



**Testimony of the New York City Department of Education  
Before the New York City Council Committee on Education  
On the Provision of Special Education in NYC Schools**

February 25, 2019

Good afternoon, Chair Treyger and members of the Education Committee here today. My name is Dr. Linda Chen, and I am the Chief Academic Officer of the New York City Department of Education (DOE). In this capacity, I oversee the Division of Teaching & Learning, the Division of Multilingual Learners, and the Division of Specialized Instruction and Student Support (DSISS). Joining me today are Corinne Rello-Anselmi, Deputy Chief Academic Officer for DSSIS and Josh Wallack, Deputy Chancellor for the Division of Early Childhood Education and Student Enrollment. Thank you for the opportunity to testify today on special education in New York City public schools, and the proposed legislation.

Since this is my first time before this Committee, I would like to share a little about myself and my experiences both as a learner and as an educator. As a child of Chinese immigrants, I started elementary school with limited English skills. The support and knowledge of my teachers greatly influenced my trajectory in education. While I began my teaching career in Seattle, I have spent the majority of my career here in New York City. I taught first and third grades at P.S. 163 in Manhattan. From there, I worked as a literacy staff developer across the boroughs, served as a literacy supervisor in Queens, and was principal of a Spanish Dual Language school, P.S. 165, in Manhattan. At P.S. 165, we offered a continuum of educational settings for diverse learners. My career has since taken me to other large districts where I have also focused on supporting the needs of all learners with high-quality core instruction. I have also always carried with me the experience of my immigrant parents, and focused on supporting all families—no matter their background—so that they can advocate for their children’s public school education. I am thrilled to return to New York City to lead this new office that is part of the Chancellor’s vision of Equity and Excellence for All, and to build on the progress made during this Administration.

I would like to thank the City Council for its longstanding leadership and partnership on strengthening special education in our schools. In particular, I want to acknowledge that since we last testified, the annual special education data reports have resulted in increased awareness and visibility of data, which has helped us to better serve students and families.

This Administration is committed to meeting the needs of our over 200,000 students with disabilities in community school districts and District 75 (D75). The Department’s goal is to ensure that every student has the support and services they need to thrive in the classroom, and we are committed to doing everything necessary to achieve that goal. We are currently serving 95 percent of nearly 300,000 mandated services for students in Districts 1 through 32 and D75 schools. Since 2014, we have hired 4,300 more special education teachers, occupational therapists, physical therapists, and speech therapists. We have added and strengthened programs including Autism Spectrum Disorder and bilingual special education programs across our schools. We have also deepened our partnerships with providers and community-based organizations.

Building on the last Administration's *Shared Path to Success* initiative, we have also worked extensively to ensure that students with disabilities are receiving their services in the least restrictive environment and are part of inclusive school communities. We see special education as a service, not a place. While students with disabilities can access their instruction along a continuum of services, the practice of servicing students in the least restrictive environment aligns to research and best practices. As a result of continuing our goal of serving students in the least restrictive environment, a greater percentage of students with disabilities spend more than 80 percent of their time with non-disabled peers and fewer students with disabilities spend more than 60 percent of their time in special class settings. Not only are we focused on students receiving their instruction in the least restrictive environment, but we are also ensuring that they are learning in school communities with meaningful inclusion. To that end, we have created an Inclusion Summit with Parents for Inclusive Education as well as programs like *Just Say Hi* and *Collaborative School Communities*. This work focuses on collaborating with leadership, teachers, students, and parents to ensure an inclusive school community.

To further invest in inclusive education, the DOE has recently announced a new admissions policy to better match students with accessibility needs to accessible school buildings. Starting this admissions cycle, students who have an accessibility need will receive priority to school buildings that are fully or partially accessible. This policy change will affect roughly 500 students who have a physical disability or health condition that requires access to an accessible building. This new policy builds on the City's unprecedented investments to improve school accessibility citywide—\$750 million in the new proposed capital plan for accessibility needs, the largest capital funding investment in accessibility to date.

These enhancements and changes have led to academic gains for our students with disabilities as they continue to gain greater access to rigorous, standards-aligned, grade-level curriculum and assignments. The graduation rates for students with disabilities are at an all-time high and dropout rates are at an all-time low. Over the last four years, the graduation rate for students with disabilities has increased by 10 percentage points, from 41 percent in 2014 to 51 percent to 2018. At the same time, the dropout rates for students with disabilities have decreased 3 percentage points, from 16 percent in 2014 to 13 percent in 2018.

We have made consistent and incremental progress on the New York State Assessments. English Language Arts (ELA) proficiency for students with disabilities has more than doubled since 2013, from 6 percent proficiency in 2013 to 16 percent proficiency in 2018. In math, the results have increased seven points, from 8 percent proficiency to 15 percent proficiency. New York City students score 4.2 points higher in proficiency in ELA and 1.7 points higher in proficiency in math than students with disabilities in the rest of the state.

Another essential piece to student long-term success is transition planning. In addition to the transition planning that is part of the IEP process, in collaboration with the Mayor's Office, the DOE has launched Transition and College Access Centers (TCACs) to provide students with disabilities and their families with high-quality assistance in planning for life after high school. To date, the DOE has opened four TCACs across the city and are poised to open a fifth center in fall 2019. Last school year, 2,915 students participated in work-based learning opportunities through the TCACs and more than

500 staff members received training on postsecondary planning. This year these numbers continue to grow.

Parents are an essential part of the IEP process. Ensuring our families are informed and empowered to fully engage in the IEP development is a priority. We want parents to contribute to discussions and decisions regarding their child's educational needs. To support this, the DOE has developed family guides available online, in nine languages, for both preschool and school age special education, to ensure that parents have the information they need. We are also committed to communicating directly with families and family leaders, including the Citywide Council on Special Education. We also conduct workshops on the special education process for various parent and family groups, including families in temporary housing, parents of students with autism, district/borough parent groups, and parents of children making the transition to Kindergarten. Parents with specific concerns can also call a special education hotline, or 311, and they will receive a response within 48 hours.

While we continue to make progress, we know there is more work to do. One of the ways we are continuing to enhance our support of students with disabilities is through the Chancellor's new streamlined leadership structure.

My role as Chief Academic Officer is to unify and simplify instructional supports, including professional development and curricular resources and materials, and to make rigorous teaching accessible to all learners, including students with disabilities and multilingual learners. By bringing together our Divisions of Teaching & Learning, Multilingual Learners, and Specialized Instruction, we are increasing coherence for schools. We are developing curriculum and professional development *from the beginning* with Multilingual Learners and students with disabilities in mind, rather than focusing on isolated support for different groups of students. In short, we are being more strategic about improving academic achievement for *every* student.

Instructionally, a major priority for special education is providing meaningful literacy instruction. In collaboration with the UFT, the role of the IEP teacher has been enhanced to include intervention support. The DOE is currently in its third year of this initiative and has trained over 900 IEP teachers in both elementary and secondary schools. IEP teachers receive extensive professional development in the five pillars of reading, secondary intervention programs, progress monitoring measures, and diagnostic assessments. They are learning how to strengthen individualized student plans when data suggests that intervention is not aligned to needs. Secondary IEP teachers receive additional training in that focuses on vocabulary and reading comprehension.

Bilingual special education continues to be an important part of our work in order to ensure all students receive appropriate programs and services. Through an extensive process of student identification, geographic need, and program development, the DOE continues to add bilingual special education classes. DOE serves students with a bilingual special education recommendation through bilingual special education classes (ICT or SC), access to language support services through bilingual paraprofessionals, and English as a New Language (ENL) services. The NYCDOE continues to recruit bilingual professionals by establishing programs such as the subsidized bilingual extension program.

Also, critical to this new structure are our Executive Superintendents, who lead both the support and

supervision systems for schools. By bringing together our support (through Borough/Citywide Offices) and supervision (through superintendents) under the First Deputy Chancellor, Cheryl Watson-Harris, we are similarly increasing coherence for schools as well as families. Executive Superintendents have access to current special education data, through the same reporting tool that the Borough/Citywide Office Directors of Special Education use to access data. Program Service Reports are now shared with schools, borough/citywide offices, and superintendent offices so that all are aware when a student is not scheduled in accordance with the programs recommended. The coherence of data access and support from the Special Education Office ensures that priorities such as over-referral and timely completion of evaluations are a focus for all stakeholders. I collaborate closely with our Executive Superintendents and First Deputy Chancellor to ensure the instructional work we are doing is taking root in our schools and serving our students and families every day. With this structure in place, we believe we will be able to build on the progress the DOE has made, address current challenges, and put policies in place to ensure all of our New York City students are ready for college, career, and independent living.

We are also working to improve special education data management. Beginning in 2016, we implemented internal management reports that have enabled us to improve our rate of provision of recommended special education instructional programs to students. The rate of students full receiving program services has increased from 59 percent in 2015-16 to 78 percent in 2017-18, and the percentage of students not receiving service decreased from 8 percent in 2015-16 to 3 percent in 2017-18. It is critical that all students receive their program service, and we are working to move students from partial to full service.

Our upgrades have made a clear, positive impact, and the training and infrastructure we have put in place—including our programmatic service reviews—have improved data awareness and visibility, and with it service to students and families. These improvements have brought us to a place where we can now pursue a new special education system to modernize our functionality. As a result, guided by a stakeholder engagement process, we will be pursuing new special education case and data management tools by releasing a Request for Expressions of Interest and Proof of Concept to vendors in March. During this process, we will continue to sustain our current software and build out new pieces, so that we can continue to report out data and serve our students. Reliable data management and reporting is critical, and we want the best, most modern systems in place to meet the needs of our students.

Additionally, as part of our work to strengthen early childhood education and serve students with disabilities, the DOE is committed to serving all preschool children with disabilities and creating inclusive preschool classrooms that enable all children to enter Kindergarten with a solid foundation for future success.

Pre-K for All is providing a growing number of preschoolers with disabilities access to high quality special education services at families' preschool of choice. This year, there are over 6,000 preschoolers with disabilities attending 3-K and Pre-K programs citywide. With the expansion of Pre-K for All, we have been able to increase the number of inclusive classrooms by opening new integrated preschool classes in DOE schools, to ensure that seats are available for preschoolers who can benefit from that setting. In response to rising demand for more special class programs, we have opened special classes

in Pre-K Centers and in District schools. We have opened 350 preschool special class seats in the last 18 months and are planning to open an additional 170 seats this spring.

We know that for families of students with disabilities, the transition to preschool can at times be challenging. While we still have work to do in this area, we have taken great strides to better meet the needs of families during this transition. This school year, the Committees on Preschool Special Education have added Community Coordinators to each CSE location. Community Coordinators are responsible for conducting outreach to families to support them in navigating the CPSE process.

As we move to a birth-five system of early care and education, the DOE is partnering with DOHMH to improve the transition from Early Intervention to preschool via an Early Intervention Transition Initiative. We are working to ensure that families are empowered with the information they need to make choices about their preschool options and to gain access to CPSE services without experiencing a gap in service between DOHMH and DOE systems.

I would now like to turn to the legislation under consideration today.

Intro No. 1406 would require DOE and the Department of Health and Mental Hygiene (DOHMH) to annually report on provision of special education services to preschool age children and provisions of early intervention services to infants and toddlers, respectively. We support the goals of this legislation and would like to work with the Council to clarify and align reporting to available data.

Intro No. 1380 would require DOE to report on the process for parents or guardians to obtain funding for private school tuition or services for special education students. We welcome the opportunity to further discuss this legislation with the Council. The legislation, as drafted, appears to be based on a number of assumptions that do not accurately reflect the settlement process. For example, “written settlement agreements” are not sent to or approved by the Comptroller. Further, the majority of the data can be provided for completed settlements only.

Intros Nos 559 and 900 amend the current special education report to require DOE to report school-level data and to report three times a year on compliance with delivery of special education services to students, and includes additional reporting requirements. While we closely monitor compliance at the school level, we are concerned that the public reporting of aggregate data at the school level in Intro 559 will be misleading, due to the much smaller numbers of students across programs in schools. We would like to work with the Committee to determine the best way to share data in alignment with the goal of using data to better support schools and serve families. For Intro 900, we want to work with Council on the reporting period so that it is not affected by semester changes or varying school calendars.

Our students have infinite potential, and it is our privilege and awesome responsibility to put in place systemic structures and programs to serve our schools, students, and families. We are committed to supporting our students and families, the full provision of instructional and related services, and positively affecting student academic and social-emotional growth. Through collaboration and partnership across the DOE and within the new organizational structure, we aim to ensure there is



**Department of  
Education**

Chancellor Richard A. Carranza

enhanced support for principals and school-based staff to focus on core instruction as the key driver for meeting the diverse needs of students.

Thank you for the opportunity to testify today. While we are encouraged by the progress we have made, we know there is more work to do and we will work tirelessly and strategically for continuous improvement for students with disabilities.

We welcome any questions you may have.

**Committee on Education**  
**Oversight hearing: DOE's Provision of Special  
Education Services**

**February 25, 2019**

**Witness Testimony**

# **STUDENT Witness Testimony**

Good afternoon,

I am a sophomore at Bard Queens, and I am severely disabled and medically fragile. I have therapy, an awesome para, assistive technology, daily feeding by g-tube. And I have a dedicated bunch of teachers and staff led by Principal Val. I am very lucky.

When I am at school I am supported and included. Teaching me makes my teachers find ways to improve class for everyone. The administration changes policies to be inclusive and accommodate my needs, and they never complain. The other students pick me to be on their project team.

I want every IEP student to have a school like Bard Queens, because we are all entitled to support and inclusion.

Thank you.

Abraham Weitzman



Testimony to NYC City Council Education Committee 2/25/19

By Celia Katz

Student and beneficiary of Early Intervention and Preschool Special Education Services

Hello honorable members of the New York City Council Education Committee. Thank you for allowing me to participate in this important conversation about Early Intervention and preschool special education services. My name is Celia Katz and I am a 17-year-old junior at the Riverdale Country School. I would not be who I am today had it not been for the Early Intervention and preschool special education services I received. I was born two months prematurely and had a stroke in utero which affected the left side of my body. I was diagnosed with Apraxia/Dyspraxia (speech/language and motor delays), motor skill planning issues, hypotonia (low muscle tone), auditory processing, a seizure disorder and very severe sensory issues. From the stroke, I did not have the natural developmental milestones and instincts of most toddlers. I had to be taught how to rollover, crawl, walk, eat and speak. I did not walk or talk until I was almost two years old. I had physical therapy, fine motor occupational therapy, gross motor occupational therapy, speech therapy and oral motor speech therapy basically every day until I was five years old and needed an attendant in preschool.

While I qualified immediately for Early Intervention services, there were not enough case workers and therapists available to begin my treatment right away. With language and auditory processing delays, you are in a race against time as the odds for remediation and being on track for school are better if you begin before you are three years old. Thankfully, my family had the ability to navigate the system and the means to supplement early intervention services with private therapies, but it was at a significant expense that is not an option for everyone. There was no daycare that could accommodate the magnitude of care and therapies I needed and full-time care was also at great expense. At one point, my mother had to leave her job to care for me.

The most important positive outcome from these challenges, and with the influence of the amazing therapists and therapies I received, is that I have developed an unbelievable sense of determination and continue to work at something until I get it, whether it be something physical, academic or a concept. I have experienced extensive physical and emotional obstacles throughout my life, but luckily many of them are less visible today. However, the developmental issues from my early childhood still affect me in ways that people cannot always recognize.

The impact of early intervention and preschool special education services go further than just physical development. I learned at a very young age that many things that come easier to other children would be extremely difficult for me to accomplish, but with the right support and extreme determination, anything is possible. In essence, that mentality—the awareness that it will be challenging, but that I can do it—is the reason I am able to succeed. Without the support I received, I would have never learned how to exert myself and would not have been able to see past my disabilities. I am here because I believe it is important that every child receives the right support and care so

that they, too, can recognize their abilities and their potential, and apply this mentality to every obstacle for the rest of their lives.

Today, I am an honors student and have played varsity basketball and will be applying to college next year. I know that I would not have gotten this far without Early Intervention and preschool special education services. I think every child should have access to these services and given an equal chance not only to survive, but to succeed. I am concerned that there are not enough Early Intervention and preschool special education therapists to meet the demand of kids and families who need them. I hope the City Council will help to make sure all children get the services they need as early in life as possible.

Jack Van Ooyen  
11<sup>th</sup> Grade

## FOR THE RECORD

Hello. My name is Jack Van Ooyen. I'm currently a High School Junior at The Churchill School and Center. I'm a very new member to the Council on Accessibility and couldn't be here today, but wanted to add my story to the others you will hear today.

Before High School, I never had any issues with mobility and accessibility. But all that changed after one bad injury dislocated my right kneecap a few weeks before high school started. That led to a big surgery and the diagnosis of a disease called **Osteochondritis Dissecans** in both knees. My left knee cap went next and I ended up having 8 major knee surgeries over the past 2 and a half years of high school, including having both knee caps replaced with donor knee caps. During this time, I was also diagnosed with Ankylosing Spondylitis, a type of Juvenile Arthritis that affects my back, knees, ribs and ankles.

I've spent more high school on crutches, relearning how to walk. The physical accessibility issues I faced are a lot like those you've already heard about: I've been trapped in old, poorly maintained elevators at my school (missing school on days while waiting for the elevator to be fixed; expected to crutch my way down 7 flights of stairs during fire drills, etc.) My school is thoughtful but there are many problems you only discover when you can't get around like other people.

Because I think you've already heard a lot about actual accessibility issues at schools, I think what I'd like to tell the City Council today is something about the emotional impact of not being able to participate in things due to disability.

Since I started out with no mobility issues and now have permanent ones, I can really understand, and share, all that is lost to kids with lack of access to school activities. I remember what I used to be able to participate in and what it meant to me emotionally and socially, not just physically. Over the past 2.5 years, I have missed out on all 3 of my week-long school trips because they were all very athletic and involved hiking, lifting and other physical things. Those trips are so much fun and times to really bond. I felt very left out watching all of my friend's adventures on Instagram, and when kids got back they had inside stories and jokes I just couldn't be a part of. It shouldn't be that hard to plan a school trip with activities that everyone can take part in.

I've also experienced feeling like an outsider due to a lack of accessibility for school functions: for example, after starring in musicals all through middle school, I had to quit the 9<sup>th</sup> grade musical because I couldn't stand on stage for rehearsals. Gym is another issue. It used to be a fun time to connect with friends and let off steam. But because I couldn't do exactly what the other kids could, I was told to sit in the corner and bounce a ball by myself. This felt very lonely and isolating. Another big issue that affects students with disabilities is that many afterschool

activities, including just hanging out and talking with friends and teachers, takes place after school. But if you need to take the special bus home, you can't stay after. SO, you miss out on fun, friendship, clubs, and even teachers' help. Creating some alternate way home for high school kids, even a couple times a week, so that they can stay involved would be a huge help. Many give kids 8 Uber rides home to use per month. This could also help kids like us attend sporting events and still get home.

Some of what I have stated has been helped and made better with my mom talking to my school. They are a small school that is already set up to help kids with learning disabilities. But I bet this isn't the case for many kids at huge public schools. I hope that when you at the City Council hear of some of what students with Disabilities miss out on every day, and how it can make them feel isolated and alone, you will be encouraged to work with our panel to find solutions.

Thank You

Jack Van Ooyen

# **PARENT Witness Testimony**

Testimony before the NYC Council Education Committee's Monday, February 25<sup>th</sup>  
Oversight Hearing on DOE's Provision of Special Education Services  
**Testimony by Alicia Mercado**

- Have a 14 year old daughter who is bright, but struggles with ADHD and an Anxiety Disorder
- She was removed from the public schools only after the middle school failed her miserably both academically and in terms of her basic safety
- She had been recommended to attend an inclusion (ICT class) with 2 teachers, but typically there was only one teacher in the class
- According to her IEPs, failed to make any progress in reading and math,
- According to her IEPs, the public school knew Olivia needed to work in small groups, and be in a structured, supportive classroom with few distractions - but they could not provide this environment for her
- District required Olivia to be in school for extensive periods of day beyond the school day, and to give up all enrichment activities that would provide any semblance of stress relief for her (such as drumming, she is a gifted drummer)
- Public School staff informed me that Olivia was failing all of her major subjects, and that perhaps that school was no longer appropriate for her, but they didn't provide any options for her, other than attending summer school
- Olivia victim of severe bullying – in summer school, Olivia was physically assaulted by one student and sexually harassed by another. It became so severe that I had to attend summer school with her each day, and finally the teacher advised us to go home for the sake of our own safety after she witnessed a student threaten both of our lives
- Placed Olivia in the Community School, a small specialized program approved by the NYS Education Department to serve children with disabilities
- I had begged the IEP team to recommend a program just like this for Olivia, but they kept recommending the same failing program; finally in mid-August, I sent the district a long letter recounting my concerns and stating my intention to place her in the Community School in the absence of an appropriate program where Olivia could learn and be safe
- It was my understanding that according to a policy set forth by the mayor, the district would respond within 15 business days (or by mid-September) – however, to this day, there has been no response despite numerous inquiries by my attorney to the DOE's legal department
- At this point, DOE's failure to respond is threatening my daughter's continued placement in the first school where she is finally experiencing success –
- After years of the DOE failing my daughter, she had begun to dread school – which had become a place of danger and failure – but now that she is at Community School, she loves school again and is passing all of her classes – it is incomprehensible to me that the city could ignore my letter for over 6 months and fail to make any determination as to whether they are interested in resolving this matter

Testimony before the NYC Council Education Committee's Monday, February 25<sup>th</sup> Oversight  
Hearing on DOE's Provision of Special Education Services

**Testimony by Cameron Brown, Parent of Amelia and Heidi**

I want to thank the City Council for hearing our concerns today and I hope our testimony will translate into a more efficient reimbursement process for families and the Department of Education. We have two girls, Amelia and Heidi, that are defined as medically fragile. Amelia attends a special needs school that we pay directly and then seek reimbursement from the DOE, and Heidi's school is reimbursed by the DOE directly. To date I've found the reimbursement process financial costly, lengthy, and unnecessarily stressful.

- One potential solution I'm here to support would be multi-year settlements.
- It's my understanding the current version of multi-year settlements is problematic because an IEP could change on an annual basis. I believe this is an obstacle that can be dealt with in light of the fact children who are medically fragile have predictable needs over several years.
- I would recommend children who are already enrolled in certain NY State programs, like the Medicaid Waiver program, become immediately eligible for multi-year settlements.
- Such a solution would go a long way in alleviating the financial and emotional stress for families, alleviate cashflow issues for schools seeking direct reimbursement, and free up bandwidth for the DOE to expediate other cases.
- Using this year as an example, we filed our 10 day notice in June, we then received a settlement offer in October which was approved by the Comptroller in the January, but we are still waiting for countersigned stipulation, a final hurdle before the reimbursement process can begin. Unfortunately the process of hiring lawyers for 2019/2020 has already begun and 2018/2019 is still unresolved. It is a depressing cycle.
- I really appreciate your help in making this process more efficient.

Thank you,

Cameron Brown

Testimony before the NYC Council Education Committee's Monday, February 25<sup>th</sup>  
Oversight Hearing on DOE's Provision of Special Education Services  
**Testimony by Carolina Ledezma, Parent of Alejandro Brady, Student at iHope**

Mi hijo, Alejandro Brady, tiene solo 3 años en el sistema educativo de Nueva York, pero desde el primer día supimos que su futuro estaría en riesgo. Sus múltiples diagnósticos médicos (*Sturge-Weber syndrome, Cerebral Palsy, Glaucoma, CVI, Epilepsy, severe cognitive and motor delays, etc.*) lo catalogan como "medicamente frágil" e "incapacitado", lo que obliga a proveerle de por vida una educación y cuidado médico personalizado y exhaustivo para garantizar su desarrollo a pesar de sus limitaciones.

En esos 3 años, gracias al trabajo minucioso de maestros y terapeutas escolares, él ha logrado grandes progresos en movilidad y comunicación, pero no son suficientes para darle la independencia que requiere (*he is non-verbal and non-ambulatory.*)

El Sturge-Weber syndrome es un trastorno genético que afecta los vasos sanguíneos del cerebro y, por ende, causa epilepsia, glaucoma y severos retrasos cognitivos y motores. Debido a su prematuridad (Alejandro nació de 25 semanas), la parálisis cerebral acentúa esos problemas motores al punto de que mi niño requiere estar en una silla de ruedas y debe ser asistido en todo momento para sentarse, moverse e incluso jugar y otras funciones. Para controlar sus convulsiones, Alejandro fue operado del cerebro en octubre de 2014 y hoy solo el lado derecho de su cerebro (también afectado por las convulsiones) es el único que controla su cuerpo. El tiene un tubo gástrico para poder alimentarse e hidratarse. Debe usar lentes correctivos porque su visión es muy baja (es legalmente ciego) y solo se comunica con ruidos.

Desde tiempos de la Intervención Temprana, Alejandro ha recibido un intenso programa de terapias individuales y en grupo que le han permitido no aislarse debido a sus limitaciones. Pese a esta historia "de éxito", cada año (y múltiples veces durante el año escolar) es cada vez más difícil que los representantes del Departamento de Educación entiendan que una rutina de clases y terapias (PT, OT, ST, VT y SEIT) así "no es un lujo" sino una necesidad vital y una "obligación del Estado" que debe invertir nuestros impuestos para el beneficio de todos, sin discriminación ni menosprecio.

Desde enero de 2017, aun cuando a mi hijo le faltaba un año de precolar, comencé a buscar la escuela adecuada para que él recibiera educación y terapias según sus necesidades. Cada vez que visité escuelas públicas, me encontré contra la pared visto que sólo tenían clases 6:1:1 para niños con autismo, las terapias se hacían solo 30 minutos/3 veces por semana y no había realmente un enfoque personalizado de la educación y cuidado (sólo el basado en el IEP). Los propios directores de escuela nos han dicho muy claro a mi esposo y a mi que no están en capacidad de servir a nuestro hijo. Además, ninguna de las escuelas públicas recomendadas por el DOE son 100% accesibles.

Dada la imposibilidad de hallar una escuela pública que llenara nuestros requisitos y con el apoyo de los representantes del Departamento de Educación a cargo

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del IEP de nuestro hijo, logramos que fuera referido a un escuela privada en abril/mayo de 2018. Visitamos múltiples opciones sugeridas por la trabajadora social y personal a cargo de nuestro caso y descubrimos que ninguno aceptaría a nuestro hijo. Las dos escuelas privadas aprobadas por el estado que nos recomendaron están a más de una hora (incluso, dos horas o más en *rush hour*) de nuestra casa. Por su diagnóstico médico, Alejandro tiene un tiempo límite de viaje en autobús escolar de una hora. Además, las terribles experiencias que hemos tenido en hospitales no preparados para atender casos complicados como el suyo hacen que sea un imperativo que su escuela esté a una distancia razonable de hospitales de la ciudad de Nueva York como NYU Langone, donde él recibe su cuidado médico especializado desde que nació.

En septiembre de 2018, gracias a la intervención de una abogada que estamos pagando de nuestro bolsillo, logramos que se aprobara un periodo de "pendency" durante el cual Alejandro iría a la escuela International Academy of Hope (iHope). Esa decisión ha sido la más acertada para nosotros. Después de tener una cirugía doble de cadera en agosto de 2018, Alejandro comenzó el año escolar con muchos tropiezos y problemas de salud. Sin embargo, gracias al programa educativo especializado que han creado en iHope y su increíble fuerza de voluntad y resiliencia, nuestro hijo ha ido superando los obstáculos y cada día pareciera estar más y más activo y conciente de sus potencialidades. El se levanta y va a la escuela siempre sonriendo. Regresa a casa de igual manera. Su enfermera 1:1 y su paraprofesional 1:1 son dos fuentes inagotables de motivación para él, pero es el ambiente de iHope y la increíble preparación y mística de trabajo que tienen sus maestros, terapeutas y personal en general lo que hace la verdadera diferencia.

A principios de este año, luego de múltiples ofertas de ubicación en escuelas públicas a pesar del mandato que tiene el IEP de nuestro hijo, el DOE negó un acuerdo en una audiencia imparcial alegando que el sistema de iHope no era compatible con el dictamen del IEP. Ahora estamos a la espera del inicio de negociaciones (que ya fueron aceptadas por el DOE), pero la renuncia del abogado del DOE a cargo del caso de nuestro hijo y múltiples retrasos burocráticos nos tienen en ascuas.

Un gran factor de estrés (además del increíble costo financiero que tiene, el cual supera los \$10,000) es que el IEP de Alejandro no incluyó recomendaciones acordadas desde un inicio con la trabajadora social y otros representantes del DOE. Cuando yo personalmente le pregunté por qué no estaba claro que mi hijo necesitaba una clase 6:1:1 para garantizar que no se aislara debido al ruido y distracciones y que las terapias fueran de 5 veces a la semana, la repuesta fue que como era seguro que él iría a una escuela privada, esa escuela iba a ajustar el IEP según sus necesidades. Al final, nos hemos dado cuenta que nuestra ingenuidad y la confianza en quienes se suponía debía proteger los derechos de nuestro hijo nos traicionaron. La decisión de la audiencia imparcial demuestra que en esta lucha más vale un papel que la experiencia viva de los padres y niños.

Mi esposo y yo somos profesionales de clase media. Él es el único sostén de hogar y yo, tras tener a Alejandro, trabajo pocas horas a la semana como *freelance* para intentar ayudarlo. Tenemos dos hijos, uno con necesidades especiales y otro que apenas

comienza la universidad y aún debemos mantener al 100%. No somos pobres (como me dijo un empleado de la Seguridad Social, "Si tu ingreso familiar no es menos de \$60,000 al año, tú no eres pobre ni tienes beneficios), pero cada vez debemos hacer esfuerzos sobrehumanos para cubrir los gastos del hogar, las facturas médicas que no pagan ni el seguro ni Medicaid, las terapias adicionales que Alejandro necesita y, si es posible, tener algo de esparcimiento.

Los costos financieros y emocionales de este proceso son enormes.

Si solo quienes tienen el poder de decisión y de cambiar el sistema para mejor para incluir y proteger a las personas discapacitadas como nuestro hijo pudieran ver su sonrisa cuando recibe la atención, el cariño y la educación apropiadas.

Thank you,

Carolina Ledezma

Committee on Education

Oversight - DOE's Provision of Special Education Services.

February 25, 2019

To the Committee On Education,

My wife Carolyn and I are reaching out to you today because we both work full time and are unable to appear at City Hall to testify on behalf of our son Reid Levinbook.

Reid is a sweet fifth grader who suffers from anxiety, ADHD, sensory, processing and learning disabilities. He attended public school here in Manhattan for Grades 1 through 4 however last year Reid was unable to keep up academically and socially and was the target of bullying. With 30 kids in his class and emotionally broken from the mental anguish he endured, it was obvious that we needed to make a school change for Reid or home school him.

As a result of this difficult year, we were fortunate that Reid was accepted to Winston Prep, a specialized school for children with issues like Reid. I am beyond elated to say that Reid is now thriving in this new environment. His confidence has grown, he has found peers who understand him, his grades have improved tremendously and most importantly, he is no longer feeling socially isolated and afraid to go to school every day. Unfortunately, as a middle class family here in downtown NYC, we had to borrow the money to send Reid to this amazing school and keeping up with the monthly payments has been almost impossible. Moreover, we have already received a bill for a deposit for the 2019-2020 school year due next month. With Reid's tuition increasing, it appears that we will be unable to afford to send Reid back to Winston if we do not receive help from the city in timely fashion.

I am respectfully requesting that you please help families like us get our case for reimbursement heard sooner than later. The Department of Education and the City of NY have been completely silent on our situation and I fear that if this continues, our son will not be given the education and support he so badly needs and deserves.

Thank you,  
Dave and Carolyn Levinbook

## STATEMENT OF ESTHER A. MALAMUD, MOTHER OF CANDACE H. LANDAU

My daughter Candace has Asperger's, as well as ADD.

We went through all the testing and all of the experts that know her, including her therapist and psychiatrist that have been treating her since she was seven, concur on her diagnosis.

It has taken me a long time to understand her needs, both emotionally and educationally, and to determine the best way to help her. I had to leave my job and career to help her navigate through school and social relationships.

In 2014, we needed to apply to high school. The best and only high school that could help her was The Summit School in Jamaica Estates, Queens. We were lucky that they had a space for her. This school specializes in students that need a therapeutic environment and a very small classroom size. The school was a private school and we needed to pay tuition.

We needed to work with the City to be reimbursed for the cost since there was not a public school appropriate for our daughter.

Various written reports have been completed and all of them have been provided to the CSE that handles her case. The district representatives ignored the evidence provided as to my daughter's needs and denied our claim.

We then sued the City... the City finally settled on the eve of a trial in which it would lose – almost two years after we applied for the tuition reimbursement. The back and forth before trial caused the City to waste taxpayer's money. They still owe us funds from her first year. By the way, we live in Manhattan, in Battery Park City, and she was not provided a bus to Queens year one. They eventually offered her a metro card to take two subways and a bus to school that would take her almost 2 hours each way. With her disability, an inability to navigate stressful social situations, this was an impossible prospect – and the City knew it and did nothing about it.

Year two, same thing, deny, deny.

The Government now became the insurance company in John Grisham's *The Rainmaker*. Keep on denying until the patient dies or runs out of money to fight.

We sue the City again... settlement, more waste of City funds on legal negotiation. It takes forever to get paid.

Year three we sue the City again...provide all the same appropriate documentation and no social worker that works for the city is ever instructed to approve tuition. It is unconscionable to me that this is how these social workers deny everyone.

While the settlement was being negotiated, the NYC lawyer on our case quits, waiting for another lawyer to take his/her place.

We are now in year four: deny, deny, deny.

We have lived in the city and raised our children here, we pay an exorbitant amount of taxes to do so. We are required to pay them on time or incur interest and penalties.

