

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

----- X

September 21, 2022

Start: 1:14 p.m.

Recess: 5:50 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Rita C. Joseph
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Alexa Avilés
Carmen N. De La Rosa
Eric Dinowitz
Oswald Feliz
James F. Gennaro
Jennifer Gutiérrez
Shahana K. Hanif
Kamillah Hanks
Shekar Krishnan
Linda Lee
Farah N. Louis
Julie Menin
Mercedes Narcisse
Lincoln Restler
Pierina Ana Sanchez
Lynn C. Schulman
Althea V. Stevens
Sandra Ung

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

Jumaane Williams
Public Advocate

Carolyn Quintana
Deputy Chancellor of Teaching and Learning at
Department of Education

Christina Foti
Chief of Special Education at DOE

Liz Vladeck
DOE General Counsel

John Hammer
Deputy Chief of Special Education at DOE

Simone Hawkins
Chief Executive of Early Childhood Education
Operations at DOE

Glenn Risbrook
Senior Executive Director of the Office of Pupil
Transportation at DOE

Tom Taratko
Chief Executive Space Management at DOE

Michael Mulgrew
UFT President

Randi Levine
Policy Director of Advocates for Children of New
York

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

Lori Podvesker
Director of Policy at INCLUDEnyc

Jennifer Choi
Special Education Advocate at Special Support
Services

Phylisa Wisdom
YAFFED

Nelson Mar
Legal Services NYC

Miriam Nunberg
Attorney

Janet Marte
Parent

Maggie Moroff
ARISE Coalition

Ellen McHugh
Citywide Council on Special Education

Sharon McLennon-Wier
Center for Independence of the Disabled

Alexa Lofaro
Center for Independence of the Disabled

Lucas Healy
D75 Student

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

Paulette Healy
Parent

Amber Decker

Fiona O'Grady
Samaritans of New York Suicide Prevention Center

Whitney Toussaint
Parent

Natasha Muzaffar
Parent

Lupe Hernandez
Students with Disabilities Committee

Crystal Baker-Burr
Bronx Defenders

Melinda Andra
Legal Aid Society

Amy Tsai
New York Coalition for Educating Families
Together

Emily Hellstrom
Literacy Academy Collective

Kimberly Blair
NAMI

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

Jennifer Manning
Neighborhood Charter Schools

Jacqueline Vargas
DOE Paraprofessional

Beth Heller
Advocate

1
2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Education. Today's date is
4 September 21, 2022, recorded by Nesli Patuvie(SP?) in
5 Chambers.

6 SERGEANT AT ARMS: Good morning everyone. I want
7 to welcome you to today's New York City Council
8 hearing for the Committee on Education. I will
9 kindly ask everyone to please silence your cellphones
10 and electronic devices. If you wish to submit
11 testimony, you may do so at
12 testimony@council.nyc.gov. Once again, that's
13 testimony@council.nyc.gov. Chair, you may begin.

14 CHAIRPERSON JOSEPH: [GAVEL] Good afternoon and
15 welcome to today's Education Committee Hearing on
16 Meeting the Needs of All Students with Disabilities.
17 I am Rita Joseph, Chair of the Education Committee.
18 I would like to welcome everyone present here today
19 and those witnesses testifying remotely.

20 At today's hearing, we will also hear testimony
21 on the following legislation, Introduction 582 from
22 Public Advocate Williams and Introduction 610 from
23 Council Member Bottcher. We will hear more about
24 those bills from their sponsors shortly. We're here
25 today to talk about how well the Department of

1 Education is meeting the needs of all students with
2 disabilities who compromise more than 20 percent of
3 all students in New York City public school system.

4 I'd like to acknowledge that the DOE has made
5 improvements in delivery of services to students with
6 disabilities in recent years. When the DOE first
7 started reporting special education data to the City
8 Council in 2016, only 60 percent of students were
9 fully receiving their recommended special education
10 services.
11

12 35 percent were partially receiving services and
13 5 percent were not receiving services. According to
14 the latest report, as of November 1, 2021, the
15 percentage of students fully receiving their
16 recommended special education program was 82 percent,
17 with 17 percent partially receiving and two percent
18 not receiving their recommended programs.

19 While this reflects improvements over time, it is
20 simply unacceptable for two percent of students with
21 disabilities to not receive any of their recommended
22 programs. It is important to note that majority of
23 students with disabilities go to the same schools
24 that they would attend if they did not have
25 disabilities, either in a general education

1
2 classroom, alongside peers without disabilities or in
3 a self-contained, or in a separate self-contained
4 classroom.

5 Other students are referred to District 75, a
6 separate district intended for students with severe
7 needs that require more intensive support, which
8 serve approximately 26,000 students. According to a
9 July 2022 Daily News expose, District 75 is failing a
10 significant portion of its students, just nine
11 percent of District 75 students who entered the ninth
12 grade in 2013, obtained a diploma within six years.

13 The majority of District 75 students receive an
14 alternative credential, which is not recognized by
15 colleges or the military, severely restricting
16 students options after high school. District 75
17 students are also more likely than their peers to
18 cross paths with the police, as 21 percent of
19 incidents of police handcuffing kids in schools
20 between 2018 and 2020, happened in District 75.

21 Despite the district enrolling only two percent
22 of city students, further, many district 17 schools
23 offer few outlets like extra-curricular activities or
24 work programs for students.

1
2 The harshest criticism for District 75 and expose
3 is that it is failing to educate thousands of
4 students with emotional disabilities. For whom it
5 often serve as little more than a holding ground.
6 The majority of students classified as emotionally
7 disturbed are Black and Brown and advocates charge
8 that the fail to educate these students is setting
9 them up to end up to the school to prison pipeline.

10 Another area of concern is that recently became
11 controversial, is the growing cost of providing
12 services to students with disabilities in nonpublic
13 schools. The New York State Education Department
14 recommends stated approved private schools for
15 students whose special education needs cannot be met
16 in public school settings. DOE must also pay for
17 private special education schools if it fails to
18 place a student in appropriate program within a
19 mandated timeframe or when a student proved that the
20 DOE failed to provide their child with an appropriate
21 program during an impartial hearing.

22 In August DOE, Chancellor Banks made some
23 controversial comments about cutting private school
24 payments for students with disabilities. The
25 Chancellor noted that the city now spends \$1.2

1 billion on special education payments including
2 tuition for private schools and implied that families
3 exercising their right to seek private placement if
4 the DOE isn't able to provide needed services in the
5 public setting are gaming the system.

6 He also stated that if the money was plowed into
7 traditional public schools, we wouldn't be having
8 this fight about budget cuts. We'd be able to pay
9 for all that afterschool programming, all of those
10 kinds of things.

11 Another persistent and critical problem and a
12 shortage of classes and seats for preschoolers with
13 disability, particularly in the Bronx and Southern
14 Queens. A key reason for the shortages, states
15 failure to raise reimbursement rate for preschool
16 special education classes run by community-based
17 organizations. That in turn makes it tough for
18 programs to cover costs, cover ever rising costs.
19 Moreover, teachers at the CBO preschool special
20 education programs are paid significantly less than
21 those working for DOE's 3K and PreK programs, making
22 it difficult for CBO's to retain teachers.

23 As a result, insufficient funding, more than 30
24 of these CBO preschool special education programs
25

1 have closed in the past five years. Last April, the
2 City Council called on the Administration to add \$30
3 million in the FY23 Budget to address the salary
4 disparity in order to better support CBO providers
5 who continue to face closure and staff shortages.
6 DOE used federal stimulus funds for students with
7 disabilities also an emerging area of concern. They
8 have not provided all of the recovery services
9 promised to these students in the wake of a pandemic.

10
11 DOE allocated approximately \$3 billion of federal
12 stimulus funds to be spent in FY22 with \$251 million
13 of that total allocated for investment in special
14 education, including academic recovery services,
15 design as after school Saturday programs for students
16 with disabilities.

17 According to an April 2022 Comptrollers report,
18 DOE has spent just \$30 million or 12 percent of the
19 \$251 million allocated for special education services
20 as of the first week of March 2022. Three quarters
21 of the way through the fiscal year, in addition to
22 raising questions about how the unspent stimulus
23 funding will be used, it also raises serious concerns
24 about how many students actually receive special
25 education recovery services. The program got off to

1
2 a rocky start with implementation delayed until
3 December.

4 At many schools, the DOE couldn't find enough
5 teachers interested in working after hours and DOE
6 did not guarantee yellow bus transportation, making
7 it difficult for many children to participate.

8 According to news reports in April, DOE officials
9 expected 35 percent of eligible students to have
10 received the extra service by the end of the 2021-
11 2022 school year.

12 At today's hearing, the Committee hopes to learn
13 from the DOE about the efforts to improve services
14 for students with disabilities and would like to hear
15 the DOE's responses on many issues and concerns
16 raised by parents, educators, advocates. We also
17 hope to hear recommendations for improvements from
18 stakeholders.

19 Finally, today we will hear Intro. 582, which is
20 a bill that would require the Department of Education
21 to provide information requiring compliance with
22 American with Disabilities Act. We will also hear
23 Intro. 610, a bill that would require the Department
24 of Education to distribute information on the new
25

1
2 National Suicide Prevention hotline and other related
3 services to students.

4 I would like to thank everyone who is testifying
5 today. I want to thank City Council staff for all
6 the work they put in today's hearing, Jan Atwell,
7 Chloe Rivera, Masis Sarkissian and Frank Perez. I
8 also want to thank my staff Sam Weinberger and Connor
9 Erving and Javon Epcwan(SP?).

10 I would like to remind everyone who wish to
11 testify in person today, you must fill out a witness
12 slip, which is located on the desk of the Sergeant at
13 Arm near the entrance of this room. To allow as many
14 people as possible to testify, testimony has been
15 limited to three minutes per person, whether you're
16 testifying on Zoom or in person.

17 I also ask that my colleagues to limit their
18 questions and comments to five minutes. Before we
19 begin, I would like to turn to the sponsors who have
20 the bill before this Committee for quick remarks on
21 their bills. We will now hear from Public Advocate
22 Jumaane Williams sponsor of Introduction Number 582.

23 PUBLIC ADVOCATE WILLIAMS: Thank you so much
24 Madam Chair and the members of the Committee on
25 Education for holding this hearing and for having

1 hearing on my bill. My name is Jumaane Williams,
2 Public Advocate of the City of New York in the 2021-
3 2022 school year, 20.6 percent of New York City's
4 more than \$1 million students had a disability.
5

6 Despite being legally mandated to provide
7 disabled students with the services they require,
8 even with the COVID-19 pandemic, the Department of
9 Education did not meet mandated accessible education
10 requirements. The pandemic has made it even more
11 difficult for disabled students to get the support
12 that they need, especially for students of more color
13 and those who live in low-income communities.

14 The America with Disabilities Act prohibits
15 discrimination based on disability status. In
16 schools compliance with ADA includes permitting
17 accommodations including accessible education
18 service, transportation to and from school,
19 additional service to address the students
20 individualized education program, extra time between
21 classes and modifying testing, as well as physical
22 changes to buildings including grab bars and
23 bathrooms, installing ramps, elevators, and widening
24 doorways.
25

1
2 The accessibility of our school buildings is
3 embarrassing lacking. While students without
4 disabilities can attend their local zoned schools or
5 another school of their choice, students with
6 disabilities often must choose their school based on
7 whether they can physically navigate the building.
8 For disabled students, picking a high school means
9 not only considering their choices based on academics
10 and the interest but finding out whether they can fit
11 into bathroom stalls and use water fountains. If
12 they have access to an elevator or whether the school
13 can provide services mandated by the IEP's. With the
14 options drastically limited, it is no surprise that
15 only 58 percent of students with disabilities
16 graduated from high school last year compared to 81
17 percent citywide.

18 According to the School Construction Authority,
19 73 percent of DOE schools are accessible. However,
20 this includes not only schools that are fully
21 accessible but also those that are partially
22 accessible. A partially accessible school is not
23 accessible if a student cannot fit their wheelchair
24 through classroom doors or fit into the bathroom
25 stalls. Likewise, the school may be classified as

1 fully accessible for those with mobility disabilities
2 but unable to accommodate a student who requires
3 accessible education services due to for example, a
4 lack of qualified staff.
5

6 The DOE must also address and resolve the
7 transportation issues that have students missing
8 school because their seat on a bus is not confirmed
9 or their travel companion has not been assigned. I
10 know there are parents who have missed work to stay
11 home with a student or use their grocery money to pay
12 for a cab to take this child to school. No family
13 should have to pay out of pocket for their child to
14 get to school simply because their child has a
15 disability. For these reasons, I have introduced
16 Intro. 0582 which would require the DOE to report
17 annually on the degree to which indoor and outdoor
18 school facilities comply with the Americans with
19 Disabilities Act.

20 This bill would also make public the contact
21 information for each schools ADA coordinator, the
22 protocol for requesting accommodation and information
23 regarding the extent to which zone schools have the
24 capacity to accommodate students and employees with
25 disabilities. This information is critical for

1
2 students with disabilities and their families, when
3 deciding which school to attend and provides us with
4 additional data to target needing accessibility
5 upgrades in our school system.

6 The education disruption of the pandemic and
7 remote learning has been hard on all of students, but
8 especially with those disabilities. We must be doing
9 everything we can to ensure that disabled students
10 are provided with equitable, high-quality education
11 with all the supports they need to succeed and to
12 thrive. I'm looking forward to working with the
13 Committee on Education and the City Council to
14 achieve this goal and I do have to say with my own
15 experience of my mom raising two knucklehead children
16 by herself, navigating through the school system as a
17 young Black man and in the ninth grade, getting
18 diagnosed with Tourette Syndrome and ADHD. And my
19 mom learning how to help navigate through that
20 system.

21 I also understand how privileged I was to be in
22 the schools that had the resources needed for any
23 accommodation that was needed for me. And also, a
24 parent who had flexibility of work when needed. I am
25 clear that not all students have that, nor should

1
2 they to have to navigate a system that's supposed to
3 be providing this to them. I'm worried that if I was
4 in the public school now, I'm not sure even how the
5 access that my mother had at that time, she would
6 have now. Particularly as teachers are teaching to
7 the test and focused on other things.

8 So, thank you so much for this time and this
9 opportunity. I'm looking forward to hearing
10 discussion.

11 CHAIRPERSON JOSEPH: Thank you Public Advocate.
12 I now would like to hear from my Council Member
13 Bottcher. Thank you.

14 COUNCIL MEMBER BOTTCHEER: Thank you Chair Joseph
15 for having this hearing today and for Co-sponsoring
16 my bill. Intro. 610, which would require the
17 Department of Education to distribute information to
18 students on the new National Suicide Prevention
19 hotline 988, as well as other suicide prevention
20 resources to students. Information about what is
21 suicide, warning signs, risk factors. The new
22 National 988 Suicide in Crisis hotline went live over
23 the summer with the support of federal, state and
24 local agencies to help connect individuals
25 experiencing mental health related distress to

1
2 accessible care and support. Whether they're
3 experiencing thoughts of suicide, mental health or
4 substance use crisis or any other kind of emotional
5 distress.

6 Upon calling, texting or chatting 988, users are
7 connected to a live crisis center trained to identify
8 the callers needs, offer support and connect them to
9 nearby services, as necessary. And this is just one
10 of many resources that students should have access to
11 like the Trevor Project, the Samaritan Suicide
12 Prevention Center and other resources.

13 I'm pretty open about being a survivor of suicide
14 attempts. When I was 15 years old, the last of which
15 left me hospitalized for a month. And I did not feel
16 that I had anyone to talk to. I did not know what
17 suicide was or where to turn and I don't blame my
18 parents. I don't blame my teachers, the school; that
19 was a different time. We did not have resources like
20 we have now. But now we have those resources, and we
21 have to make sure that they're getting out to
22 students. That's what this legislation would do. I
23 look forward to this hearing today and I look forward
24 to working with my colleagues and the administration
25 to pass this bill. Thank you very much.

1
2 CHAIRPERSON JOSEPH: Thank you Council Member
3 Bottcher. Now, I'd like to acknowledge my
4 colleagues, Council Member Louis, Council Member
5 Gennaro, Council Member Dinowitz, Council Member
6 Avilès, Council Member Hanif, Council Member Hanks,
7 Council Member Lee, Council Member Narcisse, Council
8 Member Schulman, Council Member Ung, Council Member
9 Brewer. Thank you.

10 Now, without any further, I'd like to turn over
11 to our first witness panel, you'll be sworn in.
12 Carolyne Quintana?

13 CAROLYNE QUINTANA: Yes Chair.

14 CHAIRPERSON JOSEPH: Christina Fonti?

15 CHRISTINA FOTI: Yes Chair.

16 CHAIRPERSON JOSEPH: Simone Hawkins? Am I saying
17 your last name right?

18 SIMONE HAWKINS: You are. Yes Chair.

19 CHAIRPERSON JOSEPH: Liz Vladeck?

20 LIZ VLADECK: Yes.

21 CHAIRPERSON JOSEPH: John Hammer?

22 JOHN HAMMER: Yes Chair.

23 CHAIRPERSON JOSEPH: And Glenn Risbrook?

24 GLENN RISBROOK: Yes Chair.
25

1
2 COMMITTEE COUNSEL: Okay, we understand that
3 Deputy Chancellor Quintana and Christina Foti will be
4 the ones testifying, so I will administer the oath.
5 Deputy Chancellor Carolyne Quintana and Deputy Chief
6 Academic Officer Christina Foti. I will call on each
7 of you individually for a response. Please raise
8 your right hands.

9 Do you affirm to tell the truth, the whole truth
10 and nothing but the truth before this Committee and
11 to respond honestly to Council Member questions?

12 Deputy Chancellor Quintana?

13 CAROLYNE QUINTANA: I do.

14 COMMITTEE COUNSEL: Deputy Chief Academic Officer
15 Foti?

16 CHRISTINA FOTI: I do.

17 COMMITTEE COUNSEL: Thank you.

18 CHAIRPERSON JOSEPH: Thank you and you may begin.

19 CAROLYNE QUINTANA: Thank you Chair Joseph. Good
20 afternoon Chair Joseph and the members of the
21 Education Committee here today. My name is Carolyne
22 Quintana, I'm the Deputy Chancellor of Teaching and
23 Learning for New York City Public Schools. Good to
24 see you again.

1
2 I'm humbled to provide testimony on behalf of my
3 colleagues, including those joining me this morning,
4 Chief of Special Education Christina Foti, Senior
5 Executive Director of the Office of Pupil
6 Transportation Glenn Risbrook, General Counsel Liz
7 Vladeck, Deputy Chief of Special Education John
8 Hammer, Chief Executive of Early Childhood Education
9 Operations Simone Hawkins, and many others who are in
10 the audience today.

11 Thank you for the opportunity to discuss the
12 critically important issue of the current state of
13 education in New York City for our students with
14 disabilities. Before I begin, I would like to
15 express our gratitude to Speaker Adams, Chair Joseph,
16 Public Advocate Jumaane Williams and the entire City
17 Council for your continued work and advocacy on
18 behalf of New York City schools in service of
19 historically underserved students.

20 I join you today on behalf of Chancellor David
21 Banks and New York City Public Schools to share our
22 continued commitment to serving all students in New
23 York City, especially our children with a disability
24 and eligible to receive special education services.
25 We know that historically, many students with

1
2 disabilities have faced significant challenges in
3 accessing quality learning opportunities and have
4 lower academic outcomes than their general education
5 peers.

6 Chancellor Banks and my colleagues in the
7 administration and I are deeply committed to changing
8 that reality. The Chancellor has met with many
9 families and advocates who have described how they
10 turned to programs outside of the DOE to meet their
11 child's needs. We're committed to listening and
12 responding to the needs of our families and
13 communities who I am certain can help inform the
14 strategic direction for this work moving forward.

15 Our goal is to provide high-quality public-school
16 opportunities that meet our very learners needs
17 within each child's local community. Working across
18 divisions and with the supportive advocates,
19 Community Education Council's parents, experts in the
20 field and you, the members of the City Council, I
21 know that we can make that a new reality. A
22 reimagined approach to special education.

23 Approximately \$182,000 New York City children
24 enrolled in public schools have an individualized
25 education program, an IEP. A written document that

1
2 contains a detailed plan for educating students with
3 disabilities. These students are served in a variety
4 of settings, including schools that exclusively serve
5 students with disabilities, as well other city
6 schools both in smaller classes, as well as
7 classrooms in which students with IEP's are
8 integrated with their general education peers.

9 As New York City Public Schools continues working
10 to improve access to a quality education and to
11 services in the least restrictive environment for
12 students with disabilities, much remains to be
13 learned about where and how these students are
14 served, how outcomes vary for students with different
15 disabilities and background characteristics and the
16 relationship among services, placements, and student
17 classroom success and overall wellbeing.

18 In alignment to the Chancellor's four pillars,
19 you'll hear later about how we are reimagining the
20 student experience, with programs like our pilot
21 bilingual SETSS; how we may be scaling and sustaining
22 what we know works, ASD Nest; all of these are
23 acronyms that you'll hear a little bit more about in
24 just a moment but ASD Nest, Horizon, and PATH
25 programs; focusing on student wellness, like the

1
2 socioemotional component to SEED; our sensory
3 exploratory program. And genuinely engaging parents
4 through assisted technology training at our Saturday
5 academies, as well as listening to their feedback
6 about the system as it is designed to date.

7 At the heart of our work, is ensuring that each
8 and every student has access to high quality
9 instruction. That's one of our goals for this year
10 that prepares them for life beyond school. One of
11 the key levers to achieving that goal is making sure
12 that every student is reading at proficiency level.
13 Our previous approaches to teaching reading have not
14 produced the results we need. You've seen the
15 statistics. That's why you have heard the Chancellor
16 state that under this administration, we will
17 establish strong phonics-based literacy instruction
18 that is informed by the science of learning and
19 development.

20 When we develop ecosystems that adequately
21 support and challenge students from the very start,
22 and we help students believe that with effort and
23 appropriate instruction, they can succeed. We build
24 tasks that have value for them, and we ensure that
25 they feel like they belong, then all of our young

1
2 people and especially our most marginalized will
3 thrive. And we ensure that they feel like they
4 belong, then all of our young people and especially
5 our most marginalized will thrive.

6 We have visited D75 sites where this deep and
7 explicit literacy work is taking place in Spanish and
8 Mandarin Chinese. We visited Community District K8
9 schools where students are receiving targeted
10 supports to address barriers based on timely data.
11 We've invested in training IEP teachers on evidence-
12 based interventions like Rewards and SPIRE and will
13 now invest in training our SETSS teachers.

14 Accomplishing that will require providing support
15 and capacity building for teachers so they can
16 implement effective strategies to teach reading to
17 students, including those with dyslexia.

18 Importantly, through all of this work, we'll be
19 focusing on culturally responsive and sustaining
20 practices. Practices that genuinely respond to the
21 communities in front of us, so that students can see
22 themselves reflected in the curriculum, in the way
23 that we deliver our learning and maximize their
24 potential as readers.

1
2 That means that all students in grades K-9 take a
3 math and literacy screener three times a year. Every
4 district has an Academic Intervention Service
5 Coordinator to support schools in developing systems
6 to interpret and use data from those screeners. And
7 we're implementing citywide professional learning for
8 educators to ensure that they're rigorously trained
9 on core curriculum and phonics by specialists with
10 expertise in strategic reading interventions. In
11 fact, last night, we launched our Literacy Advisory
12 Council with a collective of members of the
13 community, educators, students, specialists from
14 different universities nationwide and really put a -
15 uh, really got that work in motion, so that we can do
16 what we are saying in terms of making sure that
17 schools are grounded in research and evidence. In
18 addition to these investments in this new school
19 year, we will continue to make unprecedented
20 commitments to supporting our students with
21 disabilities, which Christina Foti, Chief of Special
22 Education will now share with you.

23 CHRISTINA FOTI: Thank you Deputy Chancellor.
24 Good afternoon Chair Joseph and the members of the
25 Education Committee. I am Christina Foti, Chief of

1
2 Special Education for the New York City Public
3 Schools. Thank you for this opportunity to discuss
4 the central focus of my office, which is also a high
5 priority across every division within the Department
6 of Education. We appreciate the opportunity to share
7 our progress and plans for meeting the needs of our
8 students with disabilities, as well as some of the
9 challenges we face.

10 This work requires immense collaboration with
11 students and families, our wonderful advocates and of
12 course, our partners here in each of you at the City
13 Council. We thank you for your commitment and your
14 leadership. By the way the background Chair and
15 members of the Education Committee that are new, I
16 have not yet been in your presence, so thank you for
17 having me and want to tell you a little bit about
18 myself. I've been with New York City Public Schools
19 for 20 years now. I've served in most capacities
20 that one can serve in. I taught middle schools with
21 the classification of emotional disability. Council
22 Member Brewer spent a lot of time at my school and
23 knew me when I was a first and second- and third-year
24 teacher and appreciated her support.

1
2 To be honest, serving our students and our
3 families in the city continues to be one of the
4 greatest honors of my life and I think that will be
5 true for the remainder of my career. During my time,
6 I have taught many incredible children and one point
7 of pride was to a place at a recent PEP meeting when
8 a student I taught who is now in high school, who
9 walked in my school when he was a kindergartener for
10 his first day of school and I remember his face. I
11 remember his belly, I remember his little
12 kindergartener potbelly and I remember all of the
13 things that he and his mom were worried about the
14 first day and uhm, he is now a magnificent teenager
15 who testified at PEP, who read his testimony, who
16 wrote his testimony, who advocated for himself and
17 will continue to do so for the rest of his life.

18 He and the many others are representative and the
19 reason why we continue to do this work day in and day
20 out and why it really is such a great honor to do the
21 work that we do.

22 I'm going to go back to script. The disruption
23 to education caused by the pandemic deeply affected
24 all students and families in New York City but
25 especially our most vulnerable students, including

1
2 our students with IEP's. Last year, New York City
3 Public Schools organized a massive effort to close
4 the gap in missed services during the pandemic with
5 the launch of the special education recovery
6 services, which we affectionately refer to as SERS.
7 As a result, every New York City public school
8 receive funds to provide additional services to our
9 students with IEPs. In total we served over 73,000
10 students last year. Through the SERS initiative, the
11 DOE also trained more than 2,000 teachers in
12 evidence-based literacy interventions.

13 Our commitment to closing the gap for students
14 with IEPs remains front and center this school year,
15 focusing on three key priorities to better support
16 students with IEPs. First, we will work to continue
17 to improve the outcomes and support for all students
18 including those with IEPs through the renewed focus
19 on literacy discussed by Deputy Chancellor Quintana.

20 As part of that work and to ensure that all
21 students are educated in an inclusive – as inclusive
22 as an environment as possible, we are offering
23 training in evidence-based literacy instruction to
24 every DOE special education teacher support services,
25 also known as SETSS teacher this school year.

1
2 By increasing the capacity of our SETSS teachers
3 to effectively serve students with reading
4 challenges, we will better be able to meet the
5 literacy needs in settings that include students.

6 Second, New York City Public Schools will expand
7 inclusive opportunities in all schools including
8 District 75. We have heard loudly and clearly from
9 our parents and advocates the need to reduce travel
10 time for students with IEPs as they expanded our Nest
11 and Horizon programs for students with Autism
12 Spectrum Disorder. Over the past five years, the
13 numbers of schools with ASD Horizon programs has
14 increased by almost 70 percent and ASD Nest programs
15 have grown my more than 40 percent. Greatly
16 enhancing our ability to provide focused
17 individualized support for students with autism.

18 This school year alone, we have added ASD
19 programs in 15 new school locations. This expansion
20 includes ten new ASD Nest programs, which is the
21 largest expansion in the past few years. With each
22 new ASD program, we brought inclusive opportunities
23 across our city and give schools the tools they need
24 to improve achievement for students with autism. The
25 research is clear that students with IEPs achieve

1
2 improved academic outcomes, including graduation
3 rates, when they are educated in the same classroom
4 with their peers that do not have IEPs.

5 Finally, we will continue to work to ensure all
6 students fully receive their mandated services and
7 programs. As of June 15th, roughly 88 percent of our
8 students received their recommended special education
9 programs in full and about 99 percent fully or
10 partially received their recommended programs.
11 Nonetheless, we will not stop until we reach 100
12 percent.

13 Since 2015, the share of students fully receiving
14 their ICT, special class and SETSS services has risen
15 from about 60 percent to 88 percent with this past
16 years figures representing the highest performance
17 ever reported. In addition, the DOE's related
18 service provision rates returned to prepandemic
19 levels in 2021-2022 with about 95 percent of IEP
20 service recommendations fully served. These rates
21 reflect a snapshot in time but usefully convey the
22 status of special education program and service
23 delivery, demonstrating a positive trajectory toward
24 improving all IEP recommendations.

1
2 Turning to preschool, we know how critical it is
3 that students with disabilities receive access to
4 high quality services as early as possible and we are
5 taking several steps to strengthen the preschool
6 special education process. Last year, we added 48
7 committees on Preschool Special Education
8 Administrators, who are responsible for conducting
9 timely IEP meetings and arranging for services. This
10 is roughly 50 percent expansion in staff, dedicated
11 to serving the students and families coming through
12 the PreK process.

