

COMMITTEE ON EDUCATION

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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January 30, 2025

Start: 1:12 p.m.

Recess: 8:04 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS:

Eric Dinowitz
James F. Gennaro
Shahana Hanif
Kamillah M. Hanks
Shekar Krishnan
Linda Lee
Farrah N. Louis
Mercedes Narcisse
Pierina Ana Sanchez
Lynn C. Schulman
Althea V. Stevens

OTHER COUNCIL MEMBERS ATTENDING:

Selvena N. Brooks-Powers
Jumaane Williams, Public Advocate

A P P E A R A N C E S

Christina Foti, Deputy Chancellor of the Division of Inclusive and Accessible Learning

Liz Vladeck, General Counsel of Division of Inclusive and Accessible Learning

John Hammer, Chief of Division of Inclusive and Accessible Learning

Suzanne Sanchez, Chief of Special Education

Jessica Wallenstein, Senior Executive Director of the Committees on Special Education

Mia Gurley, Special Education Lawyer at New York City Department of Education

Peter Ianniello, Executive Director of Human Resources at New York City Department of Education

Andie Corso, Senior Executive Director Special Education School Support at New York City Department of Education

Michael Mulgrew, President of the United Federation of Teachers

Lucas Healy, student

Stamo Karalazarides Rosenberg, First Vice President of Council of Supervisors and Advisors

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

Donavan Swanson, Brooklyn Borough President
Office

Randi Levine, Policy Director at Advocates for
Children of New York

Mary Merkel, Equal Justice Works fellow sponsored
by Greenberg Traurig working as an Education
Attorney at Bronx Defenders

Melinda Andra, attorney in charge of the
Education Advocacy Project at the Legal Aid
Society

Chantall Lowe, Senior Director of Partner
Community Engagement at IncludeNYC

Maggie Maroff, Senior Special Education Policy
Coordinator at Advocates for Children

Michaela Schuchman, Skadden Legal Fellow at Legal
Services NYC

Paullette Healy, self

Jennifer Choi, special education advocate and
founder of New York City Parents of Teens with
Disabilities

Rima Izquierdo, self

Carol Drayton, self

Tammy Fried, self

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

Perry Binet, self

Yaakov Mandel, Ichud Mosdos Hachinuch

Esther Elbaum, self

Tova Wacholder, standing in for Yeruchim Silber,
Agudath Israel of America

Toba Lichtenstein, standing in for Avital
Shapira, parent

Daniella Rosenberg, TeachNYS

Mark Gonsalves, Co-President of the Citywide
Council on Special Education

Amanda Pogany, Head of School at Luria Academy of
Brooklyn

Miriam Nunberg, Senior Fellow at the Education
Law and Policy Institute at New York Law School's
Legal Services

Sara Fredman-Aeder, Vice President of Israel and
Jewish Affairs at the Jewish Community Relations
Council of New York

Steven Mahoney, self

Alex Elegudin, Post-Secondary Readiness Project
at Advocates for Children of New York

Claudia Galicia, self

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

Benjamin Tocker, Young Advocates for Fair
Education

Paul Anthony Urbanek, Transition Alliance Youth
Council

Rochelle Du, Integrated Schools Project
Coordinator of New York Appleseed

Esther Weiss, self

Goldie Herskowitz, principal of Beth Chana School
in Williamsburg

Melody Ostroe, self

Katherine Encarnacion, self

Maggie Sanchez, self

Chaya Sara Herman, self

Nedda de Castro, Manager of Advancement and
Adequacy for the Internationals Network for
Public Schools

Melissa Katz, Collaborative for Inclusive
Education within the New York City Charter School
Center

Tanesha Grant, Executive Director of Parents
Supporting Parents and Moms United for Black
Lives New York City

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

Joseph Fierro, self

Esther Lebowitz, self

Luis M. Diaz, III, self

Jessica Rivera, self

Logan Taejun Ng, self

Stefannie Bonilla, self

Luis Diaz, on behalf of Michelle Diaz

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2 SERGEANT-AT-ARMS: Check one, two, check
3 one, two. This is a pre-recorded sound test for the
4 Committee on Education. Today's date is January 30,
5 2025. It's being recorded by Michael Leonardo in the
6 New York City Council Chambers.

7 SERGEANT-AT-ARMS: Good afternoon, and
8 welcome to today's New York City Council hearing for
9 the Committee on Education.

10 At this time, we ask that you silence all
11 cell phones and electronic devices to minimize
12 disruptions throughout the hearing.

13 If you have testimony you wish to submit
14 for the record, you may do so via email at testimony@
15 council.nyc.gov. Once again, that is
16 testimony@council.nyc.gov.

17 If you wish to testify in person, please
18 fill out a witness slip in the rear of the room.

19 At any time throughout the hearing,
20 please do not approach the dais. We thank you for
21 your cooperation.

22 Chair, we are ready to begin.

23 CHAIRPERSON JOSEPH: [GAVEL] Good
24 afternoon, and welcome to today's oversight hearing
25 on special education services at New York City Public

Schools. I'm Rita Joseph, Chair of the Education Committee. Thank you to everyone who has signed up to testify. We're looking forward to hearing your testimony.

The Federal Individual Disabilities Education Act mandates the provision of a free, appropriate public education in the least restrictive environment for every student with a disability. The least restrictive environment means that to the maximum extent appropriate, students with disabilities must be educated with students without disabilities. It also requires that students' special education-related services be free of charge, designed to meet State standards, and delivered in conformity with the student's IEP. An IEP, which is a written document developed by an IEP team, utilizes existing evaluation information in order to meet a student's unique educational needs. IEP goals must be aligned with grade-level content standards for all students with disabilities, and include information regarding consistent reporting on students' progress as well as transition to adult life.

Families who believe that the New York City Department of Education has failed to provide

their child with a free and appropriate public education can file a Due Process claim. These claims may lead to several outcomes, including non-monetary settlements such as corrective actions like program placement or service provision or monetary settlements, including reimbursement for non-public school tuition or services per state education law. These claims are often referred to as Carter cases.

The Committee has held a hearing on this topic in 2022. At the time, during the 2021-2022 school year, 13,800 public school students in kindergarten to 12th grade did not receive their IEP recommendations for related services such as speech therapy, physical therapy, occupational therapy, or counseling, and 9,800 preschoolers with disabilities did not even receive one of their mandated special education services. While it appears that there has been some improvement in the delivery of services to students with IEPs, since thousands are missing out on the support they need to learn and thrive, as the cost of Due Process claims has dramatically risen. Students with disabilities, a large and growing portion of public school students' population, are among the most vulnerable students in the system.

Yet, the City continues to fail them. Many students wait for months for an appropriate classroom, teacher, or therapist, or just never receive their mandated support, leading to chronic absences.

Moreover, there are significant discrepancies in provision of special education services in predominantly black and Hispanic as well as low-income school districts across the five boroughs. Additionally, a significant number of preschool special education students who are at a critical age in development are not receiving all of their IEP mandated services. All public schools serve students with disabilities, while most students with IEPs attend their zone or district schools. Some attend one DOE specialized program in district schools, such as NEST, Horizon, or PATH, while others attend D75 programs. DOE special education program and service delivery models include general education classes, which are taught by general education or content area teachers, and include students with or without IEPs, include supplementary accommodations, aid, assistive technology, and services as needed. ICT, integrated co-teaching service, which involves a general education teacher, a special education

teacher working together in the same classroom to support students with IEPs; SETS, special education teacher support services, which provide specially designed instruction either directly to students or indirectly through consultation with general education teachers; a special class, which consists solely of students with IEPs who have similar needs, receive primary content instruction from a special education teacher; special class and small class program in specialized schools, which cater to students with significant needs by providing instruction in small supportive settings, this includes the majority of students participating in D75 programs, which provide highly specialized instructional support for students with significant challenges; specialized programs, which are not available in every school, are designed to meet specific needs of certain student population, examples include academics, career, and essential skills; program for students with significant disabilities, the Autism Spectrum Disorder Horizon and NEST programs, which also provide small group setting or reduced class size; ICT setting and a strong social communication program for students with

autism; and the bilingual special education program for students requiring instruction in language other than English.

Now there's more to be concerned about with Trump, who pledged to dramatically scale back the federal government's role in education policy, is back in office. As a result, students with disabilities could be at risk in their access to free and appropriate public education in response. The City must shore up its resource and figure out how to meet the needs as executive orders sew chaos and confusion.

At today's hearing, the Committee is seeking to understand the landscape of special education at DOE. This includes data related to the number of students with IEPs receiving their mandated services by race, ethnicity, gender, school district, income level, and related disparities. This also includes information related to DOE's effort to ensure 100 percent students who require special education services receive them. More specifically, this means addressing chronic absenteeism through appropriate transportation services and increasing the number of faculty, counselors, therapists,

psychiatrists that works with students with IEPs. We also hope to hear recommendations for improvement from students, parents, educators, and other stakeholders here today.

Thank you to the members of the Education Committee who have joined us today. I would also like to thank committee staff, Nadia Jean-François, Chloë Rivera, Giovanni Piquant, Grace Amato for their work on today's hearing.

I also want to acknowledge my other colleagues, Council Member Schulman, Council Member Sanchez, Council Member Brooks-Powers, Council Member Narcisse, Council Member Dinowitz, Council Member Hanks, and Public Advocate Williams.

Before we swear in the Administration, we will also hear remarks from Public Advocate Jumaane Williams.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Thank you, Madam Chair. Good afternoon. My name is Jumaane Williams, Public Advocate for the City of New York. I should say still Public Advocate. I'd like to thank Chair Joseph and the Members of the Committee on Education for holding this important hearing. Under the Federal Individuals with Disabilities Education

Act, or IDEA, all eligible students with disabilities are entitled to a free, appropriate public education and special education services. This includes providing services to students who do not attend public schools and instead attend private or religious schools or are homeschooled. It is an understatement that New York City is failing to meet these standards, leaving many children without services falling behind or unable to attend school at all. Many students with disabilities face barriers to education even before they enter the doors of the school. The City is currently experiencing an understaffing crisis among occupational therapists, physical therapists, speech therapists, and counselors. Many students cannot ride the bus without a paraprofessional and sometimes a nurse, but there are simply not enough to go around, leaving many students stuck at home unless a caregiver can find alternative transportation. Additionally, every year when school starts, students who require transportation and their parents report delays in being granted bus services, leaving many families without busing on the first day. Just before the beginning of the school year, many parents of special

education students in non-public schools received notice that their student services would not be provided due to a little-known and previously unenforced application deadline of June 1st. This requirement affects about 3,500 families and left many families paying out-of-pocket for services or unable to send their kids to school at all. In December, the Department of Education sent a letter to parents who had missed the deadline that said children could begin receiving services, but only if parents waived their rights to sue DOE. The waiver reportedly was vaguely worded, did not describe what services students were to receive, and would disallow parents from suing the DOE for the rest of the school year if, for example, students' IEPs were not followed. This is deeply concerning, and it's particularly troubling that it took three months for the DOE to offer legally mandated services to students with disabilities, causing many to fall behind. Many families pull their disabled students from the public school education system and enroll them in private schools, then sue the City for reimbursement. Last year, the City spent a record-breaking 1.35 billion dollars to cover the cost of

private schools and programs for students with disabilities who were not being adequately served in their schools. Parents are entitled to do this under federal and state law, but many low-income families and disabled students who cannot afford to front private school tuition or hire lawyers are often forced to continue attending their local public school even if their student is not receiving the support services that they need. By not serving every student they can in their local public school, the City has effectively created a two-tiered system of education where wealthy families can secure the education their kids need, and poorer students fall farther and farther behind. I have to point out, as the cost of that first-tier education in the private schools goes up, that's less money that goes into the education system to fix some of the problems I spoke about. Until the City meaningfully prioritizes education to all students, regardless of disability status, we'll continue to spend those large amounts of money on educating students in public schools, money that, as I mentioned, can be used to transform our school system into one that is welcoming, diverse, inclusive, and supportive for all students.

How we fund our schools is reflective of our values, and there's a lot of work to be done before we can say that New York City Public Schools welcomes and values students with disabilities.

I want to thank you as a public school baby myself from preschool to master's. It is a great place to get an education with many issues that we have to address, and we need all the money to be able to do that, so hopefully we can figure out how to fix this problem. Thank you.

CHAIRPERSON JOSEPH: Finally, I would like to remind everyone who wishes to testify in person today that you must fill out a witness slip, which is located on the desk of the Sergeant-at-Arms near the entrance of this room. Please fill out the slip, even if you're already registered in advance, that you'll be testifying in person.

Also note that we will not be voting on any legislation today.

To allow as many people as possible to testify, testimonies will be limited to three minutes per person, whether you're testifying in person or in Zoom. I'm also going to ask my Colleagues to limit their questions and comments to five minutes.

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2 Witnesses who are here in person will testify before
3 those who are signed into Zoom webinar.

4 I will now turn it over to Committee
5 Counsel Nadia Jean-François to administer the oath.

6 COMMITTEE COUNSEL JEAN-FRANÇOIS: Good
7 afternoon. In accordance with the rules of the
8 Council, I will administer the affirmation to the
9 witnesses from the Mayoral Administration. I will
10 call on each of you individually for a response.
11 Please raise your right hand, as well as anybody here
12 for Q and A in the back for DOE.

13 Do you affirm to tell the truth, the
14 whole truth, and nothing but the truth before these
15 Committees and to respond honestly to Council Member
16 questions? Christina Foti.

17 DEPUTY CHANCELLOR FOTI: I do.

18 COMMITTEE COUNSEL JEAN-FRANÇOIS: John
19 Hammer.

20 CHIEF HAMMER: I do.

21 COMMITTEE COUNSEL JEAN-FRANÇOIS: Suzanne
22 Sanchez.

23 CHIEF SANCHEZ: I do.

24 COMMITTEE COUNSEL JEAN-FRANÇOIS: Liz
25 Vladeck.

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2 GENERAL COUNSEL VLADECK: I do.

3 COMMITTEE COUNSEL JEAN-FRANÇOIS: Jessica

4 Wallenstein.

5 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: I

6 do.

7 COMMITTEE COUNSEL JEAN-FRANÇOIS: Amy Way.

8 EXECUTIVE DIRECTOR WAY: I do.

9 COMMITTEE COUNSEL JEAN-FRANÇOIS: Mia

10 Gurley.

11 ATTORNEY GURLEY: I do.

12 COMMITTEE COUNSEL JEAN-FRANÇOIS: Peter

13 Ianniello.

14 EXECUTIVE DIRECTOR IANNIELLO: I do.

15 COMMITTEE COUNSEL JEAN-FRANÇOIS: Andie

16 Corso.

17 SENIOR EXECUTIVE DIRECTOR CORSO: I do.

18 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank

19 you. You may begin your testimony.

20 One moment.

21 CHAIRPERSON JOSEPH: One moment. I would

22 like to acknowledge Council Member Stevens, Hanif,

23 and Lee.

24 COMMITTEE COUNSEL JEAN-FRANÇOIS: You may

25 begin.

CHAIRPERSON JOSEPH: You may begin.

DEPUTY CHANCELLOR FOTI: Good afternoon, Chair Joseph and all members of the City Council Committee on Education. My name is Christina Foti, and I am the Deputy Chancellor of the Division of Inclusive and Accessible Learning, also known as DIAL. I am joined by Liz Vladeck, our General Counsel; John Hammer, our Chief of DIAL; Suzanne Sanchez, Chief of Special Education; and Jessica Wallenstein, Senior Executive Director of the Committees on Special Education, and other wonderful colleagues. Thank you for the opportunity to update the Committee on our efforts to ensure that students with disabilities have access to inclusive and accessible schools. The Council's support has been crucial. I especially would like to thank Chair Joseph for your leadership. I sit before you today as the Deputy Chancellor of a division created by Mayor Adams to center every decision we make on two historically underserved populations, students with disabilities and multilingual learners.

Today, we are here to speak about our students with disabilities. There are roughly 185,000 school-age students with individualized education

programs, also known as IEPs, in New York City public schools, 26,000 in charter schools, 11,000 in state-approved non-public and hospital settings, 6,000 unilaterally placed in private schools, and there are another 40,000 students with individualized education service programs, IESPs, in private schools. In addition, New York City public schools annually serve roughly 32,000 preschoolers with IEPs, in total 300,000 students.

New York City public schools continue to prove in compliance with the Individuals with Disabilities Education Act, known as IDEA. While we remain committed to getting to full service, last year, 92 percent of our school-age students were fully receiving their mandated special education programs, the highest percentage ever recorded. Today, I'm encouraged that New York City public schools is fully serving roughly 5,000 more students this school year compared to the same time last year, continuing our progress despite the ongoing national teacher shortages. Our related services continue to achieve strong provision rates of approximately 95 percent, supported by over 7,000 speech, occupational, and physical therapists, including more

than 400 new hires this school year. We are deeply committed to ensuring that students have access to the services they need, no matter when or where they learn.

To that end, we have launched 19 weekend sites across all five boroughs, providing students and families with access to critical related services. These include, for the first time, students parentally placed in private and religious schools as well as services provided on Sunday. We have also opened eight additional after-school sites throughout the week to further ensure students are receiving the support they need to thrive, wherever they are and whenever services are needed, seven days a week. As an educator and a sister to an adult brother with a significant intellectual disability, I am deeply committed to ensuring an equitable path for all students where gifts and talents are celebrated, not only tolerated.

My journey in education began as a middle school teacher, where I taught students who illuminated the systemic challenges that disproportionately impact black and brown boys, particularly those grappling with trauma or mental

health challenges. I vividly remember my students taking a mandated exam that required them to write about the impact of Brown versus Board of Education, even as their lived experiences reflected continued inequities placed in special classes far removed from their communities in separate programs.

This Administration has taken a major step to learn from the past. Initiatives like New York City Reads are transformative, providing all students with the tools they need to read, a foundational step toward inclusion. For all of my middle schoolers, literacy was the key to accessing inclusive classrooms and high school programs. I'm a firm believer in investing in programs that are proven to be effective, which is why this administration supported the launch of autism programs for rising kindergartners in three school districts this year. While District 75 continues to face steep challenges on their journey towards a diploma, specialized programs have provided an alternate pathway with far better results. I'm proud to report that Nest and Horizon autism programs, which are hosted by district schools and include pre-service professional learning for all staff members,

have more than a 95 percent four-year graduation rate, resulting in long wait lists for families seeking access. In response to these demands, this fall the Administration invested in 36 new autism programs, including three Nest, nine Horizon, and 24 Aims programs for entering kindergarten students in Districts 5, 12, and 14. In this pilot, each kindergartner identified as autistic was guaranteed access to a high-quality autism program close to their home. As a result of this work, we are seeing unprecedented outcomes, including increased access to district schools from 44 percent in 2023 to 81 percent in 2024, shorter average travel distances from 2.7 miles in 2023 to 1.5 miles in 2024, and independence among students is on the rise, with 15 percent of the pilot districts relying on one-to-one paraprofessionals compared to 28 percent in the rest of our schools. Today I'm proud to testify that 93 percent of students placed in these new programs are black or Hispanic. Students in Harlem, Williamsburg, and Crotona Park, who would otherwise need to travel outside of their communities into segregated programs, are thriving in their local public schools and learning alongside their siblings and their

neighbors. Furthermore, the whole school training approach means that staff throughout the building are taught inclusive approaches to teaching and learning, an impact that is felt far beyond the specialized program.

Unfortunately, while these programs have demonstrated exceptional outcomes, they faced persistent funding challenges. For decades, resources have flowed to mandated programs such as District 75 and Due Process rather than to innovative solutions like Nest, Horizon, and Aims. We need to be able to keep investing in these impactful solutions as well. Special education litigation remains one of the greatest barriers to securing funding for innovation, with Due Process cases and settlement claims costing 1.35 billion for private school tuition and services during the 23-24 school year. While the majority of students in District 75 are of color, over 60 percent of the students associated with legal claims identify as white, compared to the 16 percent in our public schools. Herein lies another deeply rooted source of inequality. When innovative programs do not exist in communities of color, students are sent to separate schools outside of their own neighborhoods. One might

believe that escalating Due Process costs are an indicator that our programs aren't strong. But in truth, parents are banging down our doors to secure placement in our specialized programs. This school year, as a result of the autism pilot, we were able to place 737 rising kindergartners into Nest, Horizon, and Aims programs, an achievement that underscores the strength and value of these models. However, the need remains immense, with over 3,300 current kindergartner, first, and second grade students hoping to be offered one of these options.

Expanding these programs across the city is not just necessary, it's critical to our mission of creating equitable, inclusive, and competitive schools. This Administration has demonstrated that with the right resources, we can reduce Due Process complaints. After observing an astronomical increase in requests for enhanced-rate special education teacher support services, known as SETs, it became necessary to proactively arrange the service for students in non-public schools while implementing fraud controls and enforcing long-standing deadlines. In response, last July, New York City Public Schools took a bold step by more than doubling the standard

hourly rate for our SETs teachers, an initiative designed to expand access to specialized instruction for families choosing non-public schools. Additionally, we have hired nearly two dozen itinerant special education teachers to deliver SETs directly in these schools. The committees on special education have conducted an extensive outreach to assign both New York City Public Schools and independent special education teachers to support our students with IESPs. These targeted efforts have ensured that every student in need of services is actively engaged, whether through an independent SETs teacher, a New York City Public School teacher, or our expanded after-school and weekend programs. These milestones mark a significant advancement in providing equitable, high-quality support while reaffirming our commitment to meeting the diverse needs of learners across the city. Proactive measures to arrange services for students with IESPs have led to 10,000 fewer Due Process complaints as of December 2024, a 50 percent reduction in Due Process complaints from last year thus far.

Access to high-quality supports and services in preschool is also critical, laying the

foundation for academic success and shaping future outcomes. While this Administration, as well as the one prior, has made much-needed investments to support our three- and four-year-olds, we have work to do to achieve the systemic reforms required. Today, preschool expansion requires securing funding and layers of approval to open preschool special education classes. This process makes it difficult for us to nimbly respond to immediate needs or ensure students have the access to supportive programs near their homes. This is counter to our school-age program, where superintendents can address capacity issues more flexibly. We are encouraged that the New York State Education Department is gathering information to inform a tuition redesign, and we are committed to working with NYSED to develop initiatives that will empower New York City Public Schools to implement a more inclusive preschool special education system.

Despite these challenges, I am proud of the work of my team in partnership with the Division of Early Childhood. Thanks to a 55-million-dollar investment by this Administration and City Council, we successfully opened 456 preschool special

education seats in the fall, and now we are working to create 284 additional seats. While we strive to achieve so much more for the students in our city, our team remains steadfast in this commitment to closing critical gaps. I believe in strong stakeholder engagement, and it is essential as we guide our work.

The Special Education Advisory Council has been invaluable in shaping our goals for the Division of Inclusive and Accessible Learning. Despite the challenges ahead, our students, teachers, and families continue to do incredible things, ensuring that New York City Public Schools are the best place for students with disabilities in New York State, and arguably the country. Our students with IEPs in New York City outperformed the rest in the grade 3-8 ELA exam, despite the fact that our schools serve 25 percent more low-income students. This is a testament to the strength and dedication of our schools. As we foster more inclusive school cultures, we are also extending supports to students with autism beyond the classroom. Through targeted autism training, over 7,000 school staff, bus drivers, and even NYPD recruits have gained the skills to support

individuals with autism, helping to create more inclusive environments both in school and in the community. But our work doesn't stop there. DIAL has launched several innovative research-based initiatives, including providing accessible equipment like wheelchairs to new students through our Office of Related Services, ensuring that they can physically attend school. The Beyond Access series, with nearly 2,000 families participating in virtual sessions, offering guidance and training on special education topics. This year, we included parents as presenters to center their lived experiences. Free sensory gyms at 80 locations through our SEED program give families access to no-cost alternatives to services that often require out-of-pocket expenses. Expanding literacy by offering Read and Write, an accessibility tool with features like text-to-speech and word prediction, to every New York City public school student. Creating student-led disability pride, affinity, inclusion clubs across the city, helping shift mindsets and highlight the experience of our people with disabilities. By continuing to invest in successful specialized programs, we're driving whole school reform that can be replicated in

districts across the country. These programs are improving outcomes for our students, our staff, and administrators in specialized schools, and they are laying the groundwork for broader systemic change. As a member of Chancellor Aviles-Ramos' cabinet, I can affirm our team's strong commitment alongside the Adams Administration to serving all students, especially those with disabilities and newcomers. This dedication is reflected in our progress in the creation of a division focused on inclusive and accessible learning.

I'm grateful for the opportunity to serve and for the incredible team in the Special Education Office who will keep working to improve our students' and families' experiences. Thank you as well for the opportunity to testify today before the Council.

CHAIRPERSON JOSEPH: Thank you. I'm going to yield my time to the Public Advocate.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Thank you so much, Madam Chair. Much appreciated. Thank you for the testimony.

The first question, I wanted to get a better understanding of how much using third-party vendors or contractors to provide related services

has impacted the school budget, and if there's a cost difference between using the vendors outside of the DOB to provide the mandated related services. Is that the 1.35 billion, or is it more?

DEPUTY CHANCELLOR FOTI: Thank you, Public Advocate. Let's begin by starting with preschool. And so, Jessica Wallenstein, if you can start there.

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So approximately 31 million is allocated to related service contracts just for preschool students. For K-12, we have approximately 120 million in contracts for related services.

PUBLIC ADVOCATE JUMAANE WILLIAMS: That's on top of the 1.35 million for the Carter cases, right?

DEPUTY CHANCELLOR FOTI: Yeah, it's a different funding stream, different budget.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Okay. How much funding for new special education programs will be sustained through current city and state budgets?

DEPUTY CHANCELLOR FOTI: For our specialized programs, our current budget, excuse me, Public Advocate, I want to make sure I give you the

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2 right number here, is 373 million dollars
3 approximately for special...

4 PUBLIC ADVOCATE JUMAANE WILLIAMS: How
5 much is it?

6 DEPUTY CHANCELLOR FOTI: 373 million
7 dollars for our specialized programs.

8 PUBLIC ADVOCATE JUMAANE WILLIAMS: That's
9 the programs in the schools?

10 DEPUTY CHANCELLOR FOTI: Those are school-
11 based programs that we discussed, like Nest, Horizon,
12 Ames. The District 75's budget is approximately 1.6
13 billion dollars.

14 PUBLIC ADVOCATE JUMAANE WILLIAMS: And
15 that's also for the programs in the schools?

16 DEPUTY CHANCELLOR FOTI: That's just
17 District 75.

18 PUBLIC ADVOCATE JUMAANE WILLIAMS: Okay.
19 And how much do you need, do you think, for the
20 District 75 and for the other programs you just
21 mentioned?

22 DEPUTY CHANCELLOR FOTI: Well, we're able
23 to operate based on that 373 million dollars, our
24 specialized programs, which serve 4 percent of our
25 population, and that's a total of 7,000 students. The

District 75 budget serves 26,000 students, and the remaining 80 percent are served in Districts 1 through 32. If we are going to continue to expand our specialized programs, we need to make sure that we have the funding up front to be able to expand the programs that our parents are waiting for. We currently have, as I said in my testimony, over 3,300 families that have put applications in for specialized programs, and that's where we're seeing our 95 percent four-year graduation rate.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Do you have a cost of how much that would be to serve everyone?

CHIEF HAMMER: So, we're in active conversations with our partners in OMB and City Hall on costs associated with additional related service providers and special education teachers.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Okay. So right now we don't have a number, basically. Okay. How much funding goes to impartial hearings and legal for litigation of Due Process?

GENERAL COUNSEL VLADECK: Thanks, Public Advocate, for your question. The 1.35 billion dollars that you noted earlier covers all of the costs

involved in Due Process. I want to make clear that IESP cases are a far larger number of the cases filed, but in general, that number represents transportation, services, legal costs, legal fees, as well as tuition payments. I'd also like to note that our 1.35 billion does not include the budget of the Office of Administrative Trials and Hearings. Some folks may recall that several years ago we were having trouble timely processing Due Process cases because of the explosion in the number of cases filed. The City and the State worked together to set up a permanent full-time tribunal at OATH, the first of its kind. They have staffed up with dozens of employees, administrative law judges, who are able to move these cases much faster, but the cost of doing so is not part of that 1.35 billion.

PUBLIC ADVOCATE JUMAANE WILLIAMS: Do you know how much that is?

GENERAL COUNSEL VLADECK: I do not. And if I may say one other thing about the 1.35 billion, we're trying to get a better handle on the actual cost of Due Process cases in the particular service year. So, the 1.35 billion actually represents payments that we made not only for last service year,

the same school year, but for prior service years as well.

PUBLIC ADVOCATE JUMAANE WILLIAMS: And I had a question about some of the letters that were sent, so I hope that part will be covered, and I appreciate the Chair giving me some time so I won't ask about everything. But with these cases, I do want to understand more. Is it that parents come and try to get the services, are unable to get the services, or they've tried it and the services didn't meet their needs? Or are those steps skipped and we automatically go to the lawsuits?

GENERAL COUNSEL VLADECK: We've seen both. And in the last several years before this school year, we had seen an increase in the number of cases that were filed as a Due Process matter before we had really been in touch with the family.

PUBLIC ADVOCATE JUMAANE WILLIAMS: And why is that allowed? Or is there something we can do to prevent that?

GENERAL COUNSEL VLADECK: Well, yes, actually. We've taken a long list of steps to try and prevent that. The efforts, the June 1st deadline that you mentioned earlier, is actually just one piece of

a large set of efforts this year to really change how we are providing IESP services. What the data shows us is that the number of those cases jumped very significantly, very quickly in a short period of years, and that the IESPs involved in those cases have a very high percentage of SETS recommendations. About 70 percent of these IESPs have a SETS recommendation. Now, unlike occupational therapists, speech, or physical therapists, the providers of SETS are not licensed professionals who may work on an hourly basis. They're teachers who are licensed professionals. But my point is, there's not a big pool of itinerant special education teachers kind of hanging out and looking for hourly work, and so a lot of families who were looking for those SETS services, we ran into a supply problem for an explosion in demand. What we've done this year, unfortunately, some of that demand we think was sort of manufactured and has caused some of the problems that families have had to struggle with. However, in addition to a long list of other steps we've taken, which I won't bore you with now, but I'm happy to discuss, we prioritized direct engagement with families this year seeking IESP services. We've made thousands of calls,

emails, efforts directly to speak to families, either to directly arrange for their services or to ensure that they have a voucher that they can use to find a provider. And as Deputy Chancellor Foti said, we significantly increased the value of the P4 voucher. And our understanding is that it's become much easier to find providers who will accept that voucher.

DEPUTY CHANCELLOR FOTI: Public Advocate, if I may, I just wanted to step back and just do a little bit of a high-level landscape of this 1.35-billion-dollar question you're asking. So, in the Due Process system, right, just to reiterate, there are two different types of cases. There are the Carter cases, Carter and Connor, which are tuition. The example is my child has autism, New York City Public School, I don't think that you can serve him well. I'm going to go ahead and unilaterally place them in a private school, which a parent has every right to do if, in fact, we cannot offer that. And then the other bucket of this funding goes to what Liz is saying, our services for private and religious schools where a family says my child has a hearing impairment and I want him to attend this Catholic school and I need these services from the New York

City Public Schools. Now for that group of families, just to start there, the June 1st deadline has always existed. This year we were required to enforce the June 1st deadline. We did a lot of communicating, but not everybody got the message. 18,000 families got the message we received, about 3,000 did not. By law, those families that did not get the message are not entitled to services. Now as people who wake up every day desperate to provide services to children, we wanted to figure out a way to still get those families service because none of us could live with the idea of families going without because they missed a deadline that for the first time this year was being enforced. We get it, not everybody got the message and we understand that reality. In order to get those families services, we had to ask them to sign a waiver. The reason being that if they did not sign the waiver, they were not going to be entitled to the service because New York City Public Schools would be required to provide, we wouldn't stand up in any litigation and as a result, we wouldn't be enforcing the deadline and we wouldn't be able to hold ourselves up in light of it. I'm not saying that well, but please ask any clarifying questions. The

waiver was to say, yes, we got our services and we're not going to be looking to go backwards in time. That waiver is only for this school year. A parent maintained their rights in the upcoming year. We have posted the guidance and we really believe that every family, we're going to be emailing, sending home via a hard copy mail, information about IESPs and how to get them moving forward, we do not expect this issue in the upcoming year. The waiver was, sorry, go ahead.

PUBLIC ADVOCATE JUMAANE WILLIAMS: No, no. I don't want to overstand the courtesy I received so I appreciate that. I appreciate everything you're saying. I just want to be on the record that we're almost spending the same amount for the private as for the charter as the Carters in the District 75, which is just unsustainable and I want to make sure everybody gets the service they need, but if there are places where people are not even trying to get that service and just automatically going to litigation, that is a problem in my opinion so whatever I can do to assist, there's a lot of great programs in the schools. We definitely need more. We won't get that more without the money. So, I know

there's sensitivities here, but this is something I was trying to deal with when I was a Council Member, sensitivities prevented it, but we just have to kind of just get to it because we're just taking money from our public schools and giving it to private schools and private services. That is literally unsustainable, particularly for communities that just can't afford to do it so I want to find a way to work on that as much as possible.

Thank you, Madam Chair, for the courtesy. I appreciate it.

CHAIRPERSON JOSEPH: Thank you, Public Advocate. Can I continue in the same line of questioning with the Public Advocate around the decision to stop services as of June 1st? So, can you explain the decision-making process last year when the Administration decided to enforce a June 1st deadline that has not been enforced in previous years? Who specifically signed off on this decision from start to finish? Can you walk us through that process?

GENERAL COUNSEL VLADECK: Thank you, Chairperson Joseph. I'm very glad to have a chance to discuss the process. For a number of years, both the

U.S. DOE and the New York State Education Department have been very, very dismayed by the exponential growth in Due Process filings. To just give ourselves a baseline, there were around 6,000 total Due Process cases filed in 2014. That number actually went down for a few years, and then it began to rise sharply. Last year, there were more than 26,000 Due Process complaints filed. Of those, more than 18,000 were seeking IESP services, and I must apologize that I didn't stay state front and center this critical point. Of course, any family is entitled to seek any education for their child that they want. We would never quarrel with that. But I must take exception to the idea that in IESP cases, we have somehow failed the student or the family. These are cases where we were never asked to provide FAPE. Carter cases, that smaller percentage of the 26,000, those cases, the legal posture of those cases is that the family at least says they wanted a public school education and we failed to provide it. IESP cases are where the family has decided, the legal term is parental placement, they're not seeking a public education, and our obligation to support and provide for the services that their students may need is actually

capped by the IDEA. There's a recognition that there's a differentiation in the responsibilities of a school district to public school students versus to families who have chosen not to pursue the public education option. State law was amended about 15 years ago to expand those rights for individual students, IESP rights, to say that... the law is actually not explicit. We are hoping at some point to have a chance to look at the legislation, but as it's been interpreted, saying to us, sort of, the sky's the limit for what IESP kids may need. The law did nothing, the State law did nothing to clarify, well, how do you relate that right over to the IDEA's statutory scheme? And in fact, what the State has been converging on, and what they announced in May of this year, was that Due Process filings, where the only issue was, to the Public Advocate's point, that DOE has "not offered a provider" and so really the only issue is the parent is saying I want the DOE to have to pay the rate that I found for the provider that I found so these are enhanced rates cases. The State issued a rule clarifying its view of the law, which is that those cases requesting an enhanced rate are not entitled to Due Process. Now that specific

question is currently being litigated in State court.

