



**Department of  
Education**

**Testimony of the New York City Department of Education  
on Special Education Reform  
Before the New York City Council Committee on Education**

June 12, 2012

*Testimony of Laura Rodriguez,  
Deputy Chancellor for the Division of Students with Disabilities and English Language Learners*

Good afternoon, Chairman Jackson and members of the Education Committee here today. My name is Laura Rodriguez and I am the Deputy Chancellor for the Division of Students with Disabilities and English Language Learners at the New York City Department of Education. I am joined by Shael Suransky, DOE's Senior Deputy Chancellor and Chief Academic Officer, and Corinne Rello-Anselmi, Deputy Chancellor Designee for the Division of Students with Disabilities and English Language Learners.

As you may know, I will be retiring in July after 34 years of service to New York City public schools. Effective July 1<sup>st</sup>, Corinne Rello-Anselmi will succeed me as Deputy Chancellor. Ms. Rello-Anselmi has served in New York City public schools with distinction for 33 years and currently oversees 324 schools as leader of 12 school support networks. When I was regional superintendent in the East Bronx, Ms. Rello-Anselmi was my deputy superintendent for special education, and I am pleased to work with her closely again as she transitions into this role. Prior to serving as my deputy, Ms. Rello-Anselmi was principal of PS 108 in the Bronx for 10 years, a school where she was a recipient of the Teacher's College Cahn Fellowship for Distinguished Principals. Ms. Rello-Anselmi began her career at PS 108 as a teacher of students with disabilities.

We are pleased to be here today to discuss the Department's efforts to reform special education in New York City. Since 2005, we have elevated the four-year graduation for students with disabilities from 17.1% to 31.0%, increasing the number of students with disabilities graduating with Regents diplomas during this time by 10.3 percentage points. This represents tremendous gains for many of our students, and we want to celebrate their accomplishments. However, far too many of our students with disabilities have not realized similar success. Currently, our students with disabilities are graduating at only half the rate of their non-disabled peers, which is unacceptable.

For too long, educating students with disabilities in New York City has meant separating them from their non-disabled peers. Special education has been treated as a place, not a service in support of student instruction. Given everything we know about special education and the results, it is clear that this approach is not working for the vast majority of our students. Pursuant to the federal Individuals with Disabilities Education Act (IDEA), students are entitled to a free, appropriate public education in the least restrictive environment and, to the maximum extent appropriate, students with disabilities should be educated with children who are not disabled.



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What constitutes a least restrictive environment will differ for individual children; some may continue to require settings outside of the general education classroom for all or part of the school day. We are not advocating for those settings to change. However, we are requiring schools to comply with IDEA and ensure that students with disabilities have access to the same classrooms and curricula as their non-disabled peers.

The overall instructional goal of this reform effort is clear: improve long-term academic outcomes for students with disabilities. We propose to do this in three key ways: (1) ensure access to the Common Core standards through Universal Design for Learning; (2) develop high quality Individualized Education Plans (IEPs) that are aligned to meet students' individualized needs; and (3) create flexible programs for students in support of their individualized needs.

Universal Design for Learning (UDL) is a set of principles that provides teachers with a structure to develop instruction to meet the diverse needs of all learners. A research-based framework, UDL suggests that each student learns in a unique manner, so a one-size-fits-all approach is not effective. By creating options for how instruction is presented, how students express their ideas, and how teachers can engage students in their learning, instruction can be customized and adjusted to meet individual student needs.

The recently updated New York State IEP, which was implemented in July 2011, prompts IEP teams to consider what instructional services students need in each subject area. This requires thoughtful consideration of student needs and how those needs can be met in the least restrictive environment appropriate for each child. Using the full range of programs and services available through our continuum of services gives schools the ability to meet students' needs in part-time or full-time settings as appropriate, based on students' individual educational goals.

The operational changes that will go into effect in September 2012 are designed to support these instructional goals while also maintaining stability for our students. The changes in enrollment for students with disabilities will focus primarily on articulating grades – for most of our schools this means kindergarten, 6<sup>th</sup> grade, and 9<sup>th</sup> grade – as well as students who are registered “over the counter.”

Schools will have the ability to meet the needs of their students, as determined by students' IEPs, and to create programs that meet students' needs. The programs and services offered may look different at different schools, based on the needs of the students in each school community. The process by which a school team works with a student's family to identify the student's needs and determine the best way to meet these needs will not change. All regulations and procedural safeguards remain fully in place. Families are valued and integral members of the IEP team and schools will work closely with families in order to ensure that the programs and services recommended on the IEP match the needs of the student.

*Phase 1 Highlights*

When we began this work with the 260 schools that were involved in phase 1 of this reform in Fall 2010, we focused on how to implement this reform in a way that was meaningful and maintained



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stability for schools. We know that educating students in more inclusive settings produces positive academic results. There is a great deal of national research supporting the academic goals of the reform, and a few of these studies are highlighted in our presentation today. By phasing in policy changes to one subset of schools before implementing citywide we were able to identify best practices for implementation that we can now roll out citywide.

As you are aware, we delayed the roll out of the reform to the rest of the City for one year because we recognized the need to build more capacity to support schools with implementation. This preparation included: hiring 60 instructional coaches dedicated solely to supporting schools with our special education reforms; developing a partnership with Teacher's College Inclusive Classroom Project; and developing and supporting school-level implementation teams charged with creating plans to meet the needs of all students' IEPs. We also provided training opportunities for general education and special education teachers in a range of subjects, including Universal Design for Learning, developing high quality IEPs, flexible programming for students, supporting student behavior, and effectively engaging families.

We are encouraged by many qualitative measures of this reform's success and best practices from our phase 1 schools. One thing we have observed, particularly in our phase 1 schools, were the social benefits to students with disabilities attending school in their neighborhoods. If a child is educated at a school away from his neighborhood, it's harder for him to build friendships among his classmates, who he is not likely to see outside of school, and also among the local children in his neighborhood, who he doesn't see in school. For our students with disabilities, breaking down these social barriers and integrating them into the mainstream of both the instructional and relational life of the school is of tremendous value.

From an instructional perspective, we've also seen many schools implement improved practices. For example, one particular network helped to improve literacy programs not only for students with disabilities, but also for struggling students without IEPs. Both general education and special education staff received training in literacy interventions and then implemented a school-wide reading block that targeted the needs of students with and without disabilities. By changing the school schedule so that all of the teachers in a grade implemented the literacy block at the same time, the fluidity between general and special education settings was more seamless. No student missed another content area by being in a different setting for the literacy block.

Other schools changed the structures of their grade level and content area meetings so that special general education teachers had additional planning time and were able to collaborate and consult in order to best meet the needs of all of their students. Time and again, we saw schools succeed by building the capacity of general educators and promoting ownership of all students by all teachers.

Building on the successes of phase 1, I am confident that the team assembled under Ms. Rello-Anselmi will successfully manage this leadership transition and continue to support the needs of all of our students.



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*Testimony of Corinne Rello-Anselmi*

*Deputy Chancellor Designee, Division of Students with Disabilities and English Language Learners*

Good afternoon Chairman Jackson and City Council Members. It is with great pleasure and optimism that I take over this role in July. As we plan for the challenges ahead, I am confident that this transition will be a seamless one.

With my time today, I would like to discuss school preparation. As a leader of a cluster of 324 schools for the past several years, I have overseen this work intimately and can speak to its depth from multiple perspectives.

Our focus in preparing schools and families for this work is in four key areas: (1) leadership development; (2) building the capacity of all teachers to serve all students; (3) supporting positive student behavior; and (4) supporting families in navigating these changes to the system.

*Leadership Development*

As a former principal, I know firsthand that unless a school leader truly believes all of her students can succeed, creating an inclusive school culture will be an uphill battle. For this reason, we have engaged every principal in the City through feedback sessions conducted this winter and spring. This past Saturday, Chancellor Walcott held a principals' conference at Brooklyn Technical High School, at which a majority of our principals were in attendance and participated in professional development geared towards our instructional priorities, including how to create more inclusive classroom environments and develop effective programs to meet the needs of students with disabilities. Our school support networks have conducted training for principals and teacher leaders in support of this work, which is customized to meet individual school needs. Principals will need to designate a school implementation team tasked with evaluating the needs of incoming students, identify resources available within the school to meet student needs, and when necessary determine the need for any additional resources.

*Building the Capacity of All Teachers*

Through the leadership of our network-level special education achievement coaches, we are building the capacity of both general and special educators to leverage the continuum of special education services to meet the unique needs of every student in their classrooms. We are working to expand teachers' toolkits of research-based instructional strategies aligned to student IEPs, and effectively applying these strategies in the delivery of services to students with disabilities and non-disabled students who may require different instructional strategies. We have created a professional development institute for our network-level coaches, and will target schools for additional assistance from Columbia Teacher's College Inclusive Classroom Project.

*Supporting Positive Student Behavior*

We know that there are students with and without IEPs who exhibit behavioral challenges, and that appropriate and engaging instruction in a classroom environment that is conducive to learning is the best first step in managing behavior. We also recognize that this is an area in which teachers want and need additional support. To address this, we have trained many network and school staff on



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Positive Behavior Intervention Supports (PBIS), and built teachers' capacity to conduct Functional Behavior Assessments (FBAs) and to create high quality Behavior Intervention Plans (BIPs). We recognize that it is critical to create an environment where all students can learn.

*Supporting Families*

Parents and families are the primary stakeholders in the process of developing student IEPs and ensuring that a student's needs are being met through appropriate program and service recommendations. We believe that the change in enrollment processes for students with disabilities entering the school system next year or transitioning from one school to another will benefit families greatly. For the past several decades, students with disabilities were placed in classes based on the availability of seats for a particular program type. What was lost in this model was two-fold: first, a thoughtful consideration of the full range of programs and services that could meet student needs beyond the seat-in-a-class model; and second, equal access to local schools for students with disabilities.

Unless a school was designated to open a special class or co-teaching class, schools did not need to create programs to meet the individual needs of their students with disabilities. As a result, approximately 40% of our students with IEPs attended a school other than the one to which they were zoned. Next year, in the articulating grades and for students new to a community, students will be offered a seat at their local schools, and their schools will be expected to create programs to meet students' needs. If families wish to transfer to another school, the previous reasons for transfer will continue to apply, such as safety, travel and medical hardships.

For families that need help navigating these changes, we have created a dynamic parent Web site: <http://schools.nyc.gov/Academics/SpecialEducation/default.htm>. We believe that the best information for a school's particular program can be found at the school-level, so we recommend that families with questions first reach out to their local schools. If families need additional information or wish to address an issue that could not be solved at the school level, we recommend that they email our team directly at [specialeducationreform@schools.nyc.gov](mailto:specialeducationreform@schools.nyc.gov) or visit their local District Family Advocate. If a family is new to New York City, we recommend they visit their local Committee on Special Education.

In closing, by phasing this reform in gradually, primarily through entering grades, and by providing the necessary supports to our teachers and principals, we firmly believe that our schools will be well prepared to serve students in more inclusive classroom environments. Furthermore, given the low rates of achievement for our students with disabilities, we believe there is no time to waste.

I look forward to working with members of the Committee and the Council at large on this important issue. And with that, we are happy to answer your questions.

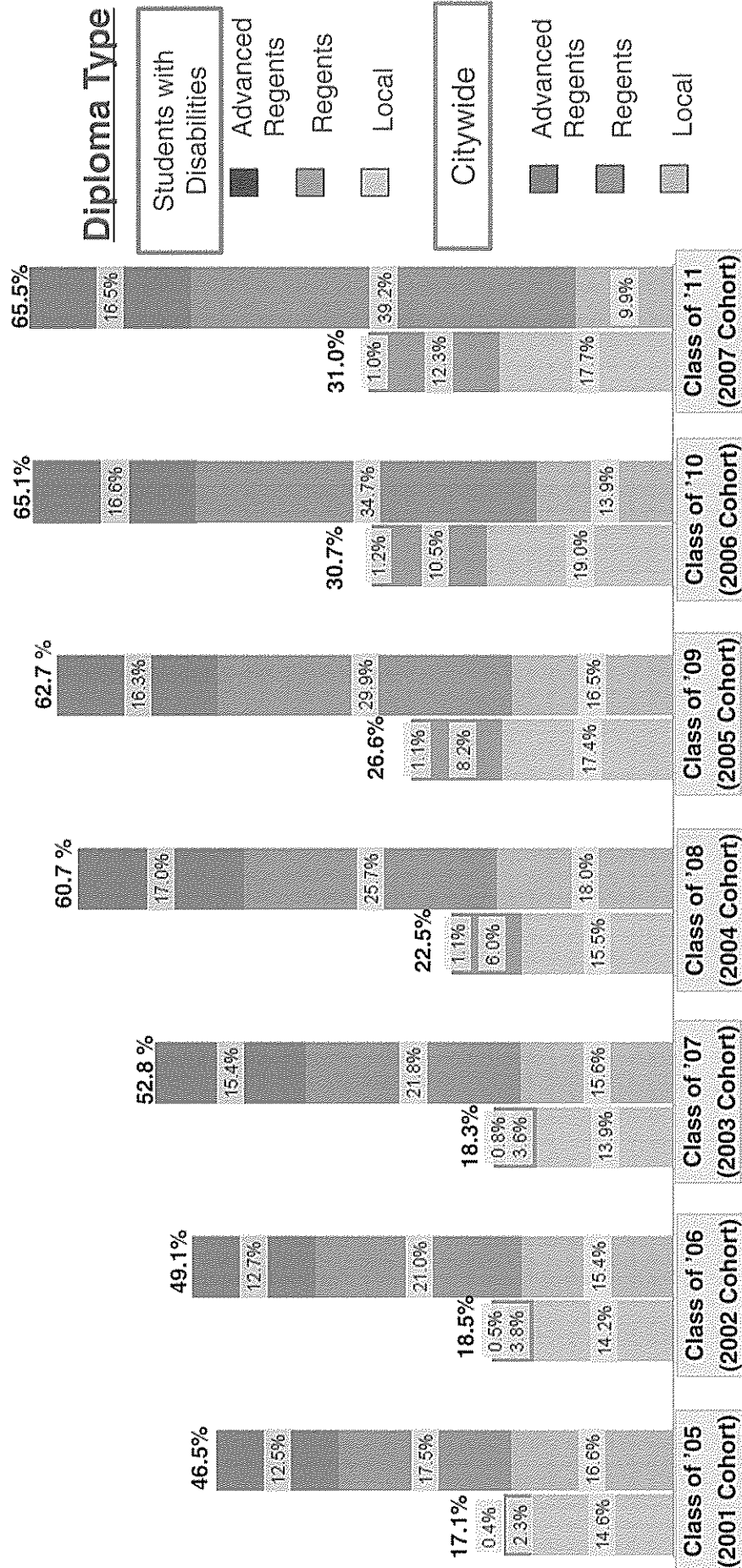
**SPECIAL EDUCATION REFORM  
IN NEW YORK CITY**

**City Council Education Committee Hearing**

*June 12, 2012*

# MORE STUDENTS WITH DISABILITIES ARE EARNING REGENTS AND ADVANCED REGENTS DIPLOMAS AFTER FOUR YEARS

Percent of Students in a Cohort Graduating from High School in 4 Years





# New York ranks 51<sup>st</sup> in US for educating students in inclusive settings

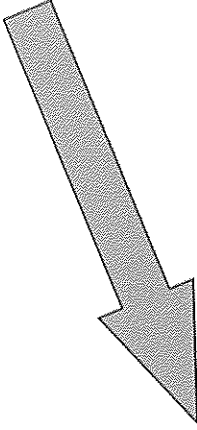
Percent of students, ages 6 through 21, receiving special education services outside the regular class setting more than 60 percent of the school day.

*Note: This definition includes students with disabilities in public schools, separate alternative schools, residential facilities, parentally placed in private schools, correctional facilities, and home or hospital environments.*

**IDEA Part B**  
**Comparison of State Level LRE Data**  
**(DAC- IDEA Data, 2008)**

State	% Students in LRE Settings
Alabama	6.0
Alaska	5.46
Arizona	8.0
Arkansas	9.41
California	12.0
Colorado	10.5
Connecticut	11.3
Delaware	13.37
District of Columbia	11.46
Florida	11.26
Georgia	12.02
Hawaii	28.93
Idaho	12.86
Illinois	11.69
Indiana	12.0
Iowa	13.7
Kansas	13.31
Kentucky	14.1
Louisiana	14.1
Maine	14.0
Maryland	15.0
Massachusetts	15.47
Michigan	15.0
Minnesota	15.39
Mississippi	15.47
Missouri	15.0
Montana	15.68
Nebraska	15.31
Nevada	16.0
New Hampshire	18.04
New Jersey	29.19
New Mexico	18.26
New York	32.46
North Carolina	18.0
North Dakota	18.0
Ohio	18.0
Oklahoma	18.0
Oregon	18.0
Pennsylvania	18.0
Rhode Island	18.0
South Carolina	18.0
South Dakota	18.0
Tennessee	18.0
Texas	18.0
Utah	18.0
Vermont	18.0
Virginia	18.0
Washington	18.0
West Virginia	18.0
Wisconsin	18.0
Wyoming	18.0

State Performance Plan  
 Indicator 5: Least Restrictive Environment – School Age



48. Hawaii 28.93  
 49. New Jersey 29.19  
 50. New Hampshire 30.26  
**51. New York 32.46**  
 52. District of Columbia 51.96



## What the research shows...

- **The more time students with disabilities spend in a general education classroom:**
  - the higher their scores on standardized tests of reading and math;
  - the fewer their absences from school;
  - the fewer their referrals for disruptive behavior; and
  - the better their outcomes after high school in the areas of employment and independent living.
- **These results were found for all students with disabilities, regardless of:**
  - classification;
  - severity of their disability;
  - gender; or
  - family's socio-economic status.

(Wagner, Newman, Cameto, Levine, & Garza, 2006)

- **The performance of students without disabilities is not compromised by the presence of students with disabilities. In fact, they derive benefits from their involvement.**

# NYC's Special Education Reform:

## Guiding Principles

1. Every school should educate and embrace the overwhelming majority of students with disabilities that they would serve if the students did not have an IEP.
2. All schools and students with disabilities are held accountable for goals that are standards-based. IEPs should reflect Common Core Standards and emphasize long-term educational outcomes.
3. All schools should have the curricular, instructional, and scheduling flexibility needed to meet the diverse needs of students with disabilities with accountability outcomes.
4. School accountability measures, funding formulas, and enrollment policies and practices will be aligned with the foregoing principles.
5. Schools must be active partners with parents of students with disabilities.