13 In addition, this school year, we are investing
14 itinerant speech, occupational, and physical
15 therapists who will improve service for students in
16 community-based organizations who we contract with
17 citywide. Originally comprising 40 providers, this
18 team will expand to 97 this school year and will be
19 deployed to high need areas that cannot be served
20 through contracted agencies. We are also working to
21 ensure that there is an appropriate special education
22 program for every preschool student who needs one.
23 This includes the expansion of integrated SCIS
24 programs, which are inclusive. SCIS programs are
25 integrated co-teaching classrooms in PreK, as well as

1
2 financial support for the nonpublic 4410 sector that
3 will enable them to add special classes.

4 We are in the process of implementing the
5 enhancement contract for 4410 providers, which
6 provides funding for higher teacher salaries and
7 additional supports. I will now turn to the Proposed
8 legislation Intro. 610, which would require the DOE
9 to distribute information to students on the new
10 National Suicide Prevention Hotline number 988 and
11 other related suicide prevention resources deemed
12 important for students.

13 Ensuring that students have access to social,
14 emotional and mental health supports in New York City
15 is our top priority. Our partners at DOHMH who we've
16 worked closely with are leading the efforts around
17 this new resource on how information will be
18 disseminated to all New Yorkers including students.
19 We look forward to working with this Council on this.
20 Intro. 582 would require the DOE to report annually
21 on the degree to which indoor and outdoor school
22 facilities comply with the Americans with
23 Disabilities Act, ADA. The DOE is committed to
24 ensuring that its programs, services and activities
25 are accessible to staff. Members of the school

1
2 community and students and family members with
3 disabilities. We are reviewing this legislation and
4 look forward to conversations with the Council.

5 With the first anniversary of this administration
6 approaching in January, we are both proud of what has
7 been accomplished and confident about the progress
8 that will be made.

9 My team is intensely focused on meeting the needs
10 of every single student with an IEP and the efforts
11 we'll share with you today are all in support of that
12 goal. We continue to welcome the Councils
13 partnership in this pursuit. Your leadership and
14 your advocacy are essential to everything we do day
15 in and day out.

16 Thank you for the opportunity to speak about this
17 topic today and we are happy to take any questions
18 that you may have.

19 CHAIRPERSON JOSEPH: Thank you so much. First
20 questions will be in relation to the Carter Cases.
21 Last month, Chancellor Banks made some remarks about
22 parents gaming the system to place their children
23 with disabilities in private schools that specialize
24 in serving students with disabilities.

1
2 In fact, the city will pay for specialized
3 private schools, only in cases where DOE itself has
4 failed to provide an appropriate education to the
5 students. And often only after years of hearing
6 process, parents are not gaming the system, the
7 system is broken, failing year after year.

8 To provide students with disabilities with
9 instructions and support they need to succeed in
10 school. My office has been contacted by advocates,
11 parents, who are both outraged and stressed by the
12 Chancellors suggestion of slashing this vital source
13 of funding for students with disabilities.

14 So, how can the city address the current
15 challenges and ensure that students with disabilities
16 get the tailored instruction services, supports and
17 accommodations they need? What resources does the
18 DOE need to make this happen? How many students with
19 disabilities are enrolled in private schools because
20 it was determined that their IEP was not being met or
21 otherwise insufficient in a DOE school.

22 In recognition of the fact that students from
23 higher income and majority White families have
24 greater means to seek reimbursement for private
25 schools tuition upon pulling their child out of DOE

1
2 schools. How can DOE ensure more equitable placement
3 especially for low-income students of color. Thank
4 you.

5 CAROLYNE QUINTANA: Thank you for that question
6 Chair and I appreciate that it's also coming on
7 behalf of your community and the parents who are
8 reaching out to you. It shows that the community is
9 genuinely concerned and invested in making sure that
10 all of our students receive what they need to reach
11 their potential.

12 The Chancellor knows that the overwhelming
13 majority of families that while due process claims
14 with the Department of Education are doing what we
15 all do, trying to find the best placement and the
16 best programs and the best education for their
17 children that they can.

18 We don't seek to limit payments on Carter Cases
19 but rather we're looking for ways to provide families
20 with what they need upfront and what I mentioned
21 earlier to is, in their local community, so that
22 fewer have to file such cases and to ensure that
23 those cases that do proceed to a hearing, reach
24 consistent, reasonable outcomes and comply with the
25

1
2 law, which you'll hear a little bit more from my
3 colleague General Counsel Liz Vladeck.

4 I also want to mention and come back to this
5 after Liz answers the question but in relation to
6 uhm, the portion you asked about more equitable
7 system, part of what we are working on is to make
8 sure that first, we are strengthening what is high
9 quality tier one instruction. We've had this
10 conversation before and in other settings as well,
11 but we want to make sure that every child has access
12 to a strong start in their general classroom. So,
13 that they are receiving exactly what they need from
14 that teacher that they spend the most time with.

15 Our entire goal of using screeners and making
16 sure that we're using interventions and partnering
17 with folks like TNTTP to focus on acceleration instead
18 of remediation for just right scaffolds. All of that
19 is to ensure that students are receiving support
20 during those class periods, during that regular day
21 and that we can intervene where needed, so that not
22 all students need to go on to have those - not all
23 students need those more restricted services.

24 In the cases where they do however, we want to
25 make sure that we can build those programs here and

1
2 you'll hear Christina talk a little bit more about
3 that in a moment but we're also partnering with
4 organizations that can help us. You're absolutely
5 right. There is a disparity between who attends and
6 who brings cases to file for due process and so, we
7 want to make sure that we're partnering with
8 organizations like Promise Project, who is piloting
9 opportunities to use secondary screeners and many
10 evaluations. We're partnering with other
11 organizations and Christina has also ensured that her
12 psychologists are trained to run a battery of
13 assessments that can identify different markers of
14 disability for the students who may be at risk for
15 dyslexia are identified as such and can receive the
16 supports they need. And part of what you've heard
17 announced already too, we're opening three dyslexia
18 landmark programs in Brooklyn, in Harlem and in the
19 Bronx, so that students who are struggling with
20 reading can actually receive those supports with
21 these strong interventions that they need that
22 explicit instruction and the type of environment that
23 is going to help them to be successful.

24 Liz, I'll turn it over to you for the questions
25 about the Carter Cases.

1
2 LIZ VLADECK: I think I need to be sworn. Hi,
3 General Counsel Liz Vladeck, I'd like to provide some
4 insight into the legal aspects of this question. So,
5 I can go? Okay.

6 COMMITTEE COUNSEL: Just a moment for
7 clarification.

8 LIZ VLADECK: Okay, thank you. So, I think this
9 is really a critically important question. Thank you
10 Deputy Chancellor. Thank you Chair Joseph. I'm
11 really glad to have the opportunity to talk about
12 this. And I think context for where we're at with
13 our legal matters, is really important. In the last
14 ten years, the number of due process cases filed has
15 exploded from around 4,000 ten years ago to, we're
16 still counting but it was upwards of 18,000 in this
17 last school year. And simply put, that has
18 overwhelmed the legal process. We are undertaking a
19 number of initiatives to address that and to build in
20 the capacity for that volume of cases.

21 Just to be clear on what we're talking about, of
22 the approximately 18,000 cases filed last year,
23 around half of them are specifically for tuition, to
24 cover tuition at private schools and the other half
25 is to pay for services for children who are in

1
2 private schools, where the families covering the
3 tuition, but the services need to be provided by us.

4 So, the first thing I'd like to draw your
5 attention to is the creation finally of an actual
6 tribunal to hear these cases. Until March of this
7 year, cases, as they came in are assigned to
8 independent hearing officers who are essentially
9 independent contractors who can take cases when they
10 feel like it. Not take cases when they feel like it.
11 They're overseen by the state. And so, the length of
12 time and the lack of consistency across that system
13 was really making it very hard for us to move cases.

14 In March, New York City's Office of
15 Administrative Trials and Hearing opened their doors
16 with a new special education unit. I believe they're
17 already up around 35 to 40 administrative law judges
18 called impartial hearing officers under the relevant
19 law, who are starting to take cases and we view this,
20 this was an effort, major collaboration with the
21 State Education Department, as well as oath and DOE.
22 And we think this is going to make a massive
23 difference once they are up to scale and finally
24 establishing some real oversight to meeting
25 guidelines, to having consistent practices and simply

1
2 to having the ALJ's you know have consistent
3 practices, interpretation, and application of the law
4 and clear decisions that can be shared with the
5 public to understand what is or is not afraid
6 appropriate public education.

7 There's any number of other things we're doing to
8 try and fix the problems with the legal process.
9 Because I do want to make that distinction. I know
10 that it's common now to say that special education is
11 broken, and I personally don't think that that's
12 correct. I think the programs, a lot of the work on
13 the program side is so valuable. I think it's part
14 of the challenge we face in getting, as you pointed
15 out, especially middle-class White families to have a
16 basic trust in confidence level that our public
17 schools can meet their needs and that's work that we
18 have to do.

19 I know you asked specifically about the
20 Chancellor's comments, and I wanted to provide that
21 context to say, uhm, I think what the Chancellor was
22 talking about is not the 18,000 families who are
23 bringing cases. We know that the overwhelming
24 majority of them, all families who are bringing cases
25 are just trying to do what we are all trying to do,

1
2 which is figure out exactly what our child needs and
3 do everything in our power to get that for them. It
4 is an unfortunate fact though, that there is a very
5 small number of bad actors, not families but
6 organizations, certain attorney's or consultants who
7 have identified the challenges we have with our legal
8 process as a profit opportunity.

9 And so, for example, we know of organizations
10 that do their own highly particularized evaluations
11 of students, identify what they need and
12 coincidentally those needs can only be met in the
13 school that they also run. And then they charge, and
14 we pay four times as much as our best known private
15 special education schools in New York City.

16 And what that does is it distorts. It is moving
17 money in the wrong direction to the wrong places.
18 Some of these places might charge \$200,000 a year or
19 upwards for services that we may well be able to
20 provide in our own schools.

21 I know that the Chancellor is deeply committed to
22 ensuring that every dollar goes to children, not to
23 help someone build their business when they're not
24 helping children and getting the most of what they
25 need, and I think that's what his comment was

1 speaking to. Not at all to all of the children who
2 are whether in private schools or public schools, we
3 want to make sure we're complying with their IEPs and
4 getting them all that we can. Thank you.

5
6 COMMITTEE COUNSEL: Ms. Vladeck, my apologies to
7 you and other members of the panel. I am told now
8 that we do need to swear in those who are responding
9 to questions. The Committee doesn't have a Counsel
10 at the moment, and I am filling in, so my apology.
11 I'm going to save time by swearing you all in at one
12 time okay. Liz Vladeck, Tom Taratko, Glenn Risbrook,
13 John Hammer, and Simone Hawkins. I will call on you
14 individually for responses.

15 Do you affirm to tell the truth, the whole truth
16 and nothing but the truth before this Committee and
17 to respond honestly to Council Member questions.

18 Please raise your right hand. Liz Vladeck?

19 LIZ VLADECK: Yes, I do.

20 COMMITTEE COUNSEL: Tom Taratko?

21 TOM TARATKO: I do.

22 COMMITTEE COUNSEL: Glenn Risbrook?

23 GLENN RISBROOK: I do.

24 COMMITTEE COUNSEL: John Hammer?

25 JOHN HAMMER: I do.

1
2 COMMITTEE COUNSEL: Simone Hawkins?

3 SIMONE HAWKINS: I do.

4 COMMITTEE COUNSEL: Thank you all.

5 CHAIRPERSON JOSEPH: So, how many students do you
6 have that are currently enrolled in private schools,
7 that the DOE is paying for?

8 CAROLYNE QUINTANA: We have as of early September
9 2022, 10,204 students in Carter Schools and over
10 25,000 students with disabilities were parentally
11 placed by their parents in private and parochial
12 schools.

13 CHAIRPERSON JOSEPH: How long does the case take
14 from beginning to start, I mean to end?

15 LIZ VLADECK: So, our objective and what we're
16 working on with Oath is that it shouldn't take more
17 than 90 days. And that includes a Resolution and
18 that's the requirement that we need to meet. That
19 includes a Resolution period initially. A very short
20 beginning window where we triaged to identify if a
21 case should just go straight to resolution to be
22 settled, which we're trying to do more and more of.
23 But the cases that still remain with the state
24 independent contractors, some of them are years and
25 years old. So, that's a big part of the shift to

1
2 Oath is we think 90 days should be the standard and
3 we want to come in under that as much as we can.

4 CHAIRPERSON JOSEPH: In the last ten years, how
5 much was the Carter Cases the DOE was paying out?
6 Because now we're looking. It's \$1.2 billion, so
7 somewhere along the line, DOE has really dropped the
8 ball. And somehow you're going to have to fix it
9 because we, if we invest that money into the services
10 that these students are lacking, we wouldn't be
11 paying \$1.2 billion in private services.

12 LIZ VLADECK: I appreciate that question. Let me
13 make a distinction. In the last year, we spent
14 upwards of \$800 million on the Carter Cases which
15 includes those services cases. The other \$400
16 million of that \$1.2 billion number goes to schools
17 that are private but already certified by the state
18 as appropriate placements.

19 And to your point, we're trying to sort of come
20 at this problem from 360 degrees. So, most
21 critically is all the critical program work that my
22 colleagues have spoken about but we're also trying to
23 streamline the legal process, so that A. we don't
24 have as many cases getting filed in the first place.
25 And B. the cases that we do have, we can handle them.

1
2 We can handle them quickly and those cases that
3 should not have been filed, as I referred to earlier,
4 we can descend and succeed. So, we can stop paying,
5 making those payments in those particular cases.

6 CHAIRPERSON JOSEPH: Thank you.

7 CHRISTINA FOTI: Chair, may I add something?

8 CHAIRPERSON JOSEPH: Sure.

9 CHRISTINA FOTI: So, just want to address the
10 last part of that and the importance. I just want to
11 lift; you know this is a major equity issue in a lot
12 of ways and I would argue that while the DOE plays a
13 role in this and where there may have been places
14 where the ball was dropped historically, this is an
15 issue that we all have to catch the ball on.

16 This issue involved policy. This issue involves
17 decisions made at many levels, including the DOE and
18 beyond the DOE. And so, this is all a problem that
19 we have to work collectively to fix because the
20 bottom line is, that we want to be serving children
21 in our public schools. We do not want lawyers
22 involved, as lovely as they are, in the process of
23 educating our children. We want families to be able
24 to go to their neighborhood schools and we want them
25 to have access to those high-quality programs.

1
2 Now, we built hundreds of those programs and by
3 the way, many of our programs are nationally
4 recognized, internationally recognized. Denmark has
5 replicated some of our programs. We need to continue
6 to fund those programs and expand those programs
7 because particularly with our ASTNS programs and
8 Horizon programs, our graduation rates are at 96, 97
9 percent. And by the way, those kids come to school
10 more often than their peers.

11 And so, where we need your help in this, is you
12 all see things and hear things and know things from
13 your communities that we don't see on data screens.
14 You know the real stories and you lift those stories
15 and so many of you have advocated and said, I need
16 this program in my district. I need that program in
17 my district.

18 When that comes our way, it's incredibly helpful
19 to us, so that we can work as your partners in
20 prioritizing programs where kids and families need
21 them the most and when we do that and put programs in
22 local communities where they are needed, we get kids
23 off school buses. We get them into schools with
24 their peers and inclusive environments and we allow
25 them at times even to go to school. We enable them

1
2 to go to school with their siblings. So, that is our
3 goal. Our goal is to move towards a place where
4 families want to be able to send their child to the
5 program and many of the Carter cases are families
6 that have not attended New York City Public Schools
7 and that's because we didn't inspire; we haven't yet
8 inspired confidence in those families to attend the
9 schools. But we understand and share the goal of
10 wanting to build equitable programs that serve
11 children in their neighborhoods, and we do need the
12 collective support to do that.

13 With that said, if we are not able to provide
14 something Chair and all, we must be able to provide
15 an option because families need options now. So,
16 that's inarguable. But our intent is to continue to
17 build programs that serve the needs of our kids.

18 CHAIRPERSON JOSEPH: These are problems I was
19 seeing on the ground. I was in the classrooms. I
20 was in the streets. I was in the field for 22 years.
21 So, I, after 22 years, I should not see these same
22 problems repeating itself and then some of these
23 problems have widened. It's not that they've gotten
24 better. So, yeah, we all have to play our part, but
25 we've given you your part and somewhere along the

1
2 line, those again, we failed our New York City
3 students with disabilities. So, now moving forward
4 we need to fix it. You need to sell your programs as
5 ways to keep your families.

6 And another big issue we have is how do kids get
7 to your programs? I met with 142 parents last night.
8 Parents who talked about their kids being in a system
9 since kindergarten that has not had a reliable mode
10 of transportation to and from their programming. So,
11 that's going to be another area where we need to fix
12 it. It has to be asap. We can no longer wait. D75
13 children deserve a basic quality education, just like
14 any other student in New York City.

15 My next question will be focusing on counseling.
16 There's a lack of sufficient service providers
17 providing counseling in the DOE. Many students have
18 to look for counseling services providers outside of
19 this school. Does the DOE provide professional
20 supervision for those providing counseling for
21 students?

22 CAROLYNE QUINTANA: Thank you for the question
23 Chair. In terms of providing professional
24 supervision, our counselors are receiving training
25 and supervision just like any of our other pedagogues

1
2 and educators. We have an entire team that is
3 dedicated to climate and wellness who has as a
4 responsibility to make sure that our counseling
5 service providers have what they need. In addition,
6 for those counselors that serve our students with
7 disabilities, we have really specific programs in
8 place to support their needs. Christina, I don't
9 know if you want to share a little bit about that?

10 CHRISTINA FOTI: Uhm, generally speaking and as
11 DC Quintana said, the division of school climate and
12 wellness, uh, really does own much of this work.
13 Where our partnership with them comes in is around
14 support services beyond what is provided generally at
15 the school level. Whether that be help on the
16 intervention plans, teaching and providing
17 professional development on therapeutic crisis
18 intervention, these are places that we partner to
19 make sure that our counselors have the tools that
20 they need, and our teachers have the tools that they
21 need to support children who are demonstrating
22 behavioral issues or mental health concerns.

23 CHAIRPERSON JOSEPH: To continue on that, one of
24 the things I've always said, I felt that service
25 providers need to collaborate the counseling with the

1
2 instructional staff too. Can you talk about that for
3 me?

4 CHRISTINA FOTI: Yeah, you're absolutely right
5 Chair. Uhm, one of the directions that we are moving
6 in under Deputy Chancellor Quintana's leadership is
7 thinking about; I hate to use this term in this
8 setting because it's very edgy speak but a multi-
9 tiered system of support. So, how do we impact our
10 children academically and behaviorally knowing that
11 one size doesn't fit all, right. And if the general
12 practice in a school is not working, then what are
13 the other practices that a teacher can pull in
14 academically and behaviorally to support students
15 progress?

16 On the academic side, that is why we're focusing
17 so heavily on interventions because teachers need
18 specialized tools that are evidence-based to help
19 kids learn how to read when they're not learning to
20 read through the general curriculum. The same is
21 true for behavior. If a positive behavior support
22 system in the school is not working, then what do
23 teachers do next. Which is why we train them on
24 things like how to write behavior intervention plans.
25 How do de-escalate students through therapeutic

1
2 crisis intervention and trying to really work
3 together to build additional tools in teachers
4 toolboxes, so that they know what to do next when the
5 general approach isn't working for a child.

6 CHAIRPERSON JOSEPH: And in that process, have
7 you included parents and caregivers in that
8 counseling process?

9 CAROLYNE QUINTANA: In supporting the development
10 of counselors or do you mean in?

11 CHAIRPERSON JOSEPH: In connecting parents and
12 caregivers in the counseling. Usually, we leave them
13 out. Parents of partners in the child's education,
14 how do you include them in that along with
15 caregivers?

16 CAROLYNE QUINTANA: That's a really great
17 question. I know that we're moving in the direction
18 of making sure that we're engaging families to a much
19 better extent. I really cannot speak with confidence
20 about what the climate and wellness team is doing but
21 I can absolutely get back to you on that. I know
22 that we are including parents in a range of different
23 opportunities to learn alongside members in schools.
24 And we're also building up superintendents teams, so
25 the division of school leadership is working to build

1
2 up superintendents teams, so that they can provide
3 supports and engage parents in some of those.

4 Whether it's activities or services that are offered
5 directly to the school. But I would prefer to check
6 back with that team and then be able to provide you
7 with that information.

8 CHAIRPERSON JOSEPH: I look forward to that.

9 Uhm, so what's the process for determining the
10 effectiveness of counseling? How do you rate
11 yourself? If you were rating, how do you determine
12 effectiveness?

13 CAROLYNE QUINTANA: Again, that would fall under
14 the division of school wellness and climate. So,
15 we'll go ahead and take all of those questions back.
16 We have folks here who are taking notes on anything
17 that gets asked and not answered, so I assure you
18 that we'll get back to you on that.

19 CHAIRPERSON JOSEPH: Thank you. Over the summer,
20 the daily news ran an expose showing students with
21 emotional disabilities, not being appropriately
22 served in District 75 schools. What specific
23 evidence-based behavior support and therapeutic
24 supports are available to students in District 75?

1
2 CHRISTINA FOTI: Thank you Chair. Superintendent
3 Lewis and his team are really making this an area
4 focus for the district this year. They are working
5 in partnership with several external groups including
6 advocates to determine supports for our students in
7 high schools with the classification of emotional
8 disability.

9 And that is currently in progress, and we can
10 definitely report more out on that over the course of
11 the year. As a standard, District 75, given the
12 behavioral needs of students has a team of folks that
13 are devoted to coaching, training, and supporting
14 teachers on how to provide appropriate interventions
15 and support for students with behavioral needs.

16 That team is out in schools working alongside of
17 teachers and providing ongoing support as well as
18 professional development.

19 CHAIRPERSON JOSEPH: I look forward to briefing
20 with that. Is there any current model program that's
21 working that shows promises towards students
22 behaviors and challenges? Can you share that with us
23 please?

24 CHRISTINA FOTI: Yeah, so a very – a major
25 promising practice, which is actually outside of

1
2 District 75, is the PATH program that we piloted last
3 year, and we piloted that in District 9, and we
4 opened seven of those classes this school year. The
5 PATH program is intended to put kids who are
6 demonstrating behavioral concerns as early as
7 kindergarten in environments, inclusive environments
8 within their district of residents. And what we did
9 is we funded that class to have a reduced size ICT,
10 so there were fewer kids in the classroom. We added
11 a social worker and an occupational therapist to the
12 model and trained the entire school in therapeutic
13 approaches as well as high quality curriculum
14 instruction.

15 And that program, you if that program hadn't
16 existed, students would have been on a path to
17 District 75. And knowing that District 75 is a more
18 - a less inclusive setting, we wanted to see what we
19 could do to put kids on a path to more inclusive
20 opportunity starting in kindergarten.

21 All the students have successfully remained in
22 the program are now first graders and we're really
23 excited to be growing that program with the right
24 supports and I think to the point that you're making
25 Chair, there is a coordinated set of supports that

1
2 are required to serve students well and we think this
3 model reflects that coordination and it's one that we
4 are really excited to continue to grow.

5 CAROLYNE QUINTANA: I think it's important too
6 during a time when we are seeing an influx of
7 students who have experienced trauma. That there's a
8 great focus on trauma responsive education and
9 training that modules have been modified to ensure
10 that they can be adapted for more inclusive
11 environments and that they ensure that they are
12 representing students with disabilities. And
13 Christina's team also is responsible for launching
14 the school response clinician program. That is a
15 unit of social workers that provides mental health
16 supports to students in school communities who have
17 experienced trauma or in times of crisis.

18 CHAIRPERSON JOSEPH: What is the ratio of those
19 clinicians to providers to students?

20 CAROLYNE QUINTANA: I'm not sure if I have those
21 numbers. Let me look for that and I'll get back to
22 you in must a second.

23 CHAIRPERSON JOSEPH: Hmm, hmm. Uhm, to piggyback
24 off of the PATH program, you said uhm, I noticed that
25 it served K to 1. Is there any specialized programs

1
2 for middle school and high school students that are
3 also experiencing behavioral challenges in schools?

4 CHRISTINA FOTI: So, the PATH program is just
5 that it's in stages of you know, we're just at the
6 beginning and so, the PATH program is open for
7 kindergarteners and first graders, but behavior comes
8 in many forms and that includes our students on the
9 spectrum. And our program serving students on the
10 spectrum are absolutely PreK to 12 and we've built
11 hundreds of those programs, of those classes since
12 2013.

13 CHAIRPERSON JOSEPH: I look forward to briefing
14 when you decide to expand it. I would love to have a
15 briefing, so I could see the numbers in the program.
16 Uhm, preschool, preschool, one of my little pet
17 peeves because we don't have enough seats for our
18 special needs, special education class shortage.

19 Last year, the DOE short uhm, projected shortage
20 of 900 legally mandated preschool special education
21 classes, especially with a shortage in the Bronx. As
22 a result of hundreds of students with autism and
23 other complex disabilities, were sitting at home with
24 no instruction or services they need.

1
2 As of the last day of 2021-2022 school year, how
3 many children were still waiting for a seat in the
4 legally mandated preschool special education class?

5 JOHN HAMMER: Chair Joseph, thank you for lifting
6 this issue and for your passion around our
7 preschoolers with IEP's and ensuring that they
8 receive access to the supports and services they
9 need. That's a priority that we share here at the
10 Department of Education and working very hard to
11 ensure that every students receives their mandated
12 programs and services. We are working in many ways
13 in order to strengthen service provision at first,
14 our three- and four-year old's with disabilities.
15 First, starting with the evaluation and IEP process
16 and providing some additional supports to staff, they
17 are doing that work.

18 In Fiscal Year 2019, we added ten addition
19 preschool evaluation teams to support in a timely
20 evaluation of preschool as suspected of having a
21 disability. Last school year, we also expanded the
22 number of CPSE Administrators and community
23 coordinators that are responsible for working with
24 families to develop IEP's timely and then work with
25

1 families to facilitate placement and arrangement of
2 services.

3
4 We're also expanding our itinerate related
5 service team this school year. These are additional
6 as Christina, as Chief Foti testified earlier, this
7 is additional speech, occupational physical
8 therapists. They are going to be able to be deployed
9 through our NYSEEK settings and provide services to
10 students in those inclusive settings. That team is
11 expanding to 97 this year. It's something that we're
12 really proud of.

13 Again, you know to your point earlier, we
14 acknowledge the need to continue to build out
15 additional seats. Uh, we have - the DOE has added
16 over 1,000 special class seats over uh, three years
17 ago and we are continuing to expand the number of
18 inclusive seats over the next couple of years. Last
19 school year, we added 330 integrated seats. We added
20 435 integrated seats this school year. We are
21 intending to add additional integrated seats next
22 school year as well.

23 Now, all that's to say there is work that
24 continues to need to be done and we did have
25 students, preschoolers with IEPS awaiting seat at the

1
2 end of the school year last year. That number was
3 around 800 students and so, we do absolutely have
4 work that we continue to need to do on this front.

5 CHAIRPERSON JOSEPH: So, you have 800 students
6 sitting at home waiting for a seat? Is that what I'm
7 - that's what you're saying, right? For the record,
8 I want to make sure 800 students.

9 JOHN HAMMER: At the end of last school year,
10 that's where we were.

11 CHAIRPERSON JOSEPH: So, today, will you commit
12 to ending the shortage of preschool special education
13 classes and ensure there's a seat for every child
14 whose IEP mandates a special education class for this
15 school year?

16 JOHN HAMMER: You know the division of early
17 childhood - oh.

18 SIMONE HAWKINS: Thanks John. We are absolutely
19 committed to providing seats for all children who
20 require one up.

21 CHAIRPERSON JOSEPH: Could you please identify
22 yourself for the record?

23 SIMONE HAWKINS: Oh, my apologies, I'm Simone
24 Hawkins. I am the Chief Executive of EC Operations.
25 Thank you for having me today.

1
2 CHAIRPERSON JOSEPH: Hmm, hmm.

3 SIMONE HAWKINS: We are absolutely committed to
4 providing seats for every child that requires one,
5 including children with special needs. We are
6 working as my colleague shared, to expand capacity,
7 not only along district school settings, including
8 PreK centers but also in our CBO's to provide 4410
9 enhancement services through the prior solicitation
10 that we - the prior administration released, and we
11 actualized over the last few months. We are
12 currently looking and assessing the landscape to see
13 where opportunities exist space-wise to make those
14 type of expansions. As you can imagine, space is
15 limited and that is a necessary requirement in order
16 to actualize the expansion of seats.

17 We also need funding. So, we across the agency,
18 across divisions are having those conversations now
19 to identify those mechanisms to support the not just
20 the immediate but also long term.

21 CHAIRPERSON JOSEPH: So, today, let me look at my
22 calendar is September 21st. You mean to tell me
23 there's 800 students sitting at home and we're still
24 looking for space to place them. Is that correct?