We undertook a number of steps to be responsive to this broad, you know, range of concerns, including U.S. DOE's sort of questioning continued funding and the amounts of funding, so we and the State were given a small window to take, you know, strong action. Understanding that Due Process wouldn't be available for many of these claims, we very quickly moved to set up an administrative unit in my team called the Enhanced Rates Equitable Services, or ERES, unit, so that if families were in the position where we had not offered a provider, and the one they found was charging far more than a market rate, 200 dollars an hour, 300 dollars an hour, we could conduct an expedited administrative review for whether we thought that amount was justified. Part of that review and part of the State's lawmaking, or rulemaking, excuse me, acknowledges that there have been far too many fraud indicators in IESP Due Process filings, and so one of our threshold requirements to use the ERES process is we must have a signed, notarized affidavit from a parent or guardian. We must have some demonstration that the family is actually aware of the pursuit of this

claim. Far too many cases where they're not. What I'm very pleased to say is that in all of the ERES filings we've received, and it's been a smaller number than we expected, I shouldn't say all, in a very high percentage, once we have conducted the review, we have been able to say in tandem with the efforts by the CSEs we've described, listen, I'm sorry, we're not going to grant this enhanced rate of 200, 300 dollars an hour because we already have made you an offer. We have offered an itinerant teacher. We've been ready to send them to your schools. We've given you a P4 voucher, and the amount of money, the uptake of those vouchers is much, much better than it was so we sort of question if you can find a provider, right, so all of these steps, I mean, I think you can all recognize, like, standing up a totally new unit and process in two months, all of the things that I'm describing were processes that moved incredibly quickly, and one of the elements of that process was the State saying to us, listen, you cannot be inconsistent anymore about the June 1st deadline. That deadline has been on the books for years. It is the only way in which State law limits this expansion of State law, puts a limit on a school

district's financial obligations, with the idea being that if we don't know how many kids we have to pay for service, provide services for in the coming year, it's very hard for us to budget, it's very hard for us to plan, it's very hard for us to ensure we have an adequate range of providers available to our own schools as well as to private schools. So the rule is there, the law is there for a reason. The fast-paced nature of needing to tackle the growing and serious concerns did put us in a position where we had to enforce the deadline, and we were not able to wave a red flag around saying, hey, everybody, we know we haven't been rigid about this every year, but we're getting serious now. We didn't have the...

CHAIRPERSON JOSEPH: What is the cost? The cost. What's the cost to fully reverse this decision in moving forward? What's the attached number that you had to use because now you put in a June 1st deadline, and everybody's saying, hey, we didn't get it, we didn't know about it. What is the step moving forward in making sure that information arrives to your providers in a timely manner, and how much is it costing us?

GENERAL COUNSEL VLADECK: So let me take the second part of that, or sort of the middle part of that question first. As Deputy Chancellor Foti noted, we've undertaken extensive efforts to make sure that everyone is aware of the June 1st filing requirement. There's a guidance on our website. We are talking about it with our Committee of Non-Public Schools. Frankly, we rely on the private schools where there are a lot of kids with IESPs to spread the word. They have much more direct access...

CHAIRPERSON JOSEPH: Are you doing community engagements as well?

GENERAL COUNSEL VLADECK: Yes.

CHAIRPERSON JOSEPH: Are you reaching out to stakeholders, making sure they are aware?

GENERAL COUNSEL VLADECK: Yes. Absolutely. And we are, as DC Foti said, working to directly contact every family that we heard from this year. If we have an email address for them, that's what we're using. If we don't, we're relying on snail mail.

But I also do want to come back to the data which showed us that the overwhelming majority of families to whom this applies did understand the requirement and did comply with it. That doesn't

relieve the stress for a family that didn't meet the deadline in trying to get their students served. We understand that, which is why we're providing services notwithstanding the lack of timely filing.

In terms of your question about cost of this policy change, now that it's abundantly clear to the whole world that this deadline exists, I don't expect it, the June 1st deadline, I don't expect it to save us any money at all. The more cases that we receive a notice for, the more cases we will be legally obligated to provide for.

CHAIRPERSON JOSEPH: So, you don't have a number as of yet, how much it's going to cost? I'm sure it's going to cost.

GENERAL COUNSEL VLADECK: The problem is it depends so much on the number of cases filed each year or the number of families seeking services each year and the cost of those services.

CHAIRPERSON JOSEPH: Has any new needs been sent to OMB?

GENERAL COUNSEL VLADECK: We've been working closely with OMB for over a year. We've kept them very read into this process. They understand, you know, they've supported us in needing to hire

some of the itinerant teachers that DC Foley and I have both referred to. And more broadly, Chairperson, when we think about the budgeting for Due Process cases, right, we're like training ourselves not to say Carter anymore. When we think about the budgeting for Due Process cases, this has been an incredibly unstable environment, right? When you go from 6,000 to 26,000 in 10 years. When you go from, we haven't talked dollars yet, but 10 years ago, the 1.35 billion number, that was 187 million dollars, right. The number of Carter cases, students for whom we pay tuition, is not going up at a dramatic rate, but the per student cost is.

CHAIRPERSON JOSEPH: We saw it was 70,000 per student, so that takes away from our investments in our public schools.

GENERAL COUNSEL VLADECK: Yes.

CHAIRPERSON JOSEPH: Can you give us a number? Tell me the number on your Connor cases. How many Connor cases do you have versus Carter cases? Because you guys always bundle them together. We would like to see them separate.

GENERAL COUNSEL VLADECK: I understand that, Chairperson. You're not going to like my

2 answer. I wish I had one you would. We don't track
3 the distinction between Carters and Connors. We don't
4 have that data.

5 CHAIRPERSON JOSEPH: But they're two
6 different things.

7 GENERAL COUNSEL VLADECK: Well...

8 CHAIRPERSON JOSEPH: One is monetary
9 versus non-monetary, correct?

10 GENERAL COUNSEL VLADECK: With due
11 respect, I'm not sure that's completely accurate, and
12 here's what I mean.

13 CHAIRPERSON JOSEPH: So explain.

14 GENERAL COUNSEL VLADECK: Yes, thank you.
15 For a variety of reasons, first and foremost, the
16 pendency obligation that we have once a student's got
17 an IEP, payments are ongoing. Payments are rolling,
18 even in the scenario where a family files a Due
19 Process claim for this school year, and we
20 eventually... let's say they file in September, or
21 July, September, the case is heard in January.
22 There's a decision in March that says, no, no, DOE
23 did offer FAPE this year and shouldn't have to make
24 this payment. We don't get the money back. We've been
25 making the tuition payments on the schedule of the

1 school, and we don't get the money back,
2 notwithstanding that, it turns out, we had offered an
3 adequate FAPE. So, I think, and I would like to
4 follow up and hear from practitioners if we are not
5 seeing certain cases, but I think that the concept of
6 Connor cases, where the idea is families cannot
7 afford to pay the tuition up front, I think we've
8 mostly mitigated that problem.

10 CHAIRPERSON JOSEPH: So again, you don't
11 have the data to tell me the differences and how much
12 you're spending on Connor cases versus Carter cases.

13 GENERAL COUNSEL VLADECK: No, we don't.

14 CHAIRPERSON JOSEPH: And you will get that
15 information to me, because I will write up a follow-
16 up to those questions.

17 GENERAL COUNSEL VLADECK: We will do our
18 best to provide something comparable.

19 CHAIRPERSON JOSEPH: That data is going to
20 be very important, because currently, right now, as a
21 whole, our Carter cases are 2.2 billion dollars.
22 That's a lot of money to be taken away from public
23 schools, investing in other spaces where we could
24 provide the services in our public schools, related
25 services and all of that, right? I'm going to get a

little antsy, because this is not the first hearing I've had, and I'm still not getting the right answers, and I've always asked for the right answers. What is the difference between Connor cases, Carter cases, how much is it costing us? These are taxpayers' dollars. We must answer to them. So, when you come before me and do not have those answers, I'm not liking this right now.

I'm going to pass it on to my Colleagues.
Council Member Schulman.

And I'm recognizing Council Member
Gennaro, but I will come back.

Council Member Schulman.

COUNCIL MEMBER SCHULMAN: Thank you very
much, Chair.

I also agree with the Chair that we, I mean, the Carter case is now almost 2 billion dollars, and we should be able to provide those services in our public schools. And I have, by the way, I have D75 classes in my District that are excellent, and they should be visited by DOE to see, like, how we can replicate those. I mean, I think that that would be really important.

In October 2024, New York CPS announced a tentative agreement to provide wage increases for early childhood workers across New York City, including those in CBOs. This agreement includes a compounded wage increase of 16.21 percent over five years with retroactive annual increases of 3 percent starting from October 2022, a 2,000-dollar ratification bonus, and a minimum wage of 18 dollars per hour. However, the agreement excludes staff at early childhood special education programs and CBOs. Why were staff at early childhood special education programs and CBOs excluded from the agreement?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

So, we are aware of the importance of parity for all early childhood teachers, particularly given some of the challenges that Deputy Chancellor Foti laid out in her testimony. We are confident that the Division of Early Childhood and our partners in City Hall are prioritizing this work, and we are in ongoing conversations on the topic.

COUNCIL MEMBER SCHULMAN: Can you describe the biggest challenges you face as you work to meet the needs of preschoolers with disabilities,

including providing them with evaluations, IEP meetings, services, and classes?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

So, our preschool students with disabilities face a number of different challenges. Despite recent investments, and I do want to recognize the 16 million baselined in the budget this year for our CPSC administrators and our related service preschool itinerant team, which were previously funded by stimulus, as well as the 55-million-dollar investment for additional preschool classes, we still have a lot of work to do. I would say the challenges begin when preschool students, their families first make those referrals, and then they have to get evaluations. And due to State law, families have the right to choose their evaluator, but we know that for many families this actually feels like a burden and, as much as we do our best to do outreach to these families and support them, we know many are waiting a long time for evaluations. About 90 percent of our evaluations are conducted by contracted evaluators, over which DOE has very limited oversight and control. Also, these contracted evaluators are not part of the State's tuition redesign that is currently being

worked on by State Ed now, so their reimbursement rates are not necessarily slated to increase. So, while we need a lot more evaluators, we have limited control in getting them there. We do have small teams of in-house evaluators who do phenomenal work, but again, they're just serving under 10 percent of the preschoolers. After students are evaluated, they then go on to the stage of having their IEP meeting. Our CPSC administrators conduct those IEP meetings, but their caseloads are about 350 students so you can imagine that they're not able to give each family the close contact and support that they deserve. Once those IEPs are written and students are entitled to services, we face shortages both in terms of seats as well as related services and special education itinerant teachers. Our funding structure is such that we are heavily reliant on a contract industry, and contracted providers are not so incentivized to work across our early childhood program where there may be one or two students, for example, in a CBO with an IEP, getting a provider to get a full caseload in that structure is hard. So, we really do face challenges every step of the way.

COUNCIL MEMBER SCHULMAN: So, you mentioned in your response that you do outreach. What kind of outreach?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So, our CPSCs, there are 11 CPSC offices across the city, two to four in each borough, and we have community coordinators who are reaching out to families after they submit a referral, checking in to see if they would like support, scheduling an evaluation, making sure they understand the next steps. This has been a bit of a pen and paper process because we've had such antiquated systems, but some wonderful news is that we just launched a new data system, and while we're still transitioning into getting used to it, that will allow us to red flag families who are stagnating in that process, and we'll be able to reach out to them and assist them even more.

COUNCIL MEMBER SCHULMAN: Okay, one last question that I have, which is not related to this, but there are a lot of people out here who do a lot of great work for our kids in our city, but they're not getting paid on time so what's being done to make sure that they get their payments?

2 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

3 So, I think you're referring to the invoicing process
4 for our early childhood CBOs, and you know, I would
5 leave it to our colleagues in the Division of Early
6 Childhood who are expert at that, and I know that
7 they're doing a tremendous amount of work to reduce
8 the lag in payments, and I'm sure we can follow up
9 with more information.

10 COUNCIL MEMBER SCHULMAN: All right, I
11 mean, you're talking about months of time and costing
12 people thousands upon thousands of dollars, and it's
13 very hard for them to continue to take care of our
14 kids when they don't have the resources to do that.
15 Thank you, Chair.

16 CHAIRPERSON JOSEPH: Thank you, Council
17 Member. To meet the IEP mandates for all
18 preschoolers, how many related services providers
19 would you need to hire?

20 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

21 So, right now we have related service providers
22 staffed in our self-contained special classes. If we
23 wanted to also staff related service providers in all
24 integrated classes, we would need about 246
25 additional providers. When it comes to our general

education classes, we would need even more. This new RFP that we are issuing will create improved payment structures to incentivize contract providers to support our students in Gen Ed, but certainly more providers on staff would be helpful.

CHAIRPERSON JOSEPH: How much is New York City Public Schools spending on contracted preschool IEP evaluations?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: I don't have the number about contracted evaluations.

CHAIRPERSON JOSEPH: And you'll send that to me.

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: Yeah, we can follow up with that.

CHAIRPERSON JOSEPH: How many more New York City Public School evaluation teams do you need to provide all preschoolers with a timely evaluation, and how many individual evaluators do you need?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So, we currently have 21 PRAC teams, each made up of three clinicians, so 63 in-house evaluators who do less than 10 percent of all evaluators so you can do the math there. We would need quite a few more. I think realistically, in a year, we can almost double

our amount of PRAC teams, and over four years, do even more than that.

CHAIRPERSON JOSEPH: And earlier, Council Member Schulman asked for the evaluation. What's the timeline when a preschooler comes into your system, say, hey, I'm looking for special education services? What's the timeline for that child to get evaluated, and how long does it take for that child to get a seat?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So, on average, from the point of referring, a student then begins their first evaluation process, on average in 30 days.

CHAIRPERSON JOSEPH: Okay, from start to finish. So, 30 days, next step?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So once evaluations are complete, we work as quickly as we can to schedule that IEP meeting. It can take a couple of weeks, but once the evals are done, we do everything that we can. I can get you average day numbers. I only brought the first one around evaluations, and then we do our very best to ensure services are in place within our 60-day compliance time frame.

CHAIRPERSON JOSEPH: And how many committee on preschool special education staff do you need to process referrals, hold timely IEP meeting, and arrange for services? Sort of a follow-up from what I said before.

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: We currently have 132 CPSC administrators supporting all 32,000 preschool students with IEPs across the city. This, again, amounts to about 350 students per CPSC administrator. To make a significant improvement in thinking about the realities of hiring, we would need about 50 more.

CHAIRPERSON JOSEPH: You need 50 more. 300. Wow, that's a huge caseload. And what's the plan to staff up?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: We are constantly assessing these needs in close partnership with our City partners, and I have to thank you, Chair Joseph, for how much you have prioritized this work, and we look forward to continuing to work with Council.

CHAIRPERSON JOSEPH: Is there a pipeline with higher education institutions to try and fill those gaps?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

When it comes to CPSC administrators, our barrier has not been the workforce. I would say when it comes to special education teachers to staff the newly funded, self-contained, and integrated classes, we absolutely do need to think about our pipeline and are working closely with our Office of Teacher Quality and Recruitment to discuss potential teaching fellow initiatives and also incentives.

CHAIRPERSON JOSEPH: Thank you. Council Member Narcisse.

COUNCIL MEMBER NARCISSE: Thank you, Chair. This is very important because we're talking about kids that have disabilities. I have a lot of people coming to my District that really overwhelm. I have an autism program that a person that are leading in my community in my office to provide support, but when they're in the school, that's all under your leadership. So, one of the questions that I have, is your curriculum for District 75 is across? Is it standard?

DEPUTY CHANCELLOR FOTI: It's across.

COUNCIL MEMBER NARCISSE: All right.

DEPUTY CHANCELLOR FOTI: Council Member,
I'm sorry. I just didn't hear your question.

COUNCIL MEMBER NARCISSE: The curriculum.

DEPUTY CHANCELLOR FOTI: Is it across?

COUNCIL MEMBER NARCISSE: Is it across 75
the same, like if I go to every school building?

DEPUTY CHANCELLOR FOTI: So, with regard
to New York City Reads, District 75 has been adopting
the New York City Reads curriculum, but as you know,
the needs in District 75 are quite, they're a broad,
broad range of needs and so, for instance, if a child
is learning activities of daily living skills like
how to get dressed, how to fold clothes, how to do
laundry, that's not going to be the same curriculum
as a child, for example, who's close to grade level.

COUNCIL MEMBER NARCISSE: For mental
health, how does the DOE ensure that mental health
considerations are integrated into the teaching
approach for the student with developmental delays?
Are there efforts to balance compliance requirements
with strategies that prioritize students' emotional
and psychological well-being?

DEPUTY CHANCELLOR FOTI: Yes. So, I'm
going to begin the answer and then I'll hand it over

to Suzanne. But to your point, it's essential that we prioritize behavioral and social emotional needs. I don't know if folks are aware, but when we formed the division back in June, we said that we would be transitioning District 75 over to our division in January. And so, as of this week, we have transitioned District 75 under our oversight, which we're really excited about.

Supporting kids with behavioral challenges is difficult, mainly because those kids are at the intersection of disability and mental health. And typically, when students have behavioral challenges, the most significant challenge is that children are referred to District 75 for those supports. But as you see, as you work with different agencies across the city, some of our most challenging issues as a city are when two agencies intersect, and so we're proud of the work that we've done with DOHMH to provide mental health services to our students. However, there's certainly much more work to be done. As a division, we are visiting programs that provide high-quality mental health and behavioral supports, both in the city and outside of the city, to learn how other school districts and

other programs are working with mental health partners to bring more clinical support for children with more significant psychiatric and mental health needs.

COUNCIL MEMBER NARCISSE: I have so many questions, but I'm going to go quickly. There has been an increase in students' requirement for one-to-one in a bus, paras, because we talk about paras lot. Due to challenging behavior, they put the paras. What strategies are being used to address the strain because we have more? Are there escalation techniques from DOE, are contracted vendors being implemented in the school? And if not, what are the barriers for those?

CHIEF SANCHEZ: I'm going to jump right into that. And I want to say that as a parent of an 18-year-old who recently graduated, I'm very focused and clear on the challenges around mental health and how important these supports are for all of our children, and I appreciate raising that topic here. DIAL, our new division, focuses on training school staff on intensive behaviors. We have also trained over 7,000 school staff, bus drivers, bus attendants, and as Deputy Chancellor Foti mentioned in her

testimony, NYPD cadets and NYPD recruits and our school safety officers as well. We're also training school staff on therapeutic crisis intervention for schools, which is an evidence-based research method on supporting challenging behaviors. This year, our PATH program has grown. The PATH program is a program specifically designed to support young children, typically boys of color, who have an emotional disability classification. And paraprofessionals, to your initial point, are trained and integrated deeply into that program. I want to quickly share as well our Sensory Gym program that DC Foti mentioned. These are 80 Sensory Gym sites across New York City that provide families and students with sensory and social-emotional learning behavioral supportive techniques on-site, hands-on, from a dedicated and gifted clinician. These are all parts of our work towards supporting students around mental health, which is incredibly important. And as we know, we can't separate out mental health from learning, and they have to go hand-in-hand, and we're very focused there.

COUNCIL MEMBER NARCISSE: All right. Since my time is over, I'm going to throw in two questions.

What policies exist to ensure students have access to outdoor? Because it's very important for their development, right? That I want to know if you have anything there. Self-advocacy and inclusion. What steps, if any, are being taken to incorporate neuroaffirming model into the DC 75 schools, as many neurodiverse students are often segregated?

CHIEF SANCHEZ: Yeah. And in terms of outdoors, we'll get the specific regulation on that to you around that, but we certainly know that movement enhances learning and are working with schools to ensure movement opportunities for all students during the school day, and our 80 schools that have a Sensory Gym utilize that space during the school day as well for movement.

And to your second question before Deputy Chancellor Foti jumps in, in an initiative this year under DIAL, we have launched an affinity inclusive club groups, and these are for high school and some middle school students to have clubs that are designed to, not to accept or welcome students with disabilities, but they are designed for and by students with disabilities alongside their non-disabled peers, and this is creating an increased

sense of welcome and an inclusive culture in those school communities.

DEPUTY CHANCELLOR FOTI: I just wanted to add, you all play such a critical role in outside spaces and schools, particularly around playground redesigns, and I just want to encourage you to keep the conversations up with our facilities office because we have more and more playgrounds being designed with sensory needs in mind, and parents and children love those spaces, and we really appreciate all the advocacy to help schools do more and more with their outdoor spaces.

COUNCIL MEMBER NARCISSE: And the advocacy, I'm going to leave it on that part because we want to know because parents, all my questions are inspired by people coming to my office. It's not me thinking about out of the box. They bring the question and they want to make sure their kids, they want to advocate for their children. All right. So, thank you, Chair, for the extended time. Thanks.

CHAIRPERSON JOSEPH: Thank you, Council Member. I want to stay on that same line of questioning around students' behaviors and challenges. In 2022, the New York Daily News reported

on New York City Public Schools practice of recommending students with emotional disabilities for D75 placements when schools are unable to meet students' behavioral needs and the poor outcome that occurs when students with primarily emotional disabilities are placed in D75. What systems are in place to ensure that students behavioral and social emotional needs are being met in New York City Public Schools prior to referrals into D75 schools?

DEPUTY CHANCELLOR FOTI: Yeah, this is a huge problem that we've paid a lot of attention to, particularly with the disproportionate labeling of black students as emotionally disabled... as having an emotional disability. You know, the prior term for emotional disability was...

UNIDENTIFIED: (INAUDIBLE)

DEPUTY CHANCELLOR FOTI: Thank you. I had a momentary flip... was emotional disturbance. That was a term that we actively lobbied to change to emotional disability. It was the term that was used for kids in my classroom when I was a middle school teacher. It's a label that nobody ever deserves and therefore requires particular attention. Given the attention that we've given this topic, we saw a 30

percent decrease of the number of black students being labeled as having an emotional disability, and we attribute that to a few things. Number one, we've trained our psychologists in anti-bias-based assessment processes. You know, for years, right, for decades, IQ testing has been flagged as inherently bias, and therefore we added to our psychologists' toolboxes assessments that allow to more accurately capture the needs and strengths of students, and that has made a big change in the numbers we're seeing around that classification and the inappropriate labeling of our black students as having a disability. Suzanne mentioned the PATH program. The PATH program is one that we started to do exactly this, Chair. It's to take kids who have in kindergarten who have been exposed to traumatic events or ongoing trauma in their lives. They're five-year-olds experiencing behavioral challenges. Typically, those kids would be routed to D75. And what we're doing is we're saying to families, we have a spot for you in our PATH program. In the PATH program, we receive private funding to train all educators in the building in trauma-informed practice and care, which means that when a child comes in and

is acting out, they know what to do to handle, and they know where that root cause... where the behavior stems from, right? Behavior is a form of communication. We know that as educators, you know, that, Chair. So, kids are trying to communicate something to us. We have to be able to know how to receive it. And so programs like the PATH program where teachers are taught how to receive that information and then they know what strategies to use are pivotal in making sure that our students stay in inclusive settings. If I could tell you one quick anecdote and we can move on. In visiting one of those PATH programs with our former Chancellor, he looked at me and said, Christina, what, what's different about this? I don't see anything different about this inclusive classroom. And I said, well, Chancellor, you're really not supposed to because the supports are invisible. If we do this right with students, the classroom community operates in a way that nobody is treated as different or separate or differently abled. And there was a child in that classroom who had just immigrated. Her dad crossed the border carrying her in his arms and had to leave mom behind, speaking a different language. She was sitting there

reading a grade level text, smile on her face, representing her happiness to be part of the program. You would have never known she has newly arrived. And that's because of the social worker that was helping that classroom, the occupational therapist that was helping that classroom, and the literacy curriculum that was in place to help support that classroom. So, the PATH program is a program, we keep talking about these programs, but it's much more than a program. It's a whole school reform approach, and that is why we are going to continue to pound the pavement for advocacy of investment in these programs. And to your point, we have money. The private versus public school conversation is not, we believe deeply that our private school students deserve equitable services. The problem is, as Liz outlined, the equity scales have tipped. When we talk about paying a teacher 300 dollars an hour to serve a student in a private setting, that is not equitable to what a child in a public school system is getting, and so the work we're doing, although deeply imperfect in terms of communication this year, every hearing you've asked us to address this problem with our DPCs, our Due Process complaints, and we are here

addressing it and it's imperfect, and you know, 18,000 families got the message. Those that didn't, we gave vouchers to. And that just, I'm trying to bring us back to the equity scales of, we talk about the PATH program in public schools, how do we fund them? Well, for 10 years now, funding has been running out of the system in inequitable ways, and we're asking that we start moving to more equitable processes with your support.

CHAIRPERSON JOSEPH: How many PATH programs do you have in how many schools?

DEPUTY CHANCELLOR FOTI: We have seven, Chair.

CHAIRPERSON JOSEPH: Thank you. Council Member Hanks.

COUNCIL MEMBER HANKS: Thank you, Chair. Thank you so much. Before I get into my questions, I do want to highlight that the D40, 79?

DEPUTY CHANCELLOR FOTI: 75.

COUNCIL MEMBER HANKS: 75, very good program. We worked with that in Staten Island in our Youth Build program so the PATH is something that works really well in our District.

So, my question is kind of centered around the individual education plans and how it affects my borough, which, you know, compared to other boroughs, we are seeing a very large amount of young people who are not getting their services, particularly in Staten Island, and we just wanted to know, like, what can we do to make sure that there's not only equity in the programs in the schools, but also in a borough-by-borough basis? I represent the North Shore, which has a lot of young people and school-aged children who have IEPs, and their parents can't get the services, and they don't make the deadlines. Like, this is one of the number one reasons people are calling my office. Can you talk to me a little bit about how we can rectify that and streamline that process?

CHIEF HAMMER: Yeah, I'm happy to jump in here. Thank you for the question. CSE11 out on Petrides has been doing a great job of working with the Staten Island community in order to arrange IESP services. We always can improve upon that work, but the team there is really doing everything in their power to get those services arranged. As we had stated a little bit earlier, we've worked to double

the SETS rate for independent vouchers. That will allow families to identify standard rate providers a little bit more quickly and easily than in past years. And so really the work of CSE11 is to partner with families to ensure that they're aware of the parental notice of intent timelines, and then work to establish those services in advance of the start of school.

COUNCIL MEMBER HANKS: We're going to dig in a little bit on that as well. Thank you.

CHIEF HAMMER: Yeah.

GENERAL COUNSEL VLADECK: I apologize.

Council Member, I wanted to add a little bit more to that, which is we know that this year in particular was a tough year for some families with students with IESPs. I described earlier the extensive overhaul and transformative processes we've had to go through because of the runaway costs and elements of the IESP demand, but we don't anticipate it to be a problem going forward. As I mentioned, we know that in the first place most of the families that need these services were aware and did timely file their notice. But right, I'm saying this year was a tough year. We were put in a position of needing to shift policy

without a lot of heads up or warning. But we have, to my colleague, to Chief Hammer's point, we have really bent over backwards this year, not just to do work through our CSEs, but to get information to families in any number of ways, and so there's guidance that we'd be happy to share with you right away that's on our website that's also going directly to families and step-by-step walks families with IESPs through what is needed to file that June 1st notice, which by the way, not onerous at all. There's no required form or format. There are no magic words. So, we can follow up on the how of that, but we're comfortable and confident that families will feel much more prepared than maybe they were this year.

COUNCIL MEMBER HANKS: Thank you, but I'm just going to push back a little bit because the outreach and the communication is simply not there, and so while I understand that you've accepted the fact that there has been a lag and we have issues, when a young person cannot get the services they need, this is not like a traffic ticket. This is something that has wide-reaching implications and impact on these families so when we're getting the calls, they don't agree with you, and I would imagine

if we had families here, they would not agree with you that the outreach, the communications, they're not being told anything, and there's just these denials so I think we will continue this conversation, talk offline, because there has to be a really serious improvement. I appreciate you acknowledging the information and telling us that there is a lag, but that lag is not like a, you know, you paid something late. When we lag in getting services to our young people and our students and families, it has devastating effects so we're just going to have to do much better. Thank you.

CHIEF SANCHEZ: And Council Member, if I may, I wanted to add that for students in public schools, school-age students in public schools in Staten Island, historically and this year as well, they're receiving some of the highest levels of service across New York City. At present, over 95 percent of public school students in Staten Island are receiving their related services, or it's over, obviously, as you know, thousands and thousands of children, and I wanted to also flag that we are very cognizant and focused on our children and families who live on the North Shore, and our Director of

Occupational Therapy is very often flagging for me, North Shore, North Shore, North Shore, and I'm very appreciative of that, constantly raising that up. We have a SEED site, our Sensory Gym site, and a weekend academy-related service site on the North Shore that welcomes students who are preschool through grade 12 and also welcomes IESP students.

COUNCIL MEMBER HANKS: Thank you so much.

CHAIRPERSON JOSEPH: Thank you, Council Member. Council Member Stevens.

Oh, first, let me acknowledge Council Member Louis and Krishnan.

COUNCIL MEMBER STEVENS: Good afternoon. Thank you, guys, for being here. And I know Council Member Schulman already said about the late payments, but it's not just early childhood. I'm hearing from lots of providers across the city of lack of payments from DOE, and it's becoming a real burden, and I know that's not why we're here today, but it is all interrelated, because even when we're thinking about paying people off, if they can't do the job, then how they'll be able to do it so that is something we really need to look into, and I know I've been talking to Chair Joseph about it as well, but I just

wanted to make sure on the record that it's not just early childhood that's not being paid. It's a bunch of the non-profits who you guys are partnering with who are not being paid across the city, and that is a problem.

But I just wanted to start with, I know you were just speaking about equity and how, you know, you guys are trying to tip the scales of equity because it's just not here, and it's not, because when we're thinking about Carter cases, right, that's a parent who typically knows the system and is doing, knows the steps to take, has the resources, can take the time off to go to court, and that's not everyone so that means that, you know, we've heard this. New York City Public Schools are still super segregated. It's probably more segregated than it was during segregation because of the way these things (INAUDIBLE) and things like this is part of it, and so I heard a lot of numbers, but I'm still confused about, like, what's the plan to get out of this? And I don't have a lot of time, so please do not filibuster me and just go on and on. I need concrete steps on what you're going to do, like, one, two, three, this is the things we've done, this is what

2 we're going to do, because I'm telling you I'm going
3 to cut you off so please be succinct.

4 GENERAL COUNSEL VLADECK: All right. One,
5 we're increasing rates for vouchers... I think what
6 you're mostly talking about are IESP cases. Correct
7 me if I'm wrong (INAUDIBLE)

8 COUNCIL MEMBER STEVENS: Yeah, I'm talking
9 about just, like, even with the Carter cases, we're
10 at 2.1 billion dollars with Carter cases, and so
11 thinking about what is the plan to reduce that, and
12 how are we making sure that we have, what, the staff,
13 is it staffing, is it locations, like what is it, and
14 what are the things that we're putting in place so
15 that number can come down because that is taking
16 resources from my children, because I feel like I
17 have not heard a plan. I'm like what are we doing?

18 GENERAL COUNSEL VLADECK: Let me start by
19 just correcting something on the record about the
20 budget. We refer to it as Carter. I want us to stop
21 doing that. The Due Process budget that has been...

22 COUNCIL MEMBER STEVENS: Okay, great.
23 Whatever you want to refer to it as, I don't care.
24 What are we doing to reduce it? Because it's too
25 expensive.

GENERAL COUNSEL VLADECK: Right. Agreed.

One, we're taking a look right now at why per-student tuition costs in Carter, actual Carter cases, has gone up very dramatically over the last few years. We need to understand that, and we need to get the hearing officers who hear these cases to start pushing back on the programs. Two, we need to have fewer cases in the system. They take up the time of my attorneys and prevent us from spending all the time...

COUNCIL MEMBER STEVENS: So, what are you doing to have fewer cases?

GENERAL COUNSEL VLADECK: Three, the State instituted this rule this year to decrease the number of cases. As DC Foti mentioned, Due Process filings are down. You know, we'll have to wait until the end of the year, but we think by at least 30 to 50 percent. Fewer cases is fewer obligated dollars. We are making unprecedented investments in providing services directly ourselves to ISP students so that we're not paying outside providers hundreds of dollars.

COUNCIL MEMBER STEVENS: What are those direct investments that you're doing to reduce that?

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2 GENERAL COUNSEL VLADECK: Sure. The first
3 two are we have invested in hiring a couple of dozen
4 special education certified teachers who we can
5 dispatch...

6 COUNCIL MEMBER STEVENS: How many?

7 GENERAL COUNSEL VLADECK: How many? 23?

8 DEPUTY CHANCELLOR FOTI: 20.

9 GENERAL COUNSEL VLADECK: 20 itinerant
10 teachers to...

11 COUNCIL MEMBER STEVENS: How many do you
12 think you need to get it all the way down?

13 GENERAL COUNSEL VLADECK: It depends a lot
14 on how the private schools work with us. There is a
15 high concentration of students with IESPs at a number
16 of private schools. We would like to engage in
17 consultation with them so that rather than working
18 student by student, we can talk programmatic and
19 schedule providers because SETs, in particular, can
20 be provided in groups for many students, and we've
21 been doing it individually in far too many cases.
22 We've also invested in... we have opened our after-
23 school and weekend programs to students in private
24 schools for the very first time. These are excellent
25 programs that we're already paying for so we are

1 attacking... and, you know, frankly, we have
2 implemented rigorous fraud controls in these legal
3 processes because we are concerned about fraud, and
4 we most of all do not want to...

6 COUNCIL MEMBER STEVENS: What are some of
7 those fraud controls? Because that was one of the
8 other things I was going to ask was, like, how are we
9 ensuring that the parents who are bringing these
10 cases are actual cases and haven't gone through the
11 whole process, and, like, that you can't provide
12 these services, and what are the steps that you have
13 to take in order to prove that you can't get those
14 services and dealing?

15 GENERAL COUNSEL VLADECK: So, first of
16 all, we've got this ERES process that I mentioned
17 earlier, which is the administrative process that's
18 supposed to expedite our review of whether we should
19 have to pay an enhanced rate. We won't initiate that
20 process without a notarized affidavit from the
21 families. It's my view, anecdotal, that that has been
22 effective because the drop-off in Due Process
23 filings, all those cases did not move over to ERES,
24 and I think that's because many of those cases the
25 parents were not aware enough to sign an affidavit.

1 Additionally, when we are litigating cases, when
2 we're in front of a hearing officer, we are pushing
3 as hard as we can to have the parent actually need to
4 testify, to be present, to appear at these hearings,
5 which are virtual, by the way, so we're not asking
6 parents to take hours, a half day off of work and go
7 to a location. We get a tremendous amount of pushback
8 in these IESP cases, which we had never had with
9 Carter cases and tuition cases, and in that setting,
10 we are at the mercy of the hearing officers who work
11 for OATH. The hearing officers have the discretion to
12 decide to say I want to see a parent or DOE, shut up.
13 So that's... I'm trying not to filibuster you.

14 COUNCIL MEMBER STEVENS: Yeah, you are,
15 and you're doing much better than you were doing
16 before, so thank you. I appreciate it.

17 GENERAL COUNSEL VLADECK: Great.

18 COUNCIL MEMBER STEVENS: Because I need to
19 think this out. Too many words just stress me out,
20 but... and I'm finishing up because I'm still confused
21 on... so you're saying that you've seen the drop in
22 cases, but how are we ensuring that we're filling
23 those gaps? Because there's some things that's being
24 put in here that are not necessarily us ensuring that
25

we can provide the services that are necessary and have the staffing or whatever it is that it is, and do you think it's... because it's lack of staffing, like, what do you guys think the issue is, and then how can we work together to kind of, like, build that out to see, like, concrete steps so that this isn't an option? Because we've created a space for parents to sue us because we didn't have the services. So how do we then take up that space to say, we have all these services, and then do the work and outreach to ensure that parents know about it?

DEPUTY CHANCELLOR FOTI: That's right. Our specialized programs are our biggest competitors to these non-public schools, and the problem is we don't have enough of them, and so when we don't have spaces for kids, the parents say I'm not placing them in DOE, I'm going to this school, and so...

COUNCIL MEMBER STEVENS: So how many more spaces do you think you need for these specialized programs, and are there specific specialized programs that have longer waitlists than others, and then should we be concentrating on that and building those out?

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2 DEPUTY CHANCELLOR FOTI: Yeah. I mean, I
3 would love to see us have... and this is a projection...
4 about 15,000 more seats.