# Phase 1 Participants & Preliminary Trends

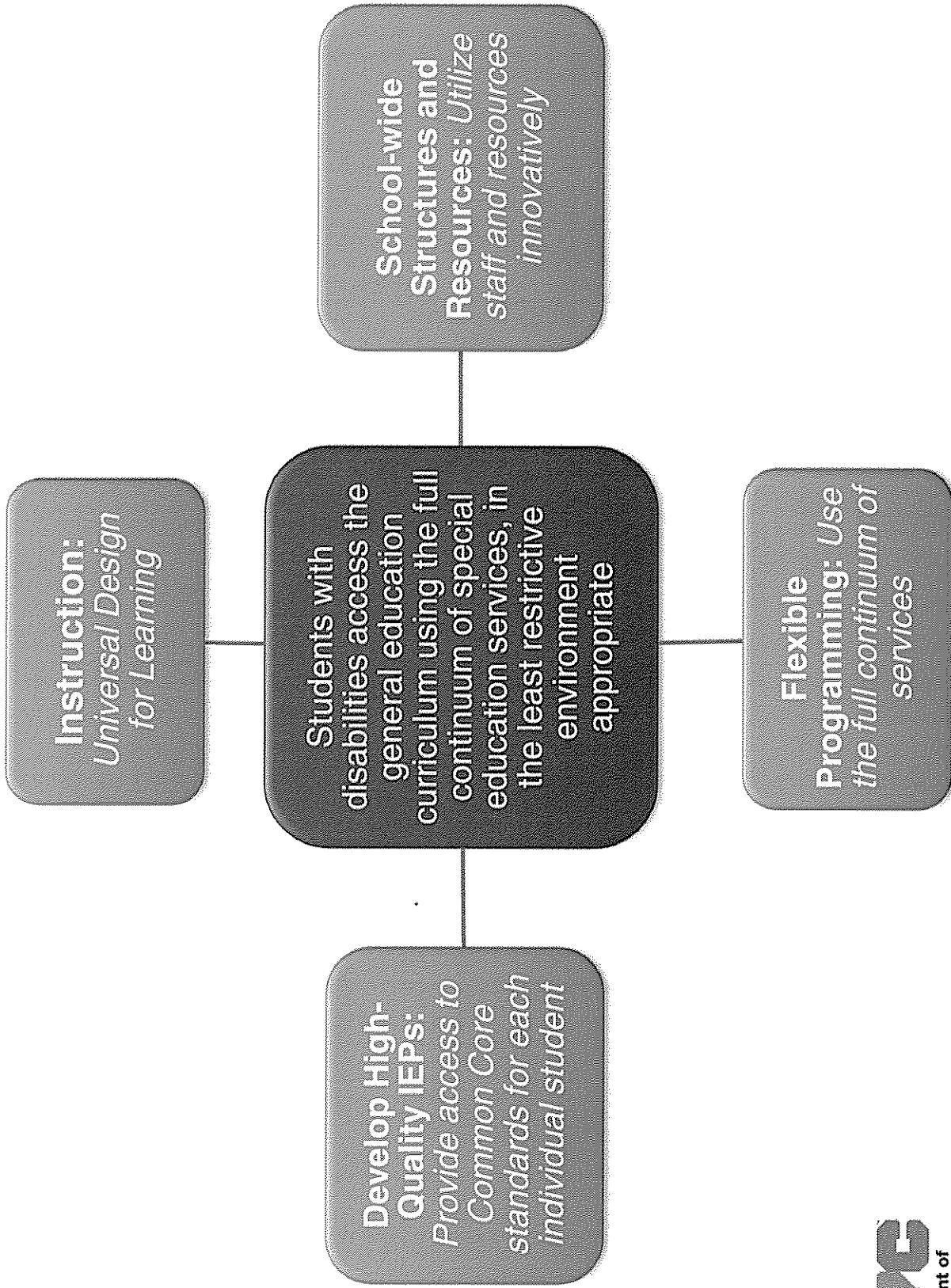
## WHO PARTICIPATED

- Included 260 schools across all five boroughs
- Comprised of:
  - 100 Elementary Schools
  - 60 Middle Schools
  - 100 High Schools
- Evaluated against a set of schools not participating in Phase 1

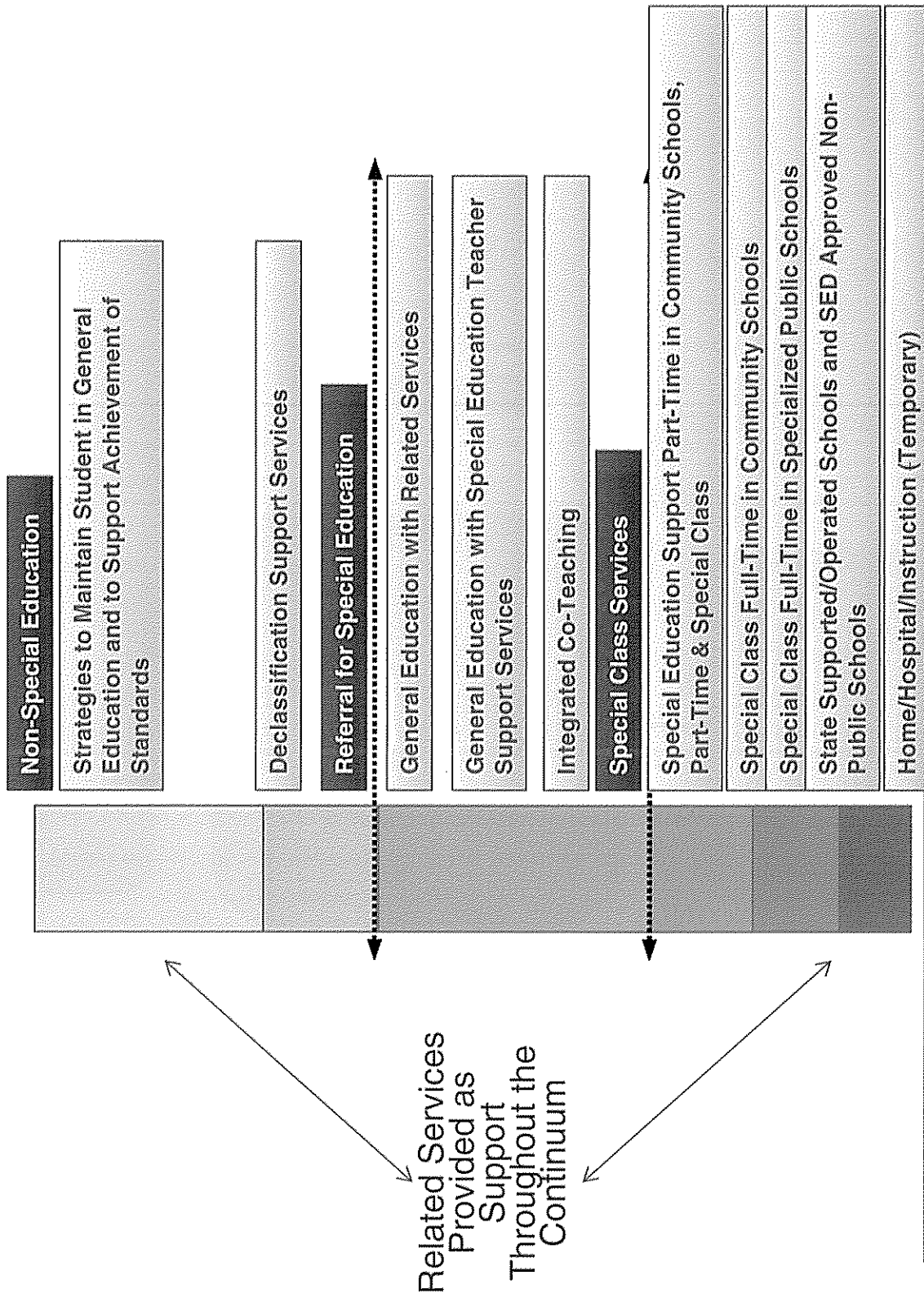
## PRELIMINARY TRENDS BETWEEN 2010 AND 2011

- Initial referral rates decreased twice as much in Phase 1 schools<sup>1</sup>
- Phase 1 schools showed a greater increase in recommendations to less restrictive settings

# Instructional Components of Reform



# Continuum of Special Education Services





# Sample Elementary Student Schedule (5<sup>th</sup> Grade)

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:30 – 10:00	ELA RM 222 Self-Contained	ELA RM 222 Self-Contained	ELA RM 222 Self-Contained	ELA RM 222 Self-Contained	ELA RM 222 Self-Contained
10:00 -10:45	SOCIAL STUDIES RM 219 Direct SETSS (in class)	SOCIAL STUDIES RM 219 Direct SETSS (in class)	SOCIAL STUDIES RM 219 Direct SETSS (in class)	SOCIAL STUDIES RM 219 Speech/Lang (in class)	SOCIAL STUDIES RM 219 Direct SETSS (in class)
10:45 -11:30	SPECIAL - ART RM 219 OT (in class)	SPECIAL - MUSIC RM 219	SPECIAL - ART RM 219	SPECIAL - MUSIC RM 219	SPECIAL - ART RM 219
11:30 -12:15	LUNCH OT (in lunch room)	LUNCH	LUNCH	LUNCH	LUNCH
12:15 - 1:00	MATH RM 219 Direct SETSS (in class)	MATH RM 219	MATH RM 219 Direct SETSS (in class)	MATH RM 219	MATH RM 219 Direct SETSS (in class)
1:00 – 1:45	Physical Education	Physical Education/Health	Physical Education	Physical Education/Health	Physical Education
1:45 - 2:30	SCIENCE RM 219	SCIENCE RM 219 Direct SETSS (in class)	SCIENCE RM 219	SCIENCE RM 219 Direct SETSS (in class)	SCIENCE RM 219
2:30 – 2:40	End of Day Meeting/Reflection/ Dismissal RM 219	End of Day Meeting/Reflection/ Dismissal RM 219	End of Day Meeting/Reflection/ Dismissal RM 219	End of Day Meeting/Reflection/ Dismissal RM 219	End of Day Meeting/Reflection/ Dismissal RM 219



LRE/MRE Scale =

Most Restrictive



Least Restrictive

# Principal & Teacher Preparation

- Network Special Education Achievement Coaches were hired in August 2011 to work with schools solely on building capacity to implement the special education reform:
  - Each Coach works with a network of approximately 25 schools, working with 1 – 2 teacher leaders from each school to develop the school’s capacity to implement the reform.
  - Coaches also work closely with the other 4 instructional coaches for their network of schools to develop the capacity of all instructional staff – general education and special education teachers – to meet diverse student needs.
- Planning Clinics for School Implementation Teams
  - School teams evaluate needs of incoming students, identify resources available within the school to meet student needs, and identify the need for any additional resources
- Training for Teacher Teams conducted by Network Special Education Achievement Coaches
  - Universal Design for Learning
  - Creating High Quality IEPs & Developing Flexible Programs
  - Behavioral Supports
  - Effectively Engaging Families
- Principal Feedback Sessions for all 1700 principals
- Teacher Feedback Sessions



# Parent & Community Engagement

- Community Education Council briefings
  - Presented at all 32 CECs to describe the guiding principles of the reform and how the changes in Fair Student Funding (FSF) formulas support the instructional initiative
- Panel for Education Policy
  - Public meetings covering proposed changes to funding, need more description
  - Vote on changes to FSF formulas for special education services on May 23, 2012
- Training for Principals, parent coordinators and staff on effectively engaging families
- Letter to Parents & Special Education Reform Overview
- Parent Information Sessions
  - Several held in each borough
  - Included details regarding how the reform will affect students with a range of needs, as well as parent and family participation in the IEP process
- Collaboration with Parents for Inclusive Education and Advocates for Children in developing materials for families
- Family website: <http://schools.nyc.gov/Academics/SpecialEducation/default.htm>

# September 2012 Enrollment & Admissions Practices

Equity of  
Access to  
Schools and  
Classrooms



- ❖ Schools will be expected to meet the needs of students in their school who are identified for special education services
- ❖ Schools will be required to serve students with disabilities from their communities who enter in articulating grades (i.e. kindergarten, 6<sup>th</sup> grade, 9<sup>th</sup> grade) or over-the-counter
- ❖ Choice schools will be asked to admit and serve a percentage of qualified students with disabilities equivalent to the percentage of students with disabilities in their district or borough

# September 2012 Funding Changes

Access to  
Common  
Core  
Standards

Flexible  
Programming:  
*Using the full  
continuum of  
services*

- For year-over-year changes in Register:
- ❖ Per capita rather than class funding, regardless of SE service model
  - ❖ Increased supports for flexible programs
  - ❖ Adjusted funding for full-time ICT across all grades and full time SC in K-8
  - ❖ Funding for post-IEP services

# 2012-2013 Projected Increase in FSF Special Education Per Pupil Allocation

	FY12 Per Capita	FY13 Proposed Per Capital	FY12 total register	F13 total projected register	Change in register	Avg Cost of FY13 register change @ fy13 proposed per capita <sup>1,2</sup>	Avg Cost of FY13 register change @ fy12 per capita <sup>3</sup>
Single Service <=20%	2,288	2,288	27,933	29,062	1,129	\$ 2,230,568	2,194,238
Multiple Services 21% to 59%	2,779	5,109	1,681	3,114	1,433	\$ 6,321,854	3,382,409
SC K-8	5,024	4,824	36,022	35,187	(835)	\$ (3,478,213)	(3,563,643)
SC 9-12	2,386	2,386	10,204	10,717	513	\$ 1,057,010	1,039,794
ICT Kindergarten	9,314	8,531	3,071	3,561	490	\$ 3,609,594	3,876,908
ICT 1-5	7,762	7,109	19,058	20,015	957	\$ 5,874,661	6,309,865
ICT 6-8	7,762	7,109	10,834	12,393	1,559	\$ 9,570,111	10,279,080
ICT 9-12	8,579	7,109	16,766	17,429	663	\$ 4,069,906	4,831,560
						\$ 29,255,490	\$ 28,350,211

<sup>1</sup> Excludes FY13 Teacher Salary Increment

<sup>2</sup> Allocation is priced at the FY13 preliminary systemwide average funding %

<sup>3</sup> Allocation is priced at the FY12 final systemwide average funding %

The new funding formula drives greater FSF dollars to special education registers.

**PIE's Testimony to City Council**  
**June 12, 2012**

Good afternoon. My name is Jaclyn Okin Barney. I am a special education attorney and the coordinator of PIE – Parents for Inclusive Education. PIE is a parent-led group of educational reformers that works to ensure that all students with disabilities in the NYC public schools have access to meaningful inclusive educational and community opportunities. PIE has been in existence for more than fifteen years, with members throughout the five boroughs. We are the only group in New York City dedicated solely to advocating for the inclusion of students with disabilities.

We work in many different ways to achieve our agenda, including collaborating with the Department of Education on different projects. Most recently, PIE worked with the DOE to sponsor an Inclusion Summit – an opportunity for students with and without disabilities to come together to discuss different projects they were working on in regards to promoting an inclusive school community. PIE's efforts received national recognition in October 2010 when we received the National Outreach Award by the California-based organization Kids Included Together (KIT).

As we know, inclusion is a key component in the education of children with disabilities because it provides students an environment that fosters high expectations, peer modeling, and increased social interactions – all of which can lead to better outcomes for students with disabilities. Additionally, inclusion instills a

sense of community and builds an understanding of diversity and acceptance for all students. The parents of PIE truly believe that if not for the opportunities provided to their children through inclusion, their children would not be where they are today. We have one member whose child was diagnosed with Autism at a young age and attended a segregated classroom for the first few years of his education. After advocating for him to be educated in an inclusion classroom, their son graduated high school with a Regents Diploma and is now attending college. The son of another member, who tells a similar story, is now a stand-up comedian. There are also countless other stories our member can tell of their children who are still in school and are able to build both their social, emotional, language and academic skills as a result of being educated alongside their nondisabled peers.

Inclusion does not mean the same thing for everyone, but all PIE members agree that to the extent possible students with disabilities benefit from being educated alongside their nondisabled peers. All PIE members also know that in order for inclusion to be successful, it cannot be done without proper resources, preparation and training of teachers and staff, and support from all individuals within a school, the school system and the parent community.

We applaud the Department of Education for taking steps to ensure more students with disabilities are included in community schools. However, we do share many of the concerns voiced by others today about the preparation of teachers, administrators and other school staff in regard to the upcoming reform. Already this year, we have heard far too many stories from parents of inappropriate practices taking place in schools with regard to students with disabilities under the guise of



the special education reform. We are also seriously concerned about the lack of effort on the part of schools to engage parents as partners in this reform. It is key for schools to build strong partnerships with their parent community and for parents to be an equal and informed member of their children's education. Yet, often parents are not given the information they need and are not viewed by schools as equal and valuable members of their child's education programs.

Without the proper preparation and resources, students with disabilities will not be included in their schools in a meaningful ways next year, resulting in unintended consequences that will greatly impact students with disabilities and the entire school system. We ask that the City Council work closely with the Department of Education in addition to advocacy groups and families in ensuring that this reform can move forward in a way that all students are included within their schools at the same time that schools are receiving the necessary support accomplish this effort.

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## Testimony on the Department of Education's Special Education Reform

## Before the New York City Council Committee on Education

June 12, 2012

Brian G. Koffler, Esq.


Hello and good afternoon. I would like to thank Chairman Jackson and the members of this distinguished committee for allowing me the opportunity to testify before you today. My name is Brian Koffler and I represent a number of private education programs here in New York City servicing children with special learning needs.

Over the course of the last few years, many ideas have been promoted by the Department of Education as potential methods for providing services to children with special learning needs—a disproportionality large number of which result in a model which is overly-inclusive, and inadvertently results in a negative impact to all students in the effected classrooms.

For those students who do not require special services, the inclusion of students who are not appropriate for such a setting results in less time allocated by teachers to each student. As a result, these classrooms become environments which are not conducive to the quality educational program which the Department tends to deliver to students under its watch. Additionally, for those students who have special learning needs, such as a smaller class-sizes and a greater amount of individualized attention, the Department's strategy goes against proven pedagogical methodologies which have been successful for years—all in hopes to try to save a few dollars.

I don't believe that the Department would argue the virtues of early intervention as one of the most effective methods of ultimately mainstreaming children with special needs. However, early intervention, like many terms in our Education Law, is a term of art and must be applied independently to each individual case. While some students may benefit from related services after only being exposed to their prescribed therapies a few times a week for a few months, it may take other students many years of receiving these services every day for them to experience the same results.

Taking into account the benefits of, 1) providing related services to our students who are in need as early as possible, and, 2) providing these services for as long as these students need them (as determined on an individualized basis), it is apparent that the Department's plan of effectively pressuring principals into mainstreaming, through financial and other incentives, is one which will result in failure for children with special needs around New York City.



It is not as though the Department is doing a poor job at educating the children of New York—that is far from the case. I believe that 99.9% of all children who are serviced by the Department are provided with an above-average educational program which is led by some of the country's most talented teachers and administrators. However, for that .1%, the services which are being offered are simply inadequate. It is that .1% for whom the "least restrictive environment" might not be an inclusion classroom—it might very well be a special classroom within a public or private school. Because the individual needs of this small segment of students differs so much from the norm, their unique circumstances are typically left out of the planning process of the Department, and they are grouped together with other children who have a significantly greater chance at succeeding in a mainstream environment.

