6 coaches and teachers.

7 CORINNE ANSELM: Let me tell you
8 about the special education supervisors since I
9 lived under that structure, they didn't--

10 COUNCIL MEMBER LEVIN: Okay.

11 CORINNE ANSELM: --live in my
12 building, okay?

13 COUNCIL MEMBER LEVIN: Okay. Okay.

14 CORINNE ANSELM: They were there
15 for compliance, for making sure my IEPs were
16 there, but the real instructional work took place
17 by capacity building within the construct of my
18 own school.

19 COUNCIL MEMBER LEVIN: Right, okay.

20 CORINNE ANSELM: And that was by
21 my own personal learning, my affording my teachers
22 the opportunity to learn. But special education
23 supervisors wished they could stay in my building
24 longer, but they served a number of schools and
25 they were there to ensure a lot of the compliance

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2 and the IEP work. But in terms of real
3 instructional reform, that really takes place
4 within the context of the school with a leader who
5 understands the need for capacity building.

6 The net cluster network structure
7 right now looks to support our coaches going in
8 and identifying key people within the construct of
9 the school to learn this work, grow it, and may
10 have already possessed this expertise, but able to
11 allow for structures within the school to share it
12 and grow their colleagues along. That's why we
13 have inquiry teams, that's why we have
14 collaborative common planning time, that's why we
15 give professional development slots of times now
16 after school for teachers to--

17 COUNCIL MEMBER LEVIN: Right.

18 CORINNE ANSELM: --come together
19 and grow and learn together.

20 The most capacity building that I
21 did in my building, after a while it happened
22 teacher to teacher. When you start that dialogue
23 going, when you are giving them the support
24 necessary, the guidance necessary, and the vision
25 of what this should be looking like, and in terms

1
2 of work side-by-side with them, they take this
3 work on. Teachers are our best assets--

4 [Crosstalk]

5 COUNCIL MEMBER LEVIN: That's
6 right, yeah.

7 CORINNE ANSELM: --in terms of
8 making this happen and there is no principal that
9 would say I was able to reform a school without my
10 teachers, that's the first leadership lesson you
11 learn, okay? Is that it is about the teachers and
12 affording them the opportunities and helping them
13 to grow and giving them the time to grow--

14 COUNCIL MEMBER LEVIN: And that's--

15 CORINNE ANSELM: --and that was
16 basis, the thesis of the turnaround in my school.

17 COUNCIL MEMBER LEVIN: And that's
18 the crux of my question is, by September, do we
19 expect that all the principals across the city of
20 New York and the teachers are going to have the
21 time to develop those skills by this September.
22 And that's the concern, to be able to do what you
23 were able to do at P.S. 108. That's where I'm
24 going to go with this.

25 CORINNE ANSELM: I truly believe

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2 we're on a timeline and I truly believe that after
3 Saturday's conference with the Chancellor, I spoke
4 to many principals and went around to the rooms
5 and listened to the discussion. There is a
6 groundswell happening. The principals understand
7 this, they're committed to learning it, they're
8 committed to growing their teachers and affording
9 them the opportunities to learn and grow and get
10 the professional development they need. There is
11 at this point, I really do feel that this is the
12 beginning and we will be giving additional support
13 to teachers and to principals and to schools to
14 continue to learn and grow, and that's why we're
15 taking this slowly.

16 The reform in my own school did not
17 happen across all my grades at the same time. I
18 did it a year at a time, we learned, [off mic]
19 teachers learned from each other. We grew within
20 to where we felt we had capacity at the school to
21 take it on. We didn't go in--I didn't go in one
22 day and say everyone's going to be changing the
23 literacy program, we started small, we learned
24 from each other, and we grew it, and that's
25 exactly what we're looking to do here is really

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2 grow internal capacity within the schools to take
3 this on in a meaningful way and give our teachers
4 the skill set that they need to work with all
5 students.

6 COUNCIL MEMBER LEVIN: Okay.

7 SHAEL SURANSKY: So just as an
8 example, like a group of new kindergartners
9 entering an elementary school who are going
10 through this review process and the school is
11 trying to target the supports in this new way, you
12 might have 10 or 15 students in a school that in
13 that first year that are going through that
14 process. So it's going to impact some of the
15 teachers and it's going to impact some of the kids
16 and there may be more or there may be less,
17 depending on where the school is and what its size
18 is and how it's worked with special ed in the
19 past. Some of these same programs that we're
20 advocating are alive and well in many of our
21 schools.

22 So I think that, you know, there is
23 sort of an anxiety out there that suddenly a
24 school has to flip on a dime, and really what
25 we're saying to schools is we're trying to create

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2 a stable process to go through this change that is
3 step by step, and we're starting with articulating
4 grades for that reason.

5 COUNCIL MEMBER LEVIN: Okay.

6 Great. Thank you very much. Thank you, Mr.
7 Chairman.

8 CHAIRPERSON JACKSON: Thank you,
9 Council Member Levin. Just have a couple more
10 questions, if you don't mind. What challenges, if
11 any, did DOE encounter in initiating reforms in
12 phase one? And what steps did you take to address
13 those challenges? So for example, I know you
14 talked about, you know, learning from phase one
15 and putting forward the best practices. Well one
16 thing is best practices, another thing is, what
17 was the negative stuff that came out of it so that
18 people won't have those pitfalls to fall into
19 also? And I'm curious as to what did you
20 encounter besides skepticism, besides, you know,
21 maybe the feeling that this is not going to work,
22 it's too rushed. You know, I know you've heard
23 that even through the course of today, but if you
24 can expand on that as far as what you've learned
25 and what did you do to correct those and things

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like that.

LAURA RODRIGUEZ: Some of the things we learned was that--

CHAIRPERSON JACKSON: [Interposing] And is there a slide here to look at? No? I'm just asking. Okay. No?

LAURA RODRIGUEZ: On lessons learned?

CHAIRPERSON JACKSON: Whatever. Yeah, I'm just saying, if there is, then let's just say what number it is and we can pull it up. And I say that, not only here, because you're here and when you put the--

LAURA RODRIGUEZ: Right.

CHAIRPERSON JACKSON: --slide up over here, it's not necessarily going up next door also, that's why I've been making reference to that.

LAURA RODRIGUEZ: Yeah, I'm not sure it's in this deck, but--

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --it is in the public deck we have shared on the preliminary results of phase one where it has successful

1
2 practices for phase one schools. So there is a
3 slide that's dedicated to the five or ten best
4 practices that we identified.

5 CHAIRPERSON JACKSON: Okay.

6 LAURA RODRIGUEZ: So a couple of
7 thoughts in response to the challenges that we
8 faced in phase one and will continue to face, and
9 I think we just had part of that discussion. Part
10 of it is the, the only real enemy in the way is
11 time--

12 CHAIRPERSON JACKSON: Okay.

13 LAURA RODRIGUEZ: --right, 'cause
14 we're up against time, and yet we saw the
15 statistics that say we're graduating about a third
16 of students with disabilities, so it's urgent. So
17 this balance between pressure and support, this
18 balance between doing things gradually with
19 stabilizing factors, but urgently and
20 deliberately. How do we first persuade the
21 principals, right? They're the school leaders.
22 The only way to change capacity and commitment is
23 to build understanding and so it takes time. One
24 of the biggest learnings of the principals was
25 everything in special education takes time:

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2 reviewing IEPs take time; it takes time to convene
3 the IEPs, which includes the parent because they
4 work and there are all kinds of scenarios. And
5 what these principals have said, it takes time but
6 once you invest and continue to invest in the time
7 it takes to bring families together to review each
8 and every IEP as a way of doing business, not
9 because it's required annually or tri-annually,
10 but because it's good instruction, it helps you to
11 know the child. It takes time to know the
12 children.

13 So one of the challenges is that a
14 lot of people really thought the kids with an IEP
15 had a disability that had to be fixed. And all of
16 the research says disabilities are not going to
17 get fixed, you know, a child has a disability, we
18 have to maximize opportunities for minimizing the
19 impact of the disability. Well that's a big shift
20 in understanding 'cause some people think, you
21 know, we've got to fix the child. In fact, the
22 biggest understanding in phase one was, we have to
23 fix the curriculum, we have to fix our structures,
24 we have to fix how we approach the work, and
25 maximize opportunities for learning and maximize

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2 opportunities for participation because we're
3 segregating them to a big extent. And yes, some
4 kids benefit from more specialized settings, but
5 many kids do not benefit, our data shows it, from
6 being segregated, which has usually equaled a less
7 rigorous curriculum.

8 So commitment and capacity and
9 building knowledge is a challenge that takes time.
10 It took time in phase one. They've learned some
11 things and now they know how much they don't know,
12 right? And being aware of what you don't know is
13 a learning. And as Corinne, with the vision that
14 Corinne just delineated is the vision we have for
15 all our schools. Unless the teachers are well
16 supported, over time, not just for September 2012.
17 And the September 2012 process began with phase
18 one and all of this year there have been multiple
19 opportunities and it's not enough, we need to
20 accelerate that.

21 And so when we said we're going to
22 identify lead teachers in every building, we're
23 committed to using our coaches with the Central
24 team to train them so they can go back, these are
25 ways of keeping, you know, a way of approaching it

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2 so that ultimately every teacher, right, that's a
3 goal, every teacher, but we have to be deliberate
4 in where we start.

5 The principals in the beginning in
6 phase one, they're worried about money. They were
7 worried about do I have enough money. The
8 conversation shifted after a year from being
9 worried about having money or not having money,
10 'cause, in fact, they had the money, they had the
11 money they always had, it's how you use that money
12 and how you use those resources is a big part of
13 the issue. And there's always a need for more
14 resources in general for all kids. But they
15 shifted the conversation to the instructional one.
16 I was most impacted by a principal who found me at
17 last year's conference. I knew he was a good
18 principal, he had good data in general, his
19 biggest fear was going back to his school to
20 confront all the teachers and then the parents,
21 and how was he going to discuss this change,
22 right? And it came back to leadership within.
23 When he started to create the forums for asking
24 questions, for communication, for sending teachers
25 to training, for starting a momentum among the

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2 teachers, then his good practices started to
3 penetrate, including students with disabilities.

4 So capacity and commitment of the
5 school leadership is a big part of our job, and
6 then communication. And I know that's an arena
7 where, you know, we've heard from your office,
8 we've heard that we have to increase
9 communication, not just in English, but in
10 multiple languages, as we heard today. That our
11 intention to uphold the law--'cause I think in
12 everything we have said, IDEA is at the center,
13 the IEP is at the center--how that gets translated
14 and communicated to principals to parents to
15 teachers is very important. And so the challenge
16 of communication will always remain and we have to
17 do better and we need to work together in
18 different partnerships to do that.

19 Somebody made the comment before
20 that the advocates are not the enemies, and I
21 think what I learned in 2009 was I understood that
22 the Garth Harries report had a lot of influence
23 from external constituents who wanted to partner
24 with us. And I think we've come, we've made a
25 little progress in terms of working with advocates

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2 and other partners in support of students with
3 disabilities. In the end, the reform is about
4 instruction and teaching and learning, and so what
5 we want to support is long-term successful
6 outcomes for students with disabilities by
7 building internal capacity at every level. Those
8 are some of the challenges we will continue to
9 face.

10 CHAIRPERSON JACKSON: Okay. You
11 know, we talked about incoming students, and I
12 think you indicated there is about 30 to 40,000
13 incoming students at kindergarten, six, and nine.
14 How long do you think it would take for the teams
15 in the various schools to evaluate and get those
16 IEPs up and running, how long do you believe
17 that's going to take? For example, one month, two
18 months, three months, four months, five months,
19 how long do you think it's going to take,
20 realistically? Especially if those incoming
21 grades--

22 [Crosstalk]

23 LAURA RODRIGUEZ: [Interposing]
24 You're talking about the--because they're going to
25 be new students to the schools--

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CHAIRPERSON JACKSON: Yeah, yeah.

LAURA RODRIGUEZ: --right?

CHAIRPERSON JACKSON: The new students coming in, yeah.

LAURA RODRIGUEZ: Right, so that's-

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CHAIRPERSON JACKSON: Because if I'm a student in school, I already have my IEP, the one-year anniversary coming up, I have my anniversary, I have my tri-annual..

LAURA RODRIGUEZ: One of the responses to that--and I'm going to try to answer-

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CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: --the question-- is--

CHAIRPERSON JACKSON: I hope you do.

LAURA RODRIGUEZ: --with or without the reform, this has always been a challenge.

CHAIRPERSON JACKSON: Okay.

LAURA RODRIGUEZ: New kids enter kindergarten every year, new kids enter grade six, with and without IEPs. So getting to know the

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2 kids in a new school context is always part of the
3 challenge of teachers and principal, right? You
4 got to get to know the kid and do the right
5 instructional planning. So a couple of things.
6 We, to the extent possible, have been promoting at
7 the turning five, the kindergarten level, that
8 because one of the things we did this year was to
9 try to match the evaluation with the school you're
10 going to go to, right? When I first started this
11 job in 2009, one of the big issues I heard was
12 that the turning five evaluations were done
13 anywhere in the city that was not necessarily
14 connected to the school you would most likely end
15 up at. So we're doing a better job at matching
16 the evaluation of turning five in the school where
17 you're going to most likely attend. We have a
18 ways to go, but there's increasing numbers of
19 students being evaluated at their schools, which
20 means the school is getting to know the family and
21 the kid earlier in the process. We're going to
22 keep doing that progressively.

23 We have asked principals, as soon
24 as we know where the matches are to kindergarten,
25 to call in the families. We have written about

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2 that to the principals in Principals Weekly, we
3 have made that an expectation, we will continue to
4 reinforce that. That is true at middle school and
5 that is true in the different orientations kinds
6 of sessions, get to know the children that are
7 coming, with and without IEPs.

8 Now realistically, if you don't--
9 the point of entry is September, that's when
10 school starts, we're going to honor that the IEP
11 and the classes have to match, right? And as we
12 get to know that child, as we heard before, we
13 want to keep looking at IEPs as a way of doing our
14 work and something that they were usually didn't
15 come out again until that annual event or that
16 tri-annual event. So because this is new, what we
17 saw in phase one, again, we're just touching,
18 we're emphasizing those points of entry, not every
19 kid, not every grade, to try to limit the amounts,
20 the volume.

21 CHAIRPERSON JACKSON: So kids that
22 are coming in turning five, if they were in a pre-
23 K IEP program, they've had an evaluation by their
24 team and it's saying that the child needs X, Y, Z
25 entering kindergarten, or from grade five going

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2 into sixth grade if, assuming that that child had
3 an IEP in the fifth grade, coming to a new school
4 environment, they're going to follow the IEP,
5 hopefully, they have the services to provide, and
6 the same thing at the ninth grade level, is that
7 correct?