5 COUNCIL MEMBER STEVENS: 15,000 more
6 seats. Did you know about they needed 15,000 more
7 seats?

8 CHAIRPERSON JOSEPH: And how many seats do
9 you have now?

10 DEPUTY CHANCELLOR FOTI: This is a
11 projection. We have...

12 COUNCIL MEMBER STEVENS: We love
13 projections. That's okay.

14 CHAIRPERSON JOSEPH: No, that's okay.
15 We'll take it.

16 DEPUTY CHANCELLOR FOTI: We have 26,000 to
17 27,000 students in District 75. District 75 was
18 intended decades ago to be an alternative to
19 Willowbrook for students who truly could not go to
20 school. District 75 is brilliant at doing that work.
21 District 75...

22 COUNCIL MEMBER STEVENS: You've given a
23 lot of words again. Could you... sorry. You already ate
24 up my time.

25

DEPUTY CHANCELLOR FOTI: No, I understand.

It's complicated, and I really want to... a lot is getting conflated thus far in this hearing, and I'm trying to explain it in a way that distinguishes all of the different topics we're talking about. District 75 has a lot of opportunity to serve kids that are leaving the city to go to other states to receive services. For example, kids with psychiatric needs. We want District 75 to be the place locally where children can receive the services close to home that they need when they have the most significant disabilities. So, this is not about getting rid of District 75. In fact, it's the opposite. It's about making sure the kids in D75 that need to be there are the ones that most need it. That said, we need more kids in inclusive programs. So right now, I would say that we have 5,000 seats for students in specialized programs. We have another 3,300 where families applied, and they want those seats. Now, if we were to just look at our incoming kindergarten classes, we have about 15,000 kids that come into our kindergarten every year. I would like to offer specialized programs to every one of those children that are coming in, and so that's a very, you know,

imperfect projection, but the dream here would be to offer those seats.

COUNCIL MEMBER STEVENS: Well, we don't have to dream, and that's why, for me, a lot of the words are not necessary, because if you're saying that's the projection and that's what we need, then you work with us so we can fight to figure out how to get there, and so that, to me, is where I'm a little frustrated, because it's like, okay, we're on the same team. If you're saying you need those seats, then we should be figuring that out and not all this other stuff. You're saying if there's incoming kindergarten students and we want to have it, then that's the conversation, because I think that that's why everyone's kind of a little frustrated. I'm going to stop here, because I know I'm going over time, but I did have one question that's a little bit off of this. It's just around, like, what are you doing around workforce with students with disabilities, because I think that's another piece that I'm really, really focused on, because even when we're thinking about workforce development for young people, we still have the highest unemployment rate for young people in the city, and a lot of those young people

are students with disabilities, and so what are you guys doing around that and ensuring that they have pathways to careers as adults, and I'm done. Thank you.

CHIEF HAMMER: Well, thank you so much for all the passion you're bringing to this hearing and for, you know, asking this question around pathways and work-based learning opportunities. This is absolutely a priority for Deputy Chancellor Foti and our division, and we've been working really closely with our Office of Student Pathways to ensure that students with disabilities are included in our career pathways programs, and students with IEPs are absolutely a part of each and every one of the Office of Student Pathways programs. Our divisions work together to provide coaching support for CTE teachers and providers on how to ensure students with IEPs are successful in their classes and their programs, and as of school year '23, 22,637 students with IEPs participated in work-based learning and career readiness programs through the Office of Student Pathways, and that number rises each and every year.

CHAIRPERSON JOSEPH: Thank you, and in your Pathways, what's the pathway when students leave

the program to have careers? Is that being taught in Future... I know they're also part of Future Ready in your offices. Just to finish off of that line of questioning, what's the pathway? I've visited some independent living sites in my District. I have one. What's the pathway once they're done with that to have meaningful careers to live independently, right, move around the city, have an apartment, transportation, and get to and from work?

CHIEF HAMMER: Great question, and one that we've all been working on very hard. Created a new role within this new division to focus specifically on this work. Somebody to work closely with Student Pathways, District 75, as it comes under Deputy Chancellor Foti's leadership to ensure that we're being really strategic about how we think about this. First, on Future Ready, we're pushing students with disabilities are in this program providing really high-quality work-based learning opportunities. 14 percent of the cohort of kids who participated in Future Ready were kids with IEPs in school year '23, and so still work to do to continue to provide access, but kids are absolutely getting access. You talked a little bit about adapted skills

for living. Deputy Chancellor Foti and I had the pleasure of going on a school visit to the Riverview School 277Q in Queens District 75 school, with Principal Beal, and we saw firsthand the impact of an adaptive living space within the school community has on those students. Anybody who's been to a secondary District 75 school and has seen students working in the snack shop or working, you know, working on their, on their ADL skills sees how great kids, young adults feel when they're given that opportunity, and so we're working alongside our Office of Space Planning to investigate ways to expand that those sorts of opportunities which are so important, not only in District 75, we're also looking across our ACES programs to ensure that our high school ACES programs have access to those too.

CHAIRPERSON JOSEPH: But some of your sites are not completely built out. How many sites are you looking to build out? So those are the type of questions we want to know. What is your projection? How many more do you need to build out? As we really meet the needs of these students, are there internships, is there mentorship for them? Is there coaching?

CHIEF HAMMER: I hear you on that, and it's, you know, it's a conversation that's going on right now with our Space Planning Group. They have been great, and they have approached us and said, hey, we have resources for this, and we want to get some of these started so we're working on some immediate term goals, and as that work evolves, we want to work with you to talk about whether or not more resources will be needed for this work.

CHAIRPERSON JOSEPH: I visited a site that needs to be built out, so I'm working with facilities as we speak. The students actually have nothing, and that's the site that they're supposed to be.

So, students who have integrated co-teaching classes or special education classes find themselves blocked from Future Ready, CTE, and Career Pathway Program. What change needs to help ensure that students with disabilities have access and support they need to participate in those programs? Quite a few barriers. How do we remove those barriers to have students, when we talk about equity, this is what we mean when we say equity. Remove the barriers that stop students from having access to these programs.

CHIEF HAMMER: Yeah. As I mentioned earlier, as of school year '23, 4,999 students participated in Future Ready. Of those students, 715 of those students had IEPs, so that was 14 percent of the cohort. When you think about, you know, 22 percent of students in New York City public schools have IEPs, we have a little bit of work to, to make that truly, you know, truly...

CHAIRPERSON JOSEPH: Equitable? That's going to be our word of the day.

CHIEF HAMMER: But we're working towards that and that number is improving. Of course, our other work-based learning programs, it's more directly in line with that 21, 22 percent number. Programs like Career Readiness and Modern Youth Apprenticeship, CTE for All, Summer Youth Employment, all of those programs are providing, you know, access to students with IEPs to work-based learning opportunities.

CHAIRPERSON JOSEPH: Do we track those students to see where we have to do more work, where we have to do more investment and do we track for success or... because you still have cohorts that are coming through. How do we perfect the system so the

next cohort is not going through what the previous cohort went through?

CHIEF HAMMER: Yeah. I mean, we have work to do to perfect the system obviously.

CHAIRPERSON JOSEPH: You got a lot of work.

CHIEF HAMMER: One of the things that we're focusing on is around communication with families. We know how important they are as a partner in the transition planning process. I have to plug a couple of our resources while we're here. We have great resources on our website and in our schools. The transition guide for students with IEPs. We also have an ask and share document that kind of outlines all the pieces of the IEP that can walk the parents through the entire IEP meeting and have really great questions that they should ask of their IEP team as the meeting's happening. We work closely with families to develop this resource and so, obviously, appreciate all of your partnership and helping to make sure people are aware that these exist so that students are really prepared and supported through this process.

CHAIRPERSON JOSEPH: And students in transfer schools with IEP, how are they supported?

CHIEF HAMMER: Students in transfer schools with IEPs?

CHAIRPERSON JOSEPH: Mm-hmm.

CHIEF HAMMER: Suzanne, you want to take this one?

CHAIRPERSON JOSEPH: I think we got an answer over there. Ma'am, come forward. And the website also needs some upgrading.

SENIOR EXECUTIVE DIRECTOR CORSO: Thank you for the feedback. We'll absolutely work on the website.

CHAIRPERSON JOSEPH: Thank you. It has to be parent-friendly, right? I'm a parent and I think I'm tech-savvy and it's so hard to navigate that on websites sometimes. I think it should be parent-friendly.

SENIOR EXECUTIVE DIRECTOR CORSO: Deeply heard. When we look at District 79 and our transfer schools, one of the most important things is to prepare them for career at the same time that they're getting their diploma, and so there are a couple situations that we have that are really supportive of

that. One thing the superintendent is doing is looking at the transfer schools. Some of them may have carpentry. Some of them may have culinary. But at the school you're at, you may not want the career development option that's at that school so what he's doing is actually partnering the schools together so they're a little consortium. So, if I'm at a transfer school that's offering carpentry, but I'm really interested in the culinary arts, having access to those free opportunities to be able to develop those skills at the same time I'm working on my degree. Certainly, connecting those students in transfer schools to Future Ready is a huge part of it. I'm working with Job Corps, and all of the amazing District 79 programs are part of this as well. And excited to share some of those real career and technical skills that we're supporting students with. One of the things that we've noticed for our students with IEPs and transfer schools is many of them are already working, and working to make sure that we have actually school work that's accessible to them during hours when they are not working so that they continue to earn credits and get their high school diploma. Thank you.

CHAIRPERSON JOSEPH: On your website, it says coming soon. What's the holdup? Is there a commitment in the next two weeks we can find that information on the website while you rebuild out this website?

CHIEF HAMMER: We very much appreciate you bringing this to our attention, and we've done some work to our website and make sure that this information is accessible to families. The information can be found under the programming infrastructure tab of the playbook under equity, and so we've made some of those fixes to the website, and we'll continue to work with our partners to ensure that families are able to find that easily.

CHAIRPERSON JOSEPH: Thank you. I'm going to pass it over to Council Member Hanif. I'll come back.

COUNCIL MEMBER HANIF: Thank you, Chair Joseph. Good afternoon. Thanks for being here. My office has heard from countless special education teacher support services providers about the delayed payments, which I know has come up several times already, but specifically the DOE's announcement in mid-December that they would only pay for services

moving forward and not allow back billing for the first four months of the school year even if services were provided as well as the universal denial of the enhanced rate to special education teacher support services providers has basically left our schools short thousands of dollars per child for legally mandated services. I'm concerned about the impact of the policies on the schools in my District and, of course, citywide. And my first question is, if you would be able to commit to reimbursing schools for the services rendered between September through December and to provide makeup opportunities for students who missed out on the mandated services.

GENERAL COUNSEL VLADECK: Yeah. Thank you for the question, Council Member. It's a great question, and it gives me the chance to clear a few things up. I'm about to give what will sound like a complicated answer. I am not trying to filibuster you. What I'm trying to say to...

CHAIRPERSON JOSEPH: Our rule in education is KISS it, keep it simple.

GENERAL COUNSEL VLADECK: Yes. And what I'm trying to tell you is that we have a crisis that

is not simple, and we need this Council to engage and support us in addressing the crisis.

COUNCIL MEMBER HANIF: I understand that.

CHAIRPERSON JOSEPH: This is the most engaged Council you will ever find.

GENERAL COUNSEL VLADECK: On special education, for sure.

CHAIRPERSON JOSEPH: We've been at the forefront since 2022, since I got here, whether it's transportation, IEPs, we have been partners lockstep with you so I don't think that comment was necessary. We have been engaging with you.

GENERAL COUNSEL VLADECK: I apologize.

CHAIRPERSON JOSEPH: Yes, we have a crisis. We know that. That's why we're here, and that's why we're having this hearing. It's not to get you moment, it's to put everything out up front and make sure we can find solutions working with this Council.

GENERAL COUNSEL VLADECK: I appreciate that, Chairwoman. I'm sorry if I offended. I recognize we all know what a committed Council this is when it comes to special education. What I'm specifically referring to is our IESP problem, which

2 is incredibly complicated for a long list of reasons.
3 There's no way to make it simple. I spend most of my
4 day every day studying our data, reading our cases,
5 working with our staff, looking at deployments,
6 looking at case law. I'm saying this is actually a
7 really serious policy crisis.

8 COUNCIL MEMBER HANIF: For the purposes of
9 my questions right now, and I totally would love to
10 hear the longer response, but for the purposes of
11 just my question.

12 GENERAL COUNSEL VLADECK: Yes.

13 COUNCIL MEMBER HANIF: The reimbursement
14 cannot be expected from the September through
15 December.

16 GENERAL COUNSEL VLADECK: No. Part of what
17 we were cautioned by..

18 COUNCIL MEMBER HANIF: Right now, I'll
19 just take the no for now.

20 GENERAL COUNSEL VLADECK: Okay.

21 COUNCIL MEMBER HANIF: Then more broadly,
22 can you walk me through DOE's current process for
23 paying providers?

24 GENERAL COUNSEL VLADECK: Sure. That is a
25 very important question. It gives me the chance to

talk about the LV litigation, which has been around for a long, long time. In the summer of 2023, the court entered a consent order that was rooted in deep work that we did with the court special master to assess on a comprehensive basis where payments were going wrong and why it had become so difficult. We are undertaking more than 40 commitments under this order to completely transform and overhaul our payments process. There's no doubt that there's been a backlog for a long time. We're making tremendous progress in catching up with it. I have continued to encourage folks with specific case information or specific examples to reach out to me directly so that we can run those down.

COUNCIL MEMBER HANIF: That doesn't answer the question around the current process. Could you describe how the LV litigation relates to the current process?

GENERAL COUNSEL VLADECK: Sure. The LV litigation covers Due Process cases. Once an impartial hearing officer makes a decision, issues an order saying here's what DOE has to do to implement the IEP or IESP, the case goes over to the Implementation Team within the Office of the General

Counsel, which has to break down the decision from the hearing officer, make sure it's clear what relief has been requested, seek certain authorizations, whether it's from providers, parents, or attorneys, make sure we've got a clear basis for what it is we'd be paying for, and then move forward to authorize those payments. That process then moves over to the Division of Financial Operations, which my understanding is getting payments out the day they receive our authorization or within a day.

COUNCIL MEMBER HANIF: What do you expect is the timeline for payments that are not delayed?

GENERAL COUNSEL VLADECK: So, under LV, the requirement is that we have to make payments within 35 days of receiving the order. The State is actually asking us to try to get that, I think via U.S. DOE, is asking us to get that down to 30 days. We're not at those targets yet, but that's obviously what we're working towards.

COUNCIL MEMBER HANIF: And in terms of one year, two years, when can we expect on-time payment?

GENERAL COUNSEL VLADECK: I don't have an answer for you yet, but would be really happy to talk

offline about the work that has to happen in order to get there.

COUNCIL MEMBER HANIF: Chair, permission to ask a few more questions? Thank you.

And then could you share how you all are communicating with families about the impact of delayed services?

GENERAL COUNSEL VLADECK: Yes. I'm so glad you asked. We're doing a few things. One of the things we've done, which caused a lot of noise at the beginning of this year, is we said we have to stop taking escalation phone calls from vendors in order to clear our phone lines to be able to speak directly to parents. So, that's really the shortest answer, is when we're directly in touch with parents, we are always able to get the information we need faster, which allows us to move faster. Obviously, that created a lot of frustration for vendors. We knew we had a solution coming. We are in the process of standing up, and I think we're going online in the next month or two, we're in the process of standing up a customer service center where parents, attorneys, vendors can check on our website or call into a call center and say, what exactly is the

status of my case, what is the timeline that I should expect.

COUNCIL MEMBER HANIF: And then what alternatives is the DOE providing to families to ensure their legally mandated services are provided, and what measures are being taken to share information to families in need of language access services?

CHIEF HAMMER: So, I'll jump in here. So, you know, specific to the students in private and parochial schools, I think what we want to spend a little bit of time talking a little bit about today is the process moving forward. So just this week, we've published to our website comprehensive information for families around the process to submit a parental notice of intent for the next school year, and so families have access to that information. We've shared that with our non-public schools. We're going to be doing direct outreach to families to inform them of where this guidance lives and to help them through the process, and so as they receive that, they're going to be able to inform us well in advance of June 1st, and we'll be able to work with them over the summer in order to arrange these

services. You know, one of the questions you asked earlier was around payments to schools, right, but the process here is really that families, they need to work with the DOE. That is how the process is established. We should be partnering with families to arrange these services directly. And while our schools are partners, right, providers are submitting payments and providers are billing directly to the DOE. Really payments are not going to schools or should not be going to schools. That's not the process. So establishing this now and getting this information to families now, well in advance of June 1st, is going to give us the opportunity to work with families to get services arranged up and running over the summer. Every family of a student in private and religious schools, we understand they expect the services are in place at the start of school.

COUNCIL MEMBER HANIF: Absolutely.

CHIEF HAMMER: We get that. In order to do that, we need to know where you're sending your child. We need to know if you're going to continue to enroll your child in private school. We need that information. And so that is why we need to enforce deadlines, and that is why that law exists that

requires families to inform us by June 1st. And so now that we have these processes in place, we feel really confident that this is going to go very well for the upcoming school year.

COUNCIL MEMBER HANIF: And then I want to talk a little bit about the lapsing federal stimulus dollars. I understand that the DOE provides special education services for pre-K programs and in FY 2025, the City added 55 million dollars in City tax levy, but this funding was not baselined. Could you share what the City's plan is to continue to fund the special education services for pre-K after FY 2025 and ensure that students in pre-K continue to receive their mandated services?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

So, first I want to acknowledge that 16 million was baselined to replace stimulus funding for our CPSC administrators and some related service providers on our itinerant team, and another 40 million was baseline for the preschool special education enhancement contract. You're correct, the 55 million allocation was just for this year, and we're in consistent communication with our partners in City

2 Hall and OMB about the need for that money to
3 persist.

4 COUNCIL MEMBER HANIF: This is very
5 important. Thank you.

6 CHAIRPERSON JOSEPH: Council Member
7 Dinowitz.

8 COUNCIL MEMBER DINOWITZ: Thank you,
9 Chair. Good afternoon. I hope you're doing well. I
10 want to talk a little bit about these PATH and NEST
11 programs. You speak glowingly of them, about how it's
12 inclusive, both general education and special
13 education students, and you spoke about it's like a
14 whole school community on board. I mean, to me that
15 just sounds like good education and what all our
16 schools should be doing, and you spoke about the
17 graduation rates of kids with IEPs at NEST, for
18 example, being higher than District 75. What is the
19 achievement or what is the graduation rate and
20 success rate of general education students in these
21 programs?

22 CHIEF SANCHEZ: You're talking, just want
23 to be clear, about the general education students in
24 the same class or in the same school?

COUNCIL MEMBER DINOWITZ: Yeah, compared to general education students in a typical community school program, how do the general education students at NEST or PATH or any of these programs fare in comparison?

CHIEF SANCHEZ: So, to your initial example, NEST students are graduating at a higher or on pace with their peers who do not have an IEP so they're either higher or on pace. PATH is, we don't have grad students who have graduated the system out of PATH. I think our oldest PATH student is either a second or a third grader right now and then one middle school.

COUNCIL MEMBER DINOWITZ: Thank you for that. What I'm asking is the comparison of just the general education students at NEST compared to the general education students who are not at NEST.

CHIEF SANCHEZ: The NEST students are graduating at a higher rate than their non-disabled, non-NEST student peers.

COUNCIL MEMBER DINOWITZ: So, I want to make sure I understand, the program like NEST is better both for students with disabilities and general education students. Is that fair to say?

CHIEF SANCHEZ: That is fair to say, and research is very clear that inclusive environments create optimal learning environments for students who have IEPs and students who do not have IEPs.

COUNCIL MEMBER DINOWITZ: And so I wasn't clear on why these programs aren't being expanded.

CHIEF SANCHEZ: So this year...

COUNCIL MEMBER DINOWITZ: Can you make that clear to me?

CHIEF SANCHEZ: Yeah, I'm going to do my best.

COUNCIL MEMBER DINOWITZ: Thank you.

CHIEF SANCHEZ: This year we were able to expand with investment from our City partners to three districts that Deputy Chancellor referenced that every kindergarten student in those districts diagnosed with autism was offered a seat in a specialized autism program, either NEST, Horizon, or AIMS. We are working now to obtain additional resources and we're working with our City partners to expand because we know what works. We know what is best for students based on the research and based on our data that you're referring to.

COUNCIL MEMBER DINOWITZ: Yeah, I guess it's just confusing because if it works, it works. If it's better for the special education students and general education students, it's confusing as to why it's not expanded.

CHIEF SANCHEZ: And I think one of the points that Deputy Chancellor Foti raised earlier is that, for example, these are considered innovative programs along the State continuum, whereas District 75 is a mandated program.

COUNCIL MEMBER DINOWITZ: Sure.

CHIEF SANCHEZ: So we're working with our partners to identify resources to grow these out, but they are not considered mandated programs.

COUNCIL MEMBER DINOWITZ: Right. And I ask about it in context of a program, but it really should be just the way education is done, right, like we speak a lot about universal design, and so what communication and what work is your department doing with, you know, general teaching and instruction? What collaboration is being done to ensure all of our public schools, our community schools are engaging in this type of education, which clearly benefits both

students with disabilities and students without disabilities?

CHIEF SANCHEZ: So, we are working as DIAL was born very recently. We are working closely with our partners in the Division of School Leadership, otherwise known as DSL, to ensure these practices are spread as widely as we can. For example, we've trained over 7,000 related service providers on these tenets around inclusive environments and how to have universal design for learning practices.

COUNCIL MEMBER DINOWITZ: But isn't the point that it shouldn't just be the related service providers, everyone in the school community? So first of all, is that being done to both the general education teachers, guidance, everyone in the school and in other schools. And second is how is DOE assessing whether that's being done and the impact of that work?

CHIEF SANCHEZ: So, we track all of our trainings and supports that are offered to school communities. There are significant trainings by our central team around autism, behavioral supports, building inclusive environments that schools have the opportunity to participate in, and we do track that

to see which schools have participated and which schools have not, and follow up accordingly. But I want to be very clear because the specialized program, what makes that so successful is that the classroom becomes the therapeutic environment and it is designed as such, and that is what makes this program successful is the pre-service training, the investment and the design of a therapeutic environment so that the students' needs are met right there in their classroom, and there's a reason why that is successful, and that's not replicable without investing and rebuilding in those programs.

COUNCIL MEMBER DINOWITZ: But is that public, right? Like when you are training a school, does the community know that this school is trained in these types of therapeutic environments? Are there any incentives other than the goodwill of the principal or teachers there to ensure that all of our schools are providing for our kids with disabilities?

CHIEF SANCHEZ: Yeah, I think that in terms of incentives for a specialized program, I think we have not needed any incentives. Principals as well as families are asking for these programs. Superintendents are asking for more specialized

programs. The incentive really is that it enhances your school climate and culture and it improves student outcomes.

COUNCIL MEMBER DINOWITZ: And how is the school being assessed on that? Because what we always see is credit accrual, state tests, and that's kind of like it.

CHIEF SANCHEZ: Right. Our Central Autism Team implements family surveys every year to the families, and we're happy to share some of that with the Council if it's helpful, like what is the family's experience. We're also tracking academic outcomes for students in the specialized programs and have that data available that we could share as well.

COUNCIL MEMBER DINOWITZ: I think the more we get into the direction of just ensuring every school community is designed to support as many learners as possible, with exceptions obviously, we would see a lot more success.

I do want to ask about something that does need specialized instruction and that's literacy in high schools. Something I saw a huge problem with, students coming into my classroom who couldn't decode. And over the years, it became very clear to

me that DOE has no interest in providing any incentives for schools to assess and educate students who need literacy. They've done Wilson trainings here and there. And when I've brought this up with the DOE, they said, well, we're not allowed to give credit to schools for doing what's essentially high schools, can't give credit to high schools for what's essentially an elementary school skill. Has that changed in recent years? And if so, what incentives are in place to ensure that our high school students are able to read? Are schools still disincentivized from providing classes that our students may need in the community schools?

DEPUTY CHANCELLOR FOTI: I mean, the next step for New York City Reads is to provide mandated interventions, and that is what needs to happen for our high schoolers. We're seeing great success with certain sets of interventions that catch kids up in terms of learning how to read. And so I wouldn't call it an incentive, but I would call it an upcoming expectation.

COUNCIL MEMBER DINOWITZ: But if schools are being told, the most important thing for you to do is have students accrue credits in certain

classes, and the most important thing for you to do is have, you know, by sophomore year, X percent of your students will have an English credit and these reading classes don't provide English credits, how are you ensuring that principals aren't scared to provide kids with the education they actually need and deserve?

SENIOR EXECUTIVE DIRECTOR CORSO: Yeah. Thank you so much for asking. I can provide a quick update on this. Just working with the Queen's South Superintendent of High Schools, we actually have a partnership with McGraw-Hill Corrective Reading that does offer credit-bearing courses that help students develop reading skills, and that's happening at the B levels and the C levels where students are earning credit at the high school level and developing their reading skills, which is a phenomenal move that we need to adopt.

COUNCIL MEMBER DINOWITZ: Is there any publication or data available for that online publicly that we can all see?

SENIOR EXECUTIVE DIRECTOR CORSO: I don't have anything on that, but I'm happy to send you the information on corrective reading.

COUNCIL MEMBER DINOWITZ: That would be delightful. Lastly, the Due Process cases. Let's call them that. You mentioned you hired 20 special education teachers to address this. What analysis has the DOE done in terms of age and disability classification to ask at what age are you seeing most kids when their parents sue the City, and what is the disability classification that you see most prevalent in these lawsuits and, subsequent to that, how are you utilizing these special education teachers or building programs to specifically address those age groups and those disability classifications?

DEPUTY CHANCELLOR FOTI: So, it's our younger students. Most of them have not ever attended. So, kindergarten, age five, dyslexia, aka learning disability, and autism are our biggest classifications.

COUNCIL MEMBER DINOWITZ: So, these 20 special education teachers, my assumption would be that given that this is the most prevalent age group and classification, that those special educations are particularly trained to not only provide the education but to support other teachers, ideally to mitigate or avoid lawsuits in the first place.

CHIEF HAMMER: So, absolutely, we're working on training of those sets of teachers, and Mia will be sworn in and support here, but just to be clear, that cohort of teachers are being deployed to private and religious schools in order to arrange special ed teacher support services proactively to avoid the need for Due Process complaints. So, the need for autism programs, the need for dyslexia programs to address traditional carter cases that Deputy Chancellor Foti just spoke of, those teachers are not directly addressing that. They're addressing the needs for services in private and religious schools.

COUNCIL MEMBER DINOWITZ: Okay. So, you do have a system to address a particular problem with the private schools, but what I'm hearing is you also are not targeting the areas where you are seeing the most Carter cases or Due Process cases. Is that correct?

CHIEF HAMMER: I think the vision there is to build out our highly specialized programs to serve as competitive alternatives for those families, and so our program such as AIMS, which is six students, two teachers, it's a special education teacher and a

speech teacher working together to develop students' communication and language development needs alongside a classroom paraprofessional. This AIMS program is extremely competitive to what's being offered in our Carter schools right now, and so what we're seeing is we're offering this to more families through the pilot that Deputy Chancellor Foti spoke about. Families want this program. And so what we are trying to do as we're addressing Due Process complaints from our non-public schools, we're trying to build these highly specialized programs for students on the autism spectrum so parents know that the local community school has what's needed in order to meet that child's needs.

GENERAL COUNSEL VLADECK: Can I also give a sense of scale that I wish I had brought up earlier in this hearing? The number of Carter cases, so the number of students for whom we are making tuition payments has remained stable over the last four or five years for data reasons that I won't get into. I am careful not to give exact numbers, but the number of Carter students, Carter, has ranged between 6,000 and 6,500. That's a relatively stable number. By contrast, the number of IESP cases for which we were

making payments in Fiscal Year '19 was in the range of 2,500, whereas in Fiscal Year '24, this is likely to be a low estimate, was about 12,500. So just in terms of where the demand is, where the claims arise from, I think those numbers may be informative.

COUNCIL MEMBER DINOWITZ: Okay. Thank you for that. I keep hearing about autism, which is wonderful. I don't want to take anything away from that. I think the program as you describe it is great if the data backs it up. But just going back to the Carter cases, if I'm hearing that the number one area is learning disabilities and dyslexia, and I'm asking about that, and the answer is autism, those two don't align. And I just want to understand more how as a system, as an agency, you are addressing a significant need for kids with learning disabilities at the kindergarten level to prevent them from needing outside services, like at best, right, but also we know that... they became my students, and I was dealing with kids who couldn't read in high school, and I would have rather not. It was such a shame that they came to my class not knowing how to read, and so how as a system are we identifying the problem of kids with learning disabilities and saying we're

going to make heavy investments in this particular disability classification for this particular age group?

DEPUTY CHANCELLOR FOTI: Yeah. So, while speech and language and learning disability dyslexia are, I was naming the highest, the percentage-wise the highest is autism in terms we're losing kindergartners to non-public schools with a disability classification of autism, which is why, to John's point, we focused on opening programs in those districts that were going to be competitors, and it's worked, right? We had more parents apply for those programs than we could. When they didn't get in, they chose our Carter options, right, and so we have proof of concept. We know that if we build these programs, parents will come. Investments have been flowing into other places, right. For the past 10 years, we talked about the rising costs of Due Process. We've talked about mandated funding for District 75. Fair student funding helps, but it doesn't pay for the total amount for these programs.

COUNCIL MEMBER DINOWITZ: So again, you have a program that works, or you say it works. I would just think that if it works, if it's doing

right by our kids while saving money, while keeping the funding in a robust public education system, I would think the Administration would be interested in investing in what works. Investing is what is morally right and what is fiscally right for our city. And it sounds like you're saying it without saying it, that those investments are not being made.

I am interested in that data about the literacy for high schoolers. This is no doubt a very complicated issue that I'm sure I could talk about for hours, but Deputy Chancellor, I know this is an issue you care deeply about, and you know that it's more than about caring about an issue. It's about working towards an issue so I thank you for your work and look forward to collaborating more on the issue of educating our kids with disabilities. Thank you.

CHIEF SANCHEZ: Sorry. I wanted to add one quick piece, if I may, I don't want you to think or anyone to think that we have forgotten or lost focus on students who have learning disabilities or any other disability classification other than autism. And this year, in a growing trend, we have 960 schools that have what's called a centrally funded intervention teacher whose sole focus is on

addressing literacy, whether a student has autism or not or an IEP or not in some cases, and there is a real focus on diagnostic literacy instruction, and I believe almost half, if not more, of those working in schools with grades 6 through 12 so for the older students as well.

COUNCIL MEMBER DINOWITZ: Thank you.

CHAIRPERSON JOSEPH: Thank you. I have a question from Council Member Lee. She said regarding behavior, how many of the D75 schools are located in buildings that have school clinics, and how has that partnership been so far?

DEPUTY CHANCELLOR FOTI: I have to get you that number, Chair, but we'll get back to you this week.

CHAIRPERSON JOSEPH: In terms of workforce for paraprofessionals, what specific efforts is DOE doing to recruit paraprofessionals? And if there's teachers that have been excessed, is there room for them to come back, and how do we cut the red tape on the hiring process?

EXECUTIVE DIRECTOR IANNIELLO: Thank you, Chair. As far as the paraprofessionals go, we are actively recruiting on a daily basis. We have an open

survey on our website that anyone who has an interest can apply on that site. We have been holding borough-based job fairs. We have had seven in the last two months, which have resulted in almost 2,000 new substitute para nominations. They are going through the process right now. We have already hired this year almost 3,000 new substitute paras. And we still have about, including the people we just nominated, about another 1,000 after that that are still in process. So, they are going through that process. We expect them to be available no later than mid-February, and we will continue to have these fairs until May.

CHAIRPERSON JOSEPH: The most complaints we get on this end is once a para is nominated, the process takes forever, so what's the timeline once someone is nominated for them to get hired?

EXECUTIVE DIRECTOR IANNIELLO: So a lot of that depends on the applicant themselves. There are five workshops that are required prior to employment. Those would be the required State workshops for anyone working in a classroom, which is violence prevention, DASA, child abuse identification, and we do require autism as well. There is a four-hour

workshop that's designed by DOE on basically how to be a para professional. And then we also have an orientation. They have to complete those workshops. It's probably about 15 hours to 20 hours altogether, depending on their self-pace. It could take them a week. It could take them a month. It could take them two months. It's really up to them. The process starts with the nomination. If it starts at a school level, then the nomination generates an application. The applicant has to put an application in in order to move forward, and then they start and they would get an assessment. And we do an English writing assessment and an oral assessment in our offices and in larger spaces, probably four days a week. If they are part of this job fair recruitment piece, they are actually being assessed while they are at the job fair prior to that so we're skipping a step basically with those folks. Every Friday or Monday, depending on the systems, but every Friday or Monday, we actually send an email to every applicant to let them know where they are in the process. Those emails go out religiously and they are able to look at that email, figure out what it is that they need, and then they can complete that. I say, you know, between two

weeks and two months, and it's really their own self-pace.

CHAIRPERSON JOSEPH: Two weeks to two months. Currently, there's a vacancy of 1,600 paras?

EXECUTIVE DIRECTOR IANNIELLO: Yes, it's 1,616 actually. We have already hired 1,540 new full-time paras. Of course, they come from our subpopulation. There's no hiring freeze on that, but the vacancies are there. We see that some of them that are nominated, they do go through that process very quickly because they already have what they need. All they do is an orientation with us. But some of them are waiting for their State certification, which takes a little while. We are able to do some sort of expedition on those certifications if we know who those folks are, but we encourage them as substitutes to immediately apply for the certification and take their exam to do that. There are also a lot of situations where a school may have a vacancy, but it's being covered by a substitute who just doesn't want full-time employment.

CHAIRPERSON JOSEPH: Thank you. That was Council Member Lee's question.

I'm going to go back to the very beginning. I just want some basic data information. If the data is not available, just please get it back to me. For the current school year 2023-2024, how many and what percentage of students have IEPs based on race, ethnicity, gender, students in shelter, students in foster care, English language learners, and students in bilingual special education programs?

And I would like to acknowledge Council Member Restler.

DEPUTY CHANCELLOR FOTI: Chair, I know that there were significant data requests from the Council. We have all of those with us today. We brought physical copies as well, if you'd like them.

CHAIRPERSON JOSEPH: So, you'll be handing them out?

DEPUTY CHANCELLOR FOTI: Absolutely.

CHAIRPERSON JOSEPH: Thank you. And of these students, how many and what percentage are not receiving at least one of their service mandated in their IEP?

You brought one copy? You can figure I'm not happy today. I'm very unhappy.

CHIEF HAMMER: Just going back to the first question there around counts of students. In school year 2023-2024, there were 184,842 students with IEPs out of 820,241 students. That's 22.5 percent of students had...

CHAIRPERSON JOSEPH: Can you speak up a little, please?

CHIEF HAMMER: 22.5 percent of students had IEPs in school year '24. This school year, there are 188,791 students out of 813,880 students. 23.2 percent of students have IEPs in New York City public schools. For students in shelter, last year, 8,951 students had IEPs out of 64,668 students, 13.8 percent of the population. This year, 10,586 students out of 67,545 students, 15.7 percent. Students in other temporary housing, last year, 11,181 out of 82,777. That's 13.5 percent. This year, 12,377 out of 88,021. That's 14.1 percent.

CHAIRPERSON JOSEPH: And out of all of these students, how many and what percentage are not receiving at least one of their mandated services?

CHIEF HAMMER: Yeah, so as Deputy Chancellor testified, we've continued to make progress towards full service and not where we need

to be. And so as of last year, 92 percent of students were receiving all of their mandated programs. In terms of all related services, we were at about 95 percent. But in terms of the specific number of students that did not receive at least one service, so all of their recommended programs, all of their recommended services, speech, occupational therapy, physical therapy, that number was 23,906. That's 12.9 percent of...

CHAIRPERSON JOSEPH: And of those students, who have not received no services at all.

CHIEF HAMMER: That number is 1,774. That's 1 percent. 99 percent of students are receiving at least one service.

CHAIRPERSON JOSEPH: And what is in place to eventually get the students their services?

CHIEF HAMMER: We talked a little bit about services through after-school and Saturday and weekend academies. That has a great lever for families that have allowed us to arrange services for students in the event that we don't have a provider in the school.

CHAIRPERSON JOSEPH: What are the most common type of service not being received by students

with disabilities? For each service type, how many students are not receiving their services?