Like all other public agencies, the Department has to balance the responsibility of ensuring that they are working towards the best interests of the tax payers, while at the same time making very difficult decisions as a result of their limited resources. While many proposals have been floated around as potential methods for dealing with these competing interests, there are many more which have unfortunately not been made available in a public forum such as this.

Over the last 12 months I have had the opportunity to speak with many City and State officials concerning the inefficiencies which exist within the education system in New York. While a 'solution' to the problems the Department faces is more complicated than anything I am able to put into this testimony, I can say with confidence that it starts with a stronger public-private partnership between the Department and the private educational institutions in and around New York. The reason for this is that these institutions are able to provide services to children with special needs, at a fraction of the Department's cost.

In the interest of keeping this testimony as succinct as possible, I have included a few ideas which, if implemented by the City and State, have the ability to save the Department millions of dollars each year, with no adverse impact on the quality of the services being delivered to our students. With the understanding that many private schools in New York would be interested in working together with the Department as their interests are in fact aligned, I am hopeful that these ideas will be considered by the Council and by the Department so that together, we can fix a broken system.

## **1. IMPARTIAL HEARINGS**

### **a. TIME-TABLES AND MULTI-YEAR AGREEMENTS**

One of the more wasteful elements of the Department's handling of the education of children with special learning needs is the impartial due process hearings. Authorized under 8 NYCRR 200.5[j], this process has been used as a sword to fight children with special needs, rather than as a shield to protect against abuses to the system. Instead of getting into a discussion of what the letter-of-the-law says, I would like to instead explain how the law is used practically by the Department.

To start, 8 NYCRR 200.5[j](5) puts rather strict timelines on the impartial due process hearing—regulations which were intended to keep the process down to 45 days from start to finish. The reason for this requirement was to ensure that neither the parents nor the districts would have to expend unnecessary sums of money to litigate their position through this administrative process. In practice though, what we have seen is a total abomination of this regulation and a disregard for the legislative intent therein. While, 8 NYCRR 200.5[j](5) gives the impartial hearing officers the ability to extend the timelines, I imagine

that the intention of this provision was not to allow this process to take 3-12 months to complete. In my experience as an observer to many impartial hearings, it is clear that the delays which parents experience are tactical in nature and are often not a consequence of the Department actually needing more time to make their case.

Given that the regulation does in fact allow for extensions, I think that looking to one of our neighbors to the East for guidance is prudent. The State of Connecticut has a very similar law in place, but they have chosen to use it as the shield it was designed for, and not as a sword. Conn. Gen. Stat. §10-76h(b), like our regulation in New York, calls for a 45 day hearing period, but also grants the impartial hearing officers the ability to extend this date. The major difference in the process between New York and Connecticut though is that impartial hearings typically do take place within the allotted 45 days. The benefits of adhering to this time limit are numerous, but the most important of which is that there is a significant savings by both the parents and the school districts in terms of the legal costs associated with the process.

Another area for which Connecticut provides a great example as to how our process should work is through their use of multi-year settlements. The statutes of neither New York nor Connecticut specifically call for the use of multi-year agreements in terms of the placement of children into private settings, but Connecticut realized many years ago that there is a significant savings to be realized by allowing students to be placed for multiple years and not litigating certain cases annually.

While there are many unilaterally-placed children who have conditions which may improve in a year or two, the vast majority of these children are not appropriate for the public school setting will need a private placement for many years. As such, it will save the Department a significant amount of money, we estimate in the low-millions, if they were to make it a policy to allow for multi-year settlements as often as possible.

#### **b. APPEALS FROM THE IMPARTIAL HEARING PROCESS**

When one of the parties to the process described above does not agree with the decision of the impartial hearing officer, all States provide the aggrieved party the opportunity to appeal the decision to another body. In New York, we have chosen to implement a two-tiered administrative process which allows appeals to be made to a State Review Officer, which is under the jurisdiction of the Office of State Review at the State Education Department (8 NYCRR 200.5[k]). The problem with this system is that whether by design or by pure coincidence, this appeals process almost always finds that the Department's placement was appropriate, and that the student should not be placed into the private setting. Currently, we estimate that around 92% of the cases which are brought before a State Review Officer are found in favor of the school district.

Needless to say, this is no way to operate a system which is intended to give students an opportunity to be educated in an appropriate setting—it is another instance of New York using the statutes and regulations as a sword, and not as a shield. The impartial hearing officers are appointed because of their knowledge of this specific area of law and understand when a placement is appropriate or not. Because the Department knows that almost all appeals will be decided in their favor, it is in their best interest to appeal any case which is found against their placement—even when they know that they have no chance of ultimately winning the case. The reason for this is that the next appeal which takes place after the State Review

Officer is to the District Court, and bringing a case in Federal court is a very time-consuming and expensive process. Many families simply cannot afford to bring their case to Federal court, and as a result they are left having to accept the DOE placement—even when it is not appropriate and will result in damage to their child's progress.

I believe that there is a better solution to this process which will save the State, the City, and all local education departments a significant amount of money each year. I propose that the appeals process should be modified, significantly, to allow for a more equitable process for the parents of New York. As the impartial hearing process works well and is able to determine which placements are in fact inappropriate most of the time, I believe that we should once again follow the lead of Connecticut and process the appeals to impartial hearings through the court system. Instead of having a two-tiered administrative process, Connecticut, through Conn. Gen. Stat. §10-76h(d)(4), (and then through Conn. Code §4-183) allows for appeals from the impartial hearing process to be heard in Superior Court.

I believe that this is the correct way to implement the appeals process from an impartial hearing. If the school district does not agree with the administrative decision, then they can appeal to the courts—which are truly impartial. The Office of State Review, whether it is their intention or not, seems to making decisions which are in their own best interest (savings money) instead of in the best interest of the children who they are meant to protect and educate. I believe that the long term consequence of continuing with the appeals through the Office of State Review will be significant backlash, possibly in the form of class-action litigation as the current process does not truly implement 20 U.S.C. 1415 as it was meant to be implemented.

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## **2. DIRECT CONTRACTING AND “APPROVED SCHOOLS”**

Most States have their own version of what an “approved” school is, and what the benefits are for districts which work with approved programs. In New York, from the perspective of an approved program, when a school operates under the auspices of NYSED approval, they are eligible for reimbursement for their services at rates which are determined between NYSED and the program (and regulated under 8 NYCRR 200.9). Although the funds are being paid to the approved program by the local school district, the State reimburses a portion of the tuition which is used to send students to approved programs.

When a private school is determining whether or not it is going to seek approval in New York, it has to think about the quality of the services it intends to provide, as the reimbursement rates allocated to most programs in New York do not allow for the extremely high quality programs which many schools wish to provide—the same services which many children in New York desperately need. As a result, many schools choose to operate without “approval”, from NYSED, and operate simply as private educational programs. Because the local school districts do not receive any State reimbursement for placements in “non-approved” programs, they tend to resist these placements, even when they are truly the only appropriate placement for some of their students.

What New York does not have in place, and what has been extremely successful in both Connecticut (Conn. Gen. Stat. §10-76d(d)) and New Jersey (N.J.A.C. 6A:14-6.5, N.J.S.A. 18A:46-14), is the ability for the State to approve a school, but not assign it a “rate”. Instead, these States have provisions which

allow schools which are “approved” to contract directly with the local boards of education and effectively act as direct contractors to the school systems. The benefits of this process are significant—school boards and private schools can work together to determine a fair price so that children can be placed directly into a private school by the local school board—without significant intervention from the State, and without the extremely costly and time consuming impartial hearing process which most parents go through today.

Currently, there is nothing preventing the Department from contracting directly with private schools and negotiating rates for these placements—I believe that the Department should immediately begin working with private schools on a direct contract basis so they can realize the cost savings associated with this decision, and more importantly, a few more students can be placed in settings which are truly appropriate to their needs. This is a perfect example of where an experimental program initiated by the Department would almost certainly be a huge success and would result in a dramatic change to the public-private relationship.



### 3. COST REPORTING

My final idea to present within this testimony is that of cost reporting. One of the major problems with trying to enact change of the scope and scale that I have presented today is that it is difficult to determine whether the proposed changes are worth the effort, financially. This problem is compounded when an agency does not report its true costs in a way which is useable to the general public. The Department of Education certainly fits into this category and does not reports its true costs in a way which will allow the People of the City of New York to see how much money is spent fighting New Yorkers through the impartial hearing process and requisite appeals, instead of trying to help these children’s unique situations.

From our estimates, we believe that as a direct consequence of the process which the Department undertakes to prevent students from being placed in settings which are truly appropriate for their needs, each individual case in costing the City more than 2x what the student was originally asking for when they first submit their documentation requesting an impartial hearing and decided on a unilateral placement. This is an aggregate waste of tens of millions of dollars each year, which otherwise could have been spent improving classrooms throughout the public school system.

I propose that each financial quarter, the Department should be required to make available information on each of the cases it chooses to litigate (i.e. any case for which a unilateral placement is not accepted outright) so that the real costs of this problem can be seen numerically. In order of this report to be effective, the following information must be present, at a minimum:

Case #	Amount Initially Requested	Legal Fees* for Impartial Hearing	Legal Fees* for Initial Appeal to SRO	Legal Fees* for Appeal to Federal Court	Legal Fees paid to student’s attorney	Tuition Paid or Settlement Amount (if any)	Total Cost Associated with this Case
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\* All legal fees can be calculated by tracking the hours spent on each case by each Department attorney working on the case, and multiplying that by their implied hourly rate of pay.

With this report available to the public, I believe it will become very difficult for the Department to justify taking the aggressive stance it has chosen to take with regards to New York's most vulnerable children.

As I wind down this testimony, I would like to emphasize again that I truly do believe that the Department of Education is doing an incredible job at educating almost all of New York's children, in no small part thanks to the talented and committed teachers and the dedication and efforts of the United Federation of Teachers. I am testifying on behalf of the schools, and more importantly the children, who suffer because of an inefficient system which is not designed to work with severely handicapped children. I do not think that the system as a whole needs to change, but I do think that through a few targeted reforms, thousands of man-hours and tens of millions of dollars can be saved and reallocated away from the legal department and back into the classrooms.

To achieve this end, the Department needs to accept the fact that for certain services, the private sector is better able to provide superior services at a lower cost. Through a public-private partnership where the public and private schools work together as allies, students will receive the services they need, and the City will save money—both excellent outcomes for the Department.

Although we are just starting to come out of uncertain financial times, it is important to look at the long term consequences of the decisions which are being made, both fiscally and pedagogically, and realize that most public and private schools have the same interest—to ensure that each child who walks through their doors is afforded the best possible educational opportunities. The long term consequences of failing to provide the proper services to children at an early age are catastrophic and will result in an enormous long-term cost to the State, which does not have to be our inevitable future.

Thank you for your time and attention today. If you have any questions on anything raised in my testimony I am available via email at [brian@kofflerlegal.com](mailto:brian@kofflerlegal.com).

## Community Education Council District 2

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May 10, 2012

Laura Rodriguez  
Deputy Chancellor  
Division of Students with Disabilities and English Language Learners  
NYC Dept of Education  
52 Chambers Street  
New York, NY 10007

Dear Deputy Chancellor Rodriguez,

We, the Community Education Council District 2, applaud the Department of Education's Special education reform, which aims to more meaningfully integrate special needs students with general education students. We recognize the benefits of students of all abilities learning together and have heard numerous stories from parents and educators of children, both with special needs and without, thriving in an environment where special and general education students learn together.

We understand that, currently, many schools either isolate students with special needs by placing them in self-contained classrooms or fail to provide the type and amount of support these students need. We are also aware that our students with special needs graduate at less than half the rate of their general education peers. For these reasons, we believe reform is long over due and we are committed to ensuring that our schools provide the same high quality education to students with special educational needs as they do to students without.

While we support the spirit of the reform, however, we have serious concerns regarding its implementation – more specifically, the proposed changes to the Fair Student Funding formula, which will diminish the resources available to meet the needs of students with IEPs as well as the timing of that implementation, coming at a time when key DOE personnel with background in these issues, yourself included, are transitioning to different roles.

We recognize the changes are designed to begin phasing out self-contained classrooms and, instead, offering students multiple SETSS sessions within a general education environment. While this approach may be viable in middle and high schools where many students with special needs have acquired sufficient skills and tools to begin the transition to a more mainstream environment, in elementary schools, particularly in lower grades, many students require a full time special education environment. In many elementary schools students are not given multiple SETSS until at least in second grade, if not later.

In addition, because the new funding formula is a "per child" formula, schools will not be able to fund self-contained classrooms. While some schools use self-contained classrooms



inappropriately as “dumping grounds” for students with perceived “behavioral issues”, this is still the least restrictive and most appropriate educational environment for some students, particularly in younger grades.

The move to eliminate self-contained classes and toward more multiple SETSS is also problematic in many District 2 elementary schools where class sizes are some of the highest in the city. It is hard to imagine how well a first grader, whose IEP specifies 12:1:1, will learn in a classroom with 25 students and only one teacher (at least for some part of the day), let alone a classroom like many of those in District 2 elementary schools with more than 30 students. We believe one of the reasons full time ICT classes in District 2 have been so successful is because they alleviate the detrimental effects of large class sizes.

In District 2 we are fortunate to have schools that have been implementing many of the elements of the reform already. These schools teach students with special needs to become independent learners in a phased manner. A student may start in a self-contained class, but when and if the student is ready, she/he is given the opportunity to spend part of her/his day in a general education or ICT class. Eventually the student may be moved out of the self-contained class entirely and may join her/his peers in a general education class with multiple SETSS. The gradual transition, however, takes not only time but resources.

These schools are very concerned that the new Fair Student Funding formula will not allow them to continue the successful model they have been using because the formula will no longer allow the schools to offer self-contained classes unless the schools have sufficient number of students. Moreover, the reduced weight allocated per full time ICT student will make it more difficult to offer full time ICT classes. While a detailed analysis using actual numbers of students has not been conducted by the Community Education Council District 2, the impression shared by many schools is that the proposed formula change will result in reduced resources to provide necessary support for special needs students.

Beyond the proposed changes to the Fair Student Funding formula, the Community Education Council District 2 has concerns regarding the implementation of the reform. First and foremost, the departure of the two leadership level personnel – you and Dr. Katzman – is most unfortunate. The Division of Students with Disabilities and English Language Learners will itself be in transition as the reform is being implemented citywide. During the time when a new initiative is introduced, a stable staff, particularly the architects of the reform, at the leadership level is critical in avoiding confusion and facilitating a smoother implementation.

Further compromising the confidence of the principals and school administrators who are tasked with implementing the reform is the fact that the information on the proposed formula changes as well as the details of the reform itself has not been disseminated in a clear, cohesive manner. It appears the accuracy of the information has varied among various networks, with some network members receiving up-to-date and accurate information while others did not. The reform has created a great deal of confusion already and we are concerned that the departure of top DOE staff will exacerbate that confusion.

Finally, given the nature of the networks – no cohesion in terms of geographical locations of schools or grade levels, unlike schools organized by community school districts – we are apprehensive of how the schools will receive the professional development necessary to implement the reform. For this reform to be successful, professional development is key. In addition, sharing of best practices and case studies from schools that have been implementing the reform will be extremely valuable. Clearly all grade levels – elementary, middle and high schools – will require their own age-appropriate professional development. The needs of students and challenges for educators change considerably over the years. For example, in middle

schools, adequate transition planning from elementary literacy and math foundation skills to middle school levels is critical. High School teachers of regents and advanced regents subjects should be able to provide reasonable differentiated instruction. We have been told that the networks will handle professional development but how they will organize, deliver and fund these trainings that meet the needs of each school is unclear. Judging from the way the information was disseminated by various networks, we do not feel very confident that every school will be given what it needs in training.

We strongly believe that the spirit of the reform sought will require *more* resources, both financial and human, not less. While it is difficult to tell exactly what the net result of the new Fair Student Funding formula will be, it seems likely that the proposed formula is neither sufficient nor flexible enough for schools to develop the best support structure for the students with special needs. Furthermore, we are not convinced that a budget-driven implementation is the best approach for achieving the laudable goals of the reform. In education, it is often sharing of ideas, collaborating with peers, and learning from one another that produce results. When reforms are driven by money and without adequate support, we are skeptical of outcome.

For these reasons, we, the Community Education Council District 2, urge the Department of Education to:

- re-work a funding formula that ensures more resources for schools to implement the reform,
- delay the implementation of the reform until new leadership is in place within the Division of Students with Disabilities and English Language Learners,
- systemically disseminate best practices on budget allocation and resource use from most successful schools in phase one of the reform with relevant supporting professional development,
- make available professional development along age ranges in elementary, middle and high schools,
- ensure the network leaders are fully informed and trained on how to assist with the implementation of the reform, and
- develop a non-budgetary driver for implementing the reform.

The Community Education Council District 2 believes the reform is important and needs to be implemented correctly. We cannot afford to fail our most vulnerable students because the implementation was not well thought out. Let us take the time and make sure we do this right.

Sincerely,



Shino Tanikawa  
President

cc: P. Sullivan, PEP  
M. Major, PEP  
D. Fedkowskyj, PEP  
D. Walcott, Chancellor  
J. King, Commissioner

TESTIMONY  
OF  
CARMEN ALVAREZ  
UFT VICE PRESIDENT FOR  
SPECIAL EDUCATION  
BEFORE THE  
CITY COUNCIL  
EDUCATION COMMITTEE

JUNE 12, 2012

Hello and good afternoon to you all. I want to thank Chairman Jackson and members of your distinguished committee for allowing me the opportunity to testify before you today. My name is Carmen Alvarez and I am the vice president for special education of the United Federation of Teachers.

I am here to sound the alarm about the Department of Education's special education reform, which is rolling out to all schools in September. We are concerned that thousands of students with disabilities will not receive the supports and services they need as a result of this reform. We predict that this poorly implemented reform will lead to thousands of lawsuits from parents about children deprived of services that this city will be left to deal with for years to come – long after the current administration leaves office.

To begin, I want you to understand that the UFT believes very strongly in the goals of this reform. We believe that students with disabilities should be able to attend the same schools that their nondisabled peers attend as long as the schools are able to provide the specialized instruction and supports they need to succeed. We also believe that students with disabilities should receive instruction in the same classrooms as their nondisabled peers when the student's instructional and behavioral needs can be addressed in that environment. Our concerns are with the DOE's implementation of the reform.

Historically, the needs of the students as articulated in the IEP have driven the services that students receive. Under the reform, incoming kindergarten, middle and high school students with disabilities will be expected to attend the zoned or choice school they would attend if they were not disabled even if that school does not have available the program or service on their IEPs. Unless a child has been accepted into a special program, such as ASD Nest or District 75, or requires bilingual services or a barrier-free site, the parents will not have the option of having their child attend another school that has the program or service on their child's IEP. Instead it's clear from the DOE documents we've read that the DOE expects principals to direct school teams to review and change students' IEPs to match the services available in the building.