8 LAURA RODRIGUEZ: Right, we must
9 provide the service on the IEP or else we are out
10 of compliance, and it's--

11 CHAIRPERSON JACKSON: [Interposing]
12 Okay. So--

13 LAURA RODRIGUEZ: [Interposing] So
14 investing the time--

15 CHAIRPERSON JACKSON: --the
16 expectation of you--when I say you, DOE--
17 especially the expectation is how soon, assuming a
18 school does not have what the child needs to
19 comply with the IEP, what is a reasonable time
20 frame to ensure that your school meets my child's
21 needs? Not three months later, not September,
22 October, November, but right away?

23 LAURA RODRIGUEZ: So that ongoing--

24 CHAIRPERSON JACKSON: Where is that
25 check and balance?

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2 LAURA RODRIGUEZ: That ongoing
3 process is happening now.

4 CHAIRPERSON JACKSON: Okay.

5 LAURA RODRIGUEZ: Right? June
6 through the summer into September, and, you know,
7 changes that are necessary need to happen within a
8 reasonable time frame, and a reasonable time frame
9 has to be, you know, within that first few weeks
10 of school.

11 CHAIRPERSON JACKSON: Okay.

12 LAURA RODRIGUEZ: Anything beyond
13 that is it's making it--excuse me?

14 FEMALE VOICE: Yeah, it's--

15 CHAIRPERSON JACKSON: Making it
16 tougher, harder--

17 LAURA RODRIGUEZ: Right.

18 CHAIRPERSON JACKSON: --and moving
19 towards unacceptability?

20 LAURA RODRIGUEZ: [Interposing] And
21 that's always been true with or without the
22 reform.

23 CHAIRPERSON JACKSON: Okay. So
24 what we're hearing also is that, hey, you know, my
25 child, I received a letter saying, you know, my

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2 child is matched for this school, but I haven't
3 heard from the school, and some people are saying
4 even if you, you know, that some parents won't
5 even know until September whether or not a school
6 that their child may be designated for in the
7 letter can meet their needs. Parents are saying,
8 hey, how come I don't know and I may have to wait
9 until September to know. That's what I'm hearing
10 in some situations that exist.

11 LAURA RODRIGUEZ: [Interposing]
12 Right, and as those cases emerge, we have dealt
13 with some of those cases--

14 CHAIRPERSON JACKSON: So--

15 LAURA RODRIGUEZ: --and we are
16 helping the schools resolve that. Part of the
17 accountability by network is that they each have
18 plans for meeting that. So our work at Central
19 with networks now over the next eight weeks is
20 ensuring that readiness. Of course, the readiness
21 is tougher in this new context. A year from now,
22 a lot of things should be much more resolved, but
23 we know that we have to--this is one of our
24 biggest priorities that we have been, you know,
25 focusing on quite diligently in the last several

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weeks, exactly the issue that you addressing.

CHAIRPERSON JACKSON: Now, Shael, I listened to what you had said in response to a question and, correct me if I'm wrong, you said that if a school doesn't have what it needs to meet the child's needs, then we will get the service--we will, in essence, give the school what they need in order to meet the services. Because I'm reviewing material that you, meaning the Department of Education, has put out, it said that the--I believe it said that the whole school will meet the needs of the child or the child can transfer to a school that they choose that will meet their needs.

SHAEL SURANSKY: No, the--

CHAIRPERSON JACKSON: Am I wrong in that?

SHAEL SURANSKY: --if there's a kid who needs a very specialized program like some of the D 75 programs or ASCD Nest or something like that, that hadn't been identified in advance, that would be an instance. And there are always rules that exist around transfers for any child in the system, but for special ed needs, our commitment

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2 is that we're going to meet the need in the school
3 and get the resources there. And, you know, there
4 will always be individual cases that are very
5 specialized, there's likely to be a small number
6 of cases where the needs of the child are such
7 that it can't work for some reason. And so we
8 don't want to make a rule that actually doesn't
9 work in the best interests of kids, but we believe
10 that the overwhelming majority of students can
11 have their needs met. Because what we're talking
12 about here is some blend of instructional supports
13 that involve either smaller classes, team teaching
14 between a special educator and a regular educator,
15 a para who may be attached to a student to provide
16 additional supports. Like, those are the kinds of
17 range of things that most kids with disabilities
18 are dealing with on their IEPs. And so that is
19 the reason why the expectation is that those can
20 be served in almost any setting.

21 For very specialized types of
22 needs, there are still specialized programs.

23 CHAIRPERSON JACKSON: Give me one
24 or two examples of specialized needs that, if you
25 don't mind. Because you just made a general broad

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statement and--

SHAEL SURANSKY: Sure.

CHAIRPERSON JACKSON: --and I want to know what one or two citations of specialized needs where they may not--a regular school with a child with special needs cannot be fulfilled in the school. If you don't mind.

[Pause]

CORINNE ANSELM: So if a child comes in with a need for a 12 to 1 to 1 class, and the school implementation team has reviewed any services that could be afforded to this child and finds that it is impossible to get additional resources which would be hard-pressed, because our commitment is to work with the school to service all children in the context of their home zone school. So if a school requires additional services to work with that child--

CHAIRPERSON JACKSON: [Interposing]

Like what, be more specific, what additional services, additional resources, like what? More money to hire more teachers or what? What are you talking about?

CORINNE ANSELM: It might be

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2 guidance support, it could be additional AIS
3 programs and/or behavioral managed support
4 programs that we are looking at right now in terms
5 of what schools need to do right now for children
6 who may be struggling behaviorally. 'Cause what
7 we're really trying to say is that, if a child has
8 the academic capability but may be suffering
9 socially, what does that school need to support
10 that child so that child can stay in the context
11 of their home zone school.

12 CHAIRPERSON JACKSON: So in that
13 scenario, if that school doesn't have, let's say,
14 that specialized instructor or teacher, whatever,
15 to provide that service, then the child will--I'm
16 trying to play out this scenario--the child, if
17 that's only one example, then the child will then
18 get those services outside of the school
19 environment but remain in that particular school
20 for everything else? Or will that child be
21 reassigned or transferred to another school
22 further away from their home environment to
23 provide those services and that they're away full
24 time--

25 CORINNE ANSELM: Okay.

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CHAIRPERSON JACKSON: --from their home school.

CORINNE ANSELM: Okay. To be honest with you--

[Crosstalk]

CHAIRPERSON JACKSON: Yeah, of course to be honest with me.

CORINNE ANSELM: --it's a case-by-case basis--

CHAIRPERSON JACKSON: Yes, I understand--

CORINNE ANSELM: Okay.

CHAIRPERSON JACKSON: --I'm just playing out that scenario.

CORINNE ANSELM: And it is something that we would really have to look at in-

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CHAIRPERSON JACKSON: Okay.

CORINNE ANSELM: --the best interests of the child, and I think for us it will always be what works for the child. If the child has to be moved in order to get the--we will do it.

CHAIRPERSON JACKSON: Yeah.

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2 CORINNE ANSELM: I mean, we are
3 committed, you know, as much as possible to put
4 resources into the school, to train the school,
5 but if a child is truly struggling, we would look
6 at an array of programs where he may be more
7 appropriately served.

8 CHAIRPERSON JACKSON: Okay. And I-

9 -

10 CORINNE ANSELM: [Interposing] And
11 if it means moving the child, we move the child;
12 but if we can service the child in the context of
13 the school, we service the child, but it is about
14 adhering to the needs of that specific child.

15 CHAIRPERSON JACKSON: Okay. And I-

16 -

17 LAURA RODRIGUEZ: And the caution
18 there, I just--

19 CHAIRPERSON JACKSON: Go ahead,
20 yeah.

21 LAURA RODRIGUEZ: --is again, we
22 know there'll be some exceptions and what--

23 CHAIRPERSON JACKSON: Yes.

24 LAURA RODRIGUEZ: --Corinne just
25 said will happen, right? But the schools can't be

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off the hook, right? We want--

CHAIRPERSON JACKSON: No.

LAURA RODRIGUEZ: --to spend energy figuring out how to educate the child, not remove the child.

CHAIRPERSON JACKSON: And some schools will say, hey, I can do it, but I need some additional resources, you know, I need a teacher or I need some more money in order-- because I don't have it within my budget. And I think that you had said that, overall, that the costs for children with special needs, you don't see it really going down, but overall it's going to go up, but there's going to be a shift in certain program areas, is that correct?

SHAEL SURANSKY: Yeah, and schools--there's a process that schools can use to request those additional resources.

CHAIRPERSON JACKSON: Okay.

SHAEL SURANSKY: They go to their network, they say, here are the students that I've got, here's the resources that I've got, I don't have this, this, and this, and then we will move those resources into the school as needed based on

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the kid's IEP.

CHAIRPERSON JACKSON: Okay. Thank you. Thank you very much. I'm glad we had this hearing and oversight, and I appreciate all three of you and your staff for coming and giving as thorough as responses to the questions that we've asked as possible under the circumstances. As you indicated, that the most important thing is that we try to do our best under the circumstances to meet the needs of the students and carrying out their individualized educational plans. So we appreciate all of you, and, Laura, you know, we wish you well.

LAURA RODRIGUEZ: Thank you so much.

CHAIRPERSON JACKSON: Okay. Well thank you, everyone. We're now going to hear from several individuals Dr. Randi Herman from CSA, the Council of Supervisors and Administrators; we're going to hear from Carmen Alvarez, the vice president of Special Education for the United Federation of Teachers; and we're going to hear from Liz Truly, the attorney for special ed for UFT. So let's just take a two-minute transition

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2 for DOE to leave and the other union
3 representatives to come forward, okay? Thank you.

4 [Off mic]

5 FEMALE VOICE: Oh, thank you so
6 much, thank you.

7 [Off mic]

8 SERGEANT-AT-ARMS: It's just you
9 two, right?

10 CARMEN ALVAREZ: No, Liz Truly is
11 coming.

12 DR. RANDI HERMAN: [Interposing]
13 No, no, no, Liz is coming too.

14 [Crosstalk]

15 CARMEN ALVAREZ: --is part of my
16 testimony, so what I say, she says.

17 [Crosstalk]

18 CARMEN ALVAREZ: Yes.

19 DR. RANDI HERMAN: Yeah.

20 [Off mic]

21 CHAIRPERSON JACKSON: So for some
22 people sitting in the other room, there are some
23 seats in this room, please come forward if you
24 don't mind, to see if there's any seats available
25 in this primary room.

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2 We're going to begin in one minute,
3 we're going to transition to the next panel.

4 Again, is Dr. Randi Herman, the vice president of
5 CSA, the Council of Supervisors and Administrator;
6 Carmen Alvarez, the vice president for Special
7 Education of the United Federation of Teachers;
8 and Liz Truly, attorney for the Special Education
9 UFT. Okay?

10 DR. RANDI HERMAN: Okay.

11 CHAIRPERSON JACKSON: For the
12 record, we have received testimony from the
13 Council of Education--Community Education Council
14 of District 2, we've received testimony for the
15 record. But also we've received testimony for the
16 record, testimony on the DOE's special education
17 reform presented by Brian G. Koffler, Esquire.
18 Okay?

19 So with that--

20 FEMALE VOICE: Okay.

21 CHAIRPERSON JACKSON: --we will
22 turn now to this particular panel. So please
23 begin. And you--press it again, let it go.

24 CARMEN ALVAREZ: Stop pressing, oh,
25 I stopped pressing, here I am.

1
2 Okay. Randi has granted me to go
3 first and Liz, so I'm going to try to give this
4 information.

5 And hello and good afternoon to you
6 all. I want to thank Chairman Jackson and members
7 of your distinguished Committee and their reps for
8 allowing me this opportunity to testify before you
9 today. My name is Carmen Alvarez and I am the
10 vice president for Special Education of the United
11 Federation of Teachers.

12 I am here to sound the alarm about
13 the Department of Education's special education
14 reform, which is rolling out to all the schools in
15 September--three itty, bitty months. We are
16 concerned that thousands of students with
17 disabilities will not receive the supports and
18 services they need as a result of the reform. We
19 predict that this poorly implemented reform will
20 lead to thousands of lawsuits from parents about
21 children deprived of services that this city will
22 be left to deal with for years to come long after
23 the current administration leaves office. And
24 it's not just special ed, it could be general ed
25 parents as well.

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2 To begin, I want you to understand
3 the UFT believes very strongly in the goals of the
4 reform. We believe that students with
5 disabilities should be able to attend the same
6 schools that their non-disabled peers attend as
7 long as the schools are able to provide the
8 specialized instruction and supports they need to
9 succeed. We also believe that students with
10 disabilities should receive instruction in the
11 same classrooms as their non-disabled peers when
12 the student's instructional and behavioral needs
13 can be addressed in that environment. Our
14 concerns are with the DOE's implementation of the
15 reform.

16 But I just want to qualify it a
17 bit. On May 29th and June 4th, May 29th I had a
18 general membership meeting and the content of the
19 meeting was the special ed reform. I had over 500
20 people who attended--parents, general ed, special
21 ed, related service providers, paraprofessionals,
22 and I was graced by Laura Rodriguez and her team.
23 They got there at 4 o'clock and they didn't leave
24 'til 7. And the reason they didn't leave 'til 7,
25 'cause everything that Laura had said, which was

1
2 great, is delivered at another level. When it
3 hits the ground, the--even Laura said, you know,
4 I'm surprised that people have all this
5 misinformation and believe all these different
6 types of urban legends about what the reform is
7 and is not. I was very grateful, she stayed to
8 the very end, but I assure you, if the majority of
9 the staff don't understand what the reform is, I
10 can assure you, the parents know even less.

11 So with that we also had June 4th
12 where she provided the information to our
13 leadership, our president showed up in both, our
14 borough reps, our district reps. And we had the
15 privilege of having Regent Cashin there and she
16 gave her experiences as a former superintendent
17 and leader of the system saying some of the things
18 you're doing is just way too fast, you need to
19 reconsider, and one of the things she reconsidered
20 was expanding the home zone notion, and I will
21 share that as part of our presentation.

22 So I'm not going to read
23 everything, but I'm going to hit the points that I
24 think we should look at, and if I could use some
25 of the information that Laura did, I certainly

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will.