CHIEF HAMMER: In terms of programs, special class math, special class social studies, special class science have been traditionally a challenge, right, and that's largely due to schools seeking to find a certified special education teacher who also has the content knowledge to really deliver high-quality instruction to that section. In terms of related services, speech, including bilingual speech, occupational therapy, have been a challenge.

CHAIRPERSON JOSEPH: Is there anything in works to remedy that?

CHIEF HAMMER: Absolutely.

CHAIRPERSON JOSEPH: Talk to me about that.

CHIEF SANCHEZ: Yes, I can speak to that. In our conversations with other large school districts, they are all sharing that they are facing significant challenges around identifying and hiring occupational and especially bilingual speech therapists. Many of them rely, over 60 percent, other school districts, on vendors. And we are fortunate to have a significant workforce of over 7,000 related

service providers that are public school staff here.

In terms of mitigating these national shortages that are really concerning across the board to all of us, we have partnered with our colleagues in the Division of Human Resources and have a number of innovative incentive programs for eligible and licensed credential providers to come work for us, from loan forgiveness in high needs districts to scholarship programs with local universities where their entire tuition is paid to come work here, as well as other incentives around tuition reimbursement and the ability to take courses. We are often at every hiring hall, universities, professional organization events to recruit and seek to find folks to come and do this work. In schools where we do not have a public school provider available, like Jessica mentioned, preschool services are largely provided by vendors and non-public school staff because the majority of those students are not in public school settings. We have posted now a very innovative related services RFP that take feedback from our community members, including current providers and clinicians. Chair, our current model of vendor services utilizes a fee-for-service model, and if the student doesn't come to

school that day, the clinician does not get paid, and that's almost impossible for someone to sustain. The new RFP has increased rates but also has an equivalent of a day rate that we are going to be able to utilize where it's necessary. That was the biggest point of feedback that we received over the years from constituents. We are very optimistic that once that RFP is in place, which will be sometime next school year, that we will see an increase in service provision for students in those categories, and we continue to work with our City partners around additional resources for our much-needed related service providers.

CHAIRPERSON JOSEPH: I have a school that reached out. Their provider is on maternity leave, and there's no replacement. So, what happens to these children, and no one wants to travel to the Bronx to provide the services? What do we do then?

CHIEF SANCHEZ: What do we do? We reach out to our agency or vendor partners, and we work with the district team to find a provider to come and cover that work. We also have expanded this year what's called the Mass Waiver, which allows New York City Public School providers to pick up work as like

an independent, like using the voucher, and we've expanded that significantly this school year and have approximately 1,500 current staff who are eligible to work under the waiver. In that case, we would invite all those students to a weekend or afterschool academy as well.

CHAIRPERSON JOSEPH: Well, we can talk offline about that.

CHIEF SANCHEZ: Yes.

CHAIRPERSON JOSEPH: In D75, how many students are not receiving their services?

CHIEF HAMMER: So, I have counts on some of the specific challenge areas. So, we talked a little bit about special class math. We talked a little bit about special class science, special class social studies. In District 75, there are 2,342 students not receiving special class math, 2,585 students not receiving special class science, 2,504 students not receiving special class social studies.

CHAIRPERSON JOSEPH: How about non-D75 students?

CHIEF HAMMER: Special class math number is 3,233, special class science number is 2,635, special class social studies number is 2,599.

CHAIRPERSON JOSEPH: And students in 3K?

CHIEF HAMMER: 3K, you know, I see it has been where we've had a bit of a challenge as well as the related services, not receiving SEIT. Jess, do you want to take this?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

Sure. So, we have 3,402 students waiting for SEIT to begin, that's 52.9 percent, and we have 5,861 preschool students waiting for at least one of their related services to begin, that's 23 percent.

CHAIRPERSON JOSEPH: And what percent is that?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

Excuse me?

CHAIRPERSON JOSEPH: What percent is that?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

23. And we have 5,657 preschool students receiving no services, and that is 22.2 percent.

CHAIRPERSON JOSEPH: Wow. How about students in pre-K?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: So that was preschoolers, three, and four. I do not have it disaggregated by threes and fours because in

general when it comes to special ed, they're all combined, but we can work on that.

CHAIRPERSON JOSEPH: And you can provide that data, right?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
The disaggregation between three and four, I believe we can.

CHAIRPERSON JOSEPH: My Committee Counsel would like some percentage for D75 students. Can you give us a percentage? And non-D75 through the list, can you give her the percentage?

CHIEF HAMMER: So again, I have it by specific service type. So not receiving special class math in District 75, 8.1 percent; special class science, 8.9 percent; special class social studies, 8.6 percent.

DEPUTY CHANCELLOR FOTI: If you give us a couple minutes, I think you're asking for programs in D75 percentage. Give us a few minutes and we'll get that right to you.

CHAIRPERSON JOSEPH: For each service type, what percentage of students in each, I got that right? Okay. So what is the... I need some data on this. What is the current number of vacancies,

vacancy rate for the following job titles? In District 75, non-District 75, 3K, and pre-K, paraprofessionals.

CHIEF HAMMER: So, I'll talk a little bit about paraprofessional vacancies. As of this week, there were 1,639 vacancies. It's a vacancy rate of 6.8 percent. 163 of those vacancies are in District 75 schools. 1,476 of those vacancies are in Districts 1 through 32 schools.

CHAIRPERSON JOSEPH: All right. And how long does it take... we talked about that earlier. How long does it take to get trained to be a para, then placed with special education, OT, PT, speech therapist, counselor, social work, and school psychologist?

CHIEF SANCHEZ: For our related service providers, the hiring length from start to finish is approximately anywhere from three to four weeks. Some of that is dependent on the applicant themselves. There's a number of documents they have to complete, and sometimes we're reminding them to get those in. And then they are onboarded by their clinical supervisor of OT, PT, or speech. All of our OTs and PTs who are new to the system are assigned a mentor,

a mentor therapist who goes out and supports their hands-on clinical work. Our speech teachers have also a very robust training program, and this is regardless of whether the provider works in District 75 or District 1 through 32 or preschool. They are trained by their clinical supervisors on how to work with children with disabilities in the school setting.

CHAIRPERSON JOSEPH: How long is the mentoring for?

CHIEF SANCHEZ: The mentoring is at minimum a year for our OTs and PTs. Should someone either want or benefit from additional mentoring, that will go on.

EXECUTIVE DIRECTOR IANNIELLO: So, for the paraprofessionals, once they go through the process and are fingerprinted and cleared, they receive an email, and they are ready to go the next day. So, we're considering the training that they do preschool, pre-employment, to be enough to get them started. Anything that's needed at the school level, specifically for a student, is conducted at the school level. They are eligible to work right after they get staffed. They get an email to register for

our sub-central system, so they will start getting calls. We have a team of people that will actually call the new folks and put them into jobs that they may have in their neighborhoods and things like that.

CHAIRPERSON JOSEPH: All right. Thank you. How many classes are available, and how many students with disabilities are being served this year in each of the following programs? Your ASD-NEST program?

CHIEF HAMMER: So, ASD-NEST is in 88 schools across grades K-12. There are 442 classes, and there are 1,972 students enrolled in those classes.

CHAIRPERSON JOSEPH: How about your Horizon?

CHIEF HAMMER: Horizon program is in 69 schools, again, grades K-12. There are 255 classes citywide, and there are 1,853 students enrolled in those classes.

CHAIRPERSON JOSEPH: Your South Bronx Literacy Academy, do you plan to extend that? I think I saw somewhere that there's going to be an expansion.

CHIEF HAMMER: So, there are six sections in grades 2 through 4 at the South Bronx Literacy

Academy. That school's grading up annually. There's also plans to open a Central Brooklyn Literacy Academy this September.

CHAIRPERSON JOSEPH: Do you know when?

CHIEF HAMMER: I believe this September.

DEPUTY CHANCELLOR FOTI: There's an upcoming vote for...

CHAIRPERSON JOSEPH: In the PEP.

DEPUTY CHANCELLOR FOTI: That's right.

CHAIRPERSON JOSEPH: PS394. How many students do you plan to have there? But the building is not accessible. The building is not an accessible building. I'm familiar with the building. Accessibility will be another one of my topics.

CHIEF SANCHEZ: So, to answer your question, the Central Brooklyn Literacy Academy, should it be housed in the school that is a bit...

CHAIRPERSON JOSEPH: That's not accessible.

CHIEF SANCHEZ: Okay. That school is planned to serve students in grades 2 through 8 overall but is going to start with three classes in year one. And we have noted the accessibility issue as well.

CHAIRPERSON JOSEPH: And gradually scale it up?

CHIEF SANCHEZ: That is the plan.

CHAIRPERSON JOSEPH: And students with mobility, again, will not be able to access that building.

CHIEF SANCHEZ: Understood. And we're going to note that with our partners who are working alongside on this.

CHAIRPERSON JOSEPH: New York City Public Schools required to provide compensatory services for students who missed services during remote learning while a section was added to IEPs for schools to recommend these services. Families and advocates report that some students were denied. So, during the 2022-2023, how many students that had IEP recommended compensatory service for remote learning?

GENERAL COUNSEL VLADECK: So, apologies, Chair. As you may know, this question is currently being litigated. There's discovery going on right now as to those exact questions. And so, even if I was more inclined, our Counsel has advised us we've got to stay away from those numbers at this point. However, if you are open to it, I personally am

always very impressed to hear about our broad initiatives, what we did, and how we led in the country in terms of getting students with disabilities back into classrooms with their services faster than anyone else and engaged in the kind of intervention services that allowed us to make sure students' IEPs reflected where they were at at that moment, whether or not the need was specifically named a comp service need.

CHAIRPERSON JOSEPH: So, we can't discuss that. Okay. So, in the adopted budget included 55 million to open new preschool education classes in New York City public schools. However, we still children waiting for seats, we talked about that in preschool special education classes they need. We talked about the 450 students. Can you walk us through the process? Can you confirm the number? It is 450 students that are still waiting for seats?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
So, as of Monday, our data system showed 360 waiting for self-contained and 90 waiting for integrated. It changes daily so it might be different now. Our CPSCs are working to find those seats. Families are touring and accepting. And then, of course, new students

2 become eligible every single day who make it through
3 the process.

4 CHAIRPERSON JOSEPH: When do you see the
5 most increase in students that is transferring from
6 EI services into our public schools?

7 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
8 For children who are on EI extensions in the fall,
9 they become eligible for preschool special ed
10 services on January 2nd. So, we just experienced our
11 surge in need this past month, and we are working as
12 fast as we can to stand up 284 more seats in addition
13 to the ones we opened in September.

14 CHAIRPERSON JOSEPH: So, how many students
15 you have waiting for seats in preschool special
16 education in integrated settings?

17 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
18 That's the 90.

19 CHAIRPERSON JOSEPH: Okay. And with the 55
20 million, how many new seats in preschool special
21 education classes have you opened? How many seats in
22 integrated classes have you opened, and what are the
23 barriers to opening additional classes?

24 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
25 So, we opened 456 in total. We're working right now

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2 to open 284. The breakdown of integrated. So, in
3 total, that's 730 seats, 124 of them integrated, 616
4 self-contained. And that planning is based on the
5 need that we see. Our greatest barrier by far right
6 now is finding certified special education early
7 childhood teachers, especially mid-year. Most of
8 those teachers already have jobs, and the last thing
9 we want to do is pull them away from any program, DOE
10 or contracted. So, we are looking at, you know, new
11 teachers coming through the pipeline for those
12 classes.

13 CHAIRPERSON JOSEPH: And what's the
14 timeline for the 284 students to get into classrooms?

15 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
16 So, we are opening on a rolling basis. The second a
17 principal tells us they've hired the staff, we, you
18 know, notify our CPSCs, and they begin placing
19 students. So, to date, two classes have opened in
20 Queens of those 284, and our hope is that most will
21 open, you know, by the end of February.

22 CHAIRPERSON JOSEPH: How many additional
23 seats do you anticipate to open in preschool special
24 education classes?

25

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2 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

3 That's the 284.

4 CHAIRPERSON JOSEPH: That's the 284?

5 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

6 Yeah.

7 CHAIRPERSON JOSEPH: And how many
8 additional seats? That'll be it for the 450, you're
9 opening?

10 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: We
11 max out our 55 million around there. Maybe we can get
12 a couple more, but that is what we're funded for.

13 CHAIRPERSON JOSEPH: So, you ran out of
14 money?

15 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
16 Well, right now, we are focused on hiring and
17 spending the dollars that we do have. We hope to
18 maybe increase that number a little bit, but we will
19 be maxing out the funding for sure.

20 CHAIRPERSON JOSEPH: So, 45 percent of
21 preschoolers with IEP, that's more than 14,000
22 children ended 2023-2024 still waiting for their
23 mandated class or at least one of their service types
24 to begin. What's the timeline on that? Usually, I
25 just want to hear what the timelines are. How are we

going to get young people, our youngest learners into their seats to make sure that they have the services that they need so they can thrive? We see what it means to make sure that students have the services. When they get older, sometimes they don't need it, but for now, they need it to get them to the next phase. How is that looking?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

So, we aim to find placement for student within compliance timeline. So, 30 days from their IEP meeting, we were able to do that for many of our students. We did find placement for over 11,000 students to date, so 94 percent. For the ones that we are still seeking service and placement, the timeline varies, and it really depends on how quickly we're going to be able to open these new seats and when providers are available.

CHAIRPERSON JOSEPH: So, regarding for funding, how much funding are you requesting for next year? Did you put in any new needs?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: We did submit new needs.

CHAIRPERSON JOSEPH: How much was that?

2 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

3 And we're working closely with OMB here and with
4 Council, and we look forward to continuing those
5 conversations through the budgeting process.

6 CHAIRPERSON JOSEPH: Do you know how much
7 you're requesting for? We like numbers.

8 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
9 We're working through that. We're not able to share
10 numbers today.

11 CHAIRPERSON JOSEPH: So, you're working
12 through it. That's what I'm going to put. So, what is
13 the preliminary budget? We're going to go back to our
14 favorite conversation since we rebranded it. What is
15 it called? Claims. We rebranded it today in my
16 hearing. Would this Preliminary Budget include the
17 275 million in additional funding for Carter cases
18 for 2025, but no additional funding for preschool
19 special education services for children in the public
20 system, and who are waiting for services the City has
21 a legal obligation to provide?

22 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

23 So, you know, it's worth noting that the costs
24 associated with the Carter budget are not within the
25 City's control. Those derive from cases that were

settled or lost, and judges order us to pay them. I do want to acknowledge that we were glad to see in the Fiscal Year '25 Executive Plan, the 56 million baselined for stimulus-funded positions previously, and again, we're continuing to work with our partners in OMB and City Hall, and look forward to working with you as we focus on not just seats, but evaluations, services, and CPSC capacity.

CHAIRPERSON JOSEPH: So, how many and what percentage of preschoolers with IEP mandating related services are currently waiting to start one or more related services?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: I'll share that number again. One second. So, as of this past Monday, and I do want to note, I should have said this earlier, our numbers are being pulled from our new data system, and we are still going through some data migration. So, we will share what we were able to pull from that system, but they may change when it comes to public reporting for the City Council bill.

CHAIRPERSON JOSEPH: Okay.

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2 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: As
3 of Monday, 5,861 students were awaiting at least one
4 of their services. That's 23 percent.

5 CHAIRPERSON JOSEPH: And how many and what
6 percentage of preschools with IEP mandating are
7 waiting for teacher services?

8 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
9 So, special education itinerant teachers?

10 CHAIRPERSON JOSEPH: Yeah.

11 SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:
12 There were 3,402 students waiting for their special
13 education itinerant teacher to begin, and that's 52.9
14 percent, unfortunately.

15 CHAIRPERSON JOSEPH: There's currently a
16 shortage of special education teachers from the time
17 I was an educator, and I taught for 22 years. It's
18 always been one of the biggest posters, and we have
19 to figure out that system and how do we make sure
20 we're recruiting educators to come and take these
21 jobs. I know you're working with UFT. You can now
22 change your licensing not to lose your tenure. How is
23 that going, and how are you doing recruitment?
24 Because I am now on the other side, and I'm still
25 hearing there's a shortage in everything across the

board. What are we doing as a system to make sure that we're meeting those needs in order for us not to have those?

EXECUTIVE DIRECTOR WAY: Thank you. So, our office, the Office of Teacher Recruitment and Quality here in the Division of Human Resources for the DOE, supports with teacher recruitment, and so what we are doing to address those teacher recruitment needs is that our office has various programs, alternative certification programs, New York City Teaching Fellows for career changers.

CHAIRPERSON JOSEPH: You know I know those programs, right?

EXECUTIVE DIRECTOR WAY: Yes.

CHAIRPERSON JOSEPH: What are you doing to make sure we have teachers in the classroom? That's my question. I know about the programs. I was an forever educator, 22 years in, so I know the ins and outs. What are we doing to have teachers in front so no kid is left home? We are the greatest city in the world.

EXECUTIVE DIRECTOR WAY: Yes.

CHAIRPERSON JOSEPH: No child should be home.

2 EXECUTIVE DIRECTOR WAY: Yes.

3 CHAIRPERSON JOSEPH: No child. Have you
4 seen the data?

5 EXECUTIVE DIRECTOR WAY: Understood.

6 CHAIRPERSON JOSEPH: No child should be
7 left home. We don't leave children behind. We want to
8 make sure they're sitting in classrooms and learning
9 and meeting the needs of these young people. They are
10 the next generation. What are we going to tell them?

11 EXECUTIVE DIRECTOR WAY: And so we are
12 working closely with our Special Education Office,
13 our Law Office, to understand what the need is to
14 work with the State in terms of what that means for
15 certification and address the needs in various
16 programs to meet folks who are out there who may or
17 may not have an interest in teaching, right, and so
18 that is career changers that are working closely with
19 our IEG partners in terms of what that means for
20 teacher preparation programs and recruitment of
21 potential teaching candidates to go into our
22 classrooms.

23 CHAIRPERSON JOSEPH: What are the
24 incentives for these shortage areas? I know they used
25 to have incentives. There were scholarships. There

were tuition reimbursements. There were placements.
There were loan forgiveness. What are we doing?

EXECUTIVE DIRECTOR WAY: We're offering
all of those things and continue to offer those.

CHAIRPERSON JOSEPH: What are you
advertising so I can see it because I don't see it.
Where are you advertising?

EXECUTIVE DIRECTOR WAY: So we do social
media advertising. We do LinkedIn and we can, you
know, provide even more details around where that is
focused.

CHAIRPERSON JOSEPH: Are we doing hiring
halls? Are we entering universities?

CHAIRPERSON JOSEPH: We do hiring events
all the time, right, and we've just started that. Our
application for this school year has just opened
approximately two weeks ago, but we do hiring events
from now through the summer so August and even in
September, right, when we have an understanding that
there's still a need so events are happening.

CHAIRPERSON JOSEPH: And what's the
timeline when you get a teacher?

EXECUTIVE DIRECTOR WAY: From application
to hire?

CHAIRPERSON JOSEPH: From application to the end of the process.

EXECUTIVE DIRECTOR WAY: So, the application process, I mean, that can vary, right, and that depends on where that candidate is and how they are self-reporting where they are in terms of becoming a teacher. There are candidates who come into our teacher application and they have their certification, right, and so then that's about that teacher identifying the right district and the right school for him or her, and then what that means for the principal and their hiring managers to bring that teacher on. So, our office, while we are supporting with putting the folks in front of our principals, right, who have that need, then it is really the determination of that candidate and that principal's hiring process to get them on board as soon as possible to meet that open vacancy that they have in their school.

CHAIRPERSON JOSEPH: I know at one point, New York City Public Schools used to offer housing stipend. Is that something that's still on the table to recruit and retain that workforce?

EXECUTIVE DIRECTOR WAY: I think that's something that we would need to revisit given our current climate with the budget.

CHAIRPERSON JOSEPH: So, how many preschool special education administrators are there currently and what's their average salary?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: Administrators, so CPSC administrators. We currently have 132 on staff out of 146 positions total, and their average salary is 135,648.

CHAIRPERSON JOSEPH: They need a raise. So, how many more do you need to have an efficient running system?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: Thinking about the realities of hiring, you know...

CHAIRPERSON JOSEPH: Yep, that reality.

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: You know, another 40 to 50 CPSC administrator staff would make a significant difference.

CHAIRPERSON JOSEPH: And how are you recruiting for that role?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN: Oh, I mean, we do lots of blitzes in social media and, you know...

CHAIRPERSON JOSEPH: And how's that going?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

Our CPSC administrator positions do not stay vacant very long. Once we find a candidate and get them through the hiring freeze exceptions process, we're able to bring them on pretty quickly.

One of my Colleagues have a question. He can't answer it. You mentioned 55 million in FY25 budget for over 700 preschools education seat. Why is it the funding not included in the Preliminary Budget? Is this money not essential to the services the New York City Public School is currently providing to children right now?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

Yeah, we're absolutely looking at that and talking to our partners in OMB about it.

CHAIRPERSON JOSEPH: See, I'm not the only one who like numbers. So, my colleague, Council Member Restler, is also asking these kind of questions too. So, since you don't have a fair number, what is an estimate of what it would cost for New York City Public Schools to provide related services in general and integrated classes directly?

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

So, if we wanted to fully staff all of the DOE integrated classes with related service providers, we think we'd need 246 more related service providers.

CHAIRPERSON JOSEPH: And how much would that cost us? Y'all gotta come with numbers. We're educators. I need numbers.

SENIOR EXECUTIVE DIRECTOR WALLENSTEIN:

We're not able to talk about the cost estimates in this forum as we're going through the budgeting process.

CHAIRPERSON JOSEPH: Okay, this is from Council Member Restler. He wanted to ask about the decision to enforce July 1st application deadline for students attending non-public schools. It has been reported that 3,000 non-public school families missed the June deadline and were denied services. 17,000 families reportedly met the deadline. The MMR indicate that there were nearly 50,000 children receiving special education services last year. Could you clarify why there were only 20,000 children reportedly subject to the June 1st letter? How many children in non-public schools are receiving special education services this year?

1 SENIOR EXECUTIVE DIRECTOR GURLEY: Thank
2 you, Chair. Our enforcement of the June 1st deadline,
3 as our General Counsel had mentioned, was related to
4 a decision from the State to make sure that we were
5 managing the growing or the explosion of Due Process
6 litigation in New York City. The 17,000 number
7 represent those families that chose to engage us.
8 They do not have to opt in for equitable services.
9 You have a deadline, and you can tell us whether or
10 not you'd like to receive services. 17,000 of those
11 families said, yes, I'm continuing my child in their
12 private or religious school, and I would like
13 equitable services. Those families who made the
14 decision not to tell us that they were seeking
15 services, that's their choice. For those 3,000 that
16 missed the deadline, we made that commitment in
17 September to make sure that children were going to be
18 served. We recognized after making that commitment
19 that the continued litigation in this space required
20 us to produce that waiver. While we wanted to provide
21 a pathway to service, we had to have this requirement
22 for the waiver to avoid continued litigation in this
23 space. As was mentioned earlier, we've done
24 everything in our power to provide a pathway to
25

service for these families, both the families that, you know, provided us with the notice by June 1st and those who provided it after June 1st. That includes our after-school and weekend sites. It includes the hiring of our itinerant special education teachers who are ready, willing, and able to serve children in non-public schools. They're available to families that did let us know by June 1st and those who let us know after June 1st. In addition, we recognized the need to make sure that we are in communication with schools and our families. So as was mentioned, the information on the website for the upcoming school year was imperative, but beyond that, we have mailed information, emailed over 30,000 families with information. And in addition to that, we're in the process of hiring educational administrators to engage in the consultation process, which is under law, we're required to engage with schools and discuss the students in their buildings. This will give us an opportunity to discuss those students and where families are, where their families are, and whether or not they have an understanding as to whether those families intend to submit a notice by the June 1st deadline, which is critical. But for the

families that haven't engaged, it's February. So, if there are 20-plus thousand families, they haven't reached out to New York City Public Schools to let us know that they would like services this current school year, and we are now pivoting to plan for the upcoming school year so that our teachers are available and we can let non-public schools and families know that our teachers are available. And we'd like to, if we can, if funding is available, further expand our after-school and weekend sites. It's a pathway to service that we've never had before.

CHAIRPERSON JOSEPH: Well, thank you for pivoting for that. And all of a sudden you had to re-imagine that.

GENERAL COUNSEL VLADECK: Chair, I'm sorry, may I add one other thing? I just, since this is a public forum, I want to make sure I don't think we've said very clearly, June 1st letters can be submitted starting now. January 1st is when June 1st letters can come in. As I said earlier, this is not a complicated process and we've put the guidance up. I also want to acknowledge Council Member Restler had a question about how did we come to this decision and I

would just refer him back to your giving us the opportunity to explain that earlier today.

CHAIRPERSON JOSEPH: I'll send that to him. So, I'm continuing with his line of questioning. He said, following backlash from June 1st deadline, DOE issued a new waiver letter to families. Under the waiver, families did not have the right to file a case with new enhanced rate equitable services. Is that correct?

SENIOR EXECUTIVE DIRECTOR GURLEY: That is correct, Chair. The waiver is voluntary. Families were not compelled to sign the waiver. But yes, that was included as language in the waiver.

CHAIRPERSON JOSEPH: Okay, I hope he's listening. If a child received services last year, why should they require to pay out of pocket this year for missing arbitrarily enforced deadlines?

GENERAL COUNSEL VLADECK: Thank you, Chair. So, this goes back to the discussion earlier about our obligations under the IDEA versus State law. The existence of the June 1st deadline is really the only step that the State took to recognize the burden, the financial burden it created on the district when they expanded the breadth of rights of

students in private and parochial schools. So, as I mentioned earlier, we need that information. We need to know when students are continuing on because we have to be able to plan and budget for those programs for the following year. I understand that some individual families, the circumstances don't change much year to year, but I think the fact that there are so many more students listed as having IESPs in our databases than we've actually heard from this year demonstrates the value of checking with families each year. I also just do want to mention the State has previously held counties financially responsible for failing to implement required notice deadlines for the provision of other services so we've been, I think, we should have been more consistent all along, but that's where we are.

CHAIRPERSON JOSEPH: He also wants to ask, will DOE commit to giving these families a fair chance to apply for services without any waivers or conditions?

GENERAL COUNSEL VLADECK: To the extent that's referring to services for the part of the year before we were able to provide vouchers, no, we cannot. And it's why we've left, the path is always

open for a family who believes they have a legal right to compensation for anything out of pocket to file a Due Process claim. However, it is black letter law that failing to meet the June 1st deadline sort of nullifies the legally mandated entitlement to those services in the coming school year.

CHAIRPERSON JOSEPH: Also, many of his constituents never receive any notification at all about the deadline given a lack of internet access and change in residential addresses. Additionally, even families who did receive the notification were often unable to respond given challenging digital signature requirements. What efforts did New York City Public Schools make to ensure families were notified? Did you notify elected officials, community stakeholders about this decision so we could communicate to our constituents?

GENERAL COUNSEL VLADECK: So, as we described earlier, we understand that some families felt they were not aware, didn't have the heads up about our enforcement this year, and so we are reaching out to every family in our system with an IESP directly. Where we do not have email addresses, we are reaching out via snail mail. And to the extent

that, I think we have worked on translating that letter for families who speak other languages.

CHAIRPERSON JOSEPH: And language access is also available?

SENIOR EXECUTIVE DIRECTOR GURLEY: That's correct. We're working on it currently. Currently it's available in English, but we are preparing a mailing to our families with a language other than English and that will be disseminated to those families.

CHAIRPERSON JOSEPH: And the mode of communication was what? Email, letters, phone calls? What did you use to reach out to the families?

SENIOR EXECUTIVE DIRECTOR GURLEY: I can speak to what we're doing moving forward, Chair, if I may. We are engaging families both via email and snail mail. We also are planning a Beyond Access series to make sure families have the information. We're hopeful that our consultation with 850 non-public schools citywide will also work to give families the information that they need. Our non-public schools have a daily touchpoint with families that New York City public schools do not have. We have a standing committee where we share information.

The consultation will also provide that information, and it's our expectation that non-public schools will share this information with families. Separate and apart from that, we've also invested in hiring community coordinators to support this work, and those community coordinators will be making outreach to families throughout this winter and spring to remind families of the deadline and to ask that they submit the form and provide support in submitting the form.

CHAIRPERSON JOSEPH: How many community coordinators did you hire?

SENIOR EXECUTIVE DIRECTOR GURLEY: We are hiring 10 community coordinators, but that's in my space. I know our committees on special education have another set of community coordinators, but these community coordinators are solely dedicated to supporting our IESP families.

CHAIRPERSON JOSEPH: Can you please explain how many enhanced rate cases have been filed to the new enhanced rate equitable services unit? What is the average time to render decision? How many cases current on backlog and when does New York City public schools expect to resolve them?

GENERAL COUNSEL VLADECK: I have answers to some of those questions. This is a new program. We've received in the ballpark of 1,000, around 1,000 total applications to the ERES process. We found almost half of those to be facially deficient. So, for example, there was no affidavit, notarized affidavit from a parent affirming that they were aware of and interested in pursuing the claim. We resolve these cases on a rolling basis. This is a new process. There are not applicable timelines, deadlines. We have made a commitment to resolve cases within 60 days of their being submitted. It's early for us to have exact outcomes there, again, because it is new and it is rolling, but I think we're definitely within range of that 60-day objective. And in terms of the outcomes there, as I mentioned earlier, I think it's safe to say over 90 percent of the cases that we've looked at, we have denied because we have made an offer of our own. We understand that some families may want to stick with a provider they've worked with for years who charges 200, 300 dollars, but our obligation, as you know, Chair, is not to fund exactly what the family wants. It's to make an offer that will meet the student's

needs, and in this ERES enhanced rates process, that's what we've done, and I think we've been successful so far because of all the initiatives we've described about directly engaging more to arrange and provide the services.

CHAIRPERSON JOSEPH: Is there any cases where it's not resolved in 60 days?

GENERAL COUNSEL VLADECK: I don't know. There may be, and that's something we can look at and get back to you, but we've also had to stand up a makeshift data tracking program in order to manage these cases, so we're still working out the kinks there.

CHAIRPERSON JOSEPH: And how many people you have staffed in that unit?

GENERAL COUNSEL VLADECK: Well, great question. We've had to pivot, you know, because it is a new function. I can tell you that we have an Impartial Hearing Office that is responsible for case administration. That unit has 26 staff. It used to be larger, but moving the cases to OATH has reduced some of that burden. Our Litigation Unit has 120 staff, and we have collaborated across those two offices, as we have worked through this process, to figure out

what aspects of the process are about administration and review and what aspects of the process require legal analysis.

CHAIRPERSON JOSEPH: Will you eventually need to scale up because of the growing caseloads?

GENERAL COUNSEL VLADECK: Unclear. As I said earlier, you know, one might have expected that the drop-off in Due Process filings, like the place for all those cases to go, would have been over to the ERES process, but we don't see that match, and we think that as we continue to, you know, strengthen our own metrics on directly providing services, we should see a decrease in both Due Process filings and the ERES system, it is our ambition, would become unnecessary. But, you know, I can't predict the future, so we'll have to see.

CHAIRPERSON JOSEPH: Our students in temporary housing, we've been getting a lot of families telling us the newly arrival immigrant students living in shelters, they have to wait for an evaluation, and if they were identified as having a disability in their prior country, what is New York City Public Schools doing to ensure that the newly arrived immigrant students with disabilities are

properly and promptly identified, provided with comparable service plans, evaluation, and IEPs?

DEPUTY CHANCELLOR FOTI: Yeah. No student should have to wait to be evaluated. And in terms of a comparable service plan, we are directing our schools to accept whatever documentation a family arrives with, to use that to inform the IEP process, and if a family does not arrive with any documentation, they should still proceed with the IEP process and make sure the students are getting whatever they need, should they be suspected of having a disability.

Chair, I also want to note that something that is not necessarily recognized is that a lot of these families have been arriving to New York without adaptive equipment, so children are arriving without wheelchairs, and certainly not under the auspices of New York City Public Schools, but via labor of love. The related service team has been outfitting over 700 students who otherwise are being transported in strollers. They are outfitting them with wheelchairs, and I just want to really go on record as applauding that team.

CHAIRPERSON JOSEPH: Is there any students waiting to get a wheelchair? How many do you have that's waiting?

DEPUTY CHANCELLOR FOTI: We have our flyers here that we're, again, it's not a Public School obligation, right?

CHAIRPERSON JOSEPH: I know.

CHIEF SANCHEZ: We have our flyer, and yes.

CHAIRPERSON JOSEPH: You brought it up. I'm just asking.

DEPUTY CHANCELLOR FOTI: Yeah. We need it.

CHIEF SANCHEZ: There's approximately six to eight students right now awaiting a wheelchair, and that, as you can imagine, is a very fluid number, but it's about six or eight right now.

CHAIRPERSON JOSEPH: Reaching out to partners to make sure we're meeting those needs?

CHIEF SANCHEZ: We have reached out to many, many partners, including Health and Hospitals, and vendors, and there are supply chain shortages with wheelchairs, so what the team does is they literally go to the family shelter, where the family is, and do a physical seating assessment, and then we

see what we have in our stockpile, and we kind of, as DC Foti said, we MacGyver together, and then we also help the family navigate the public healthcare system, because a wheelchair typically in that system takes eight to twelve months, so we loan them that chair while they're waiting for that process, and it's a grassroots program that is very, very much needed, and we're eager for any support the Council can provide on that.

CHAIRPERSON JOSEPH: We understand New York City Public Schools provide translation services for special education documents to parents who home language is not English, but only when parents formally ask for these translations. Do New York City Public Schools track numbers of families who have requested translation for special education documents? If so, how many families have made such requests during this school year?

CHIEF HAMMER: Office of Language Access does track that number. From July to December 2024, OLA completed 5,269 parent requested IEP translations. That's an increase of 27 percent compared to the same timeframe of the previous school year.

CHAIRPERSON JOSEPH: What's the most requested language?

CHIEF HAMMER: I can get that information for you.

CHAIRPERSON JOSEPH: Are translators assigned to this work specifically trained in terminology related to special education? If so, how many translators have been trained, and does New York City Public Schools currently have enough trained translators to provide the service to every family that requests one?

CHIEF HAMMER: Special education documents received by OLA are translated via the New York City Public Schools contracted translation vendor. OLA works closely with the vendor to ensure that over 1,300 available translators are monitored for quality, consistency, and knowledge of terminology. It's done via the use of glossaries, style guides, translation memory tools, and internal quality control measures.

CHAIRPERSON JOSEPH: And these are certified translators to make sure they have that domain specific vocabulary. Okay. What is the average time it takes to translate these documents and

provide them to families once they request? What's the window?

CHIEF HAMMER: So, the turnaround time from the moment a request is made by and delivered to a New York City Public School staff member from July through December 2024, that average turnaround time was approximately 11 business days.

CHAIRPERSON JOSEPH: 11 business days. Thank you.

We're going to get into some of the behavioral. Regarding manifestation determination reviews for students with IEPs facing suspensions, we know that students with IEPs tend to have more suspensions. What are we doing in terms of restorative justice, and what training do we facilitate with MDRs receiving regarding how to conduct the meetings?

CHIEF HAMMER: So, I can start on MDR and then, you know, my colleagues can talk a little bit about training on therapy to crisis intervention. MDR process is something that our division is focusing on this year. We've been working to revamp our training materials in close partnership with advocates and other stakeholders, and so the training that has been

developed and is being rolled out this year really takes schools through the entire process. What's expected at the meeting, how they should be engaging families through this process, the materials that should be provided to families, and really ensuring that families are aware of agencies that can support them. And so this training is being rolled out. We're starting at the committees on special education. We're starting with some targeted districts. We're getting really good feedback on what's happening right now. We're excited to continue to focus on this work.

CHAIRPERSON JOSEPH: And for families, again, that English is not their first language, is this also being provided in their language, translated? Does anyone review the MDR worksheet after they complete it to determine if the meeting has been conducted according to city, federal, and state laws and guidelines?

CHIEF HAMMER: Yeah, so families should always have access to the MDR worksheets and any of the other materials and documents that are used during the meeting. We do review documents when an escalation is brought to our attention, and it's

something that we've been working closely with our advocacy stakeholders and partners on.