Making matters worse, the DOE's changes to the funding of special education services will drive many principals to compel changes to IEPs to bring more money to their schools. Instead of funding "classes," schools will receive funds based on the percentage of time each child receives special education services. Funding for full-time integrated co-teaching services and full-time special classes will decrease while funding for part-time special education services will nearly double. As a result, principals have a real financial incentive to close self-contained classrooms and full-time CTT classes regardless of what students may need.

In the DOE's magical thinking, the achievement of students with disabilities will improve simply because they will be spending more time in general education classrooms. The DOE claims that more time in the general education classroom leads to improved achievement, better behavior, fewer absences and better post-school outcomes. However, the research the DOE cites doesn't say that at all. In fact, the research on the advantages of mainstreaming is infinitely more complex and nuanced than the DOE presents. Indeed,

the DOE's own summary of the results of Phase I of the reform concluded that "student outcomes showed no statistically significant differences on Math & ELA proficiency between Phase I and Comparison Schools." Nor was there a significant difference in attendance rates. This information can be found on page 13 of the DOE's powerpoint entitled "NYC Special Education Reform: Preliminary Results."

Incredibly, the DOE is moving full speed ahead with this massive change without any plan for professional development for general education teachers who will be called upon to instruct students they may not have served before. Nor is the DOE offering anything geared to helping special education teachers and support personnel deliver the high-quality, evidence-based, individualized instruction and support services that children with significant learning and behavior challenges require. Indeed, there is nothing at all about specialized instruction for students with disabilities in the DOE's plan .

The DOE wants students with disabilities to learn the Common Core Learning Standards alongside their general education counterparts. On the national level, a recent study (see Kurz, Elliott, Lemons, Zigmond, Kloo & Kettler, 2012) concluded that students with disabilities nested in general education classrooms do not have an equal or equitable opportunity to learn common core content. The gap is significant. According to this research, "Teachers need substantial support to meaningfully cover the intended general curriculum with all students, in particular those with disabilities. Many students with disabilities will need 30 to 40 more days of class time annually to have equitable OTL [opportunity to learn]."

The DOE likes to cite the extremely low graduation rate for students in self-contained classes as a reason for moving students out of them. Yet there are many reasons for the poor outcomes of students in these settings, several of which can be traced to the DOE's own policies. First off, students in self-contained classes tend to have learning or behavior issues that are much more serious than their counterparts who receive integrated co-teaching and special education teacher support services. Second, self-contained classes are often bridged, meaning that the teacher is expected to teach curriculum at more than one grade level. It is unreasonable to expect children with disabilities who require more explicit instruction and more time to learn to meet grade-level standards when their teacher is required to provide instruction at multiple grade levels. If the DOE wants self-contained classes to have a reasonable chance of success, they need to stop bridging. Third, teachers in self-contained classes have rarely received support in research-based, effective practices. Lastly, course materials in alternative formats and assistive technology are rarely provided to assist students in accessing grade-level content.

So, what needs to be done to put the reform on the right track?

**1) Don't force parents to send their child to his or her zoned school if the school is not able to provide the program and services on the child's IEP.** The DOE must offer options for parents who believe that their child needs a program or service that is not available in the zoned or choice school. These options must be available for both

incoming and current students and should be in schools as close to the parent's home as possible. The process should be expedited so that parents will know what school their child will attend by the end of June and so that schools will be able to hire sufficient staff to meet the incoming children's needs before school opens in September.

**2) Revamp the reform message to put the IEP first.** The DOE's Reform Guide must clearly indicate that the primary focus of schools must be on implementing students' IEPs, not creating "new innovative and inclusive programs." Schools should be held accountable when they switch whole classes of students to new programs. We suggest that changes to IEPs that exceed 5 percent of the average number of changes over the last three school years in a given school should trigger an audit. These audits should take place no later than 15 days from the date of the trigger and may include site visits and meetings with school staff as well as parents. The DOE must protect parents and staff against retaliation for reporting practices that violate special education laws and regulations.

**3) Provide appropriate training.** No school should be permitted to move forward with this reform until it can guarantee that school staff has received professional development in research-based strategies for addressing the needs of students with significant learning and behavior challenges in a mainstream setting. Professional development must be delivered by fully trained and knowledgeable personnel and should begin over the summer and continue throughout the school year.

**4) Slow down the pace of the reform.** The DOE should not make the very children it is trying to help casualties of this reform by moving faster than the system's capacity to successfully change direction.

Make 2012-13 a year a transition year. Continue to study the data from Phase I schools and make the data available for others to see and study. Help schools understand the new budget allocations and how to use them to provide the supports and services recommended by IEP teams. Get the IEPs of incoming students to the schools they will be attending in the September as soon as possible and hire staff to work on planning over the summer. Concentrate less on developing new programs and more on providing the services that IEP teams have already recommended. Handle the infrastructure issues. Make sure SESIS can transfer IEPs to students' new schools and handle placement functions. Make sure schools have the computers, printers and other equipment needed to provide parents with a copy of their child's IEP and to provide teachers and providers access to their students' IEPs. Use this transitional year to provide strong research-based professional development to all affected staff.

The UFT is committed to closing the achievement gap for students with disabilities. We are prepared to demonstrate our commitment and show the DOE the way by offering a Special Education Institute for the 2012-13 school year. This institute will include a series of professional development offerings that will focus on research-based strategies for addressing the needs of students with significant learning and behavior challenges and will help general education and special education teachers work together effectively in

co-teaching classrooms. It is our hope to include training in intensive diagnostic reading and math instruction for SETSS and special class teachers and Marilyn Friend's Power of Two program for teachers of integrated co-teaching classes. For behavior, we anticipate offering a program comparable to the DOE's successful, but far too limited STOPP (Strategies, Techniques and Options Prior to Placement) program. We would like to be able to offer professional development for teachers who work with students with autism and other specific disabilities as well.

Make no mistake, it is the DOE's responsibility, not ours, to fund and provide this instruction and support for our members. But since the DOE has not stepped up to do this crucial work, we will not stand idly by while students flounder and our members drown in unmanageable demands.

In closing, this committee has an important role to play in this reform. As this reform rolls out in 1,700 schools next year, the committee can and should provide continuing oversight. We call on you to work with parents, advocates, school personnel and other stakeholders to define reporting metrics for this reform and to demand data from the DOE demonstrating progress on each of the identified measures. It would be helpful to all who are concerned about this reform if the committee issued regular reports on the successes and challenges schools are experiencing. We need to work together to get this right so that parents can have confidence in their children's schools and all students can have the opportunity to succeed.



# TESTIMONY

## New York City Council Hearing

Committee on Education

Presented on  
*Tuesday, June 12, 2012*



### **The Council of School Supervisors and Administrators**

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**Oversight Hearing: Special Education Reform**  
**New York City Council Committee on Education**  
**June 12, 2012**

Good afternoon Chairman Jackson and all members of the New York City Council's Committee on Education. My name is Randi Herman and I am 1st Vice President of the Council of School Supervisors and Administrators (CSA). On behalf of CSA's nearly 16,000 members, I want to thank you for the opportunity to comment on the Department of Education's (DOE) proposed Special Education Reform. While CSA certainly recognizes the need for improvement of special education policy, we must express our concerns regarding the proposed reform.

The number of special education students has been on the rise for more than a decade with a record of more than 175,000 students with disabilities currently enrolled in New York City public schools, nearly 16% of the entire student body. As administrators, we are responsible for ensuring that all students receive access to an education that provides a sound curriculum and that meets the students' unique and individual needs. Unfortunately, the DOE's blueprint for Special Education Reform has left many administrators questioning how they can implement the mandated reforms while maintaining their integrity as educators.

Under the new guidelines, special education students are to be enrolled at their home-zoned school regardless of the special education programs available at that site. While remaining in the home-zoned school may be sound in theory, in truth, not all schools are currently equipped to offer the specialized programs required by some students' Individualized Education Plans (IEP). Although it is not always a simple matter to bus special education students to schools farther from their home, it is a greater injustice to send children to schools that do not have the proper staff and training in place to fully accommodate their IEP. Furthermore, it would be both illegal and inappropriate to make changes to a student's IEP because appropriate resources and/or funding were not available at a particular location.

The foundation of the DOE's Special Education Reform is built around changes to Fair Student Funding, a funding formula which we believe needs to be revisited. As required by the law, students with disabilities are entitled to and required to receive special education services regardless of cost. Yet the proposed changes to the funding formula allow the budget to inform instruction rather than allow the mandate of the IEP to drive the budget. Under the new guidelines there is a **decrease** in funding for students requiring full-time Integrated Co-Teaching (ICT) programs and full-time self-contained (SC) programs for students in grades K-8. Alternately there is an **increase** in funding for those students whose IEPs require special education services for 20-60% of the school day. Within this structure, there seems to be a disturbing incentive to decrease services for special education students by phasing out full time ICT and SC programs, which are required by special education students' IEPs. How can a school meet the needs of a student's IEP, which requires a SC setting, if the funding has been decreased? If there aren't enough students with similar needs, there are simply not enough funds to create the necessary setting for the student. The Fair Student Funding formula as

outlined by the DOE is anything but fair and forces students into general education settings that do not match their needs.

Furthermore, while all Principals and teachers do receive some formal training in special education, it is hardly comparable to the training of special education professionals. In 2009, CSA's Task Force on Special Education met with Deputy Chancellor Laura Rodriguez to discuss our response to the Garth Harries Report and to offer recommendations as to how the DOE could further support administrators working with special education students. The primary recommendation of the Task Force was that the DOE make use of special education professionals at the school level. As expressed to the Deputy Chancellor, the Task Force believes that each Principal's cabinet must have a professional who is trained, certified and licensed in special education and charged with the ongoing supervision, design and implementation of support strategies for special education students. Someone at the school level who has expertise in special education, could, with the consent and support of the family, be the architect of a ladder of intervention strategies for a struggling student, a continuing resource to the parent, and be able to work closely with staff at the school to provide professional development in designing and making adjustments to programs and instruction to support student achievement, as well as providing on site supervision and pedagogical guidance to staff.

Enrolling a child in a school at which the staff has not received the proper training and support needed to accommodate special education students is unethical. With several schools set to receive an influx of special education students for the first time, numerous adjustments will need to be made in order to accommodate the students; adjustments including additional guidance, training, and support for Principals and teachers to prepare them for the changes to their schools structure. To date, the DOE has not provided the professional development necessary to implement changes to schools budgets and classrooms. Several CSA Field Directors have been working directly with Principals to fine tune their budgets in a way that will have minimal impact on their staffing needs and the school day. With some students requiring paraprofessionals and others in 12:1:1 classroom settings [12 students to 1 teacher and 1 paraprofessional], the challenges go beyond the budget. While working to meet the needs of special education is both necessary and feasible, it takes time and training to implement a system which is effective, efficient, and in the best interest of the student.

CSA and its members remain committed to working with the DOE and the City Council to ensure special education policy is driven by best practices and standards, and with that in mind we would like to submit the following recommendations for consideration:

1. **Revisit the funding formula for special education.** Special education students' instruction and special needs should inform the budget, rather than allow the budget to dictate which services can be accommodated.
2. **Create opportunities for professional development in special education.** Principals need technical assistance in budgeting for special education, appropriately allocating staff, and making accommodations.

- 3. Retain special education professionals at the school level.** The recognition of the importance of a special education expert at the level of the chancellor also needs to be reflected in the structure of the school leadership team.

Special education is designed to ensure that students with disabilities are provided with an environment that allows them to be educated effectively and it is CSA's goal to ensure our membership is proactive in meeting the needs of special education students. As always, we hope that you will call on CSA to join you in developing policy that positively impacts the lives of our special education students.

Sincerely,  
Randi Herman, Ed.D.  
1st Vice President

*CSA is Local 1 of the American Federation of School Administrators (AFSA), AFL-CIO, located in Washington, DC. CSA is also affiliated with the NYS Federation of School Administrators (NYSFSA), which is, in turn, a member of the NYS School Administrators Consortium (NYSSAC). CSA represents Principals, Assistant Principals, Supervisors and Education Administrators who work in the NYC public schools, Early Childhood Education Directors and Assistant Directors who work in city-subsidized Day Care Centers, and retired school supervisors and their spouses.*

# Citywide Council on Special Education

June 12, 2012

Good afternoon Chairman Jackson and Honorable Members of the Education Committee. I am Lori Podvesker, parent of a 9 year-old with special needs, and a member of the Citywide Council on Special Education (CCSE). I am here today to speak on behalf of the council and to represent the voices of more than 160,000 New York City students receiving special education services.

The CCSE is a statutory council made up of a group of parents in which there are 9 elected members from throughout the city, 2 appointees from the office of the NYC Public Advocate and 1 student member with an Individual Education Program (IEP).

Though the Council has supported the stated goals of the reform since the beginning of its Phase 1 pilot, in 260 schools, which began almost 2 years ago we are deeply concerned about the following four things:

- i) the lack of communication about the reform between the DOE and families and professionals—including professional development, and the culture implications of this—putting parents up against parents because they are unaware of the reform and what it's supposed to look like within their schools;
- ii) the extent in which the DOE is violating the legal rights of students and their families by ignoring certain statues and regulations of the Individuals with Disabilities Education Act (IDEA);
- iii) the absence of any meaningful data the DOE has not shared, and probably not collected in light of the efficacy of their practices and policies in phase 1 schools; and
- iv) changes in funding formulas for special education services.

## 1) Communication

Since phase 1 was announced and started, the DOE has yet to design and implement practices that engage all parents, including general education parents. This is something that takes time and great effort: undoing a decades old culture of segregating practices. The DOE must support the creation of learning environments within local schools that engage entire school

# Citywide Council on Special Education

communities about the value of education and inclusion for all students. This effort must include the representation of students with disabilities in all bodies of school governance, such as school leadership teams and PTA's.

## 2) IDEA/Rights

We repeatedly have asked what practices and programs phase 1 schools have used to meet the need of all community students. We have received no detailed information about what the practices and programs successful schools have used. Furthermore, we believe that parents must have access to the same instructional tools and procedural instruction that central has given to professionals regarding the reform: i.e., the flexible programming guide, reform reference guide, and information about what specialized programs are and mean. Additionally, we are alarmed about the number of parents who have reached out to us for help regarding their child's IEP's. Most of these parents have indicated that they have been excluded from participating in educational decisions. This includes IEP's being changed without a parent's knowledge or consent in order to meet the needs of an individual school. This is a direct conflict and violation of IDEA, which states that all students with a disability are legally entitled to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

## 3) Data

Time after time, we have asked what specific data the DOE is using from phase 1 that addresses its success and the rationale for the continuation of citywide implementation. We want to know the percentage of students who receive services in other settings compared to last year; has there been a decrease in referral rates; how have schools and central monitored the educational progress of individual students? Without this type of data, how can we, as parents, trust this process or believe in a reform effort that has no supporting documentation accompanying the effort.

Additionally, we believe that now is the time for the DOE to integrate the relationship of the reform and students and disabilities within all of the agency's existing accountability structure such as progress reports, quality review, learning surveys, etc. We are demanding that these questions be specifically included in these reports.

# Citywide Council on Special Education

## 4) Funding

Funding for programs designed to meet the needs of students with special needs has been altered. Now the money will follow the child instead of providing for classroom creations. We are concerned that this alteration of funding will create an environment that will encourage principals to eliminate necessary programs for students with special needs. We fear that this will incentivize staff within the system, and individuals at schools, to reduce resources that adequately support the correct amount of full-time special education classes needed.

In conclusion, we are not asking for the reform to be delayed. We firmly believe that the DOE must immediately make changes and adjustments to their current policies and procedures. All students with disabilities must get all of the mandated services and placements they are entitled to, regardless of the capacity of the local community school. This could require attending another school that has developed the expertise to work with a child with a specific need. Furthermore, the DOE must implement an extensive outreach plan that will educate all families, students, and school communities. Included in this plan must be a well-defined path for appeals and for the resolution of complaints.

4 the record



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Myrta Cuadra-Lash  
Executive Director

Len Torres, Ed.D.  
President, Board of Directors

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## TESTIMONY FOR JUNE 12, 2012 CITY COUNCIL HEARING ON SPECIAL EDUCATION REFORM

I am Lizabeth Pardo an attorney at the Metropolitan Parent Center at Sinergia, funded by the Office of Special Education as a Parent Information and Training Parent Center. We are a member of the ARISE coalition and share the concerns raised in today's statement and as delineated in our letter to Deputy Chancellors Rodriguez and Suransky.

**The Metropolitan Parent Center supports the end of the endless transferring of students to non-zoned schools in order to meet IEP program recommendations.** This transfer process unfortunately has meant students with disabilities have not belonged to any particular school and that schools have not dedicated their energies to providing them with the right instruction. Students have spent years trying different programs at different schools, sometimes remaining in small classes where they were forgotten until reaching high school. This reform can only be the first step and it is baby step in relation to what is required to meet the needs of students with disabilities. It is important that the reform emphasize effective instruction.

### **Reading and Behavior**

Over the years I have reviewed numerous IEPs across disabilities where reading and behavior are the areas of concern. I have been to many IEP meetings where interestingly the IEP teams all use all the similar language "a small class will provide the student with more attention" and "teachers in District 75 have the training to address the behaviors." After years of this rhetoric the DOE now admits the programs have not worked and that compartmentalizing students in small classes has not benefited them. Are the students in small classes less stressed? Probably. Are class expectations lower? Certainly. Does that translate into insignificant academic progress? Most definitely. Now the DOE is looking to the law and research which says the least restrictive environment will result in higher academic



achievement. But research, like taking an aspirin, requires following specific implementation guidelines. When taking an aspirin the instructions state to take two with water. In the reading process, appropriate services begin with evaluations in the different reading components, teacher training and support in research based methodology, targeting the area of delay at an intensity of services as recommended by the program of instruction. What I saw of the Wilson Program training and instruction years ago is that its implementation barely resembled the recommendation for teacher training or delivery of instruction. What little we know of the reform is that the CFNs received some training and that it is up to the schools to request training from the CFN. Unless teachers receive direct training, this type of trickle down training will prove ineffective.

### **Phase 1 Schools**

We can look to Phase 1 schools as a window into what lies ahead for the remaining 1,440 schools. My experience in Phase 1 schools was not impressive which is to say I saw no difference in IEP services at these schools. In one case, it was a year-long struggle to keep a school from transferring a student into District 75 for behavioral reasons. The most basic of services, a Behavior Intervention Plan, had never been considered by the school until the parent made many calls and asked a lot of questions. In another Phase 1 school the services to help a student with reading did not exist. Why these basic services do not exist is reprehensible. Repeatedly, I have heard that the IEP team cannot write in a specific program on a student's IEP, but without such specificity, in my experience representing students, a student will not get the service he/she needs.

In conclusion, it is important to note, just as the law provides for a least restrictive environment, it also provides for research based instruction. In the findings of IDEA it states Congress found that implementation of IDEA "has been impeded by the failure of schools to apply replicable research on proven methods of teaching and learning." We ask that the DOE not pick and choose from IDEA but to address these concerns and those raised by the ARISE coalition.



