



Testimony of the New York City Department of Education on Meeting the Needs of Students with Disabilities in the COVID Era

November 18, 2021

Introduction

Good Morning, Chair Treyger and all the members of the Education Committee here today. My name is Christina Foti and I am the Deputy Chief Academic Officer for Specialized Instruction. Also joining me today are Chief Academic Officer Linda Chen, Deputy Chancellor Josh Wallack, Chief Administrative Officer Lauren Siciliano, Chief Schools Operations Officer Kevin Moran and colleagues from the DOE. Thank you for the opportunity to discuss the Department of Education's (DOE) efforts to meet the needs of students with disabilities in these challenging times. We appreciate the opportunity to share our progress and plans in this area.

Meeting Our Students' Needs

The DOE has been unwavering in its commitment to serving students with disabilities throughout the pandemic, including safely in person as much as possible and as soon as possible. As you know, when we committed to reopening for in-person learning in full, students with disabilities continued to be at the forefront of our planning. And as the City's recovery continues, we are continuing to lead in addressing the ongoing needs of our students with disabilities and their families. Nothing has brought me more joy than seeing our students back to learning with their teachers in their classrooms.

The disruption to education from the pandemic has affected all students and families in New York City, but not equally. We know that many of our most vulnerable students, including students with Individualized Education Programs (IEPs), were significantly impacted by the pandemic. Our response is guided by the imperative to support every student in their recovery, and with that vision in mind, we have begun unprecedented efforts to deliver additional services to all students with IEPs in all DOE schools citywide.

Special Education Recovery Services

This administration, with federal stimulus funding and the support and advocacy of this Council, has made a historic investment in addressing the needs of our students with disabilities through a commitment of \$251 million on Special Education Recovery Services (SERS). SERS encompasses instruction, interventions, and related services targeted to each student's individual needs. They are in addition to, not instead of, a student's regular school day and IEP programs and services. This school year, our goal is for every DOE school to offer SERS through extended-day or Saturday programs so that every student with an IEP has access to these critical services.

Throughout the pandemic, our teachers and providers closely monitored each student's progress toward their IEP goals. This summer, we reviewed this information along with other factors — such as whether

students have been in temporary housing, or without needed bilingual special education programs — to identify students with the greatest need for recovery services.

Starting in July, we began hiring and partnering with the necessary service providers to make this initiative a reality. We have hired (or are in the process of hiring) an additional 350 speech teachers and 150 occupational therapists. In addition to local staff postings, principals are authorized to bring on providers from other schools in their boroughs, and contract agencies are also available to provide services as needed. Schools also have the opportunity to partner with Community Based Organizations to bolster their staffing and program offerings.

With all of this planning, we are thrilled to have the implementation of this historic investment underway. Each school has received the prioritization level for their students, with instructions to use their own knowledge to identify any students who need a higher level of priority. For the highest priority students, services will begin as soon as possible if they have not started already.

The SERS initiative offers these additional services to our students without any need for parents to make a formal request, easing administrative burdens on families and educators alike. As I speak, schools are reaching out to parents to develop individualized plans for Special Education Recovery Services for each student, taking into account the parent's input and preferences. Already, schools have contacted parents to develop recovery service plans for thousands of students with IEPs in DOE schools.

Along with extended day and Saturday programming, as part of the SERS initiative, we have made significant investments to ensure schools are equipped to provide targeted literacy and math interventions for students with IEPs, as well as students without IEPs, who are at risk or identified as in need based on screener results.

We have allocated \$5 million in funding for training teachers and paraprofessionals — more than 2,300 have been trained since May 2020 — with flexibility in the funding that also allows schools to purchase intervention materials for teachers and students.

Given the size of our city, the ambitious scope of this work requires a heroic effort and the shared commitment of our schools, teachers, related services providers, families, advocates and each of you. New York City is making an enormous investment in providing for our students with disabilities and is poised to deliver additional services to students more comprehensively than we have ever done before.

Special Education Programs and Related Services

While we continue to focus efforts on the new SERS initiative, the special education process in general remains intact. When a student may need a change to their IEP — for example, to add counseling — schools are instructed to follow standard procedures for determining students' needs and developing IEPs through collaborative discussion among the students' teachers, providers, and parents. Throughout the school year, our IEP teams will consider parent requests for services, addressing each student's current individual needs through IEPs and recovery services while taking into account parent input and concerns

at every stage of the process.

As reflected in public reports required by this Committee's legislation, leading up to the pandemic we had seen consistent, substantial year-over-year improvement in the timeliness and completeness of special education service delivery. We share the Committee's belief that transparency helps to promote accountability toward our goal of seeing all students fully served. With this in mind, alongside the public reports newly required in 2021, we began to report on service delivery broken out by superintendent responsibility. Historically high levels of service provision followed. Of course, last year's blended learning conditions clouded data during the pandemic.

We are also working on proposed changes for the 2020-2021 School Quality Report that focused on advancing equity, in part by beginning to include the percentage of students with IEPs who were fully, partially, or not receiving their IEP-recommended special education programs and services. The proposed changes will support our school communities and field/central offices to improve teaching and learning practices.

With the return to full in-person learning this year, the results so far validate our strategy. Citywide, our schools are delivering special education programs at the highest rate ever for this point in the year. As of mid-November, 82 percent of students are reported fully served, and 96.6 percent of students citywide are at least partially served. Those positive numbers were achieved even with staffing challenges early this school year through sustained work to support schools to program more efficiently, earlier, and more thoughtfully. Superintendents and the BCO teams that support them have worked tirelessly to address shortfalls in the provision of services throughout the city.

Other Ongoing Initiatives

I also want to highlight some other critical, ongoing initiatives on behalf of our students with IEPs and their families. Alongside our recovery efforts, we continue to expand training and program offerings in several key areas:

Students Age 21+

As we did in SY 2020-21, we are offering extended eligibility for students who have turned 21 but are in need of continued education or support services in order to graduate with a diploma or transition to adult programs and services. This applies not only to students attending DOE schools, but also for students attending charter schools or placed by DOE in state-approved non-public schools. We continue to provide these extended services across the city. In addition, students with IEPs who have completed school but still need to be connected with postsecondary services are receiving transition support consultancy services, through our borough-based Transition and College Access Center (TCAC) or the District 75 Office of Transition Services and Postsecondary Planning Initiatives.

Literacy

As part of our focus on literacy, we are continuing to fund IEP teacher positions in 960 schools who are trained in research-based literacy interventions. We have also developed and launched the Intensive Reading Education and Development (I READ) early literacy program, which is a reduced-size Integrated Co-Teaching (ICT) class that provides in-depth, structured reading interventions to students with and without IEPs. Each I READ classroom has both a general education teacher and a special education teacher who provide daily instruction with a focus on organized reading interventions in all subject areas. A master/lead teacher with special expertise in literacy intervention supports those teachers with planning and also works directly with students in the classroom. The small class size and extra adult support enables teachers to adapt instruction to meet the needs of all learners, with a focus on improving students' literacy, language, and speech skills.

ASD Programs

We have also expanded our ASD NEST and ASD Horizon programs, adding 40 new sections this school year. These programs serve students with Autism Spectrum Disorders through acclaimed specialized program models in 96 schools citywide.

Preschool

We have made major strides in enhancing our portfolio of special education services for preschool children, as well as supporting their parents through the process of transition from Early Intervention, evaluation, IEP development, and placement. The City's substantial new investments in preschool special education include:

- Bringing preschool special education programs, 4410s and 4201s, into 3-K and pre-K by issuing a contract enhancement. This will give 4410 providers financial support to raise teacher salaries and add special class seats in areas of need. We will also add services to 4410s so that preschool students with disabilities get the same 3-K and pre-K program support and oversight as the rest of the city.
- Centralizing enrollment for preschool special education programs, which will ensure students are placed in the seats they need efficiently while promoting consistency and equity in the placement process.

In addition, we are implementing a number of initiatives to support access to inclusive settings and serve more students with disabilities in less restrictive environments:

- We are doubling the size of our Early Intervention (EI) transition team. EI transition coordinators provide direct support to families as their children age out of the Department of Health and Mental Hygiene (DOHMH) EI programs and enter DOE.
- Finally, as part of the DOE's ongoing commitment to ensuring that students have timely access to educational programming supports, the DOE has increased the number of CPSE

Administrators and Community Coordinators at the Committees on Preschool Special Education, which will allow us to expand our reach to more families.

Beyond Access

Family engagement is critically important to everything related to our students with disabilities, and we continue to develop resources to empower our families. We have made significant investments in expanding our family empowerment efforts, including growing our Beyond Access series of webinars. The Beyond Access series provides families with the opportunity to learn directly from special education subject matter experts. So far this year, we have hosted sessions for thousands of families on Special Education Recovery Services, academic screeners, at home sensory strategies, and many other topics. We will continue to provide these critical learning opportunities for families on Tuesday evenings at 7:30 p.m. throughout the school year. Families can access past sessions on the DOE website, with captions available in 35 languages.

Conclusion

We recognize that we are only at the beginning of the recovery process, not the end. Special Education Recovery Services will be one of our most important ongoing priorities, which we will adjust and refine as we learn more about our students' needs and their responses to these services. My team and I remain committed to eliminating the detrimental effects of the pandemic's disruption on our students' development, however long that may take, while meeting their individual needs on an ongoing basis. We welcome the partnership of this Committee in pursuit of these goals.

And I want to thank you, Chair Treyger, and so many of the members of the Committee for your advocacy on behalf of all our students, and particularly our students with disabilities, over the years. As I have described, we have seen clear benefits for our students and families from the engagement of this Committee, and look forward to our continued partnership in the next year and beyond.

I am now happy to address any questions you may have.