CHAIRPERSON JOSEPH: Is that an option families are aware that they can have an MDR?

CHIEF HAMMER: That's our policy. We believe that to be the case, and we're continually reinforcing that.

CHAIRPERSON JOSEPH: And do you collect the MDR worksheets schools are required to fill out for every MDR?

DEPUTY CHANCELLOR FOTI: Yeah, so MDR worksheets are uploaded into the internal systems, and I also just want to note that we worked closely in conjunction with advocacy groups to update the MDR letter to ensure that families know their rights.

CHAIRPERSON JOSEPH: And if I would like to request the data, would I be able to get that? Thank you.

We know that black students are proportionately classified as having emotional disabilities. What systems are in place to prevent overuse of this classification, and that students are screened for learning disabilities and others prior to classifying them.

DEPUTY CHANCELLOR FOTI: Yeah, so just to reiterate what we discussed earlier, we're really glad that since 2020 that classification of emotional disability for black students has decreased by 30 percent. We attribute that to a few things. Number one, we've increased the use of anti-bias assessments in our psychological testing done by our psychologists via the IEP process. We've also added more tools to the psychologist toolbox so that there are various assessments that will highlight students' gifts and challenges. The dyslexia screeners are also key to this work as well as the emphasis on phonics.

CHAIRPERSON JOSEPH: And all personnel in the buildings are trained for dyslexia screening as well?

DEPUTY CHANCELLOR FOTI: All of the teachers that are working with students are doing, number one, we're doing phonics, and they're trained in how to implement those programs as well as intervention programs, and the screeners training coincides with all of that.

CHAIRPERSON JOSEPH: And while we're providing this training for school personnel, how are families engaged in this work?

DEPUTY CHANCELLOR FOTI: So, our Office of Family Engagement has been working to do external trainings with families and partners. Our local schools have been doing those partnerships. This is always a place we're looking to continue to deepen. And of course, parents play a key role in that.

CHAIRPERSON JOSEPH: Earlier we talked about equity and the data that I looked at for the school year of 2023-2024, 43 percent of superintendent suspensions went to students with disability, while they make up 22 percent of the population. What supports are needed for New York City Public Schools to address this disparity?

DEPUTY CHANCELLOR FOTI: Yeah, so students absolutely have to feel connected to their schools, and there are a number of programs that we're implementing to make sure that students do feel connected to schools. My Brother's Keeper, My Sister's Keeper, our Critical Restorative Justice, but also need to make sure that this disproportionality is highlighted via the data. So, we're working with our districts to review their disproportionality data. The State is also a partner in this work. And I think, Suzanne, you want to talk

a little bit about the panorama survey and what we're knowing about student engagement.

CHIEF SANCHEZ: I do. I appreciate that, DC40. I also wanted to flag one other point back that we have trained and will continue to train school staff on the FBA process in reference to MDRs and as reference to this as well so that's a big push and a big focus.

I don't want to jump ahead, but we are certainly focused on student attendance in all forms and variations and suspensions and behaviors. All those are interconnected to the work that we're doing and our students need so we're focusing on developing, increasing, highlighting inclusive communities for schools that are welcoming all learners. There was a study recently done by the Panorama Education Consulting Group that identified why students with disabilities may have higher levels of absenteeism than others, and the two most prominent issues were, one, for older students, having an adult in the school that they feel connected to, and for elementary and middle schoolers, it was feeling safe and comfortable in their school community. So that's really telling, I

think, information for us and places to focus on our work. Our SEED program, which is our 79 Sensory Gyms across New York City, yes, they are focused on sensory regulation for students to get ready to learn. There's equal emphasis on social-emotional learning skills, and teaching families how to support their child's social-emotional learning is a big part of that work. We have partnered this school year with the Neurodiversity Alliance, which is a group founded by and for students, young people who are neurodiverse, and we, in partnership with them, have launched our Inclusive Club initiative, which we now have 80 schools are registered to have Inclusive Clubs, including Stuyvesant High School, which is going to be featured in an upcoming, I believe, news article shortly around how they are integrating and developing programs, enrichment and community programs for students with and without IEPs. And something that we've implemented just this school year in the Special Education Office is whenever we come across or we hear about a student with a disability who was suspended and/or there's any concern around the MDR either internally or from the family, one of our team members, our Director of

Innovative Projects, goes out to that superintendent's team, on-site, hands-on, in-person, starts to do training around MDRs and suspensions. The other piece that we obviously have to continue to focus on is literacy, and we know the connections between literacy and suspensions and behaviors and school dropouts and the pipeline to prison. We're all, unfortunately, very familiar with that. And the New York City Reads program paired with targeted interventions and supports are focused on teaching children to limit some of these concerns.

CHAIRPERSON JOSEPH: But if some of the students are not getting the necessary services, how are we going to meet that need? I don't know, New York City Public Schools.

We talked about absenteeism. How do you track the data of students with disabilities, absenteeism rate? How do you track that data? And when you get that data, what do you do with that? Is there an outreach team?

CHIEF HAMMER: So, my colleagues will respond to that. Very quickly, just a couple quick notes. I wanted to say Spanish was the most translated language. I just wanted to confirm that

data. It is Spanish followed by Arabic and Bangla. On the teacher recruitment front, it is worth noting that there has been a 25 percent growth in the number of certified special education teachers in New York City Public Schools over the last 10 years and so, while we have work to do, that is a significant increase in the workforce over the last decade.

CHAIRPERSON JOSEPH: So how many more do you still need, though, so you can stop calling it a shortage?

CHIEF HAMMER: We still need to hire. We still need to hire. The pathway programs that our colleagues spoke about earlier are helping us to get there. I don't know if it was stated that through all of our teacher recruitment programs, things like training, tuition, stipends, we invest over 9 million dollars annually in teacher recruitment, and I know that we continue to have work to do.

CHAIRPERSON JOSEPH: And students who are chronically absent, how do you address that? You go to their homes? You engage the family? How do we make sure we're getting them back into the building?

CHIEF SANCHEZ: Yeah. When any student in New York City Public Schools, whether they have an

IEP or not, if they're experiencing chronic absenteeism, if it's due to a medical issue, if there's a medically documented reason, that could be physical or psychiatric, we have the option to provide temporary home and hospital instruction so the student can receive their instruction at home. This is also in partnership and a requirement of New York State. They can also be provided at a hospital or a non-home setting. We also have remote and hybrid high schools that have been started by New York City Public Schools in effort to work towards this issue as well. School attendance is the most critical step to any component of a student learning, of course. I mean, if you're not there, you're not learning, and this is why you have heard throughout testimony today about our goal to prioritize the expansion of specialized programs that create welcoming, inclusive environments for all learners where they feel, and their families feel, supported and welcomed in their school community. Chair, too often we are focused on having the child who has a disability fit in as opposed to creating programs that work for everybody, and that is why Deputy Chancellor Foti is leaning into this work so deeply. It's around creating spaces

that children and their families want to be there. On our SEED program, Chair, which is Saturdays, we launched SEED during the Omicron virus outbreak and I really thought no one was going to come. And not only did they come, they haven't stopped coming. On Saturdays, parents are getting their child dressed. They are coming there because they say, not me, they feel welcome. They feel like that is a place where their child is understood and their gifts and their differences are celebrated, and that's what we're trying to promote throughout New York City Public Schools.

CHAIRPERSON JOSEPH: I've been saying that since I got here, and that's exactly when we talk about the lack of transportation. I tell students not to hate the school, but hate the transportation system.

CHIEF SANCHEZ: And when we have more programs closer to home, that becomes less of a problem.

CHAIRPERSON JOSEPH: But we have to also make those buildings accessible for our students to be able to enter and leave these buildings where they don't have to travel so far to get the same quality

education that they can have in their communities.
I've been saying that since 2022.

CHIEF SANCHEZ: Agreed and their families
too.

DEPUTY CHANCELLOR FOTI: And Chair, we
gave you proof of concept of that. You've been saying
it and we did it. We said we were going to do it in
those three pilot districts, and we testified today
2.7 miles on average. We have our five-year-olds on
school buses. That's down to 1.5 miles. So we know
what to do. We need to be positioned to do it.

CHAIRPERSON JOSEPH: Let's get it done and
let's make sure we have numbers attached to those
requests.

So, D75 is supposed to provide programs
to help students develop independent living, and I
mentioned that briefly earlier, including activities
of daily living like bathing, dressing, using the
toilet, housekeeping, like learning how to do
laundry, community living, like learning to use a
public transportation and shop, vocational
programming, like learning work readiness skills.
However, we are aware that not every D75 school has

the appropriate facilities to provide such education.
How many schools are in need of such spaces?

DEPUTY CHANCELLOR FOTI: We can definitely work on surveying the schools. There's been more and more of these spaces. And I just want to also shout out the UFT, who's been a critical partner in advocating for activities of daily living skills in District 75. While we push New York City Reads, we're also keenly aware of the vast array of needs that exist in our schools. As John described before, the Riverview School is an excellent example in District 75 of they have a model of how apartment, right, they have a model café, and I know your question is asking how do we do more of that at all schools, and we can certainly put out a word for those additional requests.

CHAIRPERSON JOSEPH: Do you check in with students that have graduated from D75? Do we track them to see where they are and what they're doing?

DEPUTY CHANCELLOR FOTI: So, District 75 is in ongoing contact at the local level, but I agree with you that we need to do more to capture the data around post-secondary outcomes.

CHAIRPERSON JOSEPH: And I had asked that earlier, are we securing internships, training for students after graduating D75?

CHIEF HAMMER: Absolutely. All of our work-based learning opportunities prepare students for that next step. Innovative programs such as Project Search, which is designed for students with intellectual and developmental disabilities, are one example of the types of programs operating District 75 to support kids through that process.

CHAIRPERSON JOSEPH: Do we provide preparing students for work-based learning during high school and for life after high school and traveling training, ensuring students can navigate public transportation, food, shop for their food, maintain a job, and take care of themselves?

DEPUTY CHANCELLOR FOTI: I'll start on travel training and then we'll talk about the others. Travel training, Chair, as we've talked, is a huge passion of ours and something that we're going to be working to expand this year, particularly for students in our ACES program with intellectual disabilities. We're partnering with YAI to enhance the amount of travel training available to those

students. Students in ACES have a particular focus on vocational training so these are students, of course, like all of our students that we want out in the workforce, to your point. We are also looking to make outreach to folks like, you know, NYPD Community Affairs. And this is a place where we really want to bring parents in more, parents to help be there navigating the subways. And I know that families are always looking for additional opportunities to participate. We see this as being a good place to start.

CHAIRPERSON JOSEPH: Before they leave D75, is there a transition plan that the families receive to support the students as they're leaving?

CHIEF HAMMER: Transition planning happens at every IEP meeting, beginning when students turn 14 and, absolutely, District 75 is working with families through that process.

CHAIRPERSON JOSEPH: So, each high school student with an IEP, as I mentioned, deserves a transition plan, right, so while these transition plans should provide meaningful steps to prepare students for post-secondary life, we often hear from families that these plans are vague, and they're not

individualized, and they do not include steps so families come to you to also kind of guide them, give them a roadmap.

DEPUTY CHANCELLOR FOTI: As we work with District 75, again, this is week one, and we're excited to be in this position to have D75 in the DIAL family. This is an area of focus. John mentioned that we have a new position dedicated to this work on behalf of DIAL. Couldn't agree more. I mentioned my brother, who is intellectually disabled. Parents often call leaving the school system the cliff, and we definitely do not want that to be the experience so this is an area that we're going to be focusing on, Chair.

CHIEF HAMMER: Just one specific example of that. We are working with our advocacy partners on the development of a 37-byte-size module specific to the transition process that will be offered through Parent University, and so that's a huge step forward for us in terms of direct family engagement around each part of the transition planning process that's going to be available to families shortly.

CHAIRPERSON JOSEPH: And something I've said over and over, we have to include families in

this educational journey. We can't do this work by ourselves. And if we include them, students will have better outcomes and better support, a better support system in place.

Transportation. How can we ensure that City approves bus contract extensions no longer than one year so that City can rebid the bus contract as soon as possible? And what can we do as a Council to support?

CHIEF HAMMER: So, the negotiations there are underway so I can't comment too much on the specifics of that. But in terms of your interests and how you can support us, you know, as we've testified in September, the Employee Protection Provisions, those EPPs, are currently deemed to be illegal in any new bus contracts. We know that rebidding without those EPPs will result in a bus strike and a major service disruption for our students, as was the case in the 2013 rebidding. What we could really use your support is in legislative change that will allow us to rebid these contracts with EPPs and with new terms that will allow us to add capacity, add flexibility, and accountability.

CHAIRPERSON JOSEPH: You need me to work with my colleagues on a State level because that's not a City, it's not a City issue. It's a State issue.

CHIEF HAMMER: Right, Chair.

CHAIRPERSON JOSEPH: How much does New York City Public Schools spend on transportation for Due Process claims?

CHIEF HAMMER: We can probably get you that number shortly.

CHAIRPERSON JOSEPH: How many students are still waiting for bus services that's mandated on IEPs who have transportation paras mandated on their IEPs and transportation nurses mandated on their IEPs?

CHIEF HAMMER: Yep, so OPT is providing transportation to around 149,000 students. 78,000 of those students utilize specialized transportation across all of our settings. So, students that are awaiting routing, it's 141 students. Three students are awaiting a paraprofessional. These are newly added students and/or students who moved or changed schools. Students who've been provisioned rideshare due to a driver absence or no vendor assigned due to

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2 a driver shortage, that number is 1,287 students. 28
3 students are on rideshare as they await a
4 paraprofessional service, and one student is on
5 rideshare awaiting a nurse service.

6 CHAIRPERSON JOSEPH: You know, the biggest
7 complaint I get from parents is the lack of customer
8 service at the bussing division. Nobody to answer the
9 phone. Nobody to answer questions. If the child is
10 not being picked up, is the route being changed, no
11 one is communicating. This is a relationship. We have
12 to talk to each other so parents can know what's
13 happening in real time. Families have to go to work
14 so we have to do this in real time so that's one of
15 the things I'm asking on the record that the
16 improvement in customer service over at OPT improve
17 drastically, and I hear this across the board. Even
18 when a school is supposed to go on a trip and these
19 are regular gen ed students. Even if the bus is not
20 arriving for the trip, no one knows where the bus is,
21 no one can answer, no one can give anything.

22 CHIEF HAMMER: We hear you. And we see it
23 as our role as DIAL to support our partners in OPT by
24 really pushing these programs close to home, and so,
25 while we know that there's work to do on the routing

front and on those contracts, we also need to be able to provide high-quality services in local public schools.

CHAIRPERSON JOSEPH: So, I knew last time I talked about this. So, getting back to our famous Carter versus Connor cases, at the last Preliminary Budget hearing, you guys could go and watch this, when I asked the separate data on Carter and Connor cases, First Deputy Chancellor Weisberg responded, happy to give you, happy to give, happy to separate the data, we can absolutely do that for you. But early in the hearing, this hearing, New York City Public Schools testified they couldn't give us that data. Given DC Weisberg's previous commitment, is that something New York City Public Schools can work on?

GENERAL COUNSEL VLADECK: Chair Joseph, I just want to make sure I'm not misunderstanding. Connor cases are Carter cases. They're just cases where a claim is made about where payment should go once the case is resolved.

CHAIRPERSON JOSEPH: So can you differentiate that for us? That's what the Committee would like.

GENERAL COUNSEL VLADECK: Okay. So, I can speak to First Deputy Chancellor Weisberg about what he was referring to. As I mentioned, that's not data we track because it has become pretty mooted in the processes, but I will work with my colleagues to see what could be responsive. I think it would be helpful to understand, is the question here...

CHAIRPERSON JOSEPH: Do you want us to break it down into demographics? What are the services? What are the areas? We can do that. I can send you a letter afterwards and we can break that down. We can have a conversation offline, and I can send you exactly what I'm looking for in my letter. Would that be helpful?

GENERAL COUNSEL VLADECK: Very helpful. Thank you.

CHAIRPERSON JOSEPH: Thank you. So, how many students are receiving tuition now? Do you have the number?

GENERAL COUNSEL VLADECK: So, for a variety of reasons, there's a data lag having to do, among other things, with parents having up to two years to file claims, longer in some circumstances. I can tell you that in Fiscal Year '23, we made tuition

payments involving 6,512 students, and I would use that number as kind of our baseline. It's consistent with the prior years and I suspect that the most recent fiscal year is not up to date yet, but it's in that range of 6,500 for several years.

CHAIRPERSON JOSEPH: And how many reimbursements have you made through these credit cases?

GENERAL COUNSEL VLADECK: How many reimbursements?

CHAIRPERSON JOSEPH: Mm-hmm.

GENERAL COUNSEL VLADECK: Do you mean what is the dollar amount of those reimbursements?

CHAIRPERSON JOSEPH: Yeah.

GENERAL COUNSEL VLADECK: So that's exactly the analysis we're working on now. Because of that 1.35 billion representing payments made for multiple service years, we are, even as we speak, undertaking an effort to try and distill out what we're actually spending on tuition for a particular service year so we're happy to share that analysis with you as soon as we have it. We are very eager to have that same insight.

CHAIRPERSON JOSEPH: So, would you know how many are receiving both tuitions and services?

GENERAL COUNSEL VLADECK: That's harder to separate out because our systems don't track the data in that way, but we are also looking at what we can provide to the Council that at least gives some approximation in response to that question.

CHAIRPERSON JOSEPH: And you don't track demographic either in your cases?

GENERAL COUNSEL VLADECK: We do have demographics. Sixty-four percent, I think as was mentioned earlier, of DPCs are filed by families who identify as white. There's an overlap there with middle- and upper-class income brackets in terms of zip codes. Nineteen percent of filers do not indicate what their race or ethnicity is, so it's an unknown for us. And so the remaining 16 percent of filings are broken down, you know, across black, Hispanic, Asian, and other filers. I'm also glad to have the chance to note that it's a very, very small percentage of our filings that represent public school cases. Public school families, of course, also retain the right to file Due Process complaints when

they believe when they disagree with us is usually the case about what's on the IEP.

CHAIRPERSON JOSEPH: So, can you explain what the Carter case budget code 2127 includes?

GENERAL COUNSEL VLADECK: So I apologize. I don't think I have that code, the four codes that I'm aware of, the budget codes that cover Due Process cases. Ah, I see. DC Foti has educated me, as she always does. 2127 includes the following budget codes. OC-669, which covers transportation of pupils; OC-670, which covers contract and corporate school programs, in other words, tuition; OC-682, covering professional legal services, which covers legal fees as well as some other costs incurred as part of the process; and then OC-685, representing professional or direct educational services.

CHAIRPERSON JOSEPH: Thank you. New York City Public Schools testified in September of 2022 we don't seek to limit payments on Carter cases but rather we're looking for ways to provide families with what they need up front so that fewer have to file such cases so more than 10,000 students who are classified with autism could benefit from a seat in ASD Nest, Horizon, AIMS. Yet in 2024, only 160 new

slots were added. What is the plan to grow these programs to better serve more students and we'll have less cases.

DEPUTY CHANCELLOR FOTI: You know, over the next few months, Chair, we're hoping to hear more about any potential allocations for these programs, but I think we've made clear today how much we do see these programs as a lever for public school options.

CHAIRPERSON JOSEPH: When you make your new needs to OMB, is that individualized or is it just one big bucket?

DEPUTY CHANCELLOR FOTI: For specialized programs generally?

CHAIRPERSON JOSEPH: Mm-hmm.

DEPUTY CHANCELLOR FOTI: Yes, we put in an overall bucket based on the number of sections.

CHAIRPERSON JOSEPH: So, have you decided to do a comprehensive cost assessment to determine how much money it would take to provide all the mandated services to students who are involved in Carter cases?

DEPUTY CHANCELLOR FOTI: We have done a number of analyses on costs associated with needs, not only as it relates to Carter, but also as it

relates to filling all the gaps that we talked about today. As you can imagine, Chair, it's a lot of layers of analyses and approval that we need, but I can assure you that we think about this day and night.

CHAIRPERSON JOSEPH: Do you have a number?

DEPUTY CHANCELLOR FOTI: Not that I could provide today, Chair.

CHAIRPERSON JOSEPH: Would you be able to share the analysis with the Council?

DEPUTY CHANCELLOR FOTI: I need to talk to my colleagues, but I hear the question.

CHAIRPERSON JOSEPH: Okay. So, what's included in the direct service object code budget? Is it primarily vouchers? Did vouchers rate recently increase? What's the average cost of each of the vouchers?

GENERAL COUNSEL VLADECK: The question is about services?

CHAIRPERSON JOSEPH: Mm-hmm. Did the voucher rates recently increase, and what is the average cost of a voucher?

GENERAL COUNSEL VLADECK: Yes. So over the summer, we actually more than doubled the rate of

reimbursement for SETS, or the voucher amount for SETS services. There is a tiered system that relates to how many students are part of the same session, but the rates start at, I think, somewhere around 86 dollars an hour. We don't have the data yet. We're very eager to see it, but what we see through working with families every day and through the cases we're working through is that that does seem to really meet the demand that families, and we are able to find providers who will accept that rate. I believe, I'm less informed about the rates on related services, but I believe the vouchers are in a similar neighborhood, and if I'm not mistaken, the challenges there just have to do with the availability of providers, the intensive demand for providers across the board.

CHAIRPERSON JOSEPH: So what if a family cannot find, they have a voucher, what if they can't find providers?

GENERAL COUNSEL VLADECK: Right. So in that case, they would seek an enhanced rate. This is with respect to IESP claims. They would seek an enhanced rate, and that's a case where we would evaluate, and if we determine that there is no

affordable or available provider, and the family is saying, oh, look, I've got one who will charge this much higher cost, if we genuinely cannot meet that demand in a reasonable way, then we will approve that request for the enhanced rates.

SENIOR EXECUTIVE DIRECTOR GURLEY: Chair, if I may, this year, for the first time, as I mentioned earlier, we want to be in the position of being able to provide a special education teacher to a family so while we respect their right to pursue our ERES process for the enhanced rate or Due Process, we have teachers that are ready, willing, and able to serve our IESP families. In addition, if there's some reason that we cannot meet your child's needs during the school day, and it's not all because New York City Public Schools is incapable, but there are scheduling conflicts, schools, we respect their autonomies, our non-public school partners have certain concerns with us entering their school buildings, we have our after-school and weekend sites available to these families. So, there exists a pathway to service, and that will remain throughout the remainder of the school year, and the service is available seven days a week. It's something we've

never done before. We recognize that there are many of our families who cannot come to us on a Saturday, may not be able to come to us on a Friday. So we've opened up Sunday sites for the first time ever in New York City Public School history, and we hope that that goes a long way in making sure that our children are served.

CHAIRPERSON JOSEPH: So, of the 535 million spent on direct educational services in 2024, did it stem from IESP cases?

GENERAL COUNSEL VLADECK: I'm not sure exactly what the number is that you're referring to. There are different calculations on spending depending on how many service years we're covering. I think you may be referring to the amount that was allocated in the budget, and if that's the case, then I would just say that, as I'm sure you're aware, during this period of the explosion of cases, we have found ourselves in a position where OMB has had to supplement our budget every year, because unlike the programs and services that my colleagues have been describing today, once we lose a case in a Due Process process, we are legally obligated to make those payments no matter what.

CHAIRPERSON JOSEPH: So we will be writing you a follow-up letter for a breakdown of those questions.

Last year at a Preliminary Budget hearing, SCA identified accessibility as top funding priority if the State raised the debt limit. Despite the debt limit increase, no additional funding for school accessibility was included in the July or November amended capital plan. The current plan allocates 800 million through New York City Public Schools, previously estimating the need at 1 billion. What is the plan to achieve maximum practical accessibilities in 20 years? Parents, advocates, and myself called for 1.25 billion over five years.

CHIEF HAMMER: We appreciate your advocacy for physical accessibility of our schools and know that our team is doing a great job in taking on new projects with these funds. With the 800 million in funding, we're on track to meet the goals that we've stated. First goal was the selection of capital plan projects that will ensure full accessibility of all primary buildings in every school district. We want to increase that number from 33 percent to 40 percent upon completion, and we're on track towards that

goal. The second goal was the selection of capital plan projects that ensure District 75 buildings in every school district increased to 75 percent accessible, including increasing the full accessibility of these District 75 buildings to 50 percent within every district upon completions. We've started 50 projects that are underway that will allow us to meet those stated goals with those resources. If we were to secure 1.25 billion in funding, we would be able to increase goal one from 40 percent to 45 percent, and that would allow us to increase the number of projects from 50 to 100. And I know that a lot of these conversations around budget are ongoing, and we appreciate your advocacy and support.

CHAIRPERSON JOSEPH: What difference would that make for school accessibility?

CHIEF HAMMER: We'd be able to take the number of projects that we're doing from 50 to 100, and at the end of those projects, 45 percent of our schools would be accessible.

CHAIRPERSON JOSEPH: And students can stay in communities. Do you believe the State provided enough funding for special education?

DEPUTY CHANCELLOR FOTI: Well, you heard our Chancellor testify yesterday about Foundation Aid. This is certainly a concern of ours, and we are dependent on that funding. We certainly are waiting with bated breath to see where the next couple of months take us as far as budgeting is concerned.

CHAIRPERSON JOSEPH: If Foundation Aid included weights for students with disability, does New York City Public School have an estimate of how much of the financial impact could have?

CHIEF HAMMER: We don't have that specific data point. It should be noted, as the Chancellor testified yesterday, that in 2002, the State and New York City contributed equally to our schools, but today, 57 percent of our funding comes from New York City, only 36 percent comes from the State so any changes here that will support students with disabilities?

CHAIRPERSON JOSEPH: Absolutely. I'll call on my State colleagues to step up. So, the State allocates 550 million a year for pre-K funding. How much of this funding is specifically for special education services for our preschoolers?

CHIEF HAMMER: Just one second, Chair.

DEPUTY CHANCELLOR FOTI: Chair, while John looks for that, I owed you the answer about District 75 provision of service rates is currently at 83 percent program received.

And, Chair, Jessica had to step out so John's looking for that answer. So, we don't hold you up, should we go to your next question while he looks?

CHAIRPERSON JOSEPH: That was my last question.

DEPUTY CHANCELLOR FOTI: Oh, okay.

CHAIRPERSON JOSEPH: Surprise.

CHIEF HAMMER: So, in early childhood's program application, students in special education classes in our public schools are counted for in our child care accounts. When the final report is submitted, early childhood does claim for salaries associated with staff associated with pre-K funding codes in our system as early childhood teachers in special education teaching pre-K. For example, in Fiscal Year '24, we claimed \$5,130,964.06 in salaries for these individuals.

CHAIRPERSON JOSEPH: Thank you. Thank you all.

I now open the hearing for public testimony. I remind members of the public that this is a government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times.

The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not present audio or video recording as testimony but may submit transcripts of such recording to the Sergeant-at-Arms for inclusion in the hearing record.

If you wish to speak at today's hearing, please fill out an appearance card with the Sergeant-at-Arms and wait to be recognized. When recognized, you'll have three minutes to speak on today's oversight topic, DOE's Provision of Special Education Services.

If you have written testimony, written statement, or additional written testimony you may submit for record, please provide a copy of the testimony to the Sergeant-at-Arms. You may also email testimony to testimony@council.nyc.gov within 72 hours of this hearing. Audio and video recordings

will not be accepted. Call the first panel. Michael Mulgrew and Michelle Herman from UFT.

MICHAEL MULGREW: First, I want to thank you, Chair Joseph, for holding this hearing today on something that we feel is the biggest crisis in our school system, which is our special education programs, and I want to thank you and any other City Council Members today on the introduction of a bill that will hopefully help us recruit and retain paraprofessionals, which is a vital service that we know we all need. I'm going to make three quick points because there are a lot of people here.

So, when we surveyed the schools at the beginning of this year, because every year compliances were getting more and more difficult, access to services were getting more and more difficult that we knew and parents also knew. When we did survey the schools, we wanted to target the number one problem right now, which turned out to be the number of paraprofessionals. We have asked the Department of Ed in consultation many times over the years how many vacancies are there to which we get we're not sure, we'll get back to you, and we never get a number. I think you're familiar with that

answer today. So, for the 1,600 we were able to document, we knew that was the biggest thing and, once again, the City has made this their problem. The City created this problem when there was no need to do it. When we go into collective bargaining, we always say we're having a harder and harder problem because over the years of collective bargaining, the rounds of collective bargaining, what happens is every raise has to be based only on percentages, and we have continued to grow and grow the inequity gap for paraprofessionals because they were on the lower end of the wage scale. And the City's position has been, especially over the last three rounds of bargaining, is that we agree with you, we cannot attract or retain paraprofessionals, and we want you and your members to give up parts of their raises to give the paraprofessionals. This is absurd. There is no place in the world where an employer would say, you're right, we need more of these folks, but we can't attract them, so all of the workers, you chip in and pay for them. But we were very careful as we moved forward and tried to solve this problem because it's clear that the City was not, not interested in solving this problem. So, when we did this, when we

started working with you and your staffs and the people at City Council, we knew that our Council and your Council, rightfully so, could not do a bill that interfered or did anything in terms of conditions of the employees of New York City as it pertains to collective bargaining. The program we are introducing that we're trying to solve this with will help the City. This helps the City and helps the children of our City. And the fact that we have to go through all of this to try to make that happen is what causes so much anger here amongst all of the special education advocates. The fact is that's a separate program. It's not pensionable. There's no dues collected out of it. None of that is happening because it has to be separate from terms and conditionings of collective bargaining. The fact that the City today testified that they were 3,100 openings tells us that they always have the number but are not willing to work with anyone, and I want to paint this picture to everyone. 3,100 openings in September mean that on the first day of school, before anything started, the City knew they were out of compliance on 3,100 children, and that's a disgrace.

The next piece is the vacancies for all of the other support services. If you ask the City what are the vacancies or what are the need for the different workforces, whether it be occupational therapy, physical therapy, social worker, or psychologist, they will tell you again they do not know so we never know what we're solving for. And they say, well, it's because of their budgeting process at the school level. If a principal does not put in for an opening that they need that, then they don't know how many the school needs. That's a completely fabricated, misleading answer because everyone knows that you can go and every child's IEP is digitized, and we can run these numbers, and we need to be able to solve these problems, not hide the problems.

And last, I want to talk about District 75. I did hear part of the testimony from the previous panel. I just want to remind them, historically, saying we want to get back to the Willowbrook model was one of the biggest (TIMER CHIME) national disgraces when it came to children with disabilities in the history of this country. It is not something they should be talking about getting

back to. We all believe a least restrictive environment is what is in the best interest of children. If we're going to move children to a least restrictive environment, we have to do it appropriately. There has to be a program in place. You have to have support for those children. I ran one of these programs myself in my high school with a District 75 seat two blocks away from us, and it was successful. We did it without the Department of Ed's support because we were afraid they would try to stop us. So, if they're going to start to do this, it has to be appropriate, and it has to be done with a real plan. My fear is they're going to do the usual. They're just going to make numbers shift, and children are going to get hurt. Thank you so much for all of your support, and I hope I was fast enough for everybody else in this room because it has been a long day. Thank you.

CHAIRPERSON JOSEPH: Thank you, but they did provide a vacancy rate across the board as to what is needed. Paraprofessionals, they need 1,639; occupational therapists, 45, PT, 10.

So, what do we have to do as the union to recruit and retain educators in those shortage areas?

MICHAEL MULGREW: So what they're saying right now on paraprofessionals is, I want to give the Chancellor full credit, when we had a press conference announcing what we had found on a special education survey, I was informed the next day by the Department of Ed the Chancellor had told them all number one priority is try to recruit paraprofessionals. Thankfully, we have a team in place that we used during COVID at the UFT. We held many, many hiring halls for people who were interested in this, and then we were able to process the 1,500 that they're now claiming that they hired. We do not have proof that they actually are working yet. As of the last payroll, which we received last week, we have seen only an increase in 600 paras onto the payroll, but we were the ones who processed them and helped them into the portal so that they could start to be hired.

On the other titles you're speaking to, this could simply be solved if we actually had a working collaborative relationship with the City University of New York, who are producing people in all of those titles, and it would be much easier if we had a collaborative process where they could be

doing their, quote, some of their coursework inside of our schools with actual children, because that is what required in most of their coursework. That would be very helpful to do, and we would try to do that. Once again, it won't be our first time, but we do need the cooperation of both CUNY and the Department of Ed, and both sides usually quit because they're exacerbated with the other side and their bureaucracies.

CHAIRPERSON JOSEPH: Well, they're here. They're listening to you.

MICHAEL MULGREW: I'm just being straight.

CHAIRPERSON JOSEPH: Well, thank you. Okay. Thank you both.

MICHAEL MULGREW: Thank you so much. Have a good evening.

CHAIRPERSON JOSEPH: Next panel, Lucas Healy.

Go ahead, Lucas.

LUCAS HEALY: I'm Lucas Healy, and I'm a D75 student. I'm here today to speak to you about my experience in the ESP program at TELA. This program has helped me to have a great high school experience. I have access to all the classes and programs at my

school with extra support of my D75 staff. I've learned so much, and I have gone on great trips. We had an amazing camping trip with the TELA teachers and students. I've participated in the Morgan Book Project and made a bunch of new friends. I don't think that this would have happened if it wasn't for my D75 program. My counselor, teachers, and paras have guided and supported me in everything that I have wanted to do. Sorry, I'm just a little nervous.

CHAIRPERSON JOSEPH: It's okay.

LUCAS HEALY: Okay. I think that there should be more programs like this all over the city so that every kid who needs one has the chance to have an experience like mine. I'm one of the lucky ones. I only wish other kids had the same opportunity to have a school look at me for my potential and not as a burden. I also wish students like me learned in school how important our right to vote is. There are not enough civic awareness clubs, especially with emphasis on disability rights and policies. (TIMER CHIME) Thank you, Chairman Joseph, for this opportunity for me to speak.

CHAIRPERSON JOSEPH: You're very welcome. The Deputy Chancellor is here so make sure you talk

to her and tell her how amazing your experience is and how she should create more models like the one you experienced so all New York City students can have that same experience. Thank you.

Next panel, Stamo Rosenberg and DonAvan Swanson. If I'm butchering your name, please forgive me.

COMMITTEE COUNSEL JEAN-FRANÇOIS: When you're ready, you can begin.

STAMO KARALAZARIDES ROSENBERG: Good afternoon, Chair Joseph. I'm Stamo Karalazarides Rosenberg, and I am the new First Vice President of the Council of Supervisors and Administrators, and I'm here on behalf of our President, Henry Rubio, and Executive Vice President Dale Kelly, and we thank you for the opportunity to speak for our City school leaders about the state of special education and, while we have submitted our written testimony, I want to briefly highlight some key points.

Chair Joseph, it is clear that our special education system is greatly overwhelmed. We need a more proactive approach, and our approach has to start from the top and start from the beginning. We have a fundamental issue that requires urgent

attention, and it begins with the KIP process. The way that the KIP process stands now, the DOE is having difficulty in assessing and assigning placement for our students in a timely manner, which leads to severe shortages in classes and severe delays in funding for our school leaders and straining resources. We agree that we must add 50 additional CPSC administrators. We also would like one additional ASE per district, Administrator of Special Education. Why? Because there's a serious lack of not just assessing in a timely fashion and assigning student seats, but communication. We need to communicate with school leaders who need to open up seats, open up classrooms in District 75 to house our neediest students. We must strengthen communication not just between enrollment offices and school leaders, but our families, too. Our families need support, and they need time to make the right decision for their children, and they're not given enough time, and many times are very confused in the process, which leads to mismatching of student placement, and it leads to children being in the wrong classrooms. Many times, students who require highly specialized programs or District 75 settings

in community schools. We are taking too much of our youngest learners' precious times because we do not have it figured out in the right way, and again, it starts at the top.

We also must ensure that our schools have adequate funding, allocate the necessary resources to fully staff special education programs, ensure that all students receive their mandated services, increase the number of specialized programs that we know work, programs like Horizon, Nest, and AIMS.