25

1
2 SIMONE HAWKINS: So, we're looking for space to
3 support their mandated services, but children can
4 also ask us in the interim, special education
5 services. Uhm, and a general education seat in the
6 3k or PreK program but we again, we share the same
7 urgency around this, and we are doing the work to
8 identify the space and funding because this is a
9 priority for this administration.

10 CHAIRPERSON JOSEPH: You talked about funding.
11 The city allocated \$88 million in Federal American
12 Rescue Plan for FY23 for a number of preschool
13 special initiatives, special education initiative,
14 including contract enhancement for CBO's running
15 preschool special education classes to bring them
16 into 3K, PreK for All programs to help the program
17 from closing and help them open additional
18 preschools, special Education to address the
19 shortage.

20 The DOE anticipated opening 800 schools through
21 this initiative and here we are, we talked about
22 funding. We allocated over \$88 million in federal
23 funding, and I know this Council also pay parity
24 4410, made sure that special education educators were
25 getting paid the right amount of money. So, here we

1
2 are again, September 21st, 800 seats. You're talking
3 about funding, \$88 million. Talk to me.

4 CAROLYNE QUINTANA: Thank you for that question
5 Chair. We want to emphasize that we are in absolute
6 agreement, that for every child who needs a seat,
7 that we make sure that that seat is available and
8 part of what I know that the division of early
9 childhood has been working on, is making sure that
10 those seats are available where they are needed and
11 the type of seat that is needed.

12 And so, we want to make sure that we're using the
13 data to make informed decisions in that way. The
14 number of 800-ish is actually a number from the end
15 of last school year and so, we would need to wait
16 until we have enrollment information to have a better
17 sense of what that data is now, and we appreciate the
18 \$88 million. I think that that's a really big part
19 of being able to do the work that we've done to date
20 and with that, we are actually awaiting nine
21 additional contracts that are moving forward in the
22 October PEP. So, that will give us opportunity to
23 have additional centers and seek to open and the
24 early childhood education staff are actively engaging
25 the remaining applicants who have not yet agreed to

1
2 finalize their budget, then move them to the
3 contracting process. And so, we hope to have a
4 better sense of where we stand by January.

5 CHAIRPERSON JOSEPH: So, we talked about funding
6 and location and from what I understood there's about
7 100 sites that applied for contract enhancement with
8 the city to go in effect this July but yet the DOE
9 has not signed any of the contracts. Talk to me.

10 SIMONE HAWKINS: Yeah, so there was about; and I
11 appreciate that question, thank you. So, the total
12 number to date is about 131 who agree to participate
13 in the enhancement. As you stated, about eight are I
14 think on the PEP agenda for tonight to move forward
15 to begin services and knowingly some are currently
16 providing services at risk while they await their
17 contract execution. They're an additional nine on
18 October PEP and we are working with the remaining
19 ones just as the Deputy Chancellor shared, to ensure
20 that they can start programming no later than
21 January, and that will support about 568 seats.

22 CHAIRPERSON JOSEPH: And I'll still have 300
23 something students not sitting in a seat. Alright,
24 we got a lot of stuff to send over. Uhm, this year
25 in this budget and I talked about that earlier,

1 teachers of preschool special education classes, a
2 CBO get the same minimum salaries as teachers in
3 PreK, general ed, classes as CBO. However, we
4 understand that you guys have not yet provided
5 increased salaries to any preschool special education
6 classes due to delays with the contract enhancements,
7 right. So, when will the new salary go into effect
8 for those teachers?
9

10 SIMONE HAWKINS: Once we can finalize the
11 contract, the new salaries will go into effect.

12 CHAIRPERSON JOSEPH: Thank you. Let's talk about
13 something very spicy that I want to talk about. The
14 program to eliminate the gap tags. Let's talk.
15 Earlier this month, the Mayor proposed a three
16 percent target reduction in city spending in all
17 agencies for Fiscal 2023 and 4.75 in Fiscal 2024 in
18 the outyears. How would a three percent reduction to
19 DOE's budget cut impact students with disabilities?
20 Can you provide any assurance that special education
21 services will be exempt? Loud for the record please.

22 CAROLYNE QUINTANA: Thank you for the question
23 Chair and I do want to acknowledge that we know that
24 there is more work to be done and we're keeping focus
25 on what the vision is and where we need to move

1
2 forward. For special education, the allocation for
3 fair student funding ensures that any child who needs
4 services is entitled to receive those services right.
5 And so, that means that any school that requires a
6 teacher to run a class, whether it's an inclusion or
7 a special class or any other setting, is mandated to
8 have that teacher. And so, for any reason a school
9 does not have that teacher, please let us know if
10 there's anyone in your district right now who does
11 not have that mandated teacher in place. We can
12 absolutely put them through the appeals process,
13 which is a process that has existed for quite some
14 time. That allows us to make sure that when a
15 child's need may shift and a new class needs to be
16 created or there is a shortage for any other reason,
17 that we can absolutely make that happen.

18 So, there's that piece. The other thing is that
19 fair student funding, which is not the form of
20 funding that is used for related services or for any
21 of our specialized programs, like those that we
22 mentioned in terms of the autism spectrum disorder
23 programs that we have in place. And so, those would
24 not be subject to -

1
2 CHAIRPERSON JOSEPH: You have to speak a little
3 louder, so I can have this on the record. Please
4 move the mic a little closer. Thank you.

5 CAROLYNE QUINTANA: Apologies, do you need me to
6 restate that?

7 CHAIRPERSON JOSEPH: Yes please.

8 CAROLYNE QUINTANA: So, the other piece of that
9 is that is that the monies that are used to fund
10 related services and those other programs that serve
11 the needs of for example our students with autism,
12 autism disorder, are those that are not fair student
13 funding. So, those would not be subject to the same
14 cuts.

15 CHAIRPERSON JOSEPH: Uhm, how many budgeted head
16 count position are still vacant with DOE offices
17 outside of our schools?

18 CAROLYNE QUINTANA: Would you repeat the question
19 please?

20 CHAIRPERSON JOSEPH: How many budgeted headcounts
21 position are still vacant within DOE offices outside
22 our schools?

23 CAROLYNE QUINTANA: How many vacancies outside of
24 our DOE schools? I don't have a -

1
2 CHAIRPERSON JOSEPH: That are related to special
3 education. Vacancies related -

4 CAROLYNE QUINTANA: Related to special education.

5 CHAIRPERSON JOSEPH: Hmm, hmm.

6 CAROLYNE QUINTANA: John, do you have that?
7 We'll have to get back to you with that information.

8 CHAIRPERSON JOSEPH: Please do.

9 CAROLYNE QUINTANA: Okay.

10 CHAIRPERSON JOSEPH: Will the DOE exempt special
11 education vacancy positions, central positions
12 related to the service provided to runnable
13 populations from cuts to ENLs, foster care, students
14 in temporary housing?

15 CAROLYNE QUINTANA: So, I want to make sure I
16 understand your question. Would you repeat it again
17 please?

18 CHAIRPERSON JOSEPH: will the DOE exempt for
19 special education vacant positions or other central
20 positions related to the service provider to
21 vulnerable populations? My ENL students, the
22 students in foster care, the students in temporary
23 housing.

24 CAROLYNE QUINTANA: Thank you. So, I think that
25 that goes back to that same piece right. We want to

1
2 make that wherever services are mandated, we have
3 those service providers in place. And so, if
4 something is required by a students IEP, then that
5 personnel needs to be in place. If we're talking
6 about other types of services or other staffing then
7 that might be under different other steps that are
8 taken. I don't know if you want to add to that.

9 CHAIRPERSON JOSEPH: I didn't hear that last
10 part, repeat that please.

11 CAROLYNE QUINTANA: I just asked Christina if she
12 wanted to add to it.

13 CHRISTINA FOTI: Just echoing the sentiment and
14 our first and foremost, it's going to be service to
15 kids. We definitely don't have a crystal ball in
16 terms of what this is going to look like on a central
17 level but what we are very clear on is that our
18 services to students are the number one priority and
19 so far, we are able to run all of the initiatives
20 that we've planned for and all of our - we are able
21 as Deputy Chancellor Quintana said, our special
22 education services are mandated by the IEP and when
23 schools need additional funding to create vacancies
24 or create lines or create classes, there is a process

1
2 in place to do that and is one that we want our
3 schools to continue to utilize.

4 CHAIRPERSON JOSEPH: Thank you. I'd like to
5 recognize the following colleagues: Council Member
6 Feliz, Council Member De La Rosa, Council Member
7 Gutièrrez, Council Member Menin, Stevens. Thank you.
8 I'll pass it over to Council Member Bottcher, he has
9 questions.

10 COUNCIL MEMBER BOTTCHEER: Just a couple short
11 questions about Intro. 610. How do students
12 currently get information about suicide prevention.
13 How are they currently being provided with these
14 resources in the New York City public school system.

15 CAROLYNE QUINTANA: I appreciate the question.
16 Again, we are here hopefully to focus on special
17 education and the services that we are responsible
18 for. In terms of anything that is about mental
19 health services, that is the division of school
20 climate and wellness, and I can absolutely get you
21 that information. We do want you to know however,
22 that we completely stand behind this bill and in are
23 looking forward to working with the Council.

24 COUNCIL MEMBER BOTTCHEER: Thank you.

25 CAROLYNE QUINTANA: Hmm, hmm.

1
2 CHAIRPERSON JOSEPH: I also want to recognize
3 Council Member Krishnan. I will hand it over to my
4 colleague Gale Brewer.

5 COUNCIL MEMBER BREWER: Thank you very
6 much. I love Mickey Mantle, as Christina knows, and
7 you have a great General Counsel, but you have a lot
8 of problems. And congratulations, Madam Chair, on
9 all your good questions. So, before I talk about
10 buses, because that's what I'm going to talk about,
11 what's with the Morton School? Morton School was
12 supposed to be Special Ed NYU, que pasa? That's
13 supposed to be for Special Ed. You don't know
14 anything about the Morton School? NYU, big campus,
15 said we're going to build a school. We said it
16 should be for Special Ed, Board Two, Board One,
17 Borough President, Council Member, etcetera. There's
18 a whole school there waiting for you to move in, all
19 for Special Ed. Nobody knows about it. Just so you
20 know, it exists. You need to move in. So, maybe you
21 could follow up.

22 CHRISTINA FOTI: Thank you, Council
23 Member.

24 COUNCIL MEMBER BREWER: Okay. Number two,
25 on the buses. So, when I talked to Don McCormick

1 [sp?], whom I love, he said everything is fine except
2 for the bus, and that's true I think across the
3 board. Not that everything is fine, but in a scale
4 of one to 10, the buses are on the bottom. So how
5 many students with disabilities have bus service in
6 place? How many students with disabilities are
7 waiting for mandated bus service to begin? And just
8 to say, the great staff found that 300, 400-- 3,449
9 between the eighth and yesterday, that's September
10 8th, that many were delayed, which is almost 90
11 percent of the buses. So, bus is a problem. And so
12 can you just tell me how many have bus service, and
13 then you could just imagine all the other questions.
14 How are we going to improve it? And of course, it
15 impacts education. Let's just start with do you have
16 the numbers of who has bus service and how many are
17 on the waiting list?

19 EXECUTIVE DIRECTOR RISBROOK: Thank you
20 for the question, Council Member.

21 COUNCIL MEMBER BREWER: Thank you.

22 EXECUTIVE DIRECTOR RISBROOK: My name is
23 Glenn Risbrook. I'm the Senior Executive Director of
24 the Office of Pupil Transportation. Currently--

25

1
2 COUNCIL MEMBER BREWER: [interposing] Poor
3 you.

4 CHAIRPERSON JOSEPH: Can you speak up a
5 little louder?

6 EXECUTIVE DIRECTOR RISBROOK: Oh,
7 couldn't hear me? I'm sorry. My name is Glenn
8 Risbrook. I'm the Senior Executive Director of the
9 Office of Pupil Transportation.

10 COUNCIL MEMBER BREWER: You have a hard
11 job.

12 EXECUTIVE DIRECTOR RISBROOK: A very hard
13 job.

14 COUNCIL MEMBER BREWER: Go ahead.

15 EXECUTIVE DIRECTOR RISBROOK: Currently,
16 we have over 50,000 students that are-- with IEPs
17 that are assigned bus routes.

18 COUNCIL MEMBER BREWER: Okay.

19 EXECUTIVE DIRECTOR RISBROOK: I just
20 wanted to take a moment about some of the
21 improvements we have, but I want to acknowledge just
22 for a moment the Chair. This is-- I just want to say
23 thank you again for having me to testify in front of
24 you. We test-- I testified in front of you in foster
25 care support. I just wanted to say that your

1 testimony was impactful to me, and it undergirds what
2 I do every day. I just want to say thank you. What
3 I'm hearing from our families is very concerning, and
4 I take it very seriously. Mainly those service
5 issues are a direct result of staffing shortages at
6 the bus companies. Although the shortages this year
7 are not as extreme, but they are significant. The
8 DOE transports 150,000 students every day over 9,000
9 bus routes. Ninety-seven percent of those bus routes
10 have dedicated drivers, three percent do not. That
11 is unacceptable. That's a significant number of
12 children. We currently have over 400 drivers,
13 however, in the pipeline in different levels of on-
14 boarding. As these drivers are on-boarded, the
15 impact of the driver shortages will have will
16 dissipate. Another thing is that we've made some
17 strides, and it's been overshadowed pretty much by
18 the problems we having with the bus companies, but we
19 made some strides and some improvements. We-- in
20 2019, the call center received on day one complaints,
21 23,294 complaints on day one. This year, we've
22 received 3,350, a great improvement, unacceptable.
23 One complaint, oen child without a bus is
24
25

1
2 unacceptable. After the first seven days of the
3 beginning of the school year--

4 COUNCIL MEMBER BREWER: [interposing]

5 Those are the numbers I have. Yep, go ahead.

6 EXECUTIVE DIRECTOR RISBROOK: Alright.

7 We had-- the first week of school in 2019 we received
8 79,678 complaints. This year, the first seven days
9 of school and shortly after that we received 17,748,
10 78 percent decrease in complaints, unacceptable.

11 COUNCIL MEMBER BREWER: Unacceptable.

12 EXECUTIVE DIRECTOR RISBROOK: Any
13 complaint for any school day is unacceptable. But
14 this is what we're doing. We're modernizing our
15 legacy applications so we can better communicate,
16 data process, and the routing is becoming more
17 efficient. We will be rolling out in short term
18 within a few days, Via [sic] for Schools, that would
19 allow our families to be able to track in real time
20 the bus routes that their students are on and also be
21 able to track the turn by turn that's happening with
22 the bus companies as long-- as well as other--

23 COUNCIL MEMBER BREWER: [interposing] Do
24 they have that GPS? Because that's the City Council
25 law.

1 EXECUTIVE DIRECTOR RISBROOK: Yes. They
2 do.

3 COUNCIL MEMBER BREWER: Every single
4 parent has the GPS?

5 EXECUTIVE DIRECTOR RISBROOK: Yes. Or
6 every-- with their Nix [sic] account every parent
7 will be able to see the bus from the beginning
8 through the route, how long--

9 COUNCIL MEMBER BREWER: [interposing] Was
10 that true now or in the future?

11 EXECUTIVE DIRECTOR RISBROOK: Well, that
12 will be in the future when we roll it out, actually
13 within the next week or so. Every bus--

14 COUNCIL MEMBER BREWER: [interposing] In
15 the next week or so? You're going to roll--

16 EXECUTIVE DIRECTOR RISBROOK:
17 [interposing] I'm sorry?

18 COUNCIL MEMBER BREWER: You're going to
19 roll it out in the next week? You're just--

20 EXECUTIVE DIRECTOR RISBROOK:
21 [interposing] No, within the next few days it should--
22 - it'll be rolled out on a pilot program in District
23 26, and as we-- we work through that to make sure all
24 the kinks are out. We're going to be expanding that
25

1
2 out citywide. So, during the course of the year, we
3 should be rolling that out citywide.

4 COUNCIL MEMBER BREWER: So, when will it
5 go citywide do you think?

6 EXECUTIVE DIRECTOR RISBROOK: Soon as we
7 know exactly if there's any issues with it. I'll be
8 able to get back to you with that. I don't want to
9 get ahead of my skis and say when it's going to
10 happen while we're still working on--

11 COUNCIL MEMBER BREWER: [interposing]
12 Okay.

13 EXECUTIVE DIRECTOR RISBROOK: in our
14 secrecies [sic] with it. So, those are the
15 improvements that we're embarking on. They're
16 overshadowed by what's going on with the driver
17 shortage, and we take that very seriously.

18 COUNCIL MEMBER BREWER: How you going to
19 deal with the driver shortage? Where are you going
20 to find drivers? We can't find city workers, have
21 you noticed?

22 EXECUTIVE DIRECTOR RISBROOK: Yes, I do
23 notice that.

24 COUNCIL MEMBER BREWER: Okay, so how are
25 we going to find drivers?

1
2 EXECUTIVE DIRECTOR RISBROOK: Well, you
3 know, at the end of this I was going to ask for the
4 Council's support with that as well, recommendations,
5 ideas. Our bus companies are fighting an uphill
6 battle. Some of our bus companies have come to us
7 and said that the MTA is actually going to yellow bus
8 yards in their area recruiting drivers. The MTA is
9 also short drivers as well.

10 COUNCIL MEMBER BREWER: Everybody's
11 short.

12 EXECUTIVE DIRECTOR RISBROOK: Absolutely.
13 And they have the same credentials as the MTA bus
14 drivers, so it's fertile ground for them. And they
15 also compete against Amazon and some of the other
16 companies. So what we have done is partner with the
17 bus companies, give them strategies to on-board
18 drivers, give them the strategies for retention, and
19 having drivers who once were yellow bus drivers and
20 retired to come back into the system. But we are
21 open to other suggestions and I look forward to
22 working with you.

23 COUNCIL MEMBER BREWER: So, how-- I know
24 my time is up, but how do you hold the vendors
25 accountable? I don't know how many bus companies do

1
2 you have, that's one question, and how do you hold
3 them accountable? I understand they don't have
4 drivers. We've got to find drivers. But how do you
5 hold them accountable? Because every time a young
6 person is not in school for that morning, their
7 education is compromised. And after two years, it's
8 even worse.

9 EXECUTIVE DIRECTOR RISBROOK: Yes,
10 Council Member.

11 COUNCIL MEMBER BREWER: Particularly I've
12 had a kid who has special needs. I am very familiar
13 with this problem.

14 EXECUTIVE DIRECTOR RISBROOK: Yes,
15 Council Member.

16 COUNCIL MEMBER BREWER: How do you deal--
17 how are you holding them accountable, the vendors?

18 EXECUTIVE DIRECTOR RISBROOK: First
19 answer to your question, there are over 52 bus
20 companies and their affiliates. We assess what we
21 call liquidated damages for everyone else, it's
22 monetary fines. Every time a bus route does not
23 perform as required we issue a monetary fine to the
24 bus companies. I have been at the helm of the Office
25 of Pupil Transportation for about 11 months. I am

1 leaning in with my staff on taking the next step,
2 which is removing contracts from bus companies.

3 COUNCIL MEMBER BREWER: That'd be great.
4 Okay.

5 EXECUTIVE DIRECTOR RISBROOK: We are in a
6 process right now of looking to remove a bus contract
7 from a company that has had habitual errors. I wish
8 I could announce that to you. For legal reasons, I
9 can't, but I definitely want to say that my office--
10 and I have a great team working for me. They are
11 leaning into this.

12 COUNCIL MEMBER BREWER: Okay.

13 EXECUTIVE DIRECTOR RISBROOK: And we will
14 be holding count--

15 COUNCIL MEMBER BREWER: [interposing] My
16 time is up, but we may submit other questions--

17 EXECUTIVE DIRECTOR RISBROOK: Sure.

18 COUNCIL MEMBER BREWER: and thank you
19 very much.

20 EXECUTIVE DIRECTOR RISBROOK: Thank you.

21 CHAIRPERSON JOSEPH: Thank you, Council
22 Member Brewer. Council Member Hanif?

23 COUNCIL MEMBER HANIF: Thank you, Chair
24 Joseph, and I'd like to thank you again for starting
25

1
2 this hearing by acknowledging the harm that the
3 Chancellor's comments had on our communities and, you
4 know, I'd be remiss to not push back on the
5 Chancellor's comments as well, which blamed the DOE's
6 current budget shortfall on costs associated with
7 providing services that are legally mandated via
8 IEPs, and I appreciate the discourse we had early on
9 about what he might have meant, but it caused a lot
10 of harm, and I want to just like reiterate that, that
11 that was what we were hearing in my community. And
12 with that, I want to pivot to some questions to dig a
13 little deeper on parents who filed complaints related
14 to IEPs. The DOE agreed to an MOA with OATH that was
15 intended to address the backlog of cases in the
16 impartial hearing system. The MOA required the
17 hiring of 40 to 50 impartial hearing officers. Could
18 you share how many officers have been hired to-date?

19 GENERAL COUNSEL VLADECK: Thank you,
20 Council Member, and thank you for the question. So,
21 I apologize. It is of course OATH that has to hire
22 the ALJ, so I don't want to-- I want to be clear that
23 this is what I've heard, but I'm not guaranteeing it.
24 My understanding is OATH has already-- either they've
25 got them working or they're onboarding upwards of 40-

1
2 - thank you-- upwards of 40 Administrative Law
3 Judges, IHO's, and they're continuing to recruit
4 additional attorneys, additional individuals to come
5 on board, because they're estimating their need
6 actually as being greater than what's stated in MOA.
7 With respect to-- I'm sorry, you asked-- I still have
8 a little COVID brain fog. You had an initial point
9 you were making.

10 CHAIRPERSON JOSEPH: No, that was the--
11 that was the first part of the question.

12 GENERAL COUNSEL VLADECK: That was--
13 okay.

14 CHAIRPERSON JOSEPH: But thank you.
15 That's good to know and that there's an active effort
16 to recruit more. Would the best point of contact for
17 us be to reach out to OATH to learn more?

18 GENERAL COUNSEL VLADECK: Certainly. The
19 OATH Commissioner and Chief ALJ and the head of the
20 Special Education Unit. This is actually the first
21 type of case in OATH. They handle-- they're the
22 largest tribunal by number of cases in the country,
23 and Special Education is the first area of case where
24 they're dedicating an entire unit. And these are the
25 only cases that that unit will hear. So, Commissioner

1
2 Rehman and Chief, his Deputy Noel Garcia have been
3 phenomenal partners. You also asked about the
4 backlog.

5 CHAIRPERSON JOSEPH: Yes.

6 GENERAL COUNSEL VLADECK: I apologize.

7 And I did just want to report, last November we had a
8 backlog of 9,000 cases that had not even been
9 assigned to a judge, to an impartial hearing officer.
10 The law requires we make those assignments state law
11 within two days, and these cases were sitting and
12 sitting. When we announced the OATH MOA and that
13 OATH would soon be opening its doors, the independent
14 contractor IHOs snapped up all those cases, and our
15 bag log is now virtually nonexistent. Lots of cases
16 are field the beginning of the year, so it flows day
17 to day. So that's a tremendous development. We
18 think those independent contractors saw some income
19 likely going away from them, and now our next goal is
20 we've got to get the cases done quickly.

21 CHAIRPERSON JOSEPH: Great. Thank you so
22 much. We understand that the DOE will translate
23 Special Education documents for parents whose home
24 language is not English, but only if the parents make
25 a formal request. Is there a reason the DOE does not

1
2 translate Special Education documents as a matter of
3 course?

4 CHRISTINA FOTI: We certainly agree on
5 the importance of making our documents as successful
6 as possible for our families. And to your point, DOE
7 translated almost 9,000 IEPs last year, which is a
8 significant increase from the year prior. We are--
9 the DOE is building its capacity to do more
10 translations so that they are universally available,
11 but we are not there yet. In the interim we have
12 designed SISUS [sic], the Student Information System
13 that we use for IEPs, to produce significant
14 documents for families in their home language as
15 indicated on the home language survey. And then the
16 last, we have a way to go to get there to full
17 translation.

18 COUNCIL MEMBER HANIF: I'll follow up
19 with more about translation.

20 CHRISTINA FOTI: Sure.

21 COUNCIL MEMBER HANIF: But Chair, I have
22 one more question if I have permission. My time is
23 running out. Could I ask one more question with your
24 permission?

25 CHAIRPERSON JOSEPH: Yes.

1
2 COUNCIL MEMBER HANIF: Okay, just wanted
3 to touch on suspensions. About 19 percent of
4 students with IEPs, have IEPs. What percentage of
5 suspensions are given to students with IEPs?

6 CHRISTINA FOTI: We'll pull up the exact
7 number, but I think your point is moving towards
8 calling out disproportionate trends and suspensions.
9 And that is a point that we're very certainly aware
10 of, and are working to mitigate.

11 COUNCIL MEMBER HANIF: Do you have any
12 data on-hand right now?

13 CHRISTINA FOTI: Yes, if you give me one
14 second I'll-- I just need a few minutes to pull it
15 up. But after the Q&A, can I come back to you with
16 the data?

17 COUNCIL MEMBER HANIF: Absolutely. And
18 then also the percentage of NYPD-involved incidents
19 involved a student with an IEP? That would be great,
20 too.

21 CHRISTINA FOTI: Sure, if we don't have
22 that today, I will get back to you, but I certainly
23 will come back on the disproportionality now.

24 COUNCIL MEMBER HANIF: Thank you so much.
25 Thank you, Chair.

1
2 CHAIRPERSON JOSEPH: Thank you, Council
3 Member Hanif. Council Member Avilés?

4 COUNCIL MEMBER AVILÉS: I'm going to just
5 list out my questions given the limited time for the
6 record, and would love any-- and all of you could
7 answer. So in terms of the number of vacancies for
8 related service providers in Special Education
9 Support Staff, can DOE provide-- I know you're going
10 to report back not only the number of vacancies, but
11 to see an itemized breakdown of the various positions
12 within, you know, obviously that very broad category.
13 Also just to note, schools in District 15 of which is
14 majority of my district, are still owed five million
15 dollars and para [sic] reconciliation. We want to
16 know when can we expect that resources, desperately
17 needed might I add, to our schools. I'd also like to
18 know how your office is supporting the influx of the
19 ENL [sic] students recently immigrating into the
20 City, our asylum-seeking families, and determine how
21 DOE is determining whether they need additional
22 Special Education supports, how's DOE intending to
23 address the lack of bilingual psychologists and
24 speech pathologists, and generally contributing to
25 the pre-existing backlog waiting for-- for families

1 waiting for evaluations and assessments. So,
2 essentially, how are you addressing this current
3 need? And then in terms of the Special Enhancement,
4 the 4410, I am mystified by why it has taken so long.
5 You know, obviously this process-- we have 131
6 contracts and only still the school year has started
7 eight to nine contracts with hundreds of students
8 sitting at home. I can tell you that there are
9 providers sitting with empty classrooms who have been
10 waiting to get information from DOE. So, I'd love to
11 know exactly how you roll this out, because my
12 understanding is providers have still yet to even be
13 contacted around this. So I'd love to understand
14 what the plan was, and really what was driving the
15 delay. And lastly, in terms of the expansion of
16 specialized services like ASDNES [sic], obviously
17 this is a huge need, and in my district we have
18 fierce parent advocacy for a lack of services
19 particularly in Sunset Park in Red Hook. We have
20 seen a small growth. We are appreciative of that,
21 but it is nowhere meeting the needs. And in
22 particular, I have to highlight, our children are
23 still getting bused out to other neighborhoods in
24 South Brooklyn and spending hours to go to Queens.
25

1
2 There is not enough, particularly at the Middle
3 School level is where we see in Sunset Park, a real
4 lack of services and kids having to travel crazy
5 routes. And I have 8,000 other questions, but I
6 think-- Oh, I have two minutes, so I'm going to-- I'm
7 going to indulge and just mention one last thing. In
8 terms of-- excuse me. So, this is also partially
9 commentary, but a real question as well. What plans
10 are in place for the DOE to address this deficit
11 mindset enablist [sic] culture that seems to be very
12 apparent and vivid in the system which has been
13 particularly exacerbated by the comments of our
14 Chancellor who are blaming families, which we have
15 seen already being regurgitated by other parents who
16 want to use structures that push out kids rather than
17 bring them and in meet their needs? So, in terms of
18 this culture, we'd like to know what DOE is going to
19 do if our children with disabilities are seen as
20 broken or unteachable or unworthy before they even
21 enter the school building? What change, what chance
22 do we have at embracing the values that they bring
23 within themselves if this system continuously from
24 its leadership down tells them that they are not

1 was pleased to hear the question-- so, Council Member
2 Hanif-- that you had asked a little bit about the
3 rates of suspensions, but in part because it lets us
4 think about the continuum that we have for mental
5 health and really thinking about our restorative
6 practices and pieces like that, right? In that high-
7 quality tier one instruction, though, that I was
8 mentioning, our big piece there is grounded in the
9 science of learning and development which says that
10 students' brains are malleable. They are capable of
11 producing and doing and accomplishing, so long as the
12 adults have put in place the right practices, the
13 right mindset and the right resources, and so that's
14 what we're focusing on. You know we often hear that
15 people refer to Special Education being broken, and
16 we have a problem with that in part because it often
17 points at students as much as it does to the system,
18 and our kids aren't broken. But we need to think
19 about what we're doing very differently, and right
20 now that means that we need to make sure our teachers
21 are well-equipped, our leaders are well-equipped, and
22 part of that absolutely will include some of that IB
23 training. Part of that is we have put together a
24 framework for socioemotional and academic development
25

1 that we're going to pilot in some of our schools.
2 Part of that is using coaches to help teachers really
3 be able to see the strength that a child brings and
4 what you can actually build from instead of the gaps
5 that are missing. Part of that is that we're
6 grounding all of our teacher training in being
7 culturally and community responsive. In fact, the
8 bulk of what we're doing for our mosaic work is just
9 that; it's the training for CRSE across the board for
10 our teachers. And so I absolutely want to say that
11 I'm pleased that you brought up that question. It's
12 important for us, and I agree, and that the direction
13 that we want to go.