**class size matters**

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**Testimony of Leonie Haimson, Executive Director of Class Size Matters  
Before the City Council Education Committee  
On the proposal to make Kindergarten mandatory and the special education  
initiative**

June 12, 2012

Thank you Chair Jackson for holding these hearings today. First, I'd like to make a quick comment on the DOE's special education initiative.

**Special education initiative forcing upward pressure on class size**

The DOE is intent on pushing through this initiative despite the fact that their own power point showed ***no gain in attendance or achievement*** for students with disabilities who were moved into general education classrooms in Phase I of the initiative:

- *Phase 1 and Comparison Schools did not have a significant difference in attendance rates.*
- *A preliminary look at the student outcomes showed no statistically significant differences on Math & ELA proficiency between Phase 1 and Comparison Schools.<sup>1</sup>*

Moreover, the DOE special education guide provided to principals instructs them ***they must enroll any students*** suitable for inclusion in regular general education classrooms until the class size hits the ***contractual maximum*** of 25 in Kindergarten, 32 in grades 1-5, and 30 or 33 in middle school (depending on whether the school gets Title one funding.)<sup>2</sup>

This is the first time I have seen DOE openly mandating maximum class sizes in any grade since 1990, when the first state class size reduction program began; defying both state-mandated Contracts for Excellence goals and the supposed autonomy of principals to use available funding to reduce class size if they so choose. Whatever gains from inclusion may be undercut by the very large class sizes that the DOE seems determined to force. Finally, the

<sup>1</sup> DOE, NYC Special Education Reform, Preliminary Results, Feb. 2012, see Slide 12, posted at [http://www.classsizematters.org/wp-content/uploads/2012/06/Sped-initiative-Public-Phase-I-Results-Deck-Feb-2012\\_Latest.ppt](http://www.classsizematters.org/wp-content/uploads/2012/06/Sped-initiative-Public-Phase-I-Results-Deck-Feb-2012_Latest.ppt)

<sup>2</sup> DOE, Special Education Reform Reference Guide: School Year 2012-13, undated; posted at <http://www.classsizematters.org/wp-content/uploads/2012/06/DOE-SPED Reference Guide 051612 IEPRRevision-22.pdf>

same document contains clear warning with a punitive tone to principals, unlike any I have seen before in a DOE directive:

***If patterns of recommended programs suggest inappropriate recommendations that do not seem in the best interest of students, central teams will conduct a more intensive audit of student IEPs. For recommendations that are not in the best interest of students, regular progressive disciplinary measures for school leaders and IEP teams will apply.***

In my mind, this has the potential for disaster; for both general education and special education students crammed into classes of up to 32 – with insufficient attention and support.

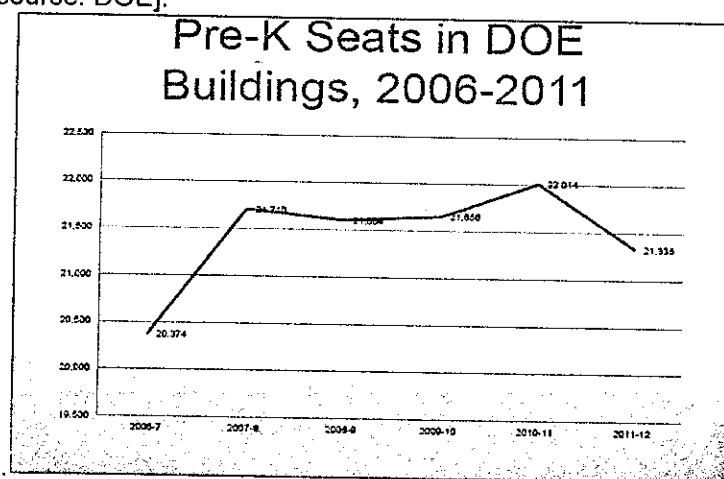
**Mandatory Kindergarten will likely make class size and overcrowding worse**

Now, for the proposal to make Kindergarten mandatory, which we neither support nor oppose at this time. I urge you to accelerate the capital plan if this proposal is adopted. Why?

Mandatory Kindergarten would lead to an estimated addition of 3,000-6,000 students in the NYC public schools.<sup>3</sup> When DOE closed ACS daycare centers in 2010, 3,000 more Kindergarten students entered the system. IBO cited this development as a major contribution to large increases in Kindergarten class sizes.<sup>4</sup>

The space crunch induced by influx of additional Kindergarten students could produce an increased loss of Pre-K seats. This occurs during a time of rising demand for Pre-K: 28,815 applications in 2011 v. 25,487 in 2010.<sup>5</sup>

In 2011, only 68% applicants were admitted to Pre-K, a drop from 72%; over 9,000 children rejected. This year the number of Pre-K seats in DOE buildings dropped to its lowest level since 2006 [data source: DOE].



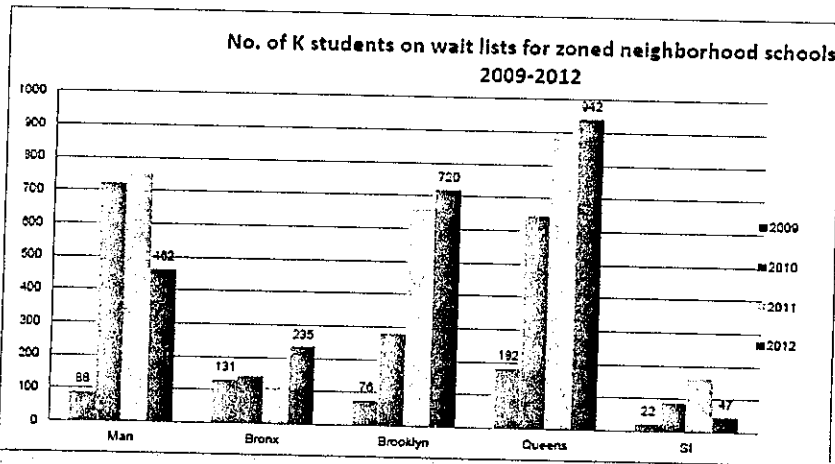
<sup>3</sup> NY Times, "To Quinn, No City Child Should Miss Kindergarten," March 21, 2012.

<sup>4</sup> Independent Budget Office, Letter to Public Advocate DeBlasio and CM Reyna, June 10, 2010.

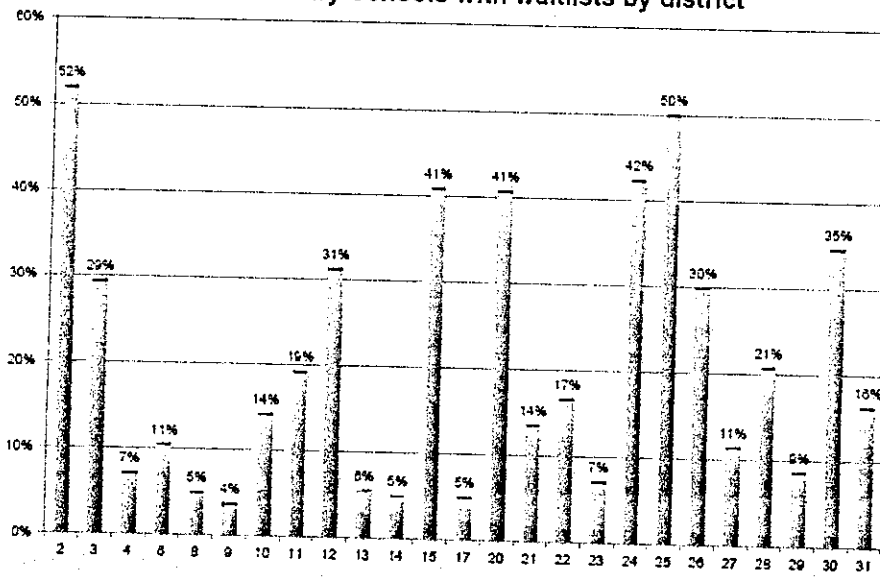
<sup>5</sup> NY Times, "Big Kindergarten Wait List Limits City's Pre-K Slots," June 10, 2011.

Even without mandatory Kindergarten, there are not enough seats for zoned Kindergarten students. This has led to more than 2400 children being placed on waitlists for Kindergarten in April; with waitlists in all boroughs & in nearly one fifth of elementary schools this spring .

## Wait lists worse in 3 out of 5 boroughs this year



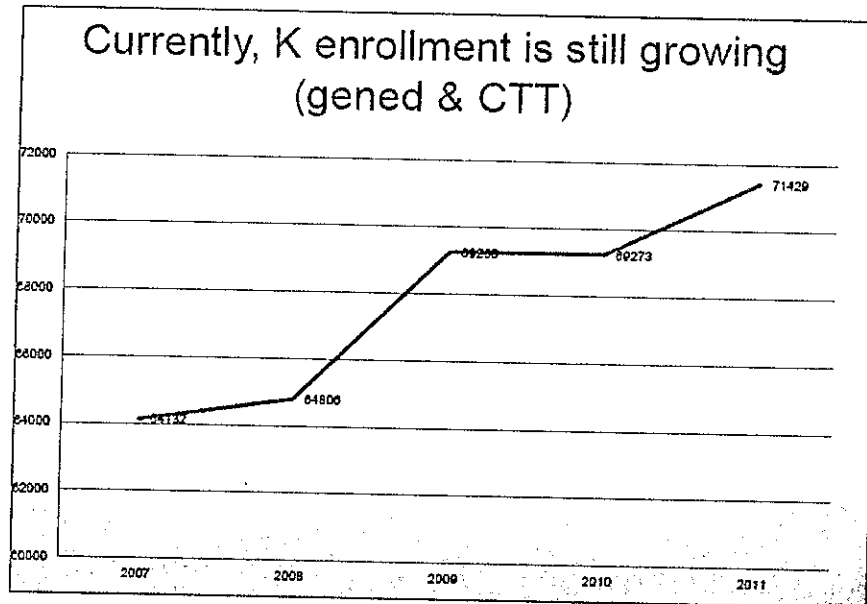
## % Elementary Schools with waitlists by district



Though some children will drop off wait lists over time, these numbers show the extreme pressures on schools to sacrifice cluster rooms and further increase class size – not just in K, but in all grades as students move upwards.

Furthermore, substantial Kindergarten wait lists exist in some districts with no funded seats in Capital Plan. Especially large wait lists in District 12 in Bronx and District 21 in Brooklyn where there are NO funded seats in the capital plan.

Even without mandatory Kindergarten, enrollment is still growing:



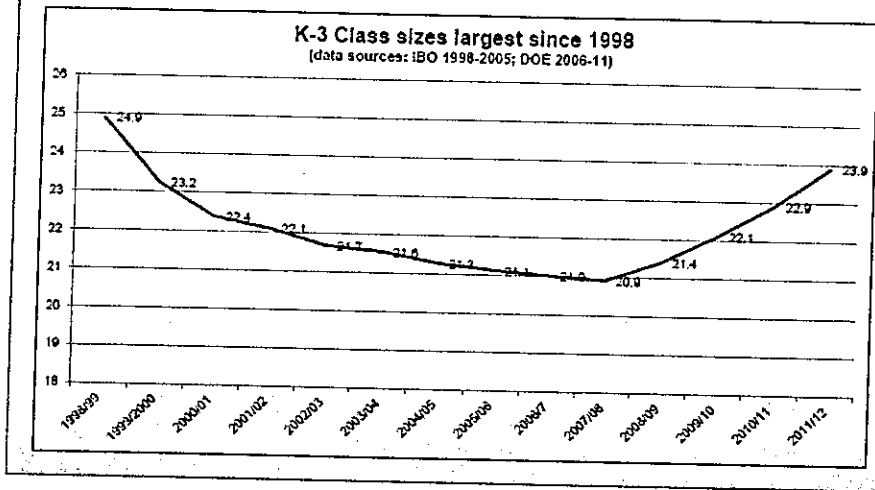
Additionally, class sizes in Kindergarten and the early grades are highest in 13 years, though lower class size one of few reforms proven to narrow achievement gap and lead to more learning for all students; this is an ongoing crisis which cannot be ignored.

When Mayor Bloomberg introduced his first Capital Plan in 2005, he said it would achieve the following goals:

- Alleviate overcrowding
- Provide space for classes of 20 or less in grades K-3 in all schools
- Eliminate the need for trailers

NONE of these goals have been achieved, and class size and overcrowding in elementary schools is now WORSE than in 2005.

## K-3 Class Sizes Largest in 13 years

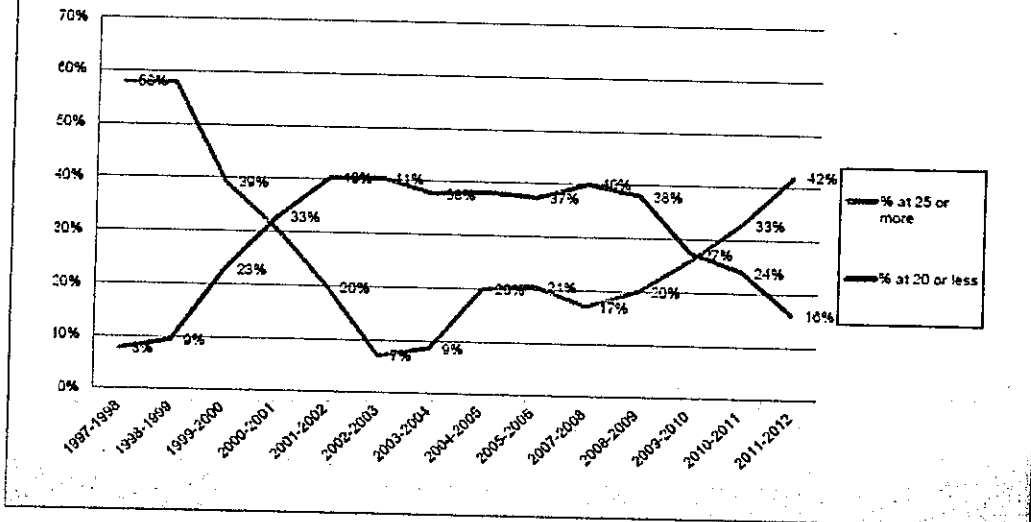


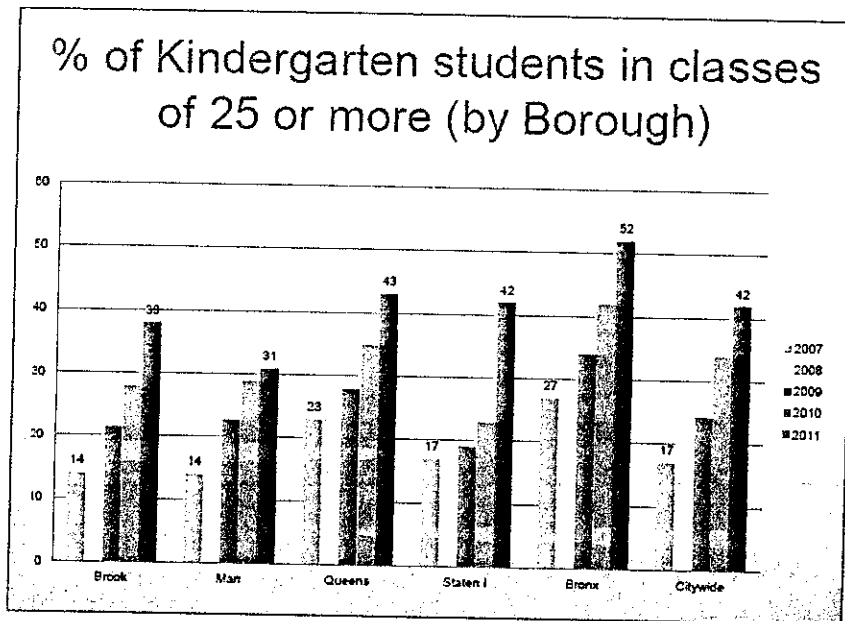
Nearly half of all Kindergarten students are in classes of 25 or more.

Last year was the first year since 1999 that there were more K students in classes in classes of 25 or more than in classes of 20 or less.

## 42% of Kindergarteners in classes of 25 or more

2010 first year since 1999 that more K students in classes of 25 or more than 20 or less since 1999





According to the "historic" or unchanging formula in the "Blue Book," more elementary school buildings are now overcrowded than in 2006-7, and about 50,000 more elementary grade students are being educated in overcrowded buildings than before.

Utilization Rate (Historic)	2006-2007	2010-2011
# buildings 100% or over	257	306
# students	118156	167673
% students	24%	33%
% of buildings	28%	32%

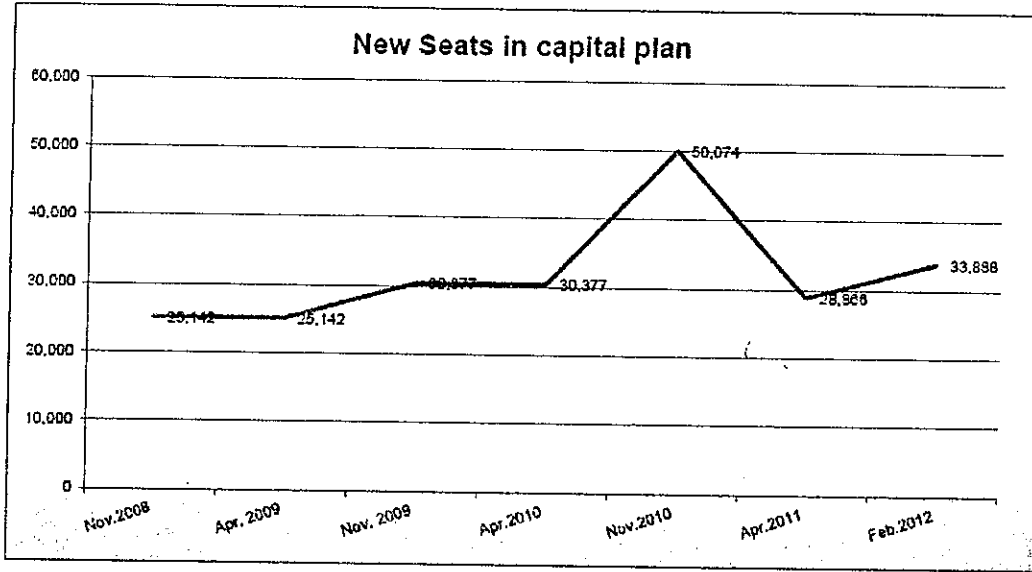
**The capital plan is inadequate and back-loaded**

In the latest version of the capital plan, DOE has explicitly admitted that their estimates show a need for about 50,000 seats, with **16,186** unfunded seats;

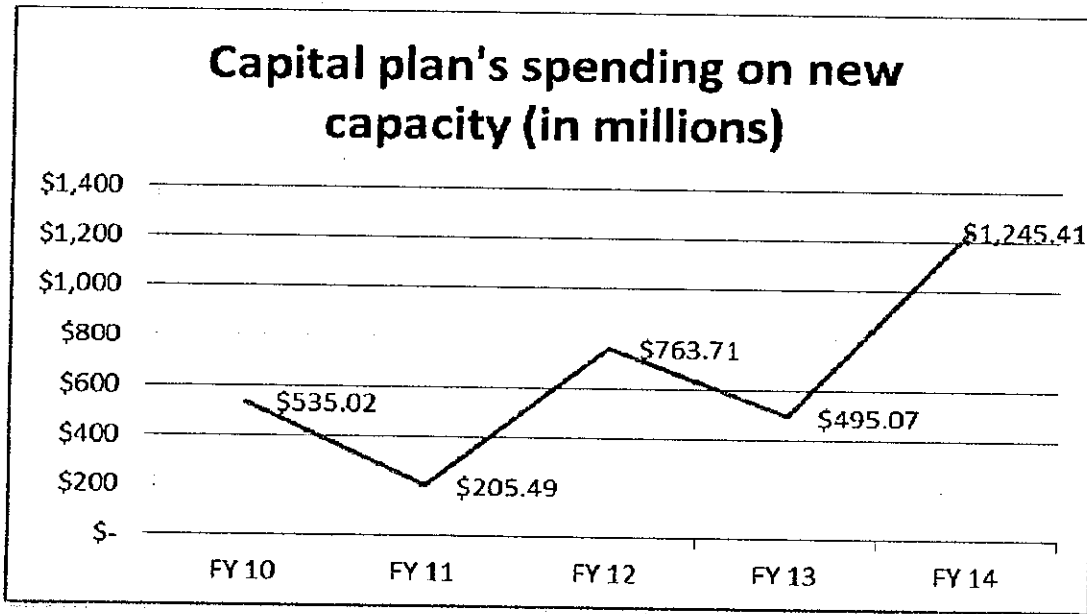
Our estimates of need from building starts alone, using the City Planning multiplier, is that we need more than 78,000 seats, which is likely to be underestimate, because:

- It doesn't count need to alleviate existing overcrowding or to reduce class size;
- It doesn't count need to regain lost cluster and specialty rooms, or eliminate trailers;
- It doesn't count need for more pre-K seats.