Advocates for Children of New York
Protecting every child's right to learn since 1971

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

Re: Meeting the Needs of Students with Disabilities in the COVID Era

November 18, 2021

Thank you for the opportunity to speak with you today about meeting the needs of students with disabilities. My name is Randi Levine, and I am the Policy Director at Advocates for Children of New York (AFC). For 50 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. Every year, we help thousands of New York City parents and students navigate the education system. We focus on students whose needs are often overlooked, such as students with disabilities, English Language Learners, students who are homeless, students facing discipline, and students with involvement in the child welfare or juvenile or criminal justice systems.

Throughout the pandemic, Advocates for Children has heard from hundreds of families of students with disabilities whose needs were going unmet despite the hard work of many educators and DOE staff. We heard from families whose children had to wait months for a remote learning device; were unable to sit and focus in front of a screen; had services that did not translate over the screen; were not assigned the special education teacher, service provider, or paraprofessional mandated by their Individualized Education Program (IEP); were assigned to a class with more students than the maximum on their IEPs; did not receive needed evaluations; or were turned away from the Learning Bridges child care program due to their disabilities. This school year, challenges have continued, as we heard from numerous families about school buses not showing up at all or getting their children to school late; students waiting for the DOE to assign staff, including the IEP-mandated one-on-one paraprofessionals and nurses needed for children to attend school safely; students not receiving their mandated class or services; students not receiving instruction or related services while ordered to quarantine due to COVID exposure; and students suspended from school following the trauma of the pandemic and often for behavior related to their disability.

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With our limited time today, we will discuss the initiatives where the DOE is allocating federal COVID-19 relief funding specifically to address the needs of students with disabilities.

While we appreciate that the DOE has allocated funding to provide “recovery services” for students with disabilities after school or on Saturdays, we have significant concerns about the implementation and the sufficiency of these services. Among other concerns, we are troubled that the start date for recovery services has been pushed back; that schools are now allowed to provide recovery services remotely—when, for many students, the need for make-up services stems from the ineffectiveness of remote learning to meet their needs; that parents have received insufficient communication; and that it is still unclear which students will and will not get bus service or when bus service will begin—a necessary component for many students to participate.

Moreover, the recovery services will not be sufficient to provide all students with disabilities with the *compensatory services* they have a legal right to receive to make up for what they missed during the pandemic. Some students will need a different set of services, bilingual services, services at a different time of day, or a different number of sessions than the school can offer through the recovery services program. Furthermore, recovery services are available only to students attending DOE schools, but the DOE has a legal obligation to provide compensatory services to students with disabilities regardless of the type of school they attend – including students in charter schools, preschools, and state-approved non-public schools. The DOE must issue clear guidance requiring IEP teams, which include school staff and parents, to determine whether each student with a disability needs compensatory services beyond the recovery services their school is offering and, if so, ensure that students receive those services in a timely manner. The DOE must also develop a non-adversarial pathway for parents to get help if they disagree with the decision of their school representative, and they must provide oversight and monitoring to ensure every student gets the compensatory services they need. Families should not be forced to file administrative hearings in an already overburdened and delayed special education hearing system in order to get the compensatory services to which they are entitled in cases where recovery services are insufficient or inaccessible.

We are very pleased that the DOE is also using federal COVID-19 funding to launch a contract enhancement for preschool special education programs next year, to bring these programs into the 3-K and Pre-K for All program and provide them with fiscal and programmatic support to help address the shortage of preschool special education classes that has left children sitting at home in violation of their legal rights. However, we are concerned that the City has not yet committed to providing salary parity to teachers or other staff at these programs. The City’s initiative will not be successful if community-based organizations running preschool special education classes cannot recruit and retain teachers for their current classes, not to mention new classes. Teachers and staff at preschool



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special education programs work over the 12-month school year and serve young children with the most intensive needs in the City; the City must commit to paying them on par with their DOE counterparts.

Since schools reopened, we have been receiving request after request to represent students with disabilities in suspension hearings. We are deeply concerned that schools are punishing and excluding students from school, often for behavior related to students' disabilities, resulting in days and weeks of missed class instruction. We urge the City to systemically monitor school requests for suspensions to borough hearing offices to ensure that schools use progressive discipline, positive behavioral supports and interventions, and restorative and trauma-informed approaches that address the root causes of behavior and keep students in school learning.

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

Katherine Hoy, LMSW
Testimony to City Council Committee on Education
Re: Oversight Hearing on Meeting the Needs of Students with Disabilities in the
COVID Era

November 18th, 2021

Good afternoon, Chair Treyger and Members of the Committee.

My name is Katherine Hoy. I'm an education advocate for New York City students with disabilities, a member of the ARISE coalition, and a proud resident of Greenpoint, Brooklyn for the past 17 years.

Today, I'll highlight two items of critical importance for students with more significant disabilities—equitable funding for 853 and 4410 programs and salary parity for preschool special education staff. I'd also like to offer my support for the testimony that my colleagues offered earlier today regarding Special Education Recovery Services and ongoing transportation issues.

Support for Tuition Equity for 853s and 4410s; Salary Parity for 4410 Programs

In June, S.6516-A/A.8013 passed unanimously in both the Senate and the Assembly and it's now awaiting the Governor's decision. Thousands of New York City school students classified with Autism, Intellectual Disabilities, Learning Disabilities, Emotional Disturbance and more are educated in highly specialized publicly funded schools. They are called "approved non-publics" and they are accessible only to students who are recommended and placed by their local school Committee on Special Education and Central Based Support Team. These essential schools serve students with the most significant disabilities and yet they are severely and chronically underfunded. Many schools are struggling with a 30-40% vacancy rate for certified special education teachers, in large part because the state does not equitably fund salaries and tuition to support the retention of highly trained teachers and experienced staff members.

This issue is fixable, but time is of the essence. It may be too late for the council to pass a resolution in support of the bill, but I ask Council Members to urge Governor Hochul to sign this bill in support of tuition parity for students in 853 and 4410 programs across New York City and State.

I also ask Council Members to urge the Mayor to commit to salary parity for 4410 teachers and staff at preschool special education programs as part of the contract enhancement proposed by the Department of Education.

Thank you to the committee for the opportunity to testify today. And thank you to Council Member Levin for your service to this committee, to New York City children and families, and to District 33. I want to wish you well in your future endeavors. Thank you.



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

RE: Oversight: Meeting the Needs of Students with Disabilities in the COVID Era

November 18, 2021

Good morning, I am Maggie Moroff and I coordinate the ARISE Coalition. I speak today on behalf of our 49 organizational and 68 individual members. I'd like to use my time today to highlight a few areas of immediate importance to meeting the needs of students with disabilities during this COVID era--closing current gaps in the delivery of special education supports and ensuring the equitable and effective provision of services to make up for special education services denied to students with disabilities during the pandemic.

Special Education Service Delivery

Thanks to the City Council, the DOE must now publicly share data on special education around compliance with regard to evaluations, service delivery and special education instruction. The data showed close to 30,000 students with disabilities not fully receiving their mandated special education instruction as of last April and over 23,000 still not fully receiving their Individualized Education Program (IEP) mandated supports at the end of the last school year. Compliance with IEP mandates doesn't tell the whole story, especially during the pandemic when students counted as "fully served" by the end of the school year may have gone months without an iPad or may have gotten no benefit from remote services even when they received them. Nonetheless, it is troubling to continue to see tens of thousands of students not fully receiving their IEP-mandated instruction since compliance with IEPs is an important component of educating students with disabilities. Those mandates are on IEPs following evaluations and input from school staff and family members about what is necessary to support a student with a disability as they progress through their school years. NYC must do a better job providing the programs and services to which students with disabilities are entitled.

Make-up Special Education Services

Because of the pandemic, students with IEPs went without many of the services they critically needed to make progress. In fact, many have seen regression of skills they developed prior to March of 2020. In response, the city announced plans to set up "Recovery Services" for students with disabilities afterschool and/or on weekends. While the details around how Recovery Services and compensatory services will overlap remain unclear to us, it's important

that the DOE begin providing services to make up for lost instruction as soon as possible. That said, we want to flag some concerns around the rollout of those services and caution that they must be addressed immediately to render the additional supports successful:

- In most schools, Recovery Services won't begin until December—nearly a third of the way into the school year. Every day that passes without those services exacerbates existing gaps between students with special education needs and their peers.
- There have been huge inconsistencies in communication with families from school to school. Parents must be included in determining the constellation of support their students will require and receive.
- Attention should be given to the special education recovery needs of all students with disabilities – regardless of age, grade, language needs, or the type of school they attend – to ensure the services and supports they need to make up for lost time and support are delivered and received.
- It is important that these programs provide targeted instructional interventions with proven effectiveness. We were told early on that there will be at least 1 literacy and 1 math teacher at each school trained in evidence-based interventions, although we are now hearing that goal may be compromised. We would like to know how those teachers are being identified, trained and supported so they can provide all that the students require.
- No busing services have yet been assured for students with IEPs who remain at their schools outside of the regular school day for Recovery Services. To be very clear, without specialized transportation for all those who need it, attendance at these programs will be impossible for many. It's critical that transportation be addressed and guaranteed immediately to those who depend on busing for the rest of the school day.
- There needs to be considerable oversight of the program rollout at schools around the city. While this is a citywide initiative, the details are being left to individual schools. Past experiences have demonstrated that some schools will do this more effectively than others and that students at those schools with less resources or commitment will suffer – just as they did during the pandemic and prior to the pandemic. Someone at a high level must watch carefully to be sure that all students with disabilities get the recovery help they need.