So under the reform, incoming students with disabilities will be expected to attend the zoned or choice school they would attend if they were not disabled, even if the school does not have the available program as per their IEP. It sounded good on one level, but I'm telling you I'm getting the conversation from parents and from staff, they feel they're putting these kids at a disadvantage. Unless a child has been accepted into a special program, parents will not have the option of having their child attend another school that has the program or service on their child's IEP. I do bring this up to Laura and she does address it. I'm concerned with the parents who don't know how to do it and their--

CHAIRPERSON JACKSON: [Interposing]
Say that again, please, if you repeat that again.

CARMEN ALVAREZ: I'm going to repeat it again.

CHAIRPERSON JACKSON: Good.

CARMEN ALVAREZ: Parents do come to us and I work very closely with Laura and I present those issues with her, I'm more concerned

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2 with the parents who don't know that, either in
3 another language that there is a way to really
4 understand what's there because they're going to
5 take it at face value, oh, you think my kid is
6 okay, he's cured, I'm going to put him in general
7 ed and lose some of those services when it may not
8 be the right decision. And that has been--those
9 are the parents I'm really concerned about as
10 well.

11 It's clear from the DOE documents
12 that we've read that the DOE expects principals to
13 direct school teams to review and change students'
14 IEPs to match the services available in the
15 building. Even you said that too, Corinne. And
16 the problem is that you have to make sure the
17 message is about the students and it's got to be
18 the IEP first, and I'll go into that directly.

19 And one way the Department of Ed
20 could shift it is that the documents should not
21 only go to the Principal's Weekly, it should go
22 to--once it hits the P Weekly it should say
23 distribute to your school leadership team,
24 distribute to your district leadership team, have
25 the school community understand what the system is

1 asking. They don't know. They do not know.

2
3 Laudable goals, very noble, but very difficult to
4 implement.

5 So you're saying right now that the
6 DOE changes the funding of the special ed services
7 will drive many principals to compel changes to
8 IEPs to bring more money to their schools. It is
9 clear that this document has been incentivized to
10 look at other items 'cause they doubled the amount
11 of money for multiple ICT sets and self-contained
12 classrooms. You know, in a middle school and a
13 high school, it might work because it's
14 departmentalized, it might, but Randi will take
15 care of that. But in an elementary school, how do
16 you create that, how does that really work unless
17 you change the IEP to look something totally
18 different and not necessarily at the support of
19 that student. Now you heard other leaderships
20 here, they said that's not the goal and I'm sure
21 that's what they said to the principals, but when
22 the principals come and look at their budget, they
23 are not listening to them, they're listening at
24 this is what I want and this is what I want and
25 I'm going to create it. Good, bad, or indifferent

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2 and, gratefully, I think it's going to be a range,
3 I think not all principals are going to do that,
4 and I'm grateful for that.

5 So I believe the funding is
6 incentivized not to help principals and schools
7 look at individual needs of the student, and as a
8 result, principal have a real financial incentive
9 to close self-contained classrooms and full-time
10 CTT classes regardless of what students may need.
11 Now the leadership said no, but I am telling you
12 at the school I get that every day.

13 Second, that the DOE claims that
14 more time in the general ed classroom leads to
15 improved achievement, better behavior, and fewer
16 absences. This document, which we have a copy of,
17 which is their results--and you went over page 13,
18 phase one, comparison schools did not have
19 significant difference in attendance--that's
20 important. Preliminary look at student outcomes
21 didn't look at the math and ELA, really there was
22 no significant look. Why? We need to investigate
23 that. We have to really continue--and I'm really
24 glad you said that, Councilman Jackson--to
25 continue to look at the phase one. Don't forget

1
2 them. Look at them, see what more can we learn.
3 It's about learning about what it was to implement
4 it. And, Corinne, you know, I have to say, when
5 you did your school, you had a budget that funded
6 full classrooms, you had the time to do it 'cause
7 you were smart enough to know how to change that
8 culture and you admitted yourself it took a long
9 time, not three months.

10 Number four, DOE wants students
11 with disabilities to learn the Common Core
12 Learning, very nice. But it's tough enough, the
13 Common Core has not been standardized with
14 students with disabilities. And Laura had told us
15 when we asked her at our meeting, she says, you're
16 correct, there's not enough information for
17 students with disabilities in Common Core. That
18 needs to be looked at.

19 Number five, I got to talk about
20 this one and I'm going to read it. DOE likes to
21 cite the extremely low graduation rate for
22 students in self-contained classes as a reason for
23 moving students out of them. Yet there are many
24 reasons not acknowledged for the poor outcomes of
25 students in these settings. Number one, students

1
2 in self-contained classes tend to have learning or
3 behavior issues that are much more serious than
4 their counterparts who have received integrated
5 co-teaching and special ed and sets. Self-
6 contained classes are often bridged, meaning that
7 teacher is expected to teach curriculum at more
8 than one grade level. It is unreasonable to
9 expect children with disabilities who require more
10 explicit instruction and more time to learn to
11 meet grade-level standards. I'm getting more
12 complaints from teachers in self-contained
13 classrooms, as well as co-teaching. I have three
14 levels in the class and two of them are the
15 testing grades, three and four. I'm supposed to
16 have that? How can I do that? System has to look
17 at that. How do we address the professional needs
18 of staff who want to do the right thing, but it's
19 not set up, there is no infrastructure for the
20 professional development.

21 So I'll go right into what we're
22 recommending. So we're saying use this year as a
23 transition. You're right, not all principals are
24 going to use it, so encourage the principal,
25 relax, don't do it that fast, take your time, do

1
2 the professional development. Department of Ed,
3 instead of giving them that stabilization money
4 and have them kind of beg for it, just give it to
5 them. Just give them the classroom money just
6 like everybody else got and then see what you
7 learn from the phase one. How do you go to a per
8 capita model so it doesn't impact student learning
9 negatively. So those are the things we would
10 recommend.

11 So number one, don't force parents
12 to send their child to their home zoned school if
13 there is not able to provide the program and
14 services on the child. This is what Kathy Cashin
15 said, when she was in charge, she said I did home
16 zone and if I had a school right next door who had
17 a site, I'm not going to make that parent jump
18 hoops, I'm going to put the kid in there. Why do
19 I have to escalate it to 52 people in a network
20 who know nothing about the schools to make that
21 decision? So, you know, we have serious questions
22 about that. And you could read the rest yourself.

23 So number two, revamp the reform
24 message, put the IEP first. Don't put, as in this
25 guide--and they have a new one, this is the only

1
2 one that goes to principals--special ed reform
3 reference guide, there's a new one. That
4 paragraph is still in there, drives me nuts. It
5 says, the--here's what it says and it hasn't
6 changed, they took the first sentence out, which
7 I'm glad, but here's what they say now: We
8 encourage--no, schools must first focus their
9 efforts on creating more inclusive and innovative
10 programs for students in articulating grades or
11 students entering school over the counter. It
12 doesn't say look at the IEP first. How are you
13 going to create new programs if you don't know who
14 the child is? And you said it was only for the
15 articulating grades, the next sentence says we
16 encourage schools to review the special ed
17 programs they have established. And I'm telling
18 you, encourage means take a look and change the
19 IEP. That is the message we've gotten. Laura
20 heard it herself. She did say give me the
21 schools, give me whatever, and we'll work it out.

22 Half a minute, I'll be quick.

23 Number four, slow down the reform.
24 You can read that for yourself. But this is what
25 we're going to say, since we are the--it was very

1
2 interesting to hear about the lead teacher, nobody
3 talked to us about that. It's our members and you
4 got a lead teacher, don't you think we should be
5 part of that conversation? That's the problem
6 with the reform, it's so marginalized, doesn't
7 reach out to parents at the school, teachers at
8 the school, the leadership. And let me tell you,
9 I've reached out, I even reach out to Laura, she
10 says, Carmen, Corinne's coming, you need to talk
11 to her.

12 But this is what we're committed to
13 as a UFT. We are going to institute, with the
14 help of Randi and Ernie, an institute for
15 supporting the special ed reform that are going to
16 deal issues with--we're going to bring in experts--
17 -Marilyn Friend, who does the co-teaching and
18 she's updated it, we're going to do that. We're
19 going to do other programs on behavior because
20 behavior has not been looked at and it was a big
21 problem in the Bronx, a lot of kids were being
22 sent to ER when they shouldn't have because people
23 in the schools are suffering 'cause they do not
24 have the professional develop. We know it takes
25 time. We are committed. And what we're asking

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2 you, Robert and your colleagues, is to keep
3 looking, ask the questions on a periodic basis.

4 When my granddaughter went to high
5 school to a very good high school and she was
6 failing three of her core classes, do you think I
7 was going to wait for annual review? I think not.
8 I said excuse me, and do you know what the
9 principal said to me? He says, oh, what we're
10 going to do is we're going to bundle, we're going
11 to do this, we're going to do that, and cut her
12 services. And I'm the fricking vice president,
13 didn't make a difference. And I said, you know
14 you're kidding, I said, before you change
15 anything, you tell me why it didn't work. What
16 are you going to do differently with what you have
17 now? And I said this earlier at Mona David's
18 press conference, I said, my issue is I don't want
19 my kids to survive with a 65, I want them to
20 thrive with a 85, a 95, I want them to come out
21 reading, writing, that they could even go to
22 college or go to the workforce, they can't do it
23 with minimal standards. And that's what I expect
24 of the system, that's what we expect of our
25 members.

1
2 And I'll tell you one more thing, I
3 have to do this, this is your packet, this freaks
4 me out again. Your page eight, and this is the
5 whole issue about the truth and the whole truth.
6 You don't use the entire continuum. So if I speak
7 to a team and I say to them, well why didn't you
8 consider having the instructional para, which is
9 on page 18 of the continuum, I've said this for
10 three years. It has not reached SESIS--and by the
11 way, SESIS is another problem. If you can't
12 finish that IEP, it's not going to get to the next
13 school, there's a big problem with SESIS, and
14 that's got to be worked out. It's in there and
15 I'm sorry I missed it.

16 DR. RANDI HERMAN: That's another
17 conversation.

18 CARMEN ALVAREZ: That's another
19 conversation. But I just want to say you have to
20 train your school-based team what the full
21 continuum is if you're really going to ask them to
22 consider it. And they're told, oh no, because at
23 that meeting--Mona, you had a lot of connections
24 in there--I spoke to a district leader and he said
25 to me, Carmen, I had to go to another district

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2 'cause they told me I could not have an
3 instructional para in the classroom 'cause the
4 principal told me. I said, what? So I'm going to
5 give him my continuum, I'm going to e-mail him the
6 information so he understands when he has his
7 annual review, he's armed with what the legal
8 requirements that are supposed to be there that he
9 has.

10 But, again, I conclude, we have to
11 do our professional development, and I worry for
12 those parents who do not have the ability to reach
13 out and connect with us. And by the way, here's
14 the special ed parent piece that we put all
15 together for parents.

16 CHAIRPERSON JACKSON: Thank you.

17 CARMEN ALVAREZ: And we do support
18 full-day kindergarten. That's a very important
19 thing.

20 CHAIRPERSON JACKSON: Okay. Thank
21 you.

22 CARMEN ALVAREZ: Thank you.

23 DR. RANDI HERMAN: Okay.

24 CHAIRPERSON JACKSON: Next, please?

25 DR. RANDI HERMAN: Okay. Good

1
2 afternoon, I'm Randi Herman, I'm the First Vice
3 President of the Council of School Supervisors and
4 Administrators, and among others, we do represent
5 the principals, assistant principals, education
6 administrators, and even directors of early
7 childhood in subsidized care.

8 Since credentials are going to be a
9 pretty big part of what I'm going to discuss
10 'cause that really hasn't been brought to the
11 table yet, I'll tell you what mine are. I
12 graduated with degrees in special education,
13 regular education, learning disabilities, and also
14 in nursery through six. I currently hold a
15 doctoral degree in the administration and
16 supervision of schools.

17 I say that because I was trained, I
18 know what I'm doing when I go into a special
19 education classroom either as a teacher or as a
20 supervisor. I know how to run schools because I
21 was trained on how to run schools. It wasn't a
22 career change, it wasn't an afterthought, I wasn't
23 trained to be a social studies teacher and now
24 somebody's asking me to be, oh, a special ed
25 teacher. I say that because that is one of the

1
2 seminal flaws here, we're trespassing on the
3 integrity of licensure, we're demanding of
4 teachers who have not had the university level
5 training and background to actually assume the
6 responsibility of a teacher who has, and we're
7 holding them accountable. Principals have no
8 choice but to hold them accountable for those
9 results.

10 And principals who have not been
11 trained in special education are also being held
12 accountable for what they provide in terms of
13 supervision and instructional support for special
14 education. Example, I hold a license that most of
15 the people in this room never heard of, except if
16 you're old. It's Principal Special Education
17 Schools. There is a discrete license just for
18 that. There is also a license Assistant Principal
19 Special Schools. We were trained very
20 specifically to assume those responsibilities. We
21 were trained and we were tested. There were tests
22 back in those days that you had to pass in order
23 to get your license here in New York City. And we
24 also hold those state credentials.

25 Things have changed, those things

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2 aren't being required anymore, but on the other
3 hand, the bad news is, they're still expected. So
4 if we're expecting them, why aren't we actually
5 preparing people and credentialing them for that
6 purpose? I mean, you wouldn't ask an attorney,
7 for example, to, oh, I don't know, take out your
8 appendix. You can't ask people to be trained and
9 credentialed in one area and perform
10 satisfactorily in another. It just doesn't stand
11 the test of common sense.

12 Also, we have to realize that
13 evaluations, credible and fair evaluations of
14 children, as well as staff, of children are
15 important, and I'm talking about the initial
16 evaluation and referral for special education. In
17 the past, we have done, I would venture to say,
18 one of the best evaluations in the country for our
19 children. It was multidisciplinary, it was
20 conducted with parental consent, with parental
21 discussion. We evaluated everything from speech
22 and language to reading comprehension and acuity.
23 We made sure children were healthy, we tested
24 hearing, we tested reflexes, we tested
25 neurological assessments, we conducted

1
2 neurological assessments. We don't do that
3 anymore, the psychologist has become a one-man
4 band and a psychologist can do but so much.

5 So many of the children who are
6 being referred, we are very concerned, aren't
7 being referred for the right reasons. Maybe there
8 is something, maybe there is significant scatter
9 in an assessment, but maybe, just maybe it has to
10 do with perception and not acuity, maybe it has to
11 do with a neurological problem that's so subtle
12 that psychologist wouldn't pick that up in
13 testing, but we don't ask for that anymore.

14 There was even a motion up at the
15 state level to no longer require a physical before
16 a child came to school. Thankfully that hasn't
17 come to pass, but I can see mandate relief saying
18 that, yeah, why should he have a physical, we have
19 to presume that Mom took care of that.