The DOE sharply cut back on the seats in the capital plan after November 2010.



Moreover, the spending on new capacity is projected to sharply drop and then increase again in FY 14.





**Recommendations:**

Though proposal to make Kindergarten mandatory is inherently laudable, this would add thousands of students to an already overcrowded and underfunded system, and would undercut expected gains from the program.

We recommend that funding for school capacity projects be accelerated and moved from FY 14 to next year.

The NYC Comptroller's office points out that this would add no cost to taxpayers, but would produce 15K additional jobs, potentially save millions in the long term by taking advantage of low interest rates and low construction costs, and create many more school seats.<sup>6</sup>

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<sup>6</sup> NYC Comptroller Liu, NYC Capital Acceleration Plan: Creating Jobs Today by Improving Tomorrow's Infrastructure, May 2012.

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## Testimony of Resources for Children with Special Needs

City Council's Education Committee

June 12, 2012

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I would like to thank the Chairperson of the City Council's Education Committee, Council Member Robert Jackson, and the rest of the members of this committee for holding this important hearing on the topic of Special Education Reform.

Resources for Children with Special Needs (RCSN) is a parent-founded, parent-led independent non-profit organization working on behalf of children and youth with disabilities in all boroughs of New York City. We help families make informed decisions, effectively access and navigate systems and services, and advocate for themselves and other young people with disabilities and their families. We enthusiastically support the goal of providing students with disabilities access to the full range of special education supports in the most inclusive and least restrictive setting possible.

Since January of 2012, over one half of RCSN's 1036 education intakes have come from parents experiencing problems accessing appropriate special education services for school-aged children in NYC public schools. Two troubling trends have emerged:

- IEPs, especially those with plans for more intensive or specialized services or settings, are consistently undergoing administrative reviews after the IEP meeting with parents being notified after the fact that changes are being required by the DOE. We believe that the integrity of the IEP process and parent participation are being undermined, placing the DOE at risk of violating IDEA.

- The timeline in which placements are recommended and implemented are not being followed according to legal procedural guidelines, leaving parents deeply uncertain about their children's educational future.

For example.....The special education process has a legally prescribed procedure and timeline for completion. If an IEP results in a recommendation for a special education class, the final step is placement offered through the DOE. In many cases that we are hearing about from parents, placement offers that should have been made months ago have simply not happened. The result is that the SE process is not being completed and families remain uncertain about their child's impending school year.

As a result of these concerns, we are asking you to hold the Department of Education accountable to the children, parents, and citizens of New York City, by ensuring that the DOE:

- Fully includes parents as full partners in the special education process by respecting the integrity of the IEP process
- Adheres fully to the placement process and timeline under IDEA and Jose P, and
- Consistently implements procedures to assure that referrals, IEP development, and IEP implementation including placements, are completed in accordance with all laws and timelines.

We hope the Council will also encourage the Department of Education to communicate meaningfully with all public school parents, educators, and administrators to help create the culture of inclusion that is required for the Reform to succeed.

Please do not hesitate to follow up at any time by contacting us.



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

**June 12, 2012**

**By the ARISE Coalition**

Good afternoon. I am Maggie Moroff, the Special Education Policy Coordinator of Advocates for Children and the Coordinator of the ARISE Coalition. I have come before you today to speak for ARISE and I thank you for this opportunity.

The ARISE Coalition is made up of 45 organizations and individual parents, educators, academics, and advocates who came together 4 years ago to push for much needed system-wide reform to NYC's special education system and give voice to those students and their families. From the start our primary goal to advocate for improved day-to-day experiences and long-term outcomes of youth with disabilities.

To be effective, reform of special education here in NYC must do far more than assure that students can attend their community schools. That is a huge start, but it is not everything. Real reform must assure that all students, including students with disabilities, receive effective instruction and all necessary supports and services to make that instruction successful wherever they are seated. Reform must actually make a difference in the daily experiences of the affected students and provide all that is necessary to raise graduation and college and career readiness rates for those students.

Since the DOE announced their plans to reform, the ARISE Coalition and its members have had multiple conversations with critical personnel at the DOE – including Chancellors Walcott and Black, Deputy

Chancellors Rodriguez and Suransky, and some of their top level staff. We have laid out again and again concerns we have about implementation of the reform and emphasized over and over the need to keep students needs primary throughout. While we have certainly seen forward movement, we have a number of concerns that remain unanswered.

Where we feared early on that we would see families caught up in situations where their zoned schools could not provide the legally required appropriate education to meet their individual child's needs, we are now hearing from families about exactly those same scenarios. We are hearing about students with disabilities pushed out to the Citywide District 75 program where they might be well served, with the right supports, at their community schools – presumably because the local schools do not feel prepared for all that is being asked of them. To the opposite extreme, we are hearing about students who require specialized settings but in the name of the reform their parents are being told that will not be an option for them next year. Essentially they will have to accept what they can get at the school for their children, and only that much.

Dangerously close in time to the reform's full roll out in September some of our most pressing concerns remain unanswered despite all our efforts to the contrary. We are here today to say that the DOE must work through and resolve these issues for their reform efforts to succeed and to avoid a backlash in community schools. We hope that the City Council will add its voice and weight to calling on the DOE to address these concerns immediately before it is too late.

**First, the DOE must provide on-going, intensive at-the-elbow support for school level staff to support the additional needs of increasing numbers of students with disabilities in their schools.** This must include professional development regarding the delivery of effective instruction using research-based strategies to address the needs of students with learning and behavioral challenges. We urge the City

Council to ask the DOE for a plan that shows how and when this more expansive, on-going training and support for school level staff will be developed and provided.

**Second, the DOE must issue a clear statement of timelines and process for all schools – elementary, middle, and high school - to review incoming IEPs, develop class configurations, and identify or request resources when needed so schools are ready to serve all students on the first day of school next September.** How else will schools feel sufficiently prepared for the hard work ahead of them or will families be able to feel secure in the knowledge that their children with disabilities will be educated in an appropriate setting in the fall?

**Third, the DOE must create and publicize a process for reviewing circumstances where students who need programs and services that their local school does not plan to offer can obtain a seat at another school with that needed program.** We hope that there will be only a limited number of times where this will be the case, but it is not realistic to move forward as if it will never be necessary to educate students outside their community schools. Not every school is being asked to offer every placement along the DOE's Continuum of Special Education Services. That would not make sense. But if a student requires a setting that the school will not be offering, there must be an option to educate the student in another school that does plan to offer that setting.

**Fourth, the DOE needs to go further than they have thus far to assure parents and advocates that the new fair student funding structure will actually work as they say, and will not result in a reduction of money available at the school level to serve our students with disabilities.** Many of us still fear that the new formula may serve primarily as a mechanism to cut spending in the education system.

**Fifth, the DOE has made clear to us the path for schools to follow when issues of how and where to provide supports and services to an individual child with a disability remain unresolved at the school**

**level.** Schools are to work up through their networks, clusters, and to the central offices at the DOE.

However, there is no comparable path for parents to follow when issues remain unresolved. The DOE must dedicate such a path immediately.

**Next, the DOE must articulate and implement a plan to engage parents in the reform at the local level.**

This requires much more than a letter back-packed home or conducting a series of meetings for parents to discuss IEP development. We feel strongly that the outreach to parents thus far has been lacking and call on the DOE to do much more to engage parents and communicate with parents about their options and their rights under the reform.

**And finally, we have called repeatedly on the DOE to release a detailed review of the first phase of the**

**reform. The public needs to know what actually happened in the 260 schools where this has been**

**piloted.** What were best practices identified in those schools? Who were the students most affected –

broken down by disability and service recommendation? Which research-based interventions were

used to provide support in reading, math, and behavior at the Phase 1 schools and how successful were

those interventions? What has been the true impact of the past two pilot years on individual students?

Have they made progress or not? Has there been, as one would hope, a reduction in disciplinary actions

taken against students with disabilities or have those actions increased? Have families pursued their

due process rights at lower or higher rates in Phase 1 schools as compared to similarly situated schools?

In conclusion, let me reiterate that the ARISE Coalition believes there is cause for reform in special

education. We came together to call for reform and have not backed down from that position. We

want this reform to succeed, but we have some grave concerns that without addressing the issues I have

just outlined, the necessary and hard-fought goals of the reform are in jeopardy. There is still time for

the DOE to act and make this reform beneficial to all students – with and without disabilities – but that

time is passing dangerously fast.



Center for Children's Initiatives

**Testimony Before New York City Council  
Education Committee**

**Hearing on the Department of Education's Special Education Reform and  
Resolution No. 1330-2012  
June 12, 2012**

**Presented by  
Betty Holcomb, Policy Director  
Center for Children's Initiatives**

The Center for Children's Initiatives (CCI), formerly Child Care, Inc, is a nonprofit organization which has served as a respected source of information on early care and learning for policymakers, professionals and parents for close to 30 years. We seek to promote policies that expand quality early learning opportunities for children from birth through school-age, in New York City and New York State.

CCI co-convenes the statewide *Winning Beginning, New York* coalition, which serves as the leading advocacy organization championing early care and learning. CCI also plays a leading role on Pre-K implementation and expansion in the city, providing technical assistance, information and support to programs and policymakers.

We appreciate the City Council's strong and continuing support for early care and learning for all the city's children. We want to particularly recognize the City Council Speaker Christine Quinn and Education Chair Robert Jackson for their work in securing resources for Pre-K and public education in New York City in these challenging economic times.

Today, I want to testify on three points (1) **in support of the resolution** calling on state officials to enable the city to **require that all five-year-old children attend kindergarten**; (2) to urge the City Council to **seek more creative solutions to creating capacity for early education, including Kindergarten and Pre-K, by making the most of existing investments and capacity**, and (3) **urge strong support for special education reforms** that better serve children and families.

**(1). Mandatory Kindergarten in New York City**

CCI is in **enthusiastic support of the City's proposal, as championed by the City Council Speaker, to require that all five-year-old children attend kindergarten**. We want to thank the Speaker, as well as Education Chair Bob Jackson for leading the push for this new initiative. We fully support the Board of Regents' vision of a continuum of services, from birth through third grade, as the most educationally-effective and cost effective way to close the achievement

*Building Bright Futures for Children*

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gap.<sup>1</sup> The Regents – as well as a growing number of national advocates – now call for full-day Kindergarten for all children as a central feature of education reform.<sup>2</sup> We also know that at least 3,000 children in New York City are missing out on Kindergarten, and it is our understanding that many of those children are among the most in need of early education. Without mandated Kindergarten, we know there is some confusion that persists about families' rights to secure a seat in Kindergarten. We believe this new law would make it clear that every child in New York City has a right to – and deserves to be welcomed into full-day Kindergarten. The research shows that children, communities, taxpayers and the schools will reap benefits from this change. Quality early childhood education, including full-day K, can cut the need for remedial services in the higher grades and generate more graduates ready for college and careers.

We are gratified that the Assembly has already passed this legislation and the Assembly Speaker has spoken out in strong support. We hope the State Senate will soon follow suit. We believe that New York City's example can help set the stage for further progress to fulfill the Regents' vision of high-quality early childhood education, with full-day K as a strong anchor.

## **(2). The Capacity Question**

**We also urge the City to seek more creative ways to expand capacity for Kindergarten and Pre-K by making effective use of available funding and capacity.**

**While we fully support mandatory Kindergarten in New York City, we also know that capacity issues persist as the city tries to accommodate the demand for both K and Pre-K. Many elementary schools are packed and some have already eliminated Pre-K classrooms to make way for expanding Kindergarten classrooms. In other cases, families are unable to get into the existing Kindergarten classrooms in their zoned schools.**

We know many Council members and their staff are painfully aware of this reality, and are already bracing for an onslaught of calls from parents who may be shut out of K and Pre-K in their zoned schools, or may have children attending class in portable classrooms.

**Yet at the same time, the city plans to close early childhood classrooms across the city – eliminating capacity to serve as many as 6,500 young children. This capacity could be engaged to help relieve overcrowded public schools and allow children to attend K and Pre-K in their own neighborhoods, if city officials committed to ongoing analysis and planning across systems to make the most of all resources.**

In certain communities, schools already utilize capacity in community-based settings to make K and Pre-K more available to families in their communities. With careful planning, the city could take advantage of this strategy more widely.

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<sup>1</sup> The Board of Regents' early childhood policy statement, "Early Education for Student Achievement in a Global Economy," calls for services for children, birth to two, and strengthened prekindergarten programs aligned with K to third grade. The statement was adopted in 2006 and is posted at [www.winningbeginningny.org/advocacy](http://www.winningbeginningny.org/advocacy).

<sup>2</sup> The National Institute for Early Education Research ([www.nieer.org](http://www.nieer.org)) and the Foundation for Child Development ([www.fcd-us.org](http://www.fcd-us.org)) offer extensive research on the value of early childhood education in closing the achievement gap, and why K is a central anchor in creating effective services. The national Children's Defense Fund has recently started a campaign to win full-day Kindergarten in all states.

We now know that under the current budget for FY2013, hundreds of classrooms may become available, partly because of the reduction in the number of children served in Early Learn and also because of other reductions in child care funding. We also know that a substantial number of these classrooms may be covered by city leases or may have been renovated at city expense. Obviously, this capacity is already designed to support early childhood education.

We are pleased that the Mayor's office has created an inter-agency task force on early childhood policy to explore and support blended funding. But the Mayor's office has not yet provided a comprehensive picture of the capacity to serve young children in both schools and community sites. So far, the only available data is segregated by city agency and funding stream. That makes it impossible to know whether we are using the resources wisely and making the most of existing capacity to serve young children.

It is possible a review of existing capacity in all settings would show that some of the overcrowded elementary schools have Pre-K classrooms. In these cases, it is possible the resources and space could be better-used: The four-year-olds now attending Pre-K in public schools might be better-served at community sites, for example – a strategy that could free up classrooms for kindergartners in the public schools. As noted above, it is also possible to offer K in an early learning center associated with a local public school, as other states and cities do. The most visionary public education systems now use blended funding to create such centers that include even young children, creating a continuum of services in the neighborhoods where children reside to support their early learning from Pre-K to third grade.

Without such creative approaches, the city will find it increasingly challenging to identify capacity for early education. The bottom-line in some neighborhoods is already clear – families will have to put their five-year-olds on buses to attend kindergarten in other neighborhoods, while capacity in ACS classrooms remains under-utilized or even vacant.

### **(3). Special Education Reforms**

CCI offers parents information and counseling to assist in their search for appropriate care for their children, from birth through school-age. We field calls from thousands of parents a year, and the calls from parents with children with special needs or developmental delay are among the most difficult. We fully support all efforts to ensure that children with special needs get the support they need to achieve their full potential in appropriate settings.

We support the efforts of the council, advocates and city officials to address the need for reforms of special education, but we also echo the concerns of other advocacy organizations that point out those ambitious reforms require significant planning, capacity building, and community buy-in. We are concerned. CCI fully supports the recommendations made in the ARISE Coalition's testimony today and urges the City Council to ensure that the DOE addresses these concerns immediately.



MAKING THE CASE FOR HUMANITY

## TESTIMONY

The Council of the City of New York  
Committee on Education  
Robert Jackson, Chair

Oversight: Department of Education's Special Education Reform  
and  
Res. No. 1330-2012 (Compulsory Kindergarten)

June 12, 2012  
New York, New York

Submitted by  
The Legal Aid Society  
199 Water Street  
New York, NY 10038

Good afternoon. I am Cara Chambers, Supervising Attorney of The Legal Aid Society's Kathryn A. McDonald Education Advocacy Project, a unit that provides early intervention and special education advocacy to children who are involved in the New York City Family Court system. I thank Chairperson Jackson and the Committee on Education for inviting our thoughts on the Department of Education's Special Education Reforms and on City Council Resolution No. 1330-2012, which encourages the State Legislature to allow New York City to make Kindergarten mandatory for all 5 year olds.

The Legal Aid Society is the nation's oldest and largest provider of legal services to low-income families and individuals. Each year, the Society provides legal assistance in some 300,000 matters involving civil, criminal and juvenile rights issues. Each year, the Civil Practice handles approximately 44,000 individual legal matters, including substantial numbers of families and individuals who are currently homeless, formerly homeless, or at risk of homelessness. The Criminal Practice provides representation on nearly 240,000 cases each year for clients accused of criminal conduct, several thousand of whom are young adults in middle school and high school. The Juvenile Rights Practice represents more than 34,000 children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. In addition to representing these children each year in trial and appellate courts, The Legal Aid Society also pursues impact litigation and other law reform initiatives on behalf of our clients.

Legal Aid's clients are among the most vulnerable students in New York City. Many of them are homeless, victims of abuse and neglect, in foster care, or court involved. An overwhelming number of them have some type of delay or disability that qualifies them for special education services. Our clients have limited access to early childhood education. Many of them – particularly those who experience homelessness or have to change foster care placements in the middle of the school year – have been illegally turned away from schools when they attempt to enroll in Kindergarten mid-year.