We know that Recovery Services will be inaccessible or insufficient for many students. The DOE has a legal obligation to provide students with disabilities with the full make-up services they need as a result of the pandemic—whether or not these services are available through the Recovery Services program at their school.

As I conclude, I wanted to thank you, Chair Treyger, and the Committee on Education, on behalf of the coalition and myself, for your partnership over these past years.

From: Sheppard Thomas C. <TSheppard5@schools.nyc.gov>
Sent: Thursday, November 18, 2021 10:15 AM
To: Testimony
Subject: Testimony for 11/18 Council for Education Hearing

Good morning Chair Treyger and members of the Committee. My name is Thomas Sheppard, and I am the CEC Presidents' Appointee to the NYC Panel for Educational Policy. I wanted to thank you for allowing me to give testimony today. I wanted to start my testimony by saying I am a panel member, but do not speak for the Panel. However, I do speak for thousands of parents across this City that have been asking, pleading, and demanding a remote option for their children since May 24th when Mayor de Blasio announced on CNBC by the way, that schools would be reopening in September with no Remote Option for Students.

I wanted to start with a number. 8,633. That's the number of confirmed COVID-19 cases that have been reported in NYC Public Schools since September 13th. I started there because some would use that numerator over a denominator of a million-plus students, teachers, principals, and staff to downplay the seriousness of what we're witnessing. I'm here to explain the impact.

With hundreds of new cases reported every day, parents are rightfully concerned that their children's schools are unsafe. I have been hearing stories from parents who are justifiably fearful that changes in policies now allow classrooms and schools to remain open when they would otherwise be closed, placing their families at risk of getting COVID-19. I am terrified that a completely subjective "widespread transmission" policy kept PS166 in Queens open until almost three dozen cases were reported in 2 weeks. I am deeply concerned that staffing shortages have created environments where at least one school delayed reporting of a positive COVID-19 case for almost a week, placing an entire school community at risk, including me personally. I am angry parents are being coerced into unenrolling their children from school and having ACS cases put on them for Educational Neglect. And I am profoundly saddened that a child has died because of COVID-19 since the start of the school year. I believe this environment exists because of Mayor de Blasio and the Department of Education's refusal to allow a Remote Learning Option for our children.

In desperation, parents have worked with this Committee to call on the DOE to implement a Remote Option. I would like to publicly thank all the members of this Committee and the majority of the City Council for standing with parents. But it didn't end there. Parents have also worked with State Senator John Liu and State Assemblywoman Nathalia Fernandez to introduce S.7381 and A.8283, requiring the Department of Education to provide a Remote Learning Option to families when the transmission rate is at a substantial or high level. I respectfully ask that the Committee unanimously adopt the resolution calling on the State Legislature to pass and Governor Hochul to sign S.7381 and A.8283 into law.

In closing, I would like to leave everyone with this. COVID-19 has been traumatic for all of us. The past 20 months have brought disruption, pain, suffering, and loss to New Yorkers from across this City. Some have been able to recover. Others are still struggling. This is not about politics. It's about people. We will get through this if, and only if, we support each other through it. And that support includes having a Remote Learning Option for our students and families.

Thank you.

Thomas Sheppard
CEC Presidents' Appointee
Panel for Educational Policy - NYC Department of Education
TSheppard5@schools.nyc.gov
(212) 300-3884

The New York City Charter School Center

Jennifer Rodriguez, Inclusive Education Specialist, The Collaborative for Inclusive Education at the
New York City Charter School Center

Testimony Presented to the New York City Council Education Committee
Oversight-Meeting the Needs of Students with Disabilities in the COVID Era

Thursday, November 18, 2021

The New York City Charter School Center (Charter Center) and The Collaborative for Inclusive Education, an initiative of the Charter Center (collectively, the “Charter Center”) respectfully submit the following testimony on Meeting the Needs of Students with Disabilities in the OVID Era. The Charter Center thanks the New York City Council Committee on Education for providing the opportunity to comment on the effect on the DOE’s Provision of Special Education Services during Fall 2021 recovery.

For almost 20 years, public charter schools have been an integral part of the public education system in New York City. There are currently 272 charter schools located in all five boroughs and in nearly every community school district (CSD), educating an estimated 145,000 students. Special Education students make up 18.6% of charter school students, which is comparable to the district’s proportion of special education students 20.1%. Since 2015, enrollment of students with disabilities in NYC charter schools has grown 10%. Schools have expanded their continuum of services, with most schools offering SETTS, related services, and ICT sections.

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 transparency and accountability for service delivery in special education in all public schools, including public charter schools. More specifically we submit the following comments:

Related Services Supports

As LEA, the DOE is responsible for providing and overseeing NYC charter school students with special education services, including providing most related services. This is because under the Charter Schools Act, charter schools may have the district provide services on the IEP or may choose to have the DOE provide the services. Most charter schools opt to have the DOE provide related services and therefore the DOE must “provide services in the same manner as it serves students with disabilities in other public schools in the school district, including the provision of supplementary and related services on site to the same extent to which it has a policy or practice of providing such services on the site of such other public schools.” Education Law Section 2853 (4). Currently, the DOE contracts with agency providers that work directly in charter schools. While there have always been shortages of providers, the COVID-19 pandemic has exacerbated the related service provider shortages. At this point in the year, there are many students who are still not receiving required services, including crisis paraprofessionals. It is clear from our conversations with schools that providers that work for these agencies are often compensated at a lower rate than the providers working within district schools. This pay disparity disincentivizes agency providers from working in charter schools and has led many of these providers to eventually leave agencies for permanent positions within the DOE and continues to make agency vacancies, particularly for paraprofessionals, hard to fill. Even when the DOE increased reimbursement to agencies this fall, there was no mechanism to assure that this funding is equitably allocated to providers- resulting in continued gaps and extreme discrepancies in the quality of services students in charters receive. This creates a system wherein students with disabilities enrolled in a charter school are inherently at a disadvantage.

In addition to the gaps in agency-provided services, the current system issues Related Services Authorization (RSAs) directly to families in the case that the DOE cannot find a provider, meaning families then have the responsibility to find their own provider. This practice places the burden of finding providers on families of children with disabilities with little to no support or follow-up from the district. The lists of RSA-accepting providers that the district provides to parents are often not up

to date and providers prove difficult to contact. This system does not work as the charter school, not the family, is better equipped and funded to pay providers. Charter school staff are trying to support families' RSA efforts (some make hundreds of phone calls for families), but the RSA system as currently configured does not work. This is not new problem as a result of the pandemic. In July of 2017, then NYC Public Advocate Letitia James published a report titled Denial of Service: New York City Schools Are Failing to Provide Mandated Supports to Children with Disabilities that revealed this issue, as well as the racial and economic inequities evident within the percentage of services remaining unfulfilled as a result of the RSA process. For example, District 8 in the Bronx, where many charter schools are located, had a rate of 91% unused RSAs. If the rate was 91% pre-pandemic, the ineffectiveness of the system was clearly understood, however, has still not changed. It's clear this system should not be what the LEA relies on to get students with disabilities services that are mandated on their IEPs.

Lastly, as LEA for special education, the NYC DOE is responsible for providing guidance to charter schools on all aspects of special education program delivery. Charter schools, just like the district, are eager to provide "recovery services" and/or compensatory services to students with disabilities that missed services during the pandemic. However, as the DOE has delayed their own programs for district students, they have delayed even further guidance for charter schools on recovery and compensatory services. This is not acceptable. Charter schools are putting into place as many supports as they can, but there are many services and decisions that cannot be finalized until the DOE provides information and access to services. Given the current issues around providing charter students with disabilities their regularly mandated services, it seems unlikely that the district will be able to adequately provide recovery and compensatory services.

Data Collection and Oversight

The Charter Center supports the annual reporting on special education services to require reporting by individual schools, including charter schools. Currently, the annual report required by the City Council excludes charter school students; however, 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 all the data about the provision of special education services for students in charter schools across the sector (information is all stored in SESIS). Therefore, when the DOE reports on the provision of special education to students in the district to the City Council, 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. We feel this is a particularly timely request given the DOE's new contract to replace the current special education database, SESIS, and all data collected at the city, district, and school levels in this new system can, and should, include charter schools from the very start.

We know that this is a time of crisis and have partnered consistently with DOE throughout this time to ensure that communities are receiving the supports they need. In this same spirit, we would also like to partner on accountability during this time to ensure that all students with disabilities under the same LEA are guaranteed FAPE, regardless of whether they are in a district or charter school. Right now, that is not always happening. As of this hearing, charter students and families are still waiting for DOE guidance on recovery and compensatory services - guidance that was given to district schools months ago. We are aware that students with disabilities are a particularly vulnerable population right now and would request that any systems being created to track recovery and compensatory services include public charter school families, who deserve access to the same public information as their district school counterparts. As noted above, we request that data for charters be included in the DOE's reporting on special education as required by Section 21-955 of chapter 5 of Title 21-A of the administrative code of the city of New York.

District-Charter Partnership

As the LEA for charter school students with disabilities, special education has always been a partnership between the DOE's Special Education division and Committees on Special Education

(CSEs) and the charter sector. A working group, comprised of multi-departmental DOE staff and Charter Center and sector representatives, had been meeting for the past several years to identify and tackle challenges that arise in these relationships, to monitor and adjust policy implementation, and to better coordinate services. We request funding for this working group be reinstated to help strengthen the partnership necessary to address the inequities that effect students with disabilities and their families.

Launched under Chancellor Farina, the DOE created several other district-charter programs that strengthened ties and best practice sharing among both district and charter public schools across the city, with each of the programs including special education-specific supports. In fact, the District-Charter Collaborative (DCC) became a member of The Collaborative for Inclusive Education, sending both charter and district teachers to our centralized trainings, as well as coordinating customized special education trainings just for DCC participants. Relaunching this work, and fully funding it, will set a tone of cooperation and partnership that is sorely needed during this period of recovery when it's more important than ever for an "all hands on deck" approach and to understand what's really working for students with disabilities, a population that was notably disproportionately impacted by the pandemic.