20 Now we've also talked about are
21 schools ready. Schools aren't ready. I can tell
22 you that my members have spoken to me, have sent
23 me e-mails about all their concerns, most of which
24 I pass on to Laura. She's been gracious enough to
25 send some of her staff out to talk to small groups

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2 of principals and see if those questions can be
3 answered, if those concerns can be allayed. In
4 some cases, the explanations are good, the light
5 is shined upon whatever dark corners of the school
6 allocation memos have to be illuminated, but
7 there's still a lot out there that principals
8 don't understand. They don't understand how they
9 could compromise their professional integrity by
10 having a conversation with a parent who came in
11 with a 5-year old and a brand new IEP from a
12 psychologist from the UFT saying the child needs
13 X, Y, and Z, and yet the principal is being asked
14 to have that conversation with the parent where
15 they talk about possible other ways to meet the
16 child's needs. Principal doesn't know this child
17 or this parent, how can they possibly in good
18 conscience as a professional, as a child advocate,
19 have that conversation? They have very serious
20 concerns about that in terms of their profession
21 and what they stand for, those are concerns we
22 have brought back to the DOE, we're still talking.
23 As you heard today, we're still talking. The good
24 news is, we're still talking.

25 Then all the way at the base of all

1
2 of this comes the question how much special
3 education knowledge and expertise should a general
4 education teacher have and should a general ed
5 principal have? I don't know the answer to that.
6 That's a conversation that needs to be had at a
7 level far away and above the folks in this room,
8 that's got to be up at the state level, those are
9 conversations that need to be had. Because until
10 the State Ed department says this is what we
11 expect the general ed folks to know and this is
12 what we expect the special ed folks to know, we're
13 not going to be able to answer that here.

14 For right now, we're in a mix of
15 sorts. You have people in general ed who have a
16 passion for special ed who try very hard to
17 implement a multidisciplinary type of instruction
18 so that everybody in the classroom can get the
19 education that they need. But then again, there
20 are children who are in their classrooms now that
21 aren't going to be able to grasp it at the same
22 level with the same mastery as their counterparts.
23 So what do we do? We say, oh, modified promotion
24 criteria for you. Well that works, that works in
25 elementary school, that works in junior high

1
2 school, but miraculously, when you walk in the
3 doors of a high school, there isn't anymore
4 modified promotion criteria so these kids are left
5 in the lurch. We have prepared them for nothing.
6 Absolutely nothing.

7 Are there accommodations for tests?

8 Absolutely. Could you take a Regents exam, as
9 Carmen and I were discussing? Over a three-day
10 period, absolutely. How many people in this room
11 actually knew you could do that? I would venture
12 to say very few because, unless you dig into the
13 state memos and you dig into what you can use to
14 for Section 504 modifications, nobody is going to
15 know.

16 And I have to say that DOE hasn't
17 done the best job that they could do about
18 training our high school principals, our junior
19 high school principals, and our elementary school
20 principals about what those modifications can be
21 used for. There are a lot of kids who could
22 benefit from those modifications and maybe
23 wouldn't need so much self-contained special
24 education.

25 When you look at the self-contained

1
2 special education model and now you say, okay, we
3 want to be more flexible, we want to have them
4 take advantage of the continuum, well that's
5 terrific, it really is. As you heard Carmen say,
6 not easy to do at the elementary level, where
7 things aren't departmentalized. At the junior
8 high school level and the high school level, yes,
9 things are more departmentalized, but do you
10 really want to take a kid with ADHD and make him
11 transition every 45 minutes? It's hard enough for
12 them to focus and get settled in one class where
13 he's going to stay for a couple of hours, to
14 physically make him get up and move just makes it
15 all fall apart and you lose a good chunk of time
16 settling him down again, refocusing him again.
17 Not something that's educationally a sound
18 practice, but I know it does make financial sense.

19 So that brings us to the end here
20 where you have the finance on one side and the
21 child on the other. Do we build the zero based
22 budget on the child for the services that they
23 need based on what the IEP recommends or do we
24 look to see how much money we have and what kind
25 of a package of services we can buy that might

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come close to meeting the child's needs or not?

But your budget will be balanced. Thank you.

CHAIRPERSON JACKSON: Well let me thank both you and Carmen for giving insight from two different perspectives, one as far as your union and, Dr. Herman, with respects to the principals, APs, and administrators; and from Carmen Alvarez's point of view, who represents the teachers, the guidance counselors, the paras, and all the other people, clearly, that your two unions are going to be dealing with that more so than anything else.

And so I hope that--and obviously, I'm so happy that both--that Laura and Corinne are here listening and, obviously, what you've said earlier, that they were invited and they stayed the entire course, and I think that shows their dedication as professionals in the field, and especially knowing that even though, Laura, you're retiring--she's retiring pretty soon, but she's been working in this field for decades and decades and this is something that she loves overall. But also Corinne, being that she's going to be taking over, knowing the issues and concerns and

1
2 listening and trying to work with all of the
3 parties involved to ensure that, you know, the
4 children's needs are met, and that's extremely
5 important.

6 So I appreciate them, I appreciate
7 you for what you're doing in order to try to make
8 sure that that happens.

9 And so, as I said earlier, yes,
10 this takes a lot of time in flushing through all
11 of this, but it's extremely important. So besides
12 you as union representatives, we're going to hear
13 from education advocates, special education
14 advocates, and parents and hear what they have to
15 say also. Thank all of you for--

16 DR. RANDI HERMAN: Thank you.

17 CHAIRPERSON JACKSON: --coming in.

18 CARMEN ALVAREZ: Thank you.

19 CHAIRPERSON JACKSON: Next we're
20 going to hear this next panel is by Maggie Moroff
21 from ARISE Coalition; Ellen McHugh from Parent to
22 Parent New York State; and Jean Mizutani,
23 Resources for Children with Special Needs. Please
24 come forward, have a seat. And if you have any
25 testimony to be presented, can you give it to the

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Sergeant-of-Arms? And--okay.

FEMALE VOICE: If you want, you can read that; if not, just say--

[Pause]

CHAIRPERSON JACKSON: And for the record, we received testimony from Class Size Matters, testimony of Leonie Haimson, Executive Director.

[Pause]

[Off mic]

CHAIRPERSON JACKSON: So just going to read one little part of Class Size Matters, Leonie Haimson's testimony, I read it verbatim. It says, moreover, the DOE Special Education Guide provided to principals instruct them they must enroll any students suitable for inclusion in regular general education classrooms until the class size hits the contractual maximum of 25 in kindergarten, 32 in grades one to five, and 30 or 33 in middle schools, depending on where the school gets the Title I funding. So okay.

And also for the record we received testimony from Sinergia, their Executive Director--I'm sorry, from Lizabeth Pardo, an attorney at

1
2 the Metropolitan Parent Center for Sinergia, for
3 the record. So, ladies.

4 RACHEL HOWARD: Why don't you go
5 first.

6 MAGGIE MOROFF: Okay. Okay.

7 CHAIRPERSON JACKSON: So your
8 testimony will be limited, not to three minutes,
9 but five minutes.

10 MAGGIE MOROFF: Beautiful.

11 CHAIRPERSON JACKSON: Okay. Go.

12 MAGGIE MOROFF: And it'll work.

13 CHAIRPERSON JACKSON: Good.

14 MAGGIE MOROFF: Okay.

15 CHAIRPERSON JACKSON: Thank you.
16 Sergeant-of-Arms. Go. Okay.

17 MAGGIE MOROFF: All right, good
18 afternoon, thank you. I'm Maggie Moroff, I'm the
19 Special Education Policy Coordinator at Advocates
20 for Children, I'm also the coordinator of the
21 ARISE Coalition. I'm here today to speak to you
22 from ARISE, which is a coalition of 45
23 organizations and individual parents. We came
24 together several years ago to push for very much
25 needed system-wide reform to New York City's

1
2 special education system and we advocate to
3 improve day-to-day experiences and long-term
4 outcomes of youth with disabilities.

5 To be effective, reform of special
6 education must do much more than assure that
7 students can attend their community schools.
8 That's a huge start, but it's not everything.
9 Real reform needs to assure that students receive
10 effective instruction and all necessary supports
11 and services that make them successful wherever
12 they attend school.

13 Since the DOE announced their plans
14 for reform of special education, ARISE has met
15 many times with critical DOE personnel, including
16 Chancellors Walcott and Black and Deputy
17 Chancellors Rodriguez and Suransky. Again and
18 again, we've expressed concerns about
19 implementation of the reform, we've seen--we have
20 definitely seen forward movement, but a number of
21 our concerns remain unanswered dangerously close
22 to the time that the reform is due to roll out
23 entirely.

24 The DOE needs to work through and
25 resolve these issues with regard to their reform

1
2 efforts in order to succeed and to avoid what we
3 really fear is going to be a big backlash in the
4 community schools. We have several areas of
5 particular concern that I'd like to lay out for
6 you. I'm not going to go through everything in my
7 written testimony, it would take forever, but the
8 first is that the DOE needs to provide ongoing--
9 and we've heard a lot about this today--ongoing
10 intensive support for school level staff to
11 support the needs of increasing numbers of
12 students with learning and behavioral challenges
13 that are going to be in their schools next fall.
14 We urge the City Council to ask the DOE for a plan
15 that shows exactly how they're going to do that
16 and how and when this will be developed and
17 provided.

18 Second, the DOE needs to issue a
19 clear statement of timelines and process for all
20 schools to review incoming IEPs, to develop class
21 configurations, and to identify or request
22 resources needed so that schools are ready to
23 serve all students--and this goes to the question
24 you were asking--on the first day of school in
25 September. How else are schools going to feel

1
2 prepared for the hard work that's ahead of them
3 and how are families going to feel secure that
4 their children with disabilities will be educated
5 in an appropriate setting in the fall?

6 Third, the DOE must create and
7 publicize a process for reviewing circumstances
8 where students who need programs and services
9 their local schools don't plan to offer can obtain
10 a seat at another school. Both Deputy Chancellors
11 did address this when they were up here and when
12 you were talking to them, but not every school is
13 being asked to offer every placement along the
14 DOE's continuum of services, that wouldn't make
15 sense. But if a student requires a setting that
16 the school won't be offering, there needs to be an
17 option to educate that student in another school
18 that can.

19 Lastly, from my testimony--

20 CHAIRPERSON JACKSON: [Interposing]
21 They said that's what they're going to do it.

22 MAGGIE MOROFF: They said that's
23 what they're going to do, it's on a case-by-case
24 basis, but, again, the families need to find their
25 way to--the families are going to need to--Ellen

1
2 hates this word, but are going to need to find a
3 way to escalate those cases so that's somebody is
4 looking at it. Right? So a lot of families are
5 going to be at the schools and they're going to be
6 told we can't serve you. The schools are going to
7 need know how to escalate it, the families are
8 not.

9 And the last thing that I want to
10 sort of emphasize here today is that we've called--
11 --and this has been discussed a lot today as well--
12 is that we've called repeatedly on the DOE to
13 release a detailed review of the first phase of
14 the reform. The public really needs to know what
15 happened in those 260 schools of phase one. Key
16 questions that we would love to see answered are
17 who were the students that were most affected;
18 what were the best practices--and Laura did
19 address this--what were the best practices
20 identified in those schools in order to provide
21 support in reading, math, and behavior; have
22 individual students made progress--that's a really
23 big one; what happened regarding discipline of
24 students with disabilities in those schools; did
25 the rates of impartial hearings go up, down, stay

1

2 the same in those schools; were the families
3 content.

4

My written testimony lays out some
5 other areas of concern for you to consider as
6 well, they have to do with funding. Again, the
7 path for parents to follow to resolve issues, not
8 just about placement related to the reform, and
9 about parent engagement.

10

Let me say before I stop that ARISE
11 believes there is cause for reform in special
12 education. We came together to call for reform
13 and we have not backed down from that. And we
14 want this reform to succeed, but we do have some
15 grave concerns that, unless the DOE addresses
16 these issues that I'm laid out, that the necessary
17 and hard-fought goals of the reform are going to
18 be in jeopardy. There's still time for the DOE to
19 act and make this reform beneficial to all
20 students, but that time is passing dangerously
21 fast.

22

Thank you.

23

CHAIRPERSON JACKSON: Thank you.

24

Next, please.

25

ELLEN MCHUGH: My name is Ellen

1
2 McHugh, I currently am the Deputy Director for
3 Parent to Parent of New York State, but I'm also
4 the Public Advocate's appointee to the Citywide
5 Council on Special Education, one of two, and I'm
6 here in a split position. I want to congratulate
7 all of you with your iron bottoms for lasting this
8 long. It's amazing and as the sole Indian
9 standing, I hope that your counterparts really
10 appreciate the work that you're doing.

11 I also have to say that I'm not
12 sure if I'm in Disneyland or La-La Land, I haven't
13 really understood most of the conversation that's
14 gone on because it's going in one ear and out of
15 the other. The bigger issue for me is one
16 statement in the DOE's enrollment and admissions,
17 page two of the Education Reform Reference Guide.
18 Schools must serve students in articulating grades
19 from their local communities, regardless of the
20 student's IEP program recommendations. To me,
21 that is a direct violation of the IDEA, as well as
22 an abrogation of trust. One of the issues that
23 comes with education is trust in the person who is
24 educating your child or trust in the system that
25 will bring your child to some point in his or her

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life where they can function.

My son is deaf, he went to school-- he didn't go to his home zoned school. Neither did some of his friends because there were kids who are gifted and talented. So for those kids who are gifted and talented, going to their non-home zone school was considered a win, and I come from a fairly decent district, District 20. His zone school was P.S. 104, it went K to 8. It's like you died and went to heaven, who could not like this stuff? He went somewhere else because it was an appropriate program for him. Children who are gifted and talented went somewhere else because it was an appropriate program for them.

Is it better to move gifted and talented children around and to move children with special needs around? Is it better to assume that a school that has a gifted and talented program has experience and knowledge and teaching and integrating children who are gifted and talented, but not to assume that a child with a special need can't be integrated in the same manner?

We work with a number of parents. Two of the biggest issues have been their

1
2 understanding of how this rolls out. A
3 kindergarten student in a phase one school in
4 September of 2011. Prior to approaching this
5 school, the child had gone to a school for special
6 needs, he had an IEP already written up. In May
7 of the time prior to entry to kindergarten, the
8 parents were called in and told that they could
9 not go to the school that he had been recommended
10 for because they had to go to the zone school.
11 They went to the zone school for approximately
12 three weeks. One of the ways they were supposed
13 to go to the zoned school was to have the child in
14 a general ed ICT class with a para--no para could
15 be found, no permanent para could be found. The
16 child had six different individual adults working
17 with him for the first three weeks. The parent
18 took the kid out of school. There was no follow
19 up until the parent called our office in January
20 of 2012 looking for a form to exclude the child
21 from required immunizations. No one from the DOE,
22 no one from the CSE, no one from the school had
23 called to follow up why this kindergarten aged
24 child with a disability was not in school.

