

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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December 17, 2019

Start: 2:43 p.m.

Recess: 3:01 p.m.

HELD AT: 250 Broadway, Committee Room,  
16th Floor

B E F O R E: Mark Treyger  
Chairperson

COUNCIL MEMBERS: Mark Treyger  
Alicka Ampry-Samuel  
Inez Barron  
Joseph C. Borelli  
Justin Brannan  
Robert E. Cornegy, Jr.  
Daniel Dromm  
Barry S. Grodenchik  
Ben Kallos  
Andy King  
Brad S. Lander  
Stephen T. Levin  
Mark Levine  
Farah Louis  
Ydanis Rodriguez  
Deborah L. Rose  
Rafael Salamanca, Jr.  
Eric A. Ulrich

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

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2 KEITH POLITE: Testing one, two, one two.  
3 Today is December 17, 2019. Today's meeting is on  
4 education, being recorded by Keith Polite.

5 CHAIRPERSON TREYGER: Ok, good afternoon  
6 and welcome to today's Committee on Education vote on  
7 four pieces of legislation and one resolution. My  
8 name is Mark Treyger and I'm the chair of the  
9 committee. I'd like to welcome my colleagues that  
10 are present. I'd like to welcome Council Member  
11 Rodriguez, Council Member Rose, Gold Star Council  
12 Member Farah Louis, gold star today, yes, she was the  
13 first one, right. Council Member Alicka Ampry-  
14 Samuel, Council Member Grodenchik, Council Member  
15 Levine, Council Member Barron, and Council Member  
16 Brennan, and Council Member Dromm and Council Member  
17 Salamanca, yes, great, thank you all. In February of  
18 this year the committee held a hearing on the  
19 delivery of special education services to New York  
20 City public school students. At that hearing we  
21 heard from parents, students, advocates, and special  
22 education providers, and we learned what we all knew  
23 all along. The DOE is deficient in providing the  
24 legally mandated services that more than 200,000  
25 students with disabilities are entitled to. We

1 learned about a broken system that lacks and needed  
2 transparency. We learned about the extraordinary  
3 steps parents and guardians must take in order for  
4 their children to get to the most basic of  
5 educational services. Nearly 20% of students in the  
6 New York City school system are students with  
7 disabilities, or about 224,160 students. To put that  
8 into better perspective, the Houston Independent  
9 School District, which Chancellor Carranza used to be  
10 the superintendent of, has a total student population  
11 of 214,175 students. DOE reported in their latest  
12 special education report that only 78.4% of school-  
13 age students with IEPs in DOE settings were fully  
14 receiving their recommended services. 19.% were  
15 receiving partial services and 2.5% didn't receive  
16 any. Further, and even more disappointing, in 2018  
17 only roughly 50% of students with disabilities  
18 graduated from high school within four years. I  
19 acknowledge that DOE has made a number of substantial  
20 improvements, but as we learned at our hearing so  
21 much more work is needed to be done to serve some of  
22 our city's most vulnerable students. Today we begin  
23 that work. The package of legislation we are voting  
24 on today will not only provide more granular level  
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1 data on DOE's compliance with delivering special  
2 education services, but also a new level of reporting  
3 for preschool students and early intervention  
4 services provided by the Department of Health and  
5 Mental Hygiene. Together these bills will provide  
6 parents, advocates, and policy makers in this council  
7 with the information necessary to hold the DOE  
8 accountable. Proposed introduce 559-A, introduced by  
9 myself, will make DOE expand its current reporting on  
10 DOE IEP compliance rates onto the school level. This  
11 will provide a more holistic picture of what is  
12 happening on the ground in our more than 1800  
13 schools. It will allow us to hold individual school  
14 communities accountable for their actions or  
15 inactions as it relates to delivering the full  
16 special education services entitled to students with  
17 disabilities. Most importantly, this highlights what  
18 services students are not receiving. Our students  
19 deserve the best and they deserve to achieve and to  
20 have full compliance, and this bill will make sure  
21 that there's true accountability. We'll also have a  
22 better idea if there is a pattern between the failure  
23 to deliver services in certain zip codes in the City  
24 of New York. Because we're seeing that pattern in  
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1  
2 other areas of the DOE and so, again, IEP mandates  
3 are mandates, not recommendations. These are  
4 mandates and the DOE has a responsibility to make  
5 sure that our schools have the resources necessary to  
6 comply fully with these mandates and to proactively  
7 inform parents and families of their rights.

8 Proposed Introduction 900-A, sponsored by Council  
9 Member Kallos, will require the DOE to expand its  
10 reporting on DOE IEP compliance rates from annually  
11 to triannually. This bill will provide the public  
12 with important information about whether or not  
13 students are getting their full instruction and  
14 related services at different points in the year.