Particularly in special education, the pitting of charters against the district is a false dichotomy and in fact the system is set up in such a way that charters are reliant on the district for some services. We hope that coming out of COVID there will be a real opportunity to strengthen the partnership between the DOE and charter schools. We also look forward to continued partnership with the Council. We have worked with the Council on several issues related to charter schools and special education, most notably in 2015-2016, when the Council helped increase the DOE funding for the Committees on Special Education (CSEs) working with charters. More recently, we worked with the Council in late 2019 to include charters in revisions to Section 21-955 of chapter 5 of Title 21-A (Into. No.559-A), and we look forward to continuing this work in the coming years.

New York City Council's Committee on Education Oversight Hearing on Meeting the Needs of Students with Disabilities in the COVID era

November 18, 2021

We would like to thank the New York City Council's Committee on Education for holding this important oversight hearing on meeting the needs of students with disabilities in the COVID era. My name is Lori Podvesker and I am the Director of Disability and Education Policy at INCLUDEnyc. INCLUDEnyc is the leading source of training and information for young people ages 0-26 with known or suspected disabilities, their parents, and the professionals who support them. We have helped New York City families navigate the complex special education service and support systems for almost 40 years.

While we commend the Mayor and Chancellor for their leadership on safely reopening schools, and creating a rigorous academic recovery plan for all students this Fall, we testify today, yet again, with great urgency for City Hall to prioritize the education of nearly 300,000 students with disabilities ages 3-21 in New York City right now. We urge you to maintain that commitment over the next few years as our city continues to receive additional foundation aid from New York State and federal funding through the American Rescue Plan Act of 2021 and other stimulus packages.

Prior to the pandemic, there were long known inequities within our public school systems, including an access and achievement gap between general education students and students with disabilities in New York City. For the 2016 cohort, there was a 32% difference in the four year August graduation rate among these two groups of students.

COVID only worsened existing problems for students receiving special education support and services. From March 2020 - September 2021, many students with disabilities did not receive a quality education because they were unable to consistently access technology, timely special education evaluations and IEP mandated related services, or specialized instruction, either online or in-person. Many students academically regressed during this time.

We appreciate the City's overall academic recovery plan and specifically their special education recovery services initiative. However, the City recently pushed back the starting date of these services for students identified as most in need to December 6, 2021. It is unacceptable for the City to continue delaying vital services to students with disabilities to which they are legally entitled and to initiate special education recovery services almost three months after the school year begins.

The intersection of these extra special education services and how students will receive missed (compensatory) services also still remains unclear. We urge this committee to clarify how students receiving additional special education services and their families will be protected under the federal special education law, the Individuals with Disabilities Education Act (IDEA), as these services are not funded by the same mechanisms. Academic

-more-

Recovery Plan (ARP) services are intended to supplement IEP services, not supplant them. Furthermore, families need to know how they can pursue having all pandemic related missed (compensatory) services for their child made up.

In addition, during this past summer, the City launched a new initiative in response to the pandemic, called Summer Rising. It was open to all students and was a combination of academics and recreational and social activities. However, many students with disabilities were unable to access them due to a lack of appropriate support and program staff. While many others, especially students with 12-month IEPs with citywide specialized program (District 75) recommendations, could not participate due to the City not providing school bus services at the end of day from the enrichment programs to students' homes. A few weeks into Summer Rising, the City announced travel reimbursements for students with disabilities and students who are living in temporary housing. But it was too late for many eligible families who had long made summer plans and/or couldn't pick up their child from the program at 6 PM each day. This was not in alignment with guidance from the U.S. Department of Education stating students with disabilities must be included and have equitable access to all ARP-funded programs.

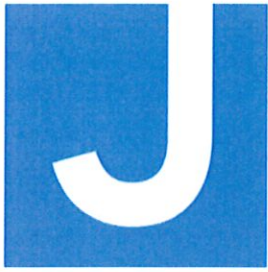
We are concerned that history may repeat itself again. The City has yet to release details on how transportation will be provided to students receiving special education recovery services. It is unfair for the City and schools to ask families to commit their child to receiving these services when it is unknown if services will be provided remotely, in-person, and if busing services will be provided. Therefore, the City needs to communicate with schools and families right now if alternative transportation options to and from these programs will be available, or if students with disabilities can receive these services at a different school, if their current school can not or will not provide these services or programs.

We also want to highlight persistent staffing shortages. This includes school-based positions such as certified special education teachers, related service providers, nurses, social workers, and transition counselors. There also is a shortage of bus drivers, attendants, and busing paraprofessionals. Our kids need all these people in order to access their mandated special education supports, services, and for them to make educational progress.

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.

Respectfully submitted,

Lori Podvesker
Director of Disability and Education Policy



Joan & Alan Bernikow
Jewish Community Center
of Staten Island

Joan & Alan Bernikow Building
1466 Manor Road · Staten Island, NY 10314
T: 718.475.5200 · F: 718.475.5201 · SJCC.org

Nancy & Ronald Avis/South Shore Building · 718.475.5270
1297 Arthur Kill Rd · Staten Island, NY 10312

Aberlin/North Shore Building · 718.475.5290
485 Victory Blvd · Staten Island, NY 10301

JCC/Berman Early Childhood Center · 718.475.5100
2221 Richmond Ave · Staten Island, NY 10314

Honorable City Council Members;

The Jewish Community Center of Staten Island services preschool children in both the Pre-K 3 and PKA programs, as well as special education preschool children. We currently operate the special education preschool programs in 3 locations on Staten Island, serving over 100 children with disabilities.

During the 2020-21 school year, our classrooms operated using several models; full-time in-person, blended, and via remote (parent choice). We had a successful year as we were able to serve most students fully in-person.

Our special education preschool program employs 56 full-time and 5 part-time staff including therapists, teachers, and teacher assistants as well as administrative staff. As of September, of this current year, we had minimal vacancies. Once the vaccine mandates took effect, we lost 2 full-time and 3 part-time staff. It did not end there.

In a matter of days, many of our special education staff were hired by the NYC Department of Education. This occurred without notice, overnight, causing a significant and impactful staffing shortage. At one point, we closed due to safety concerns as several staff were out sick and we were unable to safely operate the program. Within a few weeks, we lost 10 additional full-time classroom staff and 3 full-time therapists. Together with the vaccine mandate, we were down a total of 18 staff members.

While these staff members left with little or no notice, it takes us at the very least 2 to 3 weeks to re-staff each vacancy as our clearance process is much more detailed.

Our PK programs were impacted less by the DOE opening their vacancy list as we lost only part time hourly staff to the DOE.

The salaries paid to our special education preschool program (4410) staff are substantially less than those paid to the PK program staff. For example, a fully certified PKA teacher makes \$68,000 for 10 months of work, while we pay the same amount to our special education teachers for 12 months, based on our current rate from State Education.

Comparing the staff loss from each program, it is evident that salary was a primary reason for staff resignation.

Retention of quality and qualified staff for our most vulnerable children is vital to their future success. Many of these children have been greatly impacted by the pandemic, through loss of in-person Early Intervention services and social isolation. An investment in special education preschool programs will be an investment our youngest and most vulnerable children.

Respectfully Submitted,

Jayne M. Smith

Chief Program Director for Early Childhood and Disability Services

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David Sorkin, CEO Emeritus





229 W 42nd Street, 10th Floor
New York, NY 10036
646.223.3000

November 18, 2021

Dear City Council Members,

Thank you for allowing the submission of this testimony to your hearing on Meeting the Needs of Students with Disabilities in the COVID Era. My name is Russell Granet and I am the President and CEO of The New 42nd Street, a nonprofit organization that runs the New Victory Theater, the City's premier performing arts venue for kids and families. Through the New Victory Education program, last season we served over 25,000 students and 1,430 teachers during the 2020-21 school year. Many of the classrooms who participated in our program were Integrated Co-Teaching (ICT) Classrooms, where students with disabilities and students without disabilities learn together.

Because of the pandemic, New Victory moved its programs to digital platforms, and created a new program called New Victory Arts Break, a free, digital program that provided students with creative stimulation, connection to others, excitement and curiosity, and comfort and empathy. New Victory Arts Break enables students with Autism Spectrum Disorder to engage with digital programs that utilize visual examples and high contrast images to help capture and maintain attention. While using Arts Break in the classroom, teachers have the ability to pause the lessons for students that may need additional processing time. Captioning is available for students who are non-verbal or low functioning communicators to ensure they are included and feel confident participating in online activities. Arts Break allows young people to engage in the arts together in a safe and supportive environment.

In addition to creating programs that can engage students with disabilities in the classroom, New 42 has played a leadership role in the creation of the GIVE project (Growing Inclusivity for Vibrant Engagement), which provides free tools and resources for Teaching Artists working in Integrated Co-Teaching (ICT) Classrooms and other inclusive learning environments. In late September 2021, the NYC Arts in Education Roundtable assembled a panel of experts at the intersection of education, disability, and the arts discussed the need for inclusivity inside the classroom. Members of the panel addressed the current experiences of students with

disabilities (including the impact of Covid on classroom learning), the need for this program and the benefits it brings.

Panelist Rachel Pardoe of the New York Community Trust, stated “while this project is narrowly focused on arts education, we really think it’s a step towards shifting the entire education system to be more welcoming and effective for everyone.” GIVE works to include all students in classroom activities, regardless of ability, making the learning environment more equitable for all.