We applaud City Council's efforts to ensure that every child has an opportunity to attend Kindergarten. But we caution that any change to the compulsory school laws must be accompanied by an intensive public information campaign. Parents should not be penalized with an intrusive and costly child protective investigation for failing to enroll their child in Kindergarten if they were unaware of the change to the compulsory school laws. If this legislation goes forward, we encourage the Council to set clear procedures for informing the public and a realistic time frame for implementation.

With regard to the Department of Education's special education reforms, Legal Aid has waited hopefully for the past two years for evidence that Phase One of the DOE's special education reforms would result in greater integration, more robust supports, and improved outcomes for children with disabilities. While we wholeheartedly support the intent of the reform – namely, to serve students with disabilities in less restrictive and less segregated educational settings – we have been sorely disappointed with the way the reform has been implemented.

First, the reform has not increased flexibility and programming options for students with disabilities. It has narrowed them. Phase One schools routinely draft Individualized Education Programs (IEPs) based on what they have available at the school, rather than what the child needs. Students are stuck with whatever services their home zone school chooses to offer, and can no longer access programs in neighboring schools that may be more suited to their needs. There must be better oversight to ensure that IEPs are based on students' needs rather than the availability of resources at a particular school, and there must be a way to access alternate placement options in cases where a particular school is unable to meet the needs of a child.

Second, in many schools, the reform has resulted in greater exclusion rather than inclusion. Certain Phase One schools have simply turned away students at the door if their IEPs call for a service that the school does not provide or does not want to pay for. Other schools have resorted to suspensions, illegal exclusions, and calling Emergency Medical Services because they are ill equipped to manage students' challenging behavioral issues. Schools must be monitored more closely to ensure that these reforms truly result in greater inclusion rather than exclusion.

Third, staff at the Phase One schools frequently seems overwhelmed and undertrained to manage the diversity and complexity of needs presented by students with disabilities. Whereas before, the DOE may have been able to train and support one teacher to meet the needs of 12 children with similar needs who were grouped together in one classroom in one school, integration now requires the DOE to train and support 12 different teachers at 12 geographically dispersed schools to meet the needs of those 12 integrated children. We have not seen the type of intense professional development required to accomplish this goal.

Fourth, the Department of Education has either not undertaken, or has not made public, any analysis of data relating to Phase One of the reform efforts. The Department has not published any information about student achievement, parent or student satisfaction, suspension rates, impartial hearing rates, or hold-over rates in Phase One schools. There has been little to no effort to identify or publish promising practices, so that the schools participating in Phase Two can benefit from the experiences of the Phase One schools. We encourage the City Council to hold the DOE accountable for demonstrating improved outcomes through data, the same way that the DOE expects teachers and students to show progress through standardized test scores and portfolio development.

Appended to Legal Aid's written submission are ten case studies that illustrate the types of problems Legal Aid's clients have encountered at Phase One schools. We would like to emphasize one that illustrates the problems with both Kindergarten registration and the Phase One reforms.

Legal Aid represents a District 5 Kindergarten student whose IEP calls for a 12:1:1 class, related services, and a 1:1 paraprofessional. The child was forced to change foster homes and moved from the Bronx to Manhattan in February 2012. His new foster mother attempted to register him at the new home zone school, which is a Phase One school. The school refused to register the child, explaining that their 12:1:1 class was full. The school also informed the foster mother that even if they had a seat for him, they would not be able to provide his related services

and they would not be willing to pay for the 1:1 paraprofessional required by his IEP. The school told the foster parent that Kindergarten was not mandatory, and she should just keep the child at home – with no educational services whatsoever – for the remaining five months of school year. When Legal Aid intervened, the school relented and said they would permit the child to enroll, but he would have to be placed in a General Education setting without any of the supports required by his IEP. Legal Aid sent multiple requests to the Office of Special Education and English Language Learners asking for an alternate school placement for the child. Those requests went unanswered. Under threat of impartial hearing, the school ultimately implemented Legal Aid’s proposed solution. They applied to the State for a class size waiver and allowed the child to enroll as the 13<sup>th</sup> child in a 12:1:1 class. The child missed over a month of critical educational services and therapy as a result of the school’s refusal to accommodate him until Legal Aid threatened to proceed with an impartial hearing.

After two years of training and support, the schools participating in Phase One are still struggling to comply with basic tenets of the reform effort. This is particularly troubling in light of the Department of Education's plans to move forward with Phase Two. We encourage the City Council to demand a more thorough analysis of Phase One results, and to closely monitor the implementation of the reform to ensure that it truly benefits children with disabilities. Thank you for the opportunity to speak about this important issue.

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## **APPENDIX**

### **Case Examples - Phase One Schools**

The follow cases illustrate the type of problems Legal Aid has encountered working with students in Phase One schools during the past two years.

#### **District 2, High School**

A fifteen-year-old student is classified with a Learning Disability. His IEP calls for a Special Class in a Community School with a ratio of 15:1, and specifically states that an Integrated Co-Teaching (ICT) class would be insufficient to meet his academic and behavioral needs. His high school ignored this recommendation, and instead placed him in an ICT class with thirty students and two teachers. As a result, the student is failing his classes, has made very little academic progress, and has been subjected to multiple suspensions and removals this school year. Legal Aid plans to pursue an impartial hearing on behalf of this student.

#### **District 11, Elementary School**

Legal Aid represents a six-year-old student who is classified with a Speech or Language Impairment. She has been placed in an Integrated Co-Teaching (ICT) class with a 1:1 paraprofessional for two years. At an IEP meeting in December 2011, the IEP team agreed that the student is not making progress and that she requires a 12:1 special class setting. Unfortunately, the school does not have any seats available in a 12:1 class, so the team once again wrote the IEP for ICT – the same setting that has failed to provide her with educational benefit for the past two years. The student has received a promotion-in-doubt letter and will likely be held over this year. Legal Aid plans to pursue an impartial hearing on behalf of this student.

#### **District 10, Elementary School**

In the Spring of 2011, the DOE wrote an IEP for a five-year-old child recommending a 12:1:1 Kindergarten class with a 1:1 paraprofessional and special education transportation. The child was offered a placement at her zoned school, which is a Phase One school. When the parent took her to register, she was turned away because the school did not have a 12:1:1 classroom. The school told the parent it would be "illegal" for them to enroll the student and they refused to submit a request for bussing. After a call from the child's Legal Aid attorney, the school allowed the child to register and put in a bussing request. The school placed the student in a 12:1 class with no paraprofessional, contrary to her IEP mandate.

#### **District 12, Elementary School**

Legal Aid represents an eight-year-old child who is classified as a student with Emotional Disturbance. He is currently placed in an Integrated Co-Teaching Class (ICT). In March 2012, the IEP team acknowledged that the student was not making progress and recommended placement in a 12:1:1 class. His current school is not a Phase One school and does not have a 12:1:1 class; therefore, they referred the student to the Office of Student Enrollment for placement. The Office of Student Enrollment directed the student to his home zone school, which is a Phase One school. The home zone school told the parents that they were welcome to enroll the child, but the school could not provide him with a 12:1:1 class or an ICT class. They stated that they would have to change the child's IEP to General Education with Special

Education Teacher Support Services (SETSS) – a service level even less supportive than what he had previously been receiving – because that was the only service they had available. Thus, the parents have been asked to accept a reduction in services, when what the child truly needs is an increase in services. Legal Aid plans to pursue an impartial hearing on behalf of this student.

#### **District 11, Elementary School**

A five-year-old student with severe psychiatric and behavioral issues was evaluated through the “Turning 5” process at his home zone school. At the meeting, the parties all agreed that he needed a therapeutic day treatment program with a low student/teacher ratio and access to on-site psychiatric services. However, the school felt they were not allowed to make a recommendation to an off-site setting because they were a Phase One school. Further, the school stated that they did not plan to offer any small class or Integrated Co-Teaching options for Kindergarten. They wrote an IEP for the only program they had available: General Education with Counseling as a related service. All parties at the meeting agreed that this would be insufficient to meet the child's needs, but the school felt it could not propose any other options. Legal Aid secured a placement at a day treatment program and successfully fought to have the child placed there instead of in the General Education setting that would not have met his needs.

#### **District 5, Elementary School**

A five-year-old student with mild autism and limited verbal abilities entered Kindergarten in September 2010 with an IEP that called for a 12:1:1 class. Her home zone school initially said they would not have a 12:1:1 Kindergarten class, so they planned to put her in an Integrated Co-Teaching (ICT) class instead. Over the summer they decided to create a 12:1:1 class. When school started, the child's Legal Aid attorney discovered that the school had never hired a paraprofessional for the classroom. After receiving a complaint, the principal hired a temporary substitute paraprofessional who worked for approximately one month. After the December recess, the temporary substitute was not called back to work. After receiving a second complaint from the child's attorney, the principal assured the attorney that the problem had been resolved. When the attorney investigated, she discovered that the principal had placed an untrained volunteer in the classroom rather than a paraprofessional. Under threat of an impartial hearing, the principal finally hired a paraprofessional for the classroom in the spring. At the child's annual review, the team acknowledged that the child had failed to make progress and recommended a District 75 6:1:1 classroom. This restrictive setting might not have been necessary if the school had faithfully complied with the original IEP.

#### **District 5, Elementary School**

Legal Aid represents a Kindergarten student whose IEP calls for a 12:1:1 class, related services, and a 1:1 paraprofessional. The child was forced to change foster homes and moved from the Bronx to Manhattan in February 2012. His new foster mother attempted to register him at the new home zone school, which is a Phase One school. The school refused to register the child, explaining that their 12:1:1 class was full. The school also informed the foster mother that even if they had a seat for him, they would not be able to provide his related services and they would not be willing to pay for the 1:1 paraprofessional required by his IEP. The school told the foster parent that Kindergarten was not mandatory, and she should just keep the child at home – with no educational services whatsoever – for the remaining five months of school year. When Legal Aid intervened, the school relented and said they would permit the child to enroll, but he would



have to be placed in a General Education setting without any of the supports required by his IEP. Legal Aid sent multiple requests to the Office of Special Education and English Language Learners asking for an alternate school placement for the child. Those requests went unanswered. Under threat of impartial hearing, the school ultimately applied to the State for a class size waiver and allowed the child to enroll as the 13<sup>th</sup> child in a 12:1:1 class. The child missed over a month of critical educational services and therapy as a result of the school's refusal to accommodate him until Legal Aid threatened to proceed with an impartial hearing.

### **District 2, High School**

A 9<sup>th</sup> grade student entered high school with an IEP for 35 periods per week of Integrated Co-Teaching (ICT). The school scheduled him for no periods of ICT in the first semester, and one period per day in the second semester. The lack of these services contributed to a decline in academic performance and an increase in behavioral problems. The student's mother requested a new IEP meeting to consider placement in a self-contained class. The school did not respond to her request. Months later, without the mother present, the team held an annual review meeting and wrote a new IEP for two periods per day of ICT, despite the fact that he was failing all his courses, needed constant redirection and was reading at a 3.2 grade level. Shortly thereafter, the student was suspended from school for 85 days. The school held a Manifestation Determination Review (MDR) and declared that his behavior was not a manifestation of his disability. Legal Aid appealed the MDR decision, arguing that his behavior was a direct result of his disability and the failure of the school to provide the services mandated by his IEP. The case was settled at mediation and the MDR decision was reversed. The IEP team convened to write a new IEP, and recommended a self-contained class in a community school. After much advocacy, the DOE approved an exception to the prohibition on transfers from Phase One schools, and the student was permitted to enroll at a school that could provide the services listed on the new IEP.

### **Undisclosed School**

A staff member at a middle school told Legal Aid that she was informed during a training that members of the IEP team may not recommend services that the school cannot offer. Staff members were told that they must receive clearance from the principal before recommending any service that the school does not currently have. The staff member was distressed about this new "policy" because she believes it may impede her ability to recommend what a student truly needs. She expressed concern that she would be subject to retaliation if she were to complain about the policy.

### **Undisclosed School**

In September 2011, a school social worker informed a Legal Aid attorney that a Phase One school had recently changed a child's IEP from 12:1 to General Education with SETSS because that is all they offer at the school. The social worker did not feel that General Education with SETSS would meet the child's needs, and asked for the Legal Aid attorney's phone number to pass on to the parent.



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

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

**Re: Mandatory Kindergarten and Special Education Reform**

**June 12, 2012**

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Matthew Lenaghan

Good afternoon. My name is Randi Levine, and I am an attorney at Advocates for Children of New York. For more than 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds.

Advocates for Children appreciates the Council's leadership in calling for mandatory kindergarten. If we want to improve educational outcomes, we cannot afford to have thousands of students start school in first grade. Under the Common Core Standards, by the end of kindergarten, students are expected to read common words by sight, identify similarities and differences between two texts, and solve addition and subtraction word problems. The first grade standards assume that students have learned these skills. Children who miss out on kindergarten are at a substantial disadvantage, and teachers have to dedicate significant time to helping them catch up.

In New York City, children have the right to attend kindergarten if their parents choose to send them. However, the voluntary nature of kindergarten has caused widespread confusion among administrators, educators, and parents. This fall,



parents of preschool students with disabilities in East New York came out on a cold, rainy day to learn about the transition to kindergarten. I was appalled when a DOE administrator began the meeting by stating, “Kindergarten is not mandatory. Let me repeat. Kindergarten is not mandatory.” This is not the message we want the DOE to be sending. Parents have reported that, when they tried to discuss concerns about kindergarten placements, DOE administrators replied that, if they were not satisfied, they could keep their children at home because “kindergarten is not mandatory,” instead of addressing their concerns. We have seen cases of kindergarten students placed on half-day schedules or discharged from school with the explanation that “kindergarten is not mandatory.” It is time to take this phrase out of our vocabulary.

Advocates for Children supports the vision of the DOE’s special education reform. The graduation rates for students with disabilities are dismal, and too often students with disabilities are sent to schools outside their communities where they are segregated in classes with low standards and no opportunity for interaction with typically developing peers. The status quo is unacceptable.

However, ambitious reforms require significant planning, capacity building, and community buy in. While the DOE has met with us on a regular basis and has implemented many of our ideas, we are distraught that the DOE has not answered some basic questions that we have been asking for more than a year.



One of the most pressing questions is what happens when the student's zoned school does not have the type of class recommended on the student's IEP. For example, we received a call from a parent whose child's kindergarten IEP recommends a 12-student class for September. The parent received a computer-generated placement letter from a central DOE office stating that her child was recommended for a 12-student class and would receive this class at his zoned school. However, when the parent called the school-based contact listed on the placement letter, the zoned school made clear that it will *not* have a 12-student kindergarten class in September. We have passed along more than a dozen such cases to the DOE, and nearly all of these cases remain unresolved. We can only imagine how many parents are experiencing this problem but do not have AFC's phone number and how many additional parents believe that the information on the placement letter is true and will not discover that their zoned school cannot implement their child's IEP until September. The parents who do realize are extremely anxious and want answers now.

Advocates for Children fully supports the recommendations made in the ARISE Coalition's testimony today and urges the City Council to ensure that the DOE addresses these concerns immediately. Thank you for this opportunity to speak to you today.



Testimony of

Moira Flavin

Policy Associate for Early Childhood Education, Education, and Youth Services  
Citizens' Committee for Children of New York

On the City Council Resolution # 1330 and New York State legislation A.9861/S.7015

Before the New York City Council Committee on Education  
June 12, 2012

Good afternoon. My name is Moira Flavin and I am the Policy Associate for Early Childhood Education, Education, and Youth Services at Citizens' Committee for Children of New York (CCC). CCC is a 68-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe. I would like to thank Chair Jackson, as well as the members of the Education Committee, for holding today's hearing to discuss the City Council's Resolution #1330. This resolution calls on the New York State Legislature to pass and the Governor to sign A.9861/S.7015, legislation which would amend the State Education Law and enable New York City to require that all five-year-old children in the City attend kindergarten.

CCC is very pleased that City Council is holding this hearing, which is an opportunity to highlight the value of kindergarten in the lives of young New Yorkers. This legislation and resolution come at a time when New York City is also facing significant cuts to child care and after-school programs citywide, which have sparked a public dialogue about the importance of early childhood education and after-school services in preparing children for success in school and keeping children on track to succeed.

CCC supports A.9861/S.7015, and also supports and appreciates City Council Resolution #1330, which calls on New York State leaders to make kindergarten mandatory for five-year-olds in New York City.

CCC believes that mandatory kindergarten will result in more young children receiving quality early education, reduce the confusion administrators, educators, and parents experience during the enrollment process, and ensure that the City continues to make kindergarten a budget priority. While current law states that children<sup>1</sup> have a right to attend kindergarten if their parent(s) choose(s) to enroll them, many parents are currently discouraged from doing so because of the difficulties they encounter when enrolling their children, as kindergarten is not mandatory in New York City.

The benefits of a quality early childhood education are widely recognized. Early childhood education has been proven to improve children's cognitive, emotional, and social well-being, reduce special education enrollment and grade retention, and increase test scores and high school completion.<sup>2</sup> The return on investment of quality early childhood education has been estimated to be \$1.80-\$17.07 per child.<sup>3</sup> Furthermore, a 2010 study conducted by Dr. Raj Chetty, a Harvard economist, shows correlations between achievement in kindergarten and college attendance and graduation, future wages, home ownership, and retirement savings.<sup>4</sup> The New York Times

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<sup>1</sup>In New York City, children must be five years old by December 31<sup>st</sup> of the school year they will enter kindergarten in order to be eligible.

<sup>2</sup>Public Policy Forum. Matrix of Early Childhood Education Outcomes  
<http://www.publicpolicyforum.org/Matrix.htm> 2007.

<sup>3</sup>Proven Benefits of Early Childhood Interventions. RAND. 2005.  
[http://www.rand.org/pubs/research\\_briefs/RB9145/index1.html](http://www.rand.org/pubs/research_briefs/RB9145/index1.html)

<sup>4</sup>How Does Your Kindergarten Classroom Affect Your Earnings? Evidence from Project STAR. February 2011.  
[http://obs.rc.fas.harvard.edu/chetty/STAR\\_slides.pdf](http://obs.rc.fas.harvard.edu/chetty/STAR_slides.pdf)

covered Dr. Chetty's study in a 2010 article,<sup>5</sup> which used his research to challenge the belief that the effects of early childhood education programs fade over time. For all these reasons, CCC believes that requiring New York City five-year-olds to attend kindergarten will ensure that a greater number of children will benefit academically and socially.

According to a report from the Independent Budget Office, there were 78,230 students enrolled in kindergarten in the 2009-2010 school year. That same year, there were 81,045 students enrolled in first grade.<sup>6</sup> Current New York State law requires children to be enrolled in school by age six. The data from the IBO show 2,815 more students enrolled in first grade than in kindergarten. In the past five years, there are, on average 7% more children who attend first grade than kindergarten.<sup>7</sup>

Because children are not guaranteed kindergarten seats in their own communities, it can be very difficult for parents to locate schools for them. While children have a right to attend kindergarten under current law if their parent(s) choose(s) to enroll them, the Department of Education is not required to offer children seats in their zone schools. Additionally, the seats offered are not often convenient for the families, and many parents are discouraged by the process, or turned away because kindergarten is not mandatory. Making kindergarten mandatory in New York City would inform the Department of Education's planning and emphasize the need to make space available in neighborhood schools to accommodate children. It would also reduce system-wide confusion about children's rights to attend kindergarten and more clearly convey the value of it.