25 Another child--and this is

1
2 particularly harmful, I think, to me because of my
3 experience with a hearing loss--had gone through
4 an entire evaluation, had been in a preschool
5 program for children with a hearing loss, had been
6 recommended to attend an ICT class with a
7 paraprofessional in her zoned school. A retired
8 evaluator from HHVI, the Hard of Hearing Visually
9 Impaired unit, looked at the IEP after it had been
10 agreed to and signed by both the parent and the
11 school district and said deaf children don't need
12 paras. [Pause] The mother and father were never
13 consulted, they were never brought in, there was
14 no discussion. The program was rejected out of
15 hand. We have since worked through a great deal
16 of discussion and, personally for me, a lot of
17 angst remembering how difficult it was for my own
18 son to be integrated.

19 I am not a person who has a kid in
20 the school now, so I can be totally dishonest or
21 honest, it depends on which way you want to go,
22 but the fact of the matter remains that we are
23 here based on trust: We trust that the public
24 school system will educate our children whether
25 they have disabilities, whether they are gifted

1
2 and talented, or whether they are typically
3 developing. In this world that we have created
4 currently, there is a serious lack of trust,
5 there's a lack of trust of staff, there's a lack
6 of trust to the DOE, and there is specifically a
7 lack of trust in the new reform. I am a person
8 who believes that you go where you have to go, you
9 go where it works for you, that's why Rourke
10 [phonetic], that's my son, went to a school that
11 wasn't his home zone school.

12 But, again, they had a rich
13 environment, they understood how to educate
14 children with a hearing loss. It was a success
15 for him. The end of the story though was not so
16 successful, a new principal in that school decided
17 that he didn't want to have children with hearing
18 losses in the building, so he disbanded the
19 program. Same thing happened in Merrill
20 [phonetic] High School, new principal said I don't
21 want children with a hearing loss in this
22 building, disband the program. I have no faith,
23 based on experience and my own intelligence, in
24 the fact that principals are currently being
25 either educated in how to work with children who

1
2 are different, or want to work with children who
3 are different. That is a cold statement and I'm
4 sure that Randi's hair has probably turned green
5 at this point now.

6 CHAIRPERSON JACKSON: It is red.

7 No, I'm joking. Okay. Ellen, so I'm--

8 ELLEN MCHUGH: [Interposing] But to
9 wrap it up--

10 CHAIRPERSON JACKSON: Please.

11 ELLEN MCHUGH: --trust is the issue
12 here and--

13 CHAIRPERSON JACKSON: Okay.

14 ELLEN MCHUGH: --I don't see the
15 people that we work with trusting a system that's
16 so large and--

17 [Crosstalk]

18 CHAIRPERSON JACKSON: [Interposing]
19 Well they're going to have to prove themselves.
20 Next, please?

21 RACHEL HOWARD: Thank you. Thank
22 you, Chairman Jackson, for holding the hearing.
23 I'm Rachel Howard, I'm with Resources for Children
24 with Special Needs, I'm here with my colleagues
25 Jean Mizutani and Laurie Podvesker. We're a

1
2 parent-founded, parent-led nonprofit organization
3 that works on behalf of all children in New York
4 City with disabilities to help families make
5 informed decisions and navigate the process.

6 CHAIRPERSON JACKSON: [Interposing]
7 Let me just say that--I'm sorry--you know, there's
8 budget negotiations going on now and budget
9 negotiating team is about half of the City
10 Council--

11 RACHEL HOWARD: Okay.

12 CHAIRPERSON JACKSON: --so that's
13 why a lot of my colleagues are not here--

14 RACHEL HOWARD: Right.

15 CHAIRPERSON JACKSON: --in fact,
16 I'm supposed to be in budget negotiations, but I'm
17 chairing the Committee so but go ahead, continue.

18 RACHEL HOWARD: So I'm going to
19 talk really quickly and first say that we're
20 members of ARISE so I will not repeat what Maggie
21 said, but let you know that we are in support of
22 what Maggie said on behalf of many of us in the
23 advocacy community.

24 Just wanted to share with you two
25 very quick points. In the five months, January

1
2 through May of 2012, we helped 508 families who
3 called our office for assistance on issues related
4 to school--who are having difficulties with
5 school-aged kids in the public system. And there
6 are two troubling trends that we have noticed that
7 we just really would hope that you would pay
8 particular attention to as this rolls forward.
9 We're completely and totally in support of the
10 goals of the reform. We believe an inclusion in
11 the least restrictive setting possible, we're not
12 asking you to hold up, but we are letting you know
13 that we have seen that IEPs, especially those with
14 plans for more intensive specialized services are
15 consistently undergoing administrative reviews
16 after the IEP meetings with parents, and parents
17 being notified after the fact that changes are
18 being required. And we think that the integrity
19 of the IEP process and para participation are
20 being undermined and placing the DOE at risk and
21 placing parents in great stress.

22 Secondly, and related to that, they
23 kind of go together, is the timeline in which
24 placements are recommended and implemented are not
25 being followed according to procedural guidelines,

1
2 which they can't be under that circumstance,
3 leaving parents very stressed out, very uncertain
4 about their children's educational future.

5 So as a result of those concerns,
6 we're just, Chairman, asking you to continue to
7 hold the department accountable to the children,
8 parents, and citizens of the city, and to really
9 pay attention to those issues to make sure we move
10 forward with integrity. Thank you.

11 CHAIRPERSON JACKSON: Well let me
12 thank all of you as advocates for children of our
13 great city, especially children with special
14 needs. And let me just say that we, and I'm sure
15 all of the parents that you deal with, appreciate
16 for what all of you do in trying to ensure that
17 our children receive the best education possible
18 and advocating for them. So I, on behalf of all
19 of the parents, we thank you. Thank you.

20 Our next panel is Betty Holcomb,
21 Center for Children's Initiative; Randi Levine,
22 Advocates for Children; Noah Gotbaum, is Noah
23 still here?, Community Education Council for CEC
24 3; and Cara Chambers, the Legal Aid Society.
25 Please come forward and we can go in the order in

1
2 which you were called. If you have any testimony,
3 please present it to the Sergeant-of-Arms. Thank
4 you.

5 Okay. So--

6 BETTY HOLCOMB: [Interposing] Betty
7 Holcomb, Center for Children's Initiatives, and
8 I'll keep this very brief.

9 I am here because we are working
10 very intensively on early childhood education and
11 I'm going to be speaking about something I don't
12 think anyone else has addressed yet, which is our
13 support for mandatory kindergarten in New York
14 City. And I just want to recognize you and
15 Speaker Quinn for continuing to keep early
16 childhood education front and center in this city,
17 and also to know that we co-chair state committee
18 for Winning Beginning Coalition on pre-K issues
19 and this year we took on kindergarten because
20 everywhere else around the state, we're facing
21 cutbacks because of the property tax caps and so
22 on.

23 And so for the City to come forward
24 in this way at this time is particularly important
25 and I don't have to tell you that Board of

1
2 Regents, national advocates, and all the research
3 shows that making school attendance compulsory for
4 five year olds is certainly a step in the right
5 direction, we've already got full day, that's what
6 we should have, that's what all children should
7 have.

8 The other thing I want to address
9 in connection with that though that I also think
10 no one else has brought up is that, while we're
11 fully in support of compulsory school attendance
12 at five years old, we know that there are really
13 serious capacity issues in the city and that if we
14 have more children show up, more 5-year olds
15 showing up, we don't always have seats for them,
16 particularly in their own zoned schools. We
17 already have 5-year olds who can't get in and I
18 know that probably all the members of the City
19 Council are anticipating the calls you're about to
20 get from parents both about K and pre-K where they
21 want to get in to a particular school into their
22 zoned school and they can't get a seat. And we
23 did a memo for the state this summer when we were
24 fighting for the pre-K money where we know the
25 waiting lists--and we have this all documented--

1
2 are like ten to one, it's like trying to go to
3 Harvard to get a seat in pre-K. And now with
4 increasing demand for kindergarten and crowding in
5 the elementary schools, we know that the same
6 conditions are happening in kindergarten.

7 And what we just want to suggest to
8 the Council, and we suggested when 5-year olds
9 were moved out of the ACS centers and into the
10 public schools, is that the City is still failing
11 to take account of all the capacity out there to
12 provide early childhood education to young
13 children, 4 and 5-year olds, and we, as you'll see
14 in my testimony, are urging the City Council to
15 work with the City--the Mayor's Office has an
16 Interagency Committee--but to look at the fact
17 that right now we're closing down child care and
18 we will have capacity for something on the order
19 of 6,550 kids, that could be used for kindergarten
20 in a lot of cases.

21 We also know under the Early Learn
22 RFP, we're moving a lot of services around and
23 that could open up space in community-based sites
24 to do kindergarten or to move existing pre-K
25 classrooms out to the community sites so that you

1
2 could free up more space for kindergarten in
3 schools. There are lots of things going around on
4 around the country now where in other states and
5 cities, public school systems are setting up early
6 childhood centers where you start kids at 3 or 4-
7 years old and they go through the first or second
8 grade.

9 And we already have some instances
10 in the city now where some of that unused capacity
11 that ACS had created is being used by local public
12 schools. And so we just think there could be a
13 much more efficient and effective planning and
14 review of capacity across all these systems and to
15 use funding, you know, the last time that we moved
16 5-year olds into kindergarten, some of them then
17 had to get on buses 'cause their local school was
18 overcrowding and go somewhere else.

19 We just think--and we've been
20 urging this for the last few years now--let's look
21 at capacity and resources across systems, not
22 close down the community-based centers, but look
23 at them as a possibility for meeting what's going
24 to happen in terms of attendance under compulsory
25 kindergarten.

1
2 Finally, I just want to say that we
3 work closely with a lot of the advocates, my good
4 friend here, Randi Levine, and other people at
5 Advocates for Children. We understand and hear
6 about children with special needs every day in our
7 child care resource and referral services. We
8 talk to thousands of parents, and the most
9 heartbreaking situations are the ones of parents
10 with special needs trying to get accommodated. I
11 had a child with special needs, didn't have to
12 deal with New York, but even in my school system
13 in New Jersey where everybody wanted to get in, it
14 was very, very difficult to navigate the system.
15 CCI has kept in close touch with what's happening
16 with younger children with special needs going
17 from pre-K to kindergarten and we support what's
18 being put forward by ARISE and we hope the Council
19 will push to get the City to comply with their
20 very good recommendations, and to make this a more
21 thoughtful process, maybe slowing it down a bit.

22 CHAIRPERSON JACKSON: Thank you.

23 Next, please?

24 RANDI LEVINE: Good afternoon, my
25 name is Randi Levine and I'm an attorney at

1
2 Advocates for Children of New York. For more than
3 40 years, Advocates for Children has worked to
4 promote access to the best education New York can
5 provide for all students, especially students of
6 color and students from low income backgrounds.
7 Advocates for Children appreciates your leadership
8 and the Council's leadership in calling for
9 mandatory kindergarten. If we want to improve
10 educational outcomes, we cannot afford to have
11 thousands of students start school in the first
12 grade.

13 Under the Common Core Standards, by
14 the end of kindergarten, students are expected to
15 read common words by sight, identify similarities
16 and differences between two texts, and solve
17 addition and subtraction word problems. The first
18 grade standards assume that students have learned
19 these skills. Children who miss out on
20 kindergarten are at a substantial disadvantage and
21 teachers have to dedicate significant time to
22 helping them catch up.

23 In New York City, children do have
24 the right to attend kindergarten if their parents
25 choose to send them. However, the voluntary

1
2 nature of kindergarten has caused widespread
3 confusion among administrators, educators, and
4 parents. This fall, parents of preschool students
5 with disabilities in East New York came out on a
6 cold, rainy day to learn about the transition to
7 kindergarten. I was appalled when a DOE
8 administrator began the meeting by stating,
9 kindergarten is not mandatory. Let me repeat,
10 kindergarten is not mandatory.

11 CHAIRPERSON JACKSON: They repeated
12 it?

13 RANDI LEVINE: They said let me
14 repeat, kindergarten is not mandatory. This is
15 not the message we want to be sending to parents.
16 Parents have reported that when they tried to
17 discuss concerns about kindergarten placements,
18 DOE administrators replied that if they were not
19 satisfied, they could keep their children at home
20 because kindergarten is not mandatory, instead of
21 addressing their concerns. We have seen cases of
22 kindergarten students placed on half-day schedules
23 or discharged from school entirely with the
24 explanation that kindergarten is not mandatory.
25 It is time to take this phrase out of our

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vocabulary.

I also want to echo Betty Holcomb's statement about the importance of maintaining capacity for all early childhood education programs as budget negotiations move forward.

Advocates for Children strongly supports the vision of the Department of Education's special education reform. The graduation rates for students with disabilities are dismal, and too often students with disabilities are sent to schools outside their communities where they are segregated in classes with low standards and no opportunity for interaction with typically developing peers. The status quo is clearly unacceptable. However, ambitious reforms require planning, capacity building, and community buy in. While the DOE has met with us on a regular basis and has implemented many of our ideas--and we do really appreciate that--we are distraught that the DOE has not answered some basic questions that we have been asking for more than a year.

One of the most pressing questions on the ground right now, which you alluded to

1
2 earlier today, is what happens when the student's
3 zoned school does not have the type of class
4 recommended on the student's IEP. For example, I
5 received a call from a parent whose child's
6 kindergarten IEP for September recommends a 12-
7 student class, the parent received a computer-
8 generated placement letter from a central DOE
9 office stating that her child was recommended for
10 that 12-student class and would receive the class
11 at his zoned school. However, when the parent
12 called the school-based contact listed on the
13 placement letter, the zoned school made clear that
14 it has no intention of having a 12-student
15 kindergarten class in September and that it will
16 not have that class. We are getting these calls
17 again and again.

18 We have passed along more than a
19 dozen such cases to the DOE and, unfortunately,
20 nearly all of these cases remain unresolved. We
21 can only imagine how many parents are experiencing
22 this problem but do not have Advocates for
23 Children's phone number and how many additional
24 parents believe that the information on the
25 placement letter is true and will not discover

1
2 that their zoned school cannot implement their
3 child's IEP until September. In fact, I had a
4 parent call just this morning who said I went
5 ahead and signed the placement letter and then
6 realized, spoke with the school and was informed
7 that they're not going to have the class on the
8 IEP that was developed for my child by all of the
9 professionals who know my child just a few weeks
10 ago. The parents who do realize are extremely
11 anxious and want answers now about what school
12 their child will attend and what services they
13 will receive in September for their 5-year old
14 children with disabilities.