Much of the process of creating GIVE has occurred during the COVID era, and as a result, Teaching Artists bringing GIVE methodologies into the classroom were often participating virtually and engaging classrooms where students were learning in person and/or virtually. We found that the GIVE methods helped Teaching Artists not only create a space where every student could participate at their fullest potential, but also one where students and teachers were better able to utilize the technology and therefore were more present and engaged. Researchers WolfBrown wrote, “Preliminary GIVE research shows that Teaching Artists who participated in training to use the GIVE resources improved in creating a welcoming and inclusive classroom more substantially than a control group of Teaching Artists working in similar environments. There is also evidence that Teaching Artists who engaged with the GIVE materials taught students to use digital tools and platforms more effectively than their untrained peers.”

Composed of nearly 60 unique resources, the [GIVE Guide](#) includes the tools educators and artists need to effectively plan, implement and reflect on arts learning in integrated classes, and encourage students with disabilities to demonstrate their learning and creativity. From a checklist for inclusive lesson planning to guidance for creating a stigma-free classroom, the GIVE Guide is online and available for free in a number of languages, offering countless educators strategies for supporting students with disabilities.

We look forward to sharing the GIVE resources more widely so that Teaching Artists from cultural organizations across New York City can acquire best practices for engaging all students in the classroom, whether that work in the classroom is virtual or in person.

Thank you.

Russell Granet

President and CEO, The New 42nd Street (New Victory Theater)

Testimony from Parents to Improve School Transportation
To NYC Council Education Committee Oversight Hearing
November 18, 2021

Special Education in the Covid era -- as always -- is dependent on safe, reliable school transportation unless there is a remote option or order. Parents to Improve School Transportation NYC has been following the situation of school busing for eleven years. From March 2020 to present we have co-hosted several meetings for parent advocates, often joined by school bus union representatives, to compare notes on what we could expect and demand from authorities to combat this dangerous pandemic.

There are a few things we would like to put on record so that everyone can learn from the missteps of the past.

1. **Lack of proactive communication on protocols**

NYSED, NYCDOE and the CDC published standards for transporting students on closed metal buses with social distancing and reduced capacity. When hybrid learning was announced, **DOE stated in writing that the visual signage** for students to understand where they could or could not sit **would be shared with families and schools in advance** of the return to open buildings. **This did not happen.** When PIST wrote to the Office of Pupil Transportation requesting details, they said on 09/21/2020:

We told vendors to put signs that say "don't sit here" - whether some of them chose to interpret that in a creative way, I could not say.

Family-facing language was posted on the website on Saturday.

We were only able to learn how to prepare our children by the grace of various school bus workers who sent photos over social media of the seat markings, signage and training documents, which I will attempt to affix below. One driver reported using smiley face stickers to indicate where to sit, but most were negative instructions which are not the most developmentally appropriate for children. An educator shared with us ideas for non-verbal and pre-literate children, but OPT did not invest time into consulting such experts.

There was also great confusion about the issue of students who are unable to tolerate a face mask. DOE promised alternatives but usually these students were in the bus with those who do wear a mask, seated at a further distance, according to drivers we consulted. In the current shortage of drivers we suspect that almost no child is being offered a more private ride in a smaller yellow vehicle.

Then, now, and previously, students from multiple schools are intentionally routed on the same bus together, complicating the DOE test and trace.

2. **Inconsistent training and cleaning.**

OPT told the public that CDC guidance had been sent to the vendors.

As you know there are dozens of different companies; each handled this in slightly different ways. In one case the driver reported being crowded into a room where a manager read to them from a one page checklist, and that was the training.

Through conversations with ATU 1181, we learned that some companies had the driver pick up the attendant at home -- to avoid mass transit exposure; some had people calling in instead of punching in -- to avoid congestion around the punch clock inside; but many companies did neither of these.

The union's negotiation points around bus and bus yard safety had to be addressed company by company. These can be downloaded at <https://atu1181.org/news/atu-local-1181-1061-proposals-for-impact-bargaining-6-22-20/> And <https://atu1181.org/news/atu-local-1181-1061-proposals-for-effects-bargaining/>

A new driver told of being required to spray the bus with strong smelling disinfectant shortly before each route, instead of this happening the night before as OPT had announced, and families on buses from this company reported that the riders were uncomfortable breathing in that atmosphere.

In summary, **there was a lack of uniformity in proper training and safety precautions**, other than the PPE that Central distributed to bus yards.

3. Attrition in the workforce.

Against the outcry of school bus advocates and unions, there was a mass layoff of some 15,000 drivers, attendants and mechanics once it was clear that the 2019-20 school year would continue and end on a remote-only basis. This led to many individuals seeking other forms of work.

We did not experience the impact of this so much when there was hybrid school in 2020-21, with pods alternating days and many riders staying home altogether. Again by the grace of the workers foregoing their right to a seniority pick, routes from March 2020 were extended to the same groups of riders. OPT refused to send out route letters or any other communication, relying only on NYCSA online which most families do not engage with, but fortunately there were calls between school bus crews and the families to share accurate route information. Please note that OPT did not staff the phone line on the days leading up to school; they told parent advocates that people could call 311 but calls to that number resulted in a message to call the school.

Upon the return to being fully in-person in 2021-22, however, our City was short by hundreds of school bus drivers. The lack of enough routes with a consistently assigned driver to just that one route reflects the sense that these essential workers were cast aside callously, on top of the previous downgrading of their livelihood through bids without EPP, and **has caused lateness, missed classes/therapies, and mental stress for riders**, school staff, families and still-active school bus workers alike.

By contrast, in informal interviews with the president and vice president of the Boston, Mass. school bus drivers union, PIST has learned that it was possible to retain a healthy majority of drivers through measures that respected their jobs and conditions, such as: full pay and benefits during the period of lockdown; using school buses to deliver lunches to students; and at this time there is an arrangement for **mobile Covid- 19 vaccine and testing sites at the bus bases three days a week.**

4. Concerning trends at OPT

As you know **there is now no social distancing required on school buses and due to the driver shortage, routes are running at or above the usual capacity.** Yesterday we spoke with a parent whose child's bus took an unannounced detour to a different borough, and had students side by side on double seats; the child was home two hours after school dismissal, and too late for a therapy session.

After this parent complained to OPT brass, the call back included an admonition that "every child will be in a standard bus soon (projecting up to 40 riders per general ed route; 14 riders per special ed route); we are tired of dealing with the mini-wagon accommodation, we're phasing out those vehicles and replacing the 'Limited Time Travel.' accommodation with 'fewer students on route'."

Putting aside the fact that OPT did not bother to state this publicly at the D75 event, if true, this scenario violates disability rights laws. It diminishes the likelihood of getting to school in under two hours and cutting risk of exposure to virus particles. Parents of children with medical reasons - and legal contracts with the state - to keep the ride short will be up in arms before you know it.

Our typical inbox this week includes a mother in a family residence who has had to fight twice this school year to get a bus stop at the shelter, and then to keep OPT from deleting it. We have reports of missing bus stops on general education routes for other groups of students in temporary housing, and families who trusted that 'school choice' or 'gifted and talented' meant they deserved a bus stop less than two to five miles from home.

In previous years, the complaints settled down to a trickle by November.

Thousands of parents and school staff have submitted phone or email complaints this fall to OPT, the Office of the Public Advocate, your Committee Chair Mr. Treyger, and organizations such as ours. 350 registered to learn of bus rights at a virtual forum on November 5 which OPT did not attend. Just days ago, 180 attended a CEC 75 meeting with OPT that was called on three school days' notice, and dozens described their bus route misery. We are beyond tired of high paid bureaucrats deflecting and downplaying this crisis. Independent hands-on oversight of this agency, and of the vendors they cater to, is needed to convince parents that our children's interests are anywhere near first.

5. Recovery

When there are not enough resources to get students with IEPs to regular school, our communities have deep doubts about the promise of extracurricular recovery offerings. The City's failure to maintain full staffing of school buses - while denying a remote option - is causing our youth with IEPs to miss even more time they need to recover, even while their peers receive lessons for a full day every day.

6. Solutions

The Citywide Council on Special Education has passed a resolution with Transportation Demands that are reasonable and attuned to the needs of all who travel to school. We would like your Committee to consider this for legislation.

https://docs.google.com/document/d/1I4ylfthGIHLgb4_zwwsH4Odyhnf-CNJDqaaXs7pL05o/edit?usp=sharing

The non-profit acquisition of Reliant Bus with City funding contains a basis for providing school busing with more input from workers, parents and educators once the element of owner self-enrichment is removed. **If the City ultimately goes on to acquire all the bus yards, there would be a basis for uniform regulations** including Covid Mandates and training; for more direct exchange with Special Education agencies/experts; and for employee retention, since City benefits for school bus drivers, attendants and mechanics could sustain them to continue developing and applying their skills to this hard but crucial work.

In the meanwhile, parents in our organization favor programs to recruit and retain school bus workers and bus paraprofessionals with attractive compensation, including restoring the Employee Protection Provisions to school bus vendor contracts as insurance against attrition.

Lastly, for students who are expected to be able to use mass transit for their school commute, we urge the DOE resume offering the related service of Travel Training. Most importantly for public health, we urge a survey of principals and/or MTA bus drivers to determine which routes near schools must be reinforced with more frequent buses in the morning and at dismissal time, in order to avoid unsafe crowding. We ask that this Committee work with Transportation and the Citywide Council on High Schools to address these hot spots with the MTA with all deliberate speed.

Supporting documents:

Seating on the bus will be clearly marked to designate which seats may be used and which seats will be blocked off for social distancing. Parents will be notified prior to the start of school as to what the seat designators will look like so that they can instruct their children prior to boarding the bus.