My daughter is entitled to the best education that is appropriate for her disability. The City was not able to provide it.

These families that are fighting with the City have another fight on their hands and that is to help their kids with their disabilities.

It is unconscionable that we live in a City with a Mayor who promised a Special Education Initiative in 2014 to improve the system, and yet encourages his Department of Education and Law Department to waste Taxpayer's money fighting losing cases and making it almost impossible for working class families to be paid timely for the special schools that their children need so desperately.

My husband and I have the determination to fight the City and we will do so, but why should families be put through this for no other reason than the City's incompetence.

Thank you.

**Testimony to be delivered to the New York City Education Committee**

**Re: Provision of Special Education Services**

**February 25, 2019**

Thank you for the opportunity to speak on behalf of Staten Island parents of children with disabilities. My name is Elise Murphy and I am a mother of two children on the Autism Spectrum. The testimony I have the honor to share with you today, was written collectively by parents of children in Special Education of both District 31 and District 75.

When the *Equity & Excellence for All: Diversity in New York City Public Schools* was unveiled, the Staten Island parents of children with special needs were hopeful with language such as the DOE's belief that "*all students benefit from diverse and inclusive schools and classrooms where all students, families and school staff are supported and welcomed*". However, quickly into the first few paragraphs of the plan it becomes evident that the mention of the "special needs" population is merely an afterthought. Not a single one of the twelve proposed action plans are targeted for children with disabilities; Their stated goal of increasing the number of inclusive schools that serve students with disabilities is ignored with no clear proposal of how this will be achieved; and they fail to even include District 75 when defining New York City's large school system.

The plan shied away from words like discrimination and segregation. However, we as parents of children who have been separated from their peers and consistently discriminated against due to their disability are not afraid to speak up. Our children are placed in classroom settings that are completely inappropriate or many miles away from their homes and neighborhoods due to lack of funding, resources, space or diverse programs. Children are being denied enrollment in their community schools, not because of a severe disability but rather because the community schools are not properly equipped with training and funding to accommodate a child with a disability. Because of limited seating, students that are recommended for District 75 are left little to no choice of where their child attends and are often traveling across the borough or in some cases – out of the borough entirely – to accommodate the child's recommended classroom setting. Children are receiving therapy sessions in hallways and closets. Many of our classrooms are in dilapidated and outdated buildings and trailers. Children with disabilities in co-located sites are

treated as second class citizens, often using separate cafeterias, hallways, entry ways with minimal or no access to libraries, auditoriums, gymnasiums, after-school activities or outdoor space. Our children with physical disabilities are traveling multiple hours a day to receive an education because most of our schools lack accessible bathrooms, classrooms, labs, cafeterias, ramps and lifts.

We are urging the Education Committee to put pressure on the Chancellor, the Division of Family and Community Engagement and the School Diversity Advisory Group to finish what they started. To continue the very necessary conversation of diversity, equity and inclusion for ALL, but include stakeholders of children with disabilities in our community districts and District 75 to assist in devising a clear, concrete plan specific to children within Special Education. In the spirit of inclusion, we request that each Community Education Council have a seat designated for a District 75 parent and every School Leadership Team of a community school and District 75 collocation add additional mandatory seats for a District 75 parent, administrator and UFT representative. This will send a clear message that we are all one community that allows everyone's voices to be heard. In 2019, it is an antiquated notion to separate our children based on their disabilities. Instead of dividing our communities, let's work together for unity for all.

**Glenn G. Schembri**

**New York, NY 10023-2007**

February 25, 2019

Committee on Education  
Committee on Civil Service and Labor  
New York City Council  
250 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007

Dear Sir/Madam,

Re: Provision of Special Education Services Hearing  
Bill: Intro No. (1380)

I understand the New York City Council Education Committee will be holding an oversight hearing that is focused on the provision of special education in New York City today at 1 p.m. in City Hall Chambers. Of the five bills being considered, the one most relevant to me personally is Int. No. 1380 which has been introduced by Council Member Helen Rosenthal of the Upper West Side where I live. As you may know, that bill requires the DOE to annually report on the claims for special education tuition or services.

I am writing to you to voice my strong support for this bill as someone who has previously and is currently in the midst of suing the New York City Department of Education (NYCDOE) in order for my son to receive an appropriate education in a residential therapeutic boarding school because his neuropsychiatric challenges preclude him from keeping up in the New York City public school system.

My son has been away from home for over three years now and has been at four separate placements, attending specialized schools that range in cost from \$10-\$12K per month. At the same time, I have been unemployed for most of that time (while my wife stays at home and helps manage our son's care) and have been forced to dip into my savings to front the cost of these schools, as well as the travel expenses my family and I incur to visit my son on a regular basis as part of his therapy. I can personally attest to the lengthy delays at every step of the litigation process from obtaining an IEP for my son, awaiting a response from the NYCDOE to a ten-day notice letter, negotiating a fair settlement agreement and then, even once a verbal settlement has been reached, obtaining approval from the Comptroller's office and final written approval from the NYCDOE and actually receiving a reimbursement check from the Settlements Unit of the Bureau of Non-Public School Payables at the NYCDOE. The time it took to be reimbursed from the beginning to end of the process in one instance at my son's first placement was over 18 months.

Needless to say, these reimbursement delays have had an enormous negative impact on our financial well-being and, even more importantly, on the psychological well-being of our family, including my wife and other son, as a result. As you might imagine, we are in

a constant state of worry and stress regarding our ability to keep our son in school for his own well-being while managing to keep ourselves financially solvent at home and paying all the other expenses related to my son's care, including medical bills, neuropsychological testing, educational consultants and attorneys' fees, on top of our daily and longer-term living expenses.

Whatever you could do, by virtue of passing this bill and otherwise, to reduce the length of time it takes to obtain reimbursement from the NYCDOE for the cost of my son's education would be greatly appreciated.

Please let me know if you have any questions.

Thanks in advance for your kind consideration and assistance.

Sincerely,

*Glenn Schembri*



Committee on Education

Oversight - DOE's Provision of Special Education Services.

February 25, 2019

To the Committee On Education,

We are writing in support of Council Member Helen Rosenthal's bill Intro 1380 which requires the DOE to annually report on the claims for special education tuition or services. We believe that this bill will go a long way in ultimately expediting payments to families. We support whatever action could prevent other families from the suffering and anxiety we have endured as we seek the proper course of education for our 17-year-old son who requires special education services.

In 2017 my husband and I discovered that our son was on the autism spectrum. He was 15 years old at the time, which is rather late to make this discovery, but he was a tough case to diagnose, being on the borderline. However, once we had the diagnosis in hand, all the difficulties and troubles of his school career fell into focus and began to make sense. We also came to the realization that he had been failed at every level by the professionals who are supposed to be able to spot these things—not just private psychologists and psychiatrist and social workers, but school teachers, school psychologists, guidance counselors, school social workers, and so on. Needless to say, he was not being served well by the public school system. He's a smart kid, but began to go seriously off the rails once he'd reached high school. Our only recourse was private school. As you can imagine, this is phenomenally expensive.

We currently have two suits against the NYC DOE for 2017-18 and for 2018-19. Progress has been slow and while it looks like there will be settlements in both instances, we have not yet received final confirmations on either, nor do we know when we can expect payment. Our son will need to attend one more year of private school in order to receive his high school diploma, but now we are out of resources (which have included asking family members for help and refinancing our co-op, which has created a strain on cash flow). Receipt of payment on the two settlements would ensure that we can pay for the third year. Not knowing when we will receive payment puts us in a strained and awkward position financially. My husband and I are not wealthy, and we will continue to go deeper and deeper into debt until payment is granted, as we finance our son's education. The City of New York has an obligation to provide funding for private schools when they do not have a school that will fit the needs of the child. There is no public school in NYC that fits the needs of our son.

We appreciate your support in this matter.

Best Regards,

Kimberly and Doug Grad

**Kim Hung Kong**  
**Father of Isabella Kong**

**Date: February 25, 2019**

**Re: DOE Settlement and Tuition Reimbursement Delay**  
**Student Name: Isabella Kong**

**To Whom It May Concern**

Dear Sirs,

My name is Kim Hung Kong, my daughter Isabella Kong is 20 years old diagnosis with severe autism. Isabella had been received special education from DOE district 75 in a 6:1 class with IEP from Year 2004 to 2015. Amongst the aforesaid over 10 years learning program given for Isabella, my wife and I found no progress in all academic domains, even her behavior getting worse with intensified tantrum and self injury year after year.

My wife and I had been working hard together with the school teachers and officials pursuing for the program and progress under the DOE District 75 CSE over years but failed to receive progress. However, we're able to receive supports from our professionals and advocates for pursuing an appropriate educational program in a private school, which was the Keswell School. We went through the whole Due Process and eventually filing for Impartial Hearing on Year 2015. Isabella commenced to receive the learning program on her needs for the school year 2015-16. She has been received significant improvement especially for her communication and behaviors, also really enjoy to her school lives since receiving the appropriate education program from the school.

We did the Hearing for the years afterwards keeping her to receive right learning program consistently. For the Hearing year 2017, we lastly reached a 3-year Stipulation of Settlement (for Year 2017-18, 2018-19 and 2019-20) avoiding time & cost consuming every year for all parties. The settlement paperwork had signed back December 2017 and receiving the counter signed by the corresponding DOE official dated March 8, 2018 .

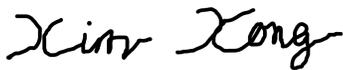
For the school year 2018-19, I submitted the Ten (10) Day Notice of Settlement notifying the DOE that Isabella continued enrollment at Keswell School. The submission was by hand to DOE CSE region 9 office at 333 7<sup>th</sup> Ave. and certified mail to Non Public Schools Payable Settlement Unit dated May 11, 2018. I had also been inquired IEP review date and the required 3-year-evaluation with the CSE for months too. However, we didn't receive any response or further communication from any unit or person of DOE up to this moment.

On Oct 2018, the school noticed me that the tuition of Isabella hasn't been paid by NPSP Settlement for the year 2018-19. We had inquired the payment matter repeatedly on the following 2 months without receiving prompt feedback from corresponding person/unit. Until the last week, my educational representative Mr. Miguel Salazar only able to contact with Jessica Darpino, the Deputy Director of Special Education.

The tuition issue is now still outstanding and unsolved without prompt sign for the progress. We had been working through all procedures with DOE policy for a 3-Year Settlement allowing Isabella to accomplish her last 3 years school lives. It's unacceptable that DOE suddenly stop the tuition payment without notice which we've the 3 years Settlement in placed. We really find it's uncertain to work with DOE, the follow up and responses which had been taking us nearly 9 months after we submitted the Ten Day Notice of Settlement on May 11, 2018.

My whole family is really anxious for the continuing uncertain tuition payable to school which will be turning to jeopardize Isabella's last two school years for her full adult transition. We're already in challenging transition process preparing for Isabella next stage of her lives without school lives. The delay of action and payment by DOE has been placing additional stress and undue burden on my family and the school.

Sincerely,



Kim Hung Kong  
Father of Isabella Kong



## The New York City Council Education Committee

### Testimony of Loren A. Busby

February 25, 2019

I am testifying in support of Councilmember Rosenthal's Bill 1380 which would require NYC's Department of Education to annually report on the claims for special education tuition or services.

As a backdrop, I wish to give an overview of my 12yo autistic son. He has been given several IQ tests over the years and consistently ranks in the under-25<sup>th</sup> percentile for his age group on almost all measures. "Significantly intellectually impaired" were words used by his neuropsychologist when she reviewed his most recent IQ test results with me. As most parents of autistic children know, his intellectual deficits do not totally define him as a human being. Fortunately, he is verbal, and his voice is changing like most other 12yo boys. He can learn, even if at a discouraging, protracted pace. He enjoys art, basketball, and making Sparta Remix videos for his YouTube channel. Less fortunately, he has considerable behavioral issues which are probably best described by his own words - "I don't know how to control my anger," and "I am stuck on sad." He uttered these phrases during his lucid moments following recent severe meltdowns. He struggles.

At school, he cannot sit for an extended period of time. This fact, in combination with his behavior issues and intellectual deficits, contribute to my decision to exercise my parental rights and place him at a private autism school. I have done so since 2013 (age 6). For the past six years, he has been able to learn in a 1:1 setting using ABA therapy as the basis for instruction. For example, he has learned single digit addition and subtraction, when motivated he can write 3-5 sentences on his own, and he can comprehend books at a first grade level.

Further to the background of our family, I am a single parent, self-employed, and Brayden has a twin sister who is neuro-typical. The three of us together do our best, but it is a struggle to balance the family's needs, particularly financially. I am one of those parents who pays for his private school tuition and related services, and I seek reimbursement from NYC-DOE.

In the past three school years the tuition reimbursement process has become increasingly difficult for our family. For example, in the 2016-2017 school year, a 10-day letter was filed in late-June 2016 and all materials (invoices and proof of payments for all related services) were provided to DOE shortly after the end of the school year in 2017. During the year I was forced to change speech therapists. I was told by my attorney that the change in service provider caused a significant delay in processing my settlement. (Note - no change in costs, just a change in service provider, both having required licenses.) Due to the change, "my file was transferred" and I could not get the DOE attorney to respond to my case. Finally, I requested an impartial hearing date, and after an initial consultation between the parties, I was told that the DOE would move forward with settlement. I received the settlement amount for the 2016-2017 school year tuition on 2/5/2018,

which was 7 ½ months after the end of the school year, 11 months after my final payment, and 19 ½ months after the start school when the first one-third of the annual tuition was due.

Contrast that timetable with many of the families whose children attend the same small autism school but have been awarded pendency. The DOE is paying the school directly, and usually on time, sometimes monthly in arrears. This sets up a very unhealthy dynamic amongst our parents, and it affects participation levels and fundraising efforts.

My cases for 2017-2018 and 2018-2019 remain unresolved. Allow me to focus on the 2017-2018 case for a moment. I submit for your information the attached timeline. The timeline has been extended beyond that for my 2016-2017 case. With no actionable information since I submitted my signed stipulation and related documents in early July 2018, I am STILL awaiting a counter-signed stipulation from DOE. On 2/3/2018, I filed for an impartial hearing date. Shortly thereafter I was told that there is a signed agreement; I have not seen it. Even if it is signed, I have no information on when I will be paid.

Combining my unpaid 2017-2018 settlement and my investment for the 2018-2019 school year to date, I have over \$180,000 currently invested in my son's education. On Thursday I will be writing a final check for the 2018-2019 school year and paying for related services provided in January & February. These checks will increase my investment to ~\$220,000.

If I extrapolate my \$220,000 cash outlay and estimate similar cash outlays for the 800-1600 cases that are unresolved (10-20% of 8,000 cases filed for the 2017-2018 school year), then we, the parents, are loaning NYC-DOE roughly \$175-350 million dollars per year. I would like to stress that this money is invested INTEREST FREE.

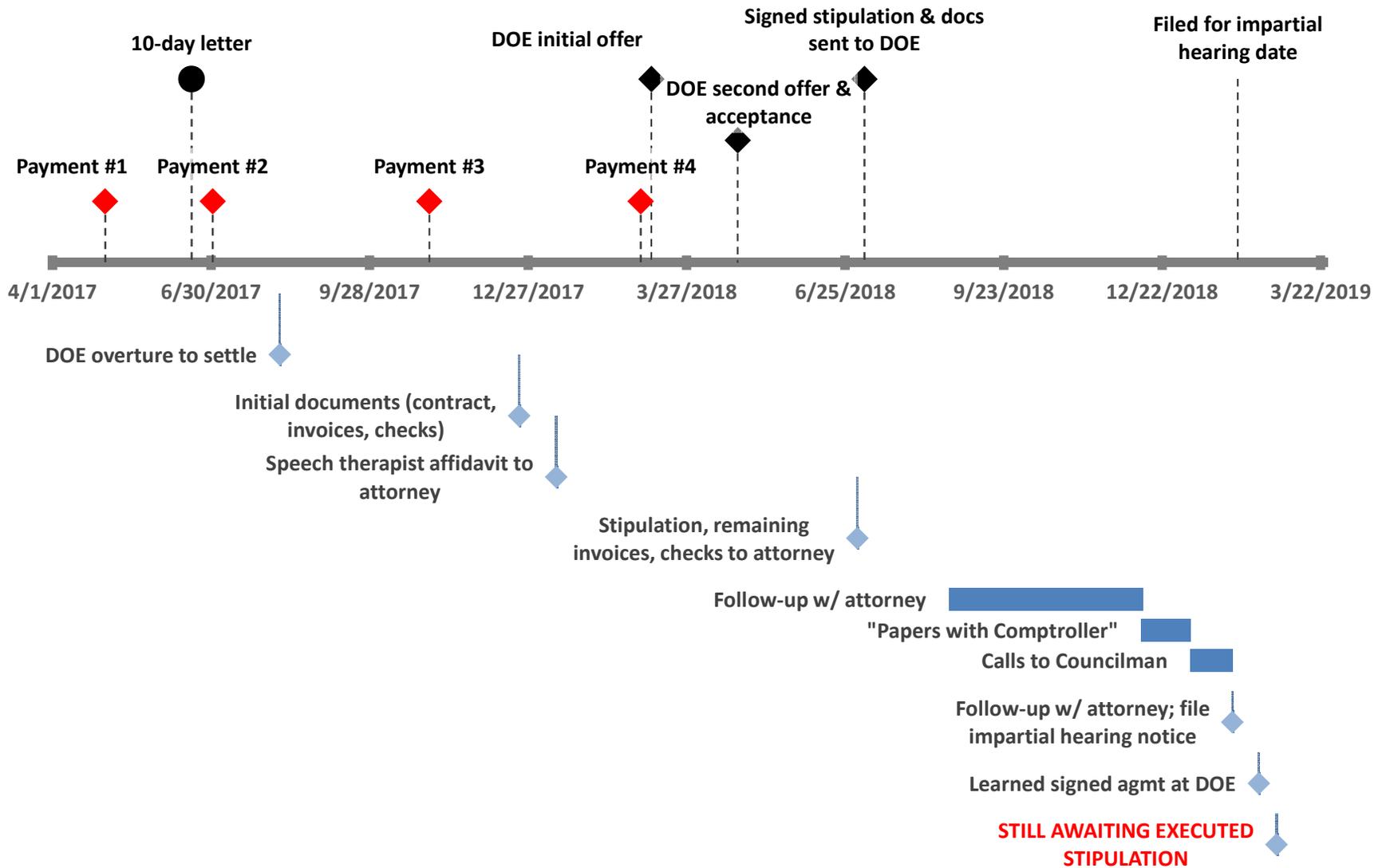
Now, allow me further leeway for some math gymnastics. If I were to invest \$220,000 into a 5% muni-bond (the rate for most NYC General Obligation Bonds), I would earn \$11,000 per year, (triple-tax free). This is the opportunity cost on my capital. This is money that I DON'T EARN AND COULD USE TO PUT TOWARD MY DAUGHTER'S COLLEGE FUND. That money, along with interest-on-interest, is approximately one-year's commuter tuition at SUNY. The way I look at it, my daughter's future IS my son's future, and both are impacted by this process.

We are a middle-class household. We don't have a lot of "extras." Smart money decisions will make the difference for these kids. Perhaps now you understand a little better my predicament, my family's predicament.

To end I want to reinforce that I respect the DOE's need to have a process. Regrettably, the process has deteriorated. There is at best a lack of transparency and at worst a lapse of good faith with no consequences for the passage of time. It is a wickedly draining marathon, year after year.

Thank you for this opportunity to share my story.

## 2017-2018 Case



**Public Hearing For the DOE's Provision of Special  
Education Services.**

**Testimony from Laura Espinoza representing  
Childrens with Special Needs.**

**February 25, 2019 at 1:00 pm**

**Good afternoon, CM. Mark Treyger and all Elected Officials,**

My name is Laura Espinoza, mother of twins with special needs, and I came not only to give my testimony but also wanted to say that, I will not sit down and wait for DOE to decide for the future my children with a completely disproportionate system in public schools.

In my opinion, the laws that exist in the DOE on special education must be modified to give adequate support to students with IEPs throughout the City. Revisions should be made each year to the programs, re-evaluations of the students with IEP their progress academic each year and not only when the parent asks for it because they will know how to improve or change the services of a student in case there is no progress. On the Existing programs must be extended to all public schools in low-income communities. The DOE must also be more accessible in giving adequate support to our children, such as called Pre-k For All, we can not call "For All" when this doesn't exist in public schools, in many cases children at early age with a special need doesn't have adequate support in the public schools in their area, and they must go far from their homes spending hours on a bus to receive the help that they need at the age of 4. In us is to continue fighting and looking for the way that the education system is completely inclusive for all children, because they are the future of the country.

Thank you very much for this opportunity and very grateful for you giving the support to all the children of the New York City, may God bless you.

Dear Honorable Mr. Treyger,

Thank you for hearing me at your hearing yesterday.

My name is Lisa Vasquez parent of Jasiel Vasquez and Jazmiah Vasquez . I testified before yourself and the Council members yesterday. I am reaching out in desperate need of assistance, regarding the ongoing violation of my children's rights by the NYC Department of Education.

My children:  
Jasiel Vasquez



Jazmiah Vasquez



Our issues with the NYC DOE begun in 2015 when my daughter Jazmiah Vasquez entered in the CPSE system here in District 31 Staten Island NY. The CPSE administrator assigned was Youree Garcia at CSE 7. My daughter's IEP called for Occupational therapy, physical therapy, speech therapy and 1:1 special education teacher instruction. Many months came and went and the services were not implemented, I had emailed Youree Garcia CPSE administrator, Natalie Sotiriou CPSE administrator, and the CSE 7 Chairperson Amine Haddad. The DOE kept stating "we are working on it". The entire 2015-2016 school year my daughter was not provided the needed services listed on her IEP.

2016-2017 school year: Jazmiah begun at P.S 46 here in Staten Island, with an IEP that called for services of OT, PT and Speech. The turning 5 IEP team had not generated an appropriate IEP to meet Jazmiah's needs and I was not provided any notice or explained my rights. My daughter was mocked for her disability and mishandled by staff and teachers in P.S 46 on many occasions. On January 26 2017 my daughter was verbally and physically assaulted by then classroom teacher Laura Somma. I filed a complaint with Office of Special investigations they said the results would be confidential. I went to the District 31 superintendent office and met with Anthony Lodico who offered no assistance. Jazmiah began experiencing symptoms of trauma and could not return to P.S 46. The DOE offered no appropriate alternative and my daughter remained without a school placement and without the special education services listed on her IEP.

2017-2018 School year: District 31 offered no alternative placement after the abuse my daughter suffered at P.S46 in Staten Island. In order to avoid having her retraumatized by going back to P.S46. I enrolled my daughter into Success Academy charter school in Brooklyn. Success Academy did not abide by my child's IEP. I continuously requested an IEP mtg to discuss my concerns and was finally provided response.

On November 13 2017, the IEP team deferred my daughters case to the DOE CBST Central based support team for a non public school placement and advised I "pull her out" of Success Academy since it will "speed up the CBST process of Non public school placement ".

To date a non public school has not been provided. We have an impartial hearing order which calls for the DOE to provide Non public school placement, 5x60 Speech therapy , 3x60 Occupational therapy, 3x60 Physical therapy and 40 hours of 1:1 instruction to Jazmiah . None of these services are being provided and Jazmiah sits home ongoing for the past years deprived of crucial special education and services.

My son Jasiel Vasquez also has an IEP which was created by CSE/CPSE 7 here in District 31 in December 2017 . To date the services the CPSE listed special classroom 8:1:2 , 1:1 Special education teacher instruction (Occupational therapy, Speech therapy, physical therapy) are not being provided . We have an impartial hearing officer order on pendency from July 2018, which calls for 10 hours of ABA, OT, PT, Speech therapies, which are not being provided to Jasiel. The DOE has been in blatant disregard of my children's impartial hearing orders, both of my children currently sit home all day without a school placement and without the crucial services they are in need of and mandated to receive.

My daily emails to the DOE regarding the implementation of my children's services remain ignored. My daily emails to CSE 7 Chairperson: Amine Haddad, Impartial hearing unit director: Sapna Kapoor, Director of CSE : Mia Delane Gurley, Compliance Liason Office of Related services: Betty Corbin, Deputy Director of Central based Support Team(CBST) Bernice Farnham, , CBST case worker: Dahlila Agrondt-Zapata, Corrine Anselmi-Rello, and even the chancellor Richard Carranza yield no response. My desperate pleas for assistance remain ignored , as my children sit home falling further and further behind.

It was like a Spit in the face to hear the DOE blatantly lie yesterday. They have been completely non responsive and negligent regarding my children's case.

I would greatly appreciate any assistance provided to my children and I. We have been in agonizing suffering of this injustice for far too long and need our rights restored unto us and the DOE to be held accountable. My children need an education and all services needed to be provided immediately. The DOE blatant negligence is causing further permanent damage to my children. The ongoing misconduct of the DOE is unacceptable, and I am hoping your office will assist with this crisis situation we are facing .

I am attaching my children's impartial hearing orders. I can also forward all of my email communications (which remain ignored) to the above listed DOE officials.

Thank you for your attention on this urgent matter .

Lisa Vasquez



Good afternoon,

I have spoken many times about problems in the special education system. Today I would like to talk about what it looks like when special education is at its best.

My son attends Bard Queens, where his IEP is followed consistently. His services are provided starting the first week of school. His therapy equipment and his assistive technology equipment <sup>is</sup> ready and waiting for him when he arrives in September. His teachers meet in June to be sure that his assistive technology is programmed to work in class on the first day of chemistry and trigonometry. His special educators and his general educators work together with the administration to make sure his educational materials are accessible. They are responsive to us and to him, when he needs a modification outside what is covered in his IEP.

In essence, he has a great team that is devoted to providing him full access to the curriculum.

His guidance counselor started the test accommodations with the College Board without me asking. They are complete and in place in time for his PSATs next month.

He has an extra locker on each floor, to keep medical supplies and extra clothing. His schedule is set to minimize his floor changes, because it gives him time to use the bathroom between classes.

He has an extra space in the library for study and meetings, and for socializing with friends, since the cafeteria is overwhelming.

All this is because Bard Queens has an extraordinary principal, Valeri Thomson, who has hired extraordinary staff, who are too numerous to list. But this should not be extraordinary.

Every student is entitled to have the IEP mandates met on the first day of school. Every team of teachers should be working together, not in a silo. Every student should have their assistive technology programs for instruction before Labor Day. Every student needs a social life, friends. My son has this all, though he cannot speak, walk, have functional use of his hands, eat or make eye contact. If Abey Weitzman can be included, so can every other student in New York City. We can do better for all of them and we must.

Michelle Noris

  
Astoria, NY 11105

Testimony to the New York City Council regarding provision of special education services

February 25, 2019

My name is Nancy Northrop and for three years I served as chair of the Chancellor's Parents Advisory Council, which represents all the PAs and PTAs in New York City, and through them, all NYC parents. I also served for five years as president of the Queens High School Presidents' Council, which represents all the high school PAs and PTAs in Queens. Concerns regarding the provision of services to our special education students dominated many discussions and much of our work on both councils. My personal passion is high schools, which I will focus on today.

Provision of services and respect of IEPs at the high school level varies greatly across the city. Some schools are model programs where supports and services make the difference between a child graduating or not -- while other high schools miss the mark. We are very grateful to the Special Education Department at the DOE for working with CPAC and the high school presidents' councils through a High School Special Education Task Force which was established last year to begin to work on special education issues at the high school level. That said, I think it is important for the council to be aware of a sample of the issues we are discussing.

- 1) In many high schools, IEPs are routinely ignored or only partially implemented. While the City Council's desire for the DOE to provide school level data on compliance rates for students' IEPs is a laudable goal, it is a bit like asking the fox to count the chickens in a chicken coop. Of course schools will state the IEPs are being implemented, whether it is true or not. This is a huge problem. What does it mean for a school to be in compliance given that IEPs are multilayered documents with various accommodations, services and supports, goals, and the need for teachers to modify their methods to support each child?
- 2) Students often do not receive the services outlined in their IEPs, in some cases for years, because there is not sufficient funding at the high school level to pay for the services (please do not let the DOE tell you otherwise!) and because of a lack of available trained professionals. Parents find it nearly impossible to obtain these services from outside providers, especially at the high school level. The impact for high school students can be devastating and last a lifetime -- students may not complete high school or make it to college because they are not receiving the needed supports.
- 3) General education high school teachers often do not understand their role and responsibility in carrying out an IEP or teaching to special needs students. They are not required to take the training they need to support these students. High school general education teachers are key to the IEPs implementation but many view implementation as the responsibility of the special ed teacher. Many are unaware that state guidelines require that they adjust teaching in the classroom to support these students. And because IEPs are extremely difficult documents to read, high school teachers often cannot spot what

supports and accommodations they are required to provide. There is also a pervasive implicit bias among many teachers and administrators that students with IEPs are either lazy, stupid, or an added burden in the classroom which can have a devastating psychological impact on these very vulnerable children.

4) The role of special education teachers at the high school level is particularly problematic, especially in subject areas they do not understand. The DOE needs to do a deep dive to determine what it means to provide SETTS to high school students with IEPs taking higher level coursework. In many cases this time is currently used as time to do homework, time for the special education students to tutor other students, or time to play scrabble and listen to music.

I believe that the creation of a special education czar is a fabulous idea, as long as the czar recognizes that high schools need to be a top priority because they are completely overlooked by the DOE. For too long the DOE has ignored the pleas of high school parents who simply want their children's IEPs implemented. The fact that parents and students alike are continually told they must advocate for their special education children underscores how broken the current system is at the high school level.

Thank you.

## **Testimonio de Nieves Ojendiz para el Municipio de Nueva York**

**25 de febrero del 2019**

Buenas tardes. Mi nombre es Nieves Ojendiz y vivo en el Bronx. Soy la madre de Anna, una niña de 10 años, y he tenido muchos problemas consiguiéndole servicios de educación especial y servicios de una enfermera en la escuela.

Anna está diagnosticada con siete enfermedades y desordenes. Algunos de ellos son parálisis cerebral, un desorden de convulsiones, y osteopenia. Alguien tiene que succionarla para evitar que ella se ahogue. Anna no habla y usa una silla de ruedas. Ella necesita la asistencia de un adulto para todo.

En enero del 2016, Anna sufrió una herida grave a manos del Departamento de Educación. Una tarde, Anna llegó de la escuela llorando mucho. Su pierna estaba hinchada y llamé a la ambulancia para llevarla al hospital. Ahí, le hicieron una cirugía para repararle su pierna rota. El accidente ocurrió durante las horas de la escuela, pero hasta hoy, el departamento de educación no ha ofrecido ni una explicación por el accidente ni ha tomado responsabilidad. El personal de la escuela debe tener una capacitación intensiva para atender a estudiantes con estas necesidades sin ponerles en peligro.

Mi hija tuvo que faltar a la escuela por dos meses y yo me puse en contacto con AFC para que me ayudaran a buscar otra escuela. En la nueva escuela tampoco podían cuidarla bien. Un día la escuela me pidió que la recogiera porque ella no podía parar de llorar. Descubrí que a Anna no la estaban sentando correctamente en la silla, provocándole dolor. Muchas veces he tenido que quedarme con ella en la casa por miedo de que me la vayan a lastimar más en la escuela.

Los doctores siempre han dicho que mi hija necesita una enfermera para acompañarle durante el día. Por lo tanto, yo pedí una enfermera con ayuda de mi abogada, pero el distrito rechazó la petición y su representante ni siquiera estuvo presente en la reunión de IEP.

Volvimos a pedir una enfermera, y esa vez el distrito nunca nos dio respuesta. En el 2017, la escuela tuvo que mandar a Anna al hospital porque tenía fiebre alta, lo cual resultó en una infección del pulmón, porque la escuela no le estaba sacando la flema cuando era debido. Anna volvió a perder semanas de escuela.

En el 2017, mi abogada y yo hicimos una tercera petición para una enfermera. En la reunión de IEP de ese mes, los maestros mismos expresaron que Anna necesitaba una enfermera. Con todo y eso, el distrito no le ofreció una enfermera a mi hija.

Luego de hacer tres solicitudes, mi abogada le hizo una demanda legal al distrito por negarle a mi hija servicios de educación especial apropiados. Fue solo después de que comenzamos el caso legal que el distrito decidió proveerle la enfermera a mi niña.

Durante este proceso, yo nunca recibí IEPs ni evaluaciones ni formularios en mi idioma, español. Las barreras a una educación segura y apropiada para mi hija han sido aún más difíciles superar por las barreras lingüísticas.

Mi hija es frágil y merece una niñez segura no solo en la casa, pero también en los espacios bajo la supervisión de la escuela. Por favor, yo exijo que el departamento de educación ponga las necesidades de los niños en primera prioridad.

Gracias.

## **Testimony of Nieves Ojendiz for New York City Council Special Education Hearing**

**February 25, 2019**

Good afternoon. My name is Nieves Ojendiz and I live in the Bronx. I am the mother of Anna, a 10-year-old student, and I have had many problems acquiring special education and nursing services in school.

Anna is diagnosed with seven diseases and disorders. Some of these include cerebral palsy, a seizure disorder, and osteopenia. She needs an adult to periodically clear out the phlegm from her nose and throat in order to avoid suffocation. She is nonverbal and uses a wheelchair. She needs an adult's assistance for everything.

In January of 2016, Anna was seriously injured while in the care of the Department of Education. One afternoon, she returned home from school crying hysterically. Her leg was swollen, so I called an ambulance to take her to the hospital. There, they performed emergency surgery in order to repair her broken leg. The accident occurred during school hours, but the DOE has never offered an explanation for the accident nor has it taken responsibility. School personnel should have the intensive capacity to tend to students with this level of need without putting them in danger.