According to the City Council Resolution #1330, the districts with the most students not enrolled in kindergarten tend to be disproportionately Black and Latino and students eligible for free or reduced-price lunch. Furthermore, the resolution also states that community-based service providers have reported that vulnerable children, including those with special needs, English language learners, and those in foster care, are turned away from kindergarten in greater numbers. Making kindergarten mandatory would keep this from occurring, and would also prevent the Department of Education from discharging kindergarten students who present with behavioral challenges or other needs.

Lastly, many districts around New York State have significantly cut funding to pre-kindergarten and kindergarten due to budget challenges, which has resulted in the reduction from full to half-day services and, in some cases, the elimination of services altogether.<sup>8</sup> While this is not currently the case in New York City, it is CCC's hope that making kindergarten mandatory will

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<sup>5</sup> Making the Case for \$320,000 Kindergarten Teachers. The New York Times. July 27, 2010. [http://www.nytimes.com/2010/07/28/business/economy/28leonhardt.html?\\_r=2&adxnlnl=1&ref=education&adxnlnl=1338573610-X1Ht2cwgPmazF6ci91/3Lg](http://www.nytimes.com/2010/07/28/business/economy/28leonhardt.html?_r=2&adxnlnl=1&ref=education&adxnlnl=1338573610-X1Ht2cwgPmazF6ci91/3Lg)

<sup>6</sup> New York City Independent Budget Office. New York City Public School Indicators: Demographics, Resources, and Outcomes. Annual Report 2011. <http://www.ibo.nyc.ny.us/iboreports/2011edindicatorsreport.pdf>

<sup>7</sup> New York City Council Resolution #1330, 5/15/12. <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1130254&GUID=E93FAB4E-29CD-44CB-AB3D-2D180AB90C60&Options=&Search=>

<sup>8</sup> Early Childhood Education: Frozen Funding Leads to Cracks in Foundation. Alliance for Quality Education, Citizen Action, Winning Beginning New York. 2/7/12. <http://www.aqeny.org/ny/wp-content/uploads/2012/02/Frozen-Funding-Leads-to-Cracks-in-the-Foundation-2.8.12.pdf>

ensure that New York City continues to prioritize early childhood education such that all students have access to needed early education services.

Finally, the Council's resolution and the legislation are especially timely, as New York State's waiver to No Child Left Behind was just approved by the United States Department of Education. As part of the waiver, New York State has adopted the Common Core State Standards, which include benchmarks for kindergarteners.

In sum, it is widely known that kindergarten is a valuable tool for preparing students for college and beyond. Making kindergarten mandatory would ensure that more young children receive quality early education, reduce the confusion administrators, educators, and parents experience during the enrollment process, and ensure that the City continues to make kindergarten a budget priority. We thank the City Council for their commitment to making kindergarten mandatory, and look forward to continuing our work with you and other City leaders to ensure that all of New York City's children receive quality early childhood education.

Thank you for the opportunity to testify.



**Testimony to be delivered to the New York City Council's Education Committee Re: DOE's  
Special Education Reform**

**New York Lawyers for the Public Interest  
June 12, 2012**

Good Afternoon. Thank you for this opportunity to comment on the Department of Education's Special Education Reform.

My name is Keren Farkas. I am a staff attorney at New York Lawyers for the Public Interest (NYLPI). NYLPI contracts with the New York State Commission on Quality Care and Advocacy for People with Disabilities to provide federally mandated Protection and Advocacy services to individuals with disabilities throughout New York City. We advocate on behalf of thousands of individuals with disabilities on a wide variety of issues, and have a significant special education practice. We provide direct legal services and technical assistance to parents/guardians of children with disabilities, conduct parent trainings, and work collaboratively with parents and advocacy organizations on issues of special education reform. In this capacity, NYLPI is well situated to comment on the special education reform in New York City.

As a member group of the ARISE Coalition, NYLPI adopts and endorses the comments submitted today by Maggie Moroff on behalf of ARISE. Specifically, we support the principles of the reform but are concerned that the necessary preparation and trainings to implement this change have neither been adequate nor transparent. In our individual case work, we have encountered more and more cases of parents feeling confused and skeptical about what the reform will mean for their child's education. They are frequently unable to get clear and informative answers from the school staff about their child's educational program for the next school year and contact us because they are concerned about what is going to happen. For example, last week, an advocate from my office attended an IEP meeting where the CSE representative told the parent she did not know whether any schools in the district would still have Integrated Co-Teaching (ICT) classrooms next year. In several other instances, the school has asked the parent to return for a second IEP meeting because days after the first IEP meeting school staff realized they could not accommodate the recommended program in their school or transfer the child to another school that offers the recommended program. Such uncertainty less than three months before the reform's full roll out is troubling and unacceptable. We urge the City Council to monitor the DOE in these months leading up to the roll out to ensure the necessary preparation and support is in place.

On behalf of NYLPI, I would also like to take these few moments before the Committee to address our concerns about the reform as it relates to a specific population of students: children with behavioral and emotional disabilities.

Over the past several years, NYLPI has received scores of complaints from parents of students with disability-related challenging behaviors. The complaints display a clear pattern of children not receiving the appropriate interventions and services to succeed in general education classrooms, and then being inappropriately “pushed-out” into self-contained settings and the city’s specialized school district, District 75. Community schools and charter schools too often take the position that they are “unable” or “unequipped” to meet the needs of students with behavioral or emotional disabilities. Specific problems we have seen include that:

- Functional behavioral assessments and behavior intervention plans are too rarely employed effectively or taken seriously;
- punitive discipline is over-used, and positive behavioral interventions and restorative practices are not appropriately implemented or considered at all; and
- counseling services are not offered consistently or integrated with the student’s classroom education or outside providers.

In our experience, the response of community schools to challenging behavior is commonly suspension, expulsion, calls to EMS or sometimes ACS, placing students in self-contained classrooms alongside other children with challenging behaviors, and then recommending the student attend District 75.

Beginning with “Phase 1,” the DOE has asserted that the Special Education Reform will require community schools, with the support of their Children’s First Network, to leverage the full continuum of services and demonstrate flexibility to meet the needs of the majority of students with disabilities within their home schools. With respect to students, particularly high-school age students, with behavioral disabilities—we have not seen meaningful changes in how community schools try to teach them, or been able to obtain information as to how the schools will be better supported to do so in the upcoming school year. In fact, we have mostly seen an increase in referrals to District 75 because community schools do not believe they have the resources, access, or arguably the responsibility, to educate these students.

We fear that, without building capacity and providing school personnel with a range of skills, strategies, and resources to appropriately handle crises and ongoing challenging behaviors, this reform will result in schools relying even more on the escape valves of suspension and placements in District 75. This response would likely cause further harm to a population of already underserved students with historically low graduation rates as compared to other students in general and special education.

Accordingly, we urge the Committee to ensure that the DOE invests the necessary resources to create the school-wide climate to support the educational and behavioral needs of all students. While some NYC schools utilize Positive Behavior Intervention and Supports, the majority of those schools are District 75; those interventions must be available to students in community schools. The DOE must provide on-going support and training to community schools to identify and implement the school-wide supports they need to educate students with challenging behaviors in community schools. This capacity goes beyond access to mental health providers in school; research supports that while that component is critical, so is a change in school-wide culture. Going forward, we urge the City Council to demand that the DOE track and report on several key measures, disaggregated by disability classification, including any increase or decrease in the following:

- placements in District 75
- placements on Home Instruction
- provision of related services, including counseling
- provision of paraprofessionals
- range of settings offered in community schools
- trainings on school-wide positive behavioral interventions, Functional Behavioral Assessments, and Behavior Intervention Plans and use of those interventions in community schools

We hope that with the appropriate resource allocation, oversight, and transparency this reform will improve the quality of instruction for students with disabilities in our city's community schools.

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

My name is Laurie Hanin and I am the Executive Director of the Center for Hearing and Communication (formerly the League for the Hard of Hearing). I am also a pediatric audiologist. Thank you for allowing me to speak at today's meeting.

I am speaking today on an issue tangentially related to special education reform: the elimination of hearing screenings in NYC. Up until the 2009-10 school year, NYC was mandated under NYS Education Law section 905, as was the rest of the state, to provide hearing screenings to all students in kindergarten and first grade and to any new student within six months of admission to school. In prior years, screening was mandated in grades 3, 5, 7 and 10 as well and at any other time deemed necessary. As of the 2009 school year, no child in the NYC school system is receiving a routine hearing screening. The mandate for hearing screening has been maintained in every other school district in the state.

Although there is no single federal mandate for childhood hearing screening, the goal to identify children likely to have a hearing loss that will interfere with communication, development, and future academic performance is supported by current federal legislation. The IDEA (2004) requires school districts to identify, locate, and evaluate all children with disabilities and states that "each public agency must conduct a full and individual initial evaluation" to identify a disability and subsequent eligibility for special education services. On a state and local level, procedures to identify hearing loss in children have existed in most public school systems in the United States for decades.

The elimination of the NYC school hearing screening program was recommended by the NYC Department of Health and Mental Hygiene and is supported by the School Health staff. Their rationales stated for the elimination were that 1) now that newborn hearing screening is mandated in NYS, most significant losses are detected in infancy, 2) most hearing losses that were detected were due to middle ear disease which is "temporary," and 3) that there are no high quality research trials to demonstrate that there is efficacy in school-age hearing screenings.

It is true that newborn screening is currently underway in NYS, including NYC. Approximately 3/1000 cases of deafness are identified at birth and approximately 6/1000 when children with milder and/or unilateral hearing losses are included. Unfortunately, follow-up rates of parents whose children are suspected of hearing loss at newborn screening are only 50%. It is also estimated that by school age new cases of permanent hearing loss occur in approximately 6 per 1000 children. This translates to approximately 3000 additional children with permanent hearing loss. Most of the children with post-natal permanent hearing loss have losses that are mild or unilateral in nature. These hearing losses cannot typically be observed behaviorally by teachers or parents. A mild loss, though, means that about 50% of what is said is not clearly heard by the child. The behavioral effects of hearing loss are often subtle and resemble effects similar to those of children who experience attention deficit disorders, learning disabilities, language processing problems, or cognitive delays. Without the safety net of hearing screening upon entry into kindergarten and first grade, it is reasonable to expect that these additional cases of hearing loss will not be detected and an appropriate educational placement and services may not be provided.

It is also true that a significant proportion of children in kindergarten and first grade that fail hearing screenings are ultimately found to have a hearing loss related to repeated episodes of ear infections and intermittent hearing loss. Some of these children have had this disease untreated for extended periods of time and a hearing loss results. While it is theoretically a temporary hearing loss, as long as the disease is present, the hearing loss will be present. If treated, the hearing loss can disappear. While it is true that it can then recur, we do not believe that this is an adequate reason for not attempting to identify the children at risk. With the proper treatment and attention, the hearing loss can be eliminated, and if not, remediated. It is, however, important to

remember and note that the primary purpose of hearing screening programs is to identify children with previously undiagnosed permanent hearing loss, and with evidence-based protocols in place, it is absolutely possible to minimize referrals of children with truly temporary hearing loss and maximize the likelihood of identifying children with permanent, sensorineural hearing loss.

There IS a need for good quality evidence-based research in this area. This work must be done, but children should not fall through the cracks meanwhile. There was and is no an acceptable reason to completely dismantle the program. While there is a price for the program, there is also a significant economic impact of not identifying children with hearing loss. Children with undiagnosed unilateral and mild permanent hearing loss repeat grades 30% more often than their peers. The cost of retaining a student alone is an economic burden to the educational system. For NYC projections this can amount to a cost of \$14 million.

I have no doubt that a cost-effective, reliable method of screening NYC's schoolchildren is an achievable goal. I also have no doubt that the system that was in place up until 2009 had flaws and needed modifications in order to achieve the desired results. However, the decision to simply eliminate the program has already, and will continue to leave NYC's young children with unidentified hearing loss vulnerable to academic, social and behavioral problems that can significantly impact educational cost and academic achievement. Hearing screening programs for school-age children are recommended by the Center for Disease Control and Prevention, the Health Resources and Service Administration, NIDCD, and the American Academy of Pediatrics. It is imperative that NYC listen to what these agencies and recognize that our children deserve no less than is provided to other children in the state and around the country.

Presented by:

Laurie Hanin

Center for Hearing and Communication

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**Center for Independence of the Disabled, NY**

June 12, 2012

Res. No. 1330 – Resolution calling on the NYS Legislature to pass and the Governor to sign A.9861/S.7015, legislation that would amend the State Education Law enabling NYC to require that all 5 year old children in the City attend kindergarten.

Lourdes I. Rosa-Carrasquillo, Esq.  
Director of Advocacy

Committee on Education





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**Center for Independence of the Disabled, NY**

June 12, 2012

Good afternoon, I am Lourdes Rosa-Carrasquillo, the Director of Advocacy at the Center for Independence of the Disabled, NY (CIDNY) and a member of the ARISE coalition. Thank you for affording me the opportunity to express my concerns about special education reform

The Department of Education (DOE) is trying to meet its mandate of the least restrictive environment by requiring students with disabilities to attend their community schools even when the school is not ready to adequately serve students with disabilities.

There have been many meetings with the DOE throughout the years to discuss concerns about the Phase 1 Reform. 260 schools were piloted during Phase 1, however no detailed report has been made public. At the same time, DOE has announced the expansion of Phase 1 city-wide.

Since students with disabilities will be most affected by this expansion, it is important to know at the very least:

- What the impact of the two-year pilot has been on students;
- Have there been changes in the numbers and frequency of disciplinary actions against students with disabilities (either increases or decreases); and
- What best practices have been documented as a result of Phase 1 Reform?

We therefore believe the expansion of the reform should be informed by a full and transparent report on the results of the Phase 1 Reform pilot. In fact, we do not object to the reform since we want all students with disabilities to have the opportunity to be in the least restrictive environment that would serve their needs. That being said we are concerned that DOE has failed to prove that it will provide on-the-ground support for school staff to meet the needs of the rising number of students with disabilities in their classrooms. DOE has failed to show advocates and parents that the funding proposal will not lead to a reduction of dollars for services to students with disabilities.

DOE needs to release to the public a thorough review of Phase I that documents the progress on each goal articulated for the reform. This should include but not be limited to:

- Best practices among schools that proved to be most successful.
- The numbers of students with disabilities admitted to schools during the first phase of the reform and the number anticipated for this coming school year.
- An articulated and implemented plan to engage parents in the reform at the local level. This requires much more than a letter sent to the home or having a series of meetings for parents to discuss their child's IEP development, parents must also be given information on their options and their rights under the reform in a pro-active and interactive fashion.



In summary, the DOE must release information on Phase 1, and the city must ensure that resources are available to accommodate all students who will be moving back to community-based schools.



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mona Davis

Address: \_\_\_\_\_

I represent: NYC Parents Union

Address: \_\_\_\_\_

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in favor  in opposition

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Name: Lawrence Ketcher

Address: \_\_\_\_\_

I represent: Local 372

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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Date: \_\_\_\_\_

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Name: Rachel Howard

Address: \_\_\_\_\_

I represent: Resources for Children w/ Special Needs

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Maunie Hanigoutbaum

Address: 50 Broadway NYC

I represent: Center for Hearing + Communication

Address: 27 W. 56th St NYC 10019

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in favor  in opposition

Date: \_\_\_\_\_

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Name: Liz Truly

Address: Attorney for Special Ed UFT

I represent: 52 Bway

Address: UFT

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Maggie Moroff

Address: 131 West 30th St

I represent: ARISE Coalition

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/12/12

(PLEASE PRINT)

Name: Randi Levine

Address: \_\_\_\_\_

I represent: Advocates for Children

Address: 151 W. 30<sup>th</sup>, N.Y., NY

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/12/2012

(PLEASE PRINT)

Name: JEAN MIZUTANI

Address: 116 FIVE ST SE FLOOR NY NY 10067

I represent: Resources for Children of Special Needs

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: June 12, 2012

(PLEASE PRINT)

Name: Carmen Alvarez

Address: VP Special Ed

I represent: UFT

Address: 52 Bway

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Dr. Randi Herman

Address: 40 Rector St NYC

I represent: CSA

Address: 40 Rector St. NYC.

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Maura Flavin

Address: Citizens Committee for Children

I represent: 105 East 22nd St, NYC, NY 10010

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Eric Slepak

Address: 841 Broadway New York, NY 10003

I represent: CIDNY

Address: 11

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in favor  in opposition

Date: \_\_\_\_\_

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Name: LAURA RODRIGUEZ

Address: \_\_\_\_\_

I represent: DOE

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

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Name: LEONIE HAINSON

Address: 124 Waverly Pl

I represent: Class Site Matters

Address: \_\_\_\_\_

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in favor  in opposition

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Name: CORINNE Rello-Anselmi

Address: \_\_\_\_\_

I represent: DOE

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

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Name: SHAEL SURANSKY, Chief Academic

Address: OFFICER

I represent: DOE

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

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Name: Cara Chambers

Address: The Legal Aid Society, 199 Water St

I represent: The Legal Aid Society NY NY 10038

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ellen McHugh

Address: 75 MORTON ST RYACAT 10014

I represent: PARENT TO PAREN NYS

Address: \_\_\_\_\_

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Keren Farkas  
Address: 151 West 30<sup>th</sup> Street  
I represent: NYIPT  
Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/12/12

(PLEASE PRINT)  
Name: Jaclyn Okin Barney  
Address: 2576 Broadway #233 NY NY 10026  
I represent: Parents for Inclusive Educ (PIE)  
Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Special Ed Res. No. Refon m.  
 in favor  in opposition

Date: June 12, 2012

(PLEASE PRINT)  
Name: Lizubeth Fardo  
Address: \_\_\_\_\_  
I represent: Metropolitan Parent Center @ Sinergia  
Address: 2082 Lexington Ave NY NY

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I intend to appear and speak on Int. No. 1330 Res. No. 330  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: E. TERRY

Address: 130 THIRD AVE

I represent: \_\_\_\_\_

Address: New York N.Y. 11217

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: NOAH E. GOTBAUM

Address: \_\_\_\_\_

I represent: COMMUNITY EDUCATION COUNCIL 3

Address: 27 W. 86<sup>th</sup> ST 1124 10024

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12

(PLEASE PRINT)

Name: Andrew Hollander, Dir. of Strategic Planning

Address: \_\_\_\_\_

I represent: Div. of Students w/ Disabilities

Address: English Language Learners, DOE

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1330

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Betty Heston

Address: 322 Eighth Ave

I represent: Center for Children's Transition

Address: 322 8th

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