15 Advocates for Children fully
16 supports the recommendations made in the ARISE
17 Coalition's testimony today and urges the City
18 Council to ensure that the DOE addresses these
19 concerns immediately. Thank you for this
20 opportunity to speak with you today.

21 CHAIRPERSON JACKSON: Well thank
22 you for testifying on behalf of Advocates for
23 Children and clearly laying out some of the
24 problems that existing in this reform.

25 Next, please.

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2 CARA CHAMBERS: Good afternoon, I'm
3 Cara Chambers, Supervising Attorney of the Legal
4 Aid Society's Education Advocacy Project. I thank
5 Chairperson Jackson and the Committee on Education
6 for inviting our thoughts on the Department of
7 Education's Special Education Reforms and on City
8 Council Resolution number 1330.

9 Legal Aid's clients are among the
10 most vulnerable in all of New York City. Many of
11 them are homeless, victims of abuse and neglect,
12 in foster care, or court involved. An
13 overwhelming number of them have some type of
14 developmental delay or disability. Our clients
15 have limited access to early childhood education,
16 and many of them, particularly those who are
17 homeless or have to change foster care placements
18 in the middle of the school year, have been
19 illegally turned away from schools when they
20 attempt to enroll in kindergarten mid-year with
21 the argument that Randi pointed out, kindergarten
22 is not mandatory.

23 We applaud City Council's efforts
24 to ensure that every child has an opportunity to
25 attend kindergarten. We do, however, caution that

1
2 any change to the compulsory school laws has to be
3 accompanied by an intensive public information
4 campaign. Parents should not be penalized with an
5 intrusive and costly child protective
6 investigation for failing to enroll their child in
7 kindergarten if they were unaware of the change to
8 the compulsory school laws. If this legislation
9 does go forward, and we hope that it does, we
10 encourage the Council to set clear procedures for
11 informing the public and a realistic time frame
12 for implementation.

13 With regard to the Department of
14 Education's special education reforms, Legal Aid
15 wholeheartedly supports the intent of the reform
16 efforts, namely, to serve students with
17 disabilities in less restrictive and less
18 segregated educational settings, but we've been
19 sorely disappointed with the way that the reform
20 has been implemented.

21 First, the reform has not increased
22 flexibility and programming options for students
23 with disabilities, it has narrowed them. Phase
24 one schools routinely draft Individualized
25 Education Programs based on what they have

1
2 available at the school, rather than what the
3 child needs. Students are stuck with whatever the
4 services their home zone school chooses to offer,
5 and can no longer access programs in neighboring
6 schools that may be more suited to meet their
7 needs.

8 Second, in many schools, reform has
9 resulted in greater exclusion rather than
10 inclusion. Certain phase one schools have simply
11 turned away students at the door if their IEPs
12 call for a service that the school does not
13 recommend or that the school does not provide or
14 that the school does not want to pay for. Other
15 schools have resorted to suspensions, illegal
16 exclusions, and calling Emergency Medical Services
17 because they're ill-equipped to manage students'
18 challenging behavioral issues.

19 Third, staff at the phase one
20 schools frequently seems overwhelmed and under-
21 trained to manage the diversity and complexity of
22 the needs presented by students with disabilities--
23 -I think we've heard that as a theme throughout
24 the testimony today.

25 And fourth, the Department of

1
2 Education has either not undertaken, or has not
3 made public, adequate analysis of data relating to
4 phase one of the reform efforts. The Department
5 has not published information about student
6 achievement, parent or student satisfaction,
7 suspension rates, impartial hearing rates, or
8 hold-over rates at the phase one schools.

9 Appended to Legal Aid's written
10 submission are ten case studies that illustrate
11 the types of problems Legal Aid's clients have
12 encountered at the phase one schools. I'd like to
13 emphasize one today that illustrates the problems
14 with both kindergarten registration and the phase
15 one reforms.

16 CHAIRPERSON JACKSON: What page?

17 CARA CHAMBERS: If you look on
18 page--

19 CHAIRPERSON JACKSON: Four.

20 CARA CHAMBERS: Four, yes. Thank
21 you. Legal Aid represents a District 5
22 kindergarten student whose IEP calls for a 12 to 1
23 to 1 class, with 12 students, one teacher, and one
24 paraprofessional, related services, and his own
25 one to one paraprofessional. This child was

1
2 unfortunately forced to change foster homes mid-
3 year and moved from the Bronx to Manhattan. His
4 new foster mother attempted to register him at the
5 new home zone school, which is a phase one school,
6 but instead of welcoming this child, the school
7 refused to register him. They said their 12 to 1
8 to 1 class was full, their related service
9 providers were entirely booked, and they had no
10 money to pay for the one to one paraprofessional
11 required by his IEP. This--

12 CHAIRPERSON JACKSON: [Interposing]
13 In essence, they closed--slammed the door in their
14 face and said we're full, get out.

15 CARA CHAMBERS: Absolutely.

16 CHAIRPERSON JACKSON: Find
17 somewhere else to go and not here.

18 CARA CHAMBERS: Absolutely.

19 CHAIRPERSON JACKSON: In essence.

20 CARA CHAMBERS: Exactly. And the
21 school furthermore told the foster parent that
22 kindergarten was not mandatory. They told the
23 foster parent she should take the child home, keep
24 him at home with no educational services
25 whatsoever for the remaining five months of the

1
2 school year. When Legal Aid intervened, the
3 school relented and said they would permit the
4 child to enroll, but he would have to be placed in
5 a general education setting without any of the
6 special education services required by his IEP
7 because they did not--

8 CHAIRPERSON JACKSON: [Interposing]
9 Isn't that a violation of the law?

10 CARA CHAMBERS: Absolutely.

11 CHAIRPERSON JACKSON: So they're
12 supposed to be upholding the law and they're
13 purposely violating the law.

14 CARA CHAMBERS: Absolutely.

15 CHAIRPERSON JACKSON: Because they
16 don't--

17 CARA CHAMBERS: [Interposing] They
18 simply didn't have the capacity or--

19 CHAIRPERSON JACKSON: The capacity.

20 CARA CHAMBERS: --the creativity or
21 the desire to accommodate this child. So under
22 threat of impartial hearing, the school ultimately
23 implemented the proposed solution that Legal Aid
24 came up with, which was we asked the school to
25 apply for a state--apply to the state for a class

1
2 size waiver that allowed the child to enroll as
3 the 13th child in a 12 to 1 to 1 class. But in
4 the process of all this, the child missed a month
5 of critical educational services and therapy, all
6 because this phase one school refused to
7 accommodate him.

8 So in sum, after two years of
9 training and support, the schools participating in
10 phase one are still really struggling to comply
11 with the basic tenets of this reform effort and we
12 encourage the City Council to demand a more
13 thorough analysis of phase one results and to
14 closely monitor the implementation of the reform
15 to ensure that it truly benefits children with
16 disabilities. We would also encourage City
17 Council Members to take a look at the other case
18 studies, the case stories that we have included in
19 our written testimony to give you a better idea of
20 what this is like on the ground for children and
21 their families.

22 Thank you for the opportunity to
23 speak today.

24 CHAIRPERSON JACKSON: Well let me
25 thank all of you for coming and representing your

1
2 various advocacy organizations, and I like the
3 case citations. We still have representative from
4 DOE that's here, he has copies of everyone's
5 testimony so he can share with his higher ups so
6 that hopefully they can understand what's
7 happening on the ground. So thank you very much
8 for coming in. [Off mic] not here. [Pause] The
9 next panel, Mona Davids, New York City Parents
10 Union; Lawrence Ketchum, Ketchum?

11 LAWRENCE KETCHEN: Ketchen.

12 CHAIRPERSON JACKSON: Ketchen,
13 Local 372 of DC 37; Keren Farkas, New York--oh,
14 this is like, New York Lawyers for Public
15 Interests; and Moira Flavin, Citizens Committee
16 for Children. Please come forward. If you have
17 testimony, please give it to the Sergeant-of-Arms.
18 And, Sergeant, can you also give, when you hand it
19 out, give the DOE representative one copy? Okay?
20 Thank you. So whoever I called first, I believe
21 it was Mona David, New York City Parents Union.
22 As representatives, you have five minutes, not
23 three minutes, I'm trying to give everybody enough
24 time to really say what they need to say, it's
25 important.

1

[Pause]

2

MONA DAVIDS: Thank you, Councilman

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Jackson--

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CHAIRPERSON JACKSON: Thank you.

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MONA DAVIDS: --for convening this

6

hearing. My name is Mona Davids, I am the

7

president of the New York City Parents Union, we

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are of the parents, by the parents, and for the

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parents. We are a grassroots organization, as I

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said, led by parents, all volunteers, fighting for

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the rights of children and students in the public

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school system.

13

We believe that these reforms

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should be delayed. We believe there needs to be a

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transition year because it is clear that our

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schools are unprepared, our principals do not have

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the support, the resources, the training

18

themselves, neither do our general education and

19

special education teachers, but most of all,

20

parents have not been fully informed about the

21

impact of these reforms.

22

I not only sit here as the

23

president of the New York City Parents Union, I

24

sit here as the parent of a child with an IEP,

25

1
2 whose IEP says 12, 1 to 1. And it angers me
3 because my little special boy, who just turned
4 four, looks like most of the majority of the other
5 children with IEPs in the New York City public
6 school system. I look like the mother of most of
7 the children with IEPs in the New York City public
8 school system. The only difference between me and
9 many of those parents is, one, I have the
10 knowledge, the expertise, and the resources to
11 fight for the rights of my child when I know that
12 his IEP is not being complied with, unlike so many
13 other parents there.

14 With these reforms coming down the
15 pike beginning in September, so many parents are
16 completely unaware that they do not have to go
17 along just to get along to fit into whatever
18 budget or classes that school has. To force
19 parents and to force children to send--to attend
20 these schools, their zone neighborhood schools,
21 while it is a laudable goal, we're not prepared,
22 and to send these children to these schools
23 knowing that these schools are completely
24 unprepared for these kids is outrageous and it is
25 unconscionable, and we cannot support that.

1
2 We do want all children to be
3 treated equally and fairly, but we want to ensure
4 that each and every IEP, we demand a guarantee
5 from the Department of Education that each and
6 every child's IEP will be complied with come
7 September and we would like to see the data, show
8 us the data, I want to know how many children like
9 my son who went through phase one, how many of
10 those kids' IEPs stayed intact and how many of
11 those kids' IEPs were revised to suit the school.

12 So what we are saying is we are
13 urging the DOE to delay these reforms. Laudable
14 as they are, our schools are not prepared, our
15 principals, our general education, our special
16 education teachers are not prepared, general
17 education parents have no clue what's happening,
18 special education parents have no clue what's
19 happening. There is a communication problem here
20 and we need to sort this whole thing out before we
21 roll it out citywide. Show us the data, work with
22 us, help us to educate parents on what's going on,
23 but most importantly, give our principals the
24 support that they need and the money that they
25 need to run their schools, and provide our

1
2 teachers--our general education teachers and our
3 special education teachers--with all of the
4 training and professional development they need to
5 serve our children.

6 Thank you.

7 CHAIRPERSON JACKSON: Thank you.

8 Next, please. You know, I had a question about
9 you saying they all look like you, what do you
10 mean by that? I didn't quite understand that, you
11 mean--

12 MONA DAVIDS: [Interposing] No, I
13 said the majority look like me, meaning I was
14 referring to the majority being parents of color
15 in a system with the majority of parents of color
16 and, like me, they are immigrants. Many, many are
17 immigrants.

18 CHAIRPERSON JACKSON: Okay.

19 MONA DAVIDS: But unlike me, they
20 don't have the expertise and the knowledge.

21 CHAIRPERSON JACKSON: Okay. Thank
22 you. Next, please?

23 LAWRENCE KETCHEN: Good afternoon,
24 Chairman Jackson, I am here on behalf of Santos
25 Crespo, the president of Local 372. I want to

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thank you for giving us the opportunity to make this statement.

The New York City Department of Education has launched a special education reform by aligning their practices to that which best-- which is required by law. Can this truly be called a reform or simply adhering to what is expected of New York City by federal law and state regulations? Why has it taken so long? Why has the New York City Department of Education continually placed our most vulnerable students at risk?

In 2000, the New York City Board of Education published the United Service Delivery System: New York City's Continuum of Services. Twelve years later, New York City Department of Education calls the implementation of this document a reform. Those individuals who now take credit for being innovative and having foresight about student needs should have listened to those who authored the Unified Service Delivery System. Yes, those same individuals who hold the most powerful positions today as Deputy Chancellor and soon-to-be Deputy Chancellor should be questioned

1
2 about their implementation practices of the
3 continuum of services when they were
4 schoolteachers and leaders.

5 Take a closer look at the document.
6 The president of the now-defunct Board of
7 Education, Bill Thompson, had the foresight along
8 with other members of the Board of Education to
9 embrace this overdue practice of ensuring that all
10 students have access to the general education
11 curriculum. With much chaos around one reform or
12 another, no wonder this document was buried. Even
13 so, the expectation is that our leaders maintain
14 an understanding of the law. New York City missed
15 an opportunity in 2009 when we allowed the Mayor
16 election to be bought, this will not happen again.

17 Thank you.

18 MOIRA FLAVIN: Good afternoon, my
19 name is Moira Flavin and I am the policy associate
20 for Early Childhood Education, Education, and
21 Youth Services at Citizens' Committee for Children
22 of New York.

23 CHAIRPERSON JACKSON: [Interposing]
24 One second, Laura, so--or Lauren.

25 MOIRA FLAVIN: Moira.

1
2 CHAIRPERSON JACKSON: Moira, I'm
3 sorry. So, Lawrence, you're representing Santos
4 Crespo who is the president of Local 372--

5 LAWRENCE KETCHEN: [Interposing]
6 Local 372, absolutely.

7 CHAIRPERSON JACKSON: --who
8 represent employees in the New York City
9 Department of Education--

10 [Crosstalk]

11 LAWRENCE KETCHEN: [Interposing]
12 Absolutely, yes.

13 CHAIRPERSON JACKSON: Okay.
14 Thanks.

15 MOIRA FLAVIN: So I'm Moira Flavin
16 from Citizens' Committee for Children of New York.
17 CCC is a 68-year old independent, multi-issue
18 child advocacy organization dedicated to ensuring
19 that every New York child is healthy, housed,
20 educated, and safe. Thank you, Chair Jackson, for
21 giving us the opportunity to express our support
22 for the City Council's Resolution number 1330 in
23 support of legislation which would amend the state
24 education law and enable New York City to require
25 that all 5-year old in the city attend

1
2 kindergarten. And I would echo my colleagues'
3 plea that capacity for all early childhood
4 education be preserved in the city budget.