My daughter missed school for two months, so I called Advocates for Children to help me find a new school. Even in a new school, they couldn't take care of her well. One day, the school asked me to pick her up because she couldn't stop crying. I discovered that they weren't seating her correctly in her wheelchair, which caused her more pain. Many times, I have stayed home with her because I am scared that she will be injured at school.

Anna's doctors have always said that she needs a nurse to accompany her during the day. I, therefore, requested nursing services with the help of my attorney, but the DOE rejected the request and the representative who made that decision wasn't even present during the IEP meeting where they rejected the request formally.

We requested nursing services a second time, and that time the DOE never gave us a response. In 2017, Anna's school had to send her to the hospital because she had a high fever, which resulted in a pulmonary infection, because the school wasn't clearing out her phlegm when needed. Anna continued to miss weeks of school.

In 2017, my attorney and I requested nursing services a third time. In the resulting IEP meeting, Anna's teachers expressed that she needs a nurse. Even with that level of consensus, the DOE still did not offer her nursing services.

After submitting three requests, my attorney sued the DOE for denying my daughter appropriate special education services. Once we filed the case, the DOE finally decided to provide a nurse.

Throughout this process, I never received any IEPs, evaluations, or forms in my language, Spanish. My daughter has encountered serious barriers to an education that is safe and appropriate for her, but they have been even harder to overcome due to language barriers.

My daughter is fragile and deserves a safe childhood, not only at home, but also in spaces supervised by her school. Please, I urge the Department of Education to put the needs of children first.

Thank you.

Committee on Education

Oversight - DOE's Provision of Special Education Services.

February 25, 2019

To the Committee On Education,

I have a son, Alejandro, who is a 7 year old special needs child. He was a foster child that came to our home at 3 days old and we were blessed to be able to adopt at 18 months old. He has received services since he was 10 months old. He currently attends a private special needs school, The Gateway School. Our journey with him has included so many specialists and all different types of therapy to help give him the tools he needs to continue to progress. When we moved to NYC we chose to live in the UES close to PS6. That is where we had hoped he would be able to attend school. Unfortunately a public school environment with a class of 25 would not be suitable for Alejandro's education. He would be lost in that environment. It would be like trying to force a circle in a square, it just would not fit. Thankfully there are schools like The Gateway School. These schools can provide children an education that is suitable to their needs. We didn't choose this type of education for him, but it is what he needs. Trust me when I say no parent wants to have to send their child to a special needs school. This is not something we wish for our children lives, but it our reality.

The cost of these schools for our children should be supported by the government. We as parents are doing everything we can for our children now so that they can grow up to be productive human beings. There is great emotional and financial strains of all of the costs that add up because of specialist, therapy, neuropsych reports, lawyers...the list is endless. Their education is costly in the beginning, but will prepare them to grow up and be productive part of our society. If we don't give them the proper education now the cost when they are adults will be a lot greater. The financial burden put on parents of special needs kids is tremendous and the delays taking place for reimbursement are unnecessarily hurting many families for just trying to provide their children with a proper education. It is the government's responsibility not only to provide proper education to mainstream children, but also to special needs children..it is our future.

Committee on Education  
Oversight - DOE's Provision of Special Education Services.  
February 25, 2019

To the Committee On Education,

I'm writing to explain how the delays the NYC DOE is having is causing a real problem for my family. Our child is very severely delayed and the DOE failed to find him an appropriate program. It took me a great deal of time to be able to get him into a program that can service his needs. The program is costing 100's of thousands of dollars that we are forced to pay out of pocket. We have had to take out loans to pay the monthly school bills for our 3 year old. Our case was filed in August and we have not received an executed stipulation of settlement yet. This, despite our lawyers' efforts in following up with the DOE regularly and the DOE referred our case for settlement months ago and said they made a mistake and then took months to refer it again. Now, seven months later we still do not have an executed stipulation.

The costs of his program and services are having a tremendous negative impact on our ability to survive in new york city. Please can you take the time to get this system in order and our family and the many like us paid promptly.

Thank you for your time.

Renay & Howard Schwartz



Dear Councilman Treyger, City Council Education Committee and guests,

My name is Susan Crowson. I'm the mom of 2 amazing boys that are now 18 and 19 years old. I'd like to say that even though the Education Committee members have changed, I'd like to think that I'm not a stranger to the Committee. Let me first start out to say thank you for having this hearing. Odds are high that these changes won't help my kids, but will help the next generation of kids. Transparency.....I used to hate that word. Now, it's music to my ears.

I'm not sure how much time I have, so let me first say "PLEASE DON'T FORGET ABOUT HIGH SCHOOLS" when asking for data and results. I thought that the biggest horror in the DOE Special Education system was the way they rolled out Special Education "Reform". How 2 weeks following my older son Ben's triennial meeting which said that he needed a small (no more than 12) calm, environment, and the day AFTER an SLT meeting.....I was called and told that we needed to reconvene. That Ben would be put into the ICT class for 8<sup>th</sup> grade. I thought to myself, these kids in his class had NO homework, there was total chaos in the room most days. Ben spent most of his days reading whatever papers were available at the Bodega next to school (NYT, Post and Daily News) trying to hide from the chaos. This was 7<sup>th</sup> grade chaos. Remember 7<sup>th</sup> grade? Big year to take the state tests to help determine high school? They did nothing that year to prepare for the tests, let alone 8<sup>th</sup> grade. Now they're telling parents that their kids were going to be put into the ICT class. Short story, I told them no.....the IEP said small classroom. How could they catch these kids up so they could keep up in an ICT class? Would the Gen ed kids learn anything? I had to find my son a school. DOE did nothing. They abandoned my son for over a year.

As part of the many committees that I've been on, I've asked for data on what happened to those kids? Where are these kids? Did they graduate? Are they college bound? Do they have a course of action for their future? I've received nothing. 2 years of asking.

I look forward to hearing more about Ms. Rosenthal's bill to report claims on private school tuition and tutoring. Dealing with the DOE for private school placement and being reimbursed for it is a barbaric system. (That's another issue that I've ask Corinne Rello-Anselmo about for at least 3 years.) I don't understand why the DOE can't create classrooms that have "like learners"? Why are chair throwers put into a classroom with kids that just need some hand holding and special supports? It's these middle kids that get lost. Why must parents spend thousands and thousands of dollars for attorneys to sue the DOE to make sure that their child has a "free and appropriate education"? Both of my parents had to die for me to be able to provide schooling and attorneys fees to make sure that he had a school and a classroom. Did I mention that I had to find the schools that would fit? Ultimately, my son ended up in a school in Massachusetts. (I spent 12 hours yesterday driving to bring him back following break) So please excuse me if I seem half asleep. I've had to miss the last 6 years of his life. Is that a free and appropriate education? I'm here to tell you it isn't. Do you know what it's like to hear your child call himself "the forgotten one"? He says that the DOE threw him away. And if you were to meet this amazing young man you'd see that he shouldn't have been forgotten. None of our kids should be forgotten.

Private school placement, funding and care of those children who are privately placed need a voice. They need support. They need information. Imagine finding out for the FIRST time at your 19 year old's IEP meeting, that if they haven't taken regents then they won't get a diploma. In the year following, do you think that they've offered any support, suggestions or avenues to have a path for that child? NO. There is no area in the department of Special Education to deal with Private Students. It's probably one thing if the child is place within city limits. You can be a part of the learning process and stay close. But being placed in another county or state.....there's nothing.

You may be thinking, well why didn't she use Advocates for Children? Well, we made "just" a little too much. AND they don't have enough attorneys to handle all of the cases. (Which has been the case for at least the past couple of years. WHY DO WE NEED TO PAY AN ATTORNEY TO tell the DOE that they need to pay a private school? If they don't have an appropriate class model then make one or cover a private school. None of the Citywide councils have the time or the room to help these parents. When I attempt to bring it up, I just get eye rolls. (Not out of disrespect, but out of "oh my we have so many other things to cover"). It's not on anyone's priority list.

Now let's look at special education for High Schools within a General Education population/setting. It's not a surprise that many middle schools push to have kids declassified prior to high school. Why? Because the high schools don't have the funds/tools/teachers to cover special ed needs. Most of the kids in my younger son's school had SETTs. When their SETTs provider left in the beginning of Sam's 10<sup>th</sup> grade, they had no one to replace him. He went through 10<sup>th</sup> and 11<sup>th</sup> grade without appropriate SETTs services. 12<sup>th</sup> grade SETTs ended up being a study hall. I'm not sure what that does to help kids with ADHD, organization issues, Executive Functioning issues. Needless to say, those kids didn't fair well with college options. Here's the real tragic thing. Most of the parents whose kids didn't get their SETTs had no idea (and still don't) that their kids didn't get their services. Study hall is not SETTs.

Why is this happening? There aren't a lot of high school special education teachers. Whatever teachers that are in the system, seem to be running for the hills. I'm not sure why. But first and foremost the DOE needs to hire more Special Ed teachers OR do what I suggested and bring in a tutoring program that can help kids with skills for organization, test prep, note taking.....

Let me share about another student that's getting lost: the really smart kid, that can usually cover up their issues and manage to get by. UNTIL big testing (Regents, SAT's , ACT....) Why isn't there staffing in the schools to be able to flag these kids and get them 504s for testing? Because there isn't enough staff or they don't care or ? Luckily for this young lady, her former advisor suggested that she apply for a 504. Which she did, but the school didn't process it and now the young woman with horrible test anxiety must take her last Regent 6 days before graduation. She doesn't pass it, she doesn't graduate on time. Did I mention this is someone that is taking College Now classes. The school says they didn't do anything wrong. WHAT? Luckily for this young woman, someone saw what was happening and reached out to me to see if I could assist her.

While the Special Education office is working with a team of parents to highlight areas of concern, there is still a huge amount of work to be done. The DOE needs more parents on the inside to go to the schools and inform parents of what is or isn't happening with their kids and their services.

These above were 3 extremely shortened versions of journey through the system. These were District 2 and District 3 schools. Yes, 2 and 3. What is happening in districts 4,5 and 6 and the other boroughs? These are also stories taken from an extremely active parent. What happens to those families that "don't know a guy that knows a guy"?

Please keep this conversation going. There is A LOT of work to be done.

Sincerely,

Susan Ashland Crowson



High School Special Education Task Force  
High School Subcommittee *Citywide*  
Chancellor's Parent Advisory Council-2012-present (Executive Board, Member at large)  
F.L Chamberlain International School-Parent Advisory Committee (2014-  
Manhattan High School Presidents Council-President 2016-2018  
District 3 Leadership Team 2016-2018  
Frank McCourt High School-PTA Co-President, SLT Chair  
PS 126 MAT PTA Co President (2012-2014), SLT  
District 2 Presidents Council  
PS 3 PTA, SLT, Co-chair Class Parents  
PS 41 PTA

Committee on Education  
Oversight - DOE's Provision of Special Education Services.  
February 25, 2019

To the Committee On Education,

In support of Intro 1380. My name is S. David Jacobson and I'm here to speak for our family and specifically on behalf of my son 'D' who can not speak for himself. 'D' is severely autistic. From birth he could not swallow and making sure he did not aspirate on his own vomit was a 24 hour a day job till he was 6 year old. At 8 months he stopped making eye contact, at 11 months he began banging his head into walls. Until just before his 7 birthday he was utterly and totally silent. He did not sleep until he was nearly 8 years old. This was exhausting, emotionally and physically. I mention these details so the Council can appreciate the nature of 'D's' delays. Today after a decade of appropriate education 'D' can read and has emerging vocalization, and has a wicked sense of humor. As parents we accept and understand our duty and responsibilities to care in every way for our children. What we also expected, perhaps naively, is that the Department of Education ('D.o.E. '), the legal office that represent it, and the Comptroller's offices would understand their responsibilities and fulfill their duties towards the most vulnerable members of society.

'D' requires a team of specialists, including, feeding, speech, physical and occupational therapists. Much of his education requires 1:1 specialization, which by definition the D.o.E. is not allowed to provide. Faced with the reality of what is available in a public school setting, a setting which we did in fact try for a year with disastrous consequences, we turned to private education providers. As I am sure this body is aware this costs money, lots of money. This is money that most parents including ourselves can not afford to pay out of pocket, and should not have to, and so we are forced to sue the D.o.E on 'D's' behalf so that he can receive an appropriate education.

To say the D.o.E, its legal representation and the Comptroller's office makes exercising these rights on behalf of 'D' difficult is an understatement. By way of example and evidence I point to our settlement for the school year 2017-2018, which just concluded, 2 years after it was initiated. Collectively, the D.o.E. its legal representatives and Comptroller exercised every possible delay that they could discover. This included waiting till the last day to file standard paperwork on every occasion required and then asking for 90 day extensions, and receiving them! These maneuvers successfully delayed settlement by more than 270 day past the 365 days of the actual school year. On top of this, the Comptroller's office took another 8 weeks to deliver half of the monies due and for reasons unknown and unfathomable took another 4 weeks to pay out the other half. The net effect was a delay of just under 2 years for a case in which the D.o.E had failed to provide us with an I.E.P. or Notice of Placement, two of the most basic procedural requirements that every child is entitled to under FAPE. The direct out of pocket cost of dealing with this and the current school year's tuition and legal expenses exceeds \$250,000. If this were a one off bad year I would perhaps be understanding, but this is the rule.

Over the past 11 years there have been at least 7 years in which payments were delayed in excess of 18 months. This unacceptable. The D.o.E. must fulfill its moral and legal responsibilities to the special needs children of New York City that are in its care.

To put it simply, we do not expect the D.o.E. its legal representatives, or the Comptroller's office to be adversarial when dealing with children as vulnerable as our son, or with families as frail as our own. We understand that there needs to be accountability and safeguards and we support 1380 because we believe that it will shed light in meaningful ways on the practices of the D.o.E., its legal representatives and the Comptroller's office and help to ensure children like D receive the education they need and deserve.

Thank you,  
S. David Jacobson,  
Brooklyn, New York

# **PROVIDER Witness Testimony**

## Testimony of Dr. Beth Raskin, Kulanu Academy

February 25, 2019

I am Dr. Beth Raskin, the founding Executive Director of Kulanu Academy, a school for children with disabilities chartered by the New York State Board of Regents. We serve students in elementary school through age 21 and in 18 years of operation, we have provided programming to almost 1,000 NYC students.

Kulanu offers individualized programs that coincide, and frequently exceeds NYS requirements. Students come to our school because the New York City Department of Education is unable to serve them appropriately. As a result, our parents sue the Department of Education for tuition reimbursement and related services, which is their right under law.

I came here today to let you know just how dreadful the DOE's impartial hearing settlement and payment process has become, and the impact it is having, and to ask you for help. The system is broken.

Several years ago, the mayor tried to remedy the situation by expediting settlements and payments. The goal was to reduce litigation, and ensure a competent and swift resolution to a stressful and protracted process. That lasted one year. In that single year, almost 90% of the cases were resolved within the length of the school term. We were delighted, and planned our subsequent enrollments accordingly. Apparently, that was a mistake as the last two years have demonstrated. Parents and schools like ours are again waiting months; often well over a year, even two years, to be paid.

We did not sit by while the system took a downturn. In the past year, I attended two meetings with Howard Friedman, the Department of Education's general counsel, to discuss the breakdown in payments. At both those meetings, while listening to schools express the impact of the DOE's delays, Mr. Friedman told the groups that the Department of

Education was “overwhelmed”, that the DOE didn’t have enough staff; that perhaps the delays were at the Comptroller’s office or our school data was inaccurate. In fact, he asked the schools to account for the increase in numbers (supposedly causing the overwhelming situation) alluding to the fact that in some way we were responsible for their problem!

Help me understand. Our commitment is to education; however, our schools are in fact businesses. If we do not have enough teachers or aides to run our programs, we hire and train more people. We find solutions because we have to, or children with disabilities are not served. It appears to me that the DOE has not done that, and families and schools are suffering as a result.

Kulanu Academy prides itself on keeping good data. It is how we base our decisions. We have been keeping track of the DOE system for over 10 years by speaking weekly and now, daily with the attorney’s representing our parents. In the last two years, our data demonstrates what I call a horror story:

### **2017-2018**

Of our 50 NYC cases for the 2017-2018 school year, only 18 have been settled and paid. An additional 14 have been settled and represent \$1.7 million dollars. Our school year ends in June. It is 8 months after the close of the school year - we still have not been paid. That is \$1.7m of debt the DOE has caused us to incur – our employees need to be paid and obligations must be met. The other 18 families filed impartial hearings to force the issue because the DOE did not respond to their TDNs. How backwards. Those cases represent another \$1.5m. We have already testified in four of those cases so far and won each time. I believe we will win all 18.

In summary for 2017-18, of the 50 cases from LAST YEAR, 60% are unresolved. Those cases represent \$3.2 dollars of funds we budgeted for but still have not received. How can a school operate this way? How can

the special education system operate this way? It cannot; it is dysfunctional.

**2018-2019**

Currently, our enrollment numbers are the same as last year. Of the 50 NYC cases, the Department of Education has not responded to over 50% of the attorney's ten-day notice, which means 8 months into the current year, the DOE has not responded to documents submitted in June and August of last year. We are 3 days from March and the process has not even begun for 27 students. That is shocking. We have five settlements- 10% of the NYC cases. The current year is worse than last year!

Because of these issues, we have been forced into a new "normal", one that is not sustainable. We live in cash flow crisis trying to make payroll and pay our bills. We have begged and borrowed funds to keep our doors open, all the while protecting our program so students continue to receive the best services that we can offer.

My school's experience is not unique, as my colleagues in the private sector rely on the tuition reimbursement system to operate programs for NYC students. According to Mr. Friedman, the private sector serves at least 8,000 students. That is not an insignificant number- impacted by an ineffective, frustrating and non-transparent system. I believe something dramatic has to change in order to fix the system.

I support an oversight position such as the one contemplated by Mr. Treyger – it would be a step in the right direction. On behalf of our school, our parents and most importantly, our children, I stand ready to work with the city council to help find meaningful and long-term solutions.

Honored members of NYC Council Education Committee, thank you for holding this hearing on special education oversight. I want to start off by thanking NYC Council Members, NYS Assembly Members and Senators that have been involved in the Tuition Reimbursement process until now and have worked tirelessly on behalf of the students of NYC. I also want to acknowledge that I am thankful for the higher rates of settlement and higher reimbursement amounts under this administration than previous ones. With that being said I would like to make the following comments.

I am an administrator at Haor Beacon School which is a private school that provides special education for children that require behavioral, social and/or emotional interventions. These children are not able to succeed in a traditional school setting, all of our students come to us from mainstream schools.

I would like to specifically speak about the tuition reimbursement process whether it is direct payment to the school or reimbursement to the parents.

For the 2017-18 school year 55 students were enrolled. Of those 55 students we have 29 cases (52%) that are still in the settlement process. All of them except 1 have a settlement in principal. There are over a dozen cases that have had a parent signed stipulation for awhile (many of them for over 2 months) and are waiting at the Comptroller's office for approval before being countersigned by the DOE.

Additionally last year four cases went to hearing and the parents won. Pendancy was requested on all the cases yet we have only received payments on one of these cases. The other's we have not received one penny. I can personally tell you of numerous families that simply cannot afford to take out more loans to pay these bills. Last week I spoke with three different families and they have all told me that they have maxed out their credit cards and literally have to choose between putting food on the table and covering their tuition bills. For the 2018-19 school year to the best of my knowledge not a single case has a settlement agreement at this point in the year.

It is nearly impossible to know where cases are up to and what the time frame for the parents or the school will be in terms of receiving payment.

This year our school has had to take out over \$500,000 in loans (some of which we have paid back) to cover our expenses. It is nearly impossible to run an educational institution in this way.

One idea that I feel would help out tremendously would be to have a way of independently tracking each case so that the parents, attorneys, school administrators and any other interested party can verify where the case is up to in real time. Who was the last person to work on the document and when.

When we order a packing and it is delivered by UPS, FEDEX, USPS etc. we can track exactly where it is at any given time. Why should our children's education be any less important then that?

At this point we do not have enough money to cover out payroll for the month of February and we will need to take out an additional loan - this is not a sustainable system.

Thank you for your time and your consideration of this important matter.

Raphael C. Berman LMSW

If I can be of further assistance I can be reached at [cberman@haorbeacon.com](mailto:cberman@haorbeacon.com) or at 718-951-3650 extension 12.

**The New York City Charter School Center**  
**Melissa Katz, Director of the Special Education Collaborative and Inclusive Education**  
**Initiatives at the NYC Charter School Center**  
**Testimony Presented to the New York City Council Education Committee**  
**Oversight Hearing on DOE's Provision of Special Education Services**  
**Monday, February 25, 2019**

The New York City Charter School Center (Charter Center) and the Special Education Collaborative, an initiative of the Charter Center (collectively, the “Charter Center”) respectfully submit the following testimony regarding the DOE’s Provision of Special Education Services. The Charter Center thanks the New York City Council Committee on Education for providing the opportunity to comment on DOE’s Provision of Special Education Services.

For almost 20 years, public charter schools have been an integral part of the public education system in New York City. There are currently 236 charter schools located in all five boroughs and in nearly every community school district (CSD), educating over 123,000 students. Special Education students make up 18.5% of charter school students, which is comparable to the district’s proportion of special education students, 19.8%. Since 2013, enrollment of students with disabilities in NYC charter schools has grown 38%. Schools have expanded their continuum of services, with the majority of schools offering SETTS, related services, and ICT sections. Students with disabilities at charter schools are significantly out performing both the district and state on the Grades 3-8 Math and ELA exams.<sup>1</sup>

While charter schools are autonomous in many respects, the DOE is the local education agency (LEA) for special education in NYC charter schools, which means all decisions about the provision of special education services for charter students is made by the DOE’s Committees on Special Education (CSEs). The Charter Center strongly supports the goals of the Council’s proposed

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<sup>1</sup> See Charter Center’s *Students with Disabilities and NYC Charter Schools*, 2018, available at <https://www.nyccharterschools.org/sites/default/files/resources/Factsheet-Special-Needs.pdf>

legislation and resolution. Transparency and accountability for service delivery in special education in all public schools, including public charter schools, are longstanding priorities of the Charter Center. More specifically we submit the following comments on the legislation the Committee is considering:

### **Int 0559-2018**

The Charter Center supports Chair Treyger’s amendment to the annual report on special education services to require reporting by individual schools. The Charter Center requests that this amendment be modified to include charter schools in the definition of schools for the DOE’s annual report on the provision of special education services. Currently, the annual report excludes charter school students. Under the Charter Schools Act, “special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student’s school district of residence.” Education Law Section 2853(4)(a). Since the DOE is the LEA for charter school students, the DOE holds data about the provision of special education services for students in charter schools across the sector (information is stored in SESIS). Therefore, when the DOE reports on the provision of special education to students in the district, it should also report on the provision of services for students in charter schools. Charter students are public school students and the same data that is available on district school special education services should be made available to parents and the community about the provision of special education services for charter school students.

### **Int 0900-2018**

The Charter Center supports the amendment to the annual report on special education services proposed by Councilmember Kallos. The DOE’s current reporting on special education services would be strengthened if the reporting was done tri-annually. Since charter schools rely upon the district to provide many of the related services for special education students, it is important to capture the full and partial compliance rate of students receiving all of their services at different points throughout the year, particularly in the beginning of the year. We also request that data on

special education services provided to charter school students be added to the DOE's report (see above *Int 0559-2018*).

**Int 1406-2019**

Some charter schools are also offering prekindergarten and we support Councilmember Dromm's proposal requiring data on the provision of preschool special education services to be included in DOE's annual report on special education services. Services for students with disabilities may begin before kindergarten, and it is important for these services to be fully provided. We also request that data on special education services provided to charter school students be added to the DOE's report (see above *Int 0559-2018*).

**Res 0749-2019**

We also support Chair Treyger's resolution for the DOE to establish a position in the DOE solely dedicated to ensuring students with disabilities receive all the services required in their IEP.

# Students with Disabilities and NYC Charter Schools

2018  
2019

Charter schools are committed to serving all students, including those with disabilities. NYC charter schools now enroll students with disabilities (SWDs) in numbers comparable to the district and they continue to recruit more of these students as they expand their programming.

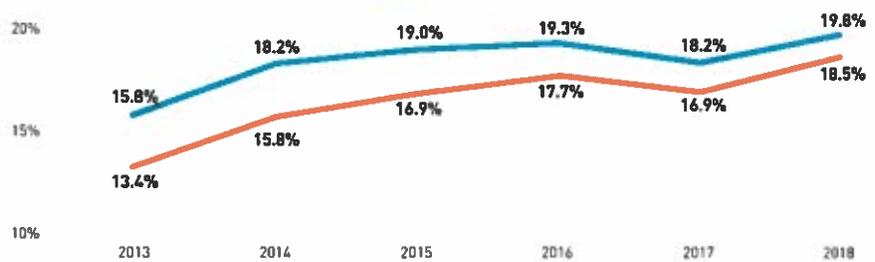
**18.5%**  
of students enrolled in charter schools have disabilities

**38%**  
Growth in SWDs enrollment from 2013-2018

**24**  
charter schools featured a preference for students with disabilities in their 2018-19 admissions lotteries

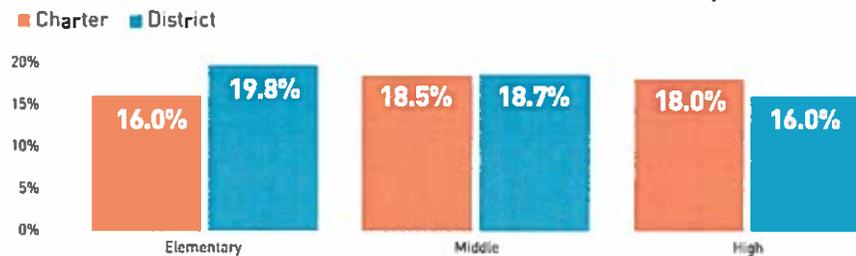
**91**  
charter schools enroll a higher proportion of students with disabilities in their schools than the citywide average of **19.8%**

## PERCENT OF STUDENTS WITH DISABILITIES ENROLLED IN CHARTER SCHOOLS, 2017-18



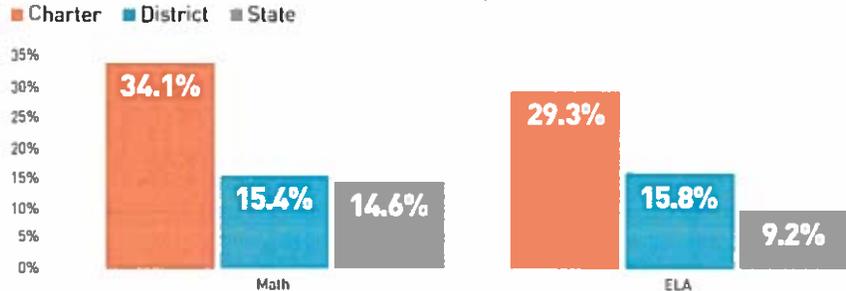
\* Data pursuant to NYSED as of October 16, 2018

## PERCENT OF STUDENTS WITH DISABILITIES BY GRADE, 2017-18



\* Data pursuant to NYSED as of October 16, 2018

## 2017-18 MATH AND ELA PROFICIENCY, STUDENTS WITH DISABILITIES



Source: NY SED Public School 3-8 Assessment Data.

# **ADVOCATE Witness Testimony**



Testimony of

Alice Bufkin  
Director of Policy for Child and Adolescent Health  
Citizens' Committee for Children

Before the

New York City Council  
Committee on Education

*Oversight Hearing: DOE's Provision of Special Education Services*

*Int. No. 0559-2018, Int. No. 0900-2018, Int. No.1380-2019, Int. No. 1406-2019*

February 25, 2019

Good afternoon. My name is Alice Bufkin and I am the Director of Policy for Child and Adolescent Health at Citizens' Committee for Children of New York, Inc. (CCC). CCC is an independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

CCC thanks Chair Treyger and all the members of this committee for holding this important hearing on issues impacting the Department of Education's (DOE) provision of special education services. Over 224,000 students in New York City have a disability, representing roughly 20 percent of the city's students. According to the DOE's data, nearly a quarter of these students did not receive mandated services last year.<sup>1</sup> We would like to thank the authors and co-sponsors of today's bills, which collectively take important, much-needed steps towards improving data and reporting on how well students with special needs are being served in our city.

Before turning to the specific bills being heard today, I would like to highlight a couple of items that broadly impact children with disabilities in New York.

First, we want to underscore the damaging impact that early care salary disparities have on the ability of the city to serve children who need preschool special education services. As you know, early education teachers and staff in community-based organizations (CBOs) are paid substantially less than their counterparts at DOE schools. Teachers and staff in CBOs often work into evenings and through summer months when most DOE classrooms are closed or teachers are on vacation. Despite this, CBO early educators with a bachelor's degree can expect to earn \$16,000 less than their counterparts at DOE schools. Pay disparities only widen with time and increased education.

Pre-school special education classrooms (both integrated and stand-alone) for three-year olds and four-year-olds are located in both DOE schools and in community-based organizations, but the majority of stand-alone specialized classrooms are in CBOs. As a result, there are significant salary disparities between DOE and CBO schools, making it increasingly challenging for CBOs to attract and retain certified special education teachers.

In some parts of the city, a shortage of pre-school special education classrooms has left the city and state unable to meet its legal mandate to provide needed services to children with special needs. This has resulted in children with disabilities forced to stay home as they wait for services to open, while their peers receive developmentally appropriate education. **Achieving salary parity is an important step towards addressing shortages in preschool special education classes.**

Second, CCC would like to draw attention to the state's recent decision to close the state's Early Childhood Direction Centers (ECDCs) and Special Education Parent Centers in June 2019 and replace them with Early Childhood and School-Aged Family and Community Engagement Centers.

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<sup>1</sup> NYC Department of Education. *NYC Department of Education Annual Special Education Data Report: School Year 2017-2018*. November 1, 2018.

The state's current network of 14 ECDCs and 14 parent centers provide vital, coordinated information and referral services for families of children with diagnosed or suspected delays and/or disabilities. Navigating Early Intervention, preschool special education, and school-age special education services is enormously difficult for parents, and can be overwhelming without outside assistance.

ECDCs offer information and referral services for children with disabilities ages birth to five, as well as trainings and technical assistance for families and preschool providers. ECDCs address parents' concerns, assist parents with obtaining services, and provide one-on-one support as children move through the Early Intervention and special education systems.

Parent centers help parents with children age 3-21 with disabilities navigate the special education system. These centers support parents in understanding their child's disability; promote meaningful involvement in their children's education programs; help parents understand their due process rights; and support parents in advocating for their children.

The State's plan is to replace ECDCs and parent centers with Early Childhood and School-Aged Family and Community Engagement Centers. The RFP for these centers reduces the number of required staff to two per center, compared to the current requirement of three per ECDC and 2.5 per parent center. This will result in a substantial reduction in the number of specialists available throughout the state.

The RFP also shifts the focus of the centers from directly supporting families to "system change work" and "build[ing] the capacity" to "promote meaningful involvement with the educational system." While capacity building and systems change work are extremely important, they should not come at the expense of critical one-on-one support currently available for families in need. Like other advocates, we are deeply concerned that the reduction in staffing will result in new obstacles for parents, and gaps in services for children.

As the city enhances its data collection and reporting on services for children with disabilities, we urge you to monitor the impact of any changes to ECDCs and parent centers. **If state changes to ECDCs and Parent Centers negatively impact the ability of families to access services, we urge the city to take steps to address these challenges.**

### **Early Intervention and Preschool Special Education**

Decades of research have shown that children's earliest experiences play a critical role in brain development. Intervening in the first few years of life can change a child's developmental trajectory, leading to positive outcomes across health, language and communication, cognition, and social/emotional domains.<sup>2</sup>

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<sup>2</sup> "The Importance of Early Intervention for Infants and Toddlers with Disabilities and Their Families." The National Early Childhood Technical Assistance Center. July 2011.  
<http://www.nectac.org/~pdfs/pubs/importanceofearlyintervention.pdf>

Early Intervention provides evaluations and services to children age birth to three with developmental delays or disabilities. Professionals work as a team with families to address the unique needs of each child. These services can be provided in the home, in a child care setting, or in whatever setting is natural for the child.

Despite the critical role that Early Intervention plays in the lives of young children, New York State cut the EI service rate for home and community-based services by 10% in 2010, and cut the reimbursement rate for all EI services by an additional 5% in 2011. The rate has remained unchanged since then, and is actually lower than it was when the program began more than 20 years ago.

In addition to reducing rates, the State implemented a new process for seeking reimbursement that placed additional administrative burdens on EI service coordinators, providers, and agencies. As a result of these changes, experienced, high-quality EI providers have shut their doors or stopped taking EI cases, making it difficult for children in certain areas to access much-needed high-quality services in a timely manner.

The shortages have impacted children in urban, suburban, and rural communities throughout the state. For instance, an agency in New York City that was providing EI service coordination to 2,400 children ended its 24-year EI program in June 2017 because the program was not financially viable.

In Brooklyn and Manhattan, only 70% of children referred to EI services received services on time. In the Bronx, only 63.4% of children received timely services.<sup>3</sup> Moreover, in the first few months of 2018, 15% of Black and Hispanic children in the Bronx found eligible for EI services did not receive any of their mandated services.

These city- and state-level challenges underscore the need for detailed, timely data on the provision of EI services to children in NYC. **CCC therefore strongly supports Int. No 1406-2019 by Council Members Dromm, Treyger, Levin, Rosenthal, Brannan and Chin which would amend the administrative code of the city of New York, in relation to requiring reports on preschool special education and early intervention services.**

There is a serious lack of comprehensive, detailed, publicly-available data on Early Intervention in New York City. Int. No 1406 will require greater examination of key referral sources for EI services, allowing the city and stakeholders to determine where additional outreach is needed to strengthen connections between different sectors and EI services.