(TIMER CHIME) We have to greatly expand these programs with multiple programs in each district. I, until very recently, was the principal of a school that had Horizon. Horizon is a phenomenal program. I know those programs very well, and they must be emulated, and they must have multiple seats throughout all districts in New York City, and they should not only have been expanded to three extra districts this year. In our district, where I came from as principal, we had eight seats for the entire district on every grade, and we had students coming to us from out of district. The need is great, and the number of seats we currently have, even with this

year's expansion, is not nearly enough to service the needs of the New York City children.

Then we have staffing shortages, staffing shortages you've heard about all day today, staffing shortages with paraprofessionals, related service providers, special education teachers, and RSA services.

We also have a need for professional learning in our buildings. While ongoing professional development is provided for staff in specialized programs, paraprofessional and special education teachers sometimes lack the training to support their students on the spectrum in non-specialized programs like ICT. We have students on the spectrum all over New York City schools, in many District 1 to 32 schools, in general education classes and ICT classes. We request that this coaching and professional learning that highly specialized programs have across the city, like Nest and Horizon, be given to the community schools 1 through 32 as well to support all children on the spectrum, not only the children in highly specialized programs.

CHAIRPERSON JOSEPH: Thank you.

STAMO KARALAZARIDES ROSENBERG: Finally, when you expand these programs which are successful, and I can tell you firsthand are phenomenal, to our community schools and greatly increase the amounts we have in our district schools, the OPT issue that we have with our students being on the buses up to two hours a day each way sometimes and waiting for a bus to come that takes far too long to show up, which keeps our children from precious academic times, our neediest children from precious academic times could be solved as well. Thank you.

CHAIRPERSON JOSEPH: Thank you.

DONAVAN SWANSON: Good afternoon, Chair. Donavan Swanson representing Antonio Reynoso, Brooklyn Borough President's Office. I'll keep my remarks brief. You have my written testimony. There's a number of things that came up also in this hearing. As you know, Antonio is a partner and we're willing to fight. We are hearing that there's a large need for capacity, fighting for staffing to reduce some of those ratios to offer better support. We are also definitely pushing for the expansion of Horizon, ASD, SEED programs. The Borough President is even exploring expansion of sensory rooms through ResOA

process and co-located sites. We're a partner in this work. I'm only going to highlight a couple of points, specifically school bus contracts. We submitted testimony back in September. Again, thank you for your leadership on this issue. We know at the end of the day we can't even begin to discuss mandated services if the babies aren't even getting to where they need to get. We could fill the capacity issue and if folks are still coming in and students are coming in an hour or two missing instruction, we'll never meet the need. It really starts with addressing busing. We've heard from DOE and really working with our State partners and really passing State law that allows us to update 40-year-old contracts. There's no reason. It's a huge inefficiency of the system and it's really disgusting to see this. That's number one.

Mandated services, you've already heard about the reports. In particular we're extremely concerned about special education for our early childhood learners because we know that that issue only compounds. We cannot reduce the number of Carter cases or Due Process cases, however we want to split hairs and call it, but at the end of the day we can't

even begin to address that if, again, our youngest learners are not getting what they need, especially understanding that this is a growing population. A good problem is that we're also having more families that are coming to the table and realizing that their child needs this, whereas beforehand we might have seen it in certain communities and not in others so now we can't just now have these parents being a vulnerable position coming to the table ready to help and be part of the solution with their babies and then we can't even meet the need so we need to really start there also with our early childhood sites.

Staffing, completely agree with UFT. We need to leverage more of our CUNY partners in higher education and build upon those. I'm fortunate to hear great work with the paraprofessional work, but also understanding that there's still a need is also a challenge. The bulk of what I'll remain and say is that the Borough President actually had the privilege in two different circumstances to see some great workforce development models for District 75 and special education students. One with NICE Bus, where we were invited by advocates to kind of see that work happening during the summer and definitely we want to

expand upon that, as well as we were able to see a Future Ready site in Brooklyn, the only one in Brooklyn that's also D75, and so there just also needs to be intentionality there and fully funding more future ready sites, specifically with District 75 sites, that principal was strong. We actually literally did (TIMER CHIME) a Chancellor's walk through the same week with that same principal, where she's even doing hybrid models, where the students are doing three days a week of traditional instruction, but then also doing two days of actual career readiness, right, in a number of fields so we want to expand upon that, start it obviously in Brooklyn, and then make sure that all of our students in the city get it. And so with that, you know, we're here as a partner.

CHAIRPERSON JOSEPH: Thank you, and you heard I talked about that throughout the hearing, the workforce, the plan, what's the exit plan for our students who are leaving the D75, what kind of support they're going to have in place so thank you both, and thank you for being a partner in this work.

Panel number four, Randi Levine, Mary Merkel, Melinda Andra, Michaela Shuchman, if I'm

mispronouncing, please forgive me, Chantall Lowe, and Maggie Maroff.

You can start.

RANDI LEVINE: Thank you for the opportunity to speak with you. My name is Randi Levine. I'm Policy Director at Advocates for Children of New York. Thank you, Chair Joseph, for holding a hearing on such an important topic and for your unflagging commitment, and we also want to acknowledge that New York City Public Schools has taken some positive steps, from working to improve core literacy instruction, to expanding specialized programs, to opening more preschool special education classes, though not enough to meet the need, and more. Yet every day, Advocates for Children hears from parent after parent struggling to get their children with disabilities the education they need. In recent months, we've heard from families anxious to help get help for their children, including a four-year-old child with autism who has been waiting for months for a preschool special education class. One of the 450 preschoolers currently waiting for a seat despite the Mayor's promise that there would be a seat for every child who needed one. That four-

year-old's brother, who was one of the 14,400 children who never received their full preschool special education services last year and is now struggling in kindergarten. A seven-year-old with autism whose school has responded to the child's behavioral challenges by repeatedly asking the parent to take her child home early, instead of giving him the support he needs, merely handing the parent a list of community mental health resources. An elementary school student who is having trouble learning to read, but whose parent was told the school did not have any additional support to offer. A student in foster care with IEP-mandated bus service told that no bus company would pick up their route in the midst of a bus driver shortage and bus contracts that are more than 40 years old and are not meeting the needs of our students. A student with a complex medical condition assigned to a District 75 school far from home who has been out of school because NYCPS has been unable to find a health paraprofessional, which he needs to ride the bus safely, as the City faces a shortage of paraprofessionals and other needed staff. A student who cannot walk up or down stairs placed in a

classroom on a floor she could not access in one of the two-thirds of our schools that are still not fully accessible and who did not get a response to her request for a new school. A student who needed a bilingual integrated co-teaching class, but like the majority of students who need bilingual special education programs, was never offered one and whose school rejected the parent's request for a bilingual paraprofessional, explaining that they did not have the funds. These are just a few examples of the families who reached out to us this year. Shortages of preschool special education classes and services, lack of effective reading support for students struggling, inadequate behavioral support, challenges with bus service, lack of accessibility, failure to provide bilingual special education programs and services, shortages of paraprofessionals and other needed staff. These are all serious obstacles that students with disabilities and their families continue to experience every day on the ground. We look forward to working with (TIMER CHIME) you to address these concerns. Thank you for the opportunity to speak with you.

MARY MERKEL: Good evening. My name is Mary Merkel, and I am an Equal Justice Works fellow sponsored by Greenberg Traurig, working as an education attorney at the Bronx Defenders. Thank you for the opportunity to present our testimony.

Here are our asks based on our clients' experiences. Improve access to alternative school options for older youth with behavioral health challenges. End the practice of segregated District 75 high schools for students with emotional disabilities. Decrease the time it takes for a student to be approved by their IEP team for a new school placement and subsequently begin school at that placement. For this Council to monitor and schedule a hearing regarding the special education to school to prison pipeline, which leads too many students with disabilities into the juvenile legal system. And provide reasonable accommodations and healing-centered supports for all students, especially those classified with emotional disabilities.

To illustrate the urgent need for these asks, I will share the story of one of my clients. The name I use for him is a pseudonym, but his

experience, shared with his permission, is very real.

Nathan is a black male student classified with an emotional disability. Throughout elementary and middle school, Nathan received inadequate special education supports and was bounced from school to school, each time falling further academically behind. For high school, he was placed at J.M.

Rapport, a segregated school where all students have an IEP, with the majority classified as students with emotional disabilities. As you may be aware, J.M.

Rapport has extremely low attendance and a high rate of student altercations. Nathan felt unsafe there, so

he received a safety transfer to Manhattan High

School, the segregated District 75 high school in

Manhattan. Nathan became my client almost a year ago,

when he was suspended from Manhattan High. At his

suspension hearing, the evidence showed that he was

actually bullied and assaulted. In addition to the

incident in question, where he had been cornered and

attacked by three other students, he also had milk

and yogurt thrown on him in the cafeteria. The

suspension was dismissed, and he did not feel safe at

Manhattan High. But because of his IEP, the only new

school options he was given were the segregated

District 75 high schools in Brooklyn or Queens, which are both extremely far from where he lives. It was clear that a District 75 school was not going to meet his social and emotional or academic needs. I assisted his parent in having him re-evaluated, and we requested a non-public school placement. The IEP team, consisting of adults that had never met Nathan, refused to recommend a non-public school placement, and instead told us to visit the New York City Children's Center in the Bronx. We did, and it was immediately clear that it was an inappropriate recommendation for Nathan's needs. At the second IEP meeting, the team again refused a non-public school placement until Nathan's counselor, the only one who actually worked with and knew Nathan, joined the meeting and agreed a non-public school placement was needed. Still, Nathan had to suffer delays. The school dropped the ball, and his packet wasn't sent to non-public schools for admission until the beginning of this school year, almost seven months (TIMER CHIME) after his suspension was dismissed. He finally began at an appropriate non-public school two weeks ago, almost one year after his suspension was dismissed. Because there were no viable school

options for Nathan, after he requested the safety transfer from Manhattan High School, he stopped attending school. He lost almost a year of instructional time, and he was arrested during this time and now faces the possibility of being incarcerated. If he is, this raises a whole new host of educational concerns. Thank you.

CHAIRPERSON JOSEPH: Thank you. Can you email that testimony to us?

MARY MERKEL: Absolutely.

MELINDA ANDRA: Hi, good evening. I'm Melinda Andra. I'm the attorney in charge of the Education Advocacy Project at the Legal Aid Society, and I want to thank you, Chair Joseph, for having this hearing, and I also want to thank the DOE representatives who have chosen to remain and hear the testimony of the public, and I want to acknowledge that.

Our clients are overwhelmingly children and families living in poverty, and court-involved children, children in foster care, and our clients are receiving very little of that 1.35-billion-dollar figure that was mentioned earlier. Our clients need accessible, effective, evidence-based programs within

our public school system, and we need to keep them in their communities and in non-segregated settings where they can flourish. New York Public Schools has created some innovative programs, both through their ASD programs, but also through the PATH program and the ACES programs. We need these programs to be expanded, both in the number of seats but also across ages, because all of these programs that are available, there aren't enough seats, as mentioned earlier, but also they are serving children in K-2, and I have many clients who are middle school, high school students who have never received appropriate reading instruction, who have never received the social and emotional supports that they need in order to flourish. Our children are crying out for engagement and support in their schools, and we need the DOE to step up and provide those services and not throw our older children away as they develop new programs for young children. Each year we're losing these children to the street, and when the schools push children out of school, as they are wont to do when they find them difficult, that's where they end up, is in my office.

So, I also want to mention children who are in alternative settings, such as alternate learning centers and in juvenile detention. 65 percent of the children in juvenile detention are children with disabilities, and their IEPs are not being honored.

And as a last note, I want to mention remote learning. We had many clients who had become disengaged with school, and during the pandemic, many of them were able to re-engage through remote learning, and we very much appreciate the DOE's efforts to expand options through VIA and the School Without Walls. Those are great options for some of our clients. However, we're also starting to see brick-and-mortar schools using the umbrella of remote learning for students as a way to push them out of school, and many of these students are students with disabilities. We think this practice is disproportionately affecting that number. While some students may have the academic skills and the motivation and executive functioning to be able to learn independently using these platforms, many students do not, especially students with disabilities. Those students require in-person

instruction. Google's Classrooms just doesn't cut it for them. As Ms. Sanchez stated earlier, I believe it was Ms. Sanchez, if you're not there, you're not learning. Given the vast evidence of learning loss during the pandemic, we ask that the Education Committee and DOE staff investigate this practice. We're seeing it in District 75 programs. We're seeing it at Passages that officially has A schedule and B schedule, where children go to school every other day, and on the days they're not in school, they are given packets of worksheets that they don't know how to do with no direct instruction and counted as present in school. So, thank you very much for your attention to these matters. Schools have the opportunity to be places of learning and support and safety for children, and we need our schools... when a child's not making that progress, we need them to pull children in and not push them out.

MAGGIE MAROFF: Good afternoon. My name is Maggie Maroff. I coordinate the ARISE Coalition. I also work as the Senior Special Education Policy Coordinator at Advocates for Children. Today, I'm testifying on behalf of the over 120 member organizations and individual parents and

professionals that make up the ARISE membership.

Since 2008, an ever-growing ARISE membership has been advocating for systemic changes to New York City's special ed system. Our goal is improved day-to-day experiences and long-term outcomes for over 200,000, yes, 200,000 students with disabilities in the city. You'll be hearing from others in the coalition today in their roles as parents, caregivers, and advocates.

We have several on this panel right now. We see the issues faced by our students and their families as real equity issues, with one out of every five NYCPS students having an IEP and far too many of them, as we heard earlier this afternoon, still not getting all the supports and services they require to learn and thrive. And their parents are still getting the runaround when they speak up for their own students.

We recently developed a new set of recommendations following conversations with members, a survey of parents and caregivers, a speak out for parents and caregivers in October. To that end, I'd like to use my time today to really briefly outline those recommendations. I've given you the full set in paper, and as an aside, those are hot off the press.

During the DOE's testimony, I emailed a copy to

several of the people who stayed to hear from the public this afternoon.

So, in short, our recommendations focus on the following areas. Providing the special education instruction and related services needed to close gaps in delivering mandated programs and services for preschool and school-age students. Getting our youth with disabilities to school safely and on time by making major improvements to bus service. Completing timely evaluations so students can get the services they need. Providing comprehensive opportunities for all parents and caregivers, including those who have students with IEPs to engage meaningfully in their school communities. Enabling students with IEPs to participate fully in after school and weekend activities at their schools by providing the bus service mandated on their individual IEPs. Increasing funding in the capital plan for school accessibility projects to make at least 50 percent of the school buildings fully accessible over the next five years. And supporting students with disabilities in preparing for life beyond high school. All of those are things we heard touched on earlier.

Thank you for your time today and for the opportunity to speak with you. We appreciate you and these hearings so much, and we'd be happy to answer any questions.

CHANTALL LOWE: Good evening. I'm Chantall Lowe. I'm the Senior Director of Partner Community Engagement at IncludeNYC. We thank Chair Joseph and the Committee on Education for holding this necessary oversight hearing on the provision of special education services. IncludeNYC is a leading source of training and information for young people ages 0 to 26 with known or suspected disabilities, the parents and the professionals who support them. For over 40 years we've helped New York City families navigate the complex special education and support systems. While we commend the City for its continued efforts to create a more inclusive system through initiatives like boldly reimagining special education, launching the new division of DIAL and its recent inclusion of District 75 within it, the reality is that many of the near 300,000 students with disabilities ages 3 to 21 continue to be underserved. We urge the City to address these critical gaps and ensure that it delivers special education instruction and related

services to all students entitled to them as per their individual education programs. In 2024 IncludeNYC received over 3,000 requests on our helpline, and over 75 percent were related to education. Families and professionals came to us due to their need to better understand the special education process and the rights a child and a family have under the federal special education law, IDEA, this year like many other years and the areas in which people seek information from us the most are the following: referrals, quality evaluations, preparing for IP meetings, transition into kindergarten. As you can imagine I can go on on that list but many have already talked about it and we know according to Local Law 27 data on preschoolers nearly 14,000 of them ages 3 to 5 did not receive all of their mandated services in this last school year. This current school year as we heard earlier today from New York City Public Schools 450 young children under five were excluded altogether from any placement and were forced to stay home due to the City's persistent shortage of preschool special education seats. We also see this in the last school year, 61 percent of general education students in

grades 3 to 8 tested proficient in math. In contrast less than three out of every 10 students receiving special education services were proficient in math. There was a wider percentage gap in ELA scores between the two group of students. The achievement gap sadly doesn't stop there. In 2023, less than half of all students with IEPs graduated in four years compared to 81 percent of students without disabilities. As a result of these long-standing chronic issues and unacceptable learning outcomes, we recommend that the Department of Education and the City ensure all preschool children receive all IEP services, recruit additional multilingual and culturally diverse special education professionals to address gaps across instructional and therapeutic settings, secure timely evaluations for all students with suspected or known disabilities, change current policies around issuing family-related service authorizations as mandated per a (TIMER CHIME) child's 10-month or 12-month IEP to reduce the amount of missed services due to not receiving them, automatically notify families of missed services within 24 hours that they were scheduled to be delivered, provide services on Saturdays in regional

locations so increase those weekend academies and direct assistance to families with identifying alternative related service providers, timely evaluations which we've talked about, all of us, and address the evergreen transportation issues such as rebidding bus contracts which will improve service, expanding bus service so students with disabilities can also attend after-school weekend programs, mandate one campus per bus route, split up students according to their chronological ages so elementary age students can no longer be assigned to buses with students up to the age of 22, and create an accountability mechanism that measures timely and language accessible communication with families.

I can go on, but I think my time is over, but 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.

CHAIRPERSON JOSEPH: Thank you. I had a quick question for Criminal Justice. You said they were only providing them with packets?

MELINDA ANDRA: We've gotten various reports from our clients. We've been told that there

was an A schedule and a B schedule. We have confirmation of that from the principal at Passages, and then students were taken to school every other day. On the days that they are not taken to school, they stay in their unit, and our clients tell us that they're given packages of worksheets that it appears nobody checks or goes over with them. If they do attempt to do the work, they tell us they don't know if they did it correctly or not because no one is reviewing that work with them.

CHAIRPERSON JOSEPH: We need a surprise visit over there as the Chair. Thank you all.

Michaela Shuchman, Paullette Healy, Jen Choi, and Rima Izquierdo. If I mispronounce, forgive me, please. And Carol Drayton.

PAULLETTE HEALY: Good afternoon, Chair. My name is Paullette Healy. I am a District 75 parent raising two children in the New York City Public School system. I'm also a disability advocate. I just wanted to start off by thanking you for being the voice of the parents of New York City. Regardless of what title you hold, you are always prioritizing parent first. You lead with your heart, and you

inspire parents like me every day. We thank you for doing what you do.

Sitting in this room, I have to acknowledge I do have a very close relationship with the DOE, with the DIAL team, and they allow me a lot of access. It's really ironic that with the hundreds of families that I help a year, thousands in my lifetime, that for the last two years, I couldn't get SETS for my daughter. She hasn't had speech therapy in over two years. For my own child, I can't seem to provide the services that I work so hard getting other families. That's with the connections and the relationships that I have directly with DOE Central. I would also push that when they talked about the centrally funded instructional teachers that they were sending out to 9,600 schools, what metrics are they using to determine which schools deserve this particular support? Is it the percentage of students that they've identified needing this? Is it just a matter of access? That particular principal knew where the landing page was to request it? I know for a fact that there's three schools in Crown Heights that would definitely benefit from that, and they have no idea how to go about obtaining that. I think

that overall within our system, there needs to be more transparency. You've already highlighted how cumbersome the website is for parents, let alone think about how teachers are trying to navigate Teacher Hub and principals trying to figure out how to apply for certain caveats that would definitely support students sooner rather than later. I was also distressed to hear that they're thinking about creating a call center to track service vendors and service providers and parents when it comes to acquiring payments for their services, because if it's anything like the call center established to mitigate concerns for pupil transportation, we can anticipate long wait times, circular processes that lead nowhere, and longer delays to response for service implementation. I also fear, as you've heard many a times from my colleagues, about the decrease in students waiting for pre-K special education seats is not necessarily a result of an increase of seats, but an increase of families refusing the IEP in favor of an unsupported seat in a local program because the need for child care outweighs the need for proper supports. So the human collateral is our children and they're starting kindergarten without necessary

interventions and therefore already disadvantaged before even stepping foot into a classroom. That scares me and that keeps me up at night. (TIMER CHIME) I just have one more thing. We can address the staffing shortages in the areas of related services by offering early certification programs under Future Ready, by piloting CTE programs in the fields of social work, OT, PT, and especially speech, so that we can create a pathway directly into our higher learning institutions that can provide the necessary courses, similar to our medical arts CTE program at the Avion Academy under D75 or the emergency medicine program at Urban Assembly. The best way to address the shortage is to build a talent pool ourselves with our own students. Our paraprofessional CTE program in D75 has been a successful and sustainable asset, and we should look at replicating this model not only to offset our staffing challenges, but to open doors for students who may not have seen a pathway towards higher learning or fruitful employment otherwise. This can also work to address school bus driving shortages, matron shortages, facilities, and bilingual providers. Thank you.

RIMA IZQUIERDO: Good afternoon. My name is Rima Izquierdo, and I am the proud parent of three current New York City school students, two of which have disabilities. I am also decently connected with Central, and I'm also a parent that still has difficulty with their own student.

Usually I'm here to talk about everybody, but today I'm here to talk to you about my experience with my son, Darius, who's 18 years old and attending high school at a District 75 program. Darius has profound autism and requires supervision at all times. He participates in New York State Alternate Assessment, also known as NYSA. If you don't know what that is, I'm not really sure either. He doesn't take tests and requires a special small class, a paraprofessional, and a lot of modified and differentiated instruction. There are no learning standards for Darius and his peers and therefore state accountability for District 75 students like him is quite minimal. I'm here to talk to you about my experience with transition and how honestly terrible it has been. I've had to fight for every transition for Darius, and I have had to self-teach college level learning to support my son. I have

dreaded this transition and I'm sure every other parent with a child like Darius understands why. This is the final transition. This is the last hurrah. This is get it right or pay the price. There are so many pieces that go into transition that parents don't know or understand and are not explained by anyone at the DOE and are actually seen as not their job. For example, preparing parents for guardianship before their child turns 17. Every day since my son's diagnosis I have been worried, really terrified of what happens to him when I die. The beginning of that plan starts with the transition out of school. I had to quit my job when Darius was five so I could figure out turning five what I was supposed to do because support was so inadequate from doctors, from agencies, from the DOE, from everywhere that you would expect to find support. I went back to school, changed my major to psychology, and I finally returned to the workforce, to an agency to train families on special education last year and actually my one-year anniversary would have been today, but I had to resign from my job last month because the DOE is not providing the basic mandates required in my child's IEP and the level of stress and anxiety and

depression that this has caused has made it impossible to sustain a job while also fulfilling my role as a mother which regularly includes the responsibilities of others who get paid lots of money to do what I'm doing for my son to guarantee that he gets what he needs. I still don't know what transition is going to look like for my son, and this is the norm in District 75 for students like my Darius. I'm grateful to have met people within the system that have been the most supportive to me, who I would love to name. Some are here but I'm sure don't want to be named and I'm forever grateful for them (TIMER CHIME) but they are not within the standard continuum of support for families. We have a moral obligation to do better for our students with disabilities. We have to stop forgetting about our older students and start getting them ready for the real world because that's the world we live in, and we all must be included, every stakeholder in this process because nothing about us without us. Let's turn our pain into purpose. Thank you.

CAROL DRAYTON: Hello my name is Carol Drayton, and I am the parent of a seventh-grade student in the New York City Public Schools. My son

has a learning disability and struggles behaviorally in school. At the end of last school year, my son was suspended twice from school. Both times after the suspension hearing, I received a call from someone at my son's school telling me that the incident for which my son was suspended wasn't related to his disability. I didn't understand why he was telling me this, the point of the phone calls, but they were very brief. Then my son was suspended for a third time in October. After the last suspension, I had learned through working with a lawyer at Legal Services NYC that the phone calls I had received were supposed to be meetings to discuss my son's disabilities and their relationship to his suspension. This time, because my lawyer asked, the meeting was scheduled in advance and more people who knew my son attended. At the meeting, I didn't feel like the school psychologist was interested in having a meaningful discussion about my son and his academic and behavioral needs in school. Both his counselor and I shared that my son struggles with anger and responding appropriately to conflict and that it's something he's working on. My son had been suspended for fighting another student after he was triggered

by something the other student said. Despite this being exactly the type of thing my son was working on in counseling, the school psychologist said it was not related to my son's disability because he needs to know he can't get away with this and most people would have been able to calm down. Even though my son is classified as having a learning disability, the school psychologist and I had discussed that he also has an emotional disability. This disability makes it difficult for him to calm down or regulate the way others might. It felt like the school psychologist wanted to punish my son instead of talking about how we could better support him in school and make sure this doesn't happen again. Luckily, my lawyer appealed this decision along with two earlier meetings, and we won. My son will soon be receiving tutoring services to make up for all the school he's missed and evaluations so that we can make sure he's in the right school for him and receiving the right support so that he can thrive. I am grateful for the legal guidance and representation that I received from Legal Services NYC and for their support in addressing my son's educational needs.

MICHAELA SHUCHMAN: Thanks Ms. Drayton.

Good evening and thank you for the opportunity to testify at this hearing and your ongoing efforts to support students, families, and staff in our public schools. My name is Michaela Schuchman, and I am a Skadden Legal Fellow at Legal Services NYC. Legal Services NYC's mission is to fight poverty and seek racial, social, and economic justice for low-income New Yorkers. The education rights practice at LSNYC assists hundreds of New York City school children and their families each year to ensure access to education. I had the pleasure of advocating alongside Ms. Drayton for her son's educational rights. I wish I could say that I was surprised when Ms. Drayton told me her experience at what is called a Manifestation Determination Review or MDR, but it sounded just like many MDRs that I've heard about and attended alongside my clients. I have noticed, however, that when I am present at the MDR there is a much higher likelihood that schools meaningfully discuss the student's disability and create a plan for greater supports for that student moving forward, which is exactly what the law requires. The IDEA requires school districts to conduct an MDR before

removing students with disabilities for long-term from their classrooms. This critical meeting should determine whether the behavior that led to the suspension stemmed from the student's disability and whether the student was receiving their mandated special education services. If either answer is yes, then the student must return to the classroom immediately and the school must then determine the root causes of the behavior and the steps necessary to help the student avoid engaging in that behavior again. But the numbers tell a much different story. New York City public schools issued over 14,000 disciplinary removals of students with disabilities last year, nearly 40 percent of the total suspensions, despite these students comprising only 22 percent of the student population. Each suspension represents more than lost classroom time. It often means the denial of crucial special education services and the first step towards school disengagement. Independent MDR monitor reports from 2015 to 2018 found that only 45 percent of the time was there effective discussion of the student's disability, a statistic backed up by Ms. Drayton's son's experience and many others. Further, and not

surprisingly, data showed that positive manifestations that the behavior was related to a disability were found much more frequently for white students than their black and Latinx peers. But having an advocate present alongside the parent can make a huge difference. Data shows that there is a much higher likelihood of a positive finding if an advocate is present with the parent to advocate for their student. Ms. Drayton's son faced three separate suspensions, each included an MDR where his mother was denied meaningful participation. It wasn't until she secured legal representation through Legal Services NYC that her son finally received proper consideration of his needs (TIMER CHIME) and a new evaluation to ensure appropriate support, and he hasn't been suspended since. Families need access to advocates who can help them navigate the complex special education and discipline systems and protect their child's right to a meaningful education. New York City should inform families that they have a legal right to an advocate during an MDR and secondly should help connect them with one. A disciplinary removal represents a critical turning point in a student's education, especially for those with

disabilities. With proper advocacy, this moment can become an opportunity to reinvest in our most at-risk students rather than a step toward disengagement and dropout. By providing families with advocates during disciplinary proceedings, we can create lasting relationships between education advocates and families, ensuring that students with disabilities receive the support they need throughout their educational journey. Not only that, but reducing disruptive behavior benefits all students and their teachers as well. In conclusion, our students deserve a system that protects their right to learn, and what's more, the law requires it. Thank you.

JENNIFER CHOI: Okay. My name is Jennifer Choi. I am a special education advocate and the founder of a 1900-member group called New York City Parents of Teens with Disabilities, and this testimony has been co-signed by 150 members within 36 hours. It's still being signed, actually. Our families are promised that a child's IEP will be made by their own individual needs and not by the school's budget, but by the time we go to high school open houses, we see proof that these promises are flat-out lies. We hear things like, we do not offer ICT in

world language, we do not offer ICT in computer science, we do not offer CTE, and these are CTE schools, we do not ICT in CTE schools, we do not offer ICT in art schools, these are art schools. Don't they know that they have no right to say that they don't offer or not offer, to decline offering ICT, because if it's on the IEP, they have to give it. It's not like they can say, we do not offer French or Mandarin. They don't have a choice in the matter. It's not like saying we don't offer desks and chairs. Within the testimony, we're sending you the proof, right? It's in the emails. But they act like they don't have to follow the rules, and we are sending you also the DOE's own rules and regulations. Actually, that's what it's called, rules, regulations, and resources for schools. Actually, one of the people who are presenting the rules is in this room right now, and they did a great job in presenting this presentation. But it doesn't matter, does it, because our schools are breaking their own City's rules, and because it's called the fair student funding formula, and it's really just not very fair because the fair student funding formula does not pay fairly for the special education teacher

services. Here's a great example. All of today, what did we talk about? We talked about the specialized programs, Nest, Horizon, Aims, PATH. Does the fair student funding formula pay for these services? Not really. It does not. And why is that? You know, and we should really note this, that these services are great, and they're not concierge services. They're great because they meet the individual needs of the student so that they can make appropriate progress. It hits the target. The students deserve to hit the target. Who said that? The Supreme Court of the United States said that. (TIMER CHIME) Oh, I'm almost done. I just wanted to say that I've created a chart, and I sort of, it's the same chart that I brought last time, and this chart I created was made with a top-level DOE official, and it basically has Amanda and Ruth, and Ruth has way more services than Amanda, way more, like one-to-one teacher services, so she's taking up a whole teacher time. Why would a school want to make an IEP for Ruth? She's just not going to get the IEP, and if Ruth walks into any high school, that high school is not going to want to take her. That's it. They're just not going to want to take her. They're going to want to say things like, maybe

you should go somewhere else, right? Because that's what our parents hear, despite the rules of the DOE saying so, and that's why I got 156 signatures in 36 hours, and there's more coming when I submit the final testimony at the end of the 72 hours. Thank you so much. Please, we need your help.

CHAIRPERSON JOSEPH: Thank you all. Next panel, Rabbi Yeruchim Silber, Avital Shapira, Tammy Fried, Perry Binet, Yaakov Mandel, Esther Elbaum.

YAAKOV MANDEL: Thank you, Chair Joseph. My name is Yaakov Mandel, and I work for Ichud Mosdos Hachinuch. Yichud is a private special education program servicing 235 students with learning disabilities within mainstream private schools. Our self-contained classes have successfully enabled many students to return to the mainstream classes. Most of our high school students earn a regent diploma. I repeat that again. They earn a regent diploma. Our program enjoys a well-deserved positive reputation. Parents come to us when the DOE does not offer an appropriate placement in a public school. The parents then request tuition reimbursement from the DOE. The DOE can either settle with the parents or go for an impartial fair hearing. The settlements significantly

improved recently. I'm here today to address the cases that went for hearings and decisions were made years and months ago and were not paid. At this time, Ichud is owed 2,654,000 dollars from decisions that were made by impartial hearing officers months and years ago. On most decisions, the officers state clearly that it must be paid within 15 days or they write 30 or 60 or 90 days. Of the above 2.6 million dollars, more than 1 million are from decisions that were made between 455 and 1,000 days ago, 1,000 days ago. Then there is approximately 1 million for decisions that were made between 180 and 365 days ago. Once again, the total amounts to more than 2.6 million dollars. Just to remind us all that 1,000 days is almost three years. This means that the DOE is seriously out of compliance. Our goal is to provide our students with the best possible education so that they can become fully functioning members of society. It is extremely, extremely challenging to do so without appropriate resources, especially resources that we are legally entitled to. We are asking you to please partner with us in two ways. A, facilitating the payments totaling 2,654,000 dollars now and B, to make changes to the system so that in

the future we are paid on time as we are legally entitled to so that we can focus on meeting our students' needs in the best possible way. Thank you very much.

CHAIRPERSON JOSEPH: Thank you. Next.

ESTHER ELBAUM: Good evening. My name is Esther Elbaum, and I am speaking on behalf of many parents. My son is visually impaired and has been recommended to receive SETS services at his private school. My son's SETS provider emailed the completed P4 form to the CSE on September 11, 2024. After several emails back and forth, the provider was still waiting for confirmation that the P4 was approved. I was then shocked at the email I received from the CSE on November 12, 2024. It began as follows: Dear parents, New York City Public Schools has arranged for a provider to work with your child at your child's school. Please note that any family who does not accept the provider assigned to the school may not receive the offered SETS services for the 24-25 school year. I was very distressed. Why were they informing me that my child would not get services? The email continued. While NYCPS must implement the services identified on a child's IESP, a parent does

not have a right to a specific provider or to an enhanced rate for a provider. Refusal to accept the assigned provider will result in your child not receiving the identified SETS service for the 24-25 school year. I was horrified and alarmed. Did this mean that my son would have to change providers from one who knows his needs? I was also confused, as I had not requested an enhanced rate. The email concluded. A copy of the signed P4s must be returned to the CSE within 72 hours of receipt of this email. Please note that any family who does not accept the provider assigned to the school may not receive SETS for the 24-25 school year. I was confused and upset. The CSE expected me to respond within 72 hours, yet they had not responded to the submitted P4 in two months. The CSE was using its resources to send me threatening letters instead of processing our P4 form. On November 15, 2024, I was informed that the P4 was finally processed. Three weeks later, the dysfunctional CSE again sent me the same threatening email. The CSE is responsible for the implementation of special education services. It should not be threatening to take away those same services. My son works hard to learn, and I work hard to support him.

I expect the CSE to work hard to fulfill its obligations and not make threats. I expect it to process paperwork within the same timeframes they expect from me. So far, the CSE has not met these expectations. Thank you.

TAMMY FRIED: Good evening. My name is Tammy Fried. My son Jack is a bright, kind, inquisitive seven-year-old. In 2023-24, he was in first grade in public school. He had an IEP and received speech, occupational, physical therapy, SETS, and counseling. For this year, my husband and I decided to send him to a Jewish school to learn about his heritage. We knew the transition would be tough, but it would be slightly easier because Jack already had support services in place. First week of August, 2024, I sent emails to the Committee on Special Education requesting to change Jack's IEP to an IESP. I received a polite reply that I missed the June 1st deadline for submitting the parental notice of intent so Jack will get no services. I was shocked. It was the first time I heard of this deadline. I panicked and was confused. I then learned there was a June 1st deadline for parents of students with an IESP to request the services for the coming school year, but

Jack had an IEP on June 1st. For an IEP, I wasn't required on that date to submit a PNI. How could the CSE deny my son services for failing to meet a deadline I wasn't obligated to meet? So, Jack received no services from the DOE for the first semester. The transition to school was challenging. It would have been helpful for Jack to have counseling and speech to help him navigate a new school, acclimate to the social structure, and facilitate making friends. He's now a full semester behind where he would have been had he had services this fall. This January, I met with the DOE to get the IESP. I was advised to sign a waiver to forgo the prior semester services so Jack will not get makeup services for the four months of missed services. The way it was explained to me, signing the waiver and giving up a claim for the first semester services was the quickest way to get the services up and running. I signed the waiver yesterday. This morning, I received an email at 10:07 a.m. from my CSE about the June 1st deadline for the 2025-26 school year because now my child has an IESP, so thank you, but I never got anything for 2024-25. I learned there are many children who are in the same boat as Jack or parents

who change to private schools after the June 1st deadline. Children who qualify for services to get through the school year shouldn't suffer without them because of a notice that the parent had no reason to send. Rules being applied retroactively just make no sense. New York City shouldn't deny the services to these children. We just need to do better and figure it out. We need to help New York children reach their goals wherever they're schooled. Thank you.