5 CCC believes that mandatory
6 kindergarten will result in more young children
7 receiving quality early childhood education;
8 reduce the confusion administrators, educators,
9 and parents experience during the enrollment
10 process; and ensure that the City continues to
11 make kindergarten a budget priority.

12 The benefits of a quality early
13 childhood education are widely recognized. Early
14 childhood education has been proven to improve
15 children's cognitive, emotional, and social
16 wellbeing; reduce special education enrollment and
17 grade retention; and increase test scores and high
18 school completion. Furthermore, a 2010 study
19 conducted by Dr. Raj Chetty, a Harvard economist,
20 shows correlations between achievement in
21 kindergarten and college attendance and
22 graduation, future wages, home ownership, and
23 retirement savings.

24 For all these reasons, CCC believes
25 that requiring New York City 5-year olds to attend

1
2 kindergarten will ensure that greater numbers of
3 children will benefit academically and socially.

4 Because children are not guaranteed
5 seats in their own communities, it can be very
6 difficult for parents to locate schools for them.
7 While children have a right to attend kindergarten
8 under current law if their parents choose to
9 enroll them, the Department of Education is not
10 required to offer children seats in their zone
11 schools. Additionally, the seats offered are not
12 often convenient for the families, and many
13 parents are discouraged by the process or turned
14 away because kindergarten is not mandatory.

15 Furthermore, data show that
16 vulnerable children, including those who are
17 economically disadvantaged and/or those who have
18 special needs, are less likely to attend
19 kindergarten. Making kindergarten mandatory would
20 keep this from occurring and would also prevent
21 the Department of Education from discharging
22 kindergarten students who present with behavioral
23 challenges or other needs.

24 Making kindergarten mandatory in
25 New York City would also inform the Department of

1
2 Education's planning and emphasize the need to
3 make space available in neighborhood schools to
4 accommodate children. It would reduce system-wide
5 confusion about children's rights to attend
6 kindergarten, and more clearly convey the value of
7 it.

8 Lastly, many districts around New
9 York state have significantly cut funding to pre-
10 kindergarten and kindergarten due to budget
11 challenges which have resulted in the reduction
12 from full to half-day services and, in some cases,
13 the elimination of services all together. While
14 this is currently not the case in New York City,
15 it is CCC's hope that making kindergarten
16 mandatory will ensure that New York City continues
17 to prioritize early childhood education such that
18 all students have access to necessary early
19 education services.

20 CCC thanks the City Council for
21 your commitment to making kindergarten mandatory
22 in New York City and we look forward to continuing
23 our work with you and other City leaders to ensure
24 that all New York City's children receive early
25 childhood education.

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CHAIRPERSON JACKSON: Thank you.

Pull the chair up so you can be part of this panel because you were called. I don't want someone to leave and so... Thank you. Next, please?

KEREN FARKAS: Good afternoon, thank you for this opportunity to comment on the Department of Education's special education reform. My name is Keren Farkas and I am a staff attorney in the education program at New York Lawyers for the Public Interest, also known as NYLPI. NYLPI serves as the federally mandated protection and advocacy group for persons with disabilities and we offer a range of services, legal and otherwise, including significant special education practice.

As a member group of the ARISE Coalition, NYLPI adopts and endorses the comments submitted today by Maggie Moroff on behalf of ARISE. Specifically, we support the principles of the reform but are concerned that the necessary preparation and trainings to implement this change have neither been adequate nor transparent. In our individual case work, we have encountered more and more cases of parents feeling confused and

1
2 skeptical about what the reform will mean for
3 their child's education. They are frequently
4 unable to get clear and informative answers from
5 the school staff about their child's educational
6 program for the next year and contact us because
7 they are concerned about what will happen. For
8 example, last week an advocate from my office
9 attended an IEP meeting where the CSE
10 representative told the parent she did not know
11 whether any schools in the district would offer an
12 integrated co-teaching classrooms. In several
13 other instances, the school has asked the parent
14 to return for a second IEP meeting because days
15 after the first IEP meeting, school staff realized
16 they could not accommodate the recommended program
17 in the school or transfer the child to another
18 school that offers the recommended program so now
19 they ask the parent to come up with another
20 recommendation.

21 CHAIRPERSON JACKSON: They ask the
22 parents to--

23 KEREN FARKAS: [Interposing] To
24 join in the IEP meeting and to come up with
25 another, not on their own. Such uncertainty less

1
2 than three months before the reform's full roll
3 out is troubling and unacceptable. We urge the
4 City Council to monitor the DOE in these months
5 leading up to the roll out and ensure the
6 necessary preparation and support is in place.

7 Oh, on behalf of NYLPI, I would
8 also like to take a few moments before the
9 Committee to address our concerns about the reform
10 as it relates to a specific population of
11 students--children with behavioral and emotional
12 difficulties. Over the past several years, NYLPI
13 has received scores of complaints from parents of
14 students with disability-related challenging
15 behaviors. The complaints display a clear pattern
16 of children not receiving the appropriate
17 interventions and services to succeed in general
18 education classrooms, and then being
19 inappropriately pushed out into self-contained
20 settings and the city's specialized school
21 district, District 75. Community schools and
22 charter schools too often take the position that
23 they are unable or unequipped to meet the needs of
24 students with behavioral and emotional
25 disabilities. Specific problems we have seen

1
2 include functional behavioral assessments and
3 behavior intervention plans are too rarely
4 employed effectively or taken seriously; punitive
5 discipline is over-used, and positive behavioral
6 interventions and restorative practices are not
7 appropriately implemented or considered at all;
8 and counseling services are not offered
9 consistently or integrated with the student's
10 classroom education or outside providers.

11 In our experience, the response of
12 community schools to challenging behavior is
13 commonly suspension, expulsion, calls to EMS, or
14 sometimes ACS, placing students in self-contained
15 classrooms alongside other children with
16 challenging behaviors, and then recommending
17 students attend District 75.

18 Beginning with phase one, the DOE
19 has asserted that the special education reform
20 will require community schools, with the support
21 of their Children's First Network, to leverage the
22 full continuum of services and demonstrate
23 flexibility to meet the needs of the majority of
24 students with disabilities within their home
25 schools. With respect to students, particularly

1
2 high school aged students with behavioral
3 disabilities, we have not seen meaningful changes
4 in how community schools try to teach them, and we
5 have not been able to obtain information as to how
6 the schools will be better supported to do so in
7 the upcoming school year. In fact, we have mostly
8 seen an increase in referrals to District 75
9 because community schools do not believe they have
10 the resources, access, or, arguably, the
11 responsibility, to educate these students.

12 We fear that without building
13 capacity and providing school personnel with a
14 range of skills, strategies, and resources to
15 appropriately handle crises and ongoing
16 challenging behaviors, the reform will result in
17 schools relying even more on the escape valves of
18 suspension and placement in District 75.

19 Accordingly, we urge the Committee to ensure the
20 DOE invests the necessary resources to create the
21 schoolwide climate to support the education and
22 behavioral needs of all students. While some New
23 York City schools utilize positive behavioral
24 intervention and supports, the majority of these
25 schools are District 75; those interventions must

1 be available to students in community schools.
2
3 The DOE must provide ongoing support and training
4 to community schools to identify and implement the
5 schoolwide supports they need to educate students
6 with challenging behaviors. And this capacity
7 goes beyond access to mental health providers in
8 schools. Research supports that, while that
9 component is critical, so is a change in
10 schoolwide culture. Going forward, we urge the
11 City Council to demand that DOE track and report
12 on several key measures, disaggregated by
13 disability classification, including increases and
14 decreases in placements to District 75, placements
15 on home instruction, changes in IEP
16 recommendations, and trainings on the different
17 forms of positive behavioral interventions that I
18 had mentioned earlier, and they're more listed in
19 detail in my written testimony.

20 Thank you for this opportunity to
21 speak today.

22 CHAIRPERSON JACKSON: Well let me
23 thank all of you for staying the course, listening
24 to the testimony, and presenting testimony on
25 behalf of the students that you represent and on

1
2 behalf of your organizations, we thank you very
3 much.

4 And so we're going to call the next
5 panel.

6 FEMALE VOICE: Jaclyn Okin Barney,
7 Eric Slepak, Laurie Hanin, and E Terry.

8 [Pause]

9 [Off mic]

10 FEMALE VOICE: Okay. If there's
11 anybody who wishes to testify, they can come to
12 the panel.

13 [Pause]

14 JACYLN OKIN BARNEY: Thank you.
15 Hi, sorry. My name Jaclyn Okin Barney, I'm a
16 special education attorney and I'm also the
17 coordinator of a group called Parents for
18 Inclusive Education.

19 FEMALE VOICE: Move the mic up a
20 little bit.

21 JACYLN OKIN BARNEY: Sure. That
22 good? Thank you. If you don't understand me,
23 please tell me, I'll repeat whatever I say.

24 I'd like to say I'm here on behalf
25 of Parents for Inclusive Education. We are a

1
2 group of educator reformers that work to ensure
3 students with disabilities in New York City have
4 access to meaningful inclusive educational
5 opportunities. PIE has been in existence for more
6 than 15 years, and we [off mic] parents throughout
7 the five boroughs of the city. We are the only
8 group in New York City solely dedicated to
9 promoting the inclusion of students with
10 disabilities.

11 We work in many different ways to
12 achieve our agenda of promoting inclusion. Our
13 work includes collaborating with the Department of
14 Education on a number of different projects. Just
15 recently we worked with the DOE on a project of
16 Inclusion Summit, where students get together with
17 a student with and without disabilities came
18 together to talk about inclusive school
19 communities.

20 As we know, inclusion is a key
21 component in the education of children with
22 disabilities, it provides [off mic] for kids with
23 and without disabilities. Just to name a few,
24 yeah, it fosters high expectations, peer modeling,
25 and increased social interactions, as well as

1
2 instill a sense of community and build
3 understanding of diversity and acceptance for all
4 students. The parents of PIE truly believe that
5 the opportunities for their children through
6 inclusion, that their [off mic] without
7 opportunities provided to their children through
8 inclusion, their children would not be where they
9 are today.

10 Just to give one example in the
11 other--in my testimony, we have a member whose
12 child has significant disabilities and wasn't even
13 speaking until later in life, 'til he was an older
14 student. It wasn't until he was put in inclusion
15 class he started education in a segregated class,
16 wasn't until he was moved that he began to build
17 his communication skills, his academic skills, and
18 his social skills. I'm so happy to say that he's
19 graduating school this year with a Regents diploma
20 and going to college.

21 CHAIRPERSON JACKSON: Very good.

22 JACLYN OKIN BARNEY: There are
23 countless other stories of our members and that
24 they can tell about inclusion has helped their
25 children to build social, emotional, language, and

1
2 academic skills. Inclusion does not mean the same
3 thing for everyone, but to the extent possible
4 students need the [off mic] alongside their non-
5 disabled peers. All PIE members also know that
6 this cannot be done without the proper resources,
7 preparation, and training staff and training
8 staff, and support from all the individuals within
9 a school, the school community at large, and
10 parents.

11 We applaud the Department of
12 Education for taking steps to ensure students with
13 disabilities are included in community schools.
14 However, we do share many of the concerns voiced
15 today about the preparation of teachers,
16 administrators, and other school staff in regard
17 to the implementation of the reform. Already this
18 year, we have heard far too many stories from
19 parents of inappropriate practices taking place
20 with regard to students with disabilities under
21 the guise of the special ed reform. We are also
22 seriously concerned about the lack of efforts of
23 schools to engage parents as partners in this
24 reform. It is key for schools to build strong
25 partnerships with their parent community and for

1
2 parents to be equal and informed member of their
3 child's education.

4 Without proper preparations and
5 resources, students with disabilities will not be
6 included in their schools in meaningful ways next
7 year, resulting in unintended consequences that
8 will greatly impact students with disabilities and
9 the entire system. We ask that the City Council
10 work closely with the DOE in addition to advocacy
11 groups and parents and their families to ensure
12 this reform can move forward in a way that all
13 students are included within their schools at the
14 same time that schools are receiving the necessary
15 supports to make this succeed. I thank the
16 Council for the opportunity to speak and for
17 listening to all of us on these important [off
18 mic].

19 CHAIRPERSON JACKSON: Thank you.
20 Next, please?

21 ERIC SLEPAK: Good afternoon, I'm
22 Eric Slepak with the Center for Independence of
23 the Disabled New York. Thank you for affording me
24 the opportunity to express our concerns about
25 special education reform.

1
2 While we commend the DOE for trying
3 to provide the least restrictive environment for
4 students with disabilities, we cannot support a
5 plan that seeks to thrust students with
6 disabilities into schools that are not ready to
7 adequately serve those students' needs.

8 There have been many meetings with
9 DOE throughout the years to discuss concerns about
10 phase one reform. Two hundred and sixty schools
11 were piloted during phase one, however, no
12 detailed report has been made public, yet, at the
13 same time, DOE has announced the expansion of the
14 phase one citywide. We believe it is important to
15 know at the very least what the impact of the two-
16 year pilot program has been on students, have
17 there been changes in the numbers and frequency of
18 disciplinary actions against students with
19 disabilities, and what best practices have been
20 documented as a result of the phase one reform.

21 We, therefore, believe the
22 expansion of the reform should be informed by a
23 full and transparent report on the results of the
24 phase one reform pilot. This should include, but
25 not be limited to, best practices among schools

1
2 that prove to be most successful; the number of
3 students with disabilities admitted to community
4 schools during the first phase of the reform, and
5 the number anticipated for this coming school
6 year; and lastly, an articulated and implemented
7 plan to engage parents in the reform at the local
8 level. This requires much more than a letter sent
9 to the home or having a series of meetings for
10 parents to discuss their child's IEP development,
11 parents must also be given information on their
12 options and their rights under the reform in a
13 proactive and interactive manner.

14 In summary, we believe the DOE must
15 release information on phase one and the City must
16 ensure that resources are available to accommodate
17 all students who will be moving back community-
18 based schools. Thank you for your time.

19 CHAIRPERSON JACKSON: Thank you.

20 Next, please?

21 LAURIE HANIN: My name is Laurie
22 Hanin, I'm the Executive Director of the Center
23 for Hearing and Communication, formerly the League
24 for the Hard of Hearing, I'm also an audiologist.
25 And I thank you for your patience in listening to

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us today and for allowing me to speak.