This bill will also allow greater examination of the number of children who receive their IFSP meetings and initiation of services in a timely manner, as well as the breakdown of children who receive full or partial services in compliance with their IFSP, and those who do not receive needed

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<sup>3</sup> Unpublished analysis of State Department of Health data. Includes discountable delays.

services at all. The bill will also require greater reporting on the types of services children are recommended to receive, aiding the city in identifying areas of greatest need and potential areas of shortage. These and other data points required in the bill will be invaluable for identifying and addressing barriers to children receiving high-quality, timely Early Intervention services.

Importantly, each of these data points would be disaggregated by zip code, race/ethnicity, status as a student in temporary housing, and gender. This breakdown in data is crucial for determining where infants and toddlers are experiencing disparities in timely initiation and receipt of the services they are entitled to. Reporting on this data will enable the city and other stakeholders to initiate targeted interventions to eliminate gaps in services, reduce disparities, and ensure more children are receiving critical, on-time developmental services.

**In addition to the categories included in the bill, CCC recommends that the bill require that data be disaggregated by recommended language of instruction and home language.** Shortages in bilingual EI providers remain a serious challenge across the city. It is critical that we know how language impacts the provision of timely services to young children with disabilities and developmental delays.

**CCC also recommends requiring that information be disaggregated by type of health coverage.** Children in Early Intervention are covered through an array of health options, including Medicaid, Child Health Plus, and private insurance. Rates of claims denials for private insurance are particularly high, which can impact the overall provision of service. If children are receiving a different quality of services as a result of their health coverage, this should be identified and addressed.

CCC also strongly supports the inclusion in Int. No 1406 of reporting requirements related to the city's preschool special education services. Currently, the city does not report IEP compliance data for students with disabilities in pre-K.

In recent years, preschool programs for special needs children have closed across the state, leading to insufficient classroom space and too few certified teachers. This has led to hundreds of 3-to-5-year-olds with disabilities being forced to wait at home until spaces become available. These children are not receiving the services they are legally entitled to, and are being denied fundamental educational opportunities that their peers are being provided.

Int No 1406 will allow for more accurate and detailed public data on areas including timeliness of evaluations and services; the number of preschoolers who receive full, partial, and no services in compliance with their IEPs; which services children are recommended to receive; the number of children with disabilities enrolled in Pre-K for all and 3K-for all; the number of preschool integrated special class programs administered by DOE; and student-to-teacher-aid ratios.

This bill takes the important step of disaggregating all data by district, eligibility for free/reduced price lunch program, race/ethnicity, gender, recommended language of instruction, home language,

and status as student in temporary housing. Providing this information is a critical step towards addressing disparities in the provision of quality, timely services.

### **Improving Data and Reporting on Special Education**

Over 200,000 students with disabilities in New York City receive special education services. Unfortunately, too many students with disabilities are going without the full array of special education services they need and are entitled to by law. According to the DOE's report on the 2017-2018 school year, approximately 40,000 children are not receiving required special education services. Though the city has made important improvements in recent years, almost a quarter of special education students only received a portion of the services they needed.<sup>4</sup>

With more detailed reporting, the city can better address areas of greatest need, and better help families navigate barriers to accessing services. CCC therefore strongly supports the array of bills proposed today to help improve data collection and reporting on special education services.

Int. No 559-2018 by Council Members Treyger and Levin would require the Department of Education to disaggregate by school its report on individualized education program compliance rates. This bill is critical for helping the city identify schools that are not currently meeting the needs of students with disabilities, and working with DOE to identify what resources are needed to help schools address and ameliorate barriers to providing services. Providing this information publicly is also important for informing parents about potential challenges their children may face when seeking appropriate and timely special education services.

CCC also supports Int. No. 0900-2018 by Council Members Kallos and Levin, which would require DOE to report on its provision of special education services to students tri-annually, and would also require DOE to report on assistive technology services and special transportation services. More frequent data reporting is essential to enable DOE to intervene earlier when problems arise, rather than waiting until an end-of-year report is released. This bill will also help the city better identify and address barriers to the receipt of assistive technology and transportation services.

Finally, CCC supports Int. No 1380-2019 by Council Members Rosenthal, Treyger, Dromm, Levine, Ampry-Saumel, Brannan, Levin, Rose, Adams, King, and Kallos which would amend the administrative code of the city of New York in relation to requiring the department of education to annually report on claims for payment for tuition or services for students with disabilities.

Thank you for your time and consideration today.

Respectfully,

Alice Bufkin

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<sup>4</sup> NYC Department of Education. *NYC Department of Education Annual Special Education Data Report: School Year 2017-2018*. November 1, 2018.

FOR THE RECORD



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

**Keren Farkas – Attorney-in-Charge, Education Unit**

***BROOKLYN DEFENDER SERVICES***

**Presented before  
The New York City Council Committee on Education**

**Oversight Hearing  
on  
Special Education**

**February 25, 2019**

My name is Keren Farkas. I am attorney-in-charge of Brooklyn Defender Services (BDS) education unit. BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committees on Education for the opportunity to testify today about special education services in New York City.

BDS is fortunate to have the support of the City Council, as well as other elected officials and the Office of Court Administration, to supplement the services we provide as a public defender office in Brooklyn. We have developed a model of specialization to best represent certain types of clients, including adolescents. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of these traditionally under-served clients in a comprehensive way. This includes helping young people and their families navigate the public education bureaucracy during and after contact with the criminal justice and family court system.

BDS' Education Unit provides legal representation and informal advocacy to our school-age clients. We work with young people impacted by the child welfare and criminal

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justice systems. As a legal and social work team, we work to improve our clients' access to education, and a significant portion of our advocacy relates to school discipline, special education, reentry and alternative pathways to graduation.

BDS commends the City Council for its continued attention to students with special education needs. We are inspired by the multiple pieces of introduced legislation, as our city's special education system requires greater transparency and accountability to best meet the needs of students with learning differences.

First, we are grateful to the City Council and Councilmember Dromm for introducing Int. 1406, which would require NYC DOE to report to the City Council about its provision of special education services to preschool students with disabilities. Among other benefits, we are hopeful that Int. 1406's mandate for regular and enhanced transparency will address the Committee of Preschool Special Education's placement capacity issues. We have worked with many parents of preschool students with disabilities who have waited extended periods of time for the CPSE to locate an appropriate specialized school. We also support Councilmember Kallos' similar legislation, Int. 900, that would require NYC DOE to report to City Council about its provision of special education services to elementary school students with disabilities. Both the objective data and our clients' experiences show that there are a host of students with disabilities who are without their entitled services. As many parents lack the resources and information to advocate for their children, this systemic issue requires the City Council's oversight. We believe the requested data points will help steer the conversation about the quality and responsiveness of the city's special education delivery system and result in needed improvements.

Next, we are encouraged by Councilmember Rosenthal's legislation, Int. 1389, that requires the DOE to report on its handling of parents' requests for private school reimbursement through 10-day notice letters. We hope this data will bring clarity to this administration's promise to reduce unnecessary litigation when it is clear that a student's needs cannot be met by NYC DOE. Last, we support the sentiment underlying Councilmember Treygry's Res. No. 749., requesting the appointment of a Czar to oversee the functioning of the city's special education system. We agree that there are concerning patterns in New York City's special education system, including poor educational outcomes and failure to provide students with their mandated services, and that there needs to be more oversight and improved provision of services.

In that same vein, BDS's testimony today will be focusing on a specific category of students with disabilities deserving the City's targeted oversight: students with emotional and behavioral disabilities. BDS believes there is an acute need for oversight over these students, particularly those enrolled in District 75, to ensure their needs are met in appropriate and effective settings. Accordingly, we would like to use this opportunity to outline our concerns and recommendations. I will then conclude my testimony with several brief recommendations that we believe will strengthen the proposed amendments and resolutions.

## **Educational Services for Students with Emotional and Behavioral Disabilities**

Because BDS' Education Unit offers education advocacy in a public defender office, we witness the varied education issues court involved low-income families of color tend to experience. Many of the parents we support are struggling to find a school environment that is the right fit their child with behavioral challenges. As data repeatedly demonstrates that black students are twice as likely to be classified with an Emotional Disturbance, and the classification is linked with poor educational outcomes, BDS is paying particular attention to the experience of these students.

Identifying and serving students with learning differences is complex and emotional, often leading to schools and parents disagreeing about what a student needs to make progress. When advocating for parents of children with behavioral challenges at school, I see distinct patterns of these disagreements. Some parents wholeheartedly reject the label of "emotional disturbance" and believe a more patient, skilled and culturally competent school could address their child's needs, without special education support. Other parents believe that their child requires special education support, but question why their child of average and above intellectual functioning cannot be educated in an inclusive or community school setting. On the other end of the spectrum, some parents of children exhibiting significant psychiatric need find that the school system has no appropriate options for their child or that the only options are located far outside the child's community. We try to advocate for our clients in each of these common scenarios and, at each angle, we regularly see the gaps and deficiencies in the city's continuum of services for students with challenging behaviors.

New York City's struggle to appropriately serve students with behavioral disabilities and educate them in the least restrictive setting is long-standing. Some DOE policies, namely the 2011 Special Education Reform and 2017-18 Discipline Code revisions, have limited community schools' options to quickly push-out or punitively discipline students with behavior challenges. However, BDS remains concerned that the changes are insufficient to improve educational outcomes for these students. Advocating for parents of students in community schools in Districts 17, 19 and 23—historically underperforming districts that largely serve low-income students of color—we still interact with schools that lack the toolkit and school personnel to inclusively educate students with behavioral challenges. Often, these schools do not appropriately create, implement or review Behavior Intervention Plans. Parents report repeated calls to pick up their children from school and school calls to EMS. Some schools create modified schedules where students spend significant portions of each day outside of the classroom, losing academic instruction. Without resources or advice about how to work with the school to improve their child's learning environment, our clients often feel their only option is to move to the next step of the DOE's continuum: District 75.

District 75 is the DOE's specialized school district that only serves students with disabilities, and notably black and Hispanic children are more likely to be placed there and make up the majority of its student population. More often than not, our clients

have heard stories about District 75 and its reputation of behavior management at the expense of academic instruction and poor student educational outcomes. While we have seen quality and effective District 75 schools, BDS' overall experience navigating District 75 schools, namely the schools that primarily serve students with emotional disabilities like the Career Development High Schools, largely confirms our clients' concerns.

BDS regularly represents criminal and juvenile justice-involved clients who are enrolled in District 75's Brooklyn School for Career Development. Sadly, many of these students present with similar educational histories: average or above cognitive functioning, recommended for District 75 for behavior issues, minimal educational progress, often unmet learning disabilities, and ultimately partial to complete school disengagement within the first year or two of attending the School for Career Development. When we meet them, they are often very disconnected from school and would require significant remediation, perseverance, and sometimes integrated therapeutic support to successfully reengage in school. When we speak with the parents, we hear about a lack of information, responsiveness or guidance from school staff on how to improve their child's learning environment or seek other placements.

Our work with District 75 students and observation of the bleak attendance rates, educational progress, parent engagement, individualized IEPs, and appropriately equipped staff, makes us concerned that these schools are systemically struggling to educate its students. We question whether the schools offer the specialized and individualized behavioral or therapeutic supports expected of schools with a mandate to serving students with significant behavioral challenges.

Accordingly, we urge the City Council to specifically consider the needs of this student population as it seeks to extend more oversight over NYC DOE.

### **Issue/Recommendation 1: The DOE does not report on District 75 student outcomes**

There is not enough public information for parents to assess the quality of District 75 schools. While we appreciate that District 75 finally began reporting on some measures of school quality and performance in 2017, these snapshots do not include all the data points provided about community schools. Parents of students with disabilities arguably need even more information to assess whether a school can meet their child's needs. Easily accessible and detailed information about outcomes, services, specialized staff, and inclusion opportunities, among others, would help parents make confident and informed decisions. Notably, District 75 does not publicize graduation rates. These may be very important factors to a parent of a student with a disability, and DOE should make that information available.

*Solution: The City should call upon the DOE to make information more accessible and comprehensive. For instance, District 75 should be required to*

*publish data points about District 75 schools, including educational outcomes and specialized staff.*

**Issue/Recommendation 2: Community and District 75 schools should appropriately utilize behavior-based supports, including FBAs and BIPs, and hire specialized staff, including BCBA's and licensed clinicians, to address students' social-emotional needs and maximize opportunities for inclusive education**

A first line intervention for students exhibiting behavior that interferes with learning is for a school to conduct a Functional Behavioral Assessment (FBA) and create a corresponding Behavior Intervention Plan (BIP). Too often, in District 75 and community schools, we find that these valuable tools for inclusion are not provided to students with Emotional Disturbance classification. When they are conducted, we frequently find that the analysis and plans are vague and undifferentiated. We also find that schools do not conduct the required data tracking and progress monitoring to update ineffective behavior plans. Also, not infrequently, we see these plans created only for the purpose of adding a paraprofessional or moving to a more restrictive setting.

A related gap in services for students with challenging behaviors is the lack of licensed mental health clinicians and Board Certified Behavior Analysts (BCBA's), at either the school or district level. Particularly for District 75 schools serving students with emotional disabilities and often trauma histories, onsite clinically trained staff is vital to help students productively work through challenging behaviors and build skills. Too often, behavior management is handled exclusively by educators or guidance counselors without the appropriate training. BCBA's can play a different, although equally important role, to help students increase positive behaviors. BCBA's are professionals with specialized training to understand and analyze behavior. They have the knowledge and skill set to conduct behavioral analysis and create responsive behavior intervention plans. Unfortunately, community schools rarely have access to BCBA's to consult on student's behaviors, support the creation and implementation of Behavior Intervention Plans, or provide 1:1 assistance. District 75 schools also do not have BCBA's on staff to support behavioral interventions. If a student's behavior is deemed so severe that they require a segregated school setting like District 75, it only makes sense that District 75 would have onsite BCBA's and clinical staff to target the behavior and facilitate return to a less restrictive environment.

**Client Story:** One of our clients at a District 75 high school struggled with disruptive behaviors that resulted in him being removed from the classroom, illegally suspended and asked not to return to vocational sites. At a meeting attended by our office, school staff bluntly stated that they had no additional ideas for educating the student and looked to our office for ideas about what services they should be providing the student. They

suggested the client consider a transfer, potentially out of state, to find an appropriate program.

*Solution: The City should call upon DOE to hire BCBA's that both consult and work directly with students in community schools and District 75 schools.*

**Issue/Recommendation 3: DOE has inadequate capacity and options to meet the education needs of students with serious mental health conditions**

Some students with Emotional Disturbance classifications have serious mental health conditions and need intensive mental health services to access educational curriculum. For these students, District 75 programs are inappropriate, as they lack the staff and structure to provide integrated onsite therapeutic support. Unfortunately, there are few programs within the NYC DOE for these students. While there are some District 75/Office of Mental Health partnership day treatment seats available across boroughs, there is significant confusion among school staff about how parents can access those seats. These programs also regularly face capacity issues, leaving students without appropriate placements and access to schooling for prolonged periods. It is not uncommon for adolescents with serious mental health conditions to be out of school for months because an appropriate and therapeutic setting cannot be located.

*Solution: The City should call upon DOE and OMH to expand Day Treatment capacity.*

**Issue/Recommendation 4: Students with Emotional Disturbance classifications in District 75 tend to have poor educational outcomes and their schools tend to not utilize SETSS or teachers trained in reading instruction to actively address and identify student's learning needs**

Many of our clients with ED classifications on standard assessment spend years in District 75 without accruing any core credits, sitting for any Regents Exams or making any progress in literacy or math levels. Speaking with District 75 staff, there is often a sentiment that student behavior must be addressed before a student can be educated. While we acknowledge this need to an extent, we believe that District 75 needs to organizationally ensure that students do not forego academically rigorous and thoughtful instruction while working to develop positive behaviors. Notably, some of these students may have underlying learning disabilities that require additional interventions or remediation. Based on our experience, it does not appear that D75 provides these students with appropriate and sufficient intervention to help them make progress.

**Client Story:** One of our clients with an emotional disturbance classification was placed in District 75 while in elementary school. Though he was passed from grade to grade, the student made almost no progress

academically, particularly in math. An evaluation performed when he was in second grade indicated that he was performing on grade level in math. Over a decade later, it was estimated that he was performing at only a fourth grade level in math. By the time he dropped out of high school, three years in, he had earned only three credits, and had never sat for a single Regents examination.

District 75 needs to ensure students can access instruction from teachers with specialized training, such as in Orton-Gillingham or Wilson, or regular small-group Special Education Teacher Support Services (SETSS) to better access academic instruction.

*Solution: The City should call upon the DOE to staff District 75 schools with instructors trained in literacy intervention.*

**Issue/Recommendation 5: Students with Emotional Disturbance classifications in District 75 high schools do not have access to supported opportunities for career and technical education and vocational training**

For standard assessment students with ED classifications seeking a Career Development and Occupational Studies (CDOS) credential, or alternate assessment students solely pursuing the CDOS, we are concerned about the quality of vocational programs. From speaking with clients, we question whether the job sites offer the accommodations, guidance and staff to make the experience successful for these students.

**Client Story:** One of our clients at a District 75 high school was placed at multiple job sites while working toward a CDOS credential, but was ultimately removed from each one for behavioral challenges. Rather than introducing additional supports for our client at the job sites, or undertaking other strategies to help to address his behavior, our client stopped being assigned to any more job sites, and was denied the opportunity to work toward his CDOS credential.

District 75 students need access to supported opportunities for career and technical education and vocational training. We are encouraged by District 75's growing partnerships with District 79 and the plan to create an accessible "Co-op Tech" site for District 75 students.

*Solution: The City should ensure that District 75 schools have high-quality vocational programs that offer appropriate accommodations, guidance and staffing, and support for students with behavioral disabilities.*

**Issue 6: District 75's Inclusion program should be expanded and offered to ensure more students with emotional disturbance are educated in the least restrictive environment**

The District 75 inclusion program is a promising model that merits attention and expansion. We are encouraged by D75's recent transparency about available sites throughout the boroughs.

District 75 inclusion is often not discussed at all at IEP meetings when the team is considering that a student be placed in District 75. Instead, it seems that students are typically only recommended for inclusion after they have made some progress in a traditional District 75 program. Given the legal mandate to educate students in the least restrictive setting, it makes sense that a student considered for District 75 would generally first be placed in its inclusion program. Accordingly, particularly for students who are capable of grade level instruction, District 75 inclusion should be re-envisioned as a way to bring specialized supports to a child and allow them to remain in the least restrictive environment. They should also include the needed therapeutic and educational staff to make it an effective model.

We also have concern about the lack of fluidity between District 75 and non-specialized schools and lack of emphasis on transitioning students back to community schools once they have been placed in District 75. BDS thinks that there should be a greater emphasis on transitioning students from District 75 to community schools, when appropriate. Among other things, this should include regular conversations with parents and teachers about the path to a less restrictive setting.

*Solution: The City should call upon the DOE to expand and re-envision D75's inclusion program to allow more students to remain in less restrictive settings along non-disabled peers and facilitate integration into community schools.*

**Int. 900**

BDS supports the proposed bills and resolutions. We have minor suggestions to strengthen them and ensure that students with behavioral disabilities and District 75 students get the needed oversight:

**Suggestions 1: Disaggregate data points by classification** – In Sections (b)(1) – (14) and (c)(1) – (2), where the bill requires the DOE to report disaggregated data on provision of services to students with disabilities, we suggest also disaggregating the data by special education classification.

**Suggestion 2: Data on use of Functional Behavioral Assessments for students with Emotional Disturbance:** We appreciate the bill's request for compliance on three-year evaluations. We believe an additional illuminating data

point would be the percentage of students with Emotional Disturbance who have intact Behavior Intervention Plans, as we are concerned by the amount of students with ED classifications who do not have updated plans. We believe this is an easily accessible data point for the DOE through SESIS special education software.

### **Conclusion**

Thank you for your consideration of my comments. I am grateful to the Council for inviting me to testify about the special education services in New York City. Please do not hesitate to reach out to me with any questions about these or other issues at (718) 254-0700 (ext. 292) or [kfarkas@bds.org](mailto:kfarkas@bds.org).

**New York City Council Education Committee Oversight Hearing on  
Department of Education's Provision of Special Education Services  
February 25, 2019**

We would like to thank the New York City Council's Education Committee for holding this important oversight hearing on the New York City Department of Education's provision of special education services.

We testify today to highlight the need for better quality and increase in the delivery of special education supports and services for more than 250,000 students with disabilities ages 3-21 in New York City. We also testify today to bring more attention to the need for the equitable inclusion of all students with disabilities in all schools and activities. We believe there is a direct relationship between the extent in which students with disabilities are integrated with students in other program settings, and receive all their mandated Related Services, with the extent to which they make academic progress.

INCLUDEnyc (formerly Resources for Children with Special Needs) has worked with hundreds of thousands of individuals since our founding 36 years ago helping them navigate the complex special education service and support systems, so that young people with disabilities can be included in all aspects of New York City life.

We fully support and thank the Council for all the proposed bills. In particular, we are grateful that they will provide more transparency and oversight of special education services; especially the introduction of bill 900-2018. This bill will hold the NYC DOE accountable for the delivery of Related Services. We know from our own experience and extensive work with families that related service delivery is extremely inconsistent throughout the school year, and that students are not receiving all their mandated services. The DOE should be held accountable for ensuring that a student's mandated services are fully implemented as required by law. We also applaud the addition of requiring data on assistive technology services. Additionally, we are grateful for proposed bill 1406-2019 that would require the Department of Education and Department of Health and Mental Hygiene to report annually on preschool special education and early intervention services.

Every year thousands of parents call INCLUDEnyc for help with resolving special education issues due to lack of parental support at the school level, regional level, and from DOE Central. Persistent issues include:

- Understanding special education
  - Quality of evaluations and IEP development
  - Students not receiving Related Services

-more-

- Inappropriate classroom placements
- Parents not knowing their rights and how to escalate issues when necessary
- Apprehension on sending their child to a District 75 program
- Concerns about the restrictiveness of their child's classroom setting
- Academic progress of their child
  - Overall quality of instruction
  - Absence of reading instruction
  - Need for appropriate interventions and accommodations
  - Applying to kindergarten, middle, and high school
  - Lack of transition plans and coordinated activities

In addition to the long-standing issues noted above, we also hear from many parents on issues of translating special education documents such as IEPs, busing, and bullying.

One mother, who speaks only Spanish, recently called INCLUDEnyc for help. She told us that her 15-year-old non verbal autistic daughter who attends a District 75 program has been waiting for an Assistive Technology device for more than two years since the service was first documented on her child's IEP. The mother emotionally explained her daughter's frustration--her inability to express herself at school and at home, and how she screams when she feels unheard or is in pain. This mom also fears for her own safety because her daughter becomes physically aggressive at times because she doesn't have the basic tools she needs to communicate with those around her. No child and parent should be put in the situation to wait for the support needed for this basic human right.

As a result of these persistent special education issues, we recommend that the Department of Education:

- Ensures the number of school psychologists is adequate so that students are evaluated and receive special education supports and services in a timely manner
- Creates borough-based Related Service Centers to increase access to services for families close to home and in their home language
- Requires additional professional development for general and special education teachers, paraprofessionals, and school administrations on basic characteristics of learning, emotional, intellectual, and physical disabilities, as well as sensory processing disorders and the value of inclusion
- Requires additional professional development for general and special education teachers and paraprofessionals on differentiated instruction
- Measures the extent in which schools integrate students with disabilities with nondisabled students via existing mechanisms such as Quality Reviews, Learning Surveys, and School Quality Reports

- Recognizes that inclusion of all students with disabilities, including students attending District 75 programs, should be an integral part of all school diversity initiatives

Thank you for taking the time to consider these important matters. We look forward to partnering with you to improve equity and access for all students with disabilities in New York City.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara A. Glassman". The signature is fluid and cursive, with the first name "Barbara" being the most prominent.

Barbara A. Glassman  
Executive Director

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Testimony of Jesse Cole Cutler, Law Offices of Regina Skyer & Associates, LLP  
NYC Council Education Committee Oversight Hearing  
Speaking in Favor of Intro. 1380 (Rosenthal)  
February 25, 2019

My name is Jesse Cole Cutler and I am a partner at the Law Offices of Regina Skyer & Associates, LLP, a special education law firm representing thousands of families in all five boroughs. Thank you to Education Chair Treyger and Speaker Johnson for the opportunity to testify today in favor of Introduction 1380.

In 2014, Mayor de Blasio announced his Special Education Initiative.<sup>1</sup> It did not come with any new proposed laws or regulations. The Mayor promised internal policy changes in four bullet points: The City would “expedite decisions, reduce extended legal battles, reduce paperwork, and expedite payments.”

Nearly five years later, while more tuition reimbursement claims are referred for settlement on notice at higher dollar amounts than before 2014, our client families have experienced *worsening* delays in the overall process—it now takes over twice as long. During the Bloomberg Administration parents typically received their first repayment within 9 months. Now, we advise clients that they must plan to front two years of school expenses.

One of the longest steps in the process is waiting to obtain countersignature from the City on a settlement agreement. When the financial pressures on a family become too much to bear, the only legal recourse we have is to withdraw from the settlement process and proceed to an impartial hearing. This is precisely the kind of unnecessary and

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<sup>1</sup> <https://www1.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities#/0>

burdensome litigation the 2014 initiative aimed to reduce. Some estimate that each hearing costs New York City \$50,000.

The DOE has told us that the slow execution of stipulations is due to an increase in the number of tuition reimbursement claims as well as understaffing and turnover rates at the Office of Legal Services. In our experience, when we call about a specific case, we often hear that it is “with the Comptroller.” Meanwhile, the Comptroller’s Office assures us that they have no backlog. This finger-pointing does nothing to fix the problem. The proposed reporting requirements would allow us all to see where the systemic issues actually lie.

Before I move on, one technical suggestion we have for the bill itself is that in addition to reporting “the date the department refers for settlement,” the department should also be required to report “the date the request for settlement is approved by OLS.” After a case is recommended by the CSE for settlement, the Office of Legal Services must approve that request before negotiations can begin. These are separate steps.

Unrelated to Introduction 1380, I also want to alert the Committee to a growing crisis related to the non-availability of Impartial Hearing Officers (IHOs).

When we must go to hearing, because the City refuses to settle or too much time has passed waiting for a countersignature on a stipulation from the DOE, as I described earlier, we are increasingly unable to get a first hearing date in an appropriate or reasonable amount of time.

In New York City, there are theoretically 75 IHOs, but right now, less than ten are accepting assignment on new cases; the rest are reporting themselves as temporarily unavailable or are recusing from accepting cases. This shortage impacts *all* due process impartial hearings for the DOE—not just tuition reimbursement.

There are three main reasons that IHOs give us for accepting less casework: (1) they are underpaid (they have not received raises in nearly 20 years), (2) they are not allowed to bill for necessary tasks, (3) there are extreme delays (4-6 months is not unheard of) in payroll.

This is a catastrophe in slow motion. If parents cannot access due process for students with disabilities, the entire system will collapse. New York State received \$780 Million in IDEA Part B funding in 2018.<sup>2</sup> In order to remain eligible for that funding, procedural safeguards (i.e. access to due process impartial hearings) must remain intact.

It is critical that this body opine on this important budget issue in its discussions with New York State, to ensure the due process rights of students with disabilities.

Thank you. With that, I’ll turn it over to my colleague, Sonia Mendez-Castro.

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<sup>2</sup> <http://www.nysed.gov/budget-coordination/individuals-disabilities-education-act-idea>



**PIE's Testimony to New York City Council's Committee on Education**  
**Oversight – Provision of Special Education Services**  
**February 25, 2019**

Good afternoon. My name is Jaclyn Okin Barney, and I speak today as the coordinator of Parents for Inclusive Education (known as “PIE”). PIE is a parent-led advocacy group of educational reformers that works to ensure that all students with disabilities in the NYC public schools have access to meaningful inclusive educational and community opportunities. PIE has been in existence for almost twenty years with members throughout the five boroughs. We are the only New York City group dedicated solely to advocating for the inclusion of students with disabilities. We work in various ways to achieve our agenda, including collaborating with the Department of Education on different projects.

Inclusion is so important in the education of students with disabilities. Studies have repeatedly shown that including students with disabilities results in a feeling of belonging, higher expectations, increased social relationships, and better educational outcomes. And, there are benefits for students without disabilities – promotes acceptance and appreciation of differences and diversity, increases resourcefulness and creativity, encourages cooperation, and prepares students for adult life in our already inclusive society.

In NYC, some schools try hard to create inclusive school communities. Their efforts should be applauded. However, after speaking with students with physical disabilities, you will learn that unfortunately many times these efforts do not go far enough. PIE has worked with the ARISE Coalition to create a Student Advisory Committee on Accessibility. Students on this committee talk about the need for sensitivity training of all school staff so there is a better understanding of disability and differences, especially, though not always, when differences are not visible. Basic things like the need for additional time for assignments or changes in schedules are not always understood. Often times I hear stories of teachers or administrators simply unwilling to “think outside the box” or beyond the norm, in order to ensure a student is accommodated. Additionally, the students on the Accessibility Committee often speak about schools not remembering their needs when it comes to field trips. For example, arranging trips for students to go ice skating, an activity that is not easily accessible to students in wheelchairs. Or arranging a field trip where students need to travel via public transportation but no one has confirmed that the required route is accessible. These are just a few examples but they are greatly significant in the eyes of students who, simply put, just want to be like everyone else. Increased training of school personnel, a simple and plausible solution, would go a long way ensuring students are full and equal members of their school communities.

I am rarely personal in these hearings as I believe this is a time to speak to you about the students with disabilities in NYC. However, I would be remiss not to share something about myself. There is absolutely no doubt in my mind that I would not be sitting here today – as an attorney, advocate, wife, and mother – if it was not for my inclusive upbringing. Until I was 17 years old, I was never told that there was something I could not do. There is no reason why all students with disabilities in one of the great cities of the world should not be able to say the same. Yet, sadly, right now many students in the city cannot say that they share this experience.

Thank you for considering our testimony today.

Jaclyn Okin Barney Esq.  
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Good afternoon, my name is Leah Steinberg and I serve as the Director of Special Education Affairs for Agudath Israel of America. Founded in 1922, Agudath Israel is a national organization headquartered here in Manhattan with an office in Washington and seven regional offices across the country. Among our goals are advocacy on behalf of the orthodox Jewish community and comprehensive community based social services serving all populations.

As Director of Special Education Affairs at Agudah Israel of America, I was involved with the implementation of the city's 2014 policy on tuition reimbursements and have been working hard to help it reach its promise with New York City Department of Education as well as parents and special education schools.

At the 2014 press conference rolling out the policy, Senator Felder, Assembly Speaker Sheldon Silver, Assemblywoman Helene Weinstein as well as the Mayor and School Chancellor Farina all spoke of a unified goal: That parents who had no choice but to place their children in nonpublic schools would no longer have to go through the harrowing process they had to year after year. What was promised was that once the placement met 5 basic criteria the city would agree to settle. After receiving a "Ten day letter", settlement would quickly be reached and the placement would be guaranteed to continue in future years if the child's IEP remained the same.

As liaison between my community and the NYCDOE, I had regularly scheduled meetings with the involved parties to see how things were progressing. The first year everyone was happy as it seemed that things were going in the right direction. The only concern was how year two would play out and if parents would see the relief that they wouldn't have to repeat the whole process as was promised. That never happened. However as settlements were still coming in quickly, although not as quickly as the first year, they were willing to wait and see. Lo and behold, the third year things started really getting bad. Instead of seeing improvement things seemed to be slowing down dramatically and talk about the automatic approval was all but forgotten.

The impact is not only being felt by the parents but the schools are having a hard time meeting payroll as well. Giving these children a quality education is vital and the special education schools in the Orthodox Jewish Community give their heart and soul to make it happen. Without timely reimbursements these schools are struggling to survive.

At this point it seems the whole process has frozen. Getting annual reports may help move the process along somewhat and we commend the City Council for this proposal. However, the most important contribution the City Council could make is taking steps to insure the process achieves the original goal of the 2014 policy; that parents should not have to file cases every single year and that funding should flow in a timely fashion.

**Testimony of Matthew J. Delforte, Esq. Before the New York City Council**

**Education Committee, February 25, 2019**

Good afternoon. My name is Matthew Delforte, and I am a partner at the law firm Shebitz Berman & Delforte. We are an education law firm. We were founded by my mentor, George Shebitz, who was Counsel to the New York City Department of Education (“DOE”) when Dr. Frank Macchiarola was Chancellor. George left the DOE to start my law firm. Education Law is what we do. I’ve practiced Education Law for the last 20 years.

As an education lawyer I do many things. Among other things, I have created numerous schools for children with disabilities, and I also serve as general counsel to many such schools. We also represent students with disabilities who exercise their due process rights.

I am here today to share the problems and concerns that our clients have encountered with the DOE settlement and payment processes, and in particular the DOE’s shortcomings at implementing Mayor de Blasio’s 2014 settlement policy initiative.

By all accounts, the Mayor’s settlement policy initiative has been unfulfilled. The DOE is not making decisions on whether to settle impartial hearings within 15 days after receiving a ten day notice (“TDN”), the document that starts the process for those families who exercise their due process rights under federal and state law to challenge the DOE’s offer of special education programs and services. As you are aware, the Mayor’s policy calls for the DOE to fast-track its settlement decisions and process by deciding

Moreover, cases are not being paid timely, which causes a cash flow crisis for the schools that children with disabilities attend. That is the case across the board.

By way of example, one of our clients had a receivable of about \$9m in May 2018 for cases that were won or settled in 2017-2018. You can't run a school that way without jeopardizing its fiscal viability, and yet these schools are invaluable not only to the children who attend them, but also to the DOE, as they provide appropriate education where the DOE is unable to do so.