14
15 COUNCIL MEMBER AVILÉS: And I understand
16 the contention of this-- the system is broken,
17 because it implicates, but I will say that the system
18 is contradictory. It is perpetuating tools of
19 discrimination. It perpetuates this mythology of
20 hard work and whose hard work and who should be
21 rewarded. It's perpetuating, honestly in my opinion,
22 it is going backwards from all the progress that we
23 have made, and certainly trying to get rid of the
24 segregation that is happening and segregation across
25 multiple levels, right, income, racial, learning

1
2 ability, all this stuff, and yet-- so this system is
3 contradictory at best, and that's being generous.
4 But thank you for your comment, and I think we have
5 to continuously reflect a system that is perpetuating
6 tools and practices that exactly undermine the
7 rhetoric that's being put out. We need to take a
8 really hard look, because that is what our families
9 are experiencing and seeing.

10 DEPUTY CHANCELLOR QUINTANA: Absolutely.
11 Thank you for that, and look forward to partnering
12 with you. I know you had a number of other
13 questions, so we-- go ahead, any one that you want to
14 respond to.

15 CHRISTINA FOTI: I think on the data
16 pieces, we will definitely get back to you. and I
17 just-- I want to just respond to that last-- the last
18 piece, because I think what you said is really
19 profound in many ways, and it's very much what I was
20 trying to get at before in the Carter [sic]
21 conversation equity and the systems that do need to
22 be relooked at. And I do want to affirm and state
23 for the record that those are all things that we are
24 looking at. I can assure you that the Chancellor's
25 comments were not meant in the way that they were

1
2 presented, and he has apologized in many forms about
3 that and stated that very clearly. As someone who's
4 been in the Department for quite a while now and in
5 this role for eight years, or role similar to this
6 for the past eight years, I can say that I'm more
7 hopeful than I've ever been about us really getting
8 to the root of where-- of those inequities. And in
9 listening to Council Members such as yourself talk
10 about that and name that, I want you to know that
11 that also inspires us and gives us hope for what we
12 could collectively, so I wanted to thank you, Council
13 Member.

14 COUNCIL MEMBER AVILÉS: I appreciate that
15 hope. It's certainly something we desperately need
16 at this current time, but I will say on behalf of our
17 communities, we need a lot more than hope. We need
18 action and we need a continuation of this--
19 continuation of discriminatory practices now being
20 elevated across the City.

21 CHRISTINA FOTI: We look forward to
22 talking to you about some action-oriented plans.

23 CHAIRPERSON JOSEPH: Thank you, Council
24 Member. Council Member Dinowitz?

25

1
2 COUNCIL MEMBER DINOWITZ: Thank you,
3 Chair, and also thank you for having this hearing.
4 It's obviously a topic very close to my heart. I
5 want to start out by, you know, by acknowledging you
6 and thanking you for recognizing that high schoolers
7 may struggle to read. It's something that I brought
8 up at hearings in the past. In your testimony you
9 said K through nine students would be assessed three
10 times a year. I think it's really important to
11 recognize that there are high schoolers that need
12 that support. I would warn though, and we've had this
13 conversation before with the DOE, which is that if
14 students don't receive credit for taking a phonics
15 class in high school, like a Wilson Reading, or the
16 school-- the principal is not necessarily going to
17 want to provide that class-- that student especially
18 if that school is being assessed on the number of
19 credit, and I-- a student with an IEP receives in a
20 semester or a year, right? If you're still judging
21 schools the same way, they're not going to want to
22 give the kid the class they need. Of course, it's the
23 same for providing students with a teacher to teach
24 that class. If you're giving the same resources to
25 that school and the teacher has five periods to

1
2 teach, a principal may have to decide they can't
3 afford to spend one of the teacher's periods on five
4 or six kids who are going to get that reading
5 intervention. So I'll just highlight for you that
6 unless there's actual resources and time and you are
7 assessing schools differently, it is going to be a
8 purposeless another assessment. It's just going to
9 take time away from learning. One question I have is
10 how many hours per week would you say a Special
11 Education teacher spends on paperwork? Okay, I--
12 okay.

13 DEPUTY CHIEF HAMMER: We would say that
14 Special Education teachers spend the vast majority of
15 their week in front of students.

16 COUNCIL MEMBER DINOWITZ: I would say
17 that I think you should prob-- when was the last time
18 you surveyed teachers and asked them how much time
19 they actually spend on paper work?

20 CHRISTINA FOTI: I think you're trying to
21 make a point, Council Member. I think that point is,
22 and certainly correct me, is how difficult the job of
23 being a Special Education teacher.

24 COUNCIL MEMBER DINOWITZ: I'll clarify
25 for you because I-- just you know, time. I'm

1
2 concerned with the amount of time that teachers spend
3 on paper work, not just because it makes the job
4 hard, but because for every minute that they're
5 spending writing a document for you, or for their
6 principal and justifying the existence of their job
7 and proving to you that they're helping the kids.
8 That's time taken away from the students. That's
9 time taken away from the kids who actually need help.
10 You know, to quote-- I forgot who said it, maybe it
11 was Deputy Chancellor. I'd rather provide the
12 students what they need up front instead of, you
13 know, more and more accountability which I put in big
14 quotation marks, because you know, from talking-- you
15 know, from my experience in talking to dozens and
16 dozens of teachers, all the paperwork that they--
17 that they're filling out just for the most part takes
18 time away from the children. So my next question is,
19 does the DOE have any initiative, or are you looking
20 at ways to reduce the amount of paperwork done by
21 Special Ed teachers so that they can spend more of
22 their time actually providing services for the
23 students that they're supposed to help?

24 DEPUTY CHANCELLOR QUINTANA: We
25 definitely would be happy to engage in that

1 conversation. It's not one that we've engaged in
2 recently formally, but it is something that we think
3 about often in terms of the practices we promote.
4

5 COUNCIL MEMBER DINOWITZ: Right, because
6 I mean, we're seeing and hearing about it with
7 suspensions, with graduation rates, with you know,
8 credit accrual, things like that. It would just be a
9 better use of a teacher's time. You know,
10 recognizing that IEPs need to be done. They need to
11 be done well, you know, and accountability exists,
12 understanding all that, but also understanding that
13 every second spent on that is a second spent out of
14 the classroom not with the students. And so that's
15 my first question. I have 40 seconds left. So, I
16 will-- what incentives or directives does the DOE
17 give to schools to move students from self-contained
18 special class to an ICT environment, if any?

19 DEPUTY CHANCELLOR QUINTANA: The
20 directive is to assess the students' capacity and
21 whether or not that placement is what's most
22 appropriate for that student, and then that's how a
23 move is made, but otherwise it is based solely on
24 what is best for that particular student given the
25

1
2 current data that they have collected on that
3 student.

4 COUNCIL MEMBER DINOWITZ: So, the DOE
5 doesn't provide any sort of incentive for school to
6 move students to a less restrictive environment?

7 DEPUTY CHANCELLOR QUINTANA: Our goal is
8 always to help a student transition through their
9 respective continuum of what less restrictive might
10 be for them. For every child it is not moving into
11 ICT, and so the-- any directive that they would be
12 given is to determine what that particular child
13 needs and whether they are ready to move into what is
14 less restrictive for them specifically.

15 COUNCIL MEMBER DINOWITZ: Okay, I-- so
16 like, for example, I may have read the Fair Student
17 Funding Formula wrong, for example, but does a
18 student who has 60 percent of more of their schedule
19 in ICT receive-- have more money attached to them
20 than a student in a self-contained class, a special
21 class?

22 DEPUTY CHANCELLOR QUINTANA: The funding
23 distribution is different for both, but we are not
24 asking principals to make decisions based on budgets.
25 We are asking principals to make programming

1
2 decisions based on student needs. There's not an
3 incentive to move the student.

4 COUNCIL MEMBER DINOWITZ: Alright, I
5 will-- I'm going to ask for like a few data points,
6 and then I know my time's up, but-- and then I will
7 also tell you I get the feeling you should spend a
8 little more time talking actually to teachers,
9 because that's not the reality of what happens in a
10 school. I myself have experienced where the DOE--
11 this is a few years back-- came into the school and
12 they told me that we are-- we're looking to move kids
13 to ICT. And then I said what if a child needs a
14 special class, and the response was we're looking to
15 move child to ICT. I didn't-- I didn't go to law
16 school, but when a child, a student of mine needed,
17 you know, to move to District 75, I had to have
18 binders full of their work to demonstrate that that
19 student actually needed those services. So, I'll
20 request through an email offline some of the data
21 points that can help us understand if, you know,
22 especially in high school if they're moving students
23 to ICT classes inappropriately, and I'll end it
24 there. Thank you, Chair.

1
2 CHAIRPERSON JOSEPH: Thank you, Council
3 Member. Council Member Stevens?

4 COUNCIL MEMBER STEVENS: Hello, good
5 afternoon everyone. So, I just have a couple
6 questions, and I'm going to talk about summer, and I
7 know we're coming off having one of the biggest
8 summer camps that the City's had, and there was great
9 effort to make sure we included students with
10 disabilities, but there was some issues that arised
11 [sic] that I have some questions and need some
12 clarity around. Because a lot of the feedback that I
13 got from providers were around the students with
14 disabilities and the lack of support. So, I'm going
15 to ask a couple questions and you guys could just
16 answer afterwards. How are students matched to
17 sites? Because on my world tour when I was visiting
18 sites, I was-- I met one student who lived in
19 Brooklyn, and he was bused to a camp site in the
20 Bronx, but he also had-- he was programmed at another
21 place. So he went to day-- he went to the day
22 program in the day with a teacher at one school, then
23 was bused to another school, and that was in the
24 Bronx, and it just did not make sense. So I was
25 really confused on how students were matched this

1
2 summer. Also, the other question is, providers were
3 told that there would be para's paired with a lot of
4 these students and they were not prepared to not have
5 para's to support them, and that was not the case
6 where students who had severe needs, and obviously on
7 the provider side, we don't get copies of their IEPs.
8 We don't know their disabilities, but some of them
9 had severe needs and was not able to handle some of
10 these things, but when they pushed back and said like
11 we were supposed to get para's and get supports. None
12 of those things were given. So I just would love to
13 get some clarity on how did that happen and why did
14 that happen, because I really feel like thank God we
15 didn't have any incidents, but there was-- it could
16 have been, right? We had some instances where they
17 were runners and all these things, that we just did
18 not have enough information on, and I know it was an
19 effort, but it just seemed like, okay, we have to
20 figure it out and just give them to them and no
21 support. So could you talk a little bit about why
22 did this happen?

23 DEPUTY CHIEF HAMMER: Thank you for
24 asking that question. You know, this summer we made
25 tremendous progress and welcoming students with IEPs

1
2 to Summer Rising program over the prior summer, and
3 have absolutely implemented processes to ensure that
4 students that require additional supports during CBO-
5 led time have access to those supports, and that
6 includes paraprofessional support. We are-- we are
7 aware of some instances where--

8 COUNCIL MEMBER STEVENS: [interposing] It
9 was-- it was not some instances. It was more often
10 than not that they did not get that support.

11 DEPUTY CHIEF HAMMER: You know, I can say
12 that-- I can say that in the instances that those
13 were escalated to the Special Education Office and to
14 our team, we immediately were out in programs and
15 working with those program staff one, to provide that
16 immediate support, and two, to get contracted
17 paraprofessional support into those school buildings
18 as quickly as possible. Again, I'm not here to say
19 that everything is perfect, and I understand your--

20 COUNCIL MEMBER STEVENS: [interposing] It
21 just didn't happen. Like, I was in these schools.
22 So, if-- like everyone knows, this is why I
23 intentionally went there, and I was making calls and
24 doing those things and following up, and they just
25 did not get the support all summer.

1
2 DEPUTY CHIEF HAMMER: I think moving
3 forward, you know, again, the programs that we
4 became-- that came to our attention, we immediately
5 provided support. I can say that definitively. I
6 think moving forward we can strengthen our
7 communication and collaboration so that if this is to
8 ever happen again, we can immediately become informed
9 and get those-- that support to those programs in the
10 upcoming summer. You know, our commitment is to
11 continue to provide equitable after school
12 programmings or Summer Rising programming toward
13 students with IEPs, and we're going to continue to
14 strengthen that each and every summer that this
15 program continues.

16 COUNCIL MEMBER STEVENS: Yeah, I mean, I
17 still have a lot of concerns, and that kind of didn't
18 answer my question, but the other question is how are
19 students matched? Because I was-- like I said, I was
20 real disheartened of hearing how students were at one
21 site for the instruction part and then bused to
22 another part for recreation and then they were like
23 different boroughs and it seemed very thrown together
24 and last minute, and I just think that it's a
25 disservice to our young people. Like having a

1
2 student who already has special needs and having to
3 transition three times with adults that they don't
4 know is detrimental, and to my knowledge, DOE was in
5 charge of enrollment. So how are students matched,
6 and how did we miss this?

7 DEPUTY CHIEF HAMMER: You know, parents
8 apply to DYCD portion of the Summer Rising program,
9 and I think we did-- you know, I think we did a
10 pretty good job expanding access to CBO-led programs
11 for students in District 75 schools this summer. But
12 you know, to your point and to my comment earlier, we
13 have some ways to go. I can't speak specifically to
14 this example. It is possible, that is a student that
15 was in stand-alone District 75 summer program whose
16 parent requested or applied to that program in a
17 different location. I--

18 COUNCIL MEMBER STEVENS: [interposing] No,
19 they did not.

20 DEPUTY CHIEF HAMMER: But I would have to
21 look into the specific--

22 COUNCIL MEMBER STEVENS: [interposing] And
23 it was multiple. This is not just one students.
24 When I tell you this is why I was intentional about
25 visiting sites across the City, because I knew you

1
2 would say things like, oh, you don't-- I was there
3 and I spoke to parents. They did not apply for
4 multiple sites. They did not do that. This is what
5 they were told they were going to have to do. So,
6 you know, moving forward, obviously we're going to
7 have to plan, because summer's over. We're going to
8 planning for next summer, but we need to make sure
9 and ensure that this does not happen again, because
10 like I said, it's a disservice to our students and
11 our families. And also, you know, it puts a strain
12 on the providers who has no control and they're just
13 given this, and you know, not given the support. And
14 so I know you're saying that support was given, but
15 that just didn't happen. And so either we're going
16 to, you know, be partners in this work or, you know,
17 not put them at-- put them at risk, because I think
18 not only did you put the students at risk, you also
19 put those providers at risk as well.

20 CHRISTINA FOTI: And I appreciate you
21 speaking up on behalf of the CBOs. I know that, you
22 know, we tried to make sure that we could balance the
23 portion of the day that was with teachers and the
24 portion of the day with CBOs. If you wouldn't mind
25 giving us some of those locations so that we can look

1
2 into it more closely. We are now going through not
3 just those rounds of reflections that we've already
4 done, but planning for next year, and so it'd be
5 really great to have an idea and be able to speak to
6 some of the folks about what specifically didn't work
7 well so that we can address it in the year to come.

8 COUNCIL MEMBER STEVENS: Absolutely. We
9 can definitely have offline conversation, but I think
10 the other missed opportunity-- I know a survey was
11 sent out to parents about the summer, but it was very
12 misleading, because the questions were very-- they
13 were-- they didn't leave a lot of room for parents to
14 actually give examples. It was like yes or no
15 questions and leading questions, and so it didn't
16 really seem-- and even parents gave feedback that it
17 did not feel like you wanted to get real responses.
18 And so I think if you have surveys that make sense
19 and have parents be a part of those conversations,
20 you can get this information yourself. But the
21 survey that was sent out, just-- they were like, this
22 is leading questions. Like, it's yes or no. There
23 was no real room for them to really express some of
24 the issues that they had. And so that--

DEPUTY CHANCELLOR QUINTANA:

[interposing] [inaudible] feedback, yep. Thank you I appreciate it. And it also help us think about, you know, what it is that we need to ask and find out about. And with-- as far as the para services, too, to-- for us to consider are we thinking about students who have mandated para's or is it just CBO's needing that additional support, and what can we do differently when that's the case. For us to plan for that in advance instead of having to have those situations. So I appreciate you bringing it up. Would love to talk a little bit more about where that happened, and see how we can plan for that next year so that we're not having the same conversation.

COUNCIL MEMBER STEVENS: Thank you.

CHAIRPERSON JOSEPH: Council Member Stevens and I will be in the briefing for Summer Rising. We were outside for Summer Rising. We visited schools. We saw the problems, and we talked to each other. So you'll be hearing from both of us. Thank you. Council Member Lee?

COUNCIL MEMBER LEE: Great, thank you. I should be pretty quick. Sorry, I was actually out on a call, so forgive me if I missed-- if this was

1 addressed already. One comment that I heard was
2 addressed was about the D75 school buses and how
3 there has been a real lack of coordination there, and
4 this is a complaint also just to note for my district
5 because I have 35 public schools, 14 private schools,
6 a lot of D75 schools in my district, and so if we
7 could work-- and Chair Joseph, I'd love to work with
8 you on this also as Chair of the Disabilities, Mental
9 Health and Addictions Committee. If there's
10 something that we can do to help support that, I
11 think that'd be great. So I just wanted to make that
12 comment about the buses, and hopefully we can resolve
13 that issue for the D75 students. But my other quick
14 question was just around the special education pre-k
15 centers and daycare providers, because I know that
16 the Council a couple years ago, you know, reached an
17 agreement to raise salaries at DOE contract CBOs-- so
18 this is going along with the CBO theme-- but it
19 didn't include the special education programs. So I
20 know that we put and the City Council put 46 million
21 in this year for enhancements, but I think this is
22 just a temporary band aid solution, and so I just
23 wanted to know if you all have been having
24 conversations at DOE about how to sustain that.
25

1
2 Because I know that a lot of those teachers, you
3 know, have the same certifications, criteria,
4 everything, it's just that they're not at the DOE
5 sites and they're at the CBO sites for special
6 education. So I just wanted to know if you guys had
7 been addressing that or talking about that.

8 CHIEF EXECUTIVE HAWKINS: Yeah, that's a
9 great question and thank you for asking it. So, the
10 4410 enhancement is meant to really weave in some of
11 those community-based organizations providing special
12 education pre-k preschool services, and through the
13 enhancement they will-- staff working at those
14 programs will be eligible for increased salaries
15 based on the 3-k and pre-k salary scale.

16 COUNCIL MEMBER LEE: Thank you.

17 CHAIRPERSON JOSEPH: Council Member
18 Restler?

19 COUNCIL MEMBER RESTLER: Thank you,
20 Council Member Lee and thank you Chair Joseph for
21 your leadership and calling attention to this issue.
22 Greatly, greatly, greatly appreciated. I think this
23 is one of the areas in our city government that is
24 most problematic and most troubled, and I know some
25 of the folks on the dais today and have a lot of

1
2 respect for you as professionals, but I'm deeply
3 troubled by the state of Special Education in New
4 York City. And you know, unfortunately Liz, I'm one
5 of the people who would agree with the sentiment that
6 our special education system is broken, as you
7 referenced earlier. I'd like to just start with the
8 Carter cases and just the explosion in spending.
9 We've gone through 393 million dollars in FY18 to--
10 was 917 the final number for FY22 in our spending?

11 GENERAL COUNSEL VLADECK: I don't know if
12 that's the final number, but we can get back to you
13 on that.

14 COUNCIL MEMBER RESTLER: Just forgive me,
15 we're three months into the new Fiscal Year, why
16 wouldn't we have the final number for FY22 at this
17 point?

18 GENERAL COUNSEL VLADECK: Because we
19 don't always get the required invoices or the
20 required orders or the, you know, the required
21 paperwork that's required.

22 COUNCIL MEMBER RESTLER: So, is 917 the
23 most up-to-date figure that you all have in your--
24
25

1
2 GENERAL COUNSEL VLADECK: [interposing]
3 The most up-to-date figure that I have is the 800
4 million that I mentioned earlier.

5 COUNCIL MEMBER RESTLER: 800 million.

6 GENERAL COUNSEL VLADECK: Right, and
7 that's admittedly--

8 COUNCIL MEMBER RESTLER: [interposing]
9 That was what I have for the FY21 actual number.
10 That was the FY21 number or FY22?

11 GENERAL COUNSEL VLADECK: That was the
12 FY22 number.

13 COUNCIL MEMBER RESTLER: Council documents
14 have us at 917 which I think I've seen reported in
15 the public sphere as well. So you know, from our
16 data we're looking at a two and a half times increase
17 in the span of just four years in Carter cases-- in
18 the spending on Carter cases. In our FY23 Adopted
19 we're at half that amount. Do you expect that we're
20 going to see similar spending in FY23 as we did in
21 FY22?

22 GENERAL COUNSEL VLADECK: Yes, I do, and
23 my understanding-- let me just be very clear. I'm
24 the lawyer person, not the math person.

25 COUNCIL MEMBER RESTLER: Totally.

1
2 GENERAL COUNSEL VLADECK: So, we need to
3 get back to you.

4 COUNCIL MEMBER RESTLER: You're also the
5 labor person. You're one of my favorite people to
6 talk to on all things labor. So, but--

7 GENERAL COUNSEL VLADECK: [interposing]
8 Can we talk about that instead? No.

9 COUNCIL MEMBER RESTLER: I wish.

10 GENERAL COUNSEL VLADECK: But seriously,
11 let us please report back. My 800 million figure is
12 as of a few weeks ago, and I'm sure we've done a lot
13 of processing of payments for last Fiscal Year since
14 then.

15 COUNCIL MEMBER RESTLER: And what's the
16 current average timeline for resolving Carter case
17 claims?

18 GENERAL COUNSEL VLADECK: You know, I
19 don't think-- so, I agree Lincoln, that there are a
20 lot of problems throughout the process that is
21 involved in getting kids services. I think the
22 distinction that I wanted to draw earlier was to make
23 sure that we're not lumping in some of the great
24 program work that we're doing with other kinds of
25 problems that make it hard for us to achieve what we

1 want to achieve and what we should achieve. And so
2 for example, that's a great question. How long is
3 the average case? Well, because we have not had
4 systematic data collection, because we've had-- we've
5 been, you know, handing these cases out to
6 individuals hearing officers, which who are actually
7 overseen to the extent that they are overseen by the
8 State, not the City. We don't have that kind of
9 data. There was a survey done in I want to say 2018
10 or 19 that determined that the average time it was
11 taking us was somewhere around upwards of 200 days to
12 close cases.

14 COUNCIL MEMBER RESTLER: The data I have
15 here is 259 days, so--

16 GENERAL COUNSEL VLADECK: [interposing]
17 Right, right. And that's-- but just to be clear,
18 that's the last time, and that was when there was a
19 particular organization that works with the state and
20 the city that spent some time doing a deep dive into
21 the data to put those numbers together. So, I know
22 this isn't the interesting part, but one of the
23 critical things we're working on is actually
24 establishing a, like, software applications that
25 could allow me to answer your question in 10 minutes

1
2 instead of hoping we can get another contractor in to
3 take a deep dive.

4 COUNCIL MEMBER RESTLER: Hopefully answer
5 the question in seconds rather than--

6 GENERAL COUNSEL VLADECK: [interposing]
7 Yes.

8 COUNCIL MEMBER RESTLER: But no, it's--
9 this is basic data we should have, but it's
10 indicative of I think the structural failures in the
11 system that we don't, and appreciate that there are
12 efforts being made to improve it, but it's worth
13 calling it out for what it is, that somebody could be
14 waiting-- the average wait time is eight-odd months,
15 is a very, very long time to have complaints
16 resolved. So I also just wanted to ask in my final
17 43 seconds, if I can, about DOE's efforts to make
18 parents aware of the compensatory services this
19 school year. My understanding was that only 35
20 percent of students received some services-- some--
21 35 percent of families received some compensatory
22 services from the Special Education Recovery
23 Services. I would have hoped that number was much
24 higher and wanted to just understand what the efforts

1
2 were being made now to try and expand compensatory
3 services that are being made available to families.

4 CHRISTINA FOTI: Yeah, I can take that.
5 So, 73,000 students last year received recovery
6 services, and that--

7 COUNCIL MEMBER RESTLER: [interposing] Out
8 of-- just help me on the--

9 CHRISTINA FOTI: [interposing] It's about
10 40 percent. So, it's a little bit more than what you
11 quoted.

12 COUNCIL MEMBER RESTLER: Okay.

13 CHRISTINA FOTI: The-- and that is in the
14 face of our bussing issues. That's in the face of
15 our staffing issues, and it is a direct reflection of
16 our schools and their teachers who stepped up to do
17 that work. That said, we are-- we just hosted
18 yesterday a webinar for hundreds of parents on
19 compensatory services, and we are giving guidance out
20 on compensatory services. The vast majority of our
21 recovery efforts last year were focused on-- as you
22 know, we allocated a-- we've allocated recovery funds
23 per pupil to every school recognizing that every
24 student with an IEP was going to need recovery
25 services. This year, we're really focusing on those

1
2 students who haven't made progress because of those
3 recovery services or didn't receive those recovery
4 services, because they couldn't access them, and in
5 those instances IEP teams were trained on how to
6 assess whether or not a child needs compensatory
7 services. So we are communicating with families that
8 the IEP team will do this review as part of their
9 annual review, but also parents can request that
10 review to determine level of service intensity, type
11 of service, and those compensatory services will be
12 delivered either during the school day on time that
13 we pay for or after school or Saturdays via our
14 Saturday Academy.

15 COUNCIL MEMBER RESTLER: Any mid-year
16 mechanisms that the Council-- that you could share
17 updates or progress with Council so that we could
18 sync together on doubling down efforts to expand on
19 your goals and hopefully far exceed the 40-odd
20 percent from last year?

21 CHRISTINA FOTI: Absolutely. We'd be
22 happy to think about what we could provide, and I
23 think more to the point thought, it'd be great to
24 have a collaborative conversation on that.

1
2 COUNCIL MEMBER RESTLER: I think, you
3 know, we all have deep relationships in our schools,
4 and so any ways--

5 CHRISTINA FOTI: [interposing] Yep.

6 COUNCIL MEMBER RESTLER: in which we can
7 help, we'd like to.

8 CHRISTINA FOTI: Thank you.

9 COUNCIL MEMBER RESTLER: So, let's think
10 about how we can do that together, and you know, with
11 Chair Joseph's leadership. Thank you, Chair.

12 CHRISTINA FOTI: Thank you.

13 CHAIRPERSON JOSEPH: Thank you. Council
14 Member De La Rosa?

15 COUNCIL MEMBER DE LA ROSA: Thank you,
16 Chair. First, I just want to express my solidarity
17 with most of the comments that all of my colleagues
18 have stated. You know, one of the main things we
19 hear when we talk to our parent community, to our
20 educators, is the crisis that really exists in
21 special education, and when you know, communities
22 like mine-- I represent Washington Heights in upper
23 Manhattan-- that have been marginalized and
24 underfunded for decades, generations, those issues
25 are compounded. I want to say also that as the Chair

1
2 of the Civil Service and Labor Committee, I'm
3 extremely concerned about what these PEGS will mean,
4 and I know this is not a budget hearing, but what it
5 will mean for the workforce, especially a workforce
6 that is already, you know, at its wits end with cuts
7 and, you know, and just lack of services right now.
8 I want to just ask a line of questioning around
9 bilingual special education, and I want to know if
10 you could describe for us sort of what is available
11 for bilingual English language learner students,
12 English language, you know, new arriving students,
13 students that are not proficient in the English
14 language, as well as for their parents.

15 CHRISTINA FOTI: Yes, thank you for that
16 question. It's not something we've talked a lot
17 about during the hearing so far. So since 2013 we've
18 opened up an additional 152 bilingual special
19 education classes across the City. That said, we
20 still have-- we struggle to serve our bilingual
21 special education students, particularly in the
22 districts that you represent. As a response to that,
23 what we are doing this year is we've engaged with
24 using recovery funds or engaging in a bilingual sets
25 contract, bilingual special education teacher

1
2 contract, to help us serve those students that we
3 haven't historically served in our high-to-serve
4 areas. So that is new. It is a direct response to
5 what you're saying, and we're really delighted that
6 that's going to be in place and that we're going to
7 get a lot of those coverage gaps that we've had
8 historically covered.

9 COUNCIL MEMBER DE LA ROSA: One of the
10 things that has been detrimental in getting
11 intervention services is also lack of language access
12 for parents with children with IEPs, specifically
13 understanding what are the needs of their children.
14 If you do not know English, you can't understand the
15 type of services that your child needs, or if you're
16 even addressing those services. So what is in place
17 right now for parents who are not English proficient
18 in understanding IEPs and the services that are
19 required?