I'm speaking today on an issue that's tangentially related to special education reform and that Randi Herman, I believe, mentioned, and that's the elimination of hearing screenings in New York City schools. Without identifying children entering kindergarten with hearing loss, they have no access to appropriate educational services, regardless of whether the reform goes through or not.

Up until 2009, New York City was mandated under New York State Education Law Section 905, as was the rest of the state, to provide hearing screenings to all students in kindergarten and first grade and to any new student within six months of admission in school. Prior to that, it was screening every other year, that got cut a long time ago. The mandate was lifted and currently no child in the New York City school system is receiving a routine hearing screening, while the mandate for hearing screening has been maintained in every other school district in the state.

CHAIRPERSON JACKSON: I didn't know

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that.

LAURIE HANIN: That's why I was hoping to speak today. More people need to know about this. They kind of snuck that in.

The elimination of the school hearing screening program had a couple of--it was recommended by the New York City Department of Health and Mental Hygiene for the following reasons: One, now that newborn hearing screening is mandated in New York State, most significant hearing losses are noted and are detected in infancy. It's true that newborn hearing screening is currently underway, and it's a wonderful thing. About 6 out of 1,000 children with hearing loss are identified at birth, unfortunately, follow up rates of parents whose children are suspected of hearing loss is only about 50%.

It's also estimated that by school age, new cases of permanent hearing loss occur in an additional 3 out of 1,000 children, which translates to approximately 3,000 additional children by kindergarten with permanent hearing loss.

Most of the children with these

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2 hearing losses have losses that are mild or in one
3 ear in nature. These hearing losses cannot
4 typically be observed behaviorally by teachers or
5 parents, and a mild loss is not as simple as it
6 sounds, it means that about 50% of what is said is
7 not clearly heard by the child. The behavioral
8 effects of hearing loss are subtle and resemble
9 effects similar to those of children who
10 experience attention deficit disorders, learning
11 disabilities, language processing problems, or
12 cognitive delays. Without the safety net of
13 hearing screening upon entry into kindergarten and
14 first grade, it's reasonable to expect that these
15 additional cases of hearing loss will not be
16 detected and an appropriate educational placement
17 and services may not be provided.

18 Their other reason was that most
19 hearing losses that were detected were of
20 conductive in nature, meaning middle ear disease,
21 and should be temporary. Also true. However, a
22 temporary hearing loss, as long as the disease is
23 present, the children can't hear. With a lot of
24 children not having access to great medical care
25 in New York City, this is something that needs to

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2 be addressed and you can't address the problem and
3 try to fix it until you identify the loss.

4 While the primary purpose of
5 hearing screening programs is to identify children
6 with previously undiagnosed permanent hearing loss
7 and with evidence-based protocols in place, it is
8 possible to minimize referrals of children with
9 really temporary hearing loss and maximize the
10 likelihood of identifying children with permanent
11 sensorineural hearing loss.

12 Their last reason was that there's
13 no high quality research trials to demonstrate
14 that there is efficacy in school-age hearing
15 screenings. There is definitely a need for good
16 quality evidence-based research in the area, the
17 work must be done, but we believe that children
18 should not fall through the cracks in the
19 meanwhile. There is no acceptable reason to
20 completely have dismantled the program. While
21 there definitely was a price for the program, and
22 I imagine budget cuts had something to do this,
23 there is also a significant economic impact of not
24 identifying children with hearing loss. Children
25 with undiagnosed unilateral and mild hearing loss

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2 repeat grades 30% more often than their peers.
3 The cost of retaining a student is an economic
4 burden to the educational system. With the New
5 York City projections, this alone can be a cost of
6 \$14 million.

7 I have no doubt that a cost
8 effective, reliable method of screening New York
9 City's schoolchildren is an achievable goal. I
10 also have no doubt that the system that was in
11 place up until 2009 had flaws and needed
12 modifications in order to achieve the desired
13 results. However, the decision to simply
14 eliminate the program has already and will
15 continue to leave New York City's young children
16 with unidentified hearing loss vulnerable to
17 academic, social, and behavioral problems that can
18 significantly impact later educational cost and
19 academic achievement. Hearing screening programs
20 in school-age children is recommended by the CDC,
21 by the Health Resources and Service
22 Administration, by NIDCD, and the American Academy
23 of Pediatrics. It is imperative that New York
24 City listen to what these agencies say and
25 recognize that the children in New York City

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deserve no less than what is provided to other children in the state and around the country. And we urge the Council to perhaps try to work with us to fix the problem.

[Off mic]

CHAIRPERSON JACKSON: Sure. Thank you. Next, please?

EVELYN TERRY: Thank you.

CHAIRPERSON JACKSON: So this is last, but not least.

EVELYN TERRY: I was on my out because I thought that--

[Crosstalk]

CHAIRPERSON JACKSON: [Interposing] Sit down and you can just, you can--

EVELYN TERRY: --be heard.

CHAIRPERSON JACKSON: Yeah, you will be heard.

FEMALE VOICE: We're here.

EVELYN TERRY: Okay.

CHAIRPERSON JACKSON: Just introduce yourself and you may begin.

EVELYN TERRY: My name is--

CHAIRPERSON JACKSON: [Interposing]

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Would you talk into the mic, please?

EVELYN TERRY: Oh, yes.

CHAIRPERSON JACKSON: Thank you.

EVELYN TERRY: Thank you. Can you hear me?

CHAIRPERSON JACKSON: Sure.

EVELYN TERRY: My name is Evelyn Terry and my background is that I'm a former graduate from Fordham University and I have two masters in education, one I started off in elementary education, and I started off subbing in the school system and on the elementary level, and I found that it was so many behaviors in a regular classroom that I didn't understand, I said well let me take some classes to find out why these children are acting this way. So I took so many classes and I developed a love and understanding of special ed kids that I decided to complete a second masters and go and get a masters in special education.

Okay. So I've been teaching in New York City public school system for over 20 years, so a lot of the things that I'm hearing today about this special education reform, based on my

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2 experience in New York City public school system,
3 they have been putting in many changes for years,
4 they just haven't called it reform. Okay? When I
5 started out as a teacher of emotionally disturbed
6 children and at that time, the emotionally
7 disturbed children were in one setting and the
8 learning disabled children were in another setting
9 and then they decided to change it and they
10 combined the emotionally disturbed child with the
11 learning disabled child. That was a major change
12 in education, in special education, and it had a
13 horrific affect on the children.

14 Okay. So and then after that, I
15 experienced from going to in a high school
16 setting, because I was a high school special
17 education teacher, where the kids, the high school
18 special ed kids changed classes, they would go to
19 one class for social studies, another class for
20 math or reading, and so I experienced that. And
21 then there was another change. The other change
22 was now they have the self-contained class so now
23 the students in a high school setting were now--
24 some of them were in self-contained classes.

25 So I've experienced a lot of

1
2 different changes within the Board of Education as
3 a special education teacher and I've learned that
4 with the idea of inclusion, you have teachers with
5 the students, the regular special education
6 students would go into--will be mainstreamed in a
7 special education class and the teacher would have
8 30 or so kids in the classroom and they would not
9 identify that she had five or more kids that were
10 special ed kids. So the teacher in the teachers'
11 lounge she would be discussing these behaviors of
12 these kids and she didn't quite understand why
13 they were acting that way and as a special
14 education teacher, I said, I'd bet you some of
15 those kids are special ed. Later on, she
16 discovered that they were special ed because the
17 principal came in and said one day that the
18 regular teacher now had to fill out IEPs. The
19 regular teachers had no idea what you were talking
20 about, what do you mean an IEP. So that's how the
21 teachers discovered that they had special
22 education kids in their class.

23 Other--

24 CHAIRPERSON JACKSON: [Interposing]

25 What time period are you talking about, you

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talking--

EVELYN TERRY: I'm talking maybe

three--

CHAIRPERSON JACKSON: --what year,

give me a year.

EVELYN TERRY: --years, three years

ago.

CHAIRPERSON JACKSON: Really?

EVELYN TERRY: Yes.

CHAIRPERSON JACKSON: Okay. Go

ahead, continue.

EVELYN TERRY: Three years ago.

And so--

CHAIRPERSON JACKSON: I got the

impression you were talking about decades ago, but

you're--

EVELYN TERRY: No.

CHAIRPERSON JACKSON: --only

talking about three years ago.

EVELYN TERRY: I'm talking--

CHAIRPERSON JACKSON: Okay.

EVELYN TERRY: --I'm talking, you

know, all of these changes, the self-contained

classroom was three or four years ago, the regular

1
2 classroom teachers that had kids that were
3 mainstream in their classroom that they didn't
4 know they were special ed kids, it wasn't
5 identified to the teacher until one day at the end
6 of the year, the principal came to them and said,
7 uh-oh, you have to do these IEPs and now we're
8 going to give you the IEPs that we never gave you
9 before. So at that point, yes, at that point,
10 they found out that they had special education
11 kids in their class and they found out that they
12 had to do something called IEPs.

13 And they also were told that now
14 you have to take these IEPs and you're responsible
15 for taking them and holding onto them and don't
16 you lose them.

17 Okay. So a lot of things that
18 we're talking about in terms of what they were
19 like, it's one thing to say how you would like to
20 have--it's a very nice plan they have here, phase
21 one, it's one thing to have it in writing, but
22 implementation is the problem, you know,
23 implementation is the major problem here.

24 And also I would like to say about
25 this phase one is a sheet that they have here that

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2 shows what the research shows. Well my question
3 is if the research shows these wonderful things
4 about the higher--the more time students with
5 disabilities spend in a general education class,
6 then the higher their scores on standardized test
7 on reading and math, and it goes on and on and on
8 what the research shows. If the research shows
9 these things, can we have the research? Because,
10 you know, if the research proves it, then give us
11 the research, you know? And so these are the
12 things that I'm concerned about as a special
13 education teacher having gone through all that
14 they're planning to begin to implement.

15 And in terms of the principals, a
16 lot of the principals are resistant about having
17 special ed kids in the school and they're very
18 unfamiliar with what a special ed child is all
19 about. So when they talk about professional
20 development, well as a special education teacher,
21 as a teacher in New York City for all the years
22 that I've taught in New York City, we, the
23 teachers, we want professional development and it
24 doesn't seem to come as often as we would like it.
25 So when you talk about special education, this is

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a new area for a whole new group of kids, I mean, a whole new group of teachers, for all this to take place by September, I can't imagine how such a thing can take place by September. Okay?

And my last thing that I'm going to refer to before I leave is, once again, phase one, this wonderful document that they presented to us. It talked about a projected increase in allocation, special education allocations. So according to this, it appears that there's going to be more money coming into the school system for education, so if there's more money that's coming into the school system for education, I would think that that's an incentive for them to rush and have this put in place by September, rather than, as they say, the desire is to care for the needs of the students. Okay?

CHAIRPERSON JACKSON: [Interposing]
I don't think it's additional money as they're allocating a--

EVELYN TERRY: It says--

CHAIRPERSON JACKSON: --formula, they're shifting some of the formula in order to assign more money to children with special needs

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as a result. So they're saying it's not going to cost less, it's not going to--it's not about saving money, it's about reaching the goals and objectives and they figure it's going to cost more than it previously cost, that's what they say.

EVELYN TERRY: But I'm concerned about whether or not there is special federal monies that's coming in for these type of programs to be implemented in the city, that's what I would be curious to know.

CHAIRPERSON JACKSON: No, no, just only the federal money is going after the reimbursable parts--

EVELYN TERRY: Oh.

CHAIRPERSON JACKSON: --which is hundred of million dollar. Well let me thank this panel, this is the last panel, I thank you for staying the course, listening to all of the testimony. And let me just summarize this, as I said in the opening, in my opening statement, this was an oversight hearing on the Department of Education's special education reform in which they have implemented phase one and a pilot project of 260 schools within 10 networks, and now they plan

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2 on going full steam ahead through all of the
3 schools, in all of the networks, 60 networks
4 approximately, I think 800 schools. And what was
5 clear was concerns that were expressed by Council
6 Members, advocates, and parents, and others,
7 concern about the implementation of it. And
8 obviously, everyone spoke about the goals and
9 objectives, I didn't hear anyone disagree with the
10 goals and objectives, but what the reality is on
11 the ground, that's what the concern is, and this
12 is to be seen, obviously. And the call for the
13 New York City Council to try to hold the
14 Department of Education's feet to the fire with
15 respects to making sure that things work to the
16 betterment of our children that we're here to
17 serve.

18 So I want to thank everyone for
19 coming to this hearing and, as I said earlier,
20 this was a long hearing, it started about 1:15 and
21 it's 5:40, approximately two, three, four, five,
22 four and a half hours, and we knew it was going to
23 be a long hearing because of the nature of the
24 subject, and that's why normally advocates we give
25 five minutes and public three minutes, we gave the

1
2 unions ten minutes, and gave the advocates five
3 minutes. We didn't want to rush anyone because we
4 wanted you to have an opportunity to say what you
5 had to say with respects to this subject area.
6 And for me, as the chair, that was very, very
7 important. We can't rush through this, we don't
8 expect the Department of Education to rush through
9 it either, knowing how complicated it is, and
10 knowing how everyone is not on the same page and
11 has to be brought up to speed. And it's a lesson
12 for all of us, and especially parents. Parents
13 must be the number one advocates for their
14 children, the number one advocate.

15 So with that, I thank especially
16 the staff of the City Council, Aysha Schomburg,
17 who has been sitting next to me to my right during
18 this hearing process; Jan Atwell, our legislative
19 policy analyst, she was here, most of you know
20 Jan; Joan Povolny, Joan is over there in the
21 black; Christina Perrotti, who was here, she's our
22 finance analyst; Regina Poreda-Ryan was here
23 during most of the hearing, with the exception of
24 her going to budget negotiating team meeting, as I
25 indicated, many members are on that, including

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myself. So I want to thank all of the staff for helping me to get where I am in understanding everything.

And obviously, there are issues and concerns that I have on behalf of people that I know that have children with special needs in which they have IEPs and they are hammering me with questions and issues and concerns, and rightfully so.

So with that, I thank not only my central staff, but the Sergeant-of-Arms, who keep order in here and help to provide the environment for all of us in order to be here. And obviously, the video photographers and the camera people that are working, this is being broadcast live on TV so members of the public that cannot come in here, if they have New York City Access television station, they can watch it live. So I thank everyone for making this happen today on behalf of the people of New York City.

This hearing and the oversight of the Department of Education special reform is hereby closed at 6:43 p.m.--it's five, 5:43 p.m.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Tammy Wittman*

Date July 4, 2012