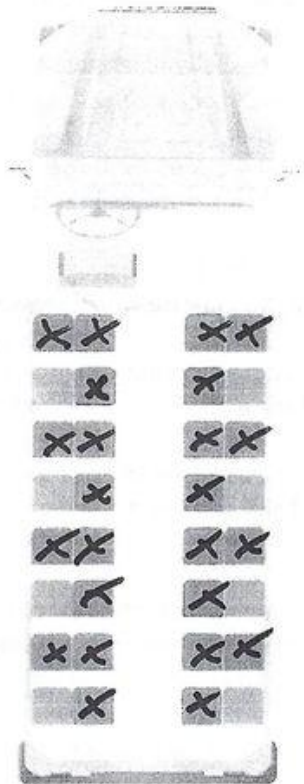


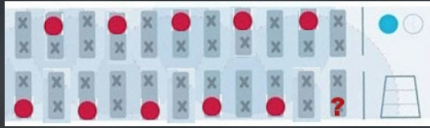
COVID-19 Physical Distancing on School Buses

PHYSICAL/SOCIAL DISTANCING
ON THE SCHOOL BUS

ALLOWED

NOT ALLOWED





Skye King
July 16 at 9:30 PM

First of all, are there buses in the city with 14 rows? Ours have 11 rows. And, why not this seating plan? (Question mark in first seat on right side. For me, having a kid there would depend if buses are equipped with some kind of driver partition.) This would allow 10 - 11 kids. Masks and distancing.

5 Comments

Like Comment

Renee Denker-Applebaum
Skye King thats ok on a big bus but hoyt only has minibusses
Like Reply 1w

Skye King
Renee Denker-Applebaum No idea what they'll do with vans.
Like Reply 1w

PIST NYC
Glad these conversations are happening. Some parents are

Students are routed based on proximity and will be traveling on buses in mixed cohorts (i.e. students from different schools can be routed on the same bus, including public schools, charter schools, and non-public schools). Bus companies will adhere to existing guidelines to minimize transmission of COVID-19.

@pistnyc this was supposed to be a video, they sent a print out. Department of Education NY. Drivers and matrons were clustered together in a small room to hear someone read it. DOE could have used twitch and or YouTube for the video. They're still scrambling, not prepared at all

...same expectation of cleanliness. It is recommended that the vehicle be cleaned and sanitized each night. We have additionally used guidance from the Centers for Disease Control (CDC) and the Environmental Protection Agency (EPA) where helpful to support you and the information provided.

BASIC INFORMATION

- The floors on the buses should be cleaned first
- **Avoid** using brooms if proper face masks are not worn
- Always manually clean all touchable surfaces of the bus using a two-step process
 - 1) Cleaning the surface
 - 2) Disinfecting the surface
- Touchable surfaces include but are not limited to all seat surfaces, handrails, windows, window ledges and all surface area between the window and the floor

School Busing

Blended learning for our District 75 students begins next week, and bus drivers and matrons are ready. Students' bus routes are available by logging into your child's NYC Schools Account (see below on how to create an account). If you have busing questions, please contact:

Office of Pupil Transportation

PupilTransportationTeam@schools.nyc.gov

(718) 392-8855 or 311

COVID-19 Physical Distancing on School Buses

- The NYC DOE requires appropriate face coverings for all students and staff on buses at all times
- Students who arrive at the bus stop without a mask or face covering should be provided one by the bus driver or attendant
- A student who refuses to wear a mask or face covering when boarding should not be allowed on the bus
- A student who removes their mask or face covering after boarding and refuses to replace it should be reported to the school on arrival and should not be permitted to board the bus for travel later in the day
- The DOE requires a minimum physical/social distance of six (6) feet between all passengers on the bus whenever possible
- Students from the same household or those with assigned nurses or paraprofessionals may sit together
- Masks or face coverings are still required for those seated together
- Bus companies should refer to the seating diagram attached (p. 3) to identify seats available for use
- Bus companies should duplicate copies of the signs attached (pp. 4-5) and attach these signs to the seats to indicate which seats may be used
- While physical/social distancing is required, students wearing masks or face coverings should not be left at the bus stop to avoid crowding; any student who arrives at the stop wearing a mask or face covering should be permitted to board the bus
- If possible, a bus aide should be assigned to ensure safety and social distancing as students board and exit the bus
- Students should be prevented from walking past each other when boarding and exiting by taking the following steps:
 - In the morning, seat students from the rear of the bus forward
 - Board afternoon runs based on the order in which students will be dropped off; students who get off first should board last and sit in the front
 - Assigned seating for students may assist in ensuring that these practices are followed consistently
- All school bus drivers and attendants are to be trained with regard to these procedures and the record of training compliance attached (p. 2) should be completed for each and retained on file by the bus company

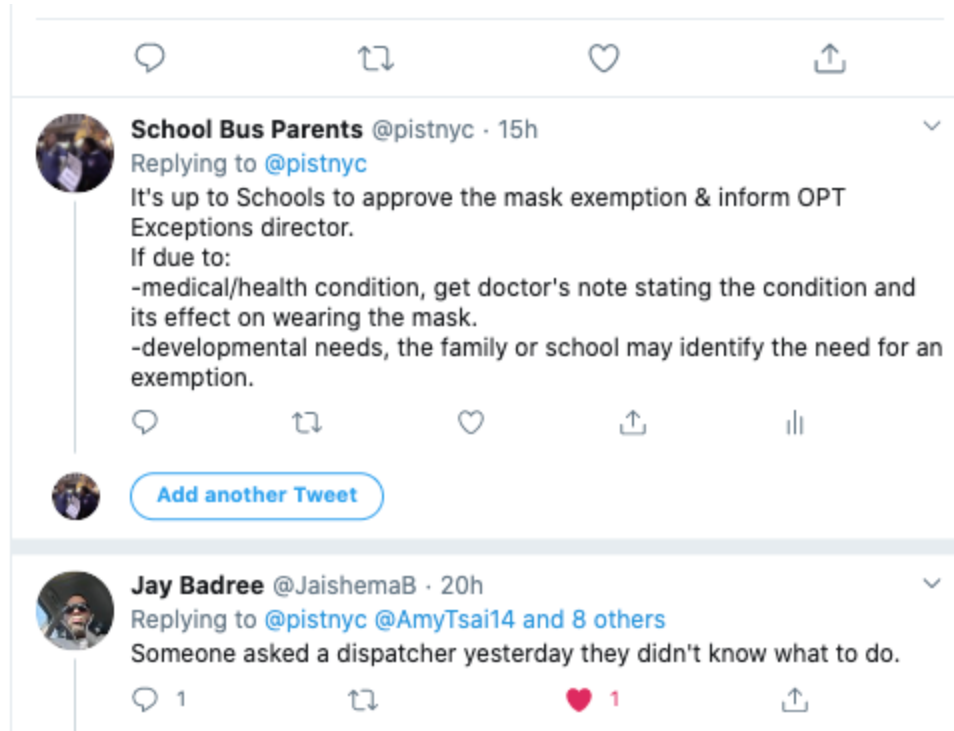
COVID – 19 School Bus Cleaning Information

The COVID – 19 situation has brought an increased awareness to the cleaning and disinfecting of school buses. Students and drivers can contaminate an area as soon as they touch it. This document contains information to assist you with the procedure to the cleaning of your school vehicles. All school vehicles should be considered an extension of the classroom with the same expectation of cleanliness. It is recommended that the vehicle be cleaned and sanitized each night. We have additionally used guidance from the Centers for Disease Control (CDC) and the Environmental Protection Agency (EPA) where helpful to support you and the information provided.

BASIC INFORMATION

- The floors on the buses should be cleaned first
- **Avoid** using brooms if proper face masks are not worn
- Always manually clean all touchable surfaces of the bus using a two-step process
 - 1) Cleaning the surface
 - 2) Disinfecting the surface
- Touchable surfaces include but are not limited to all seat surfaces, handrails, windows, window ledges and all surface area between the window and the floor
- All touchable surfaces and controls in the driver's compartment should also be cleaned and disinfected
- Remember buses are manufactured with and contain various materials that require cleaning and disinfecting differently so as not to damage the surface

GENERAL CLEANING AND DISENFECTING GUIDELINES



Students with a disability which would prevent them from wearing a mask will not be forced to do so or denied transportation, but in these cases, the transportation provided may not be the conventional mode that the student had prior to March 2020. These will be addressed on a case-by-case basis.

TESTIMONY: UJA-FEDERATION OF NEW YORK

**New York City Council Committee on Education
Honorable Mark Treyger, Chair**

Oversight Hearing: Meeting the Needs of Students with Disabilities in the COVID Era

**Submitted by:
UJA-Federation of New York**

November 18, 2021

Thank you, Chairperson Treyger and members of the Committee on Education for the opportunity to provide testimony about meeting the needs of students with disabilities in the COVID era. My name is Faith Behum, and I am an Advocacy and Policy Advisor at UJA-Federation of New York.

Established more than 100 years ago, UJA-Federation of New York is one of the nation's largest local philanthropies. Central to UJA's mission is to care for those in need—identifying and meeting the needs of New Yorkers of all backgrounds and Jews everywhere. UJA has more than 50 thousand engaged donors in the New York area, supports an expansive network of nearly 100 nonprofit organizations serving those that are most vulnerable and in need of programs and services, and allocates over \$150 million each year to strengthen Jewish life, combat poverty and food insecurity, nurture mental health and well-being and respond to crises here and across the globe.

Three of UJA's nonprofit partners oversee special needs preschools (two of which are in New York City). Young children with disabilities who have an Individualized Education Program (IEP) are entitled to receive the services and supports included in their IEP. Preschool special education programs, many located in Community Based Organizations (CBOs), provide these mandated services and supports. Before and during the pandemic, there have been a shortage of seats in special needs preschools while these programs struggled to retain staff.