20 CHRISTINA FOTI: And yes, you're right.
21 We need them to be understanding and knowing what
22 they need to do advocate for their children and
23 partner with their schools. Completely agree with
24 the urgency around that. A few things on that front.
25 The first is we're working with the superintendent's

1
2 teams to train their family points to help understand
3 better the IEP process and build capacity in how to
4 talk to families in all languages about that with
5 particular attention to making sure we lift the value
6 of our translation interpretation services and reach
7 all the folks that we may not have reached in the
8 past. I mentioned-- I don't think I mentioned
9 earlier that we also are doing a weekly special
10 education series for families that we do stream in
11 multiple languages that is devoted to topics like
12 that. What does the IEP process look like? It is
13 one avenue, but it's been a successful avenue. Last
14 night's attendance we had hundreds of people which is
15 exciting. It's a resource that I just want the
16 Council to know about because it's every Tuesday
17 night at 7:30. And but I do expect our family points
18 at the District offices and our parent coordinators
19 to be a major lever to addressing understanding.

20 COUNCIL MEMBER DE LA ROSA: So, right
21 now, are the IEPs provided in the-- at least the
22 seven languages that are required by City law?

23 CHRISTINA FOTI: Yeah, so the-- we have
24 increased the number of IEPs being provided, but
25

1 parents still do need to request that translation.

2 And I know that we covered earlier--

3 COUNCIL MEMBER DE LA ROSA: [interposing]

4 Why isn't it proactive? Because if a parent doesn't-

5 - can't fend for themselves, right? Like, I'm a

6 public school parent. I watched as parents stand in

7 the hallways waiting to be called in for conference,

8 parent/teacher conferences because they don't know

9 that they just have to walk in. Why is it not

10 proactive? If you already know there's a language

11 barrier, because we fill out all those surveys that

12 say we don't speak English. So why is it not

13 proactive? Why is that service not being provided

14 proactively?

15 CHRISTINA FOTI: I know that we're

16 expanding. The Department is expanding our language

17 and transitioning services. I hear your point, and it

18 is well taken.

19 COUNCIL MEMBER DE LA ROSA: I believe

20 firmly that this will eliminate barriers to

21 intervention. There's a lot of stigma in communities

22 understanding the way our children learn. It's

23 critical for us to advocate for their right. So I

24 would ask that the Department look at this, take a

1
2 look at this seriously, look at where we are failing
3 and where the gaps are so that we can address that
4 for our families. Thank you so much. Especially in
5 the face of asylum-seekers that have now come into
6 our communities.

7 DEPUTY CHANCELLOR QUINTANA: Absolutely.
8 And that is-- it's an area of-- it's a priority for
9 us. We want to make sure that all families can
10 access the services that we have available, that all
11 children like the school is designed for them, and
12 that parents know what their choices are. We're
13 expanding the number of bilingual programs that we
14 have to emphasize that we respect and value what
15 being multicultural and multilingual is, and in fact,
16 have translated brochures on those English language
17 learners initiatives, for example, into 12 different
18 languages and are working on making sure our ENL
19 website right now is translatable. Want to make sure
20 that our other websites can be as well. And we have
21 translated videos on the Bill of Rights for Parents,
22 too. And so we are making small strides, but they are
23 strides, and I think it's really important for
24 Council Members like you to point out what's needed
25 where so that we can be reminded, right? I think your

1
2 example wasn't even one of an IEP. It was when a
3 parent shows up to a parent conference, that
4 shouldn't be the case. It should not-- not know
5 what-- I don't if I said that right. They should
6 know what to do and where to go and feel comfortable
7 doing it, and if they don't then we need to have
8 thought about that in advance. And if we have the
9 services, how do we make those more publicly
10 available or let people know that they exist. So I
11 appreciate that feedback.

12 COUNCIL MEMBER DE LA ROSA: Thank you.
13 And if you could provide maybe the Chair's office
14 with the links to where those videos are--

15 DEPUTY CHANCELLOR QUINTANA: [interposing]
16 Absolutely.

17 COUNCIL MEMBER DE LA ROSA: [inaudible]
18 partnering with the Council Members to disseminate
19 that.

20 DEPUTY CHANCELLOR QUINTANA: Yes.

21 COUNCIL MEMBER DE LA ROSA: It's super
22 important. Thank you.

23 DEPUTY CHANCELLOR QUINTANA: Thank you.

24 CHRISTINA FOTI: And Council Member, I
25 remiss earlier in not thanking the council for the

1
2 investments that have been made in language and
3 interpretation, and we very much appreciate your
4 support.

5 CHAIRPERSON JOSEPH: Yes, I was going to
6 note that the Council did invest in well in language
7 access. Council Member Gutiérrez?

8 COUNCIL MEMBER GUTIÉRREZ: Thank you,
9 Chair Joseph. I have two questions. One is, I am
10 acutely concerned with the process that our newly
11 arrived neighbors undergo in some of these new
12 schools, particularly in my district. I was told that
13 they had difficulty registering students where local
14 schools had to lend parent coordinators so that they--
15 - because they didn't have anyone available that
16 spoke Spanish. Primarily in my district the majority
17 of the new folks are Spanish speaking. So,-- and I
18 have met with the families personally. I have visited
19 the shelter. I know that there's a number of special
20 needs students. If you could just walk me through
21 what that process looks like for a parent that's just
22 experienced a significant amount of trauma. Wanting
23 to acclimate to a new school district, a new
24 environment, and interested in wanting to understand
25 how to register their special need student in the

1
2 program. In the school, excuse me. And then my
3 second question is related to connectivity. I'm the
4 Chair of the Tech Committee. We held a spirited
5 hearing on Monday. Unfortunately, DOE was not
6 invited, but we will make sure to have you there. I
7 know that during the height of the pandemic, the DOE
8 had shared that every student would have access to
9 hot spots, to devices. I learned through a report
10 that the Community Service Society had put out. It's
11 still unclear of those families that remain in our
12 school system, how many of them are still connected.
13 Through that study they revealed that 65 percent of
14 black and brown households still will feel the
15 impacts. They feel like their students will be left
16 behind. So I'm curious to understand, if you have
17 those numbers available, about the amount of students
18 that are currently connected and currently in
19 possession of a device. We know that snow days are
20 no more. We will be forced to have remote days, so
21 we-- it is important and is crucial that kids and
22 families have everything they need. And I'm curious
23 to know you can itemize that so that we understand of
24 those students that are still missing a device or

1
2 access to connectivity how many of those are IEP
3 students. Thank you.

4 CHRISTINA FOTI: Absolutely. We can get-
5 - we can get back to you with those numbers. And
6 I'll work backwards and then hand it back over to DC
7 Quintana. I'm sorry. Just in terms of the IEP
8 supports for our recently-- I loved your term, "our
9 new neighbors." I want to make sure that what we
10 have done is taken the list of students and we're
11 communicating with our IEP teams to prioritize those
12 students in terms of the IEP process and make sure
13 that we are prioritizing watching their placement to
14 ensure that they are getting to the schools that are
15 going to best serve them. And so we will work
16 directly with the shelters that you just mentioned to
17 get that information to those shelters as well so
18 that they have-- and if there's a family support
19 coordinator there, we're happy to go train those
20 folks as well. That would be a real pleasure of
21 ours, so I'll work on setting that up as well.

22 COUNCIL MEMBER GUTIÉRREZ: And-- sorry.
23 Does every school have a family support coordinator?
24 Are those any of the folks that were accessed?

1
2 CHRISTINA FOTI: I'm so sorry, I was
3 referring to-- I was making the assumption that there
4 is a pointer, an educational point, at the shelters
5 that we could work with. I will investigate all of
6 this.

7 COUNCIL MEMBER GUTIÉRREZ: Okay.

8 CHRISTINA FOTI: Just to make sure that
9 the family-- the families that are newly here
10 understand the process and have the supports they
11 need.

12 DEPUTY CHANCELLOR QUINTANA: We do have
13 family support liaisons at every district and they
14 have been heavily involved in this process, and in
15 fact, some of our superintendents themselves have
16 taken entire teams directly to the settlers to ensure
17 that our students have access-- and their families,
18 right? There is an entire committee that is being
19 formed and has taken-- or was already formed and has
20 taken action. And really exciting in that they are
21 thinking about this holistically. So, there are
22 folks from the division of multi-lingual learners who
23 are training other divisions to make sure that they
24 know what it means to interact with families of
25 immigrants and language learners. We are providing

1
2 lists of multi-lingual community-based organizations
3 to the schools so they have access to those
4 partnerships, and we're working-- I think the most
5 important part is we're working in collaboration with
6 other agencies across the city to make sure that
7 we're meeting the needs of the students. And part of
8 what this committee is doing is making sure that
9 families are receiving the supports that they need,
10 including things like donations, housing support,
11 food security support, and that the students are
12 receiving the appropriate placements for what they
13 need. And so even making certain whether it's a
14 specialized instruction program or whether it's
15 something that has to do very specifically with the
16 type of language program that they want and we're
17 offering these-- the information is offered, as I
18 mentioned, in 12 different languages, but we're also
19 meeting with folks so that they have information.

20 COUNCIL MEMBER GUTIÉRREZ: Thank you. I
21 just want to follow up, because I think-- this is
22 news to me, but it's wonderful news that the DOE is
23 so activated in connecting families to services. A
24 chief complaint of a lot of my colleagues who are
25 receiving a lot of these new New Yorkers in shelters,

1
2 is that they feel like a lot of our nonprofits on the
3 ground are burdened, are responsible for getting
4 these resources connected. In some cases, the social
5 service provider is not equipped, is still hiring
6 staff, so I'm really elated to hear that news. Would
7 love for you all to be able to like share that with
8 me, especially in my district, and I just want to
9 shout out School District 14 that did exactly what
10 you did. The new superintendent corralled his entire
11 team to the shelter to be able to register every
12 single family. So thank y'all.

13 DEPUTY CHANCELLOR QUINTANA: That's
14 wonderful, and thank you for sharing that. That's
15 great to hear. I also have the data on the devices
16 if you want that now. So, 715,000 devices were
17 distributed, and we have another 69,000 allocated for
18 this current school year, and we do have a process in
19 place to make sure that any student who needs a
20 device and any school who needs one can request it.

21 COUNCIL MEMBER GUTIÉRREZ: And those are
22 the devices, not a hot-spot necessarily.

23 DEPUTY CHANCELLOR QUINTANA: Yeah.

24 COUNCIL MEMBER GUTIÉRREZ: They have to
25 have internet connectivity at home already?

1
2 DEPUTY CHANCELLOR QUINTANA: Some of-- I
3 believe they come equipped with internet
4 connectivity, but I can verify that for you.

5 COUNCIL MEMBER GUTIÉRREZ: Okay. Thank
6 you so much. Thank you, Chair.

7 DEPUTY CHANCELLOR QUINTANA: Oh, they are
8 LTE enabled.

9 CHAIRPERSON JOSEPH: Thank you, Council
10 Member. Just wanted to piggyback real quick off of
11 the bilingual part. In my experience I always know
12 that bilingual-related service providers is a
13 shortage area. What are you-- what is the DOE doing
14 to fill in those gaps, because I know bilingual OT,
15 speech pathologists always a long wait? There are
16 times students wait two years to be evaluated because
17 there's such a shortage area. What are we doing to
18 change things?

19 CHRISTINA FOTI: Yeah, we're about to put
20 out a MTAC [sic] that would allow us to provide
21 contracted services to historically underserved areas
22 in neighborhoods that have had those shortages,
23 Chair. So we're hoping that that covers some of our
24 gaps, but the long-term strategy is we want our DOE
25 providers, we want to widen that pipeline of DOE

1
2 providers who know and love our children that we
3 train providing those services to our students.
4 We've been doing various incentive programs like
5 tuition assistance. As you know, we-- there are
6 national shortages in these areas. Nonetheless, we
7 are actively pursuing all avenues to try to get-- to
8 turn that narrative around and make sure that all our
9 students are served.

10 CHAIRPERSON JOSEPH: And in high schools,
11 how are we looking with prioritizing Special
12 Education classes bilingual, especially in high
13 schools. You know, that's another shortage area.
14 And even in transfer schools, we don't have those
15 types of supports for the students.

16 DEPUTY CHANCELLOR QUINTANA: Sorry, thank
17 you. Thank you for bringing that up, and fortunately
18 that is an area of focus for our Division of Multi-
19 lingual Learners. They are expanding our bilingual
20 programs across the board. And so we have schools
21 that are going through the school design process and
22 will be expanding the bilingual programs that already
23 exist there, and others that are opening new
24 bilingual programs. In addition, we are adding new
25 English language learner transfer schools so that

1
2 there is at least one in every borough which did not
3 exist before. And this goes back to our point of
4 making sure that we have services near students so
5 that they have access to them.

6 CHAIRPERSON JOSEPH: Thank you for that.
7 There's one thing I have to definitely touch on. If
8 I'm talking with students with disabilities,
9 accessible schools, and that's a conversation I've
10 had before with School Construction Authority. In
11 the Fiscal 2024, 2020 to 2024 capital investment I
12 know about 750 million dollars essential, one-third
13 of all our New York City buildings are fully
14 accessible to students, families and educators with
15 physical disabilities. At the time the investment
16 was announced, 20 percent of New York City public
17 schools were fully accessible. To date, what
18 percentage of New York City public schools are
19 currently fully accessible? How many districts have
20 reached the benchmark of having at least one-third of
21 all schools buildings being fully accessible?

22 TOM TARATKO: [inaudible]

23 CHAIRPERSON JOSEPH: No, I didn't. No, I
24 didn't. My parents would not let me forget.

2 TOM TARATKO: [inaudible] Space

3 Management, and we select programs for the School
4 Construction Authority and give them direction in
5 where the Department wants them to do. We are
6 crushing both of our goals. Just to let you know
7 that at the end of this capital plan we will make the
8 33 percentile in every school district, which is
9 something I'm very proud to say, and we will also
10 make 50 percent of all elementary schools in all
11 districts will have either a partial or a fully
12 accessible categoration [sic]. So where we are right
13 now, we are at approximately 30 percent fully
14 accessible options in all districts. Now, that takes
15 into consideration those approved projects that are
16 in the capital plan whether they be in scope design
17 construction, but at the end of the plan that's-- so
18 it's like forecasting, but that's our forecast right
19 now. We spent about 700 of the 750 million dollars
20 allocated in that plan, and in regards to this
21 hearing today, about two years ago we shifted
22 priorities to include District 75 in special
23 education locations, and we've been doing a lot of
24 work in that. I got rather short notice for this
25 hearing today, but when we come back with the capital

1
2 plan, I would love to share all the special things
3 that we've been doing in District 75 locations across
4 the City, because it's substantial.

5 CHAIRPERSON JOSEPH: Yeah, so that's
6 important for us, especially when our students with
7 disabilities. As much as busing is important to make
8 sure they get from point A to point B and not take
9 away the passion that a lot of my parents are telling
10 me and the students that they love going to school.
11 And when school is delayed for two, three hours,
12 that's frustrating. Also heard from parents who
13 provide medication, controlled medication to their
14 students. So if the bus is late, we're in trouble.
15 So we must fix these. So, thank you.

16 COMMITTEE COUNSEL: Tom, can you identify
17 yourself again for the record? Your mic was off.

18 TOM TARATKO: Oh, Tom Taratko, Chief
19 Executive Space Management, DOE.

20 CHAIRPERSON JOSEPH: Thank you for your
21 testimony, and I look forward to all of the follow-
22 ups to our questions that was not answered today.
23 Thank you.

24 DEPUTY CHANCELLOR QUINTANA: Thank you,
25 Chair, and thank you to the Council.

1
2 CHAIRPERSON JOSEPH: Thank you so much,
3 and I-- next year, the next hearing we should not be
4 talking about the same thing. There should be some
5 new things that we're working on.

6 DEPUTY CHANCELLOR QUINTANA: We can't
7 wait to share.

8 CHAIRPERSON JOSEPH: That's the goal,
9 right? Right?

10 DEPUTY CHANCELLOR QUINTANA: Yes. That's
11 right.

12 CHAIRPERSON JOSEPH: We'd like to welcome
13 the next panel via Zoom: President Michael Mulgrew
14 from UFT. And the next panel will be in-person,
15 Randi Levine from Advocates for Children, Lori
16 Pressler [sp?]- yes, I'm reading it. Jennifer Chow
17 [sp?], Felicia Wisdom [sp?], and Nelson Maher [sp?].
18 Thank you.

19 COMMITTEE COUNSEL: Is Mr. Mulgrew signed
20 on, logged on?

21 MICHAEL MULGREW: I am.

22 COMMITTEE COUNSEL: You can begin when
23 ready. Thank you.

24 MICHAEL MULGREW: Thank you. Well, first
25 I'd like to thank the Chair and the City Council for

1
2 having us. First, I'd like to thank the Chair and
3 the City Council for having this hearing. Special
4 education has been a constant challenge for our-- for
5 the children of our city. We-- while we are seeing
6 some successes, we've worked very hard for the State
7 Education Department with the Mayor's Office, both
8 the previous Administration and this Administration
9 and with the Department of Education. Once there was
10 a willingness to solve the problem of the backlog,
11 and we seem to be doing that quite well, but I want
12 to focus on one thing, because I'd like to make very
13 concrete steps to really deal with issue. The one
14 thing I want to focus on right now, something to do
15 about how we fund-- how Fair Student Funding
16 interacts with our individual students with
17 disabilities. There's been-- there was a committee
18 with the last Administration. There is a new
19 committee with this Administration. The last
20 committee made a specific recommendations around
21 funding individual students with IEPs in schools.
22 Those recommendations were never adopted. The
23 problem that we have is right now under Fair Student
24 Funding, it's just putting principals and school
25 communities in position where they're stuck about

1 providing services or filling in their staffs. I
2 want to be-- I want to explain this very simply at
3 this point. It is-- it should not be up to the
4 school to staff. That should-- whether a teacher is
5 experienced or new, in other words how much they
6 cost, should not become a burden to the school. What
7 other city agency do we-- do we grade neighborhoods
8 by the amount of experience the Fire Department has
9 there, the amount that Sanitation has, the amount the
10 Police Department has there? Do we grade those
11 precincts and firehouses by experience? In other
12 words, how much people get paid inside of it. Or do
13 we staff them properly? We staff them properly. But
14 in our school system they're constantly pushing that
15 it's up to the principal to make decisions based off
16 of trying to fund under Fair Student Funding which is
17 then-- becomes a responsibility of the school itself
18 to pay for the teacher's salary. And they will tell
19 you that research shows that a more experienced
20 teacher will get better results if you're using
21 standardized test scores, but then at the same time
22 you're incentivizing schools to have less experienced
23 teachers because their salaries are lower. This has
24 led-- if you can go back to when Fair Student funding
25

1
2 was adopted, that has led to a significant increase
3 of non-compliance complaints, and that's what we see
4 each and every year in the school whereas principals
5 scramble and try to figure out how to supply all
6 these services when the funding is not adequate
7 because they're under a Fair Student funding formula,
8 and then try to figure out how to get newer teachers
9 with less experience in so that they have all the
10 money they need to supply the services. This is
11 something that has to change. There is no reason for
12 this, and I know the political agendas and everything
13 else behind--

14 SERGEANT AT ARMS: [interposing] Time has
15 expired.

16 MICHAEL MULGREW: the whole Fair Student
17 Funding process, but I think this is something that
18 the City Council needs to look at quite-- and focus
19 on significantly.

20 CHAIRPERSON JOSEPH: Thank you President
21 Mulgrew. Alright, next panel is Randi Levine, Lori
22 Podvesker, Jennifer Chow-- Choi, sorry about that--
23 Phylisa Wisdom, and Nelson Mar. You may begin thank
24 you.

25

1
2 RANDI LEVINE: Thank you for the
3 opportunity to speak with you. My name is Randi
4 Levine, and I'm Policy Director of Advocates for
5 Children of New York. We appreciate the Council
6 holding this important hearing today. I also want to
7 thank the Department of Education, educators and
8 leaders who are working hard on behalf of students
9 with disabilities, and thank the Department of
10 Education leaders who have stayed to listen. Every
11 day Advocates for Children hears from parents who are
12 struggling to get their children with disabilities
13 the education that they need. In the past two weeks
14 alone, we heard from more than 200 parents and want
15 to share just a few examples. Through our Education
16 Help Line we heard from: A parent who recently
17 learned that her three-year-old child has autism and
18 wants her child enrolled in a preschool special
19 education class mandated by her IEP, but was still
20 waiting for a placement from the DOE, which as you
21 heard today, has a shortage of special education
22 classes, even as it has expanded 3K and Pre-K for
23 all. A parent who learned from her child that he is
24 in a large class in violation of his IEP which
25 requires a small special education class. Meanwhile,

1 the student says he doesn't understand the work and
2 feels overwhelmed. A parent who borrowed a
3 neighbor's phone so she could call us saying she was
4 desperate for help as she recently moved into
5 temporary housing in a different borough and needs a
6 closer school. When she tried enrolling her child
7 whose IEP mandates a special education class,
8 multiple schools turned her away. A parent whose
9 ninth grader is reading on a first grade level and
10 asked about private schools because year after year
11 she has been unable to get help from her child's
12 public school. A parent whose school responded last
13 year to her child's behavioral challenges by placing
14 him in the office where he watched videos and asking
15 the parent to pick him up early. A parent who speaks
16 Spanish who had questions about her child's services
17 because she has only received paperwork in English.
18 A parent living in shelter whose child has a
19 significant disability and missed the first weeks of
20 school because the DOE did not have a bus route in
21 place. And a parent who's been unable to work
22 fulltime and is experiencing financial hardship
23 because she is transporting her child while waiting
24 for the DOE to arrange for the paraprofessional her
25

1 child needs on the bus. A parent whose child uses a
2 wheelchair and was assigned to a classroom on the
3 third floor of a walk-up building. The child has
4 been out of school since last fall. And a Spanish-
5 speaking parent of a child who needs a wheelchair
6 accessible District 75 placement. The family lives
7 in the Bronx, but the DOE could only find a seat in a
8 different borough. Then days before the school year
9 began, the parent received a call informing her that
10 the school's elevator is off-limits to students,
11 leaving the child with no school. This is just a
12 small sampling of the children and families who came
13 to our attention in the past two weeks alone, and
14 make no mistake, we get these calls all year round.
15 Shortages of preschool special education classes,
16 inadequacy of literacy instruction and behavioral
17 supports, problems with transportation, lack of
18 accessibility, failure to provide translation and
19 interpretation, these are all serious obstacles that
20 students with disabilities and their families
21 continue to experience every day on the ground. The
22 city must do better. We look forward to working with
23 you to do, including through recommendations included
24 in our Vision for New York City Schools attached to
25

1
2 our testimony. Thank you for the opportunity to
3 speak with you, and I'm happy to answer any questions
4 you may have.

5 CHAIRPERSON JOSEPH: Thank you so much.

6 LORI PODVESKER: Thank you for holding
7 this important hearing, and thank you Chairwoman
8 Joseph for leading the way and also thank you to all
9 the people who support you, including the woman
10 sitting next to you, Jan Atwell, really props. My
11 name is Lori Podvesker and I'm the Director of Policy
12 at INCLUDEnyc. for nearly the last 40 years,
13 INCLUDEnyc, formerly resources for children with
14 special needs, has helped hundreds of thousands of
15 New York City's families navigate the complex special
16 education service and support system. According to
17 the February 2022 Mayor's Management Report, in
18 November 2021, Local Law 27 report to the City
19 Council from the DOE. There are nearly 300,000
20 students with disabilities ages three through 21
21 receiving special education services and supports
22 that the City of New York is responsible for
23 providing and overseeing. I'm going to list out some
24 data, because in addition to what the Department of
25 Ed spoke about before, I think it's important for

1
2 people to know the facts. This data will speak for
3 itself. There's about 26,000 preschoolers ages three
4 through five in which the majority attend non-public
5 programs due to the ongoing shortage of preschool
6 special education classes. Approximately 270,000
7 school-aged students ages five through 21. 26,000
8 students attending a District 75 program, 32,000
9 English language learners representing 19 percent of
10 school-aged students with IEPs. I don't know, did
11 anybody catch that number the DOE reported on
12 translated IEPs as 9,000? We have 31,000 students
13 with disabilities who are MLL's, and-- I'm angry
14 today, because like a lot of us, year after year, we
15 say the same things and with my parent had on. This
16 year is even worse, the worst I've ever seen it, and
17 I don't know, something's got to change. Seven out
18 of 10 school-aged students are classified with speech
19 and language impairments or learning disabilities.
20 24,000 school-aged students classified with autism.
21 8,400 school-aged students classified with emotional
22 disabilities. 20 percent of IEP evaluations not
23 occurring within the legal timeline of 60 days.
24 52,000+ school-aged students with IEPs who spend the
25 majority of their school days in segregated settings.

1
2 Less than two out of 10 special education students in
3 grades three through eight are proficient in math or
4 English, less than two of 10. And a little more of
5 half of all students with disabilities who take
6 standardized tests graduate on time in four years.
7 While we commend the City and the Department of Ed
8 for using federal stimulus funds to make enhancements
9 specifically targeted for school-aged students with
10 suspect or known disabilities improving literacy
11 instruction throughout the City identifying
12 struggling readers, including students with dyslexia
13 and piloting new related specialized programs next
14 school year. I think the DOE said three. However,
15 these initiatives are nowhere near enough to address
16 longtime systemic policy and cultural barriers for
17 all students with disabilities and their families,
18 and nor will they impact all students with
19 disabilities. The last two and a half years have
20 made it clearer than ever before that the City must
21 do things differently than it long has to
22 appropriately and equitably educate all students with
23 disabilities. Too many students with disabilities
24 did not access Special Ed recovery services last
25 year. The DOE said today 60 percent did not. It is

1
2 time for the City to consider radically changing how
3 special education works. All students with
4 disabilities deserve access to quality instruction
5 and adequate number of qualified teachers, timely
6 evaluations, the delivery of all mandated-related
7 services, bilingual programs, services and supports,
8 consistent reliable transportation to and from
9 school, and integration. With school budget cuts,
10 the fading of stimulus funds and the current inferior
11 accountability structures that measure individual
12 student learning outcomes and success of individual
13 schools, we urge this committee and the Council as a
14 whole to immediately set up two additional public-
15 facing fiscal accountability structures that follow
16 how all allocated special education money is spent,
17 one to track money in community school districts one
18 through 32 and a separate one for District 75. This
19 is because District 75's budget is separate and
20 different from the special education money allocated
21 for the provisions of services, students with
22 disabilities attending community school districts one
23 through 32 and non-District 75 middle and high
24 schools. In addition, we recommend the Department of
25 Education and the City increase the number of

1 preschool classes. I think all else here is already
2 said. Sorry, I'm trying not to be redundant. This
3 one's personal to me. Require that every school
4 buildings where District 75 program is collocated to
5 have a visible sign with the name of corresponding
6 District 75 school organization. Prior to the
7 pandemic, I went to my son's school for his annual
8 IEP meeting and I was told I could not use the front
9 door. I was told I had to go to the side door, and we
10 would never do that to anybody else of any other
11 minority group. This is not okay. And kids like
12 mine are invisible there's not even a sign in front
13 of the building. There's not even a-- I urge
14 everybody here, when you look at school buildings to
15 see if there are signs that say that kids who attend
16 District 75 programs are there. And I'm white. The
17 majority of kids who attend District 75 programs are
18 of color. This is not okay, and it's so basic, but
19 this is what shapes how kids with disabilities are
20 valued. This is the cultural part which the policy
21 part will hopefully pass up one day. We need to have
22 a citywide initiative on the integration of District
23 75 students. All current diversity initiatives
24 exclude District 75 kids. They are either community
25

1
2 school district-based or they're about diversifying
3 enrollment in non-District 75 programs. This is not
4 okay. We also urge the DOE to commission a study on
5 how the Special Ed continuum is being utilized to
6 determine how and where the City provides special
7 education services and to analyze the relationship of
8 classroom placements and disability classifications,
9 and document the extent in which students move to
10 less restrictive settings and how their IEP goals are
11 met. Thank you so much.

12 CHAIRPERSON JOSEPH: Thank you, and the
13 DOE's still here, and I hope you're listening to the
14 voices of these parents today.