PERRY BINET: Hi. Looks like I'm the first to bring up the nursing issue. My name is Perry Binet. Thank you for leading this and thank you, everybody, for still being here. I'm here on behalf of my family and others falling through the cracks, those that are balancing medical needs and appropriate and safe school support. God blessed me with three awesome children, two of them with glycogen storage disease. GSD is an intense lifelong rare disease where the liver does not store any sugar for future use. The boys require a feeding tube feed every three hours, follow a very specific diet, require glucose and ketone checks, and need constant supervision. Seeing how brutal the fight to meet their needs in school is, I'm focused on fighting for

one child at a time. Let's talk about my younger son, Swirly (phonetic), but let's not assume my older son, Svee, had smooth sailing. He didn't. Swirly attends a private school at my expense and has an IESP that appropriately recommends a nurse, which in itself was a brutal fight, a nurse, so that he can safely attend school just like his friends. The DOE has never provided a qualified nurse, or any nurse for that matter, in time for the school year or even midway in. Yes, the June 1st letter was sent before June 1st. Yes, ERES was filed as well. And yes, it is also double the 60-day limit without anything being solved. And 60 days is not expedited. My nurse that I found, after the DOE failed to either recommend a nurse on his IESP or provide a nurse once it was mandated, not one, not two, but three years in a row, is still owed more than five months of pay for last school year. She also has not been paid a dime for this year. And whatever was paid was a long, grueling, and very inconsistent process. Safety and payment to be safe, appropriate, and free. Is that too much to ask for? My son is only seven, and this is the fourth consecutive year we're fighting and the third hearing we're facing. I've been fighting this

system more than half of his life. We've been to 29 doctors across eight states and have had dozens of emergencies, hospitalizations, heartbreaks, miracles, and way too many, absolutely horrific, DOE interactions in between. The hardest part of having children with a severe disease requiring constant treatment to keep them alive is constantly fighting with the DOE. Everything's a fight. More than the financial aspect. It's being repeatedly questioned than denied, feeling gaslit, resubmitting constant paperwork that leads to zero implementation, watching critical services remain unfulfilled, revisiting his incurable medical baggage every single year all over again, going through a non-systematic system, being thrown from one person and department to the next, and being made to feel like we're doing something wrong simply by asking for a safe school experience. Because these are deeply painful, deliberate actions with no accountability and massive injustices to all of us. To conclude, we're fighting to acknowledge the need for a nurse, fighting to fill the nurse, and fighting to fund the nurse. Thank God my boys are alive and well. My faith in this broken system, dead. Payment for nursing shouldn't be a battle. My

children's critical needs should not be ignored. No one should. Medical recommendations should not be dismissed, and we should not have to fight so hard to keep our children safe at school, and definitely not with the very entity that's supposed to help us, or should I say obligated to help us. God willing, Chair Joseph, I hope to be back shortly, and thank you for being the catalyst to great change. Thank you.

TOVA WACHOLDER: Thank you, Chair Joseph. My name is Tova Wacholder. I'm here standing in for Yeruchim Silber, who had to leave. I represent the Agudath Israel of America. For over 60 years, our organization has been at the forefront advocating for the non-public school community, specifically for yeshivas and day schools in the Orthodox Jewish community. We were also among the first organizations to advocate specifically for the inclusion of children with special education needs and to support the schools who are servicing them. Sadly, we've seen an almost complete breakdown in the delivery of special education services to private school students. Today, we heard much testimony from the Department of Education, with numbers like 90 percent of mandates filled, 90 percent of payments on time,

and other similar numbers. There's a huge discrepancy between what the DOE is testifying and what parents and children are experiencing. We all know that on receiving an IESP, services are required to be provided by the local district. However, New York City has failed to meet their obligation to provide services directly, and parents then file a Due Process complaint with an independent hearing officer to obtain entitled services on the open market and pursue reimbursement. Consequently, SETS authorizations and related services are not promptly approved. It can take months to get approval, resulting in students losing months of crucial education. This year, New York City Department of Education didn't process June 1st letters that were properly submitted by their own definition of proper, resulting in students losing services. Parents received letters threatening that their children will not receive services this year. The New York City DOE created a list of new requirements that would make a June 1st letter acceptable and didn't inform parents, schools, or communities in advance. The new requirements were publicized when it was too late to fix them. When a parent goes to an impartial hearing

after not receiving the services that they are mandated, the New York City Department of Education submits a motion to dismiss, which states that private school parents have no right to Due Process implementation. This is patently false. Although the Board of Regents did attempt to prevent parents from filing for Due Process, our organization filed a lawsuit and the judge granted a Temporary Restraining Order, a TRO. I will conclude with what the attorneys for New York State wrote in their response to our lawsuit. They said, the State explained its exasperated oversight is explained by over four years of efforts to address New York City's long-standing non-compliance with IDEA and the subject of numerous ongoing class action lawsuits. We are ready to work with the DOE and the City Council to find any solutions that can help every child get the help they need. Thank you.

CHAIRPERSON JOSEPH: Hello.

TOBA LICHTENSTEIN: My friend, Avital Shapira, had to leave to care for her children. If I may, I would like to read her statement in her voice. Okay. My six-year-old son...

2 COMMITTEE COUNSEL JEAN-FRANÇOIS: Could
3 you just state your name for the record, please?

4 TOBA LICHTENSTEIN: My name, Toba
5 Lichtenstein.

6 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank
7 you.

8 TOBA LICHTENSTEIN: My six-year-old son,
9 Eitan, is a bright, curious child, diagnosed with a
10 rare and severe seizure disorder. He attends the SAM
11 School, where his Individualized Education Services
12 Plan mandates a full-time, one-to-one health
13 paraprofessional to ensure his safety and access to
14 learning. This support isn't a luxury. It's essential
15 for his health and development. At the start of the
16 school year, I contacted the CSE to secure
17 paraprofessional services for my son. After multiple
18 emails and two weeks of waiting, they responded that
19 they had contracted the para services through a
20 staffing agency. After much back and forth, the
21 contract agency informed me they couldn't find a
22 paraprofessional for my son. I then requested an RSA
23 from the CSE to hire an independent para who had
24 already been approved through the DOE's Internal PETS
25 System, but the request was denied, and I was instead

directed to submit an application through the ERES, which Liz Vladeck spoke about, to submit an application through ERES. To my astonishment, ERES denied my application, claiming I hadn't submitted the required June 1st letter. I provided proof of the letter's submission and even shared an email from the CSE confirming its receipt. Despite this, ERES denied my request again and sent me back to the unresponsive CSE. And one more thing here. This is my own. Liz Vladeck said, kept using the word expedited for ERES, but ERES allows themselves 60 days. I don't call 60 days expedited when a child's waiting for services. How's a child supposed to wait for a para for 60 days? In any case, navigating this dysfunctional process has consumed a considerable amount of my time and energy. I have spent countless hours emailing, making phone calls, and following up with the DOE, even during my son's hospitalizations, when my focus should have been being present and caring for him. This ordeal has taken a profound toll on our lives, leaving me emotionally exhausted and deeply frustrated. As of today, my son still does not have a DOE-funded paraprofessional that he desperately needs and is legally entitled to. My family has been left

to bear the financial burden of hiring a paraprofessional out of pocket while the system that is supposed to serve us has utterly failed. This is not just a bureaucratic oversight. It's a failure to uphold (TIMER CHIME) the rights of children like Eitan. To conclude, I implore you to fix this broken system. Our children deserve better. They deserve a system that fulfills its promises and ensures every child has access to the support they need to thrive, regardless of where they attend school. Thank you very much, Chairman Joseph.

CHAIRPERSON JOSEPH: Thank you very much. Next panel, Sydney Altfield, Mark Gonsalves, Amanda Pogany, Miriam Nunberg, and Sarah Fredman.

MIRIAM NUNBERG: Hi, my name is Miriam Nunberg. I'm a Senior Fellow at the Education Law and Policy Institute at New York Law School's Legal Services and a private special education attorney advocate. I'm also a former attorney with the U.S. Department of Education's Office for Civil Rights. I'm speaking on behalf of myself, ELPI, and 14 parents and advocates. Thank you for the opportunity to testify on this important issue.

Ensuring the rights of students with disabilities in New York City is a constant struggle, as DOE special education staff are often overwhelmed and lack a clear understanding of legal requirements. Families too often have to hire advocates just to secure their children's basic rights. In my private practice, my focus is not private school tuition reimbursement. My focus is keeping kids in the public schools with strong IEPs. A major obstacle to that is the poor quality of DOE evaluations, which consist of superficial, short-form tests that fail professional and legal standards. These evaluations fail to identify impairments or provide service recommendations, providing little to no information for IEP teams. The DOE's recently improved vouchers for neuropsych evaluations don't resolve the problem, as they are so difficult to use that evaluations can be delayed for months. Families also have to know how to ask for them, especially at the higher rate they are, and they are rarely offered, even to students with extreme needs. The ELPI recently surveyed special ed families with troubling findings regarding DOE evaluations, also experienced by the signers to this testimony. Many never received the evaluations

they requested or were told to seek evaluations on their own. Of those who did receive DOE evaluations, few found them helpful, leading many to pay for private ones. Others report being told that the DOE does not evaluate for autism, for example. They were not offered a neuropsych despite the need. They report shoddy evaluation practices, failure to address mental health issues, and waiting nine months for a DOE evaluation. These failures create significant inequities, like we've been discussing all day. Families with resources can obtain excellent, timely private evaluations with accurate diagnoses and detailed recommendations, leading to higher-quality IEPs. This disparity may explain the demographic differences between the highly stigmatizing ED classification and the much more palatable other health-impaired, or OHI, classification, which is usually based on an ADHD diagnosis. Our analysis found that students who are white, higher income, and/or in wealthier districts are classified with OHI at a higher rate than any other group, possibly due to receiving accurate evaluations. In contrast, low-income black and high-need students are disproportionately classified as

ED, leading to restrictive D75 placements, offering limited access to the full curriculum, and poor post-secondary outcomes, including police involvement. Rather than provide sufficient evaluations for students suspected of having emotional disabilities, the DOE has traditionally evaluated them by supplementing its (TIMER CHIME) psycho-ed evaluations with non-validated checklists that include subjective terms like normal and appropriate to describe their behavior. The DOE also provides insufficient training on valid means of ED assessment, and if this has changed, that information is not publicly available. The solution is clear. The DOE must adopt higher-quality, unbiased evaluation practices that meet professional standards. These changes are essential to ensure equity and access for all students with disabilities.

STEVEN MAHONEY: Good evening, Madam Chair. My name is Steven Mahoney, and my nine-year-old son, Patrick, attends a District 75 school in Brooklyn, PS36K, located at PS192. He's non-verbal, autistic, and has epilepsy. We hear these buzzwords, accessible, inclusive, equitable. Well, the student OMNY Card, I'm on the train, I'm looking up at the

billboard. Patrick gets door-to-door bus service, therefore he's excluded from this. Meanwhile, the other kids attending public schools, after-school programs, Summer Rising, cultural events, extracurriculars, they're allowed to participate. Why aren't our children, who need a lot of extra support, being discriminated against? And it's not the MTA. I went to a hearing for the MTA, and they pointed me right in the DOE's direction so they're the ones that set the rules. How come our District 75 children are being discriminated against and not afforded equal opportunity that all students in New York City are? It's really not fair. One thing I noticed, I live in District 20. At the time, there were 10 District 75 schools located throughout that District. I took a look around there, because what I noticed at my son's school, there's no sense of home. You see PS192, where the heck does it say PS36K? Where do these kids get a sense of ownership or anything? The only school that does it right in Brooklyn is PS370K, located at 50 Avenue P. They got a big floor mat with all three schools. They got a big sign to their wing of the school. All of our children should have a sense of ownership, a sense of belonging. And when I've

attended these District 20 meetings, you hear the principal, there's a school on 86th Street, there's three new ones in our district that have a District 75. These principals refer to it as their school. Where the heck is the District 75 principal that should be sitting next to them? It's our school, inclusive, right? It's not like I'm not your stepbrother here. I'm another student in this school and I may not be attending the general education program, but we're in the same house, and this disparity has to be taken care of.

Variable message signs. So, we see the school's variable message, but whatever programs are going on with District 75, if they're having a bake sale, parent-teacher, they don't have a billboard. That should be shared. They explained to me about the budgets. Kevin Lenahan is the principal of PS36, so he's supposed to put up six billboards. No. If you got a billboard, they should share it. This is a simple solution. Let's get the parents and the kids. We're not being educated (TIMER CHIME) in our community like we should be. And one thing I want to talk to you in closing, Nest, Horizon, and AIMS. As I know, AIMS is the only program specifically geared

toward low-functioning children who are non-verbal. Six kids in the class, six one-to-one. There's only one site as of last year in each of our outer boroughs and two in Manhattan so when they report to you their numbers on Nest, Horizon, and AIMS, I want you to hold their feet to the fire. Ask them how many kids are enrolled in AIMS because they need that extra support. My son has a one-on-one para. Because of that, he would have been excluded. I said I was willing to waive, but there's no room because those same six kids, they have it for the three years. And there's no like new class coming in. When they go to the first grade, that's it. There's no new kid in the garden. I appreciate your time. Thank you.

MARK GONSALVES: Chair Joseph, thank you for holding this hearing. My name is Mark Gonsalves. I'm Co-President of the Citywide Council on Special Education. I'm also a father of two sons who have IEPs. First of all, thank you for you and the Council for funding the 55 million last year for Pre-K-3 and Pre-K special education seats. Your actions helped hundreds of students and their families to receive the appropriate education they needed to excel in school and in life. I'm here again because we need

again your financial support. Last year, the DOE piloted the three school districts with the specialized autism programs. All kindergarten students in those were guaranteed seats. You heard from Foti that it was really a game changer for these students, right? They didn't have to bus. It was 2.7 miles versus about a mile and a half. They weren't excluded from their community. They weren't bused to another borough. They got an education in their district. And that is critical. So, we need to get rid of the games. We need to get it in all 29 districts for the new school year. We can't wait. These kids can't afford it. We heard the numbers. It's over 10,000 kids. Let's build the damn schools. We need to stop the BS. Along with that, we also need to look at the literacy academies and dyslexia programs. We heard again that there are reading difficulties. We heard from John Hammer talking about that that was one of the key disability classifications where students need to leave the DOE school district and go to non-public education. We need to build them in every district. It can't be in every borough because we're celebrating one school in Brooklyn. Give me a break. We are five boroughs. We

are 32 districts. We need to build out, not tomorrow, but today. We cannot wait. Our kids cannot afford another day of not having the appropriate education where they are. Let me tell you something that the DOE is doing a phenomenal job on. Along with those programs, we just need to roll them out. But let's talk about SEED. Let's talk about Weekend Academy. My son has been in Weekend Academy for three years now. It is a phenomenal program. It has been a game changer. He is there two and a half hours every Saturday. Would he rather be doing something else? Of course he would. But he is getting a high-quality program at those schools. The teachers have been phenomenal. They've been working with him over the years. It is a game changer for him and for all the thousands of kids who are attending those Weekend Academies and now Weekday Academies. Seven days at DOE, I'll give them credit. Props to them. It's a big deal. But why is my son there? Because he hasn't had the providers to provide the appropriate related services during the school day in school. It was OT. It was speech. It was PT. Not available. And so he had to go the last three years for that. We need to work on the appropriate contracts for our related

service providers. We need full-time related service providers in the classrooms, in the schools. Chair Joseph, you did a big deal today with the paras. Your proposed legislation (TIMER CHIME) is a game changer. We also need to do that for the related service providers. The PTs and the OTs both need enhanced contracts. And I ask you, Chair Joseph, to please look at adding legislation for that as well. Thank you, Chair.

AMANDA POGANY: Hi. My name's Amanda Pogany, and I'm in my 13th year as the Head of School at Luria Academy of Brooklyn, a progressive day school in Prospect Heights. I'm here today because has felt to us that the New York City Department of Education is playing politics with our students and threatening our ability to provide them with their mandated services. The thing I am most proud of at Luria Academy is our special education model. One-third of our students have special needs and City-approved IESPs. Our unique inclusion model means that these 125 students are fully included in classrooms and our community. This model of being a school where everyone gets what they need is at the heart of our mission. Last spring, our parents who typically, for

every year in my experience for 13 years, would have received their parentally placed forms directly via email from the DOE did not receive them. Now I know it felt intentional. We located the forms online, we alerted the parents, and we reminded them to submit their forms by the June 1st deadline. We submitted all of our forms within 48 hours of that deadline. In the past, this timeline would not have been an issue. Over the summer, we did what we were supposed to do. We contracted providers based on our students' government mandates, expecting the same support from the City that we had received every year. The majority of these students have been receiving City-funded services for years without issue. There was no reason to think this year would be any different until everything was different. At the end of August, we had not received any transmittals for related services or P4 forms. Parents' phone calls went unanswered and emails completely ignored by the CSE. It simply wasn't an option to me, perhaps it was to the DOE, for our most vulnerable children to go without their services, especially with no start date in sight. I committed to these children and their families that they would get what they need, because

in the past, New York City has ensured that they would get what they need. I needed to make a choice. I chose the children. I chose their self-esteem, their academic growth. I asked the SETS providers to start working. That was my job, and I did my job. I honored our students' mandates. I did my job with the expectation that the DOE would do theirs. Between the months of September and December, our SETS providers supported students for 6,422 in-classroom hours, (TIMER CHIME) 3,000 of which the City is now refusing to reimburse. An additional consequence of this last-minute policy change is continued lack of related service providers available to meet our students' mandates, including the ongoing absence of mental health counselors. Our providers deserve to be paid for the work they did. They fulfilled students' mandates as approved by the City on their IESPs, and our students deserve make-up opportunities for services missed. This is about the children. Let's keep them at the center and give them what they need and what they deserve. Thank you.

SARA FREDMAN-AEDER: Thank you, Chair Joseph. I am Dr. Sara Fredman-Aeder, Vice President of Israel and Jewish Affairs at the JCRC of New York.

The recent changes to Special Education Services Administration impact thousands of New York City children who desperately need support. While we acknowledge DOE's obligation to ensure proper oversight of public funds, any reforms must prioritize students' access to essential services. Schools are currently caught between meeting urgent student needs and navigating complex reimbursement processes that can delay critical services. The recent requirement for families who missed the June 1st deadline to waive their legal rights in exchange for services creates additional strain on an already difficult situation. We ask our friends on the City Council to take several concrete steps. First, ensure DOE has sufficient funding and staffing to address both the current backlog of cases and establish a comprehensive plan for timely processing of future requests. If the DOE does not have these resources, we ask City Council to work with the Administration to help prioritize identifying those resources. Second, work with DOE to establish a clear appeals process for families who missed deadlines without requiring them to waive their legal rights. Finally, we also encourage DOE participation in the February

6th Yeshiva Summit hosted by Agudath Israel, which would demonstrate a genuine commitment to understanding and partnering with these school communities. Chair Joseph, I know you are a forever educator. No one understands more than you that our North Star in this work is doing what's best for our students while being responsible stewards of public resources. JCRC of New York stands ready to help facilitate productive dialogue between DOE and schools to serve our city's children. Thank you for the opportunity to testify today.

DANIELLA ROSENBERG: Sydney Altfield had to step out. I am here representing TeachNYS. Good evening, and thank you for having us here today, Chair Joseph. My name is Daniella Rosenberg, and I am here representing TeachNYS. TeachNYS advocates for equitable government funding for non-public schools. While all of us here recognize there have been significant hurdles when it comes to provision of services for special education, we also acknowledge the progress made by the Office of Special Education. I am not here to dwell on the past, rather than make sure our students and families have a successful future. There are two main concerns we have as we

move forward. We have heard frequently and vocally from our non-public schools that there are many new difficulties in implementing services. They have also reported that it has been difficult to get timely and consistent information from their CSEs. From our vantage point, it seems like the CSEs had the capacity to deal with the old system that had been overhauled, but don't remotely have the capacity to handle all the new issues that are now present with the provision of services. How does the DOE plan to increase the capacity of the CSEs and make sure that the policy changes have the requisite infrastructure to support them on the implementation level in schools? Additionally, the DOE has made robust improvements to their equitable services website and the detailed information for parents found there. We know from experience that parents often don't have the focus to read through online information, even in cases where it would be very beneficial for them to do so. While we appreciate the Beyond Access series, we recommend that the DOE consider doing in-person information session for parents where they could walk them through certain processes and even have the ability at these sessions to complete needed

paperwork such as the parent notification of intent.

We are looking to forge a positive path forward as we work collaboratively to ensure our non-public school students and their families receive equitable services. Thank you.

CHAIRPERSON JOSEPH: Thank you so much. Thank you all. The next panel is Alex Elegudin, Claudia Galicia, Benjamin Tocker, and Paul Anthony Urbanek.

Is there anyone in the room that's wishing to testify that I have not called?

COMMITTEE COUNSEL JEAN-FRANÇOIS: You can begin.

ALEX ELEGUDIN: Thank you. Good evening, Chair Joseph, and thank you so much for the opportunity to speak. My name is Alex Elegudin, and I direct the Post-Secondary Readiness Project at Advocates for Children of New York. I'm testifying today on behalf of the Transition Alliance, a coalition of more than 20 organizations dedicated to improving transition planning services for students with disabilities in New York City. Together, we represent students, parents, advocates, and professionals working to ensure that students with

disabilities are not left behind as they prepare for life after high school. Federal law requires the DOE to ensure that every student with an IEP has a transition plan by the age of 15, yet we know from our work with families these plans are often vague, incomplete, or not individualized to students' interests and abilities. Transition planning is meant to be a bridge to adulthood, but for too many families, the bridge feels incomplete or missing altogether, and they are left to navigate this process on their own without adequate guidance or support from their schools or the DOE. While the DOE asks schools to designate transition team leaders, their availability and knowledge vary widely, as these roles are part-time and often assigned to a staff member as an add-on to their full-time position they already hold. There is also limited information on who transition team leaders are in schools and where families and parents should reach out to get help and guidance. We are also concerned about the barriers that students with disabilities are facing in accessing the DOE's career pathways. The DOE has made a significant push toward career-connected learning and post-secondary readiness through

programs like Future Ready and Career Technical Education. While these programs have the potential to provide valuable opportunities, too often students with disabilities are left out. For example, the DOE has not provided clear guidance on the inclusion of students with disabilities in Future Ready, a new and up-and-coming program. The section in the DOE's Future Ready NYC Program Guide for Students with Disabilities was blank for well over a year, until just the last few days, and still lacks the concrete information that schools need to properly integrate and serve students with their programs. Without this guidance, schools are left to figure it out on their own, or worse, exclude students altogether from their career-connected and work-based learning programs. There is little transparency and accountability when it comes to enrollment of students with disabilities in post-secondary programs. Another major gap is travel training, teaching students how to navigate the public transportation system. Families have expressed how valuable travel training would be for their children, not just for long-term independence, but for the immediate need to get to internships, classes, and jobs. The DOE's travel training program

through District 75 is small (TIMER CHIME) and only serves a limited number of students. For the majority of students with disabilities, there is no resource to help them learn how to use public transportation. In closing, we ask to address these issues according to the following. There needs to be individualized support. Every school should have a trained staff member, like a transition team leader, who can provide individual guidance to families. There needs to be expanded access to career-connected programs, and there needs to be stronger recruitment for students with disabilities. The DOE needs to take a proactive parent outreach approach. The DOE should proactively approach parents and families of transition-age students offering workshops and individualized direct support. Lastly, there needs to be a travel training expansion so that the DOE should have a citywide travel training program to serve all students with disabilities. The transition planning isn't just a bureaucratic requirement, it's a lifeline for students with disabilities and their families. Thank you for your time.

BENJAMIN TOCKER: Good evening. My name is Ben Tocker. I want to start by thanking Chair Joseph

and the City Council Committee on Education for giving me the opportunity to testify tonight. I'm here today on behalf of Young Advocates for Fair Education, or YAFED for short. We're a non-profit organization dedicated to ensuring that all students in Hasidic and Haredi yeshivas receive a sound basic education as mandated by the New York State Constitution. Special education system is a critical element of that. Ensuring that children receive the services they need and our educators are adequately resourced must be the central focus of any reforms to the education system. Currently, over 65,000 students are enrolled in Hasidic and Haredi yeshivas across New York State. While many yeshivas provide a strong education, balancing secular and religious studies, thousands of students, particularly boys, are being left behind. These boys typically receive minimal instruction in core subjects such as English, math, and science before the age of 13, after which their education consists almost exclusively of Judaic studies. The consequences of educational neglect are severe. Nearly 43 percent of Hasidic Jews in New York City live below the poverty line, and an additional 16 percent live near the poverty line. Many graduates

of these schools lack English fluency, which profoundly limits their future opportunities. Without basic literacy, numeracy, or a high school diploma, young men are unprepared for higher education, vocational training, or employment, and it perpetuates a cycle of poverty and economic instability. The problem will only grow more urgent with time. Studies show that by 2030, up to one in eight school children citywide, and up to a third in Brooklyn, will be in Hasidic yeshivas. Without swift intervention, we risk a significant portion of our future workforce struggling with illiteracy and economic hardship. New York City spends over a billion dollars annually on special education services for private schools, yet there are instances where these funds support schools that fail to teach core subjects. Such failures not only violate State law, but also deny children the education that they are entitled to receive. This is not an isolated issue. It is systemic, and without strong oversight, it will only grow worse. I'm here today to emphasize an essential point. Oversight is critical to ensure that special education funding is used effectively to serve the children who need it most. Only schools

that provide adequate instruction in all required subjects should receive special education funding. Even as we demand accountability, we must be careful not to allow reforms to interfere with students' access to the services that they need. Special education is a lifeline for many children and for their families, and no changes to funding oversight should delay or restrict the provision of vital services to students with disabilities. This is not about targeting specific communities or undermining religious education. Many yeshivas and many Jewish day schools, including religious institutions, successfully provide a robust (TIMER CHIME) education that balances secular and religious instruction. However, no school should be exempt from the obligation to educate children in core subjects, particularly when receiving public funds that are intended to support our most vulnerable students. Every child in New York City has a right to an education that prepares them for a bright future. By strengthening oversight, enforcing accountability, and protecting access to critical services, we can ensure that this promise is fulfilled for all students. Thank you for your time.

CLAUDIA GALICIA: Good night, everybody.

Councilwoman Joseph, thank you so much for this hearing. My name is Claudia Galicia, and I'm here on behalf of my 14-year-old daughter, Michaela Galicia. She is diagnosed with autism spectrum disorder, ADHD, and she also suffers from anxiety. It's been very difficult. She was in a Nest program, but then there were not enough seats at Nest, and then we were accepted to a regular high school. So, we are in a regular high school, and I've been here a couple of times, and you have helped me in the past. Nevertheless, it's been eight years, and it's been very difficult to get my child to school. This year, specifically, geometry has been a very difficult subject, so she got SETS. But unfortunately, our bus gets to school late every day so she's failing geometry, and then she can't get the SETS help because she's not in school at the time of these services. And I've been advocating with OPT. I have 70 complaints placed regarding the bus being late, and at the beginning, it was like, oh, the accommodations are not in your IEP, Ms. Galicia. So, I went and I provided all the documentations four years ago, and they were never placed in my IEP until

today. So then, you know, when I put all the documents, I went to the doctor. I lost multiple days of work, and then at the end of the day, I got an email from Eden Perez, who's head of OPT, saying that, well, you know, we understand that you're having issues, but your child, this is the bus route that she's going to get because we don't have any other routes. So, I asked, like, if OPT doesn't have a route that can get my child to school, why don't I get the, you know, like the Uber voucher for my daughter to be able to go to school, and they were like, well, we can only give you that if you don't have a route, but you have a route so it's like the chicken and the egg problem, where my daughter is losing instruction, and the bus is not (TIMER CHIME) arriving on time, and then, unfortunately, the only route that I think my daughter is going to get to school on time is going to be through litigation, and I have done it in the past. My lawyer was paid like 100,000 dollars last time because my daughter was losing, you know, academic time, and she was not getting the services, and this is the same thing all over again. I'm not sure what else to do, you know, like I've been in communication with OPT, but I don't

get a response, and then I realized today that I'm not the only one not getting responses because I saw that the Department of Education today not being able to provide any responses so I'm hoping that, you know, that my daughter can get to school on time sometime this year. Thank you.

PAUL ANTHONY URBANEK: Thank you. Good evening, Ms. Joseph. Thank you for the opportunity to speak with you today about the New York City Public Schools provision of special education services. My name is Paul Anthony Urbanek, and I am a member of the Transition Alliance Youth Council. Today, I want to share my experience as a student with disabilities in the New York City Public Schools system and explain why transition planning must be improved so that students like me can have the opportunities they deserve. I did well in school. I was the valedictorian and distinguished as a leader and great communicator. I found a love for theater and acting. This helped me to feel braver and confident. I learned many things. I learned how to make the most of high school. I've always known that I'm someone who makes the most of any opportunities provided to me, and had I been given the chance to succeed in a

mainstream setting, I would have succeeded. When I started school as a first grader, I didn't realize at first that the setting I was in wasn't typical. At my school, we shared a building with other schools that include typically developing students, and I would wonder why my school appeared different from the other schools in the building, and this would confuse me. Why am I in this school and not in the other schools, I would ask myself. When I was a baby, I was diagnosed with autism spectrum disorder. The first few years of my life, my mom raised me as a single parent. When I was seven and started elementary school, I remember feeling uncomfortable about not being in the right setting. I was in a special class and felt out of place there because I felt like I needed to be in a more mainstream education setting. I excelled at reading and social studies, but struggled in math and sciences, and it was those deficiencies that kept me from being mainstreamed. In high school, I knew I was in the wrong setting, and I was kept in a vocational training school that didn't include the possibility of a high school diploma. I got a certificate of completion in 2022. After I got my certificate, I got a job at Pratt Institute as a

food server in a dining hall. I also got a job as a busser at a restaurant in Rockaway Beach. I wrote a resume, dressed up, interviewed, and got a job. I'm still working at that restaurant. I imagine if I had been in an inclusive setting, I would have been farther along in my journey to independence and a career than what I am now. I can imagine a different world where I could be even more independent than I currently am. As a founding member of Transition Alliance Youth Council, I feel empowered to analyze my own experiences in NYC public schools and what could or should be different for people with disabilities in our current system. As such, we recommend the following. First, we are in full support of the Blue Ribbon Commission's recommended changes to the Regents requirements. (TIMER CHIME) This will open the doors for a lot of students with disabilities. Second, the transition planning process needs to be customized to each individual and support people in specific individualized ways. Third, transition assessments or tests of disabilities must be more creative to effectively evaluate potential. Fourth, parents and caregivers must be given more tools, resources, and information to successfully

advocate for the children to the transition planning process. Fifth, schools need transition planning staff who are specifically trained in career exploration, job placement, independent living schools, and post-secondary education pathways. Right now, many staff members lack the expertise to guide students effectively. Sixth, I was fortunate to get good job training and internships, but other members of the Youth Council never had access to those supports and experiences. These types of opportunities are inconsistent, and people need to be aware of them and readily available to everyone. In conclusion, we hope you consider our recommendation and we hope the City Council takes the seriously necessary improvements to the transition planning process. Thank you for your time and consideration. God bless you and God bless everyone who attended here today.

CHAIRPERSON JOSEPH: Go ahead.

ROCHELLE DU: Good evening. My name is Rochelle Du, and I serve as the Integrated Schools Project Coordinator of New York Appleseed, a non-profit advocating for integrated schools and communities across New York City and State. Special

education students face a myriad of barriers that continue to reinforce segregation across New York City public schools. The Five R's of Real Integration is a framework that Appleseed uses as both a tool to assess the challenges fueled by segregation and a metric to evaluate how well students receive the care, support, and opportunities they need to thrive. In the service of time, we will focus on two R's today, Race and Enrollment and Resources, but urge Council Members to read our full written testimony.

For Race and Enrollment, we note that even with improvements over the past five years, the admission process remains burdensome and exclusionary, limiting access for students with disabilities to some of the most popular schools in the city. In 2024, only 80 eighth graders with disabilities were admitted to the eight specialized high schools out of the 3,600 students admitted total. Recent data also illustrated that students with disabilities are underrepresented in the group that receives first priority to screen programs and overwhelmingly overrepresented in the lowest priority groups.

For Resources, yellow bus service is vital for many students, particularly students with disabilities, to get to school. And yet, year after year, families have to fight to get the transportation they not only deserve, but oftentimes that is mandated for them by law. The time to find urgency on this issue was several years ago, and as a first step, we strongly encourage City officials to engage with advocates and the necessary State actors to create an effective pathway to rebid on bus contracts, as many contracts for this service have not been updated since 1979. It is unreasonable to expect 21st century service under contracts that were designed for the needs of students 45 years ago.

Today, we aim to amplify the voices of parents of students with disabilities who have increasingly come to us over the past two years. They ask to be seen beyond the silo of special education issues, recognizing that many of the barriers they face are similar to obstacles other marginalized groups encounter due to persistent unaddressed segregation. Thank you for listening. I welcome any questions and can be contacted at rdu@nyappleseed.org. Thank you.

CHAIRPERSON JOSEPH: Thank you all. Thank you.

Thank you. We will now turn to public testimony. We'll be limiting public testimony today at three minutes for in person.

For virtual panelists, once your name is called, a Member of our Staff will unmute you, and the Sergeant-at-Arms will set the timer and give you to go ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Our first virtual panelist, Esther Weiss. On deck, Goldie Herskowitz, Melody Ostroe, and Katherine Encarnacion.

SERGEANT-AT-ARMS: You may begin.

ESTHER WEISS: Hi, my name is Esther Weiss. Thank you for giving me the opportunity to speak before you, honorable Members and the Chair of this Committee. I feel privileged and humbled to speak in this important Chamber where such dedicated civic leaders spend enormous time and effort to improve the lives of citizens of this great city and to ensure equality for all. I'm here to speak to you as a mother, grandmother, and educator who has

raised, taught, and interacted with hundreds of children. I've watched many children develop into successful students and healthy young adults, while others were struggling and grappling with challenges. Most often, with appropriate intervention, these children's lives were positively altered to enhance their education, behavior, and emotional health. Very often, it changed their trajectory in life. We all know the saying, an ounce of prevention is more worth than a pound of cure. An ounce of prevention in youth, by supporting the child while they're growing, spares them lots of pain later in life. With the appropriate support, a child's destiny is positively influenced. Sadly, this year, I witnessed firsthand how parents were unable to provide the crucial assistance to their very own children. This was a result of new policies enforced by the DOE, namely eliminating Due Process for children in private schools and strongly enforcing the PNI deadline. This affected the DOE's issuance of authorization forms that parents need to retain providers to receive services that they were approved for. This year was havoc for children in schools that require special ed services. The DOE directed us back many years in

terms of advancement that was made in providing services to these children. This can potentially have, God forbid, negative impacts on many children for decades or even for life. I appeal to you, and so do thousands of others who couldn't or wouldn't speak out publicly, but they cry in the secret of their home or school (TIMER CHIME) to engage the DOE to improve the crucial services to our children.

SERGEANT-AT-ARMS: Thank you for your testimony. Time has expired.

ESTHER WEISS: Please listen to the outcry from these desperate parents and children. Please help our children keep up in school. Please help our children thrive. Please help our children succeed in life. I appreciate your care, which is evident by the time and effort you spend on this. I hope you will provide the oversight to ensure that all children receive the services that they require and are entitled to. Thank you so much. It's been an honor.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you for your testimony.

Before we begin, we're going to take a brief pause and wait for the Chair to return.

We will resume. Goldie Herskowitz, you're up next.

SERGEANT-AT-ARMS: You may begin.