New York City does not have enough seats available in preschool special education programs to serve children in need of these specialized classes. In March 2020 at the onset of the COVID-19 pandemic, the City was already projecting a shortage of 1,000 to 1,900 seats in preschool special education programs. As the pandemic continued, there was a decline in special education referrals to preschool special education programs in some neighborhoods, negatively impacting these programs financially. While enrollment was down in some programs, there were not enough spots for children with the most significant disabilities in other special needs preschools who specialize in serving this population. Children with special needs were struggling to gain

access to preschool special education programs before the pandemic. These programs will be in even higher demand now and post-pandemic due to children with disabilities having limited access to the services and supports earlier in the pandemic.

The City's shortage of preschool special education program seats is at risk of worsening because staff at CBOs often earn salaries that are far lower than Department of Education (DOE) staff, making it difficult for them to recruit and retain teachers for these classes. In 2019, the City made strides toward salary parity for CBO early childhood educators, setting a schedule for salary increases so that their starting pay would be on par with DOE public school teachers. However, those salary increases apply only to educators in CBO preschool general education classes, excluding staff working in CBO preschool special education classes. As a result, CBO preschool special education class educators are now some of the lowest paid teachers in the City, despite serving some of the City's highest-need students. The lack of salary parity has caused many preschool special education program staff to leave CBO programs in pursuit of higher salaries at public schools—thereby exacerbating the troubling shortage of preschool special education class seats.

The exodus of staff from preschool special education programs in CBOs to the DOE programs intensified once vaccine mandates were enforced. As DOE staff vacated programs, CBO staff (including those who work in special needs preschools) were actively recruited by the DOE to fill their positions. One of UJA's nonprofit partners lost a total of 18 staff to the DOE from their special needs preschool shortly after vaccines were mandated in DOE programs. This program struggles to fill its positions due to the DOE being able to offer higher salaries. Furthermore, prospective CBO employees must have background checks completed in the DOE's Personnel Eligibility Tracking System (PETS). Recently, background checks in the PETS have taken between two to three weeks longer to complete. Prospective staff cannot work in CBO special needs preschools until their background check has been successfully completed in the PETS. The delays have caused programs to lose prospective staff.

CBO preschool special education programs provide valuable services and supports to children with disabilities. The incoming Administration must invest in these programs by extending salary parity to staff at CBO preschool special education programs. The DOE must also be given the resources they require to ensure that the Personnel Eligibility Tracking System is completing background checks in one week or less for CBO personnel.

Thank you for the opportunity to submit testimony. UJA appreciates the support Chairperson Treyger and the rest of the members of the Committee on Education have provided UJA's nonprofit partners during their tenure as City Councilmembers. UJA looks forward to working with the Council and the future Administration to ensure the needs of students with disabilities are met during the COVID era and beyond. Please contact Faith Behum at behumf@ujafedny.org if you have any questions.

First I would like to thank you for the opportunity to testify on behalf of my daughter shes only nine and I am her voice.

My name is Barbara Scott my child goes to public school in Brownsville Brooklyn she has not attended school since September 13th because we feel as her parents Barbara and Robert Scott that is not safe in the school building. Children cannot social distance in the lunch room or in the auditorium. Children don't have they face mask on constantly germs are always spreading.

The mayor and the Board of Education have been less than forthcoming with the covid cases in our schools they have changed policies to even more endanger our children's lives. So for these and many more reasons we would like a remote option to keep our children safe and healthy. After all this is over. As a parent it is unbelievable that the school and the d.o.e. threaten parents with ACS just for trying to keep our children safe.

The schools have been no help to parents who feel like me the schools are not safe right now for our children to return they have made it difficult and made it clear that we CHOOSE to keep our child home. We are in a world pandemic there is no choice about keeping your child safe and healthy as best as you can as a parent how dare they, tell me how to keep my child safe. They are also violating federal law by not providing my child and many others who have IEP'S with the services they deserve and are entitled to by the Disability Act.

So again please help us keep our children safe by recommending a remote option for all who want it. It is our children's right to have a free and public education.

Thank you

Barbara Scott

Robert Scott

Beth Eisgrau-Heller

Written Statement to Accompany Video Testimony

City Council Committee on Education Hearing Thursday 11/18/2021

Committee Chair Treyger, Distinguished Council Members, I truly appreciate the resolution you have introduced requiring a remote schooling option in cities with populations of 1M or more during a high case-load of Covid. And thank you for your vigorous efforts to support Special Needs students.

Today, I speak toward the epic and chronic failures of the Office of Pupil Transportation. Ask any family with a Special Needs child and they will tell you: busing in NYC has been a nightmare for years. It's a dirty, open secret. I am fully aware of the nationwide bus driver shortage. However, according to Mayor De Blasio, "This is NY!" And, as Chair Treyger explained-the city is awash in education funding like never before. So, why is reliable pupil transportation STILL a huge problem? Covid didn't create these problems, it exacerbated them. And now, there is no hiding them any longer. **The wheels have completely fallen off the bus.**

My video testimony can be found HERE:

<https://council.nyc.gov/livestream/>

Virtual Room 1. Timestamp: 2:42:23

VIOLATION OF CHILDREN'S CIVIL & DISABILITY RIGHTS:

The DOE has approved our children's school placements. The DOE has approved their IEP's and related services. But these approvals and the development of Restorative Special Education Services DON'T MATTER if our kids can't get to the schools to receive their mandated academic/social/emotional/physical supports.

By failing to provide reliable transportation, the DOE & OPT violate our children's civil rights by denying them equal access to their education. DOE & OPT consistently violate Chancellor's Regulations, City, State and Federal Disability protections by failing to treat our children as equals under the law. If we can't take care of the most vulnerable among us, OUR CHILDREN, our future, what does it say about us as a society?

MY CHILD:

While I can only speak to my family's experiences, my testimony is meant to amplify the voices of all families struggling to secure basic transportation for our Special Needs children. My son, almost 11, is a 2E learner and 6th grader attending a DOE-approved, non-public school in Queens. For the past 2 academic years, he has endured 7:00 am pickups, excessive 2+ hr ride times, routes with stops in disparate neighborhoods. Recent changes to his route, Jofaz P829, have been myopic, benefiting one child while negatively impacting three others. A proverbial game of "whack a mole." The route has since been combined with another, extending ride times

even further. These changes completely negated our Assistant Principal's efforts to reduce ride times by moving P829 to the front of the dismissal queue.

SQUEAKY WHEEL GETS THE GREASE:

Like last year, I have documented problems with my son's route for weeks on end. I've reported incidents to the OPT hotline and obtained case numbers. I've copied higher-ups within DOE & OPT, CCSE, Jumaane Williams' office, and of course our school administrators. I spoke with a member of the Public Advocate's team last week to provide the full synopsis of our difficulties.

Our school OPT rep (Jon-Erik Arenas) is non-communicative and provides myopic "solutions" He has informed parents and school administrators of his request for a splitting of routes P829/P833. But he is waiting for a different transportation provider to pick up the assignments. To date, neither our school nor parents have received a status update. School administrators advised parents that scheduled meetings with OPT meant to discuss these routes have been cancelled on two occasions. Where's the follow-up? Where is the accountability? Has Jon-Erik engaged his supervisors or asked for help? Has there been any escalation?

LATEST "SOLUTION" IS NO SOLUTION AT ALL:

At 5:00 pm on Fri 11/5 I received a surprise call from OPT rep, Gerald Conquest. He explained as of Mon, 11/8, Sam would be transported to school by Uber/Lyft or car service through LimoSys. Isn't this NYC's Access-A-Ride program meant for non-emergency medical and wheelchair transports? I was told I must accompany him and that cars would be ordered to take me home and pick me up again in the afternoon. This is not a sustainable solution for my family for a myriad of reasons:

- 1) **SAFETY:** Unless a private car service is assigned the job by OPT, this process relies on an Uber/Lyft driver accepting the job. There have been several no-shows because drivers refuse to travel from Brooklyn to Queens. I had a driver that didn't wear a mask. I had a reckless driver with a filthy car who picked me up extra early because he was taking another couple to Queens. Taking these cars also puts my child and I at greater risk of exposure to Covid and other pathogens.

Furthermore, who is responsible if something unsafe happens in an Uber/Lyft or car service vehicle? Would you want your child in a different Uber every day? Is it really the SAFEST way to transport children to school? My only recourse if there's a problem is to call the main LimoSys number and more often than not, hold for an excruciating amount of time.

- 2) **WASTE OF TIME, MONEY & HUMAN RESOURCES:** Last wednesday morning, one of many snafus, there was no reservation for a return car to Brooklyn. Thankfully, I have the means to pay for an Uber. The ride cost \$60 (without a tip). \$60 x's four runs per day = \$240/day. \$240/day x's 180/school days = \$43,200 per academic year. \$43,200 to

transport ONE student in private cars to and from school. Is that the best use of taxpayer dollars? Doesn't shunting OPT transportation responsibilities to overburden the City's Access-A-Ride program?

- 3) **PREVENTS ME FROM WORKING:** Is my time not valuable? I had hoped to begin working again once my son could be fully vaccinated. Yet, I spend 4 or 5 hours in the car going back and forth from Brooklyn to Queens twice a day. It is virtually impossible for me to pursue my chosen livelihood. The Brookings Institute reported 1.3M women were forced to leave the workforce because the demands of home-schooling and child care during the pandemic prevented them from performing their jobs, even remotely. I am now one of them.
- 4) **STRESS & AGGRAVATION:** Children, especially neuro-diverse children, need consistency. There is nothing consistent about this arrangement. The ongoing stress is not sustainable or healthy for me or my family. Each morning I call LimoSys to ensure the car is on its way. I hold. Their explanation is always, "the system is waiting to assign a car." Nine times out of ten, I receive confirmation of a car immediately AFTER I've hung up with LimoSys.