15 Proposed Introduction 1380-A, sponsored by Council  
16 Member Rosenthal, will require the DOE to annually  
17 report on claims by parents for payment for tuition  
18 or services. Proposed Introduction 1406-A, sponsored  
19 by Council Member Dromm, will require the DOE to  
20 report for the first time on the delivery of special  
21 education services to preschool children and require  
22 DOHMH to report on its provision of early  
23 intervention services to eligible children, ages 0 to  
24 3. Finally, proposed Resolution 749-A, sponsored by  
25 myself, calling upon the DOE to create a chief

1 compliance officer position within the department to  
2 ensure that DOE is in compliance with federal  
3 Individuals with Disabilities Act. The act  
4 guarantees a free appropriate public education to  
5 eligible children with disabilities through an  
6 individualized education program, known as an IEP.  
7 This chief compliance officer would ensure that DOE  
8 is meeting its legal mandate to provide all of the  
9 services a student with disabilities is entitled to  
10 under IDEA, and to make clear to my colleagues and to  
11 the public, at the hearing that I held on special  
12 education, which was a seven-hour-plus sobering  
13 hearing, it was clear to me that the DOE operates in  
14 silos. They are not communicating with each other.  
15 It was not clear to me that folks understood that IEP  
16 mandates also extended onto the school bus. We heard  
17 sobering testimony from parents which children who  
18 have childhood cancer, and may she rest in peace,  
19 sweet Sally Sunshine, who if she didn't have a nurse  
20 on the bus could not go to school, and she looked  
21 forward to going to school to be with her friends  
22 during very trying times in her life. But no one was  
23 keeping track of that. The fact that parents have to  
24 take home equity loans to fight the DOE to provide  
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1 services which the DOE cannot provide in the school  
2 system through carter cases is also outrageous. The  
3 fact that university pre-K is not universal because  
4 hundreds of our kids have not been seated yet because  
5 the DOE cannot provide settings that could address  
6 their needs. You can't operate in silos. And the  
7 fact that we heard from parents that IEPs were  
8 changed without their notice, that's in violation of  
9 the law. DOE needs to proactively inform parents and  
10 communities about their rights. So its' very clear  
11 to me that we need to have people who know what  
12 they're doing to set the tone in the DOE and to make  
13 sure the DOE is in compliance and to proactively  
14 inform school communities about their rights and  
15 responsibilities. I want to thank my staff,  
16 including Anna Scafe, Vanessa Ogle, and Eric  
17 Fainberg. I want to also thank the Education  
18 Committee staff, Malcolm Buttehorn, Jan Atwell,  
19 Kawema Johnson, Chelsea Bidemore, and Masis  
20 Sarkesian. Before we begin, however, I want to  
21 thank, turn to my colleagues who have bills before  
22 this committee for their quick remarks. Also, just  
23 to acknowledge we've been joined by Council Member  
24 Kallos and Council Member Lander, and Council Member



1 Borelli as well, thank you as well. And first we'll  
2 hear from Council Member Dromm.

3  
4 COUNCIL MEMBER DROMM: I don't really  
5 have prepared remarks, Mr. Chair, but thank you very  
6 much. I do feel that this piece of legislation is  
7 vitally important so that we can get a feel for  
8 what's going on in 3K and UPK in terms of special  
9 education services. That's something that's been  
10 very important to me. As you know, I passed  
11 legislation in 2015 with regard to special education  
12 from K to 12 and the initial report that came out  
13 after that first piece of legislation was passed was  
14 that DOE was only providing services, full services,  
15 to 60% of students, 35% were only receiving partial  
16 services, and 5% were getting no services at all. So  
17 because we were able to gather that information there  
18 has been some improvement in the provision of  
19 services on the elementary, junior high, and high  
20 school levels. I believe that they are up to near or  
21 around 80% provision of services at this point. So  
22 the purpose of my legislation is to find out exactly  
23 what is going on in UPK and 3K so that we can see  
24 results in terms of one, placement of students in  
25 special education, and then also making sure that

1 they get the types of services that they are entitled  
2 to receive. So thank you very much for acknowledging  
3 me. Thank you.

4  
5 CHAIRPERSON TREYGER: And thank you,  
6 Chair, for always laying the foundation on that  
7 important work. Thank you for your leadership. Next  
8 we'll hear from Council Member Kallos.