These schools leverage everything. They take enormous loans from banks and other lenders, and also call on their parent communities to fund the deficits caused by the DOE's late payments. The last thing that these schools – and parents – should have to be doing is finding ways to keep a school alive. Instead, schools should be free to teach and implement their programs, and parents should be free to focus on their families, their jobs, their lives – like parents of non-disabled children are able to do.

So what is the solution? Chair Treyger's proposed Education Czar idea is a good one. A Czar would focus the effort, identify the breakdowns, and get resources to the right places. But a Czar must be given oversight powers and independence to do what he or she must do to ensure that effective changes are realized.

Council Member Rosenthal's proposed bill requiring more specific information around settlements and payments would also prove invaluable. It would help us to identify and understand the breakdowns in the system, so we could then target the resources in meaningful ways.

As I think about the issue, a special liaison to the Education Czar, or perhaps a Special Commissioner to work with the Czar, would be another good idea. This post

As I conclude my remarks I would like to convey that the work of the Committee is critically important and enormously appreciated by the community. Thank you for your interest in this issue, and we thank you for efforts at finding ways to help the DOE improve upon this system. I would be happy to offer my further thoughts and assistance as the Committee's work on this issue continues.

**Testimony - Oversight Hearing - City Council Committee on Education-  
2/25/19**

Esteemed members of the City Council Education Committee,

I was a special education teacher that left teaching special education twenty-eight years ago to pursue a career in advocacy for children with special needs as an attorney. I have watched this process evolve in New York City for twenty-five years.

Every year, the process of pursuing an appropriate education for a child with a disability is filled with more bureaucracy and more delays. For parents whose children have been failed by the New York City Department of Education and who have placed their children in appropriate nonpublic schools, the process is beyond daunting at this point.

In 2014, Mayor DeBlasio announced a policy and set of procedures that the DOE would implement to streamline this process. This process had come just in time as the settlement process and impartial hearing process was breaking down. It was so important to my clients that I got special permission from my surgeon one day after a three hour surgery under general anesthesia to travel to the city to attend the session held by the DOE to unveil this plan to the attorneys in this field.

That first year after Mayor DeBlasio announced this policy, the 2014-2015 school year, the process worked. For almost all of our cases, we received a determination letter from the New York City Department of Education within fifteen business days of parents sending out ten day notice letters as to whether the DOE was interested in amicably resolving the matter. For most of the cases, the entire settlement process took only a few months.

Each year, the process has deteriorated, with more layers of middle management added each year, more complications to the process, and fewer cases resolved within that year (much less a few months). Now, even if one of these matters resolves through settlement, it commonly takes one to two years. As of today, the end of February, six months into the 2018-2019 school year, we still do not have responses from the city as to their stance in over eighty (80) cases (or almost 50% of the cases where parents in our office submitted a ten day notice letter of concern to their district). That's over eighty (80) families who are in limbo six *months* later, when they were told they would hear an answer in three *weeks*.

What makes this worse is that this is only the first of many delays in the process. Once there is a determination, we provide requested documents and are routinely waiting at least another three to four months for an initial settlement offer. When we follow up with the New York City Department of Education's legal department, we are told they are inundated and they are getting around to make offers in the order in which they received the documents - but that only means that they are compounding the delay that they began by delaying their initial determination for six months. Then once we reach agreement, it can routinely take another three months to one year for the DOE to submit a request for approval to the Comptroller to resolve the case, and can take four to ten months for the DOE to countersign a stipulation of settlement that has been agreed upon and signed by the parent.

In one of my cases, we reached an agreement on January 31, 2018. As of three (3) weeks ago - over 1 year after reaching a verbal agreement, the DOE still had not even applied for approval from the Comptroller. We are still waiting.

During these extensive delays, there is extraordinary turnover in the DOE's legal department, requiring that one case may be reassigned multiple times before it is completed, and delaying matters further.

As a matter of fact, I would be at an impartial hearing right now for a student, but for the fact that last week I received a determination letter saying the city was interested in settling this case from the 17-18 school year. The father of that child is here to speak with you today. It took them eighteen (18) months to respond to the ten day notice letter, an inexcusable delay for a child who was already failed by district 75 in the public schools. Further, that determination only came from the DOE last week after I involved the DOE's general counsel, himself.

As City Council members, you have the power to intercede by requiring the DOE to report on each data point of this process. This process has broken down entirely - it needs sunlight in order to shed light on where the breakdowns are, so that they can be addressed. I implore you to vote in favor of INT - 1380-2019, as well as in favor of INT 0559-2018, INT 0900-2018, INT 1406-2019 and Resolution 0749-2019.

  
Michele Kule-Korgood



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**Testimony to be delivered to the New York City Council Education Committee  
Re: Provision of Special Education Services**

**February 25, 2019**

My name is Maggie Moroff, and I am the Coordinator of the ARISE Coalition. ARISE members came together over 10 years ago to promote system-wide changes to special education in New York City public schools. We aim to provide a collective and powerful voice in support of students with disabilities and learning differences and to improve day-to-day experiences and long-term outcomes for those students through systemic reform.

Over the years, in response to significant deficits we have seen in the City's special education system through our experiences as parents, advocates and educators, we have developed our guiding mission and vision. We advocate for the DOE to:

- Create decision making practices across the DOE to make certain that all students with disabilities – regardless of classification, grade, or language of origin – are considered at the outset in policy and budgetary matters.

**ARISE Coalition Organizational Members:** Adaptive Design Association, Advocates for Children of New York, AHRC New York City The Bronx Defenders, Bronx Independent Living Services, Brooklyn Center for the Independence of the Disabled, Brooklyn Defender Services, Center for Hearing and Communication, Center for the Independence of the Disabled, New York, Citywide Council on Special Education, Citywide District 75 Council, Coalition for Educational Justice, The Cooke Center for Learning and Development, Disability Rights New York, Dyslexia (Plus) Task Force, Early Childhood Direction Center/New York Presbyterian Hospital, Everyone Reading, Inc., The Go Project, Goddard Riverside Community Center, INCLUDE NYC, The Learning Disabilities Association of New York State, Lenox Hill Neighborhood House, Metropolitan Parent Center of Sinergia, Inc., National Economic and Social Rights Initiative, New Alternatives for Children, NYC Special Education Collaborative, New York Lawyers for the Public Interest, New York Legal Assistance Group, New York Performance Standards Consortium, Parents for Inclusive Education, Parent to Parent of New York State, Parent to Parent New York, Inc., Partnership for Children's Rights, Partnership for the Homeless, Education Rights Project, Teachers College Inclusive Classrooms Project, Teach For America – New York, United Federation of Teachers, United We Stand, Vibrant Emotional Health, Wishes of Literacy.

**ARISE Coalition Individual Members:** Cathy Albisa, Steven J. Alizio, Esq., M.S.Ed, Mark Alter, David C. Bloomfield, Bay Brown, Anthony Caponera, Tamesha Colem, Ziograin Correa, Sr., M.S Ed., April Coughlin, Helene Craner, Susan Crawford, Sahre Davis, Amber Decker, Ruth DiRoma, Richard and Lora Ellenson, Yuvania Espino, Ramona Garcia, Olga C. Gonzalez, Jay Gottlieb, New York University, Paul Hutchinson, Patricia Jewett, Donna Johnson, Revere Joyce, Joseph Karam, Rebecca Kostyuchenko, Mylinda Lee, NeQuan C. McLean, Aurelia Mack, Matthew Mandelbaum, Shelly McGuinness, Diana Mendez, Elise Murphy, Srikala Naraian, Dana Neider, Jaclyn Okin Barney, Esq., Samantha Pownall, Cathy Rikhye, Ed.D., Raphael Rivas, Miguel L. Salazar, Jennifer and Peter Sellar, Iriss Shimony, Jon Sigall, Jo Anne Simon, Karin Spraggs, Mark Surabian, MA, ATP, Constance Van Rolleghe, RueZalia Watkins, Chevon Weaks-Lopez

**Coordinator: Maggie Moroff -- [mmoroff@advocatesforchildren.org](mailto:mmoroff@advocatesforchildren.org) -- (212) 822-9523**

- Guarantee that every child with a disability receives specialized instruction and services they need – including assistive and adaptive technology, literacy instruction, and all appropriate physical, social, and behavioral supports.
- Guarantee that all schools are prepared to offer affirmative supports and interventions to address the behavioral needs and literacy needs of all students.
- Provide resources, training, and ongoing support for school-wide best practices to identify, include, and accommodate students with disabilities.
- Provide equal and equitable social and physical access to schools and programs across the City and across school levels.
- Promote parity of space, design, and resources in co-located facilities.
- Create robust transition planning for students with disabilities.
- Ensure that parents receive real-time, complete, and accurate information in the language of the family's choice regarding rights, individual student needs and abilities, school choice, and service delivery.
- Create and widely share user-friendly navigation paths for families seeking support to address rights violations and unmet students' needs.
- Institute transparent lines of accountability to document progress and service delivery.

I want to talk today about a few overarching themes we have raised with the Chancellor and key DOE staff in the past and which we feel are critical to the short-term and long-term success of students with disabilities in NYC – integration, parent empowerment, and educational equity.

### Integration

It is critical that the needs of NYC's approximately 210,000 students with disabilities – 17% of the entire student population – are considered in all citywide decisions. Interests of students with disabilities need to be weighed in the development of all academic policies and practices, enrollment procedures, school and program siting, and school discipline policies. Whether students with special education needs are attending their District 1-32 school or a co-located District 75 program, building a strong, inclusive culture is essential. Students with disabilities and their typically developing peers should spend time together. Even for those who may be in separate classrooms for academic instruction, all other aspects of the school day – physical education, lunchtime, fine and performing arts programs, school-wide celebrations, extracurricular activities, and out-of-school-trips – can and should be integrated. The inclusion of students with disabilities cannot be left solely to the discretion of individual principals or their staff. The DOE must make clear from the top that all students in the building, including those with disabilities, are key members of the community, and anything short of meaningful

inclusion and integration of individuals with disabilities is unacceptable. As part of this effort, the DOE should provide principals and their staff with specific training on including individuals with a range of disabilities into the fabric of their school, and disability culture needs to be an explicit piece of all efforts to develop culturally responsive curriculum.

Also, as we have also discussed on numerous occasions, the City's work to improve school accessibility is key to improving integration of students with a range of disabilities. While not all students with disabilities have physical disabilities, all students with physical needs should have access to schools they would otherwise attend. No school in this City should be out of reach because the building isn't navigable for an individual who uses a wheelchair or a walker or who has vision or hearing needs. In a public school system that prides itself on offering school choice, students with physical disabilities need access to the same range of choice as their peers without physical disabilities. We are very thankful for the progress we've seen in this arena in recent years, with the strong support of the City Council. We caution, however, that there's still a long way to go, and we look forward to continuing to move New York City's public schools to full accessibility.

### Parent Empowerment

NYC's special education system is, as you'll hear over and over again today, a difficult, and sometimes impossible, system for families to navigate. New York City needs to become a place where families have access to all the tools and information they need to advocate for their children with disabilities. Parents of students with disabilities require more information and access than they've been afforded in the past. They need real-time access to information about the supports and services their children are receiving, or, more pointedly, those services they aren't receiving despite IEP mandates. Families benefit from training and information on their rights in special education, but all the training offered means nothing if families continue to run up against a system that doesn't give children what they need to succeed. Parents need a user-friendly system that responds quickly and effectively to their needs and concerns.

### Education Equity

All students, including those with special education needs, must have access to high-quality education from well-prepared and well-supported teachers and school staff. That requires making certain that teachers working with a range of students, including those with disabilities and English Language Learners, are prepared to offer differentiated instruction and are well-trained in a variety of key instructional issues, including, but certainly not limited to, the

teaching of literacy skills. Preparing teachers to work with students who face academic obstacles must be a priority for this school system, and it must be resourced appropriately.

Under the special education reform of the past decade, the goal is to place more students with IEPs in general education settings with appropriate special education supports and services, increasing their access to non-disabled peers. All teachers – general education and special education, and early childhood through high school – need to be prepared to teach students with a variety of learning differences. Inclusion works, but only if all teachers know what to do when students with disabilities arrive in their classrooms.

You will hear from other advocates, parents, and even some students today about their experiences with the special education system. I'll leave it to them to give you a sense of the obstacles they face, the daily battles they are required to fight, and the successes they've brought about through their own persistent efforts.

Thank you for your time and attention. We appreciate the Council's leadership in holding a hearing on special education. I am happy to answer any questions you may have.

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February 25, 2019

## VIA EMAIL

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Malcom Butehorn  
[mbutehorn@council.nyc.gov](mailto:mbutehorn@council.nyc.gov)

## Re: Tuition Reimbursement Delays

To Whom it May Concern:

Our law firm was founded as the first civil rights law firm in the country dedicated to representing individuals with autism and other developmental disabilities and their families. We have represented more than 1,200 families in over 30 states. We represent a wide array of families living in New York City who have children with various disabilities and who come from varied socio-economic backgrounds. Each year we represent many families on a pro-bono basis.

The delays our client families have experienced this year are far worse than ever before. Despite our proactive measures, particularly to move cases that have been “referred for settlement” early on, the delays have been horrendous. We have seen a number of cases that have languished “under investigation,” leaving those families in limbo for months on end. There are other matters that have been fully litigated, despite having been referred for settlement, because the Impartial Hearing Officers have lost patience waiting for the settlement process to conclude.

It is our practice to follow up on our cases very regularly and in most instances at least once a week. Often, our outreach to the DOE will go unanswered, or we will get a response that simply states, “I am sorry, I will get back to you as soon as I can.” This is unacceptable.

We are hopeful that efforts will be put in place to identify the problem areas and that remedies will be implemented to ensure that children who require the special education services and supports being requested receive those supports and services in a timely manner, as intended by the New York State Legislature and the United States Congress.

Sincerely,

Mayerson & Associates



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony to be delivered to the New York City Council Committee on Education

### Re: Provision of Special Education Services

February 25, 2019

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am Policy Director at Advocates for Children of New York (AFC). For more than 45 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds.

We are grateful that the City Council is holding a hearing on the important topic of the provision of special education services. Every day, Advocates for Children hears from parents struggling to get their children the special education services they need. In the past two weeks alone, more than 100 parents and professionals contacted us with questions or concerns about the education of students with disabilities in New York City. Here are just a few examples of the children who came to our attention over the past two weeks:

- A preschooler with autism whose Individualized Education Program (IEP) mandates a preschool special education class, but who is sitting at home with no instruction or services and is regressing because of the Department of Education's (DOE's) shortage of preschool special education classes, a shortage that is heartbreaking to explain to families who see signs all over the City for 3-K and Pre-K for All but whose children do not have the preschool special education classes to which they are legally entitled.
- A child with a disability who is in kindergarten for the second time, whose school is asking his parent to pick him up early every day, in violation of the law, instead of providing the support needed to educate him for the full day and ensure he will successfully complete kindergarten this time around.
- An elementary school student with a disability who has already attended four different schools – district and charter – and is now facing expulsion from the charter school where his parent hoped he would finally get the high-quality education he deserves.

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- A student who is currently out of school because the paraprofessional who accompanies the student on the bus resigned and the DOE has not yet assigned a new paraprofessional and will not allow the student to ride the bus without a paraprofessional.
- A student who received special education services while living in Puerto Rico but, after moving to New York City, waited a full year for his school to complete special education evaluations and recommend services, in violation of the law, and just received a promotion in doubt letter.
- A child in foster care who desperately needs special education services but whose school is illegally refusing to start evaluations until the child's parent, who lives in a different state, comes in person to the school.
- A student diagnosed with dyslexia whose parent just wants her child to learn to read and has resorted to looking at private schools because she has not been able to figure out how to get her child effective reading instruction within the public school system.
- A student whose charter school and zoned school are passing him back and forth, each explaining that they do not have the 12-student special education class his IEP requires, with nobody taking responsibility for ensuring he gets the class he needs.
- A high school student with a disability classification of emotional disturbance whose school has suspended him three times but has not provided the services mandated by his IEP.
- A 12<sup>th</sup> grader with a learning disability who passed all of her classes, obtained all needed credits, and passed three Regents exams, but is struggling to pass the final two exams and does not know what her options are and what her future holds.
- A student whose parent came to this country dreaming of a better life for her children but is unable to understand her child's IEP because it is written in English, a language she is just starting to learn.
- A student with a significant disability who has been out of school for three years, according to the caseworker who called us seeking help.



This small sample of cases from the past two weeks shows that the DOE must do more to help provide each child with a disability with the programs, services, and supports they need to succeed in school and to ensure that parents of students with disabilities are able to get the help they need navigating the school system. Indeed, the DOE's annual special education report shows that more than 20 percent of students with disabilities—nearly 40,000 students—are going without the full special education instruction they are entitled to receive under the law. Meanwhile, there is a 40-point gap in reading proficiency between students with disabilities and their nondisabled peers and a 35-point gap in math proficiency. Students with disabilities are suspended at disproportionate rates, are more likely to drop out of school, and are less likely to graduate. The City must do more to extend the vision of equity and excellence in education to students with disabilities and to ensure that the needs of students with disabilities are considered and addressed in every DOE policy decision.

In order to address the challenges faced by students with disabilities, it is important to identify where the City falls short. Therefore, Advocates for Children strongly supports all four data reporting bills on today's hearing agenda. We are grateful for the leadership of Chair Treyger, Council Member Dromm, Council Member Kallos, and Council Member Rosenthal for introducing these important bills.

Intro. 1406, the bill to require annual reporting on Early Intervention and preschool special education services, introduced by Council Member Dromm, would fill a major gap in the City's current annual special education data reporting requirements by extending the annual report to cover services provided to zero-to-five-year-old children. At a time when the City is rapidly expanding early childhood education opportunities, it is particularly unacceptable that the City has a shortage of preschool special education classes for children whose IEPs require them. Earlier this month, the New York State Education Department released a memo showing that, even with new preschool special education classes that the DOE is opening mid-year, the City still has a need for around 550 additional preschool special education class seats. While the City has many choices when it comes to expanding and enhancing early childhood education, providing special class seats to preschoolers who require them is not optional. In addition to the shortage of preschool special classes, we often hear from families whose children are not receiving their mandated Early Intervention and preschool special education related services. We need data on Early Intervention and preschool special education to help hold the DOE accountable for providing services to children early in life when these services have the maximum impact.

Intro.559, introduced by Chair Treyger, and Intro. 900, introduced by Council Member Kallos, would provide valuable additional information about service provision for school-aged students with disabilities—allowing us to see school-by-



school breakdowns of service delivery and providing service delivery reports at multiple points in the school year. Currently, the DOE provides only a snapshot of service delivery at the end of the school year, masking the number of students who waited months to receive their mandated special education instruction and services.

Intro. 1380, introduced by Council Member Rosenthal, would require the DOE to report on the timelines for settlements in special education cases. In 2014, Mayor de Blasio announced a new settlement policy to help simplify and expedite the process for families with valid special education claims. As Mayor de Blasio said: "We are cutting red tape, speeding up the process, and reaching outcomes that do right by families." Unfortunately, we are seeing a lack of adherence to that policy and significant delays in moving forward settlement agreements. In many cases, these delays cause children to go without the services they need. In some cases, we have had to proceed with due process hearings simply because of the delays in the settlement process even though the DOE is not contesting the parent's claims. In such situations, due process hearings not only are burdensome for families, but waste DOE resources, requiring the DOE to spend time and resources at a hearing and then to pay attorneys' fees when a parent receives a favorable hearing decision. We hope that Intro. 1380 will help shed light on the need for the DOE to improve the settlement process for families of students with disabilities.

We appreciate the City Council's leadership in holding this important hearing and look forward to working with you to move these bills forward.

Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.

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Testimony of Sonia Mendez-Castro, Law Offices of Regina Skyer & Associates, LLP  
NYC Council Education Committee Oversight Hearing  
Speaking in Favor of Intro. 1380 (Rosenthal)  
February 25, 2019

My name is Sonia Mendez-Castro and I am a partner at the Law Offices of Regina Skyer & Associates, LLP. Thank you for the opportunity to testify today in favor of Intro 1380. My testimony will focus on the impact of settlement and pendency payment delays.

There is a myth that only wealthy people engage in this high-risk, complicated, and expensive process. The truth is that parents are parents; and parents will do anything they can for their kids; they will beg and borrow and even mortgage their homes—and they often have to mortgage their homes, or grandma’s home. Special education is much more expensive than general education, no matter who is administering it.

As my colleague said, the dollar amount of settlements is higher under this administration than under previous ones. But the cruel paradox is that longer delays in reimbursement mean that things are *worse* for our middle-class families today than in the past. If you can’t afford to front two years of tuition and absorb significant interest on any loans you’ve taken, it really doesn’t matter what dollar amount the settlement is.

These delays harm our lowest income clients, too. This slice of our client pool does not file *Carter* claims (paying tuition or fees up front and suing for reimbursement). Instead, they file *Connors* claims. *Connors* claims allow a parent to sue prospectively for tuition when the school is willing to wait to receive the tuition. We are proud to work with many schools who make it part of their mission to provide seats for economically diverse New Yorkers through this process. However, these schools need to keep the lights on and pay teachers. We are now hearing from many schools that they will offering fewer *Connors* seats for the upcoming school year—specifically because of these delays.

While *Connors* claims are a far-from-perfect solution to the economic inequities that our current system implies, they are the best tool we have today to provide opportunities for the children of families with modest incomes whose needs can't be met by the current offerings of the public system.

Switching topics, I'd like to address how delays in pendency payments are harming our clients and special education professionals. "Pendency" is the term we loosely use to describe an IHO order at the start of a school year that affirms a student's right under the IDEA to continue to have their last-agreed-to special education placement funded pending the outcome of litigation.

Pendency orders are meant to guarantee that payment is sent on a regular basis to schools and providers when proper documentation (attendance records, invoices etc.) are submitted. However, a shocking number of the schools and individual providers we work with did not receive pendency payments for the 12-month school year beginning in July 2018 until the start of 2019. As a result, *even though tuition has been ordered by a judge*, some schools, most of which are non-profit institutions, have been forced to operate on lines of credit and lose money on interest payments. Many more have been forced to require that tuition and fees be paid by parents. Again, this disproportionately impacts our most financially vulnerable families.

The impact of these pendency payment delays has also been devastating for individual special education professionals (like speech therapists and SEITs). Many of our families work with teachers, therapists, and other related service professionals who have been unable to pay their rent or student loans, or even afford a MetroCard to get to work. It is an untenable situation, and sadly, many high-quality individual providers have stopped accepting students whose families are unable to pay their fees up-front because of pendency payment delays.

Jesse and I are available to answer any questions you have. Thank you.

**TESTIMONY**  
The Council of the City of New York  
Committee on Education

Oversight – DOE's Provision of Special Education Services

Int. No. 559 – Requiring the DOE to provide school-level data regarding compliance rates for student' individualized education programs

Int. No. 900- requiring the DOE to report on the provision of special education services tri-annually and to expand the services on which the department is required to report

Int. No. 1380 – Requiring the DOE to annually report on claims for payment of for tuition or services

Int No. 1406 – Requiring reports on preschool special education and early intervention services

Res. 749 – Requiring DOE to establish a czar position to ensure compliance with Individualized Education Programs and other requirements for students in special education

February 25, 2019  
Committee Room – City Hall

The Legal Aid Society  
199 Water Street  
New York, New York 10038

Presented by: Cara Chambers, Susan Horwitz and Melinda Andra

Good afternoon. We submit this testimony on behalf of the Legal Aid Society, and thank Chair Treyger and the Committee on Education for inviting our thoughts on oversight of the Department of Education's (DOE's) provision of special education services.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. From offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters involving civil, criminal and juvenile rights problems. Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented more than 33,000 children. At the same time, our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct last year. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults. Annually, our Civil Practice works on more than 52,500 individual legal matters, including advocacy for families with school-age children. Our Criminal, Civil and Juvenile practices engage in educational advocacy for our clients, in the areas of special education, school discipline, and school placement and programming. In addition to representing these children each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Our perspective comes from our daily contacts with children, adolescents, and their families, and also from our frequent interactions with the courts, social service providers, and city agencies including the Department of Education, Department of Health and Mental Hygiene and the Administration for Children's Services.

The Legal Aid Society supports the City Council's efforts to provide oversight and demand accountability from the Department of Education with respect to special education services. The reporting requirements that City Council enacted as Local Law 27 in 2015 have increased transparency and accountability. We now know that during school year 2017-2018, only 78.4% of students with disabilities in New York City received the full range of services required by their Individualized Education Programs (IEPs). Nearly 40,000 children did not receive the services to which they were legally entitled. The DOE can and must do better.

Our comments today pertain to the proposed bills and resolution on the agenda, and also highlight some significant gaps in the DOE's services for students with disabilities. Specifically, we will discuss the need for more therapeutic day treatment programs that incorporate mental health services for students during the school day; the shortage of high quality, supportive career and technical education programs for student with disabilities; and the DOE's failure to comply with impartial hearing orders that remedy service denials.

#### Proposed Legislation

*Int. No. 559:* The Legal Aid Society supports Int. No. 559, which would require the DOE to provide school-level data regarding compliance with students' IEPs. School-by-school transparency will allow the families to hold schools accountable

for compliance and will help the DOE direct resources to the schools with poor compliance rates.

*Int. No. 900:* The Legal Aid Society supports Int. 900, which would require the DOE to issue special education compliance reports three times per year and would expand the list of reporting items to include assistive technology services and special transportation services. Requiring reports three times per year will allow the City Council and DOE to identify and intervene earlier in schools that demonstrate compliance problems.

*Int. No. 1380:* The Legal Aid Society supports Int. No. 1380, which would require the DOE to annually report on requests for payment for private school tuition or tutoring. We recommend that the bill be modified as follows:

- 21-995.1(b) states that the annual report must contain a row of data for each “unique claim,” but the bill does not define the term “unique claim.” It is unclear whether each due process complaint notice would constitute a “unique claim” or whether the independent claims within a due process complaint notice would need to be separated out for reporting purposes (e.g., if a parent were requesting both private school tuition and payment for compensatory tutoring services). The language of the bill should be modified to provide clarification.

*Int. No. 1406:* The Legal Aid Society supports Int. No. 1406, which would require the DOE to report annually on the provision of pre-school special education services, and would require the Department of Health and Mental Hygiene to report

annually on early intervention services for children birth to age three. We recommend a technical amendment:

- Section 21-955: Some words seem to have been omitted from the definition of “preschool student with a disability.” The following underlined words should be added so that the definition reads: “The term “preschool student with a disability” has the same meaning as “preschool student with a disability” as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulation of the state of New York.

*Res. 749:* The Legal Aid Society supports City Council’s efforts to hold the DOE accountable for providing each child with a disability the full range of special education services required by the child’s Individualized Education Program (IEP). It is unclear to us, however, that a czar position is required to achieve this goal. The DOE already employs numerous individuals who are responsible for ensuring compliance with students’ IEPs, including Principals and Assistant Principals, Directors for Special Education in the Borough Field Support Centers, and staff members from the Division of Specialized Instruction and Student Support. It is not clear whether an additional staff member would be effective in improving compliance. The funds spent on hiring a czar might be better spent on hiring additional service providers to work directly with children.

#### Access to Therapeutic Day School Programs

The Legal Aid Society works with a large pool of students with significant mental health needs that stem from a variety of factors, including trauma histories, responses to unmet learning and developmental needs, and life experiences that

activate underlying depression and anxiety. In the past, the DOE partnered with mental health providers to offer students truly therapeutic programs, where clinical and education services were integrated during the school day for an extended time period. Recently the availability of those programs has all but disappeared, yet we see an increasing number of students who cannot attend school without this intensive level of support. These are not students who will be “better” after a 45 or 60 day intensive day treatment program, who will benefit from behavior-management based techniques alone, or who will be able to function with one or two sessions per week with a school guidance counselor in a community school. These are students who need wrap around services in order for their special education needs to be met. At this point, students with this level of need are often recommended for non-public schools, or for families with means, placed in private treatment programs that the DOE ultimately pays for via the impartial hearing process. The DOE has to create more programs like this – whether on their own or through partnerships with clinical providers – so that the needs of students with severe mental health needs can be met in public programs.

### Access to Career and Technical Education

The next area of need that we wish to highlight is the lack of access to high quality career and technical education for students with disabilities. In 2017, approximately 50 percent of New York City students with disabilities finished high school within four years.<sup>1</sup> Nationally we know that only about 19% of students with disabilities who graduate high school will enroll in a four-year university. Of those

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<sup>1</sup> <https://infohub.nyced.org/docs/default-source/default-document-library/2018-graduation-rates---webdeck--1-30-19.pdf> (p. 10)

who do, only 34% will earn a four-year degree within eight years.<sup>2</sup> These students need access to strong vocational education programs that will prepare them for employment. While New York City has special education programs with promising names such as Career Development Centers and Occupational Training Centers, a visit to these programs quickly reveals that there is little meaningful vocational training going on and students are not leaving those programs with a marketable trade.

Programs like Co-op Tech in Manhattan or the new STEAM Center in Brooklyn do an admirable job of preparing general education students for employment and should be expanded. However, these programs are rarely available to students with special needs, and are closed to those students who require smaller classes or who attend specialized programs through District 75. Providing smaller classes, modified curriculums and other services and accommodations at existing vocational programs, or creating new accessible vocational programs that teach real job skills, is vitally important to young people with disabilities who, whether or not they achieve a high school diploma, need to be able to attain employment in careers where they can earn a living wage. Especially for students with disabilities, a strong vocational training program can make the difference between becoming independent contributing members of society or being dependent on others for their care as adults.

Students with disabilities deserve the opportunity to leave New York City Public Schools with a marketable skill that will lead to employment. More than just

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<sup>2</sup> Newman L, Wagner M, Knokey A-M, Marder C, Nagle K, Shaver D, Swarting M. The post-high school outcomes of young adults with disabilities up to 8 years after high school. 2011 [A report from the National Longitudinal Transition Study-2 (NLTS2)]. NCSER 2011-3005. Retrieved from <http://www.nlts2.org/reports>.

a moral mandate, federal and New York State education regulations require that school districts provide transitional services as part of a student's IEP services<sup>3</sup>, and this is an area in which New York City is falling short. We see many IEPs in which the Department of Education's plan to transition a student to employment or further education is to "refer to ACCES-VR" (Adult Career and Continuing Education Services-Vocational Rehabilitation), thus sloughing off its responsibility to help students with disabilities transition to adulthood onto another public agency. There is no reason that students with disabilities should not have the same access to quality vocational training programs while they are in high school as general education students. We therefore urge the committee to look into the availability of career and technical education programs for students with disabilities.

#### Hearing Order Implementation

During the current school year, The Legal Aid Society's clients have encountered extraordinary delays with the DOE's implementation of impartial hearing orders. These students have been deprived of services for up to two years, have waded through an often lengthy hearing process, and have prevailed at hearing, yet are forced to wait even longer for the relief to which they are entitled, because the DOE delays compliance with hearing officer orders for months on end. For many of the clients of The Legal Aid Society, services awarded at hearings cannot begin until there is a mechanism in place for paying the tutor or related service providers. This requires the hearing office to issue an approval and enter the specific providers into the payment system. This does not happen in a timely manner. Even worse, after the provider has been approved and entered,

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<sup>3</sup> 34 C.F.R. § 300.320(b); 8 N.Y.C.R.R. § 200.4(d)(2)(ix)(e).

the DOE is failing to make required payments on time. Service providers are abandoning our clients because they cannot continue to work without getting paid. Our clients' families cannot simply pay for services out of pocket and wait to be reimbursed. They rely on providers who bill DOE directly after services are rendered. We urge the DOE to add staff to the Impartial Hearing implementation office so that students who have been awarded services can actually receive them.

We thank you for the opportunity to provide input to the City Council Education Committee and are available to answer any questions you may have about our testimony.

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**Hearing Testimony of Barbara Hofrenning and Brian Bacchiocchi**  
**Committee on Education**  
**Oversight topic: DOE's Provision of Special Education Services**  
**February 25, 2019**

Dear Education Committee:

Our family has experienced great financial change since we began our case with the Board of Education for educational help for our daughter, Janina Bacchiocchi, and her learning disorder of dyslexia.

We have been in a two-year process to get this help outside of the school system. It took us 8 years realize there were no specific resources for a specialized approach to help with dyslexia in the New York City school system.

We first found a reputable intense tutoring program and spent \$15,000 of our own money for a month intensive.

We then began a case with the BOE with Regina Skyer and Associates to secure further help for our daughter's education.

We did not have resources for a tutoring program or lawyer costs, and decided to take out a HELOC line of credit to deal with our costs.

It is more that a year later, and after a favorable decision from the BOE, our daughter is just this month finally getting outside tutoring once a week. She is 15 and a sophomore in high school.

For Barbara, her mother, the time needed to pursue the case; and to support her daughter with her educational and resulting emotional needs was substantial. Without enough support within the school system for this educational difficulty, our daughter has also been diagnosed with depression and anxiety disorder. In the past year and one-half we have been seeking and paying for various doctors and therapists in this area as well.

This stress in the recent past exacerbated a pre-existing condition for her mother. In June 2018, after a day at the BOE hearing, Barbara had acute emergency surgery. In recovery at the hospital, she decided to retire, finish the case with the BOE, to repair her health, and the health of our daughter. Her position in the NY court system did not have the supports needed for family leave of this sort.

She retired in August, and our family now lives on one-half the income we did in the years before the case.

We have not yet been reimbursed for our personal tutoring expenditure, and the tutoring service EBL is waiting on payment as well.

This situation has affected our family and our daughter directly, and substantially.

We are grateful for the current tutoring, but it has come at great cost and taken much time.

We believe there should be direct recognition for the learning disorder DYSLEXIA within the NYC school system, and we believe there should be responsible timely reimbursements payments made to parents and to outside learning resources and schools for their efforts to give children the help they need.