More than that, there is too much room for human error. There is no attention to detail or consequences for making mistakes. Gerald Conquest has occasionally forgotten to enter all four runs for any given day-either forcing me to drive my son to or from school at the last minute or stranding me in Queens. He has neglected to answer direct questions I've asked multiple times. But the most egregious example is this: Gerald mistakenly truncated the school address on the first week or so of LimoSys reservations. He entered 183 Union Turnpike instead of 183-02 Union Turnpike. This seemingly insignificant typo sent cars 12 blocks away from the school, because Queens! The -02 matters. Did you know drivers won't get paid if they start their jobs at an address other than what is programmed into the system? Did you know neither me nor the drivers can correct a reservation? I can't even charge a tip to my own credit card. (These drivers deserve to be tipped if the passenger chooses to do so).

My emails asking Gerald to fix this error remained unanswered for at least 5 days. I finally called Jon-Erik Arenas to ask if he would please ask Gerald to fix the problem. Without really listening, Jon-Erik offered knee-jerk excuses-it's not his fault, not his job, etc. I literally had to beg him to get up from his desk, walk across the office and close the loop with Gerald. This is why I described Jon-Erik as feckless.

- 5) **SCHOOL ADMINISTRATORS' TIME IS VALUABLE TOO:** Summit's Assistant Principal, Dennis Moeller is a skilled Special Needs Educator & Administrator. Dennis spends a preposterous amount of time each day attempting to resolve OPT's chronic failures. Dennis has many responsibilities. He SHOULD be able to fully focus on the academic and social/emotional needs of Summit's students.

- 6) **THREAT OF RETALIATION:** Most disturbing, based on my experience and observations, and that of friends', it has become crystal clear the administrations of non-public schools are hesitant to put a public face on their institutions' transportation problems. Nor can they band together to advocate as a group. Lest, they be viewed as biting the hand that feeds them. Mayor DeBlasio sent Child Protective Services to the homes of families who opted to keep their children home due to the lack of a remote schooling option for the 2021-2022 academic year. To wit, it would not be out of character or out of the question for The Mayor to "punish" non-public schools by withholding funding.

SHORT TERM CHANGES:

- 1) NYC is awash in Covid relief funding. FILL ALL VACANT TRANSPORTATION JOBS ASAP! Mayor Adams must make it a PRIORITY to fill the Director of OPT position which has been vacant under COO School Operations, Kevin Moran. Hire more qualified bus drivers, matrons and Paras. Give them a competitive living wage and health benefits.
- 2) Re-Assign Jofaz P829 to another bus company and split the route into two buses. Reassign P833 to another transportation vendor, assess the route-does it need to be split as well? Assess and correct all transportation issues for Summit Lower and Upper School.
- 3) RECTIFY all outstanding special education transportation issues for public, non-public and private. Busing for children in foster and temporary housing must be a priority.
- 4) Immediately reimburse families for outstanding tuition, travel expenses, legal fees, etc!

MEDIUM & LONG TERM CHANGES:

- 1) Eric Adams must prioritize both cultural and procedural reforms within the DOE. The agency is in dire need of an in-depth assessment from an independent consulting firm. Ask any parent of any child within the parameters of the DOE. The agency is a siloed that does not promote clear, open and timely communication neither internally nor with the public. The DOE does not foster interdepartmental cooperation nor is there creative thinking or holistic problem solving. The DOE is re-active, never proactive. The DOE does not make changes unless they are forced by constant pressure from parents, advocates and/or elected officials. And the culture of fear and intimidation prevents parents, teachers, administrators, etc from effectively advocating for their students. (I know this all too well from my experience in D13). Mayoral Control is the root of these problems.
- 2) Who has ultimate oversight over OPT? The Office of Public Advocate must embark on a full audit of all DOE/OPT approved transportation vendors and all their business dealings with NYC. What are their contracts with NYC DOE/OPT? Have they fulfilled their

contracts? What are the consequences for companies that have not fulfilled their contracts? Do transportation companies pay their employees a living wage and provide benefits? How much Covid relief money have they received? Was that relief money allocated properly or mishandled? How many complaints have been lodged against each company? Has any transportation company's contracts ever been revoked? Are transportation employees protected by a union? What role do vaccine mandates play in hiring more drivers at DOE contracted transportation providers? What incentives can be offered to achieve 100% vaccination rates among transportation workers?

- 3) The Office of Public Advocate must examine the 9M+ technology contract granted to OPT at the November PEP meeting for the purposes of overhauling their Help Desk. Will OPT engage the public to determine the best User Experience (UX)? Will the new Help Desk have an online interface that enables individuals to file detailed, keyword searchable complaints? Will the system cross reference those complaints? Can reports be pulled to compare route number, school, student, etc so that data can be mined to demonstrate patterns of success and failures? OR, is OPT only planning on "beefing up" the current, antiquated system where parents call in, hold for excessive amounts of time and verbally report their complaints into a vacuum?
- 4) Streamline the hiring process for Transportation workers: Create a database of eligible drivers, matrons, paras, etc. Make this a database available ONLY to DOE approved transportation providers with contracts in good standing. Candidates should be vetted by the DOE/OPT to ensure each applicant possesses all the necessary skills and certifications to fulfill their duties.
- 5) I echo and agree wholeheartedly with Chair Treyger, Ms. Choi, Mr. Mulgrew, Paulette Healy, & the numerous advocates who testified: SPECIAL EDUCATION NEEDS AN OMBUDSMAN! The structure of the DOE is inscrutable. It is impossible for families to parse out which key DOE/OPT stakeholders possess oversight and decision-making powers over their child's education-particularly if they attend non-public or private schools.
 - a) When the IEP is established, families should be provided an org chart of the Special Education Department along with their specific team applicable to their child's placement & services. Who are all the stakeholders? Their advocates? Is it a District CEC? Is it D75? CPSE, CCSE or some other entity? The document should include DOE & OPT office addresses, email addresses and phone numbers.
 - b) The F.A.C.E, Special Education, CEC's and CPSE and CCSE should hold regular Community Forums to gain direct contact from families of children with Special Needs.

- 6) One in five children struggle with a learning challenge. And, the IEP process, (just like application processes for G&T programs, specialized middle & high school testing, etc) benefit the privileged. Those that can afford to test prep their children have an advantage. Those that can afford private evaluations can expedite their children's IEP, school placements, etc. There is no "achievement gap," there is only an "equity & accessibility gap." The DOE must institute the following:
- a) Every school, in every District in every Borough should be funded at 100% by NYS.
 - b) Early reading interventions. Early screenings and interventions for ADD/ADHD, Dyslexia, Dysgraphia, non-verbal learning disabilities, sensory issues etc, especially in Title 1 and chronically under-funded schools in chronically under-served neighborhoods.
 - c) Every single school under the DOE's purview should have a dedicated School Psychologist, Social Worker and/or Guidance Counselor.
 - d) Smaller class sizes in every school, in every District in every Borough. PERIOD. Study after study has shown all children benefit from smaller class sizes.
 - e) Make it easier for teachers, support staff & Administrators to identify and recommend evaluations for children struggling with potentially undiagnosed conditions. Currently, teachers and school fear retribution from both the DOE and parents.
 - f) Create MORE public school programs that serve 2E learners. D75 and Horizon programs are dedicated to the needs of children with significant challenges. Yet, there are very few for gifted students. NEST is a wonderful program, but there are not enough seats to meet demand. ICT is a beautiful model, but a large class with up to 12 kids with different needs does not work for every child-even with two teachers.
 - g) Identify gaps in DOE offerings and approve MORE non-public schools that meet those needs. Summit was the ONLY non-public option appropriate for my child in ALL of NYC.
 - h) AUTHORIZE MORE PsyD providers to perform neuropsych evaluations. There are long waits for appointments with DOE approved practitioners. Evaluations ground to a halt during the pandemic, stranding families without a diagnosis for their child. Those that CAN afford a private evaluation benefit by expediting their child's diagnosis and implementation of an IEP.
 - i) Revise the Carter & Connor's Funding process. Eliminate the need for parents to SUE THE DOE ANNUALLY! Take the money spent on litigation and put it to work in an investment vehicle that is earmarked for non-public and private school tuition. Only families with significant resources can front tuition to a private school and/or hire an attorney to seek reimbursement. The financial strain families feel as they are waiting for reimbursement, or from the cost of retaining an attorney, is made worse by the enormous backlog of cases. Prior to Covid it took 18 months to receive reimbursement via Carter Funding. The backlog has only been made worse by Covid because cases ground to a halt.

In my son's case, there were only TWO schools recommended to us that met his 2E learner needs, Summit School and Quad. Quad is a fully private school and costs \$68,000 a year. Meeting that cost is not feasible or sustainable for our family. And so, Summit remains the ONLY and BEST place for our child. We were fortunate to have legal representation to assist us in obtaining a deferment via Connor's Funding for Sam. It is not lost on me that most NYC families do not have the resources of time or money to follow this path.

I am not an Education expert. I am one Mom with one child who is fortunate enough to dedicate much of my time toward learning the system and advocating for my son. As I stated in my video testimony, I was a Squeaky Wheel in D13. I will be a Squeaky Wheel and advocate for the improvement of Special Education and Pupil Transportation for ALL children, not just my own.

Thank you.

Beth Eisgrau-Heller
Henry Street,
Brooklyn, NY 11201

bethrobyn@gmail.com