9 COUNCIL MEMBER KALLOS: Thank you, Chair.  
10 I'll do my best to make this quick. This was  
11 legislation originally introduced by Public Advocate  
12 Tish James. It's my honor to carry this across the  
13 finish line, as she does great work as our New York  
14 State Attorney General, and I'm sure that having more  
15 frequent reporting will allow us to hold folks  
16 accountable, especially when providing special  
17 education services. Thank you, and I urge all to  
18 vote aye.

19 CHAIRPERSON TREYGER: OK, and so now I  
20 will turn the clerk for the roll call.

21 COMMITTEE CLERK MARTIN: William Martin,  
22 Committee Clerk, roll call vote in Committee on  
23 Education. All items are coupled. Chair Treyger.

24 CHAIRPERSON TREYGER: I vote aye.

25 COMMITTEE CLERK MARTIN: Barron.

2 COUNCIL MEMBER BARRON: I vote aye. And  
3 on another note we're pleased to know that the young  
4 lady that was abducted last night has been found and  
5 is safe. [applause]

6 CHAIRPERSON TREYGER: Thank you, Council  
7 Member.

8 COMMITTEE CLERK MARTIN: Dromm.

9 COUNCIL MEMBER DROMM: Aye.

10 COMMITTEE CLERK MARTIN: Kallos.

11 COUNCIL MEMBER KALLOS: Aye.

12 COMMITTEE CLERK MARTIN: Lander.

13 COUNCIL MEMBER LANDER: Aye.

14 COMMITTEE CLERK MARTIN: Levine.  
15 Rodriguez.

16 COUNCIL MEMBER RODRIGUEZ: Aye, and also,  
17 you know, I am happy that I got to hear from the  
18 community and the Reverend Sonia Fernandez is able to  
19 be with the reunification of the young lady.  
20 [inaudible].

21 COMMITTEE CLERK MARTIN: Rose.

22 COUNCIL MEMBER ROSE: Aye.

23 COMMITTEE CLERK MARTIN: Grodenchik.

24 COUNCIL MEMBER GRODENCHIK: I just want  
25 to say thanks to the chair and to all of you today,

1  
2 you know, I have many children in my district with  
3 special needs and they come from great distances,  
4 even one child comes from Staten Island to eastern  
5 Queens. It's a long way. It's really not fair to  
6 that child that he or she gets schlepped across New  
7 York City. Hopefully this legislation can get to the  
8 bottom of these matters and we can provide better  
9 results. Not that the results are bad, but we can  
10 always improve, certainly, on the New York City  
11 education system. With that, I vote aye on all.

12 COMMITTEE CLERK MARTIN: Salamanca.

13 COUNCIL MEMBER SALAMANCA: I want to give  
14 a big shout-out to the 4-0 Precinct. This young lady  
15 got abducted in my district, in the Melrose section  
16 of my district, and there was a swift response from  
17 NYPD and the 4-0 Precinct, and I'm happy that she's  
18 back home with her family and I vote aye on all.

19 COMMITTEE CLERK MARTIN: Ampry-Samuel.

20 COUNCIL MEMBER AMPRY-SAMUEL: Aye on all.

21 COMMITTEE CLERK MARTIN: Brannan.

22 COUNCIL MEMBER BRANNAN: Aye.

23 COMMITTEE CLERK MARTIN: Louis.

24 COUNCIL MEMBER LOUIS: Aye.

25 COMMITTEE CLERK MARTIN: Borelli.

1 COMMITTEE ON EDUCATION

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2 COUNCIL MEMBER BORELLI: Aye.

3 COMMITTEE CLERK MARTIN: A vote of 13 in  
4 the affirmative, zero in the negative, and no  
5 abstentions. All items have been adopted by the  
6 committee.

7 CHAIRPERSON TREYGER: We'll hold the vote  
8 open for 10 minutes.

9 COMMITTEE CLERK MARTIN: Continuation  
10 roll call, Committee on Education. Council Member  
11 Levine.

12 COUNCIL MEMBER LEVINE: I vote aye on  
13 all.

14 COMMITTEE CLERK MARTIN: The vote is  
15 currently 14 in the affirmative. [pause]  
16 Continuation roll call, Committee on Education.  
17 Council Member Ulrich.

18 COUNCIL MEMBER ULRICH: I vote aye.  
19 Thank you.

20 COMMITTEE CLERK MARTIN: Council Member  
21 Miller.

22 COUNCIL MEMBER MILLER: I vote aye.

23 COMMITTEE CLERK MARTIN: Final vote,  
24 Committee on Education, all items have been adopted,  
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1 COMMITTEE ON EDUCATION

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2 16 in the affirmative, zero in the negative, and no  
3 abstentions.

4 CHAIRPERSON TREYGER: This vote is  
5 adjourned. [gavel]

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C E R T I F I C A T E

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



Date December 20, 2019