Barbara Hofrenning

Brian Bacchiocchi

Parents to Janina Bacchiocchi

To Chairman Treyger and the Education Committee:

My name is Jennifer Ratcliff and I am an attorney representing special needs families in a variety of different types of cases throughout New York City. I have been advocating for families in these matters for nearly 8 years and have had my own firm (Ratcliff Law, PLLC) for a year and a half.

In addition to this, I am also proud to be a sister of a former “student with a disability,” who is now an educator of children in NYC. I am proud to say that my sister is a fully functioning, independent adult and college graduate. This, despite suffering from severe learning disabilities throughout her school career. She still grapples with the negative effects of her disabilities – as you know, they do not disappear when one graduates from high school and they will remain with her forever. My sister’s achievements would not have been possible without the advocacy of my parents, and at numerous stages, their ability to supplement her education out of their own pocket. I shudder to think what chance she would have had without these advantages and it is that thought that motivates me in my own practice.

You have heard enough powerful testimony from parents and advocates, so you do not need to hear more of the same from me, but I will just say that the system is so broken in it’s current state that, for the first time in 8 years of doing this, I fear the time might literally come (soon) when the reimbursement process will no longer be a real, on-the-ground option for parents. A scary prospect for families with no other options (and, believe me, reimbursement is a last resort for my families).

I could give you so many examples to match the others you are currently hearing, but one really stands out to me and I want to describe it in detail so you can really get to the meat of what

we are dealing with. Just a few weeks ago, I had a case scheduled for a hearing. First, the DOE representative said she would put on two witnesses. Then, about two weeks prior to the hearing, she stated that she would not be putting on witnesses or presenting any evidence and that she would be recommending the case for settlement (as a side note: I sent a 10-day notice in this matter in August and filed a hearing request in September). The hearing officer responded that she would only entertain a request by the DOE to adjourn the case to a later date if the case was actually approved for settlement and the DOE was engaging with us in meaningful discussions. She said that, too often, just a referral for settlement took months to actually go anywhere.

As the date got closer, we had no further word, so I spent time and resources disclosing evidence, prepping witnesses (removing them from their classrooms to do so), and printing evidence. Hearing was scheduled for a Monday. On Thursday morning, I received notice from the hearing representative that the settlement had been approved and she told who to contact at OLS to begin negotiations. We sent the necessary documents over that morning. I included a note saying to please let me know if she (the negotiating attorney) could make an offer prior to the Monday morning hearing as my clients would just like to know one way or the other since this was highly stressful. She responded that yes, she could make an offer. We waited all Thursday. We waited all of Friday. After numerous follow-ups, we went forward on Monday with the DOE putting on no evidence, presenting no witnesses, and conceding, on the record, that they did not offer my clients' son an appropriate program. It should also be noted that during her testimony, my client was brought to tears recounting her son's severe medical needs and learning deficits, recounting how he almost died as an infant, and recounting how he is still nonverbal today at the age of five. We finished the hearing that day. I returned to my office and, about an hour later, the negotiating attorney sent a settlement offer saying she had "meant to"

send it on Friday, but offering no further explanation. It wasn't even that good of an offer, but that's not really the point. More astonishing to me was the fact that when I probed her further, I do not even think she was aware the hearing had already ended. What's more, she didn't even seem surprised/shocked/moved by this and said her offer still stood. Here's the thing: I had to pull educators and therapists out of class to testify in this hearing, it took an emotional toll on my clients, it took a financial toll on everyone (including the DOE). What struck me later, upon reflection, was that this OLS negotiator (responsible for extending an offer to us) is an attorney bound by the same ethics rules as I (as an aside, I do not know if it was her or someone else who was responsible for approving the case or settlement, I was not even given her name until the approval went through. The DOE keeps this info close to the vest because they detest us following up continually – this, of course, goes to the transparency issue discussed at your hearing on Monday). Technically, this woman's client is the Department of Education. This was a matter where her client had expressed a willingness to settle and expressed that they had no case to defend and she just did not send an offer. In a private law firm such behavior would get a person fired! The first time!

I feel like I am losing my mind, or I am going crazy. I feel like I am in the Twilight Zone sometimes. This happens every day over there and they pass it off because they are busy and overworked. I'm sorry, but if I tried to do that in my firm, I would have ethic claims filed against me with the Disciplinary Committee and I certainly do not have their resources to hire additional staff and attorneys. Where is the accountability? There is none. It is so infuriating, and the worst part is we are all paying for this with our tax dollars. Moreover, the DOE is the one keeping the data, so they run the show and police themselves and it feels like no one sees the problems with that. How can they justify unnecessary litigation and wasting people's money and

time (including taxpayers)? I could go on for days, but I feel that you have more than enough before you and I will spare you. I just wanted to give you one example, in depth, that illustrates the larger problem. There are so many more examples just in my office, but at this point, I believe you probably know that.

My clients come from all walks of life from all five boroughs, and they certainly do not all have means. I have all manner of friends and family paying my fees. In some cases, my clients are pro bono. Their children are suffering from every disability you can imagine, but they all have one thing in common (at least the ones in private school): they don't want to do this. They want to go to public school. Every single one of them came to me because their child was failed by the DOE and, believe me, they hate this process. This is a last resort for people, and I am a last stop for them. Trust me when I tell you, I refer people to less expensive advocates when I think these issues can be worked out within the public school system. To make people who are desperate and at the end of their rope undergo this is unconscionable. I understand that the DOE has to protect themselves and do their due diligence. Not every case will have merit and they have the right to litigate any case they wish to challenge, but to drag people through this when they have no wish to go forward, or worse, to not even bother to look into their claims, is so low and disrespectful to these parents who are sacrificing everything for their kids.

I thank the committee for their work and their obvious compassion. I was truly moved by the Committee's willingness to hear every parent on Monday and their dedication is evident. For the first time in a long time I have hope. Needless to say, I am in favor of every one of the proposals and feel that they are just common sense, frankly.

Should the Committee have any further questions or require assistance, I can be reached



Thank you.

Dated: February 28, 2019  
New York, NY

Respectfully Submitted,  
Jennifer Ratcliff

**Hearing testimony – Elizabeth Elsass**  
**Committee on Education**  
**Oversight topic: DOE’s Provision of Special Education Services**

Dear Committee on Education:

I write to seek your assistance in expediting pendency reimbursement payments.

My husband and I are both educators. We live modestly and have three children under 14 years of age. Two of our kids are in general education in the NYC public schools. Our son with dyslexia started at Mary McDowell Friends School in Brooklyn in the middle of 4th grade when it was clear the IEP support he was receiving in his public school was not sufficient.

We won an impartial hearing in 2017 and were awarded pendency in 2018.

With the delays in reimbursement payments, we are currently out of pocket for 100% of 2018-2019 tuition of \$53,170 (this is a discounted financial aid total.) We pay approximately \$400/month to borrow this money through a home equity line of credit we have on our property. This February, we have had to put down an additional \$8,000 deposit for 2019-2020.

We are fortunate in that we own a property and have a line of credit to use; however, we do not have enough to finance two years of tuition. Drawing down our line of credit also leaves us one emergency away from bankruptcy.

Raising a family of five in New York is a challenge in and of itself. Raising a child with special needs where the public system was not able to serve him has already considerably stressed us and caused financial strain over many years. But now, needing to worry about when the reimbursement pendency payments will come in on a case that was already won has added a new level of strain that is not fair.

We ask for your strong support in demanding pendency payments begin immediately. I would be happy to speak further if you have additional questions.

Thank you,

Elizabeth Elsass

**Hearing testimony – Michele Martone**  
**Committee on Education**  
**Oversight topic: DOE's Provision of Special Education Services**  
**February 25, 2019**

My son is in the 4th grade, and is a member of the NYC special education community. His primary diagnosis is ADHD. He was essentially kicked out of our public school in kindergarten and deferred to CBST. CBST provided no recommendation. We felt our zoned school, which just kicked him out and told our then 5 year old they were going to send him to jail, would not provide him an appropriate 1st grade education. (He's still scared and scarred by the jail comment made by the principal). We have since enrolled our son successfully in a private school.

Since kindergarten we have convened for an IEP only once. This seemed to be to remove the deferred to CBST label from his file, and suggest to send him back to the public school. We talked to the public school at that point and they said they could not support our son.

We had 3 years of missed IEPs. The first few years we fortunately reached a settlement with the DOE, and received our payments about 1 year later. This year we have had no word besides that they want to settle.

I feel like my son has fallen out of the system. They don't even try to convene an IEP meeting.

The monetary expense to us is tremendous. We have to manage our money very carefully and are always aware that we may not get reimbursed for the current years tuition. And this year is worse, since we don't know yet about the current school year and have already needed to put down a deposit for next year.

Fortunately our son is thriving in his school. He's a bright boy and the private school is able to education him to his ability and work on his deficits. Imagine if I didn't have the resources to have him attend this school, he'd be significantly below grade level, and continuously getting in trouble at school. He'd be lost in the system, but in a different way.

The NYC school system is failing our son, and it breaks my heart to think of where he'd be, and the trajectory of the thousands of other kids that they must also be failing.

I would love to increase the transparency of data about special education services so we can see exactly how the city is doing. Most of all, I'd love more attention to this issue so we can start to fix it.

Thanks,  
Michele Martone

Honored members of NYC Council Education Committee, thank you for holding this hearing on special education oversight. I want to start off by thanking NYC Council Members, NYS Assembly Members and Senators that have been involved in the Tuition Reimbursement process until now and have worked tirelessly on behalf of the students of NYC. I also want to acknowledge that I am thankful for the higher rates of settlement and higher reimbursement amounts under this administration than previous ones. With that being said I would like to make the following comments.

I am an administrator at Haor Beacon School which is a private school that provides special education for children that require behavioral, social and/or emotional interventions. These children are not able to succeed in a traditional school setting, all of our students come to us from mainstream schools.

I would like to specifically speak about the tuition reimbursement process whether it is direct payment to the school or reimbursement to the parents.

For the 2017-18 school year 55 students were enrolled. Of those 55 students we have 29 cases (52%) that are still in the settlement process. All of them except 1 have a settlement in principal. There are over a dozen cases that have had a parent signed stipulation for awhile (many of them for over 2 months) and are waiting at the Comptroller's office for approval before being countersigned by the DOE.

Additionally last year four cases went to hearing and the parents won. Pendancy was requested on all the cases yet we have only received payments on one of these cases. The other's we have not received one penny. I can personally tell you of numerous families that simply cannot afford to take out more loans to pay these bills. Last week I spoke with three different families and they have all told me that they have maxed out their credit cards and literally have to choose between putting food on the table and covering their tuition bills. For the 2018-19 school year to the best of my knowledge not a single case has a settlement agreement at this point in the year.

It is nearly impossible to know where cases are up to and what the time frame for the parents or the school will be in terms of receiving payment.

This year our school has had to take out over \$500,000 in loans (some of which we have paid back) to cover our expenses. It is nearly impossible to run an educational institution in this way.

One idea that I feel would help out tremendously would be to have a way of independently tracking each case so that the parents, attorneys, school administrators and any other interested party can verify where the case is up to in real time. Who was the last person to work on the document and when.

When we order a packing and it is delivered by UPS, FEDEX, USPS etc. we can track exactly where it is at any given time. Why should our children's education be any less important then that?

At this point we do not have enough money to cover out payroll for the month of February and we will need to take out an additional loan - this is not a sustainable system.

Thank you for your time and your consideration of this important matter.

Raphael C. Berman LMSW

If I can be of further assistance I can be reached at [REDACTED] or [REDACTED]  
[REDACTED]

Subject: Special Education Hearing 2/25/19

Good afternoon,

My name is Debra Greif. I am the parent of a son and a brother who both were in special education. My brother was in did not get special education services till he was in 5th grade. In middle school my brother was placed in a residential school. For my brother it was the best placement for him. It was sad that we could not get him services for him until he was in 5th grade.

Because of what my brother went through in school , I promised myself I would not let this happen to my child.I made sure he was in the right class , had the right classification and would get the related services he needed. I was able to get him speech therapy and counseling. But I could not get him pt & ot therapies until high school.

I agree that there needs to be a Special Education Czar in the NYCDOE.

I also want the the DOE to test how children read.

My son had to wear glasses at 11 months because his muscle and nerves were not connected. This means he cannot read because his eyes cannot stay on the line . My son is not the only child who has this disability. If children were tested correctly to determine what is the proper was to teach a child to read.

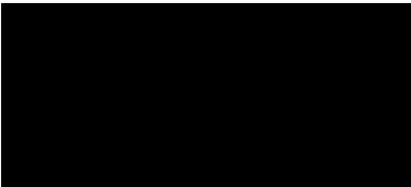
Also my son had a speech and auditory disabilities. My son needed to always be in a smaller classroom so he could hear and focus on the teacher.

The most important thing I feel is needed is to accept your child's disabilities, get the right education label for your child and make it easier to get speech, ot, pt, counseling & assistive technology.

This would be great if it was not so difficult to get the help our children needs

Thank you,

Debra Greif



Leonard Goldberg, Founder  
Opportunity Charter School (OCS)  
240 W. 113th Street, 4th Floor  
New York, NY 10026

**Testimony of Opportunity Charter School (OCS)**

Leonard Goldberg, Founder  
February 25, 2019

**NYC Council Committee on Education – Special Education Services**

Council Member Mark Treyger, Chair

Thank you, Chair Treyger and the members of the Committee on Education, for taking the time to address this important issue.

My name is Leonard Goldberg. I am a former special education teacher, and in 2004, I founded Opportunity Charter School (OCS), a 6 – 12<sup>th</sup> grade school located in Harlem. OCS has distinguished itself as the “go-to” charter school in New York City for parents in search of a welcoming place that accepts students without regard for academic success or learning disability. We want to share the success we’ve had with our educational model and support all educators working towards creating an environment where all students can be successful.

**Educational Philosophy**

As a small, independent charter school, we have welcomed all students regardless of background or previous academic success since we opened our doors in 2004. We place a strong focus on providing tailored individual and group instruction that help to identify and develop each student’s respective strengths and weaknesses.

Students are supported by highly trained staff who cultivate an engaging and comprehensive learning experience driven by a unique curriculum. This curriculum uses peer-to-peer skills-matching and a measured approach to enhance our students' cognitive thinking and classroom performance.

Because most of our students have heightened emotional, behavioral and social difficulties, our staff is supported by trained behavior specialists. These specialists assist teachers in adopting effective conflict resolution and intervention methods to ensure that both teachers and students function within a respectful and healthy learning environment.

Social workers and learning specialists collaborate with instructional staff on how to effectively customize learning for each student. Additionally, general education teachers collaborate with special education teachers five days a week.

**Curriculum/Instructional**

We use a rigorous curriculum based on the instructional Common Core standards. Individualized plans are generated using testing data, teacher input, and ongoing observations.

Our curriculum is designed to prepare students for the NYS Regents exams, and to develop college and career readiness. Our Learning Specialists work with students, both individually and in groups, to ensure that all learners are developing strategies and tools for academic success.

### **Our Success**

The results of OCS's open-door enrollment has given us the unique distinction of serving the highest percentage of students with disabilities of any "traditional" charter school in New York City (only the New York Center for Autism Charter School serves a higher percentage of students with disabilities than OCS within the charter sector). Nearly two-thirds of OCS's student population has an Individualized Education Program, and more than 90% enter OCS in 6th grade performing far behind their peers on state math and ELA exams.

OCS is distinguished by its impressive track record of helping unique populations of students improve academically, graduate on time, and achieve postsecondary success. More than 60% of OCS's student population have moderate to severe learning disabilities, 98% are either black or Hispanic and nearly nine in 10 students come from economically disadvantaged backgrounds. It is this commitment to helping some of the city's most vulnerable children that truly sets the school apart. OCS has created an atmosphere that fosters learning, understanding, and confidence among students who too often slip through the cracks in a traditional learning environment.

Last year, 98% of OCS's high school seniors graduated with a diploma. OCS's graduation rate for students with disabilities (SWD) was 96% and regularly exceeds both the citywide and local community school district (CSD3) SWD graduation rate. Additionally, 93% of the graduating students enrolled in a 2-year or 4-year college or university.

OCS has proven to be a partnership-driven community school. It maintains a 10-year relationship with the Children's Aid-Carrera Program that provides students with a wide range of remarkable support services. This collaborative partnership helps youth overcome various social and economic barriers to fulfill their greatest potential. Services range from dental and mental health care to vision screenings and employment assistance, all at no cost to students or their families.

OCS's educational philosophy is built upon the premise that students with learning disabilities deserve the satisfaction that comes with meeting and exceeding rigorous standards for personal and academic success. We look forward to working with you to address this important issue, and we welcome further dialogue on this topic.

Thank you.

Leonard Goldberg  
Founder, Opportunity Charter School (OCS)

Committee on Education  
Oversight - DOE's Provision of Special Education Services.  
February 25, 2019

To the Committee On Education,

My name is Kim Hung Kong, with my daughter Isabella Kong 20 years old with severe autism and behavior issues. I'm glad to have 1st opportunity attending the Oversight Hearing on Special Education held at City Hall today. This is an valuable experience to me learning about how the city council meeting at City Hall, appreciated indeed. I'm sorry unable to attend the whole meeting and leaving early back home for taking care my daughter. I've prepared the testimony particular for my experience dealing with DOE as attached which unable to wait for the presentation session. Appreciate you would accept my testimony submitting by email!

I'm really no clue and upset with the bureaucratic and difficulty to reach a solid contact/unit for solving the issue with DOE, throwing us forth and back, department to department or nowhere at all times, though we had completed all required procedures & paperwork to our best knowledge!. It's really frustrated to deal with especially we've especial kid demanding additional time from us always, it's costly for the DOE themselves too! Hope the testimony could help, even a little for the service improvement.

Thank you for your time and attention..

Sincerely,  
Kim Hung Kong  
Parent

John E. Carroll



February 25, 2019

**VIA EMAIL**

Ms. Crystal Hudson  
Chief of Operations to New York City  
Council Majority Leader Laurie A. Cumbo  
250 Broadway - Suite 1792  
New York, NY 10007  
Chudson@Council.nyc.gov

Re: Jackson Carroll  
Daniel Carroll 1



Dear Ms. Hudson:

Thank you for taking the time to speak to me this morning concerning my sons Daniel and Jackson Carroll, both of whom suffer from learning disabilities. Here is the chronology of events I spoke of:

After meeting with the Committee on Special Education (CSE), it was determined that Jackson should be placed in a 12:1 program with various other supporting measures.

We received Jackson's School location letter and Prior Written Notice (dated February 16 but mailed some time after April 3 based on the date of printing on the documents). The documents stated that Jackson was to be placed in a 12:1 program at P.S. 11. However, last year, I spoke with Assistant Principal for Special Education at P.S. 11 Alain Beugoms and he informed me that P.S. 11 was phasing out all 12:1 classes.

On or about April 9, I spoke with P.S. 11's Principal Abidemi Hope. She acknowledged that there was no 12:1 program at P.S. 11 but proposed instead to place Jackson in an inclusion program. When I said that option had been considered and rejected by the Department of Education's own CSE as insufficiently supportive, she then proposed the 12:1+1 program. 12: 1+1 programs are highly restrictive and generally provided to children with social

and emotional disabilities. I told Principal Hope that this option had been considered and rejected as unduly restrictive since neither Jackson nor Daniel suffer from social or emotional disabilities. She then suggested mainstreaming Jackson, another inappropriate option not even considered by the CSE.

On April 13, I sent a certified letter to CSE's Ivy Klenetsky describing my contacts with P.S. 11's principal and Assistant Principal Beugoms both of whom had informed me that there was no 12:1 program at P.S. 11. I described the various inappropriate alternatives the Principal suggested instead of the 12:1 program and asked what the next steps were. Ms. Klenetsky did not respond.

On or about April 27, we received Daniel's School location letter and Prior Written Notice also placing Daniel at P.S. 11 notwithstanding that P.S. 11 does not have a 12:1 program, the program deemed appropriate for Daniel by the Department of Education.

On April 30 I wrote to the P.S. 11 parent coordinator Clement Rand and said: "Can you tell me if P.S. 11 has a 12:1 teacher/student ratio program for 1st and 3d graders? This is not to be confused with the 12:1-1 program which is more restrictive." I received no response.

On May 3, I sent a copy of my first letter regarding Jackson to Ms. Klenetsky with a cover letter advising that I had not heard back from her. I sent this package via UPS and Cherry Kang signed a receipt for it. I received no response.

On May 7, I wrote to Cherry Kang on Daniel's behalf to say that P.S. 11 did not have the program Daniel was assigned to. I received a receipt that indicated that one "Byrd" had signed for the letter.

On May 10, Scott Postel, SEEPPPO - Special Education Evaluation Placement Program Officer at the Committee on Special Education- CSE 8, New York City Department of Education / Division of Specialized Instruction and Student Support of CSE called me. Among other things, Postel acknowledged receipt of my April 13 letter, and did not deny that P.S. 11 does not have a 12:1 program. I informed him that my son Daniel was in the same posture, assigned to a non-existent 12:1 program at P.S. 11 and that I had written to Cherry Kang but had not heard back. Postel said he would look into this situation as well. Postel suggested that a 12:1+1 program was even better than a 12:1 program. I explained that a 12: 1+1 program was unduly restrictive according to the Department of Education, CSE, for either boy. Postel said he would send me contact information for the "building placement officer" Rachel Velasquez and said that perhaps she could assist. Postel said that he would also follow up with

Velasquez. I heard nothing further from Postel concerning Daniel or Jackson despite his assurances that he would get back to me.

Also on May 10, I wrote to Ms. Velasquez at the email address provided by Mr. Postel and said, "my two sons Daniel and Jackson Carroll have IEPs for 12:1 placements and are assigned to P.S. 11 which does not have 12:1 programs. Please advise as to next steps." She never responded and Mr. Postel would not provide any other contact information for Ms. Velasquez besides her email address.

On May 11, I wrote a second email to the P.S. 11 parent coordinator Clement Rand stating: "I am informed that P.S. 11 does not have a 12:1 Special Ed class for 1st or 3d graders. (Not to be confused with 12:1+1). Do you have any further information about this?" I received no response.

Based on the Department of Education's failure to provide appropriate placement for my two sons, I enrolled them in a private school and engaged counsel. The Department of Education continues to stall, all the while, I incur extraordinary tuition expenses for special education.

I would be extremely grateful for whatever assistance you can provide. My family is at the end of its financial rope.

Respectfully submitted,



John F. Carroll

I sent the below to a friend. Much of it is relevant to this discussion and I'll gladly testify.

“He was admitted into our program when our numbers were low” wrote my doctoral mentor, Valerie Shafer. She was explaining to Doug Whalen, who had never worked with me, why it'd be best to fail me so they could evade provisioning me with disability accommodations. A pliant lad not bothered by morality, Doug complied, falsifying a grading form by attesting that he had read all my work when he had not. I've been a doctoral student at the graduate center for about six years by then. They had extracted about 40k in tuition payments and who knows how much in government grants, waiving my disability like a bloody flag, while calling me retarded in internal emails. But now that I was writing to the attorney general demanding my civil rights, it just wasn't FUN anymore, you know?

The most galling part of listening to adjuncts like Sami Disu is the knowledge that, as he makes clear, their poverty is not natural. It is enforced upon them by a system and culture that sees everyone beyond a few golden silos as an expandable organism.

CUNY charges about 7,000 in in state and 11,000 in out of state tuition. This is just gravy really. The reason Valerie needed to edge up her numbers was to goose as much in government grants as she could. There are also endowments - in the olden days, before sociopathic amorality became fashionable with the upper class, good manners dictated that you sunk your money into projects that helped other people. Hence, city college, to take one example, has a 264 million dollar endowment according to Wikipedia. Dipping into this money is governed by a set of rules and is generally loathed but when you have a 264 million dollar endowment, you can hardly cry poverty. John Jay, where Sami works, has a comparatively paltry 7.7 million dollar endowment. It also charges six thousand dollars for a full time graduate student per semester. Paying Sami \$7,000.00 a semester to teach is the cost of 1.16 grad students.

That money is there. CUNY's former chancellor, Matthew Goldstein, who ignored the letters I wrote beseeching him to help, got a \$500,000 golden parachute upon his retirement. The problem isn't affordability: it is a pernicious entitled mentality that sees people around you as nothing more than expandable widgets.

I taught as an adjunct at Saint Johns. The pay was paltry & it was also late so one day I wrote on the blackboard “tell the dean I'm not coming in if I'm not paid.” Bad manners to be sure, but we live in an insidiously polite society that expects silent compliance with exploitation. It's time to get rude. It's time to strike.

Zoltan Boka  
Kings County Democratic Committee  
Ocasio Cortez '18 alumn

**Committee on Education**

**Oversight - DOE's Provision of Special Education Services.**

**February 27, 2019**

To the Committee On Education,

My name is Sienna Farris and my husband Steven Miyao and I are the parents of a 5 year old boy named Kade Miyao. Kade is classified as having multiple disabilities - he has a rare genetic disorder that has caused him to have developmental delays. He has microcephaly, short in stature, feeding issues (he has a g-Tube), non verbal, low muscle tone, epilepsy and walks with an unsteady gait. We were open to the public school system and would have LOVED for him to go a school in our community in Fort Greene, Brooklyn but they are none that are appropriate for his needs. The only school that is right for our child is a private school on the Upper West Side called Manhattan Star. This school is over \$100K+ with the cost of a para a year. Even though we have been approved for pendency, we have only received one payment of \$38K. We also had a hearing in December and told we would hear back with a decision in January and it's now the end of February and we haven't heard a thing. We also faced horrible busing issues when we started school in September and Kade didn't have the right bus assigned to him until October. This is really insanity.

There has to be more done for our children.

Sincerely,  
Sienna Farris

February 28, 2019

Via email

To Whom it May Concern

Re – Delays in Settling Cases and Other Bureaucratic Delays for Special Needs Children

Thank you for allowing parents of children with special needs, like myself, the opportunity to present to you our situation and the challenges we increasingly face in ensuring appropriate educations for our sons and daughters.

My son Samuel will be 12 on March 1. He is born and raised in Manhattan. Sam is our only child.

Sam is a generally happy, loving and curious child; but he has numerous challenges. He has autism and is completely non-verbal. He also has Prader-Willi Syndrome, a genetic disorder which involves difficulties in managing appetite, and some problems with coordination and balance. He struggles with social situations and has trouble making friends.

Sam can learn, but he needs much more help and support than most other children. All professional evaluations of Sam have concluded that he requires a level of support that (unfortunately) is not currently available in the public system in NY.

Sam attends Keswell School, a wonderful private school in Manhattan. It is a warm and welcoming place that can provide an appropriate education for Sam. He has made real progress there. He is becoming more independent, is learning to communicate with an Ipad; and making progress academically. His social skills are getting better; and he has developed friendships. He loves the school. The costs for his attending Keswell School are currently close to 160,000 per year. This is substantial but understandable given the 1:1 instruction and availability of specialized support that Sam and the other children need.

We are grateful for the financial support from the DoE to ensure he can get an appropriate education, which we have received annually in the context of a legal process. The settlements that have been negotiated through our legal representatives have so far been sufficient to allow us – with contributions we have been able to make ourselves - to keep him in an appropriate setting. We almost without exception have been treated with respect and understanding by people we have dealt with at the DOE. They strike me as a largely committed group of people, who are also probably very overworked.

However, we are facing increasingly serious bureaucratic challenges. We must pay his school costs up front, and then are re-imbursed. This means in theory an upfront “investment” of one year’s tuition. In the last few years, the delays in settlement processing have meant I have had to pay 1 ½ years up front; last year this meant almost \$230,000. I know some families that have had to pay two years tuition while waiting for settlement, or over \$300,000. Each year, costs increase, delays seem to increase, but ability to pay does not.

We are not poor, but neither are we wealthy; these amounts are a very substantial financial burden, especially in the context of significant other costs associated with raising a child with serious special needs. As I wait for what should be a VERY straight-forward settlement of this year's case, the deadline for payment of next year's tuition approaches. My nights are increasingly sleepless as I try to figure out where I will find the money. Perhaps this is a blessing in disguise given that Sam has ongoing sleep disturbances and often wakes up anyway at 3:00 or 4:00 (23).

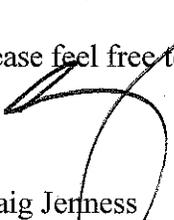
Regrettably, if the trend continues of increasing delays, Sam will eventually have to leave the school; as I will simply not be able to pay in advance 1-2 years of rising tuition costs. For Sam – and other families in similar situations - that would be a real and unnecessary tragedy.

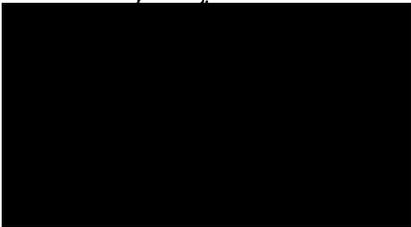
The implications are not just short term. We believe Sam's future independence will largely depend on two things – 1) appropriate education NOW to maximize his potential 2) Sound fiscal management and saving by us for his future. Regrettably, the increasing delays and complications in settlement put both at risk. Failure to fix the problem may irreparably damage the futures of Sam and other children. But it may also cost the state much more in the long run.

On behalf of Sam, who cannot speak, and our family – and other children and families struggling like us to cope – I with respect and sincerity ask you to find a way resolve the unnecessary bureaucratic delays and streamline the process in whatever way you can. This will not take away Sam's autism or other challenges. Nor will make all our nights restful. But it will give us greater financial and emotional stability, and most importantly help ensure that Sam will have the opportunity to become all he can be. I would argue that for Sam and other children like him this is both the right and just thing to do; and is sound public policy.

This letter was written in haste and thus is not as concise or articulate as I would have wanted. Nonetheless I thought it important to send it given the unique opportunity to be heard. Thank you again for your consideration and your concern for Sam and children like him

Please feel free to contact me directly if you need further information or clarification.

  
Craig Jerness



**Committee on Education**

**Oversight - DOE's Provision of Special Education Services.**

**February 27, 2019**

To the Committee On Education,

I am the mother of a 7 year old girl with autism, living on the UWS. My daughter is only minimally verbal and is not at grade level. She in fact, has global delays and needs a lot of educational support in order to make progress.

The good news: She has been attending an appropriate, independent school with a 1:1 student to teacher ratio in a self-contained classroom. She also has an after school home program in place.

In regards to this case, the DOE requested impartial hearings for the school placement and for the home program. We were not offered a settlement but were happy to go along with the impartial hearing process.

The impartial hearing regarding school tuition was ruled in our favor and we were reimbursed the full amount of tuition within a couple of months of the verdict in 2017.

The impartial hearing regarding home program was ruled in our favor in July 2018 AND WE STILL HAVE NOT BEEN REIMBURSED!!! This means, in addition to laying out the \$11,865 per month for school tuition, we have been laying out money for the home program for almost 2 years DESPITE HAVING WON AN IMPARTIAL HEARING.

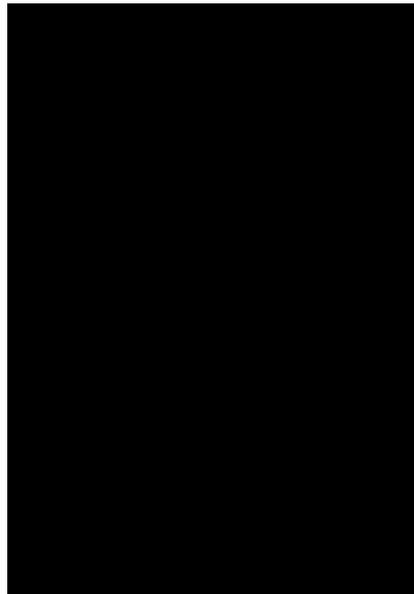
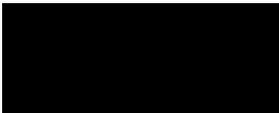
In addition, school tuition reimbursements for the 2018-2019 school year come in only sporadically and without any clear timing.

Sorry for the bold caps but I cannot express how stressful it is to pay for the services required for my daughter to get an appropriate education, knowing that the DOE is not inclined to reimburse according to the law. I don't know if these lags are an evil DOE strategy or simply gross incompetence.

Please feel free to reach out to me if you have any questions.

Attached is a photo of my sweet girl.

Thank you,  
Star Kahn





Submission to the Committee on Education  
of the New York City Council regarding  
Special Education Services and  
Res. No. 0749-2019 Establishing a Special Education Czar,  
Int. No. 1406-2019 Mandating Reporting on Preschool Special Education Services,  
Int. No. 1380-2019 Mandating Reporting on Response to Parent Request for Private  
Tutoring and Private School Tuition Payments,  
Int. No. 0900-2018 Mandating Tri-annual Reporting on Special Education Services and  
Int. No. 0559-2018 Mandating School-level Data on Student IEP Compliance

by the United Federation of Teachers  
Michael Mulgrew, President  
February 25, 2019

The United Federation of Teachers (UFT) wishes to thank Chairman Mark Treyger and the Committee on Education for the opportunity to share our views on the Department of Education's (DOE) special education services and the resolution and series of bills introduced by council members in response to compliance issues; parental complaints about policies governing private tuition and tutoring; new reporting mandates; and the creation of a new DOE position, a special education czar.

The union acknowledges members of this committee, Chair Treyger, Finance Chair Dromm and Councilmember Kallos who have shown particular concern over the Department of Education's compliance with Individualized Education Programs (IEPs), its provision of early intervention services to preschool-aged children and what can be learned from the department's data. We likewise acknowledge Councilmember Rosenthal's concerns with respect to the growing practice of the department paying private school tuition and tutoring costs for its students with IEPs in cases where it was determined that the DOE failed to deliver a free, appropriate, public education (FAPE). As several members of the City Council are former educators and individual members have sponsored the proposed bills under consideration today and you've given parents and advocates the opportunity to deliver compelling stories of the often onerous

journey navigating the special education bureaucracy, the union believes your oversight will generate positive change.