15 JENNIFER CHOI: Thank you for having me
16 here today. My name is Jennifer Choi. I'm a Queens
17 resident and I'm apparent of two high school students
18 with IEPs. I'm also a Special Education Advocate at
19 Special Support Services. This week Chalk Week [sic]
20 reported that in New York City 41 percent of students
21 had chronic absenteeism, meaning that they missed
22 more than 18 days of school in a school year. In the
23 disability community, we call this problem school
24 refusal, because it really is about the student not
25 being able to attend school due to disability. In

1 just two weeks our group surveyed 140 families in our
2 city suffering from school refusal and we found for
3 57 percent of families, school refusal symptoms had
4 not surfaced prior to the pandemic. The majority of
5 students displayed school refusal as lasting over six
6 months and refusing school intermittently. And this
7 is important, 34 percent with school refusal-- 34
8 percent of students with school refusal talked about
9 harming themselves. School refusal was spread out
10 evenly across middle school, high school, and
11 elementary school. I'm here to say that the DOE
12 responds to school refusal of students terribly lacks
13 planning for students with disabilities. For
14 example, students are supposed to have attendance
15 teachers come to their home if they're out for 10
16 days straight. This is called 407. But students
17 with disabilities need a different threshold. My own
18 child missed 42 days of school this past year. No one
19 came to my house, because he never missed 10 days
20 straight. My son's school social worker, and I'm
21 sorry that Council Member Bottcher's not here--
22 actually, no you were the one that brought this up
23 Chair Joseph, about counseling. My school social
24 worker told me to seek help from ACS as part of
25

1
2 getting help. If you look at the DOE's guide to
3 combat chronic absenteeism called Every Student,
4 Every Day. There's not one mention in the 57 pages
5 of the word 504, IEP, disability, functional behavior
6 assessment, or special education referral. Excuse
7 me. So, we need that guidance so that the school
8 disability support teams know what to do. And in
9 some cases for these children like my own child, they
10 can no longer attend public school and require
11 expensive therapeutic settings after months or years
12 of failure and trauma. I know we can do better.
13 Please help our students with disabilities. And
14 also, since I have a couple of seconds, please listen
15 to the Arise Coalition's suggestion and
16 recommendations. They're really important. Thank
17 you.

18 CHAIRPERSON JOSEPH: Noted, and thank you
19 for your testimony, and I'm sorry.

20 PHYLISA WISDOM: Good afternoon Chair
21 Joseph, Jan, and fellow New Yorkers. My name is
22 Phylisa Wisdom and I am the Director of Development
23 and Government Affairs for YAFFED. YAFFED has been
24 working to bring much needed change the ultra-
25 Orthodox Yeshiva sector working to ensure that every

1
2 New York City student receives a full education in
3 English, math, history, and science. As was reported
4 in the New York Times last week, approximately 50,000
5 children are attending Yeshivas in New York City and
6 its suburbs that fail to teach this basic education.
7 These children receive a religious education all day
8 with little to no schooling in secular subjects.
9 There is little transparency in religious school's
10 operations because they operate outside the strict
11 regulatory environment in which public schools must
12 operate. This lack of transparency exists also for
13 their students with disabilities. YAFFED is deeply
14 concerned about the lack of oversight regarding
15 special education systems in Hasidic Yeshivas. A
16 school system unconcerned with norms around the
17 importance of science or of teaching math and the
18 English language is not likely to be prioritizing the
19 evidence-based support its students need for learning
20 disabilities such as dyslexia, autism, dyscalculia,
21 etcetera. We do not believe many of these schools
22 have the infrastructure to adequately address
23 systemic issues of inequity that students with
24 additional needs face. Yeshivas receive significant
25 public subsidies, such as mandated services aid, to

1 cover certain operational costs, despite not being
2 held accountable to state laws regarding substantial
3 equivalency. Furthermore, the reporting requirements
4 religious schools must comply with are severely
5 lacking. It is unclear what systems are used to
6 identify children that need an IEP and how these
7 children are served or even how many children have
8 been identified with an IEP. We've heard today that
9 Chancellor Banks has made comments about special
10 needs funding including all this money that is meant
11 for kids in our public schools are going to private
12 school. Folks have figured out how to game this
13 system. Public school parents shouldn't be
14 scapegoated. These critical public funds should go
15 to schools prioritizing appropriate services for
16 students that the DOE can't serve. The lack of
17 public reporting is made even more dangerous because
18 the Haredi Yeshiva sector has already proven that it
19 will disobey and disregard education law. We urge
20 the City Council to hold an oversight hearing into
21 the educational neglect being perpetrated upon tens
22 of thousands of school children attending Haredi
23 Yeshivas. We further urge City Council to demand an
24 accounting of Special Education services within the
25

1
2 Hasidic community and to ensure that IEP system is
3 being administered effectively and by adequately
4 credentialed professionals. Thank you for your time.

5 CHAIRPERSON JOSEPH: Thank you.

6 NELSON MAR: Good afternoon. Thank you
7 Chair Joseph and the Education Committee for holding
8 this important hearing, for meeting the needs of all
9 students with disabilities. My name is Nelson Mar.
10 I'm an attorney at Legal Services NYC where the
11 federally-funded legal services office that provide
12 free civil legal services to low income residents in
13 the City. I work in the education practice at LSNYC,
14 and we assist hundreds of New York City school
15 children and their families every year to ensure
16 access to education. We often represent students who
17 are most at risk, a lot of the issues that Randi and
18 Lori had mentioned. I'm going to talk a little bit
19 today about an issue that I think is often
20 overlooked, when we're talking about disability, and
21 that's an issue of trauma and adverse childhood
22 experiences. My question that I would pose to the
23 Department of Education and to City Council is, is
24 the City meeting the needs of students who have
25 disability-related conditions due to the impacts of

1 trauma and adverse childhood experiences. Because
2 from representing students for 20 years, I can say
3 that a lot of issues stem from, you know, children's
4 exposure to trauma and adverse experiences for a lot
5 of my clients, that if we could do more to address
6 this issue, we would actually stem some of the flow
7 of students into the Special Education system and
8 even into the highly restrictive settings. And
9 science actually supports this, because long before
10 COVID elevated the issue of trauma to national
11 prominence, neuroscience and behavioral research
12 established that trauma and adverse childhood
13 experiences, or ACES, negatively affect child
14 development and often leads to disabling conditions,
15 both in childhood and later in adults. ACES
16 negatively impact a child's social, emotional, and
17 cognitive development. These are experiences that we
18 often find in some of our neediest neighborhoods, you
19 know, whether it be abuse, neglect, or experiencing
20 violence. And consequently, it's no surprise that a
21 large number of children in New York City have
22 experienced more than one ACES, especially given the
23 direct and indirect impacts of the COVID-19 pandemic,
24 and the consistently large number of children living
25

1
2 in poverty in the five boroughs, which is over 20
3 percent. Children who are negatively impacted by
4 trauma and ACES can present with disabling conditions
5 related to behavior and learning, and researchers
6 have linked poor academic outcomes with children who
7 are exposed to higher ACES. So, I would argue that
8 New York City public schools can help mitigate
9 disability-related impacts of ACES and trauma, and
10 moreover, I think they're legally obligated to under
11 the Americans with Disabilities Act, the
12 Rehabilitation Act of 1973, New York State/New York
13 City Human Rights Law, and even under the ITEA [sic].
14 At minimum the New York City Department of Education
15 should be providing accommodations for students who
16 have disabling conditions related to trauma exposure.
17 Our office helped move the New York City Department
18 of Education towards that goal in a settlement of a
19 landmark lawsuit that we brought on behalf of
20 students who had experienced sexual harassment and
21 sexual assault three years ago, and as part of that
22 settlement, the New York City Department of Education
23 moved to develop new guidance aimed at making the
24 Special Education evaluation and IEP development
25 process more trauma informed. But we need to be more

1
2 than trauma informed. We actually need to be
3 healing-centered. And our office has worked with
4 community groups to actually come together to develop
5 a roadmap to bring healing center practices to New
6 York City public schools. And we encourage the New
7 York City Department of Education, the City Council
8 to support those efforts, to continue those efforts
9 actually. The Department of Education undertook
10 pieces of that roadmap over the last two years. This
11 year we're very unsure of what's happening with it.
12 We're very concerned that all the resources and
13 cachet that was built up over those two years will
14 now be dissipated. We had over 800 parents trained
15 and involved in the parent ambassador Healing
16 Ambassador Program. Now a lot of them are just left
17 not knowing what to do with all that training that
18 they received. We also want to uplift the needs for
19 more target services for those students who have
20 higher needs, and we certainly encourage the City
21 Council to continue to support the full
22 implementation of the Mental Health Continuum, which
23 we know that the City Council has done this year, but
24 we need to see that more fully supported. Thank you
25 very much.

1
2 CHAIRPERSON JOSEPH: Thank you. Thank
3 you for your testimony. May the next panel come
4 forward, please? Miriam Nunberg, Janet Marte, and
5 Laura Espinal [sp?]. You can begin when you're
6 ready. Thank you.

7 MIRIAM NUNBERG: Thank you for holding
8 this hearing and for the opportunity to speak today.
9 My name is Miriam Nunberg. I'm an attorney with a
10 private advocacy practice for students with
11 disabilities and also I'm an IEP parent. I'm a
12 former attorney for the US Department of Education,
13 enforcing Section 504 and the ADA in schools.
14 Speaking only privately at the US DOE, I worked with
15 hundreds of school districts and never encountered
16 one that so flagrantly disregards Section 504 as New
17 York City, especially for students with mental health
18 needs. At a time when students are experiencing a
19 massive surge in mental health crises, schools must
20 follow Section 504 to support these kids. This law
21 requires schools to accommodate students with
22 disabilities including those with mental health
23 needs. Lately, I have repeatedly encountered students
24 with severe mental health challenges, including ones
25 undergoing psychiatric hospitalizations, where their

1 public school violated Section 504 by doing nothing
2 at all. All these students had been high achievers
3 before experiencing crippling depression and/or
4 anxiety, and might not need IEPs, but still may have
5 disabilities requiring accommodations like shortened
6 schedules, breaks, or modified workloads. When these
7 kids could not handle their work load or refuse to
8 attend schools, their schools failed to comply with
9 Section 504 and the students would have spiraled out
10 had I not been able to intervene and demand
11 compliance. When schools notice that a child might
12 have a disability, Section 504 requires them to take
13 appropriate steps in response. So upon notification
14 that a student has a potential mental health
15 condition, even-- they were discharged from a
16 psychiatric facility, the DOE must offer a free
17 comprehensive evaluation to start. I can
18 categorically state that I have never seen the DOE
19 offer evaluation for 504 rather than for an IEP.
20 Rather, to request 504 accommodations, families must
21 submit a diagnosis and suggestions from their--
22 sorry, a diagnosis and suggestions from their child
23 doctor in order to initiate the 504 process. Nowhere
24 does the DOE reference its legal mandate to provide
25

1 free comprehensive evaluations under 504 instead of
2 requiring input from private doctors. Further, the
3 504 plans that I have seen are routinely so vague and
4 skeletal [sic] that they are incapable of providing
5 what is called a Free Appropriate Public Education,
6 or FAPE, as the law requires. Despite the US DOE
7 guidance that clearly explains that FAPE under
8 Section 504 can include anything that the students'
9 needs to mitigate the impact of their disability in
10 school, the plans my clients received are so limited
11 and unclear that they are incapable of providing FAPE
12 whatsoever. Finally, under Section 504, a student
13 qualifies as having a disability when substantially
14 limited in a major life activity, which is not
15 limited to the major life activity of learning alone.
16 Nonetheless, I have often seen the DOE deny students
17 Section 504 accommodations because they are
18 considered too smart. The DOE also used to have a
19 policy that 504 plans automatically expire at the end
20 of each year, thus requiring parents to renew their
21 application to get new outside professional
22 documentation annually each year. I've seen this
23 continue even though the DOE has officially
24 discontinued this policy. I'd-- all told, Section
25

1
2 504 compliance across the DOE is abysmal and
3 especially fails to address the ballooning mental
4 health needs of our kids. And I'd quickly also like
5 to address the terrible quality of DOE evaluations
6 for IEP eligibility, which creates a huge equity
7 issue and a divide between those who can afford to
8 pay for private evaluations and those who must rely
9 on DOE evaluations. Under both the IDA and Section
10 504, schools must offer comprehensive valid
11 evaluations to thoroughly asses all of a student's
12 potential disabilities, including ADHD and mental
13 health conditions. IEPs and 504's cannot be legally
14 developed without a thorough understanding of the
15 child's disabilities. But again, however, the only
16 children-- generally, the only children who are able
17 to obtain these kinds of comprehensive evaluations
18 are those who can pay around \$6,000 on average, and
19 they do it. And they will routinely go out and get
20 these neuropsychological evaluations, leaving the
21 kids who can't afford it to deal with these vague and
22 incomplete evaluations that are provided by the DOE.
23 They're getting better, but they still do not address
24 the needs of children, again especially those with
25 mental health needs. This is an unacceptable equity

1
2 issue and must be addressed to allow all students
3 with disabilities the comprehensive evaluations the
4 law requires. Thank you.

5 CHAIRPERSON JOSEPH: Thank you. Next.
6 You may start.

7 JANET MARTE: HI, my name is Janet Marte.
8 I'm a parent to a Special Education student being
9 served by the DOE. I just want to say that back when
10 my son was going through what is called the Turning
11 Five Process, which we all get very stressed out
12 about, I have to thank Christina Foti and her team
13 for taking us seriously. Sunset Park has always been
14 a ghost town when it has come to special needs, to
15 special education for our children. Our children get
16 bused out and we rarely see buses coming in to serve
17 children with special education. She took our
18 concerns seriously under the leadership of Richard
19 Caranzo [sp?]. We had a meeting. They went back to
20 their office. They looked at the data and they were
21 able to determine that there was students in our
22 neighborhood that qualified for ASC programs, and
23 these programs were opened, and now, the Horizon
24 program is located in our neighborhood and has been
25 there for the past four years and our kids are doing

1 phenomenal. So, I must thank the DOE for doing their
2 work then. But I must say, that one of my biggest
3 concerns is the unintentional exclusion that happens
4 within the DOE with our children with special needs,
5 especially in after school programming and in the
6 arts. So, I see a lot of schools offer music, art,
7 after school programs where the kids are involved in
8 sports and our kids are not invited or are not asked
9 to participate in these programmings because they
10 need added support like one on one, you know,
11 paraprofessionals. That's huge to me because our
12 kids should be part of the community. Our kids
13 should be part of those programs. Our tax dollars
14 are being put into work, and my child should have the
15 same accessibility. Another thing that we are very
16 concerned about it the inclusion and equity piloting
17 programs that are happening. They're great. They
18 look perfect in writing, but our kids are being
19 excluded, because when you read them our kids are not
20 being mentioned in equal parts. So it only talks
21 about race and social economic status and making sure
22 that kids are being, you know, taken into different
23 neighborhoods so schools could be more diverse. But
24 our kids are not being mentioned in equal parts, and
25

1
2 our kids are continuously being segregated. As one
3 of the persons on the panel mentioned, District 75
4 students are collocated in many school buildings but
5 yet they're not sharing the space in the collocated
6 building. I know so because as parents we tend to
7 share information. We gain the most valuable
8 information by sharing with one another. The DOE and
9 everyone that's participating here today receives a
10 paycheck, and for some reason we're not receiving the
11 information on a timely fashion by all the people
12 that are receiving a paycheck, and we are receiving
13 this information by other parents that are heavily
14 involved. That's very concerning for us. It's very
15 crippling to us and our families. I work and it's
16 difficult for me because at work I'm constantly
17 feeling anxious, because I'm constantly thinking
18 what's next, what's next, what's next. What else can
19 I do to support my child? And even though he is my
20 child and it is my responsibility, I shouldn't
21 constantly be thinking about that, because there's
22 people on payroll to do that job. Thank you.

23 CHAIRPERSON JOSEPH: Thank you.

24 JANET MARTE: If you don't mind, I'm
25 going to help Laura [sic] translate?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON JOSEPH: Go ahead.

LAURA: [speaking Spanish] Sometimes I speak English. [inaudible] they make me angry, I speak English, but sometimes, you know-- yesterday we didn't receive this information until yesterday at the night. We couldn't, you know, to make [inaudible] statement or our-- I'm going in Spanish, and Janet going to translate. [speaking Spanish]

JANET MARTE: Her name is Laura [sic].

She has two children with autism.

LAURA: [speaking Spanish]

JANET MARTE: Her testimonies have been-- she's been here twice. One time she had to leave at 8:30 at night.

LAURA: [speaking Spanish]

JANET MARTE: She wants to make the Council people aware that our children should not be used as a political motive.

LAURA: [speaking Spanish]

JANET MARTE: She also wants for the Council people to take us into account when it comes to making decisions on the funds that are being allocated to help our communities.

LAURA: [speaking Spanish]

1
2 JANET MARTE: I'm sorry, because I'm also
3 experiencing some neurological issues.

4 LAURA: [speaking Spanish]

5 JANET MARTE: That the council people
6 have to provide information.

7 LAURA: [speaking Spanish]

8 JANET MARTE: Like events that are
9 happening today in a timely fashion because we found
10 that out at 9:00 p.m. tonight due to a CEC meeting.

11 LAURA: [speaking Spanish]

12 JANET MARTE: That even though we might
13 not have a lot to say, we can be able to participate
14 in these meetings and hear what the DOE and what the
15 Council has to say in regards to Special Education.

16 LAURA: [speaking Spanish]

17 JANET MARTE: So, she's saying not only
18 has the DOE failed us, but our politicians have
19 failed us because within our communities we don't
20 have accessible playgrounds for our children.

21 LAURA: [speaking Spanish]

22 JANET MARTE: Especially in the winter we
23 don't have much access to anything for our children.

24 LAURA: [speaking Spanish]

1
2 JANET MARTE: [speaking Spanish] She does
3 want to thank the DOE because prior to all of this,
4 our neighborhood was a ghost town and the DOE had
5 listened to us and has provided slowly but surely the
6 resource that we need in our community, but there's
7 still a lot of work that we need to do, especially in
8 the middle school and high school level.

9 LAURA: [speaking Spanish]

10 JANET MARTE: She's saying thank you,
11 greatly appreciate this opportunity, but she wants to
12 ensure that we continue to have a partnership between
13 our elected politicians and the DOE so we can as
14 parents and everyone that's on board so we can
15 continue to work together. Thank you.

16 CHAIRPERSON JOSEPH: Thank you. We have
17 another panel. Thank you for your testimony, and all
18 is noted. We're going to the-- yeah, we're going to
19 Zoom now.

20 COMMITTEE COUNSEL: The first panel on
21 Zoom that we're going to call is Maggie Moroff, from
22 the ARISE Coalition, Ellen McHugh from the CCSE,
23 Sharon McLennon-Wier from the Center for the
24 Independence of the Disabled. Maggie, you're up when
25 you can--

1
2 SERGEANT AT ARMS: [interposing] Time has
3 begun.

4 MAGGIE MOROFF: Good afternoon. Can you
5 hear me?

6 COMMITTEE COUNSEL: Yes.

7 MAGGIE MOROFF: Thank you. Good
8 afternoon Chair Joseph and the incredible Council
9 staff that you have here with you today. Thank you
10 for the opportunity to testify remotely. I would have
11 really preferred to have been there in person for
12 this really important hearing, but I am getting over
13 COVID and obviously staying away from others as I do.
14 I speak today on behalf of ARISE Coalition that
15 Jennifer mentioned earlier. Last spring, our members
16 offered the Administration recommendations around
17 Special Education service delivery, recovery
18 services, and the provision of appropriate literacy
19 supports for all students. I've attached those to my
20 written testimony, and am only going to really
21 briefly outline some of the highlights now. So,
22 since coming together 15 years ago, we've seen
23 problems with timelines and quality of Special
24 Education services. That is nothing new. And with
25 the treatment that families encounter when they

1
2 advocate for their students, some of the stuff you've
3 been hearing about since testimony began. We've been
4 urging the DOE to prioritize these concerns while
5 also strengthening capacity to conduct quality
6 evaluations and improve access to transition services
7 for students with disabilities ages 14 and above. As
8 you know, many students with disabilities went
9 without services critically needed during the
10 pandemic. The City now has to ensure that those
11 students get the compensatory services that they
12 need, and to that end, we ask for clear information
13 for families about the availability of makeup [sic]
14 services. I heard Christina Foti talking about that
15 before. Families are still waiting for that
16 information. We also want to make sure that those
17 services are available to all students with
18 disabilities, including those who are attending
19 charter schools and those placed by the DOE in state-
20 approved non-public schools for students with
21 disabilities. With respect to literacy, the City
22 should-- needs to be requiring the use of evidence-
23 based culturally responsive curricula for core
24 instruction, universal screening and progress
25 monitoring, and evidence-based intervention to

1
2 students who need them. The City needs to provide
3 parents with the information on their students'
4 progress and about how seek additional literacy
5 support when they need it. We join others in calling
6 for the City to develop and share an implementation
7 plan for this literacy work. I also want to mention
8 as others have, that this year as in past years,
9 we're very concerned about transportation services.
10 Just yesterday in my work at Advocates for Children
11 of New York, I worked on several cases where students
12 still out of school because the DOE hasn't yet
13 arranged para's or nursing supports needed for busing
14 or appropriately--

15 SERGEANT AT ARMS: [interposing] Time has
16 expired.

17 MAGGIE MOROFF: We offer these and other
18 recommendations shared in our written testimony. In
19 the interest of continuing to work with the DOE and
20 very much with the Council to improve the experiences
21 and outcomes for the over 200,000 students with
22 disabilities in New York City. Thank you for your
23 time.

24 COMMITTEE COUNSEL: Thank you very much,
25 Maggie. Ellen McHugh [sp?]?

1
2 SERGEANT AT ARMS: Time has begun.

3 ELLEN MCHUGH: Hello, good afternoon, or
4 should I say god evening. It's been a while. Thank
5 you for the opportunity to testify. My name is
6 Ellen McHugh. I am a Co-chair of the Citywide Council
7 on Special Education which is a legally required
8 council on the New York State Education Law. We are
9 here again because trust has eroded. We have learned
10 that trust in this system can only be seen after the
11 system responds, not prior to. Our goals and aims as
12 both parents and advocates is to walk in believing
13 that there will be services. Our most frightening
14 realizations are that services can be denied willy-
15 nilly or limited by the knowledge of the individuals
16 who are doing the assessments. One of the issues
17 that has come up repeatedly is the issue of class
18 size. I know that this is not going to be what others
19 want to hear, but I have to say this. Looking at the
20 class size initiative right now, I see it from a
21 totally different perspective. The separation and
22 segregation of District 75 students will be
23 exacerbated, not because it was intended by the
24 authors of the law, but because we in New York City
25 have an artificial separation between Special

1
2 Education programs and schools. And I know that
3 you've noticed it, but we've gotten different numbers
4 from different people. The DOE says 180,000.
5 Someone else said 200,000+. I have heard 250,000.
6 So, as a matter of both trust and information, I fear
7 that this class size matters bill will have an
8 unnecessary impact on kids in District 75, shrinking
9 their opportunities for students to stay closer to
10 home and increasing the chances of long distance
11 travel. I am concerned that principals seeing these
12 D75 students as beyond their purview will request a
13 return of the classrooms where the students are
14 currently sited in order to implement, reduce class
15 sizes for their children. I don't know if you
16 realize it, but most principals see District 75
17 programs collocated in their because as separate and
18 apart from their children, and they use that word.
19 The District, while ostensibly part of our system,
20 has its own superintendents, its own school buildings
21 which are 60 and house-- and also well over 300 sites
22 in collocated general education classes.

23 SERGEANT AT ARMS: Time has expired.

24 ELLEN MCHUGH: Principals can request
25 that the programs be removed and the classes returned

1
2 to fit their students. There is nothing in the law
3 that protects the students who are currently sited.
4 As a matter of fact, this September, a day before
5 school, a parent of a child who has autism and
6 hearing loss found out that her child had no school
7 because the principal in District 75 together without
8 consulting any family had decided to terminate the
9 program in that building and moved the children
10 somewhere else. The ability to grow collocated
11 general education sites with District 75 programs was
12 to create new collocated sites will be severely
13 limited. Building new schools or leasing sites is
14 time consuming and expensive, as Mr. Taratko had
15 said. It is indeed unfortunate that we are back here
16 again doubtful and untrusting, but we are asking that
17 you as City Council help us in including our children
18 really, not just in words. And I just want to remind
19 everybody that the CRSE curriculum that has been
20 chosen includes not one book about disability rights,
21 not one book about disability education, and not one
22 book about how in this country people with
23 disabilities had to fight for the right just to go to
24 school. Thank you for your time. I'm sorry to be so
25

1
2 depressing, but I am asking once again for your help
3 in directing the DOE. Thanks.

4 COMMITTEE COUNSEL: Thank you, Ellen.

5 Next up is Sharon McLennon-Wier.

6 SERGEANT AT ARMS: Time has begun.

7 SHARON MCLENNON-WIER: Good afternoon. My
8 name is Doctor Sharon McLennon-Wier. I'm the
9 Executive Director for the Center for Independence
10 for the Disabled New Yorkers--

11 COMMITTEE COUNSEL: [interposing] Excuse
12 me. We can't hear you. Can you lower your mask?

13 SHARON MCLENNON-WIER: I'm sorry. I said
14 my name is Doctor Sharon McLennon-Wier. I'm the
15 Executive Director for the Center for Independence of
16 the Disabled New York. I am a totally blind person
17 and due to the time constraints I am asking our
18 senior director to speak our testimony on behalf of
19 CIDNY.

20 ALEXA LOFARO: Hello. My names Alexa
21 Lofaro and I'm the Senior Director of Consumer
22 Programming at CIDNY. CIDNY's mission is to ensure
23 that [inaudible] integration, independence, and equal
24 opportunity for all people with disabilities by
25 removing barriers to social, economic, cultural, and

1 [inaudible] of the community. Today, we are here to
2 advocate for the needs of students with disabilities
3 living in New York City. We are partnering with the
4 Action for Reform in Special Education Coalition to
5 address the essential needs of students with
6 disabilities. CIDNY and ARISE want to ensure that
7 each student with a disability has an enriched
8 educational experience. The experience should lead
9 to knowledge, gainful employment and engagement in
10 recreational and social activities in the community.
11 In fact, the law requires students with disabilities
12 to have access to free appropriate public education
13 in at least their-- in their least restrictive
14 environment and for schools to provide each student
15 with a disability with an individualized education
16 plan or IEP that is reasonably calculated to enable
17 that students to make meaningful progress in light of
18 their own unique circumstances. CIDNY is here today
19 in support of ensuring that this law is followed and
20 to provide concrete suggestions towards that goal.
21 CIDNY is here to advocate for the specific
22 instruction for students with disabilities that will
23 allow for a student to receive quality services.
24 This consists of meaningful inclusion and
25

1 integration, precise transparency and accountability
2 from educators and policy makers, and the elimination
3 of all practices that leads to discrimination and
4 disproportionality in rates of referrals, suspension
5 [sic], and segregated placements for students with
6 disabilities from diverse backgrounds and an
7 increased rate of academic outcomes from all students
8 with disabilities, especially those from diverse
9 backgrounds. In support of these efforts, CIDNY and
10 the ARISE Coalition advocate for the following: One,
11 provide comprehensive mental health initiatives for
12 our students with disabilities. Two, provide
13 students who are transitioning to post-secondary
14 education and/or the [inaudible] work comprehensive,
15 psychological evaluation that will assist the person
16 to obtain academic work accommodation when they leave
17 school settings. Three, neuropsychology of education
18 states that we must use procedural memory to teach
19 students, including students with disabilities. In
20 support of this, we also advocating for educators to
21 teach students a second or third language before the
22 age of five years. This is critical for language
23 fluency, because at this point in a student's life,
24 neuro-pruning [sic] [inaudible] has not [inaudible]
25

1
2 because the brain is not fully matured until the age
3 of 25. Educators should teach students differently
4 and tailor their educational strategies to meet the
5 unique needs of the students in their classrooms.
6 Each student has a specific brain which utilizes
7 their environment through observational learning,
8 seven senses, kinetic--

9 SERGEANT AT ARMS: [interposing] Time has
10 expired.

11 ALEXA LOFARO: [inaudible] The action
12 helps the student to store information in their long-
13 term memory store. We want to promote creativity and
14 innovation because we need to identify and nurture
15 each student with a disability challenge. Four,
16 reform decision-making processes across all DOE
17 structures from central through the boroughs, the
18 district, and individual schools to ensure all
19 students with disabilities regardless of
20 classification, grade, or language of origin are
21 considered at the outset on all policy and budgetary
22 matters. Five, guarantee that each child with a
23 disability receives specialized instructions and
24 services, including assistive and adaptive
25 technology, literacy instruction, and appropriate

1
2 physical, social, and behavioral supports in all
3 areas of identified needs. Six, guarantee that each
4 school is prepared to offer administrative schoolwide
5 supports and interventions to address behavioral
6 needs and literacy needs for all students using, for
7 example, restorative justice practices, to address
8 discipline issues in our schools. Seven, provide the
9 critical resources for on-site training and ongoing
10 support for schoolwide best practices to identify,
11 include, and accommodate students with a range of
12 disabilities. Eight, provide equal and equitable
13 social and physical access to school sites and
14 programs for all students with special needs and
15 their families pre-K to age 21, particularly as
16 [inaudible]. Nine, promote priority of state design
17 resources in all collocated facilities to ensure that
18 students with disabilities has equal access. Ten,
19 create structures to ensure robust transition
20 planning and to ensure all students with disabilities
21 are college and/or career ready and have the adult
22 life skills [inaudible] ability to successfully
23 navigate the path they choose to follow graduation
24 from high school. Eleven--

1
2 COMMITTEE COUNSEL: [interposing] Excuse
3 me, can you wrap up, please? You can also submit
4 your written testimony. Just wrap up, please, a few
5 sentences.

6 ALEXA LOFARO: Yes. I'm on my last two
7 points. Ensure that parents receive real-time
8 complete and accurate information in language of the
9 family's choice regarding their rights, their
10 individual student's needs and abilities, school
11 choice and service delivery.

12 SHARON MCLENNON: Okay, I just want to
13 say, as a totally blind person and advocate for
14 people with disabilities, I think that the-- this
15 needs to be revised in sense of time allotment. It's
16 very hard for someone who [inaudible] technology to
17 be able to speak in a two or three minute framework.
18 We're talking about advocating for students with
19 disabilities, and this hearing is not even accessible
20 to me. Thank you very much on behalf of CIDNY.
21 Thank you.

22 COMMITTEE COUNSEL: Thank you for your
23 testimony. That's it for that panel. We're going to
24 call the next panel. First, Lucas Healy followed by
25

1
2 Paulette Healy, then Amber Decker, then Fiona O'Grady
3 [sp?]. We'll turn to Lucas Healy first. Thank you.

4 SERGEANT AT ARMS: Time has begun.

5 COMMITTEE COUNSEL: I'm told that Lucas
6 does not have his mic on, that don't have audio.
7 Maybe Paulette, if you can connect to audio. If not
8 we'll move on to Amber Decker. Okay, Paulette, if
9 you could move on to Paulette.

10 SERGEANT AT ARMS: Time has begun.

11 PAULETTE HEALY: Hi, yeah, Lucas wasn't
12 able to unmute. It wasn't allowing him to unmute.
13 Can-- should I still go, or should I allow him to go
14 now?

15 COMMITTEE COUNSEL: I'm being told that
16 Lucas is not connected to audio. So, Paulette, why
17 don't you go and see if we can then-- have him do it
18 under your name on the-- are you with him together?

19 PAULETTE HEALY: Yeah, we're in the car,
20 so that might be why--

21 COMMITTEE COUNSEL: [interposing] Okay,
22 okay, so let--

23 PAULETTE HEALY: his signal is coming in
24 and out.

1
2 COMMITTEE COUNSEL: him go under your name
3 and your-- the system you're using, okay?

4 PAULETTE HEALY: Sure, no problem.

5 COMMITTEE COUNSEL: Okay, Lucas, we see
6 you.

7 LUCAS HEALY: Hello, Council Members. My
8 name is Lucas Healy, and I'm a D75 student, and
9 students advocate. I'm here to tell you I'm one of
10 the lucky few. I started in class with only six
11 children and had no verbal skills. Thanks for a
12 supportive school staff and teachers who saw my
13 potential. I not only found my voice, but I now in
14 inclusion program learning along with general
15 education students at Telecommunications High School
16 and testifying with me-- with my own words here
17 today. Sorry, I'm quite nervous. I was not one of
18 the students who were forced to learn in a space once
19 used for cleaning supplies. I was not one of the
20 students who end up handcuffed when I had a hard time
21 and couldn't say why. I was not one of the students--
22 - I was not one of the kids that is getting my arm
23 broken because I would not still-- I would not sit
24 still. I was one of the lucky ones. One of the few
25 because these-- because these situations happened

1
2 more often than humanly acceptable. I'm one of the
3 1,500 students out of 25,000 in the inclusion program
4 that is-- that has less than one percent, and the
5 numbers is less than when the program started over 30
6 years ago. These odds are unfair and has harmed
7 thousands of students when our mind--

8 SERGEANT AT ARMS: [interposing] Time has
9 expired.

10 LUCAS HEALY: Can I just finish up,
11 please?

12 CHAIRPERSON JOSEPH: Please do. You can
13 finish.

14 LUCAS HEALY: Thanks. My D75 friends
15 finally going to be given a chance to shine. Sorry.
16 We should belong-- all be lucky-- we should all be
17 lucky for-- thanks for the chance to speak. Thank
18 you.

19 CHAIRPERSON JOSEPH: Thank you so much
20 for your testimony. Thank you.

21 COMMITTEE COUNSEL: Thank you Lucas.
22 Paulette is next, followed by Amber.

23 PAULETTE HEALY: Okay, can [inaudible] I
24 hope you can hear me. Alright. As you just heard
25 from my son Lucas, he is an inclusion student, one of

1
2 only 1,500 after 30 years of the launch of the D75
3 inclusion program. He attended the Summer Bridge
4 program offered by Telecommunications, was able to
5 make friends, meet his teachers, and go through the
6 front door. The minute September started and he was
7 diverted to the D75 inclusion program, he was told to
8 go in the side entrance for his own safety, the same
9 school he's been going through the front entrance in
10 all summer, the same child who I personally had to
11 teach how to travel train [sic] because the D75
12 district office failed to do so for the last three
13 years. I am beyond angry hearing the DOE try to
14 justify the Chancellor's atrocious comments and
15 continuing using deficit language like tiers and
16 remediation in the same sentence that they're trying
17 to say we're diverting from a deficit mindset. The
18 deficit is in the framing, and unless the framing
19 changes, our children will continually be seen as
20 less than and broken and unteachable. To continue to
21 hear the Chancellor try to justify his intentions
22 behind his horrific statement, and hearing the
23 General Counsel say, well, it was OATH's
24 responsibility to relieve the backlog of impartial
25 hearings, while at the same time spending hundreds of

1
2 millions of dollars hiring per-diem lawyers for the
3 General Counsel to represent the DOE in the same
4 impartial cases; \$38 million was just allocated as
5 recently as July, and I am sure that \$38 million
6 dollars could have gone a lot further in terms of
7 retaining the early education coordinators and social
8 workers that we just lost six days before school
9 started. I'm sure that the \$38 million dollars would
10 have gone further securing necessary related
11 providers so that our families don't continue having
12 to go to impartial hearing. I'm sure the \$38 million
13 dollars could have gone to social workers to
14 alleviate the backlog of evaluations so that our
15 related service providers are not being told by
16 principals to underserve our children and hand out
17 RSAs as if they were a coupon at Subways. I am so
18 angry because we are not gaming the system. we're
19 not gaming the system when we are out in front of
20 Tweed [sic] protesting for safer work environments
21 because our teacher's work environments are our
22 children's learning environments. It is not gaming
23 the system when we are rallying and protesting and
24 marching across the Brooklyn Bridge to make sure that
25 our kids actually get to school on time. And we are

1
2 not gaming the system when we are asking our schools
3 to allow our children to stay at school for the full
4 day instead of leaving an entire period early just
5 to--

6 SERGEANT AT ARMS: [interposing] Time has
7 expired.

8 PAULETTE HEALY: make sure that the
9 bussing leaves on time. I just want to finish by
10 saying we are not gaming the system. As the
11 Chancellor is right now, I have no faith that
12 anything will change under this Chancellor. So we
13 are not the ones gaming the system. The Chancellor
14 is the one that's managing the store, and implore
15 City Council to please release legislation similar to
16 what Public Advocate Williams released today in terms
17 of accountability for accessible-- fully accessible
18 buildings, because we cannot wait any longer. Our
19 children have waited long enough, and we don't want
20 them to come back to the system as adults seeing it
21 the same as they left it. Thank you.

22 CHAIRPERSON JOSEPH: Thank you.

23 COMMITTEE COUNSEL: Next we'll hear from
24 Amber Decker followed by Fiona O'Grady.

25 SERGEANT AT ARMS: Time has begun.

1
2 AMBER DECKER: Oh, great, sorry. Hi, my
3 name is Amber Decker. I'm a Brooklyn resident and
4 parent of a high school students with an IEP, also a
5 special education advocate--

6 COMMITTEE COUNSEL: [interposing] Amber,
7 we're having difficulty hearing you.

8 AMBER DECKER: Okay. I apologize I
9 couldn't be there in person-- can you hear me?

10 COMMITTEE COUNSEL: That's a little
11 better. Thank you.

12 AMBER DECKER: Okay. In response to the
13 legislation on the national suicide, I wanted to add
14 that the New York City DOE social workers are
15 required to get training from DOHMH and required to
16 report on follow-through on the rules for IEP
17 students for waiver services such as those offered by
18 OPWBD and OMH. We should require reporting on this
19 too. A national helpline is not enough. Are there
20 any updates on the New York City DOE use of
21 [inaudible] workers? Any reporting on how they work
22 to address mental health issues? What do they do?
23 What have they done? Substance abuse is rampant
24 amongst teens in schools, and there's lots of
25 research on how it's connected to suicide. In

1
2 response to the legislation on 504 and ADA
3 accessibility, I want to reference the committee
4 report that sadly does not include a description of
5 the New York State alternate assessment. On page
6 nine, foot note 62 is missing. Committee report
7 states that ACES classes follow the New York State
8 Learning Standards and [inaudible] of UDL [sic] if
9 the students participate in alternate assessment,
10 including New York State alternate assessment. The
11 report leaves out that all of the students in this
12 program are automatically placed on New York State
13 alternate assessment, which means that they're
14 automatically placed on a non-diploma track. There's
15 no city legislation on New York State alternate
16 assessment. There's no city reporting or oversight
17 on how and if parents are informed about what it
18 means for their child to be on alternate assessment.
19 There's no reporting on how a student is found
20 eligible for New York State alternate assessment
21 which bars them from getting a high school diploma.
22 Students who have New York State alternate assessment
23 on their IEP have little to no options after high
24 school, no high school diploma, no high school
25 credit, even for classes that they have and can

1
2 participate in, and in which there are no
3 [inaudible]. New York City should be leading the way
4 on ensuring that students have the right to earn a
5 high school diploma, heck, even a high school
6 equivalency diploma. There were no questions today
7 asked about IEP students whose IEPs are mandated
8 through New York State Alternate Assessment. It
9 doesn't seem that the City Council knows what it
10 means when a student is mandated through New York
11 State alternate assessment. It means that the
12 students will get zero credit towards the 44 credits
13 high school diploma requirement here in New York
14 City. And does anyone know how to even get Section
15 504 ADA testing accommodations on a high school
16 equivalency exam? How many disabled students--

17 SERGEANT AT ARMS: [interposing] Time has
18 expired.

19 AMBER DECKER: I'm almost done. How many
20 students age out and they're still trying to get a
21 high school equivalency diploma? How many of those
22 adults can even get testing accommodations after age
23 21 under ADA and Section 504? And how many students
24 in D75 and in specialized programs are on New York
25 State alternate assessment? I ask that the Council

1
2 put diploma pathways for IEP students on their agenda
3 and that the legislation on today's agenda with
4 respect to ADA and 504 accessibility also include New
5 York State alternate assessment data, and perhaps
6 even subcommittee [inaudible]. Thank you.

7 COMMITTEE COUNSEL: Thank you, Amber.

8 Next we'll hear from Fiona O'Grady. Fiona?

9 SERGEANT AT ARMS: Time has begun.

10 FIONA O'GRADY: My name is Fiona O'Grady
11 and I represent the Samaritans of New York Inc's
12 Suicide Prevention Center in New York City.
13 Samaritans wants to lend its support for the proposed
14 legislation requiring the NYC DOE to provide
15 information on the new 988 national hotline number
16 and other related suicide prevention resources.
17 Samaritans has operated New York City's confidential
18 24-hour suicide prevention hotline for 40 years, a
19 period in which we have responded to 1.5 million
20 calls for people were overwhelmed, in distress, and
21 feeling suicidal. Samaritans is also credited with
22 bringing suicide prevention professional development
23 training to DOE and has provided education and
24 awareness tools and resources to literally tens of
25 thousands of DOE student support personnel over the

1
2 past 30 years. Tied to this legislation, this is
3 what our experience has taught us, the more choices
4 people have, the more likely they are to seek help,
5 but there is no one answer. Depending on their
6 background, culture, history, sexual identity,
7 economic status, etcetera, people have different
8 levels of comfort and confidence, and it is
9 imperative that we make sure to provide them with the
10 best options possible. The upgraded national mental
11 health emergency response service provided when
12 people call 988 can be a very valuable resource in a
13 time of crisis, and families, caregivers and health
14 providers need to be aware of its benefits, policies
15 and practices in delivering services. But depending
16 on the individual's needs, there are other valuable
17 services that can be as beneficial or even more,
18 depending on the person or family member's history,
19 perceptions, social and cultural values etcetera.
20 Samaritans completely confidential hotline, NAMI's
21 NYC's hotline and support services, Safe Horizon,
22 Trans Lifeline are only a few of the quality crisis
23 response and support services offered by New York
24 City's caring community. We encourage NYC DOE, all
25 department and city Departments, nonprofits and

1
2 community groups, and places of worship to learn more
3 about the services that are available so that they
4 can be best informed and in a position to help and
5 support those they respond to, treat, and care for.
6 we believe Samaritan's free New York City Guide to
7 Suicide Prevention Services and Resources, which
8 there's dozens of local resources and over 100
9 services, can be a very helpful local tool in finding
10 the right service and should be included in all
11 suicide prevention outreach materials. We thank you
12 for the time today, and wish you well with this new
13 initiative, the 988 national hotline number. Thank
14 you.

15 COMMITTEE COUNSEL: Thank you very much
16 for your testimony. The next panel will be Whitney
17 Toussaint [sp?] followed by Natasha-- can't see a
18 last name-- and then Lupe Hernandez. So, Whitney
19 Toussaint, if you're ready we'll hear your testimony.

20 SERGEANT AT ARMS: Time has begun.

21 WHITNEY TOUSSAINT: Thank you. I want to
22 thank Chair Joseph and the Committee Members for
23 having me speak today. I really appreciate this. I
24 am a parent of a student with an IEP in fourth grade
25 in New York City schools. I would just like to start

1
2 this off saying I heard the comments earlier about
3 equity in getting evaluation, and I'm going to
4 acknowledge my privilege as a person who was able to
5 pay for-- use outside evaluation, but it wasn't easy
6 for me. I'm not a wealthy person. We're not a
7 wealthy family. We had to use our savings and I had
8 to borrow from my 401K to get the evaluation for my
9 son [inaudible]. I didn't know the magic words to
10 get teachers or anyone at the school to help me, and
11 I had been asking for some sort of evaluation for my
12 son since was in kindergarten, and I was not able to
13 get the services for him until he was at home with me
14 virtually throughout the pandemic, and noticed how
15 far he was behind his peers in his virtual class.
16 Some of the language that was in my son's evaluations
17 that I paid for said that he had below average skills
18 regarding visual, motor, [inaudible] poor motor and
19 coordination development, and he could only write
20 letters correctly at the first attempt with a 50
21 percent accuracy, and this was at the end of second
22 grade. But again, the privilege was my job and the
23 resources that I had allowed me to do that. What if
24 I was a parent that didn't have this? What if
25 English wasn't my first language? This has taken a

1 toll on my mental health. I'm even spending time
2 walking the streets of New York, missing a class that
3 I am paying for just to spend time and talk to you
4 all today to fight for children like my son, and we
5 really need help. These programs that were just
6 taken away, we got back from the pandemic. They had
7 after school recovery services to help my son after
8 school in third grade. That program is gone. He's
9 in fourth grade now and he's still reading below
10 level. I'm still paying for outside OT and speech
11 services. I was able to luckily find out about a
12 neuropsychological evaluation with the child mind
13 [sic] [inaudible] through people that I met talking
14 about fighting for special education with their
15 children. I couldn't have afforded a
16 neuropsychological evaluation on my own. That's
17 money that I still don't have. We had to borrow just
18 to get the evaluations done for my so. So please,
19 please, Council Members. Thank you, Chair Joseph.
20 Thank you, Committee Members. Please, continue to
21 work for our students instead [sic] [inaudible]
22 services in our students in special education. Thank
23 you.
24

1
2 COMMITTEE COUNSEL: Thank you. Next
3 we'll hear from Natasha.

4 SERGEANT AT ARMS: Time has begun.

5 NATASHA MUZAFFAR: Hi. Yes, my name is
6 Natasha Muzaffar [sp?] Thank you so much for giving
7 me the opportunity to testify on the importance of
8 meeting the need of student with disability. My name
9 is Natasha Muzaffar. I live in Queens with my five-
10 year-old son Zayed [sp?]. He's a child with
11 disability. Before he started pre-k, I contacted
12 Department of Education to request preschool special
13 education evaluation. They did not respond and I had
14 to contact DOE several times to ask them to evaluate
15 my son. DOE did not send me paperwork to move forward
16 with the evaluation until May of this year, which is
17 nine months after I had asked for evaluation.
18 Throughout this time he was struggling in his pre-k
19 classroom. His teachers would tell me he would be
20 running out of classroom. He was not following along
21 with the lessons. He was not interacting with other
22 children. I was so glad that finally we were able to
23 schedule his evaluation. Evaluation showed what I
24 already knew, that he was very behind academically.
25 He was nonverbal and has many behavioral needs. The

1
2 evaluation agency send the evaluation package to DOE
3 in June of this year. Instead of holding an IEP
4 meeting for Zayed to recommend the special education
5 service, DOE closed his case because he was no longer
6 a preschool students, although he was starting
7 kindergarten in September. DOE did not work with me
8 to create an IEP for the start of this school year.
9 He started kindergarten two weeks ago with no special
10 education services in place, despite me going to DOE
11 personally many time, and then basically just telling
12 me to dump my child at the door of the school and let
13 the school deal with it, and for the school to
14 actually tell me that legally I can keep him home for
15 a year, which by law I know is illegal. DOE finally
16 held the IEP meeting today and is now recommending
17 that I place my child in another school, but this was
18 only after Advocates of Children of New York got
19 involved that-- and after they had to restart the
20 whole evaluation process which was only dated two
21 months ago. Although they had several evaluations
22 showing, he needs immediate support. Last couple of
23 week of school has been very challenging for him.
24 He's not following the classroom routine. He's
25 triggered by classroom activities like singing and

1
2 videos which make him scream and cry for help. I can
3 tell my child is traumatized. He's being destructive
4 and aggressive. He's not eating. He's not sleeping.
5 The whole time he's in school he's not having his
6 breakfast, lunch or a snack, which I think is very
7 detrimental to his health. I work as a teacher at a
8 private high school, and I've seen DOE fail many
9 times to meet the needs of older students as well. I
10 see my student wait for months for services
11 recommended on their IEP and go without language
12 support services that they need. It is very
13 upsetting as a mother and as a teacher to see DOE
14 drop the ball repeatedly. Please make sure that New
15 York City students from preschool to high school get
16 the evaluation and services they need and don't have
17 to wait like my son and the students have waited.
18 Please stop leaving the children behind. Thank you
19 so much for this opportunity.

20 COMMITTEE COUNSEL: Thank you very much,
21 Natasha. The next witness will be Lupe Hernandez.
22 This is the last one on this panel. And the next
23 panel, so that you can be ready is Crystal Baker-
24 Burr, Melinda Andra, Amy Tsai, Emily Hellstrom, and
25 Kimberly Blair. Lupe?

1
2 SERGEANT AT ARMS: Time has begun.

3 LUPE HERNANDEZ: Good afternoon, Chair
4 Joseph, Jane, and the remaining Education Committee,
5 and if anyone is there from the DOE as well. My name
6 is Lupe Hernandez, and I am a parent of a fourth
7 grader with an IEP. I serve on the Committee
8 Education Council for District Two as Borough
9 President Appointee, and I also Chair the Students
10 with Disabilities Committee. Today, I am speaking on
11 behalf of capacity as me as a parent along with many
12 other families that are very angry. Angry about-- I
13 would like to talk about the impact on students with
14 disabilities. This past three years has only
15 exacerbated what we already know. I'll briefly try
16 to go through many things that were touched upon
17 today already. Fair Student Funding, we knew this
18 already, it never has adequately supported our
19 students with disabilities. We've known this and
20 special education we know need a boost in funding,
21 not additional cuts, as I will try to show you what
22 this Administration has done in these past nine
23 months. For decades have not received their mandated
24 related services. As we've heard today, a lot of
25 this is due to staff shortages, such as counselors,

1
2 para's, therapists, special education teachers,
3 educators, as well as inappropriate placements due to
4 lack of transportation, again, due to staff
5 shortages. Most of these shortages come from the
6 lack of equitable pay parity. That was spoken about
7 today. Language justice, therapy para's, speech
8 therapists, occupational therapists, physical
9 therapists in languages other than English have been
10 shortcoming and not sufficient. Families with
11 disabilities-- with students with disabilities have
12 been accused by this Administration and we are really
13 angry about this. I can't say this enough. The fact
14 that they said we are gaming the system with the
15 Carter Law, having to sue the Department of Education
16 in order for our children to receive the free
17 appropriate public education that is their due
18 process. This process is long, draining, exhausting,
19 frustrating, and expensive, for even those that
20 actually have the time, the money, and the resources
21 to go through it. It is not a picnic. It is not a
22 walk in the park. Many families-- I could tell you
23 just the personal experience, how many families in my
24 son's kindergarten ICT classroom at our local public
25 school was asked within the second, third day of

1 school if we had explored private special education.
2 They pushed five of these boys out. My son is the
3 one out of these five boys that are remaining in that
4 school. I advocate, I fought. Also partially
5 because I did not have the means to actually exhaust
6 the private school option. In fact, many private
7 schools that are fully funded by Department of
8 Education that does not require reimbursement or
9 suing,--

11 SERGEANT AT ARMS: [interposing] Time has
12 expired.

13 LUPE HERNANDEZ: are looping [sic].
14 They're diminishing. So, they're becoming private.
15 An example of special education funds being diverted,
16 the egregious budget cuts and where the
17 Administration thought that they would give \$150,000
18 to principals and allow them to use it for teacher
19 salaries when that money was supposed to go to SERS
20 [sic], students that did not receive those SERS,
21 compository [sic] services as well as OT/PT
22 therapists that still have not been paid. The excess
23 of close to 400 social workers and instructional
24 coordinator-- this is a crucial time in early
25 education for teachers to be able to identify young

1 students with learning disabilities. We're-- why are
2 we pulling back? For profit bus companies with zero
3 oversight or accountability, these contracts
4 continued to be renewed while student transportation
5 has been non-existent for some, late for most, long
6 bus routes for all. Bussing has caused the excessive
7 absences that are not allowing our students to
8 participate in SERS as well. But talk about
9 complaints about these kids not getting to school, if
10 there's not a bus para, that student cannot board the
11 bus. And OPT as far as complaints, they said these
12 complaints have gone down. I would like to really
13 acknowledge the fact that that process to file a
14 complaint changes throughout the year. So-- and it's
15 not available in all languages, and as of right now,
16 it's only available via online. Some schools don't
17 have parent coordinators who are transportation
18 coordinators. And why is the focus on the few
19 accelerated learners and families that are
20 threatening to flee this system, when over hundreds
21 of thousands of students, we have been begging for
22 the past two-- to 20 years for our students to get
23 the mandated bare minimum, and yet, we continue to be
24 ignored, and money keeps getting shifted away from
25

1 special education. When the Chancellor said 1.2
2 billion dollars can go to after school programs, no,
3 1.2 billion dollars should be shifted into the public
4 schools for special education so that they don't need
5 to go outside of the public school system. Please,
6 listen to the advocates. SSA-- I'm sorry, our
7 communities especially those with students that are
8 experiencing emotional disabilities, we need more
9 healing centered based practices. We are we cutting
10 from restoratives justice programs? Advocates work
11 years to implement this, and then all of the sudden
12 we're putting more SSAs in these schools, and our
13 students with disabilities are impacted the most,
14 especially our black and brown students. There needs
15 to be a shift in special education advocates and
16 students and administrators need to be a part of this
17 conversation because we've been left out. When we
18 talk about diversity, there needs to be diverse of
19 learning abilities as well. And I apologize. We're
20 angry. We are frustrated. And we're tired because
21 we get pushed aside for small vocal minority talking
22 about kids that are doing very well, but they have
23 become a priority of this Administration. And that's
24 unfair. These problems have existed for for 20
25

1
2 years. Let's get to bus. And I'm sorry, Mayoral
3 control has also been around for 20 years, so maybe
4 that's the problem. We need to really address this,
5 state level, citywide level, we need to work
6 together. Please, thank you so much.

7 COMMITTEE COUNSEL: Thank you very much
8 for your testimony, Lupe. I need to call the next
9 panel, which will be Crystal Baker-Burr from the
10 Bronx Defenders, followed by Melinda Andra from the
11 Legal Aid Society, then Amy Tsai from the New York
12 Coalition for Educating Families Together, and Emily
13 Hellstrom from Literacy Academy Collective, and
14 Kimberly Blair from the National Alliance on Mental
15 Illness in New York City. Just so they'll be ready,
16 the next panel after that is Jennifer Manning [sp?],
17 Jaqueline Vargas [sp?], and Beth Heller [sp?]. Thank
18 you. Crystal, whenever you're ready.

19 SERGEANT AT ARMS: Time has begun.

20 CRYSTAL BAKER-BURR: Thank you Chair
21 Anita Joseph and members of the Committee that still
22 remain for the opportunity to speak before you today.
23 I'm Crystal Baker-Burr, the Director of the Education
24 Project at the Bronx Defenders, and today I'm going
25 to talk to you about students who haven't been

1 mentioned today. Some of the City's most vulnerable
2 students, those students that are sitting in cages,
3 those students that are routinely pepper sprayed,
4 students that are subjected to violence daily who
5 have watched as young people around them have died,
6 carried out without an acknowledgement of the impact
7 of their death, students who are deprived of the hope
8 and freedom that come hand-in-hand with education. I
9 am talking to you about the students with
10 disabilities that are incarcerated on Rikers Island,
11 whose rights to an education are protected by state
12 and federal law, but whose rights are being denied.
13 In April of 2021 I spoke before this committee and I
14 told you the harrowing story of one client who was
15 trying to access his special education services, who
16 to this very day has never seen a teacher at Rikers
17 Island or set foot in the school on Rikers Island
18 East River Academy. Over the last year and a half
19 I've spoken with many more young adults who are
20 similarly being denied access to their education.
21 There are few troubling themes that I've observed
22 during speaking with these students, and these
23 concerns must be addressed. Number one, the majority
24 of young incarcerated people I've spoken with have
25

1
2 asked to go to school and have been denied. They
3 have been told they have to be hand-picked or win in
4 a lottery run by the Warden in order to get the
5 privilege of their federally and state-protected
6 special education services. This is illegal and it
7 must be remedied. Two, majority of young
8 incarcerated clients are students with disabilities,
9 disproportionately represented in the incarcerated
10 student population, who should with recently
11 legislation that was passed by the state be afforded
12 the opportunity to go to school until the age of 24
13 to obtain their diploma with special education
14 services in place, even on Rikers Island. Three, a
15 disproportionate number of young adult clients
16 previously attended District 75 schools which have
17 been spoken about today, and were classified as
18 having an emotional disability. But when asked what
19 services they were receiving at those schools, most
20 remember counseling vaguely, but no other behavioral
21 health supports, and that's a problem that needs to
22 be addressed. My takeaway from these conversations
23 with students is not only are these students being
24 harmed by their current denial of access to their
25 education and special education support, but the harm

1
2 to them started far before their incarceration. The
3 Department of Education is failing students that need
4 behavioral health supports. Standalone District 75
5 high schools are pushing students into jails and
6 prisons at alarming rates. Denying incarcerated
7 young people access-

8 SERGEANT AT ARMS: [interposing] Time is
9 expired.

10 CRYSTAL BAKER-BURR: [inaudible] is a
11 factor in the increasing violence and hopelessness on
12 Rikers Island. These students must be prioritized and
13 protected long before they are pushed into the school
14 to prison pipeline. Without strong pressure from
15 this committee, nothing will change. This committee
16 must act to ensure that DOE and DOC no long deprive
17 incarcerated students with disabilities of their
18 right to an education. Thank you for your time.