GOLDIE HERSKOWITZ: Good evening. Thank you for the opportunity to be heard. My name is Goldie Herskowitz, the principal of Beth Chana School in Williamsburg. As a principal, it's my responsibility to assist teachers in identifying children who may need help and guide the parents to seek the services to help them participate in class and succeed. Unfortunately, the school year of 24-25 was and continues to be a crisis. A large percentage of our students that received services in the past were unable to obtain these services this year due to some changes at the DOE. It is important to note that these students require vital support in school to help them keep up in class and not fail through. This year, DOE started to enforce that the parents have to submit a timely PNI. Otherwise, they were denied from receiving a P4 form. The DOE did not mail the PNI, and many parents were unaware that they were required to submit it. In addition, the criteria for the PNI was vague. Parents did not get any response from the DOE if the PNI was accepted, which led parents to

believe they submitted it timely. Unfortunately, when parents wanted to secure a provider for their child in August, they were caught by surprise that the DOE did not forward them the P4 form because of an untimely PNI. Some parents, by pure luck, did submit the PNI correctly and receive the forms, while others did not. Moreover, those parents that the PNI was not accepted from the DOE only received a P4 and RSA in late December, only after they signed a waiver that they will not go for Due Process. Today, more than half the school year has passed and countless parents are still awaiting the P4 form, resulting in these students still not receiving the support they require. Thankfully, the kids that already received the forms were set up with providers and getting their mandated services. The situation in my school is heartbreaking. There is confusion and chaos. With each passing day, we witness students falling even more behind. Many are failing through. For many students, this is irreparable damage. Others might need a long time to recuperate. It's heartbreaking to watch the children struggle and the parents desperately attempting to provide their kids with the necessary support. I and other school representatives

plead with the DOE to fix the system. Children in private schools are legally entitled to special ed services. I beg this Committee that has oversight to look into this issue and demand fairness for our children. I'm sure you all agree that there is a moral obligation to assist every child to succeed. The DOE ought to restore the services and rights for our children. Thank you for your time and attention to the issue.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Katherine Encarnacion.

SERGEANT-AT-ARMS: You may begin.

KATHERINE ENCARNACION: Honorable members of the Council, thank you for the opportunity to speak. My name is Katherine, and I live in the Bronx. I am the parent of Luke, a four-year-old student with a disability. My son transitioned to CPSC from early intervention in August of 2023, where in his IEP meeting, he was approved for speech and occupational therapy and then a CA. After over a year of no response, where I had sent countless emails and phone calls to the DOE and CPSC1, I had to hire a student advocate as my son's behavior and development were severely declining. Only after this was I finally

able to get an actual copy of my son's IEP and have occupational therapy start after over a year of waiting. To this day, I am still waiting for my son to receive the speech therapy he desperately needs, and no other alternative options or vouchers have been offered. I've missed work, nearly lost my job because of my son's needs have not been met, my son's teachers have pleaded for help, and they also as well have received minimal to no response from the DOE and CPSC1. Twice, I myself have found DOE-approved speech providers only to be met with silence and lost opportunity for my son to get services. As a last resort, I recently started to pay for a private speech therapist, only 30 minutes a week, that I can barely afford, when he is approved for three 30-minute sessions a week on his IEP. Under the IDEA, my son should be getting these services as per his IEP without any cost or burden. My son is falling behind. His behavior is being impacted because he can't communicate clearly. You can only imagine how frustrated a child grows who cannot communicate. The first few years of a child's life are crucial. We are witnessing precious developmental time slip away, a time that can never be recovered. Please ensure that

enough providers are hired and that the DOE is held accountable to respond to parents and services are provided in a timely manner. There should be visibility on the efforts that have been done to get services. The older a child gets, it's harder for a child to get these services. Imagine if this was your child. Would you stand for this? I am begging you to intervene. Help my child, help all the children like him get the services they desperately need. These are not just names on a screen, Your Honorable Members. These are real children with real needs and real families facing immense stress and anxiety. While the school day ends, the challenges for parents like me do not. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, Melody Ostroe followed by Maggie Sanchez, Chaya Sara Herman, Celia O'Donnell. Melody.

SERGEANT-AT-ARMS: You may begin.

MELODY OSTROE: Thank you again for holding this meeting. I don't know if there's anyone left in the room, but if there is, thank you for staying, and I know we're all tired so I'll get right to it.

My name is Melody Ostroe. I have an 11-year-old daughter diagnosed with ASD in a D75 program. I wrote down a testimony and I threw it in the garbage after I listened to the DOE respond to Chair Joseph's questions. I do want to address some of their responses, and I can follow up with a written testimony on the original things I was to address. I think we've already established related service providers are an issue. Related services are an issue in special education, so I'm not really going to touch on that much. I do want to address other things, though. The DOE stated that there was lack of playgrounds for the children to have recess. Not in my experience. Two of my child's three schools were located next to a playground. As a matter of fact, her previous school had a public pool separating the school and the playground. I don't know why they didn't start a swimming program in the summer. The kids were not allowed outside. So that is the very first thing I'd like to address and just get that off the plate. In my experience in the DOE, and no one has discussed this tonight, and I would like to address the pink elephant in the room, is the abuse of power, the mistreatment of children

physically, psychologically, the lack of... no guidance, actually, for teachers. I've seen teachers go to administrators for help, and they're just like, figure it out. No training for paraprofessionals. Paraprofessionals aren't even given the IEP to read. I was recently told that a one-to-one para is a service, not a person. So I'm to expect that everyone reads the IEP? Every paraprofessional? Doubtful. What I see going on in D75 is conditioning and programming, and it's not effective, and it's increasing challenging behaviors. I don't see children learning. I don't see them generalizing skills. They're not being taught. Like I said, they're being conditioned. A child like mine does not comply with conditioning. She wants her voice heard, and she wants to self-advocate. When she self-advocates, the techniques used to address this have been planned ignoring, telling her no and she must do it, telling her she's bad, and telling her she's wrong. My child now has an increase in anxiety diagnosis since coming back. We left the private school sector to come back to public school, because we wanted rights. The DOE doesn't care about our rights. They steamroll us on our rights. And when we

advocate for our children, we're met with retaliation, and in my case, a false call to ACS by the D75 superintendent. Thank God, I know the ACS has taken a lot of backlash (TIMER CHIME) for this CARES program, but in our case, it was...

SERGEANT-AT-ARMS: Thank you for your testimony. Time has expired.

KATHERINE ENCARNACION: Very beneficial. No problem. Have a good evening.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Maggie Sanchez.

SERGEANT-AT-ARMS: You may begin.

MAGGIE SANCHEZ: Hello. Hi, my name is Maggie Sanchez, a public advocate appointee on the Citywide Council on Special Education. I'm speaking here in my personal capacity. By making Due Process complaints even more difficult for families, and by adding even more barriers and capping the rates of the services that need to be provided through the impartial hearing process or that are owed at the same time that New York City Public Schools is not providing all of the services that every special education student needs and don't have a certified special education teacher in some subjects, that is

what families of students with disabilities are having to deal with, these precedents and stonewalls, in order for interventions and services that their children need are met. In order to reduce Due Process complaints, paras, teachers, and related service providers need to be paid equitably during collective bargaining during when pertaining contracts are negotiated as well as not add budget cuts to education every year or so, and instead add investment into the education system. By doing that, teachers, providers, and paraprofessionals will be able to stay in their positions, and with investments to education in the fiscal year budgets rather than continuous cuts, more schools will be able to meet the needs of all students. Something else that seems to be missing is that New York City Public School rates that are paid via P4s for SETS is on the very low scale, and many providers do not take it, especially if they specialize in particular instruction programs that students need. That's the reason why families are pushed to request enhanced rates. Providers should be part of the conversation so the Council can hear from them and why their rates are higher than what the DOE pays, which is the DOE

rates are paid very low. For example, as you may have already known, OTs and PTs pay was allegedly shortchanged as compared to the related service counterparts. So, that's the root of the problem that has consistently come from New York City Administration. That should be the focus in these conversations. I think a lot of the reason why families of students with disabilities (TIMER CHIME) are pushed to exercise their Due Process rights...

SERGEANT-AT-ARMS: Thank you for your testimony. Time has expired.

MAGGIE SANCHEZ: Some public school programs don't receive the level of instruction and all the related services that they need as per present levels of performance. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you for your testimony. Chaya Sara Herman.

SERGEANT-AT-ARMS: You may begin.

CHAYA SARA HERMAN: Hello, my name is Chaya Sara Herman. I'm a constituent of the Chairperson in City Council District 40 in Kensington. Before I begin, I'd like to thank the Chairwoman, Mrs. Joseph, and the Members of the Committee for convening this hearing. I'm on here

today to speak about my daughter, who is a bilingual five-year-old in a religious non-public school with severe physical disabilities. Her turning five meeting was May 2024. My daughter is a bright, happy kid who loves to learn. She also has multiple physical disabilities, including but not limited to cerebral palsy affecting all of her limbs, and she primarily uses a wheelchair for mobility. Thank God for all things concerned, you would be surprised. She's doing quite well academically in her general-ed classroom, socially as well, despite having to fight the uphill battle of her disabilities and the lack of services. This is compounded by the Board of Ed's inability to fully provide all of her services and their intent to strip her of Due Process rights. So, they're also taking her mother's time. The physical consequences of these service deficiencies has meant that my daughter, for the first time this year, physically regressed for lack of services. The Board of Ed didn't successfully assist in procuring a single one of my daughter's many services. It took seven months to get an assistive tech evaluation, and they didn't manage to send a physical therapist as a part of the team for a child who's affected in all

four limbs with cerebral palsy. My daughter is mandated to have a vision provider who still has not materialized. Unsurprising, neither has a speech provider. She also doesn't have a bus para, as many seem to be the case. And while I'm grateful that SETS rates were dramatically increased, obviously, as others have spoken about, the other services have not been increased. So, what is the incentive for the, you know, recruiting does not make the wage gap. These are specialized services. And what is their incentive to treat a child like mine instead of a child who has lesser support needs? The Weekend Academy thing, in my experience, was a joke. I tried to sign up. They did not have after afternoons. They only had one location in Borough Park, and they only had Sundays, not after schools in December. And I still tried to sign her up. I tried to sign her up for speech and, of course, because they don't really want us to get these services, they had no Yiddish-speaking speech therapists available so what's the point? I mean, I am grateful for the public school students, and they should also be getting services. And I'm glad that these academies after school and weekend, can they're also helping them so I don't

want to say that. Because we don't have time, I'm going to leave with this. This is a general culture issue. The Board of Ed is trying to obfuscate and kind of be opaque and deny children services. That's ultimately it. We're the scapegoat. But I'll give this antidote. During my child's turning five meeting, which was initially an IEP, not an IESP, because I was open-minded, one of the members of my child's turning five team, upon hearing I wanted to put my child into a general ed classroom asked me, but is it safe? What if someone pushes her? To which I said, she'd probably push back. I will admit that this comment was anecdotal. But what does this say about the state of the Board of Education? 70 years after Judy Heumann was barred from kindergarten because she was deemed a fire hazard by her principal.

SERGEANT-AT-ARMS: Thank you for your testimony. Time has expired.

CHAYA SARA HERMAN: Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you so much.

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Next up, Celia O'Donnell, followed by Nedda de Castro, Melissa Katz, Tanisha Grant, Joseph Fierro.

SERGEANT-AT-ARMS: You may begin.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Netta DeCastro, next up.

SERGEANT-AT-ARMS: You may begin.

NEDDA DE CASTRO: Good evening, Chair Joseph and esteemed Members of the Council. My name is Nedda DeCastro and I'm here to share my testimony to elevate the importance of supporting the education of multilingual newcomers with special needs. I'm the Manager of Advancement and Adequacy for the Internationals Network for Public Schools. The Internationals Network is a non-profit working to provide equitable, quality education for recently arrived immigrant adolescents by both growing and sustaining a network of innovative public schools as well as sharing our successful practices to improve education for all newcomer adolescents. I personally have over 30 years of experience in education as a former bilingual teacher, social worker, and principal of the International High School of Prospect Heights and Internationals Network School.

I'm focused on the unique experience of multilingual newcomer learners with special needs. With appropriate supports, multilingual newcomer students with learning differences in Internationals Network schools are on the pathway to achievement that some never even imagined in their home countries. In my experience as a principal, I would at times enroll students in need of learning supports that were not available nor understood in their home countries. Their child might have been held back repeatedly and these families faced the pain of being told that school was not for their child and that they could not succeed. By the time they came to my school, in addition to the challenges all newcomers experience, these adolescents had additional burden of feelings of low self-esteem and deep doubts about their ability to succeed. These young people were discouraged by learning differences that International High School of Prospect Heights and other Internationals Network schools routinely addressed by evaluation and multiple supports both in and outside the classroom. Coming to an International high school offered the students and their families hope and another chance at achievement navigated

through a new language and culture. In my 13 years as a New York City Public School principal, this Internationals Network school worked with New York City DOE staff, the CSE as well as parents, families, and partners and provided a high-quality education such that newcomer special needs students could graduate and go on to college and careers. All International High Schools work similarly with support from the Internationals Network. We change lives. Nothing made me happier as a principal than to see that doubting student beam with pride at graduation and their family shedding tears of joy at their achievement. Still, it's not easy and it takes a collaboration of many so that our newcomer special needs students succeed. The key to supporting these students is in recognizing that they have a learning need to learn a new (TIMER CHIME) language and they have a learning difference. These are not the same..

SERGEANT-AT-ARMS: Thank you for your testimony. Time has expired.

NEDDA DE CASTRO: And all must be assessed and addressed each in their own way. Attention to this difference ensures that multilingual learners are not misidentified and overrepresented as students

with disabilities and ensures all students get what they actually need. I thank you for your time and look forward to your continued support of our work and of all multilingual students.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Melissa Katz.

SERGEANT-AT-ARMS: You may begin.

MELISSA KATZ: Can you unmute me? All right. Thank you for unmuting me. Good evening. Thank you for this opportunity. My name is Melissa Katz, and I lead the Collaborative for Inclusive Education within the New York City Charter School Center. Since 2019, enrollment of students with disabilities in New York City charter schools has steadily grown to the point that charter school students with disabilities now number nearly 30,000. During this time, our programming has also grown, expanding and evolving to meet the maturing needs of the sector, including a great demand for support around specially designed instruction for students with IEPs within integrated co-teaching settings. Every year, the collaborative team spends hundreds of hours with schools, both through centralized trainings and individual touch points, and we've been gratified to see continued

commitment on the part of schools to engage in the exclusive program offerings. So, while charter schools are autonomous in many respects, the DOE is the local education agency, LEA, for special education in charters, which means all decisions about the provision of special education services for charter students are made by the DOE's committees on special education. Now, since COVID, the related services crisis has disproportionately affected charter school students. The current system by which the DOE contracts with related services agencies to place providers in schools with vouchers issued directly to families when the DOE can't find a provider is burdensome and ineffectual. The providers that work for agencies are often compensated at a lower rate than the providers working within district schools, and the list of RSA accepting providers that the district provides to families are often not up to date and providers prove difficult to contact. This disparity in related service provision between students under the same LEA is unjust. We have partnered consistently with the DOE to ensure that our communities are receiving the support they need, and we would also like to partner on accountability

to ensure that all students under the same LEA are guaranteed FAPE, regardless of whether they're in a district or charter school. We respectfully request that the same data that is available on district school special education services be made available to the City Council, to families, and to the community on the provision of special education services for charter school students. We also advocate for the immediate institution of related service providers, particularly paraprofessional support for students with disabilities attending charter schools. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Tanesha Grant.

TANESHA GRANT: Good evening. My name is Tanesha Grant. I am the Executive Director of Parents Supporting Parents and Moms United for Black Lives New York City. Today, I come to you as a mother of three and a grandmother of four. I have four grandchildren, and all of my grandchildren are special needs children. My oldest grandchild is eight years old. He is highly up on the autism spectrum, and he is also nonverbal. For his health, first, I want to say that it took us a long time to even find

out how to get him evaluated. He is now eight years old. And I want to echo what my colleague, Paullette Healy, said. Even though the work that I do, and I can help other parents, and I can help other students, it has been really hard to get the services that my grandkids need. My eight-year-old grandson is stuck in a D75 school when he should be in a program like Nest. Even though my daughter has continuously tried to fill out the paper, and continuously I have talked to District 5 where the Nest program is, somehow he's still stuck in a D75 school. It is not okay to put all special needs children, despite their disabilities, despite their learning disabilities, despite their behavioral disabilities, all into one bunch. Speech therapy for three times a week for 30 minutes is just not enough for a nonverbal child. My daughter has been called multiple times to come pick up my grandson because he doesn't know how to regulate his emotions, and he doesn't know how to communicate in the way that he needs to do instead of trying to make an environment for him that is significant. My daughter also has twin daughters. They are about to turn three, and it's very hard for her to get the early intervention that they need. And

1 having twin daughters, it is very hard for her to
2 take my grandson to school when the bus doesn't come
3 because he has to have a para on the school bus. So,
4 if the school bus doesn't come, then the para is
5 standing outside in the cold, that doesn't work, and
6 my grandson doesn't get to go to school. My three-
7 year-old grandson, Riley, his mother, Rain, right now
8 is trying to get him evaluated. This is unacceptable.
9 As we know, there is a higher need, especially for
10 children with autism, at the rate that our children
11 are being diagnosed with autism so I look forward to
12 continuing to work with the Education Committee and
13 you, Chair, I thank you so much for all of your
14 energy and for doing everything that you can to lift
15 up these issues because this is not a right now
16 issue, Chair. This is a generational issue. As a
17 child, I didn't get what I needed for my behavioral
18 problems. I started being an education advocate
19 because of the problems that my children were having
20 in school...

22 SERGEANT-AT-ARMS: Thank you. Your time's
23 up.

24 TANESHA GRANT: Now I am fighting for my
25 grandchildren. So, I look forward to continuing to

work with you and making sure that one of these days, Department of Education makes sure that every child that is entitled to their special needs services get it. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, Joseph Fierro, followed by phone number ending in 237, Eric Lee, phone number ending in 217, phone number ending in 527, phone number ending in 647. Joseph?

JOSEPH FIERRO: Hello. Can you hear me?

SERGEANT-AT-ARMS: Yes.

JOSEPH FIERRO: Okay. My name is Joseph Fierro. I've been a lead assistant principal of eight school sites, special ed supervisor of five school sites, master teacher, community volunteer for over 30 years to Pueblos, NAM, a whole bunch of organizations. Pretty much today, I had surgery, massive surgery just recently, but a parent reached out to me regarding her daughter acquiring bruises on her body, and she also mentioned two other children being bruised, and then the name popped up of a very high-ranking individual of which I reported in the past for cover-up of child abuse. Very serious stuff. I went ahead and for the last 30 years, I'm going to

mention to you some of the abuses that have occurred and what I would like to see happen. I myself was a special ed student, and I vowed to never turn my back, worked so hard to get through my education and worked as a demolition worker for 6 dollars an hour just to work my way through school with my disability and all. My volunteer work is literally more hours than people devote to their day job, okay, so working a full-time job, then volunteer work, then fighting corruption, it's time for City officials and, you know, and also remember, I'm not talking about all City officials. There's honorable people out there the same way that there's many honorable educators. But what we're talking about is two districts here, okay? And here are some of the things that have happened, and one of these people is still in power, and I think that this investigation needs to go as far back as possible to make sure justice is done. Not early retirement, justice is done. Verbal threats, I'm going to choke you up, this is said to children. Kicking minors in their privates. Staff reported to me as a lead assistant principal that staff members were kicking children up the crack of their, and I'm not going to say it in case any minors

are listening, A-S-S. And female students, and this is going way back, which I've tried every City agency to get through, every City agency took my reports, it's horrible, female students being molested.

Disabled students leaving the school building without follow-up, where I used to stay in a school building to 8, 9, 10 o'clock at night to make sure every child got home on time and safe, well, safely. Had they listened to me in my reports? Avante Aquino, the little boy, autistic boy who died, may still be alive today. Children being robbed at knife point. No follow-up whatsoever. Administrators cursing at students down the hall. Horrible, horrific behavior, which is a bad influence on subordinates that may feel entitled to do the same. It's just horrible. These are crimes against humanity. And I consider myself a devout Christian. Students being thrown to the floor. I'll never forget it. Children being thrown to the floor with the staff member's foot in the child's throat, turning around and the child telling me, I can't breathe, I'm choking, I can't breathe with the blade of his foot in the child's throat. Okay? We're talking about very serious things here. Now, you're also talking about, this is very

similar to what happened to Floyd. I mean, does it ring a bell? Calling students animals. Okay? These are clearly crimes against humanity, clearly crimes against humanity. For defending these kids, and by the way, thank you for the accommodation of speaking longer, and I appreciate that. For defending these kids and their families, I was placed in a reassignment center, the rubber room, not once, but three times for almost a period, a total period of three years, with fraudulent charges pressed against me. And guess what? Every single one of those charges, I was vindicated on by Dr. Gregory of St. John's University, who was an arbitrator, who now calls me the Honorable Joe Fierro. And also, I was vindicated in the federal courts by Magistrate Judge Francis. Okay? Because I almost lost my house because I defended our children. I almost lost everything. Okay? This is very serious stuff here. This is not a joke. And this one, I'm trying to remember everything that's happened. Uh, investigators threatened me in an elevator with a gun. Okay? Telling me to be very careful where I go with my evidence. I can honestly say nobody is safe, no child is safe in New York City. And let me tell you something. This is four

administrations. Okay? Mayor Adams, de Blasio, straight down the list, Bloomberg, and Giuliani himself. Okay? I had lengthy conversations with our Mayor. Okay? And still, promises were made and nothing was done. Okay? In one of the offices of investigation, they told me if I didn't leave with all the evidence, not once, they told me this numerous times, that I would be arrested. If I didn't leave with all the evidence, that I would be arrested. At that point, I went ahead and called 9-1-1. Okay? And I called 9-1-1 and the police came and they says, what's going on here? Mr. Fierro has all of this evidence of child abuse and you're turning him away. They took the officers to the back of the room and you know what they did? They went ahead and they spoke to the police officers and the officers returned to me and said, Mr. Fierro, we're so sorry what you're going through, but we have to escort you out. You're 100 percent right, but you need a lawyer. And the thing is that I shouldn't, and no one should have to go ahead and find lawyers and pay for lawyers to defend yourself after you defend the children and the families of New York City. Okay? No one should have to go ahead and find lawyers to say, oh, now I

have to pay a lawyer to defend myself because I'm having a whole bunch of fraudulent charges pressed against me. And then let me tell you, I was vindicated on every single one. Okay? We're talking about pure evil here. Chief Joseph, I like your posture, but it's time for action. It's really time for action. You know, if I tell you what I've been through in 30 years with this system as one of the best leaders, and you've talked about the bottom line, I have the bottom line for you. I have children as young as five and six years old under my tutelage that can multiply faster than the principal and superintendent of schools straight through the 12 times table, and they're special ed. They're reading on and above grade level, special ed. And I have proven myself. I have a portfolio of evidence and proof written by the top leaders of New York City. What are the Chancellors doing? What exactly are they doing? You can't even report basic things like children being abused and something being done about it. Well, I was called again. And even though I had surgery, I says, I have to come and speak. I can barely walk, but I came here today and speak.

SERGEANT-AT-ARMS: Thank you. Your time's expired.

JOSEPH FIERRO: I have nine minutes. I have nine minutes. I have accommodation.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Yes. The nine minutes has expired. We gave you nine minutes.

JOSEPH FIERRO: Okay. Well, last note, I'm calling on a city, state, and federal investigation of this. I would like to see these people brought to justice. Anybody that would like to help reach out to Mark Goldstein, zoommanagement@aol.com. Let's unite and let's make a difference with the City Council. Hopefully something will be done. God bless you all.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, phone number ending in 517. Please state your name for the record as well.

SERGEANT-AT-ARMS: You may begin.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Phone number ending in 517. Next up, phone number ending in 237. Please state your name for the record.

SERGEANT-AT-ARMS: You may begin.

JOSEPH FIERRO: Hi, I'm sorry. I couldn't unmute myself. Do you hear me?

2 COMMITTEE COUNSEL JEAN-FRANÇOIS: Yes.

3 Please state your name.

4 JOSEPH FIERRO: My name is Esther
5 Lebowitz.

6 COMMITTEE COUNSEL JEAN-FRANÇOIS: You may
7 begin your testimony.

8 JOSEPH FIERRO: Thank you. Good afternoon,
9 Chair Joseph, distinguished Committee Members and
10 Council Members. My name is Esther Lebowitz. My
11 daughter who is now six years old was diagnosed with
12 hydrocephalus and brain and spinal cord tumor at nine
13 months of age. Thank God after intensive treatment
14 and complicated medical regimen, tumor is present but
15 not growing. However, it left its imprint on Adi
16 (phonetic), impacting her physical health, her
17 mobility, concentration, cognitive abilities.
18 Unfortunately, everything is a struggle. My daughter
19 attended a special ed preschool to accommodate her
20 unique medical needs. We were elated when despite her
21 intensive health condition, she was able to be
22 mainstreamed this past September when she entered the
23 (INAUDIBLE). The school only accepted her with the
24 support of a health para. We had an IEP meeting on
25 July 24, whereby a range of services were recommended

with a health para of most significance who attends to her personal needs and safety. We were overwhelmed with gratitude and anticipation that the transition will help her grow, develop, and flourish. At the same time, we were extremely distressed because we were unable to retain a health para for our child. We were searching for providers since the last year, June was no success. The DOE rate for a health para is set for 20 dollars an hour. It's intensive and difficult work and demands skill and patience. It demands skill and patience. We searched but couldn't find anyone for that rate. Even more so, the DOE referred our case to a medical staffing agency that was unable to recruit and provide for the DOE rate and returned the case back to DOE. We were relieved when the DOE created the ERES unit to specifically address this need. The child can't function or attend school without this crucial service that is on her mandate, and the DOE is required to provide it for her. We had no choice and hire a para on our own expense, which was above our financial capabilities, and our wonderful family and friends came together to assist. We applied for ERES for the enhanced rate for the health para in the beginning of September. We

were informed that the process would conclude within 60 days. This was reassuring to us as we were struggling immensely to cover this cost, which added immense stress on top of the medical challenges we had to deal with. It is now more than four months since we applied to ERES. They requested proof of my timely PNI, which I submitted several times through the process. It was submitted two days after the DOE requested it. Just to note, the PNI is actually waived in the case of a health para. Nonetheless, the DOE requested it several times, and we submitted it. As a mom of a special needs child, and I speak on behalf of hundreds of parents in the same situation, I beg you, distinguished Council Members, please realize the DOE is not providing this critical service and has denied (INAUDIBLE) children with the opportunity to have semblance of normal life next to their medical condition, which they unfortunately have to handle every minute of their young lives. We beg you to...

SERGEANT-AT-ARMS: Thank you. Your time's expired.

ESTHER LEBOWITZ: What? Thank you so much.

1 COMMITTEE ON EDUCATION

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2 COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank
3 you for your testimony. Next up, phone number ending
4 in 217. Please state your name for the record.

5 SERGEANT-AT-ARMS: You may begin.

6 COMMITTEE COUNSEL JEAN-FRANÇOIS: Next up,
7 phone number ending in 647. Please state your name
8 for the record.

9 SERGEANT-AT-ARMS: You may begin.

10 COMMITTEE COUNSEL JEAN-FRANÇOIS: Next up,
11 Luis Diaz. Please begin.

12 SERGEANT-AT-ARMS: You may begin, Luis.

13 LUIS M. DIAZ, III: Yes, yes. Thank you,
14 Chair Joseph, for allowing me to testify. Good
15 evening, all. My name is retired Army Sergeant Luis
16 M. Diaz III. I'm here as a father of a 9-year-old
17 nonverbal special needs child. Basically, he has
18 PVNH, also known as epilepsy, and he deserves the
19 same safety, respect, and dignity as any other child.
20 Yet my son was physically abused multiple times while
21 attending 596X, D75 school. And mind you, I just want
22 to let you know, I work for Children's Services as a
23 child welfare specialist. On March 8, 2024, we had no
24 choice but to remove him from that environment. He
25 came home with bruises in his groin. This was in a 6-

1-1 classroom under the supposed supervision of a personal health para and four adults. To this day, we have not been told who is responsible for hurting my son. Mandated reporters, individuals who are supposed to trust are refusing to cooperate with the district attorney. This silence, this lack of accountability, it's horrifying. But the negligence and misconduct didn't stop there. The principal, John Syracuse, retaliation continued with falsifying documentation on my son's home instruction papers. His administrator forged my name on an assistive device evaluation, violated my son's HIPAA rights, canceled his triannual evaluations, and allowed negative harmful language to be inserted into his IEP. All this was done when we had a recorded meeting with Superintendent Luzon Ketla. And let me tell you, this doesn't go far because there is a lot of things that principal John Syracuse has been doing as retaliation, not only to parents, but also to staff, especially good staff who wants to stay there to help the children. And I'm picking for one example, a special high trained teacher, Mrs. B. He has multiple times has threatened to fire her and constant retaliation against her, considering because she is

the UFT chapter leader. And I think it's racially motivated. There's nepotism in this school. And nobody, nobody wants to do anything. Superintendent Ketla's only response in that meeting, he can't do anything. Chief-of-Staff (INAUDIBLE) didn't do nothing for us. We were ignored. Dr. Hogarth didn't do anything. Christina Melendez of FACE didn't do anything. I'm here to demand answers. (TIMER CHIME) I want to know...

SERGEANT-AT-ARMS: Thank you. Your time's expired.

LUIS M. DIAZ, III: I want to know why principal John Syracuse (INAUDIBLE) haven't been held responsible for their actions. If the New York City continues to protect child abusers and bullies, let me be clear...

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, ST.

SERGEANT-AT-ARMS: You may begin.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Jessica.

JESSICA RIVERA: Hi, good evening. Can you hear me?

COMMITTEE COUNSEL JEAN-FRANÇOIS: Yes.

JESSICA RIVERA: Oh, awesome. Okay. I'm not sure what was going on. Yes, I'm ready. You know, I guess whenever. I'm 237 to speak. I'm not sure when I may begin.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Jessica, you may begin.

JESSICA RIVERA: Okay, perfect. Thank you to the New York City Council Committee on Education and Chair Rita Joseph for the opportunity to speak today. My name is Jessica Rivera, and I'm the parent of a Hispanic 14-year-old District 75 seventh grader with autism. I also serve on the Citywide Council for District 75 and today I'm speaking in my individual capacity as a parent. Since entering the education system, my son, Aaron, has faced continuous barriers to receiving a free appropriate public education due to placement challenges, unreliable busing, and a failure to secure related services. Despite multiple program and school changes, including private placement, we have struggled to find a setting that meets his unique needs. He is either too disabled for some settings or not disabled enough for others that provide the necessary support. A major issue in all of this is the lack of communication with parents. We

are constantly left in the dark about placement services and our children's education. Families are forced into Due Process proceedings because specialized private schools offer the support public schools lack or moreover do not have, such as social cognitive learning, executive functioning skills development, self-regulation support, and more. For two years, Aaron has been without proper schooling and services as home instruction has failed to secure a teacher and related service providers are not available to take his case. The distress has led to severe school anxiety and refusal for my son.

Unfortunately, too many children today experience the same systematic failures that my brother born in 1989 with an intellectual disability endured decades ago.

How is this still happening? I have an education background in public health and a professional background in human services supporting individuals with developmental disabilities towards greater independence. I work limited part-time hours because I have to step in where the system has failed my son. I fear that without proper support Aaron will not be prepared for adulthood, something I see in many adults I work with as a seasoned professional. I also

fear a society unprepared to accommodate individuals like him, a consequence of the ongoing segregation of special education students from their general education peers. We need systemic change expanding specialized and inclusive programs and curricular, fixing school transportation failures, increasing staffing and compensation for special educators, paras, and other related service providers, and most importantly ensuring clear and meaningful parent involvement at every step of a child's education. New York Public Schools continue building on a faulty foundation and the system is collapsing... (TIMER CHIME)

SERGEANT-AT-ARMS: Thank you. Your time's expired, Jessica.

JESSICA RIVERA: Urgent reforms are needed, and I stand ready as a parent to advocate and work alongside leaders to make real change. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, phone number ending in 647. Please state your name.

SERGEANT-AT-ARMS: You may begin.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Next up,
Logan Taejun Ng.

SERGEANT-AT-ARMS: You may begin.

LOGAN TAEJUN NG: Okay, I may begin. Okay,
my name is Logan. I'm a CUNY student, and I'm
currently working for a DYOC funded afterschool. The
reason why I'm working there is because it's my life
mission as a special education teacher, almost there,
to make sure kids never had a rough time like I did.
One of the biggest lies a special education, I assume
representative, told me was that I was doing an
amazing job and my grades were phenomenal. It was
three percent away from a 65, a failure. That was one
of the biggest lies that was ever told to me. And I
cannot believe that people like this are still
getting away. There were four teachers in total that
stood out to me, and only one of them managed to
break the student budget and that was from using his
own pockets. If I had a chance to go back five years
and go into that meeting, I'll ask for a teacher that
will be there for me. Sadly, that is not a common
appearance nowadays. It's very common to see myself
hitting the bottom of the barrel and not as common to
see that many, that not a lot of, it's not very

common to see help given to students in need and it's also very evident in my afterschool program. I ask for the Committee of Education to please help these students out and adjust the funds for these students to be able to have a voice and be heard because they are not. Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. Next up, Stefannie Bonilla.

SERGEANT-AT-ARMS: You may begin.

STEFANNIE BONILLA: Hello, good evening. My name is Stefannie Bonilla and I am a CC11 District 75 rep, and I am here in my own capacity. I have three children and all of them have IEPs. Tonight, I will be talking about my oldest daughter. She has an IEP with ICT setting and related services of speech counseling. For my daughter, her charter school failed her with simply busing on her new year at Dr. Richard Izquierdo Health and Science Charter School, as of many things. One of the other things was her credits were not accommodated properly in her transcript as it has hindered her grades. She has also had to deal with a staff member that was accused of sexually assault allegations from one of her friends. This affected her a lot. She still wanted to

maintain to go to school with her friends, just not to engage with the dean as he was still working there. I stood by my daughter in protecting her and keeping her safe and initiating a plan with the school and Children's Aid Society as they were involved with my family in advocating for my daughter at the time. On September 16, a meeting was held, and the plan was for the dean to not be near my daughter. Shortly after that, September 24, my daughter got late to school because of busing and was advocating to go to the bathroom. Executive Director Lindsay Malanga and security threatened her with suspension and also threatened her with calling the dean. My daughter got into a crisis which she ended up calling her father and I, and the director ended up being disrespectful. On October 25, my daughter ended up having another crisis as she was approached by the dean and told him he wasn't allowed to talk to her and she was then faced with him approaching her telling her he could talk with whoever he wants. She then went into crisis and was then suspended from school. After that, she was not in school anymore. I've been fighting with CSC to get for proper setting change for my daughter for IEP for residential. I

have sent my violations to Albany as the City IEP rights are blatantly violated by DOE and charter schools. Superintendents don't hold principals accountable. (INAUDIBLE) superintendents and principals could be held accountable but not many parents know those rights and DOE don't educate the parents of those rights. (TIMER CHIME)

SERGEANT-AT-ARMS: Thank you. Your time's expired.

STEFANNIE BONILLA: Thank you.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Next up, Michelle Diaz.

MICHELLE DIAZ: Hello? Hello?

COMMITTEE COUNSEL JEAN-FRANÇOIS: Yes, you may begin.

MICHELLE DIAZ: Yes, I'm Michelle Diaz's husband, Mr. Luis Diaz, is here because she's taking care of my son right now, and I'm going to finish. I'm here to demand answers about my son who was physically abused. I want to know who hurt my son. I want to know why principal John Syracuse and others involved had not been held responsible for their actions. If the New York City continues to protect bullies and child abusers, I will take matters in my

own hands to conduct my own investigation, and I will knock on doors on every neighbor of the staff involved what has happened under their care. I'm giving you an ultimatum. Find out who hurt my son and please relieve the duties of principal Syracuse because his standard is very below considering he's retaliating staff and parents. Our children are not statistics. They are not forgotten cases. They're human beings and they deserve better. My son deserves better. Please, New York City DOE, stop protecting child abusers and bullies. Do your job. Retired Army Sergeant Luis Diaz, Children's Service Child Welfare Specialist. Have a good night.

COMMITTEE COUNSEL JEAN-FRANÇOIS: Thank you. If there's anyone else who wishes to testify, please use the raise hand feature.

This concludes our hearing for today.
Thank you.

CHAIRPERSON JOSEPH: [GAVEL]

C E R T I F I C A T E

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



Date February 11, 2025