Before examining each piece of proposed legislation, the union would like to focus on what we believe will support our educators and providers of related services to best help our students learn.

### **Evidence-based curriculum and instruction for all, especially for our earliest learners**

Evidenced-based curriculum and instruction are crucial for successfully educating all students. Providing a sufficient complement of trained educators and school-related therapists and clinicians, delivering services to students with special needs, is equally important. These go hand in hand. Without a structure based on sound instruction in foundational literacy skills and interventions for the students who, due to their differing learning abilities, aren't responding to it — including those with dyslexia — we're not advancing learning. And without the requisite training, our educators become hamstrung in their ability to effectively use the instructional resources provided. While this is particularly important to introduce to the earliest learners, this is needed in every school, at every level.

The critical next steps are early identification and intervention. Many young people do not learn to read intuitively. By designing and rolling out the Reading for All initiative, the DOE, we believe, affirmatively moved to address literacy for the early grades. At the core of the Reading for All initiative is appropriate instruction. As outlined in the New York State Education Department's Minimum Requirements of a Response to Intervention Program, "appropriate instruction" means "scientific research-based reading programs that include explicit instruction in 1) phonemic awareness, 2) phonics, 3) vocabulary development, 4) reading fluency and 5) reading comprehension strategies," commonly referred to as the "five pillars" of literacy.

We applaud the move toward implementing sound, evidence-based literacy instruction and support in early grades, however it's time to take the next step and provide interventions and support for students who are unable to learn to read, even when provided appropriate instruction, including those with dyslexia.

This instruction is most successful when provided before Grade 3, but older students who have not learned to read need it as well. Currently, there is no systemic infrastructure to support this type of instruction. We reiterate the need to create this infrastructure in all of our schools — elementary (including pre-K), middle and high — and in all of our instructional settings — District 75, District 79, career and technical education (CTE) and programs for incarcerated youth.

For these reasons the union supported the repurposing of the IEP teacher position in 2016, because it strengthened the ability of educators to address literacy learning issues early. However, the system works against itself and the best interests of the children when foundational literacy isn't the standard. A greater number of students become identified as requiring literacy interventions. In our view, this leads to the problem we have with improper referrals.

IEP teachers and literacy specialists should be supporting a limited number of students. It's unreasonable and unsound practice for these educators and specialists to be expected to intervene in all cases of students who would have otherwise learned to read with sound instruction.

Compounding these issues is the interrelation of learning and literacy related disabilities to behavioral disabilities. Effectively, students with severe difficulty reading often develop behavior issues and students with behavior disabilities typically develop reading deficits. Clinicians specializing in socio-emotional therapies must work in tandem with educators specializing in literacy.

Focusing on foundational literacy skills and interventions with the appropriate staffing, curriculum and training should be a requirement, in our view, and not an option. The DOE needs to take an affirmative stand and not allow schools to decide whether to "opt-in." Knowledgeable DOE administrators have acknowledged that evidence-based literacy instruction is provided in approximately 20 percent of schools. Equally important, we recommend that the training is centrally developed and approved.

### **How the City Council can best support students with special needs, their educators and their parents and guardians**

- **Within the city budget process, make sure that all special education funds are targeted and discrete and fall outside the city's Fair Student Funding formula.** Currently, related services and student-specific paraprofessional services are funded outside of Fair Student funding, which prevents principals from using the funds for things other than what they were intended for. By designating funds for special education instructional services and supports this way, we believe more students would receive their full slate of mandated services. We receive many complaints from teachers that they are supposed to be one of two teachers assigned to an ICT class, but the principal has found funding for only one teacher in the class. Those students are being denied their mandated services.
- Another widespread problem is principals not finding the funds to pay for a substitute when one of two ICT teachers has an absence. Discrete funding of these services would ensure more students get them. Within the context of current data

collection, it would help to evaluate tracking trends for specific services, as well as adequate special education coverage for long-term absences.

- **Send whatever additional special education funds New York City allocates directly to the schools.** In particular we must note, bilingual special education services are woefully under-resourced and these students are by far the most underserved. We advocate spending any additional funds on clinicians — school psychologists and social workers — who would have a direct impact on students' lives and a school community's ability to provide mandated services.
- From our understanding, the DOE has asked for extra clinicians and the Office of Management and Budget hasn't included this funding in the administration's preliminary budget.
- **Expand the successful IEP Teacher Program**, which assigned 960 teachers to 960 schools to provide literacy intervention for both special education and general education students. These intervention specialists were assigned to schools that had high rates of special education referrals.
- **Fund more evidenced-based instruction, especially for preschool through early elementary grades.** Our goal is to provide evidence-based literacy instruction and intervention for struggling readers, to prevent students from falling behind and averting the need for special education services down the road.
- **Find ways of working with institutions of higher education.** Particularly to address the shortage of bilingual special education teachers, social workers and school psychologists and to prepare more special educators and literacy specialists to unlock barriers to learning from early learners through high school.

Additionally, we continue to seek the City Council's support to implement the following:

- Align the city's categorization of dyslexia and language-based disabilities on its IEPs with that of the U.S. Education Department's Office of Special Education and Rehabilitative Services;
- Deliver the explicit, sequential, intensive and sustained interventions that students with language-based learning disabilities in the area of reading, including dyslexia need;
- Provide training in evidence-based, foundational literacy skills instruction and dyslexia interventions to special education teachers.

We stand ready to work in partnership with the DOE and the New York City Council as both entities place a greater emphasis on improving outcomes for children struggling with the full complement of needs from attention deficits, to processing issues to dyslexia and related language-based learning disabilities.

**The UFT appreciates regulations that compel compliance with student IEPs and parental rights**

Res. No. 0749-2019 Establishing a Special Education Czar

Chairman Treyger, you've been on the front line in the classroom, often teaching without the full range of resources and supports your students required. We understand your desire for greater accountability from the administration to ensure compliance with IEPs and other requirements for students in special education.

The UFT's special education team, led by Vice President MaryJo Ginese, works closely with educators, child advocates and parents across the city and state to support our students receiving special education services. So, while we were deeply moved by parents' recounting of painful, resource-draining, confounding interactions with the special education infrastructure at your oversight hearing on February 25, we were far from surprised.

Respectfully, we think that adding layers to the bureaucracy — even in the name of accountability — undermines the goal. We're unsure another cabinet level, highly compensated executive would result in dismantling the morass parents face and students are hampered by. The most recent restructuring, as Chief Academic Officer Dr. Linda Chen pointed out, already includes executive superintendents. Rather than add to the central structure, we argue for reallocating some of those dollars directly to school-based special education services. When funding is targeted, discrete and transparent, our students benefit. Our educators and related service providers are already responsible for doing the work — allocate the funding directly to this work.

**The reporting and compliance landscape expanded exponentially creating burdensome, duplicative processes and paperwork**

Int. No. 1406-2019 Mandating Reporting on Preschool Special Education Services

Finance Chair Dromm, with over 25 years educating students in Queens, we know you're concerned about the impact of burdensome reporting on our members already engaged in K-12 reporting through the soon to be defunct, but slated for replacement, SESIS.

The union agrees that we lack the data to better inform decisions on resources and services for our preschool students. Currently, files belonging to pre-K students are not in the same format as files belonging to K-12 students. This makes for a tough transition. What the union believes would be helpful is aligning early intervention and pre-K filing and reporting systems to K-12, to better assure a seamless transition for students when they move from early intervention to pre-K and to K-12.

As the department seeks to phase-in a replacement data system for SESIS, the new system should address these alignment issues. In the interim, we respectfully ask the City Council not to place onerous new requirements on SESIS.

Int. No. 0900-2018 Mandating Tri-annual Reporting on Special Education Services  
Int. No. 0559-2018 Mandating School-level Data on Student IEP Compliance

These bills aren't as helpful as the Council intends for our members doing this work. State regulations require special education teachers to file reams of duplicative forms. This compliance paperwork does not directly help students, and in fact wastes educators' precious time that could be better spent with their students.

Much of the required paperwork is driven by state compliance issues. We would ask that New York City not exacerbate this existing problem by requiring yet more duplicate record keeping. Rather, we respectfully suggest that City Council policy analysts review the data the administration already compiles for the New York State Education Department.

Int. No. 1380-2019 Mandating Reporting on Response to Parent Request for Private Tutoring and Private School Tuition Payments

Council member Rosenthal in this proposed legislation and in her critical questioning at Monday's hearing, hits to the heart of the frustration so many parents experience. After fiercely advocating for services for their children in district public schools, with precious time elapsing as their children are underserved, and after spending their own money for private diagnostics such as neuropsychological evaluations, parents request reimbursement for private tutoring and private school tuition. The policy enabling parents to request private tutoring and placement for their children has resulted in growing numbers of parents seeking this option. As reported in the January 7 issue of *Chalkbeat*, "4,431 students with disabilities attended private schools paid for by the education department in fiscal year 2017, according to the most recent data obtained... a third more than in 2014."

Every story, by every parent, reflects that this option only works for those with the time, resources and skill to navigate the process. Every week, every month and every

school year that students in need go without the services that match their needs is precious time lost. Let's not let this happen. We agree the Council should explore parent access and lack of access to these services. Most important, the district public schools should have the services to meet the needs of all students.

### **A sense of urgency — closing thoughts for the City Council**

Overall, the UFT believes that the oversight of special education services must focus more on why students aren't receiving services, rather than documenting service delivery failures. Ultimately, where's the sense of urgency and are we asking the critical questions?

The union needs the City Council to understand that Fair Student Funding serves as a major barrier to children receiving services. If school funding for special education instructional services is discrete, principals will only get the money if they spend it for the teachers and instructional support personnel needed to appropriately staff special education classes and services. The DOE learned that lesson once and then promptly forgot it.

Unfortunately, another funding challenge that will have an impact on delivering services to students is on the horizon. The UFT believes that the current state Executive Budget proposal would erode the quality of education for students receiving special education services and diminish the protections these critical resources provide in educating our students with disabilities.

The Executive Budget proposal allows school districts, BOCES and private schools to petition the State Education Department for flexibility in complying with certain special education requirements. In addition, while the Executive Budget fully funds expense-based aids in the upcoming year, starting in the 2020-21 school year, the budget proposal merges 11 expense-based aids (BOCES, transportation, special services, high tax, textbook, school library materials, computer software, computer hardware and technology, supplemental public excess cost, transitional aid and academic enhancement) into one category block grant, called services aid. Going forward, the growth in this aid category would be tied to inflation and student enrollment growth rather than actual expenditures in these critical areas. This proposed cap on expense-based aids would damage programs and services and reduce aid reimbursement to districts. Under this proposal, a school district may have to choose between busing children or shuttering programs and enrichment for students.

The challenges loom large and the number of students who require and deserve quality mandated services grows annually. Nationally, school districts have special education populations that hover around 13 percent of the total student population. In New York

City, our 200,000 students identified for these services nears 20 percent and is growing. We question what accounts for so many more children with learning and other disabilities. We believe more education dollars should be focused on providing strong foundational skills in pre-K, kindergarten and 1st grade. Evidence shows that the use of research-based, foundational reading skill programs results in fewer special education referrals down the road.

Our members and students benefit from your critical oversight of the programs and academic resources our students with IEPs need to succeed and soar.

FOR THE RECORD

## New York Citywide Council on Special Education

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November 2018

*Elaine Hughes*



## Citywide Council on Special Education – 2016-18 Annual Report

### INTRODUCTION

The Citywide Council on Special Education (CCSE) was created by the [state law that provided for mayoral control](#) of New York City schools. The council is comprised of 11 voting members, nine of whom are parents of students who have an Individualized Education Program (IEP). These members are chosen in a vote by selected members of the President's Council for every community school district and borough and for District 75. The New York City Public Advocate selects the two additional voting members. The Public Advocate's two representatives must have extensive experience and knowledge in educating, training or employing individuals with disabilities. A high school senior who has an IEP is selected by the chancellor's designee to serve as a non-voting member for one year.

The [law establishing the CCSE](#) requires that the council hold at least one public, open meeting per month. The other requirement is that the council issue an annual report assessing the effectiveness of the New York City Department of Education (DOE) in providing special education services to students with disabilities. The report should include recommendations on how these services can be implemented and improved.

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## **EXECUTIVE SUMMARY**

The 2017-18 school year marked the end of Carmen Fariña's four-year tenure as school chancellor and the hiring of Houston school superintendent Richard Carranza to replace her. In his first months as chancellor, Mr. Carranza made few comments on special education and did not issue any new policies in this area.

As he familiarizes himself with the nation's largest school system and determines priorities and policies, we hope he will be guided by the information and recommendations in this report.

Some 20 percent of New York City public school students – about 190,000 children – receive special education services. This is more than the total number of children in the Philadelphia public schools. While many of these New York City students receive exemplary services, the CCSE knows from research, school visits and discussions with parents that special education in New York City falls short in many ways – ways that can affect people for their entire lives.

The CCSE acknowledges the collaborative spirit in which the leadership staff from the Special Education Office (SEO) engages with them, and the progress that has been made in recent years. Specifically, we are encouraged that students fully and partially receiving program services increased to 97 percent in 2017-18, up from 96 percent in 2016-17 and 92 percent in 2015-16. Students receiving full program services increased to 78.4 percent, up from 72.8 percent in 2016-17 and 59.2 percent in 2015-16.

While there is more work to do, there is a commitment to building on the progress that has been made.

In 2016-17, SEO implemented a programmatic service review – reports distributed weekly to schools and Field Support Centers with detailed information on each student with an IEP to ensure that students are programmed for courses correctly. In 2017-18, staff received further training and had more experience with the programmatic services review, and report distribution began earlier in the year than it had in the past.

SEO has hired more staff and is strengthening partnerships with providers and community-based organizations. Since 2013-14, the office has hired approximately 3,000 new special education teachers, 800 speech therapists and 500 occupational therapists.

These initiatives have contributed to significantly improved outcomes for students with disabilities. The four-year August graduation rate increased to 46.7 percent in 2016-17 from 30.5 percent in 2011-12, and the dropout rate decreased to 13.8 percent in 2016-17 from 19.9 percent in 2011-12.

As part of the DOE's commitment to ensure that every student has an appropriate postsecondary plan, the DOE has opened three out of five borough-based Transition and College Access Centers (TCAC). These centers support students with IEPs to plan for their next steps after high school. A fourth center is on track to open this fall in Queens, while the fifth will open next fall in Manhattan. In 2017-18, 2,915 students participated in work-based learning opportunities through the TCACs and more than 500 staff members received training on postsecondary planning.

The SEO has also launched initiatives that promote inclusive practices in schools, including "Just Say Hi," which promotes diversity through the lens of disability in 51 schools across the city. The Cerebral Palsy Foundation (CPF) launched the "Just Say Hi" campaign in collaboration with the city DOE to increase engagement with people with disabilities and address the unnecessary hesitation some people feel around those with disabilities.

## New York Citywide Council on Special Education: 2016-2018 Annual Report

**“Just Say Hi” ambassador schools are committed to helping students with and without disabilities in having conversations and building relationships, helping staff members develop truly inclusive classrooms and building a culture that considers disability an aspect of diversity within the school community. All ambassador schools participate in a one-day training on the cross-curriculum resource and professional learning supplement, and attend related events, including but not limited to meetings, celebrations and learning opportunities around inclusion.**

## OVERVIEW

The idea that students with disabilities have rights is a relatively new concept in the United States. Up until the last third of the 20th century, few students with disabilities went to public schools. Most were taught at home, attended expensive private schools or received little to no education. Then in 1975 Congress passed the [Education for All Handicapped Children Act](#), establishing the rights for all children, disabled or not, to have a public education.

The [Individuals with Disabilities in Education Act](#), (IDEA) enacted in 1990, required that schools provide individualized programs to meet the needs of students with disabilities. In 2004, Congress reauthorized the [Individuals with Disabilities Education Improvement Act](#) (IDEIA). It is this law that governs special education in the United States today.

The law sets out a series of requirements that must be met by schools receiving public funds in the U.S. Schools must evaluate all students with disabilities or who are suspected might have a disability. On the basis of that, the school district must develop an Individualized Education Program (IEP) for a student with a disability, provide the services called for in that program, and monitor and measure progress. The act also calls for students to be educated in the least restrictive environment (LRE) and requires that parents be informed of any special education programs available to their child as well as be allowed to sit on their child's IEP team.

The act recognizes 13 categories of disability. They are:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment (including ADHD)
- Specific learning disability (including dyslexia, dyscalculia and dysgraphia, and other learning issues)
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

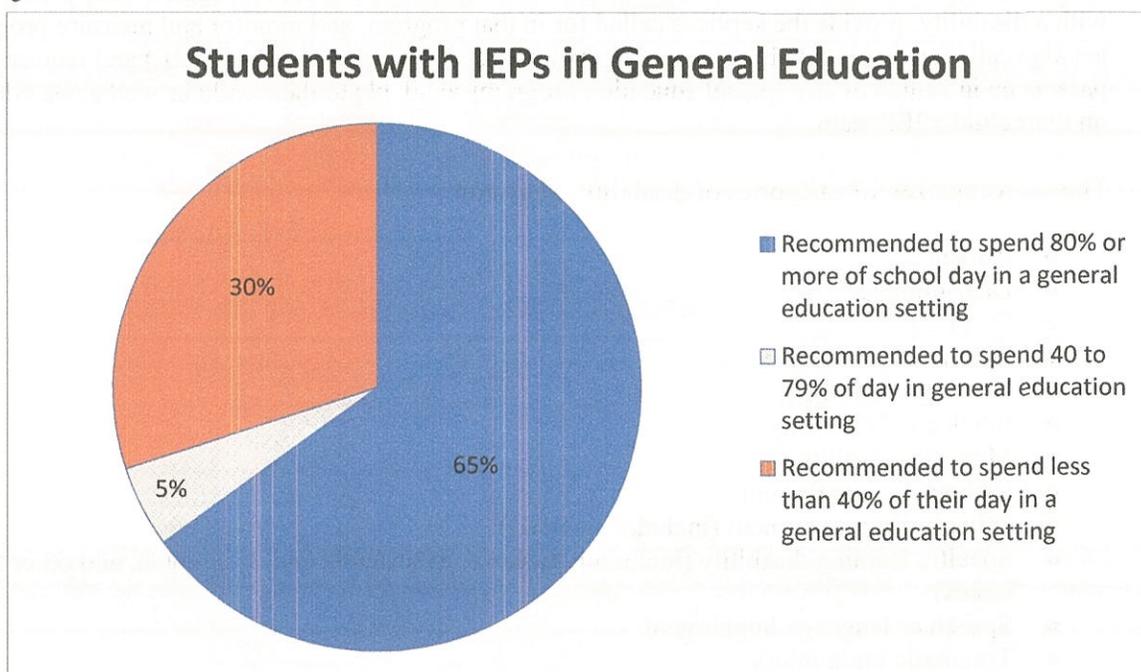
Simply having one or more of these conditions, though, does not qualify a child for special services. For that to happen, the evaluation must establish not only that the child has a disability but that that disability will hamper the child's progress in school unless he/she gets special help.

Schools in New York State provide a [range of services](#) to meet the needs of these students. Starting from the least and going to the most restrictive they are:

- General education program with no special services;
- General education program with some support, such as testing accommodations and management needs;
- General education program with related services such as a Special Education Teacher Support Services (SETSS) for a minimum of 2.5 periods per week. This can mean a special education teacher working with the child or working with the child's teacher so that that teacher can better

meet the child's needs. If the child receives the services directly, he/she may meet with a teacher individually or in a group.

- Integrated co-teaching services. These are classes with two teachers, one of whom is a special education teacher, and a mix of general education students and students with disabilities.
- Self-contained classes in regular schools. All the students have IEPs though they may not have the same disability. These class sizes include 6, 8 and 12 and can include children whose ages span three years.
- Self-contained programs for students with more severe disabilities. Called District 75 programs in New York City, these offer classes for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, have sensory impairment or are multiply disabled. These programs can be in district school buildings, in specialized schools and, in some cases, in hospitals or other agencies.
- Outside placements. These are given to a small percentage of students whose needs cannot be met by any of the city programs. In these cases, the student will go to a private school or other setting at public expense.

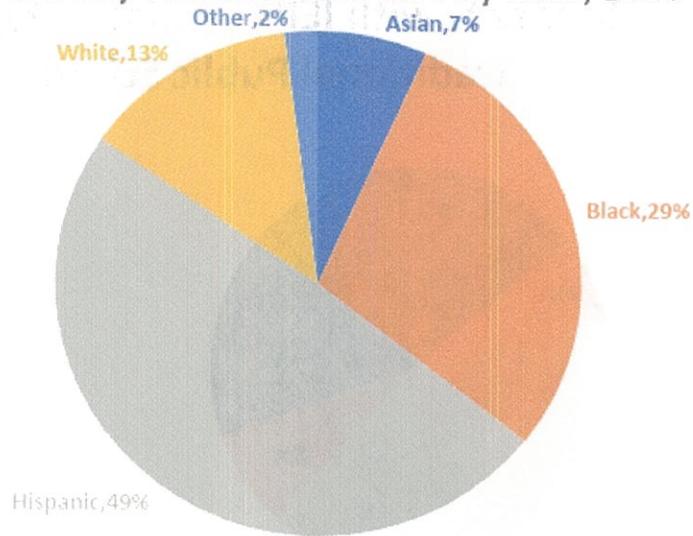


**About two thirds of all New York City students are recommended to spend at least 80 percent of their school days in a general education setting.** (Source: *"New York City Department of Education Local Law 27 of 2015 Annual Report on Special Education, School Year 2016-2017,"* Nov. 1 2017)

### **Special Education Students in New York City**

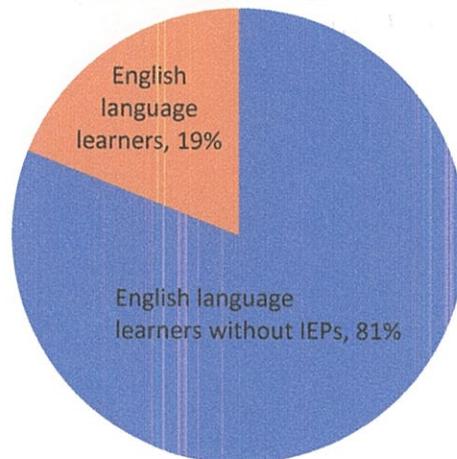
In the 2016-17 school year, 193,361 New York City public school students, almost 20 percent of all city public school students, had IEPs.

### New York City Students with IEPs by Race, 2016-17



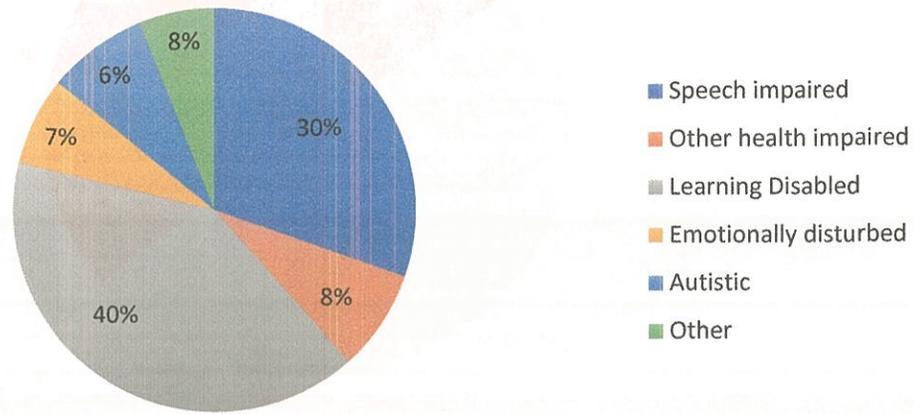
To some extent, the racial breakdown of students with IEPs reflects the city's overall public school demographics. In 2015-16, about 16 percent of all public school students were Asian, 27 percent were Black, 41 percent Hispanic, 15 percent white, and 2 percent other. (Source: New York City Independent Budget Office)

### English Language Learners with IEPs



The percentage of English Language Learners with IEPs is similar to the percentage of students with IEPs among the New York City public school population as a whole. (Source: ["New York City Department of Education Local Law 27 of 2015 Annual Report on Special Education, School Year 2016-2017,"](#) Nov. 1 2017)

### Students with IEPs by Disability, NYC Traditional Public Schools



Students with learning disabilities and speech or hearing impairments account for more than 70 percent of all New York City school children with IEPs. (Source: New York City Independent Budget Office)

On most measures of student performance and achievement, students with IEPs lag behind the general population. They have lower standardized tests scores and graduation rates than the student population as a whole. (For details, see pages 18-21.)

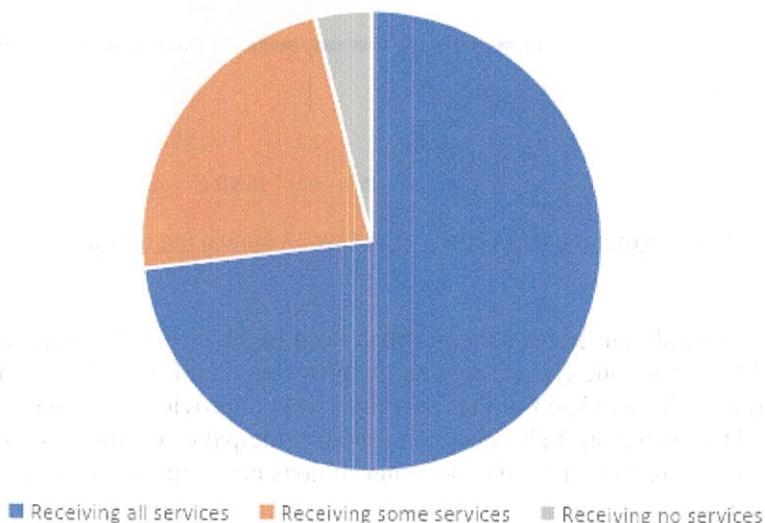
## SPECIAL EDUCATION IN NEW YORK CITY: CREATING BETTER OPPORTUNITIES FOR ALL OUR STUDENTS

The CCSE regularly meets with parents and school leaders, visits schools and attends meetings to assess the strengths and weaknesses of special education in New York City. We have identified a number of challenges that face special education here and affect the ability of all of our children to reach their full potential.

### LACK OF SERVICES

While it is well and good for a student's IEP to call for robust and appropriate services, the best plan in the world is of little use if it is not implemented. Although the exact dimensions of the problem are not known because of the shortcomings of SESIS (see page TK), tens of thousands of children in New York City Schools do not get all of the services called for in their IEPs. In 2016-17, more than 7,000 received none of the services to which they were entitled, according to [figures provided by DOE to the City Council](#).

New York City Students Receiving Special Education Services, 2016-17



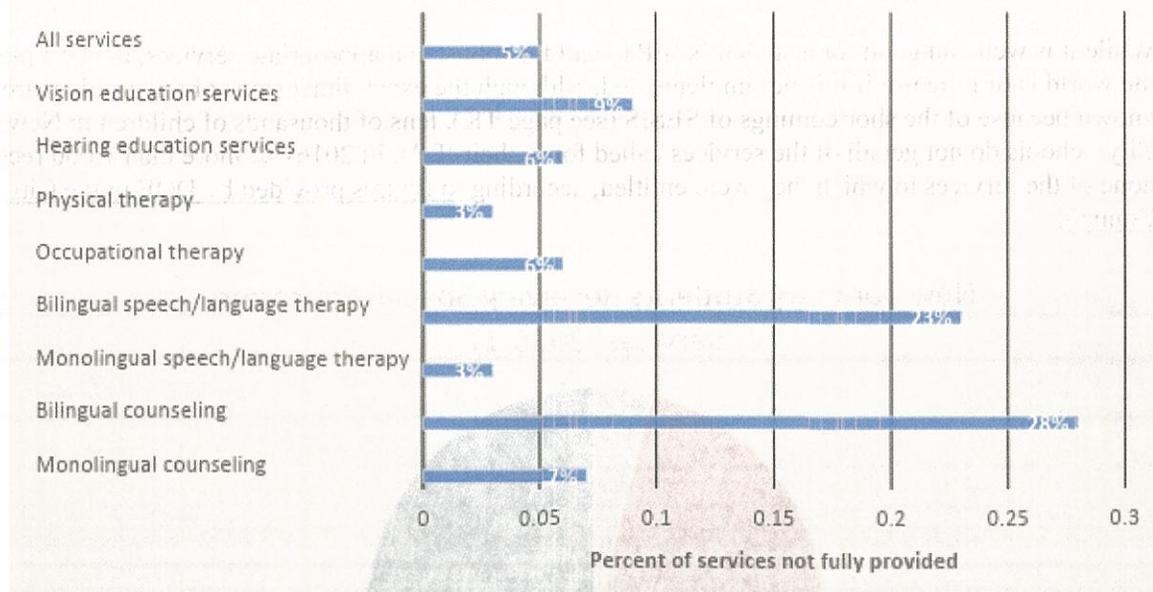
**Of the 178,264 students with IEPs in New York City in 2016-17, 7,383 received none of the services recommended in their IEPs.** (Source: [New York City Department of Education, Local Law 27 Annual Report on Special Education for the 2016-17 School Year](#))

A gap also exists in provision of related services. These are services, such as speech and language instruction, occupational therapy, physical therapy and counseling, that are provided to students to help support and assist their participation in their school program. These services must be recommended on the student's IEP and are to be provided to the student individually or in groups of no more than five children. DOE can provide these services directly, either with its own staff or the staff of associated agencies. If the department cannot provide the services, parents receive a Related Services Authorization (RSA) that allows them to use a certified independent provider at no cost to them.

## New York Citywide Council on Special Education: 2016-2018 Annual Report

In 2016-17, student IEPs called for a total of 276,217 related services. Of these 13,086 were not provided. Another 1,672 were only partially provided. The gap varied depending upon the type of service. More than 25 percent of students who were supposed to receive bilingual counseling did not receive their full complement of services.

### Provision of Related Services

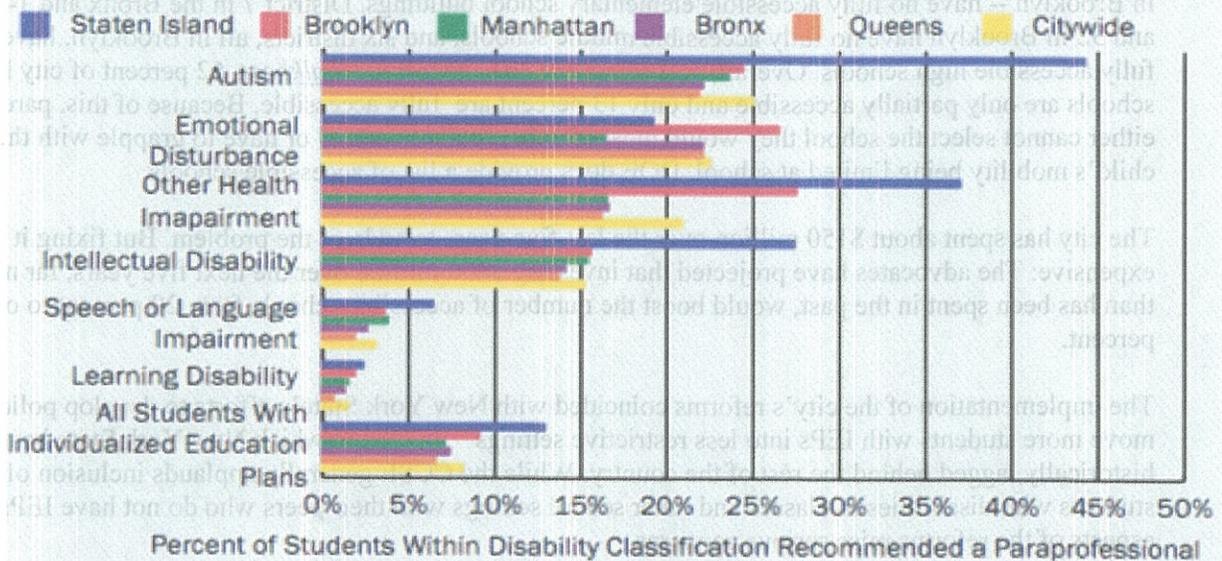


(Source: [New York City Department of Education, Local Law 27 Annual Report on Special Education for the 2016-17 School Year](#))

The report almost certainly understates the problem because DOE counts a service as having been delivered if a child has only one encounter with the provider. CCSE members know that there are frequent disruptions in the provision of these services when a provider becomes ill, goes on maternity leave, is redirected to cover a staff absence by a school principal or is otherwise unavailable. Because the DOE annual report only reflects a single encounter, it does not indicate whether there have been any disruptions in the service.

Discrepancies also exist in which students are recommended for services, such as having a paraprofessional assigned to them. A [study by the Independent Budget Office](#) found the likelihood that a student's IEP would call for a teaching assistant varied according to the student's borough of residence and disability. In general, students from Staten Island were most likely to receive a recommendation for a paraprofessional, with about 13 percent of IEPs for students in that borough having that recommendation. IEPs for Queens students, though, only recommended a paraprofessional in 6.6 percent of cases. In terms of disability, students on the autism spectrum were most likely to receive a recommendation for a teaching assistant.

**Students With Autism and Attending School in Staten Island Were More Likely to Have a Paraprofessional Mandated as Part of Their Individualized Education Plan**



SOURCES: Special Education Student Information System and Individualized Education Plans paraprofessional data, 2015-2016  
 NOTES: Note that the data available to IBO indicates what services were recommended for a student, but does not reliably track whether such services actually delivered. Excludes students in prekindergarten, and students in alternative schools and programs, and charter schools. Not all disability classifications shown here.