19 COMMITTEE COUNSEL: Thank you very much,
20 Crystal. Next we'll hear from Melinda Andra.

21 SERGEANT AT ARMS: Time has begun.

22 MELINDA ANDRA: Good afternoon. My name
23 is Melinda Andra and I'm a Supervising Attorney in
24 the Education Advocacy Project at the Legal Aid
25 Society. I want to thank Chair Joseph and the

1
2 Education Committee for the work you have done to
3 address the needs of the City's most vulnerable
4 children, including students in foster care, students
5 in the juvenile legal system, and in the adult legal
6 system, and students with disabilities. We know that
7 students of color are overrepresented in all of these
8 groups, and moreover there's significant overlap
9 between these groups. So I wish to echo the concerns
10 expressed by many members of the Committee and other
11 advocates about special education evaluations, the
12 need for effective provision of compensatory
13 services, language access, transportation, and social
14 and emotional supports. Certainly, all students with
15 disabilities have the right to receive high-quality
16 evaluations and services in a timely way, but like
17 Ms. Baker-Burr, I want to elevate an often overlooked
18 subpopulation of the group of students with
19 disabilities, and that is students with disabilities
20 who do become involved in the adult legal or juvenile
21 legal systems. Mr. Healy spoke earlier about seeing
22 his fellow students handcuffed, and unfortunately his
23 experience is not unusual for students with
24 disabilities. The DOE is currently required to
25 report about students with disabilities enrolled in

1
2 DOE schools on Rikers Island, and while the
3 Department of Corrections is currently blocking those
4 students from attending school. Since Raise the Age,
5 this covers-- this report covers only those students
6 from 18 to 21, and it does not include any
7 information about the level to which these students
8 IEPs are being implemented. We know that students
9 with disabilities are more likely to be pushed into
10 the school to prison pipeline. We see that every day
11 with our clients, and no similar reporting is
12 required about students in juvenile detention. We
13 know from previous DOE testimony before this body
14 that about 65 percent of the students in juvenile
15 detention have been identified as being students with
16 disabilities. The real percentage is probably much
17 higher, as not all of those students have been
18 evaluated. Anecdotally, we know from our students
19 that many do not receive special education services
20 or receive instruction from any special education
21 teachers or service providers while in detention.
22 And I want to talk about one particular client that
23 we recently represented. This client was 13 years
24 old, and he had been mercilessly bullied due to a
25 serious speech and language delay. He had a physical

1
2 altercation with one of his bullies in school, and
3 police were called and he was charged with assault
4 and arrested. When he was brought to court, one of
5 the factors that the juvenile court judge used to
6 determine that he should be placed in detention was
7 his poor school attendance. And when his Legal Aid
8 Attorney spoke with him, this young man said that he
9 avoided attending school because it was so difficult
10 for him academically, and because he was always
11 bullied about the way he spoke. One of our advocates
12 along with a parent reached out to the school at
13 Passages Academy, which is the school that students
14 who are in juvenile detention--

15 SERGEANT AT ARMS: [interposing] Time has
16 expired.

17 MELINDA ANDRA: and request that he be
18 re-evaluated in the hopes that he would get services
19 while in detention, and that when he left detention
20 he would be able to get-- have the appropriate
21 services provided to him. Although that program is
22 open during the summer, there was no school
23 psychologist on site. And there was no coordination
24 even when we reached out to the principal to ask that
25 this child be evaluated. To date, his parent does

1 not know if he received any special education
2 services or if he got his speech and language, which
3 had already been mandated on his IEP when he was in
4 detention. And when he was discharged from
5 detention, the DOE had done no work on his case. He
6 started high school this week, and he has still not
7 been evaluated, and we are depending on his new
8 school to do that evaluation. And this was not the
9 fault of the school psychologist who had a right to
10 use her vacation time, and who covers multiple
11 Passage's sites. However, it is the fault of the
12 Department of Education who had a responsibility to
13 ensure that this young man's needs were being met.
14 Before this incident and while he was in detention in
15 a DOE school. So I ask the City Council to consider
16 imposing reporting requirements on the DOE to include
17 information about students with disabilities enrolled
18 in schools in the City's juvenile detention
19 facilities, information about special education
20 services that are being provided there, and to what
21 extent those students are being served. And I thank
22 Chairperson Joseph and the entire Education Committee
23 for their attention to the needs of students with
24

1 disabilities and for holding this hearing today.

2 Thank you.

3
4 COMMITTEE COUNSEL: Thank you very much,
5 Linda, for your testimony. Next we'll hear from Amy
6 Tsai.

7 AMY TSAI: Can you hear me? Good
8 evening. My name is Amy Tsai. I am a CEC member for
9 the District 75 Citywide Programs for the Citywide
10 Council. I'm also here representing as New York
11 City's Coalition for Educating Families Together, New
12 York City CEFT. I am the Vice President for Special
13 Education in District 75 Policy. I really wanted to
14 touch on and I don't want to add to all of the issues
15 that a lot of the advocates and parents here have
16 already testified, but really, really want to touch
17 on student transportation. That is the access to
18 education for our students under the Fair Appropriate
19 Public Education. We want to make sure that students
20 with disabilities, students with IEPs, students
21 [inaudible] English language learners, [inaudible]
22 housing, and foster children who are the most
23 vulnerable in New York City and the largest
24 population that accounts for the size of Houston,
25 Texas. So, you know, transportation as we hear--

1 Council Member Joseph, Chair, you had heard yourself
2 from the voices of the parents in District 75 how
3 critical these issues are from the littlest things
4 from not having a bus service to a late service,
5 servicing four hour a day, just like myself who has
6 three children out of five who have disabilities, and
7 travel across the City just to get a program that
8 they fit for their needs. I really want to touch that
9 OPT services is not just a service. It is a lifeline
10 for families to get an education and the resources
11 that they need for their child. OPT hasn't been as
12 responsive as they claim here today with their
13 analytics. They have claimed that less of the
14 complaint forms versus what has been in a larger
15 number previous years, but also this is due to
16 pandemic. A lot of our families are just unable to
17 know who to reach out for complaints or even language
18 barriers. Language justice hasn't been self-served
19 from the Office of Pupil Transportation. We want to
20 make sure that they understand that those numbers on
21 the ground does not exist. Those numbers are much,
22 much higher in District 75 as well as across general
23 IEP students that ride a school bus. We also want to
24 make sure that the funding for recovery services are
25

1
2 not just so that you can hire teachers in the
3 shortage of teachers, but also to really compensate
4 those services that were not given and were promised
5 to students and families last year during the
6 pandemic. My child didn't receive the services,
7 because there was no busing and that was offered in-
8 person only and no bus service. And so therefore, we
9 have thousands of families in District 75 and in Gen
10 Ed ICT classes that are offered these services and
11 still not being reviewed or told that if we were
12 going to have it this year with the remaining amount
13 of money. We want to make sure that relief services
14 are still compliant and also recovery for those non-
15 compliance-- the last three years of pandemic. OT
16 and PT and students counseling are very important to
17 our children throughout their academic life here in
18 the school system.

19 SERGEANT AT ARMS: Time has expired.

20 AMY TSAI: So, transitioning workforce is
21 really important. we don't want to see our children
22 staying home early on in the early childhood just so
23 they can get a service that's appropriate fit for
24 them in Special Ed as well as exiting the system with
25 a CDOS [sic] degree, but a high school diploma,

1
2 making sure there's post-secondary readiness for them
3 and that there's available careers across the city,
4 as well as city agencies that can hire them. And so
5 I really appreciate our chair here at Committee of
6 Education, Chair Rita Joseph, for allowing me to
7 speak this evening. I apologize I'm nervous, but
8 thank you for all the members here and well from City
9 Council, the opportunity to speak.

10 COMMITTEE COUNSEL: Thank you so much,
11 Amy. Next we'll hear from Emily Hellstrom.

12 EMILY HELLSTROM: Hi, my apologies for
13 some of the background noise. I just realized that I
14 would be in transit. My name is Emily Hellstrom and
15 I'm a co-founder of Literacy Academy Collective, a
16 nonprofit organization that is bringing evidence-
17 based literacy instruction into the DOE public school
18 system. We partner with schools, families and
19 community-based organizations, institutes of higher
20 education to bring culturally relevant structured
21 literacy to the most marginalized students at the
22 intersection of race, income, and disability. Our
23 aim is to alter life outcomes by allowing children to
24 access learning through literacy. We at Literacy
25 Academy Collective believe that literacy is the

1
2 biggest civil rights issue of our day. As many
3 people have referenced, in Rikers Island 60 to 80
4 percent of incarcerated individual's age 19 to 21
5 have reading and writing disabilities. The inability
6 to read provides a barrier to all learning in school.
7 We must [inaudible] therefore, we think that it is
8 deeply important to commit funds to [inaudible]

9 COMMITTEE COUNSEL: [interposing] Emily,
10 we're losing your audio. It's going in and out.

11 EMILY HELLSTROM: Oh, I'm sorry. I
12 apologize. I would just say that it is deeply
13 important that we look and commit funds to educating
14 teachers, deep [sic] teacher training. We must use
15 our funds to pay teachers for training. Literacy work
16 is complicated. It is difficult, and as the
17 Godmother of structured literacy said, "Teaching
18 reading is rocket science, but our children are worth
19 it." So I implore you and urge you to take a deep
20 look at how we are funding and using our dollars to
21 educate teachers on how to teach literacy across all
22 areas of learning. Early education is key so that
23 all people can have access to literacy. So, my
24 apologies for my microphone issues, but thank you so
25 much.

1
2 COMMITTEE COUNSEL: Thank you much,
3 Emily. Last person on this panel is Kimberly Blair,
4 and the next panel--

5 : [interposing] [inaudible]

6 COMMITTEE COUNSEL: will be Jennifer
7 Manning [sp?], Jacqueline Vargas [sp?], and Beth
8 Heller [sp?]. So, Kimberly you're up.

9 SERGEANT AT ARMS: Time has begun.

10 KIMBERLY BLAIR: [inaudible] Good
11 afternoon Chair Joseph and members of the Committee.
12 My name is Kimberly Blair and I serve as the Director
13 of Public Policy and Advocacy for the National
14 Alliance on Mental Illness of New York City. I also
15 identify as someone who was first diagnosed with a
16 mental health condition in the 9th grade despite
17 exhibiting symptoms for many years. The focus of
18 NAMI NYC's testimony today is to come out in support
19 of Intro 610 to bring 988 crisis line information to
20 students with a couple of small amendments that I've
21 included in my written. But before we delve into the
22 bill, I think it's important to explain that as part
23 of our peer support services, my org has an Ending
24 [inaudible] program that we have brought to an
25 average of 100 for New York City schools over the

1 past three years upon request and free of charge.
2 For the sake of time, I've included more information
3 about that in appendix A to my written, but the
4 reason I really bring up this program is because we
5 have a primary look into the school setting and the
6 concerns raised by students, parents, teachers, and
7 school staff. Anecdotally, we heard-- we have heard
8 about the increased anxiety and depressive symptoms
9 students experience due to the ever-changing context
10 of COVID, and we've heard from teachers how they have
11 to return to the school context without adequate
12 resources to refer students to. So, the reason we
13 rely on these anecdotes is because DOE launched a
14 mental health screening initiative last school year,
15 and the public is still unsure how that data has been
16 used to inform students support programming, mental
17 health staff hiring, trends, or interventions with
18 students at risk. However, what we do know is the
19 New York State Comptroller's most recent audit report
20 of DOE and its finding align with NAMI NYC's
21 experience so far. The report finds that a third of
22 schools do not have any of the state structured
23 mental health programs that DOE claims it offers in
24 all school. I have also provided a map in my written
25

1
2 so you can see the disparity of where the
3 programmings are in school districts, and moreover,
4 64 percent of New York City schools in this report do
5 not meet the recommended school counselor to student
6 ratio needed to support students. Twenty-eight
7 percent don't even have a school social worker on
8 staff, and of the schools that do have a school
9 social worker, 80 percent do not meet the recommended
10 ratio of social workers on staff. So all of these
11 are failings on behalf of DOE to our student
12 population. And while 988-- the 988 crisis line and
13 introducing that to students will not resolve many of
14 the structural issues we have presented so far, it is
15 a first step that this City Council can take to show
16 up for students, at a time where the bare minimum is
17 being done to address the mental health of students.
18 And for those who don't know about 988, I have
19 included links in my written to videos that we
20 published this summer with NYC Well and OMH. Again,
21 I really hope this committee watches those videos--
22 SERGEANT AT ARMS: [interposing] Time has
23 expired.
24
25

1
2 KIMBERLY BLAIR: and seriously considers
3 our testimony in support of this bill and votes
4 favorably on it. Thank you.

5 COMMITTEE COUNSEL: Thank you very much
6 for your testimony, Kimberly, and for submitting in
7 writing as well. Thank you. Okay, we'll move on to
8 the next panel which is the last one that we have
9 here, is Jennifer Manning from the Neighborhood
10 Charter Schools, Jacqueline Vargas, followed by Beth
11 Heller. Jennifer, you're up.

12 SERGEANT AT ARMS: Time has begun.

13 JENNIFER MANNING: Good afternoon. I'm
14 Jennifer Manning and I'm the Director of Special
15 Population at Neighborhood Charter School. We have
16 two campuses in Harlem and the Bronx, and we
17 currently have an ASD [sic] program that our school
18 was founded on. About 15 percent of our school are
19 students on the spectrum. Within our program, every
20 single one of our classes in our school are
21 integrated co-teaching classrooms. We believe in the
22 full integration of students regardless of their
23 disability classification, and we believe in holding
24 a high academic bar, and changing the way that we are
25 delivering instruction in order to ensure that kids

1
2 are able to meet that mark. We're one of the only
3 charter schools in this city that really values
4 special education, and because-- I know that because
5 we've gotten several, several students and families
6 over the years who have said-- who have left either
7 the Department of Education or other charter school
8 in order to come to our school and be able to finally
9 have their kid be learning and not be pushed out of
10 their school. We work very closely with the
11 Committee on Special Education as a charter school,
12 and they're often as helpful as they can be, but I
13 know that they are working within really difficult
14 constraints and are working within laws and policies
15 that are almost impossible for people to be able to
16 implement. One really specific example is we
17 sometimes have kids who really just need more
18 services than we as an independent charter school are
19 able to provide, and when we are able to get a
20 placement on IEP that's what they need, they're often
21 not given a school location that's either close to
22 their home or they're given a location that hasn't
23 been vetted that those services exist there. Last
24 year, we had a kid who needed a 12:1:1 classroom, and
25 they were given a placement that did not have that

1
2 setting at their school, and we were told that the
3 school needed to figure it out, that they were not
4 going to figure it out, because in December it's
5 impossible for a school to come up with a placement
6 that didn't exist in the first place. So, instead of
7 finding a location with somewhere else in the City
8 that had that setting, we had to fight with CSE until
9 we finally got a setting that worked. Again, I
10 don't fully blame the Committee on Special Education
11 for this. I think they're working within laws and
12 policies that aren't-- they're not able to fully
13 enact. Something else that we have really struggled
14 with within our school has been brought up a lot
15 today which is the lack of related services provided.
16 We are lucky enough to be able to have the funds to
17 hire our own internal speech language pathologists
18 and counselors and social workers at our schools.
19 However, we don't have those funds to hire our own
20 occupational therapy-- therapists, paraprofessionals
21 and physical therapists. Many--

22 SERGEANT AT ARMS: [interposing] Time has
23 expired.

24 JENNIFER MANNING: of our students since
25 the pandemic have been lacking these services, and

1
2 there has been little to no compensatory services
3 offered. We are still fighting for more services for
4 our kids and our family. I urge this committee to
5 really look at the policies that are being enacted,
6 and if it's possible for those policies to actually
7 be carried out within the Department of Education and
8 giving the schools the resources they need to be able
9 to give our kid what they need. Thank you.

10 COMMITTEE COUNSEL: Thank you very much,
11 Jennifer. Next we'll hear from Jacqueline Vargas.

12 JACQUELINE VARGAS: Hi, my name is
13 Jacqueline Vargas. Thank you for allowing me to
14 speak today. Thank you for having this meeting. I
15 myself am the mother of a district 75 almost 12-year-
16 old girl who has her set of cognitive delays and
17 disabilities. As a parent who now works for the DOE-
18 - I am a paraprofessional, so I am not on the outside
19 looking in. I'm on the inside looking out, and I
20 have to say that the system continually fails our
21 children over and over again. The first couple of
22 days of school, I walked into work over an hour and a
23 half late-- I live two blocks away from my job--
24 because of busing. I have to sit there and I have to
25 wait, and you call these bus companies and they don't

1
2 answer. You call OPT; they don't answer. You finally
3 get through and no one ever follows up with your
4 complaints. I work with students with IEPs in a high
5 school, and it's sad, and it hurts. It hurts the
6 heart because you have to advocate for these children
7 because they don't know how to advocate for
8 themselves, and you become frustrated. You become
9 overwhelmed, and you become extremely angry, because
10 whether you are a tax paying citizen or not, you are
11 in this country to receive services that no other
12 country provides, so we should be held on high, and
13 we should-- they-- politicians, Senators, the DOE
14 themselves, they should all be ashamed of themselves
15 with the way they are conducting the educational
16 system in this country. It is a shame that parents
17 have to miss work or they have to go into work
18 because of certain situations, that parents don't
19 know how to advocate, that do not have the knowledge
20 or just don't know how to navigate the system to get
21 the services that are out there. I myself struggled
22 with getting OPWDD services for my daughter. To then
23 find out that my daughter had OPWDD services and they
24 were charging her Medicaid, and nobody ever walked in
25 my door to provide services. As a parent who

1
2 advocates, I am here to say that I help my parents
3 whichever way that I can. However, my daughter is
4 not a paycheck. My daughter is no one's political
5 gain. My daughter is not a pawn to say she has an
6 IEP, and she goes to this school and she's a
7 paycheck, because the school gets more money for
8 every IEP student that is within the building, and it
9 is disgusting, because they get the money and the
10 funds are not allocated. I say this because I work
11 for the DOE. I don't know if the people who work in
12 the DOE need to retire or they need to come off their
13 high horses and they need to come back into these
14 classrooms and they see how these schools are being
15 run, or whether my Administration and teachers need
16 to be micromanaged because they are not doing their
17 jobs. They are not doing their due diligence to our
18 children, and as my daughter's advocate-- cannot
19 advocate for herself, I will stand here and I will
20 fight, and I will continue to fight. I had no idea
21 that these meetings took place. I never knew this.
22 The only reason why I know about this meeting today
23 is because I am currently the Parent Association
24 President for my daughter's school and it is

1
2 sickening that we live in a state that has so many
3 services and so much money, and the money--

4 SERGEANT AT ARMS: [interposing] Time has
5 expired.

6 JACQUELINE VARGAS: is not allocated as
7 they should be. I am exercising my right as freedom
8 of speech and I will continue to speak. I am going to
9 stand here and I will help parents whichever way that
10 I can, and I will have my voice heard. My daughter
11 is 12. She's been in the DOE system since she's
12 five. There are things that she's perfectly capable
13 of being able to do, but because there's a lack of
14 support, she is not where she could be to the best of
15 her ability because of the lack of support in the
16 system. I've heard about services of prompt [sic]
17 therapy, through speech therapy, but I hear you could
18 put it on the IEP, but you won't get it because we
19 don't have it. How does that sound to a parent who's
20 struggling, that wants their child to be able to be
21 as independent as they possibly can when they get
22 older so they don't have to depend on anybody? As
23 someone sits there and says that you could put it on
24 the IEP, but you'll never get the services. Academic
25 para's are a must. As a para, I by law-- I don't

1
2 have to help my student academically, but I refuse to
3 stand inside of a classroom as an educator, as a
4 parent of a special needs child and not help a child
5 academically and support them the best way that I
6 possibly can. And these are the things that need to
7 be changed. These are things that need to be
8 addressed. And if money is an issue, then stop paying
9 administrators 150,000 dollars a year to not run a
10 school. Stop paying these Senators and these
11 politicians what they get paid and put the money
12 where it belongs, and it's with these special
13 education students and the disability communities,
14 and start giving these parents the information that
15 they need to get the services that are out there.
16 Thank you.

17 COMMITTEE COUNSEL: Thank you,
18 Jacqueline. We really appreciate your testimony.
19 Thanks so much. Next we'll hear from Beth Heller.

20 BETH HELLER: Hi, can you hear me?

21 COMMITTEE COUNSEL: Yes, we can hear you.

22 BETH HELLER: Great, excellent. Thank
23 you very much. I have a full statement which I will
24 send in, but I'm going to read points that I've
25 highlighted. Thank you for still having this

1 meeting. Just for the record, I've been on since one
2 o'clock when the meeting started. I want to amplify
3 Ms. Toussaint, Amy Tsai, Paulette Healy, Gale Brewer,
4 and Jacqueline Vargas. Your testimony was very
5 impactful to me, and I salute you and I thank
6 everyone on the committee, especially Chair Rita
7 Joseph for your work on this issue. Many in
8 attendance today are aware of my advocacy, beginning
9 in District 13 and now around transportation
10 advocacy. I advocate vigorously not only on behalf of
11 my child, but some at school, other families and
12 friends, and also work alongside several community
13 groups, including many of the people who were on the
14 call today. I'd like to add also PIST NYC, which is
15 Parents to Improve Student Transportation. They've
16 been holding receipts on the DOE for like the last 15
17 years, and with what they know, I'm here to tell you
18 that the DOE is full of it. But I digress. My son
19 is autistic with several comorbidities. He attended
20 PS8 which I call the ivory tower of District 13, and
21 it is no joke. It is the ivory tower of District 13.
22 Even they with all of their resources cannot fully
23 provide for my son, because ultimately his IEP said
24 that he really would benefit most from a 12:1:1
25

1 environment to reach his full potential. He's
2 considered a 2E learner, and the other side of kids
3 who fall through the cracks are kids who are gifted.
4 I didn't want to pursue the gifted program because I
5 thought it was a rigged system and highly
6 inequitable, and I wanted him in his public school in
7 his neighborhood, which is what the DOE also wants,
8 but they don't provide the tools for us to send our
9 kids there. So I'm here to tell you that screenings,
10 interventions, SEPS [sic] instruction, ICT classes
11 are not a suitable support and scaffolding in an
12 environ-- our kids need an environment that best
13 serves their disability. So, please, don't leave
14 non-public schools out of this conversation. I had
15 the ability to dedicate all of my time to seeing my
16 son's IEP through to the end and his placement at
17 Summit, even with all the privileges that I possess
18 as a white woman, as someone who works part time and
19 has my own schedule, as someone who had a family
20 member who was able to help us pay for a private
21 neuro-psych [sic] because time was of the essence
22 because my son suffered all through third grade. It
23 was still a horrendous and demoralizing and
24 dehumanizing process, and even after I did all the
25

1
2 work of getting my child into summit, I literally
3 begged the school psychologist to give us a deferment
4 to let him attend because the special attention that
5 needs form a 12:1:1 class, he thrives at Summit. We
6 live in Brooklyn, and bussing has never not been an
7 issue. And the problem is, you can't comply with a
8 student's IEP if you don't get them to school. Now,
9 a seventh grader-- he started in fifth grade, and
10 again, busing has never not been an issue.

11 COMMITTEE COUNSEL: Time has expired.

12 BETH HELLER: I'm going to keep talking.
13 I waited this long, I'm going to keep talking. So,
14 the DOE approves our kids' services, yet they won't
15 pay for them. Or they don't get their return on
16 their investment because they waste them by not
17 getting our kids to school. So, how can they-- how
18 can they waste our tax payer's money flagrantly, when
19 one-- we pay their salaries, for one. And two,
20 they're wasting tax payer dollars on not providing
21 services that are required of them by law, both human
22 rights and disability rights. So, I'm here to tell
23 the DOE that they're full of it because the staffing
24 shortages are due to worker's rights being stripped
25 out of the contract negotiation process. The

1 shortage goes back decades, and it is not COVID-
2 related. Companies can't attract employees, because
3 it's no longer a job that's attractive. There's no
4 living wages. There's no pension. There's no
5 vacation. They get docked for wearing the wrong
6 shoes. There's all this ridiculous stuff. Many of
7 the buses have no air conditioning. They're treated
8 like crap, and there's a lot of union bussing, and we
9 know that. So perhaps the 1.2 billion dollars spent
10 on the Carter funding cases could go a lot-- could go
11 a lot further to improve special education if there
12 were more school that provided special education.
13 How about all the underutilized schools that are
14 being taken over by Success Academy? How about we
15 use some of that room, some of that excess room in
16 mostly underserved neighborhoods, by the way, and put
17 our programs that they're so proud of and wanted to
18 tout today, and put them in those school buildings.
19 Tom Taratko can go take a look at his space
20 utilization and he can tell you exactly where that
21 space is. And I'm sorry, I'm not angry with you.
22 You've been wonderful, and I really appreciate this
23 panel. So, again, please don't keep non-public
24 schools off the table. How about they approve more
25

1 schools to be non-public? That way, parents won't
2 have to sue the DOE and lay out thousands upon
3 thousands of dollars and empty their 401K's and empty
4 their 529's, or borrow money from grandpa, which is
5 what I was able to do, thankfully. Most people can't
6 do that. So, they need to create more places for our
7 kids to go to school, because they need the
8 environment that works for them. They are entitled
9 to it by law and they are entitled to it just on a
10 human level. Non-public schools are an afterthought
11 in a lot of ways. Non-- parents have always been in
12 a private situation who go into a non-public. They
13 don't have a NYCHA account-- or a NYSA account. So
14 they cannot log in to their student profile and find
15 out what their busing information is, and the DOE
16 numbers on the complaints are completely skewed for
17 two reasons. One, you can never get through to the
18 hotline. It rings for five minutes; people give up.
19 And the online ticketing system is in a closed loop
20 on a system that non-public parents can't log into.
21 And what happened to the nine million dollars that
22 the PEP awarded to the DOE to fix the OPT hotline?
23 Why are they-- how are they spending this money? Why
24 did the processes change every single year for
25

1
2 parents to call in and complain? It's to keep us
3 siloed [sic]. It's to keep us separate. Never the
4 [inaudible] D75 and non-public meet. There's very
5 little crossover in advocacy for our groups. We are
6 constantly siloed from one another. So I also demand
7 that they provide a very transparent flow chart of
8 every single person where the tax payer-- a tax payer
9 salary. Every single person in the DOE, so that we
10 know who to get in touch with when we have a problem.
11 I shouldn't have to promise a higher-up at OPT that I
12 won't share her email so that she doesn't get
13 spammed, because she's the only one that can get
14 things done. That, by the way, is Diane Bedryan
15 [sp?] and she's a rock star. I appreciate that Glenn
16 Risbrook is auditing, finally auditing some of the
17 bus companies, but we've got to get rid of the ones
18 that can't fulfill their contracts, and we have to
19 have bus companies that are willing to pay people to
20 do their job. My son's bus was so bad the first day
21 of school and the second day of school, the matron
22 could barely get up and down the stairs. If that bus
23 had tipped over, there was no way she was getting
24 them out there in case of an emergency. She could
25 barely walk. She shamed two girls on the bus on the

1 basis of their gender, and then neither the bus
2 driver or the matron knew how to use their phone or
3 GPS. They drove around Fort Greene for three hours.
4 My son was picked up at 7:30. He got to school at
5 11:00. They got fired, and he got a brand new bus
6 driver and a matron, but that is a very rare case,
7 and it's only because I've been screaming probably
8 the loudest for a long time, but there are all these
9 other groups that I mentioned earlier who have been
10 doing this for years and begging and begging for all
11 of this to change. I am gob smacked that nobody has
12 filed a class action lawsuit. So, I will end in my
13 testimony. Thank you for letting me finish. I did
14 wait a very long time, so I appreciate being able to
15 get out all of my points. I spent a lot of time
16 while I was waiting putting them together. I am
17 begging you on behalf of the families that have no
18 voice to please do what you can, because the DOE only
19 seems to respond when we make them scrutinize their
20 bottom line, we threaten them with a lawsuit, or they
21 have the potential threat of public embarrassment
22 through bad press. And that is just wrong. They have
23 one job, to educate our kids. And our Special Ed
24

1 kids can't get educated if they can't get to school.
2 So, thank you very much. Thank you, Council Member.

3 CHAIRPERSON JOSEPH: Thank you.

4 COMMITTEE COUNSEL: Thank you very much,
5 Beth. We appreciate you and would love for you to
6 send us the written testimony, and yes, you did get
7 extra time because you did wait so long and you are
8 the last witness that we have logged in. Although I
9 am going to call now the names of people who did
10 register online to testify in case any of them are in
11 the Zoom, and if so, and you'd like to testify, just
12 use the raise hand function in Zoom and then we will
13 call on you. Mary Jo Jenice [sp?]? Christopher
14 Trever [sp?] from the Interagency Council of
15 Developmental Disabilities? Beth Rosenberg from Tech
16 Kids Unlimited? Andrea Giamadi [sp?] from the
17 Northside Center for Child Development? Marilyn
18 Blanco? Mylinda Lee [sp?]? Someone named Jennifer
19 with no last name listed? Celia O'Donnell [sp?]?
20 Mandy Sussman [sp?]? Jamal Rivers [sp?]? Ladon or
21 Laydon Marrenbar [sp?]? I'm sorry if I butchered your
22 name. Jeanine Kiely [sp?] from the Literacy Academy
23 Collective? Priscilla Rodriguez? Paula Leon [sp?]?
24 Yvette Castro [sp?]? Gizelle Ramirez? If any of you
25

1
2 are here and wish to testify once again, please use
3 the raise hand function in Zoom. Sorry, seeing none.
4 There are no raised hands in Zoom, so if there's
5 anyone else who was not on that list who is present,
6 the list of names that I read, but who is present and
7 wishes to testify, once again, please use the raise
8 hand function in Zoom. And I'm sorry, Beth, you
9 can't raise your hand to speak again. Okay,
10 apparently we're not seeing any raised hands, so I'm
11 going to turn it back over to the Chair for her
12 closing comments. We thank you all for testifying.

13 CHAIRPERSON JOSEPH: I want to thank
14 everyone from the DOE, the parents, the advocates who
15 testified today. DOE, got a lot of work to do, and
16 it's been going on far too long. I was an educator
17 for 22 years, and I've seen these things and it's
18 still going on. So we got a lot of work. You have
19 your assignments. The advocates are on board,
20 parents, and you heard from our students. So we got
21 work to do, and we're here to work and get this work
22 done, and I want to be able to update families on
23 where we are with our Special Education and our
24 students with disabilities in District 75. Thank you
25 so much. Meeting adjourned.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON EDUCATION

[gave]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON EDUCATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON EDUCATION

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 25, 2022