Source: New York City Independent Budget Office, *“Are Some Students with Disabilities More Likely to Receive a Recommendation for a Paraprofessional?”*

**Recommendations:**

- *DOE must focus on making sure that all students receive all the services they need and are legally obligated to receive.*
- *In light of the persistent shortfall in the provision of services, the council will investigate initiating a lawsuit against DOE or joining or otherwise supporting an existing lawsuit.*
- *IEPs should call for the full array of services the student needs, without regard to his or her disability or where he or she lives.*
- *DOE should continue to provide Program Service Review Reports to each school.*
- *The Program Service Review process should be used to identify and strategically respond to the root causes of lack of services*

**SPECIAL EDUCATION REFORMS**

In September 2012, DOE instituted special education reforms requiring that every incoming kindergartener, 6th grader and 9th grader -- except for those with the most severe disabilities -- be placed in their locally zoned school or whatever other school their parents chose, without regard to any disability the child might have. This made every school responsible for providing students with disabilities with all legally mandated services outlined on their IEPs.

While DOE has called for all schools to be able to serve most students, many schools remain inaccessible to some children with disabilities. A [report released in 2018](#) by the ARISE Coalition and Parents for Inclusive Education found that 80 percent of New York City public schools are not completely accessible to students with physical disabilities.

## New York Citywide Council on Special Education: 2016-2018 Annual Report

Advocates for Children [has found](#) that three community school districts – 12 in the Bronx and 16 and 21 in Brooklyn -- have no fully accessible elementary school buildings. District 7 in the Bronx and 14, 16 and 32 in Brooklyn have no fully accessible middle schools, and six districts, all in Brooklyn, have no fully accessible high schools. Overall, according to a [2017 report in Chalkbeat](#), 62 percent of city high schools are only partially accessible and only 13 percent are fully accessible. Because of this, parents either cannot select the school they would most like their child to attend or have to grapple with the child's mobility being limited at school. DOE does provide a list of accessible schools.

The city has spent about \$150 million over the last five years to address the problem. But fixing it is expensive: The advocates have projected that investing \$850 million over the next five years, far more than has been spent in the past, would boost the number of accessible schools from 20 percent to only 33 percent.

The implementation of the city's reforms coincided with New York State's efforts to develop policies to move more students with IEPs into less restrictive settings – an area in which New York State has historically lagged behind the rest of the country. While the CCSE generally applauds inclusion of students with disabilities in classes and other school settings with their peers who do not have IEPs, aspects of the reforms raise serious concerns.

There was no testing of the program, and DOE has not conducted a formal evaluation of it. DOE rolled out its special education reforms at 265 pilot schools in 2009-10 and 2010- 11. Despite a glaring lack of data on the results of the pilot programs, DOE then put the reforms into effect across the city in September 2012. The program has now been operating for six years and, as far as anyone can determine, there has been no systematic review to see what is working and what is not working.

The reforms resulted in more children being placed in less restrictive environments. While this is an admirable goal, the city has not examined whether this effort has resulted in students not getting services they need and to which they are legally entitled. In particular, as more children remain in neighborhood schools, there has been an increase in special education students in ICT classes, which have two teachers and a mix of general and special education students. The department has not evaluated this key aspect of the program.

As it implemented the special education reforms, DOE changed its funding formula to provide funds based on the number of students with disabilities in a school instead of the number of classrooms serving students with disabilities. Since funding is no longer tied to a particular setting – a self-contained 12-1-1-class, say – schools have less incentive to provide a more expensive service. As a result, a student's IEP may be altered to fit what is in the school, rather than the school altering its services to comply with the IEP. In fact, because the reforms decreased funding for self-contained classes and increased it for team teaching, principals have an incentive to move a child out of self-contained class and into an ICT setting – whether or not it is best for the child.

Some neighborhood schools may simply not have enough students requiring a service, such as a self-contained class, to offer it. That too can result in the department changing the student's IEP to fit the school's needs **rather** than having the school adjusting to meet the student's needs.

### Recommendation

- *DOE now has five years of data on the reforms. It needs to have an outside review/audit of this and other information to determine the efficacy of the reforms, what the results have been and what needs to be changed. This review should include parents whose children have IEPs.*

# Debbie Meyer

Dyslexia (Plus) Task Force in Public Schools  
Columbia Community Scholar 2018-2021

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FOR THE RECORD



BLOG > BETTER CONVERSATION

## Let's Put The Science of Reading in Teachers' Hands, So Kids Aren't Left Behind

POSTED NOV. 1, 2018 IN [BETTER CONVERSATION](#)



Debbie Meyer works at the New York Road Runners as senior manager of development and philanthropy. She is also a founding member of the Dyslexia (Plus) in Public Schools Task Force, a small group of community leaders working to help students with dyslexia and related language-based disabilities thrive in their neighborhood schools. [FULL](#)

[PROFILE](#) →

SHARE THIS POST:



Several years ago, I found myself a parent of a struggling reader. My son was attending a very well-regarded NYC public school, but the teachers could not help my son learn to read or write.

Because I was a “natural reader,” it was a journey for me to understand my son’s issues and find the resources to help him. This struggle, which has been a success for

my son so far, led me to realize that he is extremely fortunate. I had the wherewithal to support my son.

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## **WHAT BECOMES OF FAMILIES WHO CAN'T AFFORD AN ATTORNEY TO HELP THEM FIGHT FOR A FREE AND APPROPRIATE EDUCATION?**

---

I began to wonder what becomes of families where parents work several jobs and barely have time to meet with the teachers. What happens when parents can't find, much less choose and pay for a psychologist to do a costly neuro-psych evaluation? What becomes of families who can't afford an attorney to help them fight for a free and appropriate education?

I also wondered about what we teach teachers about reading. Could a trained teacher have known that the struggles my son had in pre-K were due to dyslexia? Could such a teacher have put us on the right path early?

Most experts agree that dyslexia and related language-based learning differences account for 80 percent of all learning disabilities. The share of the population affected by dyslexia could run as high as 15-20 percent.

### **EXPERTS WROTE THE MEMO ON PHONICS, BUT MANY TEACHERS DIDN'T GET IT**

While people of means can find tutors and specialized schools for their kids, as well as relief for the anxiety and depression that comes with failing, too many other families are left behind. Ultimately, we see terrible outcomes for the least advantaged in our society.

Unsurprisingly, people who are homeless and incarcerated show higher rates of illiteracy due to dyslexia than the population as a whole. We also see clear links between the struggle to read and mental health issues.

Back in the 1990s, when California's students experienced a notable decline in reading proficiency, Congress called for a National Reading Panel of experts to examine best practices in reading instruction. The panel reviewed 100,000 studies and published a comprehensive report. Panel member Tim Shanahan later published a useful summary of the report, geared to teachers.

Perhaps most notably, the report concluded that explicitly teaching the relationship among sounds, letters and spelling patterns is important in teaching all beginning readers, not simply those with dyslexia. These elements of reading instructions must be accompanied by access to books, learning vocabulary, teaching comprehension and practicing to achieve fluent reading. They can't do the whole job on their own, but they can't be left out, either.

### **WE'RE STILL TRYING TO FIND THE RIGHT BALANCE OF**

Unfortunately, 20 years after the report was published, we're still trying to find the right balance of reading strategies, and teaching the science of reading—how to crack the code of print—is being left behind. Emily Hanford's recent radio documentary, "Hard Words," explains that teachers aren't being trained to teach systematic phonics, the key to

## READING STRATEGIES

helping beginning readers crack the code of written English.

### TO HELP MORE KIDS LEARN TO READ, BETTER

#### TEACHER TRAINING IS A MUST

Teacher training is a critical missing link in helping children learn to read. The International Dyslexia Association has identified only [25 colleges](#) in the U.S. that prepare teachers to work with dyslexic readers. The schools that specialize in helping dyslexic students train their own teachers, and it's extremely rare for that training to reach elementary and high school teachers in ordinary public schools.

I have discovered other disturbing challenges, too:

School psychologist training programs do not include assessing for dyslexia in the curriculum, so neither school psychologists nor teachers can help students.

Social workers and occupational therapists also learn nothing about dyslexia in their training.

Though it runs in families, pediatricians do not ask the families of their young patients about any family history of reading struggles.

Students' frustration is misdiagnosed as an attention issue.

Reading science continues to be pitted against false assumptions about the naturalness of reading, as reported in the recent radio documentary, "[Hard Words](#)."

The lack of support for dyslexic students is systemic. Although a huge professional development industry exists for tutors and a handful enlightened schools around the country, none of this addresses the systemic issues. Parent groups have successfully lobbied for "[dyslexia laws](#)," yet too often they are unfunded mandates.

To bring reading science to every teacher, colleges and universities must step up and prepare teachers and school leaders with the knowledge and skills they need. University psychology departments should help not just the teaching colleges, but the families in their communities who struggle to understand their child's challenges.

Universities can also arm social workers with information on dyslexia so they can direct families to resources. Medical schools can inform every future pediatrician that dyslexia runs in families, and we can add questions about reading challenges to family history.

Change is already starting to come. Mississippi—traditionally dead last on many measures of academic achievement—is leading the way in revamping teacher training, and they're seeing results. Let's make that happen across the nation.

PHOTO BY FOTO\_UTE, TWENTY20-LICENSED.

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**TOPICS:** **BETTER CONVERSATION, DEBBIE MEYER, DYSLEXIA, LANGUAGE-BASED DISABILITIES, PHONICS, READING, READING DISABILITY, SCIENCE OF READING, STUDENT ACHIEVEMENT, STUDENT SUCCESS, TEACH READING, TEACHER TRAINING, TEACHING READING**

8 Comments

Sort by



Add a comment...



**Heather Fleming**

Thank you for this well-informed and succinct discussion of the opportunity cost of not teaching teachers the science of reading. The links you include are very helpful. I look forward to reading of your pieces.

Unlike · Reply · 1 · 16w



**Marion Waldman**

Thank you for such a broad perspective on how to change the systematic challenges beyond just teacher training. We can all contribute to solutions and your informative article provides a great context about who needs to be informed about the science of reading, and how vast this landscape truly is.

Unlike · Reply · 1 · 16w



**Julie Basteen Yepsen**

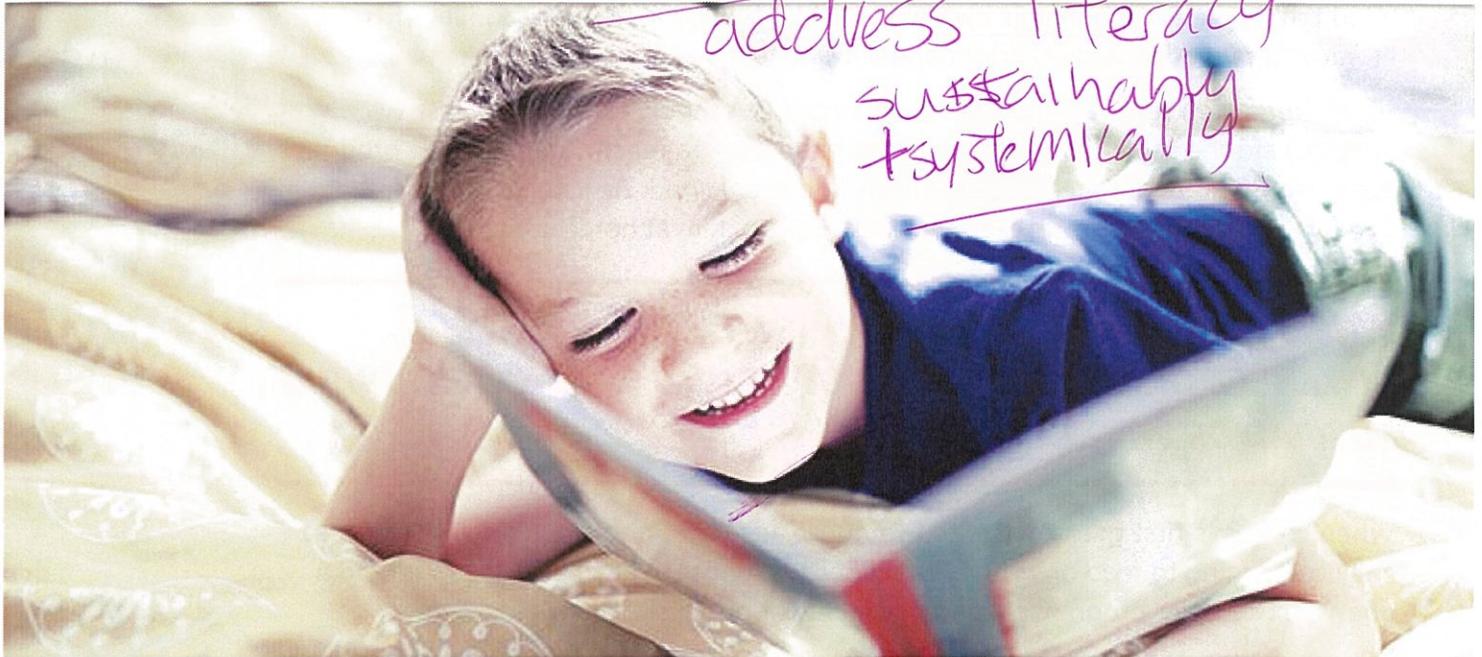
Although my son does not have dyslexia, but does have Irlen syndrome, his pediatrician asked about his progress in reading at each check up. Additionally, he was taught valuable phonic skills from kindergarten onward. It appears that we were blessed to have well-informed doctors and educators along our educational journey.

Unlike · Reply · 3 · 16w

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**YOU MIGHT ALSO BE INTERESTED IN:**

FOR THE RECORD  
② wish this was joint hearing with higher education we need to address literacy sustainably & systemically



BLOG > ACCOUNTABILITY

# I Took a Year Off Work to Learn About Dyslexia Because My Son's Teachers Couldn't Teach Him How to Read

POSTED JAN. 11, 2019 IN ACCOUNTABILITY



Debbie Meyer works at the New York Road Runners as senior manager of development and philanthropy. She is also a founding member of the Dyslexia (Plus) in Public Schools Task Force, a small group of community leaders working to help students with dyslexia and related language-based disabilities thrive in their neighborhood schools. [FULL](#)

[PROFILE](#) →

Columbia Commando Scholar

Debbie Meyer  
① role of universities in stopping the dyslexia to prison pipeline

SHARE THIS POST:



Why, for so many, is access to an education that recognizes the science of reading limited to private programs? My son experienced this as a reader struggling with dyslexia, and my sister experienced this as an aspiring teacher wanting to help all her students learn to read.

after you hear my son's story you will not be surprised why the lack of good instruction fails kids of color whose

cancel women's center

I remember my son's early reading experiences well. As a 4 year old, he listened to the first few chapters of "My Father's Dragon" and said, "Mom, each chapter this kid is going to take something out of his backpack to save the day. Let's guess what he'll take out and see if we are right." I was thrilled to see that he understood foreshadowing.

But he couldn't hear rhymes and hated Dr. Seuss. He hated Sesame Street, but liked the shows that had a plot to follow. His public pre-K teacher was concerned he didn't know his colors, although his health form stated that he was colorblind. She didn't mind that he had no phonemic awareness. Did she know that it was a pillar of literacy? She did say he was bright and a joy to teach.

His kindergarten teacher at our progressive public school, Central Park East Two (CPE2), said the same thing—he was bright and a joy to teach. The books he brought home from school got memorized quickly and exchanged. He listened to his father and me read third- and fourth-grade level books to him at home at night.

---

### ***WHEN HE WAS IN FIRST GRADE, WE READ EVER MORE ADVANCED BOOKS OUT LOUD, BUT HE WAS STILL NOT LEARNING TO READ OR WRITE.***

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When he was in first grade, we read ever more advanced books out loud, but he was still not learning to read or write. Our school's response? They had our son attend a one-week summer program at school for teacher professional development.

In second grade, he received a school-based evaluation that said he was bright but he couldn't read or express himself in writing. We heard the evaluation and mentioned to the school team that dyslexia runs in our family. The school told us he would do fine in an integrated co-teaching class (ICT) where a special educator and a general educator would teach all the children together. But he didn't do fine.

### **MY SON'S PUBLIC SCHOOL TEACHERS DIDN'T KNOW HOW TO TEACH HIM TO READ**

Thus began our journey into the private sector for his education. Our first stop was a private evaluation. We learned he was decoding and spelling at kindergarten level, as though he had never gone to school, yet he could comprehend at the 12th-grade level. My son is dyslexic.

His teachers at CPE2 had been trained at prestigious institutions, including Bank Street College of Education and Teachers College at Columbia University. My son was learning comprehension skills and great content. Yet he kept falling further and further behind his friends in reading, and was beginning to suffer from anxiety. I was taken aback: I could not believe the teachers did not know how to teach him to read.

He was offered Assistive  
technology rather than  
instruction



## Let's Put The Science of Reading in Teachers' Hands, So Kids Aren't Left Behind

Several years ago, I found myself a parent of a struggling reader. My son was attending a very well-regarded NYC public school, but the teachers ... Continue reading

Education Post

with far fewer kids reading well who phonics than struggling I suggest spec ed is far more w/dost benefits from the

in America

By third grade, we found more private resources: tutors. We also sent him to a private summer camp at Diana King's Camp Dunnabeck at the Kildonan School for children with dyslexia. The tutors from Kildonan's Teacher Training Institute worked with dyslexic students one-on-one for an hour a day. Later, students attended a study hall session to practice what they learned. It was a sleepaway camp, so my son rode mountain bikes, rode horses, worked on telling stories with video cameras and editing software, swam and more. His self-esteem came back. He learned cursive. His reading and writing improved. But he slid back in fourth grade, and depression set in. He wanted to kill himself. He was 10 years old.

Again we turned to private resources. He began CBT with a psychologist, and we enrolled him in the Windward School, which has its own Teacher Training Institute. They use direct instruction; they teach decoding rules. Now he knows how words work. He can read. He's learning how to write, research and take notes. But now the content in social studies and science isn't as deep as he wants. After reading for homework, he independently seeks out information from the radio, newspapers, from podcasts, and from books on Audible or Learning Ally. We take trips to the museums. Certainly, it's easier for a parent to introduce a kid to content than to teach them to read.

The DPs should have a university of Liaison

Leaving Harlem + his friends everyday for a rather elitist school has been tough.

### FEW COLLEGES PREPARE PUBLIC SCHOOL TEACHERS IN THE SCIENCE OF READING

Meanwhile, across the country in Arizona, my sister took charge of a class of struggling readers. Though she arrived armed with a bachelor's degree in

**SHE HAD HEARD THE TERM DYSLEXIA**

education from the University of Arizona, a master's in education from Northern Arizona University and further graduate classes leading to a reading specialist certificate, she had heard the term dyslexia only once, and it was defined as processing words backwards.

My sister had not learned about direct instruction and the five pillars of literacy but was assigned to a sixth-grade class of struggling readers. She had not learned how to assess for phonemic awareness or phonological skills. While some students made progress in the small class, others did not. To meet their needs, she too turned to the private sector and learned the Barton System. She then learned the Wilson System.

Hungry for more, she also took a [nine-day course](#) in the [Orton-Gillingham method](#) of teaching connections between letters and sounds. At the course, my sister learned the theory behind reading programs like [Barton](#) and [Wilson](#). She got a deeper understanding about multisensory learning. She learned how early phonemic awareness will put kids on a path to be strong readers, and how easy it is to add to a play-based curriculum. And she learned how to assess and tailor reading education for those who have already been left behind. Mastery is key, and using a spiraling scaffold means you can return to a skill to help students "remaster" it before building on it.

Meanwhile, I took a year off from work to find out more about dyslexia. I found out how few teaching colleges are preparing teachers the way Windward teachers and Kildonan teachers are prepared. I learned that the private specialized schools for dyslexic kids in and around New York City can help only about 2,000 children a year, yet 200,000 or more in the area need such help. I learned that 50 percent of prisoners are functionally illiterate due to dyslexia. I gained a deeper understanding of dyslexia as a [language processing problem](#) in the brain.

Now, I wish my son could have gone to a school that offered direct instruction with systematic phonics in reading and writing coupled with progressive, inquiry-based instruction in subjects like math, science and social studies. But a school like that doesn't seem to exist.

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## ***I WONDER WHY THE ONLY WAY TO ACCESS THE SCIENCE OF READING IS THROUGH PRIVATE, SPECIALIZED SCHOOLS, STAFFED BY PRIVATELY TRAINED TEACHERS.***

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I wonder why the only way to access the science of reading is through private, specialized schools, staffed by privately trained teachers. Why must teachers find private professional development to learn this crucial information? Why isn't this science recognized in [public K-12 schools](#) and teacher colleges?

Specialized schools don't serve enough of the population, and professional development is not systematic or sustainable. By confining the science of reading to expensive private schools and colleges, we increase the [Matthew Effect](#) riddling

***ONLY ONCE, AND IT WAS DEFINED AS PROCESSING WORDS BACKWARDS.***

education that the rich get richer while the poor get poorer. I'm committed to changing this.



## Episode 18: 'Hard Words' (feat. Emily Hanford)

In this episode, we discuss the science-backed methodology for teaching kids how to read and why schools are not using it. Our guest, Emily Hanford ... Continue reading

 Education Post

PHOTO BY @DARBY, TWENTY20-LICENSED.

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**TOPICS:** [ACCOUNTABILITY](#), [DEBBIE MEYER](#), [DYSLEXIA](#), [LITERACY](#), [PARENT VOICE](#), [PHONICS](#), [PRIVATE SCHOOLS](#), [READING](#), [SCIENCE OF READING](#), [SPECIAL EDUCATION](#), [TEACHER COLLEGES](#), [TEACHER EFFECTIVENESS](#), [TEACHER QUALITY](#), [TEACHING READING](#)

FOR THE RECORD

FOR THE RECORD

TESTIMONY OF RITA ROSE PORTELLI, PARENT OF SON SIMON  
PRESENTED TO THE NEW YORK CITY COUNCIL EDUCATION COMMITTEE  
AT ITS PUBLIC HEARING MONDAY FEBRUARY 25TH, 2019 IN THE CITY  
HALL COMMITTEE ROOM RE: Int 1380-2019

Our son was born in NYC 1997 and this is where we still reside. He is the youngest of our three children and when he was 10 months old was diagnosed with bilateral sensorineural deafness. He was implanted with a Cochlear Implant in February, 1999. It became evident there were other issues besides the deafness since milestones were not met. He was diagnosed with autism at two and half years old by Dr. Isabella Rapin.

He received Early Intervention which included HES, ST, OT, PT. He attended St. Joseph School for the Deaf till 3 years old then no other schools for the Deaf would approve him for preschool and beyond.

Going to IEP meetings were exhausting. Impartial after impartial hearings our son did not have an appropriate placement for his dual diagnoses. We had to hire a lawyer to make the Department of Education approve him for specialized ABA preschool with 10 hours of HES a week and at the age of 5 again to enter Hawthorne School. He had gained many skills because of all his therapies which included eye contact, using his Cochlear Implant, reading, copying skills, and many ASL signs. At this point, Mill Neck Manor School for the Deaf out in Long Island accepted him. Our son appeared to adjust even though traveling for nearly 4 hours each day. He continued to learn more signs and was with Deaf peers. However, within a few months after he started Mill Neck School he was placed in a class of 12 students each with their 1:1 in the same classroom due to school budget cuts. Mill Neck Manor School could no longer service him. An IEP initiated Home Instruction with all therapists he needed, a total of 35 hours per week. I found and hire these therapists and maintained our son's schedule for 4 years plus sustaining all reports for IEPs and RSAs. Some of these services were at home and some we traveled each day to various parts in the city. We had a team meeting every 4 months at my home. Our son was enrolled in Boy Scouts and sports activities at the Y for peer interactions. He had gained a school grade each year but he was turning 15 and he need to be with Deaf peers rather than teachers and therapists. He entered the PACES residential program at American School for the Deaf, CT with the lawyer being hired again. He enjoyed going to school because he was within a community for the Deaf.

Our son can hear with his CI's capacity and he truly loves to use it each waking minute. Expressively and receptively he uses total communication (voice and sign) along with his Deaf voice.

I have been working with NY OPWDD since late 2016 for transitioning him back to NYC and to try to find his next placement. We have gone through 18 agencies

for Day, Vocational and Residential Programs. None of these agencies had accepted Simon or have the necessary understanding. Agencies told me their staff are not required to learn sign to be hired. Others said their level of sign is very basic, three or less signs. For the past 8 months our son has been home waiting for services from OPWDD. I had to stop working and take care of our son full time. We are paying for a few classes per week out of our pockets for socialization and vocational practice with other autistic peers. I'm there every second to interpret communication and instructions while we are living on one pay check. The Department of Education and OPWDD knew he was aging out of the school in CT in 2016 and yet here we are 3 years after still no services or placement. We are living in the most innovative city in the world but yet fail our most vulnerable especially those who can't speak up for themselves.

**Our son truly needs to have a placement where all his staff are able to use total communication and to understand autism. I know for fact of other older and upcoming students from NYC that are in the same situation as us. Simon deserves to continue his life with peers where he can develop friendships, contribute to his community and be a part of society.**

Thank you. Rita Rose Portelli / 

Hello. My name is Sheila Szczepaniak and I applaud any actions that can help improve the Special Education system and services in NYC. Thank you for having this meeting to listen to our stories.

Today, specially, I am here to ask why it is taking so long for the city to pay for the reimbursement of tutoring services, mandated by the hearing officer, that we as a family had to undertake when the system failed us.

When my son's middle school failed to provide the mandated SETSS as outlined on his IEP and then concealed the failure, we had no other choice than to seek legal redress to help us pay for the educational services he required in order remain in a main stream school.

We prevailed in our case and since June 2018 have been awaiting reimbursement. Our son is now in high school where there is no direct remedial SETSS support. Our reimbursement is critical in providing the essential educational tutoring and foundational skills that the system failed to provide him early on.

If payments cannot be made by the DOE in less than a six -month period then the city should be mandated to pay finance charges on the outstanding balances.

As a family, we continually have to fight for educational rights and now, to have to battle to collect the monies we were awarded, underscores the DOE'S lack of understanding of the economic struggles families face ensuring their children receive the promised education they need to be productive, successful citizens.

Thank you for taking the time today and giving me your full attention.

Sincerely,

Sheila Szczepaniak

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 749 Res. No. \_\_\_\_\_

in favor  in opposition

1380 reimb  
0900 749

Date: 2-25-2019

(PLEASE PRINT)

Name: Danielle Mowen

Address: 401 76th St Brooklyn NY 11231

I represent: parent of HS graduate w/ dyslexia

Address: 7 Director, Building Dyslexia Awareness

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Celia Green

Address: 157 East 46 St BKlyn N.Y.

I represent: Parent Advocate

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/2019

(PLEASE PRINT)

Name: Susan Crawford

Address: 501 W. 110 10025

I represent: ARISE / The Right to Read Project

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aurelia Mack

Address: 108-33 Seaview ave

I represent: Wings of Success Inc

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

1380

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: St. David Jacobson

Address: \_\_\_\_\_

I represent: Father of special

Address: needs child

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Laura Espinosa

Address: 462 44th St

I represent: My self.

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Lauren Siciliano, Deputy Chief Operating Officer

Address: 52 Chambers St. NY, NY

I represent: DOE

Address: 52 Chambers St NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Alexandra Robinson, Executive Director Office of

Address: 52 Chambers St, NY NY, Rptl Transportation

I represent: DOE

Address: 52 Chambers St, NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jocelyn David-Burch

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 380 Res. No. 380  
 in favor  in opposition

Date: 2-25-19 02/19

(PLEASE PRINT)  
Name: Robert Burt

Address: 145-73 181<sup>st</sup> St

I represent: My children, Jaiden & Jarred

Address: 145-73 181<sup>st</sup> St Springfield City  
1141.2

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Sasha Malakka - District Council for the

Address: District Council of Education and Student Enrollment

I represent: None

Address: 52 Gramercus St NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 380-2019 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Feb 25, 2019

(PLEASE PRINT)  
Name: Rose Portell

Address: 320 Riverside Drive apt B in base-  
ment

I represent: myself and my son Simon

Address: Same

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Clavdia Galicia

Address: 45 Martense St 45 Brooklyn NY

I represent: \_\_\_\_\_ 11226

Address: \_\_\_\_\_

*Have to leave  
early to do  
my homework  
I am 17 years  
old*

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Celia Katz

Address: 350 Central Park W

I represent: Self

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Griffin, R. L. O. Assessor, Deputy Chief Academic

Address: Officer for DSS I S

I represent: DOE

Address: 52 Chambers St, NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dr. Linda Chen, Chief Academic Officer DOE

Address: 52 Chambers St

I represent: DOE

Address: 52 Chambers St, N.Y., N.Y.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elise Murphy

Address: 27 LINDEN ST. S1 NY 10310

I represent: PARENT OF CHILD IN SPECIAL ED.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Julia Luppino

Address: 102 Labau Ave. S1 NY 10301

I represent: Parent of child w/ disability

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Corey Callahan

Address: 111 Broadway NY NY 10006

I represent: NYC Charter School Center

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rebecca Kostyuchenko, Parent

Address: \_\_\_\_\_

I represent: Parent

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Melissa Katz

Address: 111 Broadway NY NY 10006

I represent: NYC Charter School Center

Address: 111 Broadway NY NY 10006

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1406 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Alice Butkin

Address: 14 Wall St STE 4E NY NY 10005

I represent: Citizens' Committee for Children

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 02-25-19

(PLEASE PRINT)

Name: HEIDI SIEGFRIED

Address: 841 BROADWAY SUITE 301

I represent: CENTER FOR INDEPENDENCE OF

Address: THE DISABLED IN NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Karen Tumulty

Address: 1622 Highland Ave NHP, NY 11010

I represent: iHOPE

Address: 101 116 ST NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Dr. Beth Raskin

Address: 55A West Broadway

I represent: Kulane Academy

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rae Eisler

Address: 140 Amsterdam Ave

I represent: Manhattan Star Academy

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1380 Res. No. 0749

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Cameron Brown

Address: 33 Union Square West, 8F

I represent: I-Hope Parent

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Sheila Szczepaniak

Address: 157 West 73rd St NY 10023

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. Int 1380 Res. No. 0749

in favor  in opposition

Date: 2-25-19

(PLEASE PRINT)

Name: Alicia Mercado

Address: 653 East 5th St Apt #1

I represent: my child Olivia Rose Mercado nyc 10009

Address: 653 East 5th St Apt #1 nyc 10009

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Judlyn Okin Barry Attorney Advocate

Address: \_\_\_\_\_

I represent: Parents for Inclusive Education

Address: \_\_\_\_\_



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Karen Farfas

Address: \_\_\_\_\_

I represent: Brooklyn Defender Services

Address: 177 Livingston, Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 02/25/19

(PLEASE PRINT)

Name: Claudia Cruz

Address: 416 41st Apt 1 Brooklyn NY

I represent: my self (tengo una hija DS)

Address: Sintome Down

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: MARIA ROEDY

Address: 521 41st Street 11232

I represent: FRIENDS of Sunset Park

Address: SAME AS ABOVE - Suite C1

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1380 Res. No. 0749

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Matthew Delforte

Address: 1325 Ave. of the Americas

I represent: Hope Academy + Kulanu Academy

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Susan Walters

Address: \_\_\_\_\_

I represent: SEK - parent

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1380 Res. No. 0749

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Michelle Kole-Kargood

Address: 118-35 Queens Boulevard 17<sup>th</sup> Floor Forest Hills NY

I represent: 200 families of children w/ disabilities

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Leei P. [unclear]

Address: 116 E 103 St, N.Y. NY 10003

I represent: INCADRENYC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Susan Crowson

Address: 350 Bleeker St 2x

I represent: CPAC Manhattan HS, Special Ed

Address: Parent

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Nieves Ojeda

Address: Sonia Geba (interpreter)

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Randi Levine

Address: \_\_\_\_\_

I represent: Advocates for children

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Esther Malame

Address: 10 West Street # 28E

I represent: my daughter, Candace Landau

Address: same as above

HAVE  
TO LEAVE  
BY 3pm.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lisa Vasquez

Address: 126 Kramer St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/2019

(PLEASE PRINT)

Name: Ellen Mc Hugh

Address: 185 Marine Ave Apt 2E

I represent: Citywide Council on

Address: Special Education

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/2019

(PLEASE PRINT)

Name: Debbie Meyer

Address: 217 West 136th Street

I represent: ARISE! Dyslexia Plus Task Force

Address: 151 W 133rd Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Special Ed Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Nancy Northrop

Address: 60 Summer St 11375

I represent: CPAC / QHSPP

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Yvonne Espino

Address: 14 Jackson St #2E NYC 10002

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Melinda Andra - Legal Aid Society

Address: 60 Lafayette, NY, NY

I represent: Legal Aid Society

Address: 60 Lafayette NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Diana Williams

Address: \_\_\_\_\_

I represent: Self

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MICHAEL MORITZ

Address: \_\_\_\_\_

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MAGGIE MOROFF

Address: \_\_\_\_\_

I represent: RISE

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/25/19

(PLEASE PRINT)

Name: Leah Steinberg

Address: 42 BROADWAY

I represent: TA GUDATH ISRAEL

Address: 1851-58th STR. Bklyn, N.Y.



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1380 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SONIA MENDEZ CASTRO

Address: 142 JORALEMON ST BKLYN 11201

I represent: REGINA SKYER + ASSOC.

Address: 142 JORALEMON ST BKLYN 11201

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1380 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JESSIE CUTLER

Address: 142 JORALEMON ST BKLYN 11201

I represent: REGINA SKYER + ASSOC

Address: 142 JORALEMON BROOKLYN 11201

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Mark Cannizzaro President  
Address: 40 Recker St. NYC  
I represent: CSA Council of School  
Address: Supervisors of Admin.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Jeddie Kostyuchenko  
Address: \_\_\_\_\_  
I represent: self / student - affle 3  
Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms