

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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November 18, 2021
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HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Mark Treyger
CHAIRPERSON

COUNCIL MEMBERS:
Ben Kallos
Ydanis Rodriguez
Eric Dinowitz
Kevin Riley
Oswald Feliz
Rafael Salamanca Jr.
Barry Grodenchik
James F. Gennaro
Daniel Dromm
I. Daneek Miller
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Brad Lander
Alicka Ampry-Samuel
Inez Barron
Justin Brannan
Farah N. Louis
Deborah Rose
Joseph C. Borelli
Carlina Rivera

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

Christina Foti, Deputy Chief Academic
Officer
New York City Department of Education

Dr. Linda Chen, Chief Academic Officer
New York City Department of Education

Josh Wallack, Deputy Chancellor for Early
Childhood Education and Student Enrollment
New York City Department of Education

John Hammer, Deputy Chief Executive
Director
Special Education Office
New York City Department of Education

Lauren Siciliano, Deputy Chief Operating
Officer
New York City Department of Education

Kevin Moran, Chief Operating Officer for
School Operation
New York City Department of Education

Erin Riemenschneider, Chief of Staff,
Division of Multilingual Learners
New York City Department of Education

Lori Podvesker
Include NYC

Maggie Moroff
Arise Coalition

Randi Levine, Policy Director
Advocates for Children New York

Tom Shepherd
Panel for Education Policy

Kate Hoy
Arise Coalition

Ellen McHugh, New York Resident

Paulette Healy, New York Resident

Jennifer Choi
Special Support Services

Michael Mulgrew, President
UFT

Rashida Brown Harris
Healing Centers Schools Working Group

Amy Tsai, member
CEC

Jennifer Goddard, New York Resident

Beth Eisgrau-Heller, New York Resident

Isabel Movrides-Calderon
Patients Rising

Jennifer Rodriguez
Collaborative for Inclusive Education

Sade McCaw
Opportunity Charter School

Jacob Kapusin, Founder and CEO
Knowledge Road

Jeanna McGinnis, New York City Resident

Lauren Clavin, New York Resident

Eileen Irizarry Ramirez, New York Resident

2

3 SERGEANT-AT-ARMS: Live is up. Sergeants,
4 will you begin your recordings?

5 SERGEANT-AT-ARMS: Cloud recording is up.
6 Sergeant Polite, you may begin your opening.

7 SERGEANT-AT-ARMS: Thank you. Good morning
8 and welcome to the remote hearing on education. Will
9 Council members and staff please turn on their videos
10 at this time? Thank you. To minimize disruption,
11 please place all cell phones and electronics to
12 vibrate. You may send your testimony to
13 testimony@Council.NYC.gov. Once again, that's
14 testimony@Council.NYC.gov. Chair Treyger, we are
15 ready to begin.

16 CHAIRPERSON TREYGER: Good morning.
17 Welcome to today's virtual hearing on meeting the
18 needs of students with disabilities in the COVID era
19 and on a preconsidered resolution in support of state
20 legislation to provide a remote learning option when
21 community transmission of COVID-19 is at a
22 substantial or high level. I am Council member Mark
23 Treyger, Chair of the Education Committee. A little
24 more than one year ago on October 22nd, 2020, this
25 Committee held an oversight hearing on reopening

2 schools and the impact on students COVID 19 continues
3 shine a bright light on the inequities we know
4 already this, as I, all is not well for any of our
5 cities nearly 1 million and it is definitely nowhere
6 near while for more than 200,000 students with
7 disabilities who have already started claimant
8 collected under the current education system. Here
9 we are one year later and I think things are even
10 more challenging and, in some cases, even more worse
11 than they were before. In recent days, we have
12 learned that the city's special education academic
13 recovery program will begin in December, nearly 3
14 months into the school year. We have been dealing
15 with this pandemic since March 2020. We already knew
16 that with disabilities and their families for not
17 having their academic means falling ma'am by the city
18 and we could intelligently need to do this that the
19 COVID 19 pandemic would further exacerbate those
20 deficiencies and add to them. When we reopened
21 schools in September 2024 the 2021 school year, the
22 administration should have been hard at work
23 preparing to launch the special education academic
24 recovery plan for the first day of school on
25 September 13th, 2021. The administration did

2 announce the New York City academic recovery plan on
3 July 8th, 2021 which was supposed to address the
4 impacts on learning for all students resulting from
5 COVID 19 pandemic. To help students with
6 disabilities recover from learning loss, the academic
7 recovery plan specified that the DOE would launch at
8 the school and Saturday programs for students with
9 IEP's to receive additional instruction and services
10 specific to what their IEP mandates. We now sit here
11 on November 18th and not only have special education
12 recoveries services not yet begun for thousands of
13 kids, but there's also been very little information
14 provided about the implementation plan. I received
15 more information on this plan recently from a Chalk
16 Beat article, quite frankly, then I have from folks
17 in the admin-- although in recent days we have
18 gotten some more information, which I will share
19 shortly. But nowhere near enough information that we
20 can have to include the state of this program.
21 Parents and students, too, have been kept in the
22 dark. We hear over and over that their communication
23 will be improved, but time and time again, we find
24 that the administration and the DOE is behind the
25 curve. We heard yesterday at a District 75 town hall

2 with the DOE, it was revealed that some folks, some
3 parents shared concerns that there would be no
4 blessing for children to attend special education
5 recoveries services either in the mornings,
6 afterschool, or on Saturdays. I don't even know
7 where to begin on that, although I am told that there
8 might be some breaking news on that day, which I want
9 to hear more shortly. We have also heard that there
10 are serious staffing issues. And I want to say even
11 more bold than that, there are staffing issues. It's
12 not that I'm hearing about it. There are staffing
13 issues and the administration means to come clean on
14 have the AR facing schools, which are a major hurdle
15 in implementing afterschool and Saturday recovery
16 programs. Apparently, principals are having
17 difficulty finding in the staff, especially license
18 special education teachers who were willing to work
19 overtime in these programs and I am still hearing
20 anecdotal reports about a continuing shortage of
21 paraprofessionals. And are hearing on a October
22 22nd, I said that the administration in DOE months
23 two more, must redouble their efforts to provide
24 students with disabilities and education equivalent
25 to students with IEP. All of our children need to

2 make sure that their needs are being met. That is on
3 us. That is our obligation. That is just not
4 happening. It seems that we have taken steps
5 backwards things are rapidly unraveling. There is
6 little more than one month last in this Council's
7 session. This Council and lives committee have
8 fought hard to raise the boys of students with IEP's
9 and their families to ensure that their basic needs
10 are met to hold this administration and the idea
11 being accountable and, yet, as the administration
12 prepares to exit all this, things appear to be
13 collapsing. If the administration was more focused
14 on delivering the legally mandated that students with
15 disabilities are entitled to and land on advancing
16 political agendas early in the morning on cable TV,
17 then, maybe, we would be in a different spot today.
18 This committee will also hear testimony today on
19 considered resolution that I am proud to sponsor
20 along with Council member Rivera and Public Advocate
21 Williams calling upon the New York State legislature
22 to pass and the Governor to sign Senate Bill 77381,
23 Assembling Bill 8283 to require any public school
24 located in the city with a population of 1 million or
25 more to provide a remote learning option when

2 community transmission of COVID 19 is that a
3 substantial or high level. When the Mayor announced
4 last hearing that there would be a full-time in
5 person instruction for all students this year with no
6 remote option, many parents in New York City
7 expressed real concern, serious concerns, about their
8 children's safety. As a result, some parents to keep
9 their children home rather than risk potential health
10 consequences. These students have subsequently had
11 no formal instruction from the DOE so far this
12 exacerbating their learning never have happened if
13 the administration had continued to offer a remote
14 option, something that I called for as a sensible
15 thing to do during an ongoing pandemic. I want to
16 thank everyone who is testifying today. I want to
17 thank the city Council staff for all their work late
18 but in. Malcolm Butehorn, Jan Atwell, Aliyah
19 Reynolds, Chelsea Betamore, Masias Sarcisian [sp?],
20 and Frank Perez. I just want to thank my staff: Anna
21 Scafe, Vanessa Ogle, Maria Henderson, and Janine
22 Caracadi [sp?]. Finally, I want to thank all the
23 parents and advocates who have joined us today. And
24 educators and our prior remote hearing this pandemic.
25 You patiently waited to testify and sharing your

2 thoughts and concerns, ideas, and frustrations and I
3 am thankful and we hear all of you. I will now turn
4 it over to today's moderator, Aliyah Reynolds, the
5 policy analyst for this committee.

6 MODERATOR: Thank you, Chair Treyger.

7 I'm Aliyah Reynolds, policy analyst to the Education
8 Committee. Before we begin testimony, I will remind
9 everyone that you will be on mute until you are called
10 on to testify. After you are called on, you will be
11 unmuted by a member of our staff and zoom will prompt
12 you to accept the unmute. I will be calling on
13 public witnesses to testify and panels after the
14 conclusion of the administration's testimony and
15 Council member questions, so please listen for your
16 name to be called. Council members who have
17 questions should use the zoom and raise their hands.
18 You will be called on in order with which you raised
19 your hand after the full panel has completed
20 testimony. We will be limiting Council member
21 questions to five minutes. Please note that, for the
22 purposes of this virtual hearing, we will not be
23 allowing a second round of questions. For public
24 panelists, after you are muted, please listen for the
25 sergeant-at-arms to give you the go ahead to begin

2 your testimony. All public testimony will be limited
3 to two minutes. Please do not read your testimony
4 verbatim. All written testimony will be read by
5 committee members and committees staff, so please be
6 sure to email it to testimony@Council.NYC.gov.
7 Testimony will be accepted for 72 hours following the
8 close of this hearing. The sergeant-at-arms will
9 prompt you when your two minutes is up. At that
10 point, we ask that you please wrap up their comments
11 so we can move to the next panelist. I will now call
12 on the following members of the administration to
13 testify: Christina Foti, Deputy Chief Academic
14 Officer, Dr. Linda Chen, Chief Academic Officer,
15 Josh Wallack, Deputy Chancellor, John Hammer, Deputy
16 Chief Executive Director, Lauren Siciliano, Chief
17 Administrative Officer, Kevin Moran, Chief Schools
18 Operation Officer, Erin Riemenschneider, Chief of
19 Staff, Division of Multilingual Learners. Our first
20 radio then after I will call on each panelist hear
21 from the administration individually to respond. Do
22 you affirm to tell the truth, the whole truth, and
23 nothing but the truth before this committee and to
24 respond honestly to Council member questions?
25 Christina Foti?

2 CHRISTINA FOTI: I do.

3 MODERATOR: Dr. Chen?

4 DR. LINDA CHEN: I do.

5 JOSH WALLACK: I do.

6 MODERATOR: John Hammer?

7 JOHN HAMMER: I do.

8 MODERATOR: Lauren Siciliano?

9 LAUREN SICILIANO: I do.

10 MODERATOR: Kevin Moran?

11 KEVIN MORAN: I do.

12 MODERATOR: Erin Riemenschneider?

13 ERIN RIEMENSCHNEIDER: I do.

14 MODERATOR: Thank you. Christina Foti,
15 whenever you're ready to begin.

16 CHRISTINA FOTI: Good morning, everyone.

17 Thank you for unmuting me. Good morning, Chair
18 Treyger and all members of the Education Committee
19 here today. My name is Christina Foti and I am the
20 Deputy Chief Academic Officer of the Division of
21 Specialized Instruction and student support. Also
22 joining me today are Chief Academic Officer Linda
23 Chen, Deputy Chancellor Josh Wallack, Chief
24 Administrative Officer Lauren Siciliano, Chief
25 Schools Operation Officer Kevin Moran, and

2 colleagues from the DOE. Thank you for the
3 opportunity to discuss the DOE efforts to meet our
4 students-- the needs of our students with
5 disabilities in this challenging time. We have
6 certainly appreciated the opportunity to share our
7 progress and plans in this area. The DOE has been
8 unwavering in its commitment to serving students with
9 disabilities throughout the pandemic, including
10 safely in person as much as possible and as soon as
11 possible. As you know, when we committed to
12 reopening for in person learning in full, students
13 with disabilities continued to be at the forefront of
14 our planning. And as the city's recovery continues,
15 we are continuing to lead in addressing the ongoing
16 needs of our students with disabilities and their
17 families. Nothing has brought me more joy than
18 seeing our students back to learning with their
19 teachers in their classrooms. The disruption to
20 education from the pandemic has affected all students
21 and families in New York City, but not equally. We
22 know that many of our most vulnerable students,
23 including the students with IEP's, are significantly
24 impacted by the pandemic. Our response is guided by
25 the imperative to support every student in their

2 recovery and, with that vision in mind-- pardon me--
3 we have begun unprecedented efforts to deliver
4 additional services to all students with IEP's in the
5 DOE schools citywide. This administration with
6 federal funding and the supportive and advocacy of
7 this Council, has made a historic investment in
8 addressing the needs of our students with
9 disabilities through a commitment of \$251 million on
10 special education recoveries services. Special
11 education recoveries services encompasses
12 instruction, intervention, related services, and
13 related services targeted to each student's
14 individual needs. They are in addition to, not
15 instead of, a student's regular school day and IEP
16 programs and services. This school year, our goal is
17 for every DOE school to offer special education
18 recovery services through extended day or Saturday
19 programs so that every student with an IEP has access
20 to these critical services. Throughout the pandemic,
21 our teachers and providers closely monitored
22 students' progress towards their IEP goals. This
23 summer, we reviewed this information along with other
24 factors such as whether or not students have been in
25 temporary housing or without needed bilingual special

2 education programs to identify students with the
3 greatest need for recovery services. Starting in
4 July, we began hiring and partnering with the
5 necessary service providers to make this initiative a
6 reality. We have hired or are in the process of
7 hiring an additional 350 speech teachers and 150
8 occupational therapists. In addition to local staff
9 postings, principals are authorized to bring on
10 providers from other schools and other boroughs and
11 contract agencies are also available to provide
12 services as needed. Schools also have the
13 opportunity to partner with community-based
14 organizations to bolster their staffing and program
15 offerings. With all of this planning, we are
16 thrilled to have the implementation of this historic
17 investment underway. Each school has received the
18 prioritization level for their students with
19 instructions to use their own knowledge to identify
20 students who need higher levels of support or
21 prioritization. For the highest priority students,
22 services will begin as soon as possible if they have
23 not started already. The special education recovery
24 initiative offers these additional services to our
25 students without any need for parents to make a

2 formal request, easing administrative burdens on
3 families and educators alike. As I speak, schools
4 are reaching out to parents to develop individualized
5 plans for special education recoveries services for
6 every student, taking into account parent input and
7 preferences. Already, schools have contacted parents
8 to develop recoveries services for thousands of
9 students with IEP's in DOE schools. Along with the
10 extended day and Saturday programming, as part of the
11 special education recovery initiative, we have made
12 significant investments to ensure schools are
13 equipped to provide targeted literacy and math
14 interventions for students with IEP's, as well as
15 students without IEP's who are at risk or identified
16 as in need based on screener results. We have
17 allocated \$5 million in funding for the training of
18 teachers and paraprofessionals and more than 2300
19 have been trained since May 2020 with flexibility in
20 funding that also allows schools to purchase
21 intervention materials for teachers and students.
22 Given the size of our city, the ambitious scope of
23 this work requires a heroic effort and shared
24 commitment of our schools, teachers, related service
25 providers, our families, our advocates, and each of

2 you. New York City is making an adorable this
3 investment in providing our students with
4 disabilities and is poised to deliver additional
5 services to students more comprehensively than we
6 have ever done before. While we continue to focus
7 our efforts on the news special education recovery
8 initiative, the special education process in general
9 remains intact. When a student may need a change to
10 their IEP, for example, to add counseling, schools
11 are instructed to follow standard procedures for
12 determining the student need to develop IEP's through
13 collaborative discussions among the students teacher,
14 their parents, and their providers. Throughout the
15 school year, our IEP teams will consider parent
16 requests for services, addressing each student's
17 current individual needs through IEP's and recoveries
18 services while taking into account parent input and
19 concerns at every stage of the process. As reflected
20 in public reports required by this committee's
21 legislation, leading up to the pandemic we had seen
22 consistent and substantial year-over-year
23 improvements in the timeliness and completeness of
24 special education service delivery. We share the
25 committee's believe that transparency helps to

2 promote accountability toward our goal of seeing all
3 students are fully served. With this in mind,
4 alongside of the public reports newly required in
5 2021, we began to report on the service delivery
6 broken out by superintendent responsibility.
7 Historically high levels of service provision
8 followed. Of course, last year's blended learning
9 conditions made data collection challenging, however,
10 we're doing all we can to track and monitor that
11 data. We also are working on proposed changes for
12 the 2021 school quality report that focused on
13 advancing equity, in part by beginning to include the
14 percentage of IEP's who were fully, partially, or not
15 receiving their IEP recommended special education
16 programs and services. The proposed changes will
17 support our school communities and field and central
18 offices to provide improved-- to improve teaching
19 and learning practices. With the return of in person
20 learning this year, the results so far validate our
21 strategy. Citywide, schools are delivering special
22 education programs at the highest rate ever for this
23 point in the school year. As of mid-November,
24 82percent of our students reported fully served and
25 96.6percent of the student citywide are at least

2 partially served. Those positive numbers were
3 achieved even with staffing challenges early this
4 school year through sustained work to support schools
5 to the program more efficiently, earlier, and more
6 thoroughly. Superintendents and BCO teams that
7 support them have worked tirelessly to address the
8 shortfalls and provision of services throughout the
9 city. I also want to highlight other critical and
10 ongoing work on behalf of our students with IEP's and
11 their families. Alongside our recovery efforts, we
12 continue to expand training and program offerings in
13 several key areas. As we did in school year 2021, we
14 are offering extended eligibility for students who
15 have turned 21, but are in the need of continued
16 education or support services in order to graduate
17 with a diploma or transition to adult programs and
18 services. This applies not only to students
19 attending DOE schools, but also for students
20 attending charter schools or placed by DOE and state
21 approved nonpublic schools. We continue to provide
22 these extended services across the city. In
23 addition, students with IEP's who have completed
24 school, but still need to be connected with
25 postsecondary services are receiving transition

2 support, consultancy services through a broad-based
3 transition college and college access centers or the
4 District 75 Office of Transition Services and
5 Postsecondary Planning Initiatives. As part of our
6 focus on literacy, we are continuing to fund our IEP
7 teacher positions in 960 schools who are trained in
8 research-based literacy interventions. We have also
9 developed and launched an intensive reading education
10 and development program early literacy program which
11 is a reduced size ICT class that provides in-depth
12 structured reading interventions to students with and
13 without IEP's. Each I Read classroom has both a
14 general education teacher and a special education
15 teacher who provide daily instruction with a focus on
16 organized reading interventions in all subject areas.
17 A master lead teacher with special expertise in
18 literacy intervention supports those teachers with
19 planning and also works directly with the students in
20 the classroom. The small class size and extra adult
21 support enables teachers to adapt instruction to meet
22 the needs of all learners with a focus on improving
23 students literacy, language, and speech skills. We
24 have also expanded our AC And ASC Horizon program,
25 adding 40 new sections this school year. These

2 programs serve students with autism spectrum disorder
3 through acclaimed specialized program models and 96
4 schools citywide. We have made major strides in
5 enhancing our portfolio of special education services
6 for our preschool students, as well as supporting
7 their parents through the process of transition from
8 early intervention, evaluation, IEP development, and
9 placement. The city's substantial new investments in
10 preschool special education include bringing
11 preschool special education programs, 4410's, and
12 4201 into 3-K and pre-k by issuing a contract
13 enhancement. This will give 4410 providers financial
14 support to raise teacher salaries and special class
15 seats in areas that need. We will also add services
16 to the 4410's so that preschool students with
17 disabilities get the same three KM pre-k program
18 support and oversight as the rest of the city.
19 Centralizing enrollment for preschool special
20 education programs which will ensure students are
21 placed in seats they need efficiently while promoting
22 consistency and equity the placement process. In
23 addition, we are implementing a number of initiatives
24 to support access to inclusive settings and serve
25 more students with disabilities in less restrictive

2 environments. We are doubling the size of our early
3 intervention transition team. The early intervention
4 transition coordinators provide direct support for
5 families as their children age out of the Department
6 of Health and Mental Hygiene EI programs, and enter
7 the Department of Education. Finally, as part of the
8 DOE's ongoing commitment to ensure that students have
9 timely access to educational program supports, but
10 DOE has increased the number of CPSC administrators
11 and community coordinators at these Committees have
12 Preschool Special Education which allow us to expand
13 our reach to more families. Family engagement is
14 critically important to everything related to our
15 students with disabilities and we continue to develop
16 resources to empower our families. We have made
17 significant investments in expanding our family
18 empowerment efforts, including our Beyond Access
19 series of webinars. The Beyond Access series
20 provides families with the opportunity to learn
21 directly from special education subject matter
22 experts. So far this year, we have posted sessions
23 for thousands of families on special education
24 recoveries services, academic screeners, at-home
25 sensory strategies, and many other topics. We will

2 continue to provide these critical learning
3 opportunities for families on Tuesday evenings at
4 7:30 throughout the school year. Families can access
5 pass sessions on the DOE website with captions
6 available in 35 languages. We recognize that we are
7 only at the beginning of our recovery process and not
8 the end. Special education recovery services will be
9 one of our most important ongoing priorities which we
10 will adjust and refine as we learn more about the
11 student needs and the responses to these services.
12 My team and I remain committed to eliminating the
13 detrimental effects of the pandemic's disruption on
14 our students' development, however long that may take,
15 while meeting their individual needs on an ongoing
16 basis. We welcome the partnership of this committee
17 and pursuit of those goals. I really want to thank
18 you, Chair Treyger, and so many members of this
19 Committee for your advocacy on behalf of all
20 students, and, particularly, on behalf of our
21 students with disabilities. As I have described, we
22 have seen clear benefits from our students and
23 families from the engagement of this committee and I
24 look forward to our continued partnership in the next

2 year and beyond. I am now happy to address any
3 questions they may have.

4 MODERATOR: Thank you, Christina. Before
5 we turn to questions, we will actually hear from
6 Council member Rivera to hear opening remarks for the
7 preconsidered resolution being heard today. Council
8 member Rivera, whenever you're ready, you can begin.

9 COUNCIL MEMBER RIVERA: Thinking of the
10 committees have been, of course, to Chair Treyger for
11 your guidance and your outstanding leadership on all
12 issues related to education. So, I want to thank, of
13 course, the administration for being here and for
14 providing testimony. I'm going to speak a little on
15 remote learning and really proud to join my
16 colleagues today and introducing a resolution calling
17 upon the New York State legislature to require any
18 public school located in the city with a population
19 of 1 million or more to provide a remote learning
20 option when community transmission of COVID 19 is at
21 a substantial or high level. As Chair of the
22 Committee and Hospitals, I know how this proportion
23 and transmission rates in vaccine and equity has
24 impacted many black and Latino communities like the
25 one I grew up in. I'm willing to deeply proud of the

2 work that we have done as a city to build vaccine
3 confidence and dramatically reduce COVID 19
4 transmissions, we know the pandemic is far from over.
5 And for the past 20 months, families across New York
6 have had to continuously assess the risks they their
7 families still face from COVID 19, not to mention
8 families in school districts without proper
9 ventilation and mitigation in buildings that needed
10 repair even before March 2020. And, in a city of
11 more than 8 million, school districts should not add
12 to the burdens of the family is already suffering
13 from immense educational and health disparities. All
14 five boroughs of New York City still considered high
15 transmission areas by the CDC, meaning they have at
16 least 100 new daily cases per 100,000 residents and,
17 New York City, we saw over 1800 cases per day in
18 early September when public schools reopened in
19 person. When transmission rates are high, we know
20 that families have to make impossible choices. This
21 legislation would give parents the option to pursue a
22 remote learning and, in a public health crisis,
23 parents deserve that option and our city should be
24 responsible for providing one. I urge my colleagues
25 in the Council to support this legislation in Albany

2 that would make our schools in New York City safer
3 and I do look forward to hearing from the
4 administration as to these options and making them
5 available and, of course, implementing them
6 responsibly and appropriately. Thank you for that
7 time, Mr. Chair.

8 CHAIRPERSON TREYGER: Thank you. Thank
9 you, Council member, for your leadership in your
10 partnership on this important resolution and
11 important message that we are sending to the DOE and
12 to the public that we stand by our kids and their
13 families. Thank you very much. I want to just
14 acknowledge the committee members have joined us so
15 far. Council members Louis, Council member Riley,
16 Council member Dinowitz, Council member Gennaro,
17 Council member Feliz, Council member Barron, Council
18 member Dromm, Council member Brannan, Council member
19 Rivera. And I will-- And if I missed anyone, folks
20 can just message me and I will make sure that I get
21 them as part of the record. I just, before I get
22 into the questions-- and I want to say this
23 publicly. This is not an inflection of Christina
24 Foti because I found her to be incredibly responsive,
25 accessible, gets back to me in my office very quickly

2 on issues and things that we raise and even Kevin
3 Moran. I have to give thanks as far as his
4 responsiveness to many issues that I have raised.
5 But we are failing here. There is no way to
6 sugarcoat this. There is no way to make this sound
7 pretty and make this sound nice. We are failing.
8 And Mrs. time that these kids will never get back. I
9 am going to get into my questions now, but I think we
10 need to set that tone very clearly because we have
11 thousands of children who now have not received
12 mandated critical services which they are entitled to
13 and which they need-- first of all, not just a legal
14 obligation. We have a moral obligation. You know,
15 they will never get this time back. As a former
16 teacher, if my student missed a day or two of
17 instruction, that was a lot. We are talking now
18 about over a year and a half-- more-- of
19 interrupted or missing instruction and services for
20 these kids. That is a crisis. There is just no
21 fancier pretty way of putting it. That is a crisis
22 and we failed. There is a sense of urgency that I
23 think is missing in this conversation with the
24 construction. I am going to get to questions now.
25 On November 9th, it was reported the special

2 education academic recovery program is scheduled to
3 begin as late as December 6th for the highest needs
4 students in all city run schools, city officials and
5 stated. That is less than three weeks before winter
6 break starts on December 24 and nearly 3 months into
7 the school year. The program was originally slated
8 to begin in October or early November and then pushed
9 back to November 15th. Please explain how we arrived
10 here. Why are students with IEP's once again, quite
11 frankly, getting the shaft from City Hall? And,
12 again, I hold the top accountable. I hold the top
13 accountable. This is not a reflection of Ms. Foti.
14 The buck stops at the top. Irrespective of federal
15 COVID relief funds, this is one of the richest cities
16 in the country, Richer than most states, too. Why
17 was planning for this not begun last year and why are
18 we here? Ms. Foti, explained to me, please, how did
19 we get here? Thank you.

20 CHRISTINA FOTI: Of course, Chair.
21 Chair, we certainly share your sense of urgency and
22 there is no one that wants-- other than our
23 families, there is no one that wants this more than
24 we do to happen for every one of our students as
25 quickly as possible. We agree, of course, that

2 recovery services are an extremely valuable part of
3 resource to our students and, to be clear, many of
4 our schools have already begun offering these
5 services. Some schools didn't request additional
6 time for planning in the development of those plans
7 with families. As we did during the pandemic with
8 our plans that we made for our students during the
9 pandemic and blended learning, we learned that those
10 conversations with families on our integral and,
11 during the pandemic, we heard that feedback from
12 families that contact was inconsistent in the
13 development of these remote learning plans. So, one
14 of the things that we are really closely monitoring
15 and taking the time to do in this process is ensuring
16 that we make success fallen timely and thoughtful
17 outreach to our families and to develop individual
18 recovery plans that are going to most benefit our
19 students and we are trying to set up these services
20 in the right way and a meaningful way and a joyful
21 way that will invite students into the program and
22 serve them well and it is something that they can
23 look forward to doing. When schools reported that
24 they needed more time to develop students-- some
25 schools needed more time to develop these programs,

2 we made slight modifications to the timeline,
3 however, we always said that services were intended
4 to start between November and January and we are
5 committed to ensuring that students start these
6 services on a rolling basis.

7 CHAIRPERSON TREYGER: Ms. Foti, how many
8 schools have begun the recovery program?

9 CHRISTINA FOTI: We expect the vast
10 majority of schools to start by the end of the month
11 with-- we are ensuring that all schools start by
12 12/6, but we've already made outrage to 90,000
13 families and will continue to make that outrage and
14 tell we get to everyone on our 183,000 students with
15 IEP's, but we expect the vast majority of programs to
16 be up and running by the end of the month.

17 CHAIRPERSON TREYGER: So, Ms. Foti, I
18 appreciate that, but I don't think you answered my
19 question. How many schools are currently have
20 started the recovery program?

21 CHRISTINA FOTI: We can definitely
22 follow-up, Chair, with the exact number of schools
23 that have started as of today, but we are closely
24 monitoring and following up with schools to make sure
25

2 that we are able to confirm that schools have started
3 by our 12/6 deadline.

4 CHAIRPERSON TREYGER: Ms. Foti, does the
5 DOE not know how many schools have started the
6 recovery program?

7 CHRISTINA FOTI: No. We certainly are
8 keeping tabs on this, Chair, and I would be happy to
9 send you the updated number from today after the
10 hearing.

11 CHAIRPERSON TREYGER: So, just to be
12 clear, the administration today's refusing to
13 disclose how many schools have started the recovery
14 program. Is that correct?

15 CHRISTINA FOTI: I certainly am not
16 trying to refuse anything. I want to be as
17 transparent as possible, Chair, with you.

18 CHAIRPERSON TREYGER: Ms. Foti, you're
19 not being transparent, with respect. How many
20 schools have started the recovery program?

21 CHRISTINA FOTI: I'm happy to follow-up
22 with you afterwards and get you that number and
23 notify can get you that number during the hearing, I
24 will provided during the hearing.

2 CHAIRPERSON TREYGER: And as a follow-up
3 to that, how many students in total-- you just gave
4 a number 183,000 kids with IEP's. Is that correct,
5 citywide?

6 CHRISTINA FOTI: Yes, Chair.

7 CHAIRPERSON TREYGER: And that is a drop
8 from we used to have over 200,000. Is that correct?

9 CHRISTINA FOTI: It is 183,000 school-
10 aged children.

11 CHAIRPERSON TREYGER: Okay. And you have
12 data with you now about how many kids, students, are
13 currently being serviced in recovery programs?

14 CHRISTINA FOTI: I do not have that data
15 with me right now, Chair, but we're going to be
16 following up with that, as well.

17 CHAIRPERSON TREYGER: But there is a
18 pattern developing here, Ms. Foti, where when we
19 asked for basic attendance data at the beginning of
20 the school year, the administration also willfully
21 chose to ignore our basic question or basic request
22 of information. This is a pattern. This is not the
23 first time that the administration comes unprepared
24 to a hearing on special education refusing to tell us
25 how many schools of started this critical program,

2 how many kids are being served. These are not gotcha
3 questions. These are basic questions that should be
4 expected at a hearing on special education services.
5 So, I respectfully ask, can the DOE give us more
6 information on this now?

7 CHRISTINA FOTI: Yes. Chair, here is
8 what I'm able to share this moment: and I am, no way,
9 trying to blur or create unclear response. I'm going
10 to share what I'm able to share and whatever were
11 able to share after the hearing, we will certainly
12 share. Our top priority, to be clear, is to get the
13 services in place in every one of our schools. We
14 have sent out a survey to our schools asking them
15 about their readiness to deliver these services. Of
16 our approximately 1600 schools, 1573 schools have
17 responded. We are actively following up with the 11
18 schools that we have not heard from. The vast
19 majority of our schools plan to provide these
20 services in a blended format and the vast majority of
21 our schools have indicated that they are going to
22 begin the services by the end of the month. As I
23 mentioned, we are in the process of developing plans
24 for every one of our students with IEP's. While we
25 have 183,000 students, we are already seeing actively

2 100,000 plans developed or in the process of being
3 developed for our students with disabilities. So we
4 are over halfway through. Now, the parent outrage,
5 even if folks are in the system in developing these
6 programs and plans, you know, absolutely one of the
7 most parts of this is the outreach to families and so
8 we're going to continue to make the outreach to
9 families and those plans are not going to be
10 finalized until all attempts have been made to
11 contact and have a meaningful conversation with our
12 families. That is the picture that I'm able to give
13 of where we are in the process and I'm really happy
14 to follow-up on any additional information, Chair.

15 CHAIRPERSON TREYGER: But, Ms. Foti, how
16 are we supposed to-- think about the message we're
17 sending to families right now. How are we supposed
18 to target support outreach if we don't even know
19 which schools are starting this program or not? We
20 don't know how many. We don't know who started, who
21 needs more help and support, the reasons why they
22 haven't started. What message are you sending to
23 parents and families right now? This is not a
24 message of confidence. Can you share with me
25 whatever reasons that you are hearing and your office

2 is. Why schools are having difficulty starting up
3 this program? I mean, I am hearing things, but you
4 are the administration. I would like to hear from
5 you, please. Can we unmute Ms. Foti, please?

6 CHRISTINA FOTI: Thank you. Yes, Chair.
7 Our goal in these recovery services is to provide--
8 one of our goals is to provide as much consistency
9 for our students as possible and, as you mentioned at
10 the beginning, staffing has been a challenge that we
11 are continuing to move mountains on and really, I
12 would say, you know, this is consistent with what we
13 are seeing nationally and the DOE has made heroic
14 efforts to get the staff in place that are going to
15 be trained by us, supported by us. There are UFT
16 partners that we know so well and that our students
17 know and trust in our families no interest. And,
18 staffing, as you mentioned at the beginning of this,
19 is probably what we are hearing most often from our
20 schools and, yet, we are making huge-- we have hired
21 a very large amount of teachers, which Lauren can
22 give us more numbers on. And, as I mentioned in my
23 testimony, hundreds of related service providers have
24 already been hired this year and we have made a year-
25 over-year investment on our related service providers

2 so that we have the network and cohort of folks that
3 we have trained that can provide high quality
4 supports to our students and, quite frankly, they are
5 the people that our kids know when they love and who
6 really got our students and our families through the
7 pandemic and our kids are delighted to be back in
8 school with them.

9 CHAIRPERSON TREYGER: So, Ms. Foti, you
10 mentioned staffing is a major issue in terms of why
11 programs are having difficulties starting. Is that
12 correct?

13 CHRISTINA FOTI: I think that at, you
14 know, again, we have seen this across the country,
15 but I also think that--

16 CHAIRPERSON TREYGER: But we are New
17 York. We are New York. The Mayor go on TV every
18 morning and says we are New Yorkers and so, I need to
19 kind of dig deeper on this because--

20 CHRISTINA FOTI: Sure.

21 CHAIRPERSON TREYGER: the Mayor does not
22 talk about this issue on TV, unlike other things.
23 And so, I'm just curious to know and I think that Ms.
24 Lauren Siciliano who is here on the hearing, as well,
25 do we have a number of how many pending applications

2 for repair as we have in the system now? These are
3 nomination letters sent by principals to get folks
4 hired for their schools because, again, I continue to
5 hear that there is a shortage of paraprofessionals in
6 our schools. Principals have said paperwork into the
7 DOE weeks ago, if not months ago. Many folks have
8 still not been hired. So, do you have a number of
9 how many pending application nominations there are
10 still sitting within DOE?

11 LAUREN SICILIANO: Yes. Thank you for the
12 question, Chair Treyger. It's a pleasure to be with
13 you this morning. We are so grateful to all of our
14 staff for their dedication and their service and we
15 know how important all of the staff to support our
16 students with special education have been in just
17 going above and beyond to support our students and
18 families. So, for paraprofessionals, I am pleased to
19 share that, since the start of the school year, and
20 more than doubled the size of the substitute
21 paraprofessionals pool. We now have about 11,000
22 substitute paraprofessionals in the pool. We have
23 more than doubled the number since the start of the
24 school year. And we are continuing to grow that pool
25 on a rolling basis. As he mentioned, nominations

2 come into us and we are escalating all of those.
3 We're expediting, I should say, all of those
4 nominations, including sharing information with
5 principals around exactly where the nomination is in
6 the process. There are steps that are within DOE
7 control and there are many steps where the applicant
8 needs to take an action such as completing the
9 application, but we are expediting all of these
10 nominations, including waiving fingerprinting fees,
11 while still, of course, doing the rigorous background
12 check that is needed.

13 CHAIRPERSON TREYGER: But, Ms. Siciliano,
14 just, again, substitute can refuse to come into
15 school. Is that correct?

16 LAUREN SICILIANO: Correct. Substitutes,
17 it is a mutual consent for them to show up at the
18 school. But, just a reminder on paraprofessionals,
19 before you can be hired as a full-time parent, you
20 need to have served as a for 25 days. So, in order
21 to hire those substitutes full time and hired a
22 full-time paraprofessionals, they need to first serve
23 as substitutes for 25 days.

24

25

2 CHAIRPERSON TREYGER: Right. And so, you
3 mentioned you have 11,000 or so in the pool. How
4 many do you have pending?

5 LAUREN SICILIANO: Pending, those
6 nominations come in on a daily basis in real time and
7 many of them are-- you know, there are a range of
8 steps in the process. We are expediting the ones
9 that DOE can expedite. And, of course--

10 CHAIRPERSON TREYGER: Can you just give
11 me a rough number? Just how many are pending right
12 now?

13 LAUREN SICILIANO: I don't have that
14 information on hand. I am happy to look into to make
15 sure we can share the data into meaningful way, but
16 what I can say is that we have more than doubled the
17 size of the pool and added 6000 substitute
18 paraprofessionals this school year alone.

19 CHAIRPERSON TREYGER: Pray. Because I am
20 still hearing from principals that they are waiting
21 for a significant sizable number of paraprofessionals
22 to get hired. And so, there continues to be, I
23 think, a disconnect here. I want to just go back to
24 Ms. Foti. We understand that the DOE has split
25 students with IEP's into three priority groups with

2 staggered timelines for launching the recoveries
3 services. Please describe those three priority
4 groups and how many students are any. What is the
5 percentage within each group of the total population
6 of eligible students and what is the timeline for
7 launching recoveries services for each group?

8 CHRISTINA FOTI: Of course. And, Chair,
9 I want to circle back to the number. We pulled the
10 number and I just want to be incredibly clear that it
11 is super important to me and everyone in this meeting
12 that we provide you the information you are asking us
13 for we do so in a transparent way. Then I just want
14 to be really, really clear about that. We called the
15 most recent report and 500 of our schools have
16 started and the rest and vast majority on the survey
17 have indicated that they will be starting by the end
18 of the month. Regarding the individual student
19 number, I know that is something that you are
20 interested in and that is something that I am going
21 to have to get back to you on, but this is the
22 information I have today. I want to answer your
23 question about priority groups, as well. So, within
24 our priority groups, recognizing that this is a
25 Herculean task for schools and it is a new task,

2 right, and one that we are really grateful to have
3 the resources to be able to do. We centrally pull
4 data on the number of children that showed little to
5 no progress with regard to their IEP goals and, as
6 you know so well, Chair, our IEP goals are the driver
7 of instruction for students with IEP. And so, if it
8 is student showed little to no progress made during
9 the pandemic, then we pulled back student and
10 identified that student for the school and we sent
11 individualized school level reports to every
12 principal saying that these students are about
13 priority group 1 and use schools know these students
14 and their families know them better than anyone.
15 Please tell us if there is something-- if we are
16 right here that there has been little to no progress
17 or is there an update that needs to be made? Does
18 this child belong in priority group one? And we then
19 sent a second batch of data, a second report for
20 priority group to which outlined students, as I said
21 in my testimony, that had any red flags situation
22 that could have been of concern. For example, was
23 the student in temporary housing? Did they have an
24 attendance rate that was less than 90percent? Are
25 they a bilingual special education student? Did they

2 have a special education teacher in place? These are
3 all questions that we put into group two. In
4 priority group 2. And then we sent that report to
5 our schools inside, schools, feel free to prioritize
6 or make adjustments to this based on what you know
7 and what you see about these children, but we are
8 seeing this centrally as being reflective of great
9 need. And then, priority group 3 is all of our
10 kindergartners and in the, everyone else to get us to
11 100percent. And although these priority groups, you
12 know, are groups that we have identified and schools
13 to make decisions about and given them a roadmap as
14 to where we think schools start, the goal here is
15 100percent and every child is included in this
16 initiative. We just asked schools to start with our
17 services for students with the most urgent needs
18 based on what we are seeing and asked schools to
19 figure out based on that data if they agree with that
20 report and, if so, please start those students as
21 soon as possible so that they can begin receiving
22 those additional recoveries services.

23 CHAIRPERSON TREYGER: caps, I appreciate
24 that answer, Ms. Foti. And you mentioned, according

2 to your latest data, 500 schools have begun the
3 program. Is that correct?

4 CHRISTINA FOTI: Yes, Chair.

5 CHAIRPERSON TREYGER: And, are you
6 keeping tabs on all these programs-- I'm sorry. 500
7 schools. Are they in person? Are they remote? Can
8 you give some data on that?

9 CHRISTINA FOTI: Yeah. We are keeping
10 tabs on that. And the vast majority of our programs
11 are going to be blended. So, in person part-time and
12 remotely for supplemental services. Then I will ask
13 my team to see if we have that number for the 500
14 that I just cited, but everything that we are seeing
15 points in the direction of most often schools are
16 choosing to implement a blended approach to these
17 services.

18 CHAIRPERSON TREYGER: Did someone from
19 your team want to follow up on that or--?

20 CHRISTINA FOTI: They are pulling-- I
21 think they're looking at it now, folks, in terms of
22 exact number, but it's either the vast majority of
23 the schools on a blended or in person and if folks
24 can find the number of remote, pull the number of

2 remote, I will certainly share that with you as soon
3 as possible.

4 CHAIRPERSON TREYGER: And, are you
5 keeping track at central level of which students
6 actually receive recoveries services and which
7 services they received, not just what the plans say,
8 but actual receipt of services?

9 CHRISTINA FOTI: Yes, Chair. We're going
10 to be tracking that through Stars through the
11 instructional component of this. So, for students
12 receiving interventions, we're going to track that in
13 Stars and we are going to be tracking the receipt of
14 related services through Recovery Related Services in
15 our Encounter attendance system.

16 CHAIRPERSON TREYGER: Have they begun
17 interning any information into Stars?

18 CHRISTINA FOTI: They have, sir. And,
19 yes. They have in terms of that information I don't
20 have that today.

21 CHAIRPERSON TREYGER: Because I was going
22 ask you many kids have been entered into Stars. That
23 can give us some indication of how many kids are
24 beginning to get these services. Do you have that
25 information with you or someone?

2 CHRISTINA FOTI: Not today, sir.

3 CHAIRPERSON TREYGER: I have just a
4 couple here and then I am going to turn to the scene
5 very quickly and then I am going to turn to my
6 colleagues. The committee has heard directly from
7 parents and advocates on how little information they
8 have received from the DOT with respect to what
9 specific recoveries services will be provided and key
10 details about the transportation. Every single
11 hearing we have had during the pandemic, we have
12 heard over and over from the DOE that communication
13 will be better moving forward and, yet, here we are
14 again in many of-- in the same position. Why do we
15 continue to hear from families that they are not
16 getting this information about what specific services
17 are being offered and on the issue of transportation?

18 CHRISTINA FOTI: Sure. I will begin with
19 communication and then I will hand it to my
20 colleague, Kevin Moran, for transportation. In
21 September, we sent out a message in NIXA [sp?] in the
22 student's home language a letter indicating that a
23 child or a student was entitled to recoveries
24 services and, in that letter, we indicated that
25 families could certainly reach out to schools, but

2 that that outreach wasn't necessarily on family.
3 That we would be asking schools to reach out to
4 families to discuss these services. And, as I
5 mentioned, Chair, we are conducting that outreach to
6 families. And given the individualized nature of
7 this, both on the student level and on the school
8 level, we think it is important that the teachers and
9 schools have the time to have a meaningful
10 conversation and, as a result, we have carved out
11 time for every teacher or provider making the call to
12 the family and we've ensured, and negotiated with
13 UFT, two hours of time so that these plans can be
14 thoughtfully constructed and that families
15 meaningfully contacted and that there would be a real
16 conversation about what is going to work for the
17 child and what is not going to work and what is going
18 to work for the family. And with regard to blessing,
19 handed over to my colleague, Kevin Moran.

20 KEVIN MORAN: Hello, committee and, thank
21 you, Chair Treyger. At the top of this, like to
22 start by thanking you in the Council at large for the
23 passage of local wall 32, 33, and 34 in 2018, as you
24 may remember, I joined the effort after 20 years of
25 education, to support transportation and those local

2 laws help to bring about transparency and a roadmap
3 for student busing going forward. Delighted to say
4 that here today we are doing very much what we set
5 out to two in our modernization and bringing on our
6 Via GPS project which we will be rolling out
7 throughout this year and ultimately all of the public
8 reporting that parents and schools deserve.
9 Additionally, this year-- and it was years in the
10 working and just very recently, we have no change the
11 way we service schools and communities in creating a
12 city affiliated not-for-profit and [inaudible
13 00:56:00] bus to learn lessons about the bus industry
14 and how to better serve families. And so, from an
15 transportation aspect this fall, we very much focused
16 on service improvements and certainly with special
17 education, reducing time travelled. I just want to
18 give over-the-top how we are doing on transportation
19 as it relates to the school year. We services
20 116,571 general education students and 49,590 IEP
21 students. On those routes, it's 5,740 routes for
22 special education and 2,433 routes for general
23 education. So we have 8,173 routes running currently
24 and we are very much excited to be a part of the
25 recovery program. I think the extended registration

2 deadline to 12/6 give schools and families the
3 opportunity to prescribe the most appropriate service
4 delivery model for the families and we are very much
5 excited to have in person, as an available option,
6 once we get the data and register and create the
7 route. And we will be in contact with schools and
8 families as soon as possible. And, Chair Treyger, as
9 you know as former self contained classroom teacher
10 and supervisor of after school programs, I know how
11 valuable this is for students and families. As the
12 husband to a District 75 guidance counselor, these
13 are not conversations I have just professionally. I
14 have this personal and profession commitment to all
15 of our students. And as a father of two students in
16 the public school system, I take my job very
17 seriously. I hold my team and myself to the highest
18 levels of accountability. We will be delivering
19 service for students and families that they deserve
20 and all these necessary to participate int the
21 recovery program. So, more to come from us on
22 deadlines, but on 12/6 we take a snapshot of the data
23 and who needs to participate when. We will create
24 routes and get back to schools and families have
25 asked as possible. Thank you.

2 CHAIRPERSON TREYGER: So, Kevin, just to
3 follow up on that-- and I, again, just want to say
4 for the record that I have found Kevin Moran to be
5 very responsive to my office at all hours of the day,
6 quite frankly. And this is not, again, a reflection
7 on him personally, but this is an area where we have
8 a lot of work to do and I think Kevin would agree
9 that there is a lot more work to do on
10 transportation. If you could clarify for the record
11 because there are folks and families who heard at our
12 recent meeting that there would not be transportation
13 provided in terms of the recovery programs and so
14 forth, can you clarify that on the record about will
15 there be transportation services? What will look
16 like and when will it start?

17 KEVIN MORAN: Yes. There will be
18 transportation services provided. We followed up on
19 that and we kept a transcript of the meeting and kind
20 of clarified kind of potentially where the disconnect
21 was. For us, we're going to do, as I mentioned, for
22 routing, we are currently, as I mentioned, running
23 over 8000 routes. So, when the school dismisses at 3
24 o'clock, we're going to have to set another set of
25 routes for 5:30. We are taking that data snapshot on

2 the 6th of December. We will take that data set and
3 then get it to our routing team. Once we produce
4 those routes, we will be offering into our companies
5 and, ultimately, then informing families when it will
6 start. So, I don't want to give you a firm deadline,
7 but what I would like to do is circle back with you
8 post 12/6 because then I can look at scale and scope
9 and give a more realistic estimate about when it can
10 start. But in earnest and as soon as possible.

11 CHAIRPERSON TREYGER: So, that
12 information almost kind of conflicts with what Ms.
13 Foti said just before. Just maybe help clarify for
14 me. Ms. Foti, you had mentioned that you are hoping
15 to get the rest of the schools up and running by the
16 end of this month. Was that correct?

17 CHRISTINA FOTI: Yes. Schools are going
18 to begin serving students in whatever form they can
19 begin serving students. And so, we are going to work
20 with Kevin and team to make alternative
21 transportation available in the way that best
22 supports the family. It may not be busing, but we
23 are certainly able to do Metro cards. We are also
24 providing a remote option for families that would
25 like to take us up on that offer, as well, for over a

2 services while busing gets in place. But we are
3 going to try to make-- and this is why the
4 individual conversations with families is so
5 important. We need to figure out what they need in
6 order to make recovery services work and are going to
7 be working individually with families to sort out the
8 logistics of what that particular family needs.

9 KEVIN MORAN: Yeah. And if I could add,
10 Chair Treyger, we are going to meet the schools and
11 families where they are. There are instances where
12 school buses arrive early to schools and we can do
13 things on morning programs of schools have accepted
14 that as a mode of service delivery doing a morning
15 service. That had come up in the earlier
16 conversation that you had referenced around what does
17 morning service look like. So, we will roll that
18 out. What we want to do is say, love, if there are
19 time and space where buses can get there a little
20 earlier and staff will be in please earlier, we will
21 absolutely participate in that and then we will
22 continue the registration process of where schools
23 are. We want to take one clean data shot right now
24 of who is participating and then do the city overlay
25 for the routing for the city of New York. So, on the

2 six, we began in earnest for the busing snapshots.
3 Anything before then we will work with schools and
4 families on options that are best available to
5 support.

6 CHAIRPERSON TREYGER: Right. But, Ms.
7 Foti, if the IEP states that they need
8 transportation, this is a program really designed for
9 children with special needs to make sure that we
10 account for the impact that this has had on them.
11 What we just heard from Kevin Moran is that, in many
12 cases, there will not be a bus service available for
13 these kids by the end of the month when you are
14 expecting schools to get this underway. I'm talking
15 about bus service.

16 CHRISTINA FOTI: Yeah. Chair, this is,
17 you know, ideally, of course, we would want to be
18 saying, absolutely. Services are fully emplaced.
19 Again, from the start of this, we have always said
20 that services would begin between November and
21 January for students and, while we share the urgency
22 for this to be gay in as soon as possible--

23 CHAIRPERSON TREYGER: But, Ms. Foti. Ms.
24 Foti, respectfully, that is not when school began for
25 kids and I also have to say -- and I'm not saying

2 you or Kevin-- but I also have to say that there has
3 been mixed signals from this administration when
4 others have pressed the issue of whether there is a
5 flash driver shortage, whether there is an issue with
6 companies, folks at the top have been trying to
7 sugarcoat this, but, clearly, we have a problem then
8 I am concerned. We just learned that the majority of
9 schools have not started the recovery program. We
10 still don't have a number of kids who are currently
11 being serviced by this program and now we are hearing
12 that bus transportation is going to extend, likely--
13 and Kevin, based by my history, if you get the
14 information by early December, the way it works in
15 August for the regular school year, it takes a couple
16 weeks for things to process, routes to develop, they
17 do test run so on and so forth. So, realistically,
18 when will these routes begin? January?

19 KEVIN MORAN: Yeah. I hear what you are
20 saying. I think, in fairness to the program and the
21 service delivery model in terms of assessing student
22 progress where they are and working with schools on
23 individual plans and the fact that we at the moment
24 said schools need more time to plan and, therefore,
25 we moved the deadline out and introduced various

2 models by which the service could be delivered,
3 albeit a remote setting within the school day, but
4 this allowed opportunities for further discussion.
5 And so, this was to get it right for schools and
6 families. This was based upon feedback from the
7 field from principals and families about, listen. I
8 need more options available to me. And so, that
9 deadline was sent and so, we actually have a deadline
10 of 12/6. It has been clear. And, to Christina's
11 point, we have said November. You know, we would
12 begin process in November, December, January. These
13 programs will be going throughout the year on an
14 iterative process and in phases and in tears. In
15 sum, we are ready now with multiple modalities to
16 deliver this service, one being in person until 5:30.
17 We will take that snapshot, as I promised you, on the
18 12/6 deadline. We will do this as fast as we can for
19 kids and families. And there are also other options.
20 We will work with schools and families to give them
21 in the meantime if they want to join the service in a
22 non-remote in person fashion after school. And I do
23 want to address one thing. You mentioned about
24 driver shortage is. We are running 8173 routes per
25 day. On any given moment, we can say absences

2 attributed to typical sickness, we could see a
3 retirement, we could see COVID quarantine. We are
4 currently only seeing 560 routes in a scenario by
5 which a school bus company had to either double up
6 the route or put a substitute on. You know, every
7 bus company carries a 10percent substitute rate. We
8 do not want substitutes, necessarily, as the solution
9 here. We have used it to get us by, but we
10 absolutely running at full capacity delivery for our
11 students. School bus company drivers have on 300--
12 nearly 300 new, so we work with them. We certainly
13 would like to do more. Reduce travel time is our
14 focus. Ultimate which is very popular from our
15 feedback from the CCE-- CCSE meetings. So, we like
16 to do things like that, but our full focus now is on
17 recovery. Once we get that data, you have my
18 commitment to the meeting post 12/6. I can give you
19 the data snapshot of who would like evening and in
20 person service, how many routes would that be, what
21 would that timeline be like. Once I have that data,
22 I would sincerely give you a concrete deadline.

23 CHAIRPERSON TREYGER: And, Kevin, will
24 bus surveys be provided for students in temporary
25 housing and children in foster care?

2 KEVIN MORAN: Absolutely. Right now, we
3 are busing 564 students that reside within a DHS
4 shelter. 1361 that reside in an on DHS shelter. I
5 have spoken with Commissioner Banks at the beginning
6 of the year. We have had no escalations and no
7 problems serving students in temporary housing, so
8 that effort will continue. Students eligible--

9 CHAIRPERSON TREYGER: And to be clear--
10 Kevin, to be clear, students who are in temporary
11 housing or foster care without IEP's?

12 KEVIN MORAN: So, I will look at that.
13 I'll see if that number exists in who needs that
14 support. But, absolutely any IEP--

15 CHAIRPERSON TREYGER: That number exists,
16 Kevin.

17 KEVIN MORAN: Yeah. The students
18 participating in the program. So, to be fair, I
19 haven't seen that yet. But I can tell you now is
20 every IEP mandated kid gets that service. Every kid
21 K to six gets that service. If you're asking if I
22 could do after school for a non-IEP student that gets
23 a bus at three data set I will get back to you.
24 Absolutely.

2 CHAIRPERSON TREYGER: Okay. I have some
3 additional items, but I know some of my colleagues
4 have been very patient and I want to turn to them.
5 Also, I just want to know that we have been joined by
6 Council member Rose and Council member Ampry-Samuel.
7 Then I will turn to the moderator. I don't know if
8 Council member Riley-- I see your hand up.

9 MODERATOR: Yes. Thank you, Chair
10 Treyger. Council member Riley, you can begin after--
11 after Council member Riley, we will go on to Council
12 member Dinowitz. I just also real quick would like
13 to remind all the Council members that now is the
14 time to use the hand raise function if you do have
15 questions. Thank you. Counsel member Riley?

16 SERGEANT-AT-ARMS: Time starts now.

17 COUNCIL MEMBER RILEY: Thank you, counsel.
18 Thank you, Chair Treyger, for your continuous
19 advocacy for our students in New York City. I have
20 been in and out of different zoom meetings this
21 morning, so apologize if I am going ask a question
22 that was already answered. That to talk about some
23 of our students who are in special needs or who have
24 IEP's, I did hear Kevin speak about some of the
25 programming that you guys have like afterschool

2 programs and things of that nature for these
3 students. I have many parents in my district to our
4 not cognizant of these programs. I just want to kind
5 of know the marketing and what kind of programs do
6 you actually offer? And, for the record, because I
7 do it every education hearing, I am going to strongly
8 advocate for a remote learning and again because we
9 have a lot of parents in our community who are dying
10 in need of remote learning because they should do not
11 feel safe bringing their students back to school.
12 So, I just wanted to put that plug out there. But I
13 just wanted to kind of focus on the programming and
14 what programs are out there, what marketing is there
15 for periods enforce these programs, and if we could
16 do anything in the Council took, you know, extend
17 these programs for make more programs, because we do
18 have a lot of students within our communities--
19 scholars in our communities that could benefit from
20 these. Thank you.

21 CHRISTINA FOTI: Council member Riley,
22 it's always so nice to see you and we always
23 appreciate the spirit of partnership you show up in,
24 so thank you. We are actually in the process of
25 working with FACE to develop marketing materials for

2 recovery services and is soon as we have those ready,
3 Council member, we will share them with all of you so
4 that you could help us get the word out and have that
5 information on hand for you and your staff, as well.

6 COUNCIL MEMBER RILEY: Okay. Great.
7 Great. Thank you. And, please, if you definitely
8 need any assistance with the marketing on how to kind
9 of get it out there, please contact us. We know how
10 to get this message out to our constituents and our
11 neighbors, so I think it is very imperative because
12 every time I go to school, I am, again, approached by
13 a parent who are unaware of these programs. And so,
14 if there is any way we could kind of help out and
15 collaborate together, please do. And I just want to
16 shout out one of my constituents who I see here,
17 Brother Thomas Sheppard, who is also A. Advocate
18 does a lot for our communities. Thank you, Chair
19 Treyger, and thank you to the DOE for your testimony.

20 CHRISTINA FOTI: Thank you, Council
21 member.

22 MODERATOR: Thank you, Council member
23 Riley. Next, we will hear from Council member
24 Dinowitz.

25 SERGEANT-AT-ARMS: Time starts now.

2 COUNCIL MEMBER DINOWITZ: Thank you.

3 Good morning, everyone. First, I want to thank you,
4 Chair Treyger, for, you know, having this hearing and
5 for your advocacy and to the DOE for the work you
6 have done to create vaccine sites and that you will
7 be coming back to the schools in a few weeks to
8 administer the second shot. I know it is a big
9 undertaking, but it is vital that we get all of
10 Arkansas vaccinated. I also, before I get started on
11 my questions, want to echo Council member Riley's
12 sentiments that if there is any help miles this can
13 do or we can do and ensuring our parents and our
14 families know about programs available to them, I
15 want to make sure, you know, we have working partners
16 in this Council office and many other Council
17 offices. It is vital that our children get what they
18 need. So, the as everyone knows, for over a year,
19 students missed out on in person academic learning,
20 social emotional learning, and, as students return,
21 students are still bringing the scars of the lockdown
22 and the fear of bringing COVID all their grandparents
23 were of contracting COVID. Have you seen or have we
24 seen an increase in the number of IEP referrals or
25 number of services required as IEP's are amended as a

2 result of students being home for so long or facing
3 those emotional needs?

4 CHRISTINA FOTI: For this, I'm going to
5 invite my colleague, Don Hammer, to talk about
6 referral rates and evaluations which are, of course,
7 critical to the IEP process.

8 DONALD HAMMER: Council member Dinowitz,
9 thank you so much for the question. And, Christina,
10 thanks for the opportunity to speak today. All of
11 the academic recovery effort then, in particular,
12 special education recoveries services program that we
13 are speaking about today is very much designed to
14 provide the additional specialized instruction and
15 services to allow students to continue to thrive, you
16 know, in their return to learning this year.
17 Absolutely are evaluation processes remain intact.
18 We are seeing our initial reevaluation rates become
19 more aligned the pre-pandemic numbers come to your
20 specific question. Have increased, you know, beyond
21 where we were during the pandemic last year.

22 COUNCIL MEMBER DINOWITZ: So, the
23 referral rates have increased?

24 DONALD HAMMER: From blended in remote
25 learning last year, they have.

2 COUNCIL MEMBER DINOWITZ: Right. And
3 predictably, right?

4 DONALD HAMMER: Right.

5 COUNCIL MEMBER DINOWITZ: And do you
6 know by how much they have increased?

7 DONALD HAMMER: They have come more in
8 line to pre-pandemic numbers. Not quite exactly
9 where were pre-pandemic, but over the first couple of
10 months, we are pretty much aligned to where we were
11 pre-pandemic.

12 COUNCIL MEMBER DINOWITZ: And have you
13 seen an increase in the number of services required
14 for students who already have IEP's?

15 DONALD HAMMER: I think, generally, we
16 are seeing services that are recommended aligned
17 aware things were in pre-pandemic. We can look
18 specifically and provide specific numbers on rates to
19 special class and we can definitely look at that and
20 provide that after the hearing, but, generally,
21 students continue to be recommended to receive
22 services in inclusive settings and the supports that
23 are being provided to them will meet their needs.

24 COUNCIL MEMBER DINOWITZ: Am. I really
25 value that data. I know it is very easy to get off

2 SEESUS [sp?], The Excel spreadsheet. So, very
3 interested to know and very surprised to see that
4 services-- although kids we acknowledge, students
5 need more and more, that services are increasing in
6 line. But that and I'm interested in seeing that
7 data. I want to talk about teachers for second
8 because, you know, in order to meet the needs of our
9 children, we need to meet the needs of our teachers.
10 I'm just a pain of picture, imagine a life as a
11 special education teacher before the pandemic. I'll
12 take a high school because that is what I did. You
13 know, we are teaching multiple preps with multiple
14 teachers in addressing the needs of the highest need
15 learners in the building. Dozens of individualized
16 education plans per year and collecting documents,
17 holding meetings, and all of that is in addition to
18 regular staff meetings, regular assignments, the
19 light lunch duty, like tutoring. This is during the
20 day. Now, we have added on top of that teachers
21 conduct an the [inaudible 01:14:55]. It's 43
22 questions. The special education recoveries services
23 forms, new plans and education plans for students who
24 may have contracting COVID, and so we are piling more
25 and more on our special education teachers. So, how

2 many special education teachers have left of the
3 system since the school year began or since COVID
4 began?

5 SERGEANT-AT-ARMS: Time expired.

6 CHRISTINA FOTI: I certainly, Council
7 member, all of us understand and appreciate the job
8 of our special educators and they are just phenomenal
9 and we certainly understand and are cognizant of the
10 workload that has been on them. And we're doing all
11 we can to support them, including trying to provide
12 additional time and compensation for the special
13 education and related services that we are asking
14 them to do. With regard to numbers and staffing, I
15 turn it over to Chief Administrative Officer Lauren
16 Siciliano.

17 COUNCIL MEMBER DINOWITZ: She's muted.
18 If we could--

19 LAUREN SICILIANO: Thank you for muting me.
20 I absolutely echo everything that Christina shared
21 about how important our special educators are. In
22 terms of retirements and resignations, I don't have a
23 special education specific number, but what I can
24 share and do now is that retirements and resignations
25 for this school year are largely in line with where

2 they were pre-pandemic. So, for the school year
3 immediately prior to the pandemic. We have discussed
4 that, with the Council forward, that last school year
5 we saw overall reduction in retirement and
6 resignations compared to what had been our norm. We
7 are now in line with pre-pandemic levels. What I
8 will also share is that, in the lead up to this
9 school year, we did hire over 5500 additional
10 teachers and nearly 2000 of those teachers were
11 special educators.

12 COUNCIL MEMBER DINOWITZ: In the 2000
13 special educators, was that just filling the gap or
14 was that additional special education teachers above
15 and beyond what it was before? Because, as I
16 highlighted, the workload, especially of our special
17 education teachers, is drastically increasing.

18 LAUREN SICILIANO: Yes. It would be a mix
19 of both.

20 COUNCIL MEMBER DINOWITZ: Okay. So, how
21 many additional special education teachers have been
22 hired? The net gain.

23 LAUREN SICILIANO: Yeah. I understand what
24 you're asking.

25 COUNCIL MEMBER DINOWITZ: Okay. Okay.

2 LAUREN SICILIANO: What I don't know in
3 this moment is I don't have a breakout of the
4 retirements and resignations by title, but what I do
5 want to. Sizes, in addition to the 2000, our work
6 doesn't stop there. We continue to hire throughout
7 the year and add to our special education capacity
8 through a few critical programs. One, leading up to
9 the start of the school year, we were able to
10 significantly expand our DOE run alternative
11 certification pipeline programs for teachers that
12 focus on high need areas, including special
13 education. Those programs had dipped to about 500
14 participants pre-pandemic and, for the school year,
15 we were able to more than double that to over 1000.
16 In addition, DOE offers loan forgiveness and
17 subsidized tuition for candidates who-- teacher
18 candidates in these high need titles, as well as for
19 extension or additional certification programs for
20 existing staff to get there special education
21 certificate. And then, this fall, we launched in in
22 year teacher pipeline programs so that qualified
23 candidates are able to enter a teacher education
24 program midyear to be able to grow that cohort. So,
25 I don't want it to seem that the work that we did

2 leading up to September, that the work stops there.

3 It absolutely does not. We are continuing to expand
4 our special education teacher capacity in order to
5 grow the special education teachers.

6 COUNCIL MEMBER DINOWITZ: Okay. So,
7 just to understand, you know, from what I am hearing
8 from teachers and families is that these numbers--
9 and, by the way, the programs of the accelerated
10 certifications and loan forgiveness, those are good
11 programs and I support those as ways to, you know,
12 bring more into the teaching profession, but the
13 numbers you are saying don't reflect the realities
14 that exist as a special education teacher. When more
15 and more is being piled on their plate, it's not
16 being met by more human support and, you know, the
17 extra time to provide and that is being provided to
18 teachers or the extra, I guess, compensation being
19 provided to teachers, Anna, money is nice, but sanity
20 is better and I think teachers, especially special-
21 education teachers would deeply appreciate more human
22 support. There is only so much money you could throw
23 at something, right? We understand that money is
24 there, but that is not enough. We need to bring more
25 teachers on and reduce the workload because, again,

2 the numbers that you are sharing don't align with
3 what I am hearing from my schools in my teachers and
4 it is becoming an unsustainable model. It's not
5 enough to forgive loans for teachers. The profession
6 is becoming an undesirable one and an unsustainable
7 one for those in the system and my last question is
8 just about the schools that have done these programs.
9 You said 500 schools have begun these weekend
10 afterschool programs. And when you say begun the
11 program, are those fully staffed programs that are
12 meeting the need that are fully staffed that are
13 meeting the needs of all of the students or are those
14 just 500 programs that have commenced in some
15 capacity?

16 CHRISTINA FOTI: There 500 programs that
17 have commenced in some capacity. And I just want to
18 reiterate that we have always envisioned these
19 services, recognizing everything you just said,
20 Council member, about the amount that is on
21 everyone's plate right now that not everything was
22 going to happen all at once. And, hence our priority
23 groups of students and wanting to make sure that
24 services begin for the students that need the most
25 support. And so, we have asked for schools to begin

2 those services and then to continue iteratively-- on
3 a rolling basis continue to add more students to the
4 program, hire more staff as needed. And, as we
5 discussed, students are really being looked at not for
6 the intensity and the amount of service that they
7 need and this extra help that these services provide.

8 COUNCIL MEMBER DINOWITZ: Okay. I'll
9 leave it with two comments. One news I sure hope
10 resignations or teacher burnout as much as I was
11 hoping you would anticipate all of the work that
12 needs to be done and I think, in May, when schools
13 were announced, that they were reopening, I'm really
14 hoping that we start planning more in advance and
15 that we recognize that. And, also, just a little,
16 you know, verbiage, I keep hearing the DOE saying we.
17 We are doing this. We are doing outreach to parents.
18 I just hope that that language changes a bit because
19 the reality is that it is not we. It is our teachers
20 and our special education teachers. And I know we
21 are all part of the same team, but I really hope it
22 would be more explicit, you know, about really
23 recognizing that our teachers are going above and
24 beyond and doing an immense amount of work, so much
25 more than they ever thought they would for our

2 children. So, I hope that you all recognize that and
3 reflect that in the words you use. And I will turn
4 it back to Chair Treyger. Thank you very much.

5 CHAIRPERSON TREYGER: Thank you, Council
6 member. You know, and to kind of drive the point
7 farther up the-- I appreciate the Council member
8 questions about the program starting in some capacity
9 versus fully starting and, again, many schools have
10 not started in any capacity. This is what we talk
11 about when we talk about equity. You know, the Mayor
12 and the administration was so focused on just trying
13 to get something open that we did not center this
14 student population, historically, quite frankly, to
15 this day, is still being shortchanged in many ways.
16 Last year, my office with colleagues in the Council,
17 we issued a proposal report on a phased to reopening
18 centering this student population and others because--
19 - for in-person services because we understood that
20 certain kids have much greater need than others. But
21 here the focus, again, was go on national TV to say,
22 look, the largest school district in America is open
23 in person. Everything is great. All good New York.
24 But, to this day, we have thousands of kids. I don't
25 even have a number of kids, but thousands of kids

2 still not receiving critical services which they are
3 entitled to. That is nothing to be proud of. We
4 have a lot of work to do on that. I have a question
5 about preschool special education. Also, I just want
6 to note that we have been joined by Council member
7 Rosenthal. Thank you and just very quickly I want to
8 ask this. I see Deputy Chancellor Wallack with us.
9 As part of its work every plan, the city is using
10 funding to provide an enhanced contract to preschool
11 special education programs to help address critical
12 need. This solicitation preview for the enhanced
13 contract notes that the DOE hopes-- quote hopes--
14 to create a pathway to high salaries for staff, but
15 is not make any commitment to this salary parity for
16 teachers or staff at preschool or special education
17 programs. Also, we've been joined by Council member
18 Borelli. I just want to note that for the record,
19 too. Salary increases took effect for all other
20 childhood-- early childhood teachers and DOE
21 contracted programs last month. Why is there no
22 commitment to providing salaries on our with their
23 DOE counterparts to teachers at DOE contracted
24 preschool special education programs who work with
25 young children who have the most intensive needs?

2 And please do not tell me money is the issue. We are
3 in receipt of billions and billions of education
4 dollars. I look forward to this answer.

5 DEPUTY CHANCELLOR WALLACK: Thank you,
6 Chair Treyger, and other members and thanks for
7 having us here today. I want to begin just by
8 saying-- very quickly to the plain answer to your
9 question. We're excited about this solicitation and
10 about the investment that we are going to make in
11 building the capacity of our partner in preschool
12 special education, namely what we call the state
13 approved nonpublic 4410 organization. And we do plan
14 to build even stronger partnerships with these
15 organizations by bringing them into this sort of the
16 3K and pre-k programs full stop in providing them
17 with the supports that all of our programs receive.
18 And, as you pointed out-- and I'm getting to the
19 answer now. Creating a pathway to higher salaries.
20 The reason we-- and we went through a similar
21 process when we read in our overall early childhood
22 program. We will go out with a solicitation. We
23 will ask programs what it is that they need to
24 provide a high-quality program. In keeping with our
25 process, we don't make commitments ahead of time

2 before we know what they will cost and we go through
3 a procurement process and, I think-- So, that is the
4 reason. It is a process related answer, but also a
5 way of ensuring that we are getting good, accurate
6 information from all of those providers and making
7 our decisions with all of that information in hand.
8 That's part of a request for proposals in a request
9 for information does. And when we have that
10 information at hand, I think we share the goal of
11 making sure that all of these educators are
12 compensated for the incredible work that they do and
13 in a fair and equitable way. Come back, as you said,
14 that is the reason why we are not committing full
15 stop to a certain result ahead of a solicitation and
16 a request for information. We are going to go
17 through that process in a fair way as we did with the
18 rest of the system.

19 CHAIRPERSON TREYGER: So, Deputy
20 Chancellor, when I said a pathway, I'm using DOE's
21 language. Those are not my words.

22 DEPUTY CHANCELLOR WALLACK: That's right.
23 A pathway to higher salaries. Correct.

24 CHAIRPERSON TREYGER: Wyatt the higher
25 salaries I now? Historically, the answer been given

2 his money. That cannot be an excuse anymore because
3 we are in receipt of billions of dollars and, quite
4 frankly, much more will be on the way if Congress
5 passes the second round of aid to New York which will
6 be the early childhood education, as well, which will
7 free up even more dollars for New York, which-- but
8 I'm not even counting that. We already have billions
9 from Washington, a lot of money from the state. Wise
10 and their pay parity agreement struck now with 4410
11 teachers?

12 DEPUTY CHANCELLOR WALLACK: Yeah. So,
13 I'll just say that things your advocacy and the
14 advocacy of other members on this call, you know, we
15 move forward in the last budget within agreement to
16 make this partnership stronger and resources to and
17 we really used to a concept paper, again, as we will
18 be getting to that process. We feel the same sense
19 of urgency you do and our team has been hard at work
20 preparing the next step of this process and, you
21 know, we hope to have news on that very, very
22 shortly. But the answer is, you know, we're moving
23 as fast as we can implant to release something soon
24 and then move forward as fast as we can get the new
25 partnerships in place. And I hope you write about

2 additional resources because we really do share the
3 goal of making sure that these educators are
4 compensated for the work they're doing in a fair way.

5 CHAIRPERSON TREYGER: Yeah. I mean,
6 there's money. There's no denying it. There is
7 money. I am on the budget negotiations team and my
8 other colleagues, Council member Rosenthal, as well.
9 There is money. They're just really is no excuse at
10 this point to get this done and, again-- and I know
11 people care about this, but it has to be said. Every
12 day a kid missing instruction, they can't get that
13 back and I think the issue here is just better pay
14 for staff and better pay for educators. And I also
15 want to say with regards to the staffing issues
16 plaguing, you know, our K to 12 in terms of the
17 recovery program, I'll be very blunt about it. Is
18 the administration considering increasing pay for
19 educators and staff to work and after school and
20 Saturday programs?

21 CHRISTINA FOTI: There is one. I mean,
22 Chair, we hear everything you're saying. I mean,
23 Lauren, I don't know if you want to jump in here or--
24 okay. She needs to be unmuted.

2 LAUREN SICILIANO: Thank you. Thank you
3 for the question. Right now, as Christina has
4 outlined, schools are contacting families to
5 understand what services are needed and work with the
6 families to plan out those services. Together with
7 the multiple models that Christina outlined earlier
8 in terms of the different ways that the services can
9 be delivered and including the different staffing
10 strategies. So, at this point, of course for work
11 after hours, there is, of course, additional pay that
12 comes from that and we have, as I said, continued
13 other programs and expanded programs that incentivize
14 additional individuals to become teachers and support
15 our students. So, the incentives that we've done so
16 far have really been focused on growing our teacher
17 pool and the pool of eligible substitutes. And then,
18 for the afterschool services or Saturday services,
19 there is, of course, there is additional pay that
20 comes from delivering those services.

21 CHAIRPERSON TREYGER: So, but Lauren,
22 just to answer my question, is the administration
23 considering increasing pay for staff? I know you pay
24 per session. That is not my question. Are you
25 considering increasing pay which staff gets to work

2 so we could address this very severe and serious
3 having issues plaguing our schools?

4 LAUREN SICILIANO: I, of course, never want
5 to take anything off the table because all of this
6 changes in real time. That is not been an area of
7 focus so far.

8 CHAIRPERSON TREYGER: And if your other
9 strategies are not working, what am I missing? What
10 is the contingency plan?

11 LAUREN SICILIANO: So right now, the--
12 it's not really a contingency plan, but they approach
13 that we have taken is to offer these multiple
14 different models that schools can use so that, based
15 on the needs of their students in the resources that
16 they have, they can best organize to meet those
17 needs. So, that is the approach that we have taken
18 news to offer multiple different ways that this can
19 be done so at a local level schools have the
20 flexibility to implement based on what works best for
21 them.

22 CHAIRPERSON TREYGER: But there are
23 certain kids that require certain services in person.
24 Is that correct?

25 LAUREN SICILIANO: That's correct.

2 CHAIRPERSON TREYGER: And what are we
3 doing what we don't have staff that is licensed in
4 that area to provide that service in person?

5 LAUREN SICILIANO: So, just in terms of the
6 cascade which, I think you know, Chair, but all just
7 share so others are aware, as well, if there is a
8 particular service where particular licenses needed
9 and that expertise is not available at the school
10 level, the school can come from a full-time staffing
11 perspective then go to the district level and open up
12 the posting there and then, just to take related
13 services as an example, if an occupational therapist
14 is needed, just as an example, and there isn't one
15 available in the school over the district, we do also
16 then have contracted providers who we work with to
17 deliver that service to make sure that the right
18 staff is delivering the service to those students.

19 CHAIRPERSON TREYGER: That's sounds to
20 me, Lauren, that we are again leading the budget to
21 find the services our kids receive rather than the
22 budget being shaped by the needs of our kids. But I
23 want to be mindful of my colleagues time. Council
24 member Rosenthal, I know that you have questions you
25 want to ask.

2 SERGEANT-AT-ARMS: Time starts now.

3 COUNCIL MEMBER ROSENTHAL: Thank you so
4 much, Chair Treyger, and, actually, just want to
5 follow up a little bit on your point and connected to
6 what Council member Dinowitz said just prior which is
7 the link between salaries and people leaving the
8 system in droves. I don't know if anyone listened
9 to, but I would urge you to listen to a wonderful New
10 York Times daily podcast from yesterday and the day
11 before on the state of education around the country.
12 There are many points you can take away from it, but
13 one is just how impossible it is for teachers and
14 educators and we have to acknowledge that and, you
15 know, Deputy Chancellor Wallack and everyone from the
16 DOE that is here right now, you know, this whole
17 situation is horrible. It's one horrible thing after
18 another. I know that you are trying the best he can,
19 but I also know how many students are truly suffering
20 from this and to pick up on Council member Treyger's
21 point-- I love the way you said it, some sort of
22 nervous to say it again, but don't let the budget
23 drive the process. No. Don't let the budget drive
24 the outcome. Start with the needs and let the
25 needs drive the outcome. And if DOE-- well, you are

2 hamstrung because OMB is telling you there is no
3 money and OLR is telling you it has to be negotiated,
4 so you're not the ones who should be excoriated here.
5 But-- and I don't know how hard you're fighting for
6 it, but the salary parody is a no-brainer and has
7 been in the public discussion for at least five
8 years, so seeing them five years later you are now
9 maybe going to set up a process for maybe getting
10 somewhere, you have been put in an embarrassing
11 situation because I know that you know that without
12 salary parity, these nonprofits that provide the
13 services will continue to have a revolving door of
14 teachers who just want to get into work for DOE and
15 leave to work for DOE and who suffers as the child
16 who has four different teachers over the course of
17 the year. So, I really like the idea being much more
18 public about the ramifications of the failures here.
19 And, you know, I guess it's not a question, but just
20 to say, you know, you are in an impossible situation
21 defending the system that cannot be defended. I'm
22 happy for you to respond, but I guess that was a
23 speech.

24 DEPUTY CHANCELLOR WALLACK: I-- Oh.
25 Sorry.

2 COUNCIL MEMBER ROSENTHAL: Oh, no. No.
3 Please.

4 DEPUTY CHANCELLOR WALLACK: I don't want
5 to take up more time and I know it is limited, but I
6 do just want to say that I think that this
7 administration and we, as parts of it, have made
8 tremendous strides in preschool and special education
9 and in building new relationships and partnerships
10 with these organizations and I really need to hear
11 the urgency with which you and the Chair are
12 expressing and addressing this issue is overdue.
13 And, again, we share the sense of urgency and are
14 working very hard to get a solicitation out of the
15 door that will move us closer to addressing the
16 issues and I hear you that--

17 COUNCIL MEMBER ROSENTHAL: But, Deputy
18 Chancellor, does not require a solicitation. What do
19 they need? They need better salaries. What do they
20 need? A more comprehensive, you know, staffing
21 model. No one needs a solicitation to know that.
22 You're waiting to hear back from, you know,
23 nonprofits that have been telling you for three years
24 that they are drowning. I mean, you know, spoiler
25 alert: they needed more staff and they need higher

2 salaries. So, you know, why not right the
3 solicitation with the higher salaries and more robust
4 staffing model? I mean, it shows painful to this
5 hearing. I mean, it hurts. You know?

6 DEPUTY CHANCELLOR WALLACK: I hear you.

7 COUNCIL MEMBER ROSENTHAL: if OMB
8 understood how devastating it was, they would release
9 the money. It's just no one can defend the
10 indefensible. You know, writing an RFP--

11 SERGEANT-AT-ARMS: Time expired.

12 COUNCIL MEMBER ROSENTHAL: Okay. So,
13 here's my second question, Chair, that I really meant
14 to be asking about. Sorry. We passed a local law
15 2020 which requires DOE to release the first annual
16 report on special education settlement agreements by
17 November 1, 2020 and the second annual report by
18 November 1, 2021. So, the DOE has not published
19 either report. We don't know why or what stage of
20 the process each lawsuit is that and, therefore,
21 those with special education kids who already have to
22 mortgage their homes to get the money that is due
23 back to them, that amount of time is increasing and
24 the lack of transparency on it is also not-- you
25 know, I think the whole point of reporting is to get

2 us transparency so that everyone can jump in and try
3 to help, right? It's not transparency so, you know,
4 people can be mad. The point is that where are the
5 hiccups? And do we need more staffing? Because,
6 again, the consequences of the increase in time are
7 dire for these families. And so I do have a question
8 which is when do you foresee this report which was
9 the legal obligation on DOE to be release to the
10 public?

11 CHRISTINA FOTI: Thank you for the
12 question, Council member. We obviously want to meet
13 and satisfy the obligations that we have on this
14 front. Unfortunately, we seem to not be clear on the
15 report that you're referring to. So, if we could get
16 back to you unless one of my colleagues would like to
17 jump in with more clarification.

18 COUNCIL MEMBER ROSENTHAL: Goodness.
19 That's a frightening outcome. I think City Council
20 staff has been asking for this repeatedly, so let's,
21 you know-- I'll be honest here, but were talking
22 about local law 20 of 2020. I don't think there can
23 be any confusion on this given how long we negotiated
24 this bill and, you know, how much back-and-forth
25 conversation. It's very disheartening to hear that

2 you don't even know-- I mean, that tells me that we
3 ain't gonna see this report. And this is such a
4 simple transparency bill. The transparency bill
5 where all we are asking is whatever is on your
6 dashboard that you can see Beacon's, previously, you
7 have to check this stuff, that you make a public.
8 So, look, if you don't even know about the bill, then
9 that tells me your lack of interest. I don't know.

10 COUNCIL MEMBER ROSENTHAL: No, Council
11 member. Let me clarify. I just personally am not
12 involved in the bill, so I was inviting one of my
13 colleagues to clarify.

14 COUNCIL MEMBER ROSENTHAL: Okay. Anyone
15 here who can clarify?

16 CHRISTINA FOTI: Yes. And so, if they
17 can't-- so I didn't mean to confuse the issue.

18 LAUREN SICILIANO: Thank you. Apologies.
19 I was gesticulating to be unmuted. Will get back to
20 you on the timeline for the report. We are
21 absolutely aware of the report. I don't have the
22 specific timeline on hand, but we will get back to
23 you on the timeline for the report. Absolutely.

24 COUNCIL MEMBER ROSENTHAL: Yeah. That's
25 not a good enough answer. I'm really sorry to hear.

2 So, can I just ask if you were, you know, one to 100
3 percent done on being ready to publish the report,
4 are you at 80percent? Are you at 50? Do you not
5 know?

6 LAUREN SICILIANO: I personally don't know,
7 but I will see if I can find out for you before the
8 hearing wraps.

9 COUNCIL MEMBER ROSENTHAL: Before this
10 hearing wraps or before you leave the hearing? Is
11 this a phone call? An email? If you could take care
12 of it before the DOE leaves, that would be incredibly
13 helpful to the hundreds of parents who are devastated
14 by the length of time that it takes to get reimbursed
15 just to send their kids to a school that services
16 them appropriately because the DOE cannot meet their
17 needs. And it's been established and agreed to and
18 yet they have to go through a lawsuit to get
19 reimbursement. And, again, actually I remember when
20 I first came into office eight years ago that I was
21 assured that the system was being fixed and I
22 shouldn't submit a bill because the system was being
23 fixed and you were going to take care of it. So,
24 this is just a reporting bill. You know, it is the

2 reporting bill. So, are you texting with someone
3 right now?

4 LAUREN SICILIANO: Yes. I am texting with
5 someone and I do have some updated information for
6 you. I just to say, first, that we are absolutely
7 committed to continuing to improve this process. As
8 you mentioned, we have made some improvements over
9 the course of the administration and we know how
10 important it is for these issues to be heard them
11 resolved in a timely manner. So, we are absolutely
12 committed to doing that. I'm hearing back from my
13 colleagues that the report is about 75percent done,
14 so I will follow up on what we need to do to complete
15 the remainder of it, but will be able to get back to
16 shortly.

17 COUNCIL MEMBER ROSENTHAL: Can you make
18 an assurance to this committee that the bill will be
19 reported on before the end of Mayor DeBlasio's term?

20 LAUREN SICILIANO: Let me confirm with my
21 colleagues. I am not the one who pulls the raw data
22 for the report, so I just want to check on and make
23 sure all the ducks are in a row. I don't expect that
24 it will be an issue, but let me just triple check.

2 COUNCIL MEMBER ROSENTHAL: Right.

3 Because, again, all we are asking for is the report.

4 The report doesn't even mandate that you expedite.

5 So, I'm going to end. Thank you, Chair, for the

6 extra time, but, you, on behalf of all of the

7 families that are struggling, you know, I hope at

8 least the DOE stays on to hear what their testimony

9 when they come on because they are going to give you

10 both specific and systemic information that is

11 incredibly important and on the salary thing, just do

12 it. Just do it. If that's an executive decision,

13 just do it. I've worked at OMB. Just do it.

14 CHAIRPERSON TREYGER: I echo that,

15 Council member Rosenthal. Just do it because I don't

16 know a time again when you will be in receipt of so

17 much money that you are in right now. And, again,

18 this is time that our kids will never get back. And

19 council member Rosenthal hit a couple of notes that I

20 want to reemphasize and then we'll wrap up with the

21 administration here. I want to share with the public

22 what I hear from principals and school officials

23 almost on a daily basis these days about why we are

24 having some of the staffing issues that we are

25 hearing about today. We have a staffing crisis. I

2 wouldn't even call it in a shoe. We have a real
3 staffing emergency. Teachers are burned out. Staff
4 are burned out. They are burning now. Principals,
5 school leaders, they are burning out. Again, I sound
6 like a broken record here, but every single change,
7 every program, everything that has come out of City
8 Hall within the last two years, schools have had to
9 operationalize they are at the frontlines responsible
10 to make this work. Parents are feeling the brunt,
11 kids, obviously. It is all about the kids and they
12 are feeling the brunt. So, I do believe that raising
13 pay can go a long way. It's not going to be the
14 magic wand to solve everything, just to be clear, but
15 I do believe that raising pay for staff, particularly
16 in the moment that we are in, can go a long way to
17 help some of these items and issues. I also feel
18 that parents and families who have been traumatized
19 and read traumatized not just by the pandemic, but by
20 the government poured decision-making, they're
21 reluctant to trust the government to keep their kids
22 and families safe. Staff also reports to principals
23 that, hey, I don't feel like the city cares about my
24 health, cares about my safety. We have had
25 colleagues died. You can't just erase that. That

2 does not get a raise to buy a tweet or by a cable
3 show appearance at 7 AM. That is surreal. So, I
4 really think that we need to immediately go back to
5 the drawing board, make some substantial changes
6 here. Number one, we need to increase pay and we
7 need to resolve the special education preschool issue
8 once and for all. We need to increase pay for staff
9 for the recovery programs Saturday and afterschool.
10 I appreciate the fact that we are thinking
11 innovatively about trying to increase the pay for
12 staff, as well. I think we need to double down on
13 communication efforts for families, particularly our
14 multilingual families who still, many times, have to
15 lie on different parties. I mean, quite frankly, we
16 have community-based organizations that I still feel
17 are not tapped into and local parent groups are not
18 tapped into to kind of help get the word out. But I
19 want people to know that it was a local cornerstone
20 program in my district that helped families sign up
21 for tablets last year. It wasn't the DOE. It was a
22 local nonprofit operating an after school program out
23 of a NYCHA community center that helped my families
24 get tablets. Just for the record. So, could we get
25 a commitment that we could get a report back on our

2 request? Deputy Chancellor, you mentioned that, at
3 some point soon, there will be a decision made
4 about-- did you say a decision made about pay parity
5 or a decision-- can you just clarify what you said
6 is pending soon? Can we unmute Deputy Chancellor
7 Wallack, please?

8 DEPUTY CHANCELLOR WALLACK: Thanks, Chair
9 Treyger. We anticipate that the solicitation will go
10 out soon and then we will need some time to look at
11 the responses and respond on that income back on that
12 bases. But it will happen in a short period of time.
13 But that is what I was referring to is that we hope
14 to get that out in the world very shortly.

15 CHAIRPERSON TREYGER: I just want to note
16 for the record that this Council really tried very
17 hard. We tried very hard to resolve this issue once
18 and for all in the budget process. There is no
19 excuses. We have money in the budget. This has to
20 get to get done once and for all and I apologize to
21 families because I feel that we are not doing right
22 by you. We have the money. There is just no more
23 excuses here and there is a new day in Albany. We
24 have Governor, fortunately, that actually
25 acknowledges the needs of our school communities and

2 there's no more excuses. We have a legislature that
3 understands this, as well. There no more excuse.

4 DEPUTY CHANCELLOR WALLACK: We really do
5 appreciate that it's a priority and we want to make
6 the most of this moment, as well. And I hope you
7 don't leave thinking that it's not as urgent a
8 priority for us as it is for you.

9 CHAIRPERSON TREYGER: Well, Deputy
10 Chancellor, I know that you know that. I am no--

11 DEPUTY CHANCELLOR WALLACK: I hear you.

12 CHAIRPERSON TREYGER: I'll be very clear.
13 I hold the Mayor and I hold City Hall accountable
14 because, ultimately, that's where the buck stops. We
15 are under a Mayoral control system and that's where
16 the buck stops and budget negotiations should not
17 have been as challenging as they were this past year
18 with so much money that we have. So it's very
19 frustrating and upsetting that we are still going
20 through these motions. And also, to Kevin Moran,
21 Kevin, you know, I hear your answers about getting
22 this up and running as soon as possible and I know
23 that you-- Kevin, you work around the clock. I want
24 to again say that. I email Kevin at 11 o'clock at
25 night and he gets back to me. He works around the

2 clock and I appreciate him. But, Kevin, just to make
3 a real public plea to include bus service for kids in
4 temporary housing and foster care even if they don't
5 have an IEP. All of our kids have extraordinary
6 needs right now with or without IEPs. Kevin, can I
7 hear an answer on that?

8 KEVIN MORAN: Yeah. It's the first thing
9 I'm looking at when I get back out of this meeting is
10 the population and the numbers and the services we
11 can provide. Absolutely. I share in your advocacy.

12 CHAIRPERSON TREYGER: And I don't know if
13 this is Lauren or someone else who can answer, but
14 can the administration revisit their outreach plan to
15 talk about a plan to actually partner with community
16 based organizations and provide resources to them to
17 increase partnerships to get the words out to
18 families and, you know, in culturally appropriate
19 ways and to speak their language and to kind of build
20 and help try to rebuild trust because trust has not
21 been spoken about today, but it's an underlying issue
22 that I think is an undercurrent in this conversation.
23 Trust between families and schools, teachers and
24 their school communities, principals, and so forth.
25 Is there a commitment to look at increasing

2 partnerships with CBOs to increase family engagement
3 outreach to get families informed and signed up for
4 these services?

5 LAUREN SICILIANO: I'm happy to take that
6 back, Chair. Absolutely.

7 CHAIRPERSON TREYGER: And, Lauren, that
8 includes increasing pay for staff.

9 LAUREN SICILIANO: I will absolutely be
10 sharing your feedback as we look at a whole range of
11 options.

12 CHAIRPERSON TREYGER: Okay. With that, I
13 don't see any further questions from my colleagues
14 and, seeing none, we will now turn to a further
15 witness panel. I thank the administration for being
16 here today. Thank you.

17 MODERATOR: Thank you, Council member. I
18 would also like to acknowledge that we've joined by
19 Council member Grodenchik. We will now begin public
20 testimony. For our public panelists, after you are
21 unmuted, please listen for the sergeant-at-arms to
22 give you the go ahead to begin your testimony. All
23 public testimony will be limited to two minutes.
24 Please do not read your testimony verbatim. All
25 written testimony will be read by committee members

2 and committee staff, so please be sure to email it to
3 testimony@Council.NYC.gov. Testimony will be
4 accepted for 72 hours following the close of this
5 hearing. The sergeant will prompt you when your two
6 minutes is up. At that point, we ask that you please
7 wrap up your comments so we can move on to the next
8 panelist. First, we will hear from Lori Podvesker of
9 Include NYC followed by Maggie Moroff, the Arise
10 Coalition, Randy Levine, Advocates for Children, and
11 Kate Hoi, AHRC New York City. Lori, you may begin.

12 SERGEANT-AT-ARMS: Time starts now.

13 LORI PODVESKER: Hi, everybody. First
14 and foremost, I want to thank Chair Treyger and your
15 amazing supporting staff for your leadership and
16 commitment to all our kids, but specifically the
17 hundreds of thousands of students with disabilities.
18 Our system is in a better place because of all of
19 you. I also feel a little pressure not to read my
20 testimony because that is what I was planning to do,
21 so bear with me. Sadly, much of what we have to say,
22 we have had to say many times and said at last at a
23 hearing by the Education Committee of the Senate in
24 October. I looked back at testimony from a year ago
25 about remote instruction in the impact of COVID on

2 our kids and, sadly, you know, there are the same
3 threads which are communication with families and
4 kids not getting the services that they are legally
5 entitled to. You know, prior to the pandemic, we've
6 known there have been long inequities between general
7 education students and students with disabilities.
8 There was 32 percent difference in graduation rates
9 the last time we have data. COVID has only worsened
10 these existing problems and many of our students did
11 not receive a quality education the last 20 months.
12 We appreciate the city's overall academic recovery
13 plan and, specifically, their special education
14 recovery services initiative, but with the date
15 pushed back to December 6th, it's unacceptable that
16 the city continues delaying vital services to
17 students with disabilities to which they are legally
18 entitled to and to first initiate these services
19 three months after the school year begins. The
20 intersection of these special education services and
21 how students will receive missed services, also known
22 as compensatory, still remains unclear. We urge this
23 committee to clarify how students receiving these
24 extra services and their families will be protected
25 under the federal--

2 SERGEANT-AT-ARMS: Time expired.

3 LORI PODVESKER: law, the Individuals
4 with Disabilities Act, since they are not funded
5 through IDA, but are funded through a stimulus
6 package. I know I don't have a lot of time, but I
7 think it's very important that history does not
8 repeat itself like what happened in the summer with
9 Summer Rising and alternative transportation options
10 being provided to families after it started and after
11 decisions were made. We urge the city to release
12 that information now proactively and before programs
13 starts, whether they are blended or in person. We
14 also want to highlight, you know, the persistent
15 staffing shortages that have already been talked
16 about. This includes school based positions,
17 certified special ed teachers, related services
18 providers, nurses, social workers, and we also need
19 transition counselors still. Very often, we don't
20 talk about transition counselors, but there has never
21 been a more important time than now. You know, I
22 think about these services for my own son who is 19
23 and, sadly, you know, I've given up on the quality of
24 instruction or his academics, but there is value in
25 these services being in person, not only for the

2 therapeutic aspects of it, but also for socialization
3 and soft skills and, you know, this was one of the
4 few opportunities the city created for inclusion and
5 that small group instruction could be provided to
6 both general education students and students with
7 disabilities together, but now that, you know, the
8 majority of these services are going to happen remote
9 or blended, it's a missed opportunity. And, again,
10 these are opportunities for kids like mine and the
11 hundreds of thousands of other kids with disabilities
12 to gain skills that will help them become employed
13 and integrated into the community. I've rambled. I
14 just want to say thank you so much.

15 MODERATOR: Thank you, Lori. Next, we
16 will have Maggie Moroff.

17 SERGEANT-AT-ARMS: Time starts now.

18 MAGGIE MOROFF: Thank you. Thank you.
19 Good afternoon. I am here today on behalf of the
20 Arise Coalition. My written testimony covers special
21 ed service delivery and makeup services, but for my
22 time today, I'm just going to speak to the latter.
23 Like Lori, all of this is going to sound very
24 familiar. Because of the pandemic, students with
25 IEPs went without many of the services that they

2 needed to make progress during the last 20 months.

3 In fact, many saw serious regression of previously
4 obtained skills and, in the response, the city
5 announced the recoveries services that we heard about
6 earlier. So, while the details around those and
7 compensatory services, which are different, will
8 overlap, remains unclear, it remains important that
9 the DOE be providing some of those services now.

10 We know that some schools are doing, but they are not
11 all there. And they won't be for another few weeks.

12 We want to flag five concerns around the rollout of
13 those recoveries services that need to be addressed
14 in order to render the additional supports
15 successful. In most schools, as you, Chair Treyger,
16 noted, recovery services won't begin until next
17 month. It should go without saying, but every day
18 that passes widens the gap between students with
19 disabilities and their peers. Those students need
20 their service asap. There has also been huge
21 inconsistencies in communication with families from
22 school to school. We heard Christina Foti talk about
23 how important family communication is. It's really,
24 really important and parents need to have the chance
25 to help determine the extra support that their

2 students will receive and that they require. It
3 doesn't feel to us like that is happening. The
4 recovery programs need to offer targeted, effective,
5 instructional interventions, so we were all told
6 earlier that there would be literacy and math
7 teachers at each school trained in evidence-based
8 interventions, but--

9 SERGEANT-AT-ARMS: Time expired.

10 MAGGIE MOROFF: that's been walked back.
11 We're hearing that that's been compromised and that's
12 not okay, given what these services are supposed to
13 do. Also, as you noted, prior to today, no busing
14 had been promised for students who remain at their
15 schools for recovery services. Without
16 transportation, attendance will be impossible for
17 many. I heard Kevin Moran on busing and Christina
18 Foti on alternative transportation services earlier
19 and hope that what they said means there will be
20 transportation services and that that's clear to
21 families now as they are making their choices about
22 whether or not to enroll their children in the
23 recovery programs. We are going to be watching
24 closely. I'm guessing you will, too. This is a
25 citywide initiative, but details have been left very

2 much to the schools. We know that some of them are
3 going to do this better than others and that students
4 at schools with less resources or commitment will
5 suffer just as they did before the pandemic and just
6 as they did during the pandemic. Somebody from up
7 high needs to be monitoring how the schools are
8 doing, how those students are doing, and make sure
9 that the students get all the recovery help they
10 need. I'm almost done. I promise. I also want to
11 note that recoveries services while being
12 inaccessible or inefficient to many in the DOE is---
13 as has been said already, the DOE is legally obliged
14 to provide students with disabilities with full
15 makeup services whether or not they are available for
16 the recovery services program at their school. I
17 just want to finish year and enjoyed all the other
18 voices saying thank you to you, Chair Treyger, and to
19 the rest of Education Committee. On behalf of Arise
20 members and on my own behalf, you've been great
21 partners over these past years and we really
22 appreciate you.

23 MODERATOR: Thank you, Maggie. Next, we
24 have Randi Levine.

25 SERGEANT-AT-ARMS: Time starts now.

2 RANDI LEVINE: Thank you for the
3 opportunity to speak with you. My name is Randi
4 Levine and I am policy director at Advocates for
5 Children of New York. Throughout the pandemic,
6 Advocates for Children has heard from hundreds of
7 families of students with disabilities whose needs
8 were going unmet despite the hard work of many
9 educators and DOE staff. Our written testimony
10 describes examples of the need we heard about last
11 year and this year. While we appreciate that the DOE
12 has allocated funding to provide recoveries services
13 after school or on Saturdays, they need to echo the
14 concerns that we have heard about the implementation
15 and the sufficiency of these services. Among other
16 concerns were troubled that the start date has been
17 pushed back, that schools are now allowed to provide
18 recoveries services remotely when, for many students,
19 the need for makeup services stems from the
20 ineffectiveness of remote learning to meet their
21 needs. But parents have received insufficient
22 communication and that it is still unclear which
23 students will and will not get bus service or when
24 bus service will begin, a necessary component for so
25 many students to participate. In addition, the

2 recoveries services will not be sufficient to provide
3 all students with disabilities with the compensatory
4 services they have a legal right to receive. To make
5 up for what they missed during the pandemic. The DOE
6 must issue clear guidance requiring IEP teams to
7 determine whether each student with a disability
8 means compensatory services beyond the recoveries
9 services their school is offering. And, if so, and
10 sure that students receive services in a timely
11 manner. Develop a non-adversarial pathway for
12 parents to get help if they disagree with the
13 decision of their school representative, and provide
14 oversight and monitoring to ensure every student gets
15 the compensatory services they need. Families should
16 not be forced to file administrative hearings in an
17 already overburdened and delayed special education
18 hearing system in order to get the compensatory
19 services to which they are entitled in cases where
20 recoveries services are insufficient or inaccessible.
21 We appreciate the questions asked by Chair Treyger
22 and--

23 SERGEANT-AT-ARMS: Time expired.

24 RANDI LEVINE: Council member Rosenthal
25 about salary parity for teachers at DOE contracted

2 preschool special education programs. The city's
3 preschool special education contract enhancement will
4 not be successful if CB is running preschool special
5 education classes cannot recruit and retain teachers
6 for their current classes, not to mention the new
7 classes that the DOE is helping this contract
8 enhancement will bring. Teachers and staff at
9 preschool special education programs work over the 12
10 month school year and serve young children with the
11 most intensive needs in the city. The city must
12 commit to paying them on par with their DOE
13 counterparts. Our written testimony also includes
14 some concerns we have been hearing as we get request
15 after request to represent students with disabilities
16 and suspension hearings. Thank you for the
17 opportunity to speak with you and thanks, as well,
18 for your leadership, Chair Treyger, and the members
19 of this committee over the years. We are so grateful
20 for the attention and resources you have brought all
21 students, including students with disabilities and we
22 would be happy to answer any questions you may have.

23 MODERATOR: Thank you, Randi. Next, we
24 will hear from Kate Hoi.

25 SERGEANT-AT-ARMS: Time starts now.

2 MODERATOR: Okay. Kate Hoi, we will come
3 back to you. Next, we will move on to Tom Shepherd,
4 Panel for Education Policy.

5 SERGEANT-AT-ARMS: Time starts now.

6 CHAIRPERSON TREYGER: Actually, I see
7 Kate. We just have to unmute her. If it's possible,
8 folks.

9 KATE HOY: Thank you.

10 CHAIRPERSON TREYGER: Yeah.

11 KATE HOY: Thank you so much. I
12 appreciate that, Chair Treyger. Okay. Let me try
13 again. Okay. Thank you, Chair Treyger. Hello,
14 members of the committee. My name is Kate Hoy. I am
15 an education advocate for New York City Students with
16 disabilities. I am a member of the Arise Coalition,
17 proud resident of Greenpoint Brooklyn for 17 years.
18 I just want to highlight two items of critical
19 importance for students with more significant
20 disabilities. Equitable funding for 853 and 4410
21 programs and salary parity for preschool special
22 education staff. And, thank you, thank you, thank
23 you for bringing much-needed attention to these
24 issues today. I would also just like to offer my
25 support to the testimony that my colleagues offered

2 now. In June, the Senate passed 5516-A, the assembly
3 passed 8013. They both passed unanimously in the
4 Senate and the assembly. It is now awaiting the
5 governor's decision. Thousands of New York City's
6 school students classify with autism, intellectual
7 disabilities, learning disabilities, emotional
8 disturbance, and more and are educated in a highly
9 specialized publicly funded schools. They are called
10 approved nonpublic's. They are accessible only to
11 students who are recommended and placed by the local
12 Committee on Special Education and central based
13 support team. These essential schools serve students
14 with the most significant disabilities and yet they
15 are severely and chronically underfunded. Many are
16 closing. Many are struggling with the 30 to
17 40percent vacancy rate for certified special
18 education teachers, in large part because the state
19 does not equitably fund salaries and tuition to
20 support the retention of highly trained teachers and
21 experienced staff members. I hear from parents every
22 day. They don't know what they are going to do.
23 This issue is fixable, but time is of the essence.
24 It may be too late for the Council to pass a
25 resolution in support of the bill, but I asked

2 Council members to please urge Governor Hochul to
3 sign the bill in support of tuition parity for
4 students--

5 SERGEANT-AT-ARMS: Time expired.

6 KATE HOY: and 4410 programs across New
7 York City and state. I also asked Council members to
8 urge the Mayor to commit to salary parity for the
9 4410 program teachers and staff at preschool special
10 education programs as part of the contract
11 enhancement that you discussed at length today. And
12 I just want to thank the committee, again, for the
13 opportunity to testify. And I didn't see Council
14 member Levin here today, but I just want to thank him
15 also for his service to the committee and to New York
16 City's children. And thank him for his service to
17 District 33. So, we just want to wish him well.
18 Thank you.

19 MODERATOR: Thank you, Kate, for your
20 testimony. I would like to remind Council members
21 who have questions for a particular panelist to use
22 the raise hand function in zoom. You will be called
23 on after the panel has completed its testimony in the
24 order that you have used the raise hand function. I
25 would also like to remind members of the public that

2 we are asking everyone to give highlights of their
3 testimony within the two minute time span allotted
4 for everyone. Your written testimony in full should
5 be emailed to Testimony@Council.NYC.gov. Testimony
6 will be accepted for up to 72 hours after the
7 conclusion of this hearing. And we will now begin
8 our second panel. Our second panel will include Tom
9 Shepherd, Panel for Education Policy followed by
10 Ellen McHugh, Citywide Council on Special Education,
11 Paulette Healy, CCSE and Periods for Responsible
12 Equitable Saft Schools, and Jennifer Choi, Parent
13 Advocate Special Support Services. Tom Shepherd,
14 you can begin.

15 SERGEANT-AT-ARMS: Time starts now.

16 TOM SHEPHERD: Thank you. I want to,
17 one, thank you or think Council member Treyger,
18 Council member Riley, Council member Rivera, and
19 members of the committee for allowing me to speak
20 today. I would respectfully ask that if we are
21 having a conversation about the impacts of education
22 on our children that the direct representative for
23 those parents being given a little bit more than two
24 minutes to speak. It's just a respectful request.

25 CHAIRPERSON TREYGER: You got it. Yes.

2 TOM SHEPHERD: Thank you, sir. So,
3 with that, my name is Thomas Shepherd and I am the
4 CEC president appointee to the New York City Panel
5 for Educational Policy. I wanted to thank you for
6 allowing me to testify today and I am here as a voice
7 for thousands of parents across the city who have
8 been demanding a remote option for their children
9 since May 24 when Mayor DeBlasio announced on CNBC,
10 by the way, that schools would be reopening in
11 September with no remote option for students. I'm
12 really sorry to sound harsh, but I've heard the DOE
13 Dodge numbers all morning, but I wanted to start with
14 a really specific number: 8633. That is the number
15 of confirmed COVID 19 cases that have been reported
16 in New York City public schools since September 13.
17 I started there because some would use that numerator
18 over a denominator of 1+ million school system of
19 teachers, students, principals, and staff to downplay
20 the seriousness of what we are witnessing and I'm
21 here to explain the impact on our lives. With
22 hundreds of new cases reported every day, parents are
23 rightfully concerned that their children's schools
24 are unsafe.

25 SERGEANT-AT-ARMS: Time expired.

2 THOMAS SHEPHERD: I been hearing stories
3 from parents who are justifiably fearful that changes
4 in policies would now allow classrooms and schools to
5 remain open when they would otherwise be closed,
6 placing their families at risk. I am terrified that
7 a completely subjective widespread transmission
8 policy that kept PS 166 in Queens open until there
9 were almost 3 dozen cases reported in two weeks. I
10 am deeply concerned that staffing shortages have
11 created environments where school administrators have
12 to make impossible choices. By the way, I am one of
13 those 8633 positive COVID cases. Test and Trace
14 showed up at my door and gave me notice, literally,
15 five minutes before the October 6 panel meeting. I
16 had to quarantine myself during that time or during
17 that meeting and separate myself from my family for
18 10 days. And I did that because of school delayed
19 reporting of a positive COVID 19 case for almost a
20 week, placing an entire school community at risk and
21 placing me and my family at risk. And having
22 personally lived through that experience, I am angry
23 that parents are being coerced into on enrolling
24 their children from school and having ACS cases put
25 on them for educational neglect and I am profoundly

2 saddened that a child has died because of COVID 19
3 since the start of the school year. I believe this
4 environment exists because Mayor DeBlasio and the
5 Department of Education has refused to allow remote
6 option for our children. In desperation, parents
7 have worked with this committee to call on the DOE to
8 implement a remote option. I would like to publicly
9 thank all the members of this committee and the
10 majority of the city Council for standing with
11 parents, but it didn't end there. Parents have also
12 worked with Senator John Lou and Assemblywoman
13 Natalia Fernandez to introduce 7381 and 8283,
14 requiring the Department of Education to provide a
15 remote learning option to New York City public school
16 families when the transmission rate is at a
17 substantial or high level. I respectfully ask that
18 the committee unanimously adopt the resolution
19 calling on the state legislature to pass this and
20 Governor Hochul to sign 7381 and 8283 into law. In
21 closing, I would like to leave everyone with this:
22 COVID 19 has been traumatic for all of us. The past
23 20 months have brought disruption, pain, and
24 suffering and loss to New Yorkers from across this
25 city. Some have been able to recover, but others are

2 still struggling. This is not about politics. It's
3 about people. We will get through this if and only
4 if we support each other through it and that support
5 includes having a remote option for our students and
6 families. Thank you.

7 MODERATOR: Thank you, Tom. We will now
8 hear from Ellen McHugh.

9 SERGEANT-AT-ARMS: Time starts now.

10 ELLEN MCHUGH: Good morning or
11 afternoon. However works. I am here as a
12 representative of the CCSE although I am not speaking
13 for the CCSE, because we've had discussions, but we
14 have not come up with a unified statement unified
15 statement will basement within the next 72 hours. I
16 also want to remind the Council that when election
17 occurred for Tom Shepard's position on the PEP, the
18 citywide Council, four of them, were not allowed to
19 vote because the DOE's interpretation was that the
20 law said CEC would vote, not citywide councils. I'm
21 also here to echo the concerns raised by my
22 colleagues, including Kate Hoy. Our 4410 schools are
23 in great danger and without any sort of assistance
24 from either the state or city, they will be seeing
25 cascading closings, 90 day notices that their schools

2 will be shut down or ending in June. The other part
3 of this-- and it has been said before-- is the lack
4 of communication. It is a serious issue. There is
5 an existing network. Each of the 32 CECs has an IEP
6 representative. There are two councils: District 75
7 and the CEC SE who provided information and resources
8 to families. To the best of my knowledge, at no time
9 were any of those Councils or Council members
10 consulted as they should have been in the development
11 of the programs. No one is saying that we would have
12 disagreed with the programs, but creating these
13 programs required parental input and it was denied.
14 There is already, as I said, network--

15 SERGEANT-AT-ARMS: Time expired.

16 ELLEN MCHUGH: poorly used by the
17 system that created it. I don't know how else to
18 say, but the DOE ignores the very people that they
19 insisted on putting on these councils. Sorry. A
20 written statement will follow and thank you for the
21 time and thank you for the interest and thank you for
22 the effort on our behalf.

23 MODERATOR: Thank you, Ellen. We will
24 now hear from Paulette Healy.

25 SERGEANT-AT-ARMS: Time starts now.

2 PAULETTE HEALY: Hi. Can everyone hear
3 me? Okay. Great. I just want to start off by
4 thanking Christina Foti and her team at the Division
5 of Specialized Programs and Student Supports for
6 staying on this meeting, unlike your colleagues who
7 have left the minute our city Council no longer had
8 questions for them. I also wanted to thank Chair
9 Treyger for starting this hearing by amplifying the
10 persistent need for a remote learning options. The
11 thousands of families who are keeping their children
12 home as they continue to demand a safer option,
13 despite ACS being weapon eyes to against them. Thank
14 you wholeheartedly. And that includes myself because
15 I do have an open ACS case against me even with all
16 of my resources and connections. So, thank you,
17 thank you. And Lucas thanks you and says hi. He
18 wishes he could be here. With over 8600 positive
19 cases reported in schools in winter which equates to
20 frigid classrooms right around the corner, the need
21 for safer remote options is more prevalent than ever.
22 That being said, the way the DOE continues to evade
23 accountability time and time again on simple asks
24 such as attendance numbers, staffing deficits,
25 transparency on how outreach is being done, and

2 busting speaks volumes on why our children are
3 experiencing these deficiencies in the first place
4 and continue to be disenfranchised by our school
5 system. The philosophy to start planning
6 transportation after the academic recovery services
7 have already started is as asinine as offering food
8 to those after they've already starved to death. Or,
9 to put it in DOE speak, building the plane as you
10 fly. We know who needs the blessing. It's on their
11 IEP's. We are not reinventing the wheel here. The
12 majority of tools into East 75 fall under the tier 1
13 guidelines for academic support. 80percent of the 75
14 students are blessed to their schools. Why don't you
15 start scheduling buses for those 18,000 students now
16 and reroute based off of attendance once the program
17 has started? That makes so much more sense because
18 this starts with need.

19 SERGEANT-AT-ARMS: Time expired.

20 PAULETTE HEALY: Otherwise, it is just
21 performative theater. The truth is, without blessing
22 in place, prior to the rollout of these programs will
23 prevent these tier 1 students from participating.
24 And that is a violation to their civil rights because
25 you are depriving students with IEP's the same access

2 as their general education counterparts. We would
3 not deny the hungry child nourishment, so why are we
4 denying those same children the DOE so famously say
5 they are prioritizing the same consideration? The
6 failures of OPT affect all of our families. Just to
7 amplify that, this came from a 17-year-old student
8 who filed her own complaint. She suffers from
9 cerebral palsy and after sitting on a bus for three
10 hours, she said, quote "by the time I got off the
11 bus, I was in tears. My legs were almost known to
12 the point of giving out, my head hurt, I was
13 spinning, and my stomach hurts so bad it felt like
14 someone had stabbed me repeatedly. Our students
15 deserve better. The DOE needs to do better. And I
16 did notice that Jody Salmon from OPT is there, so
17 this is directed to you, Jody. Lastly, \$40 million
18 in contracts were approved last night at the November
19 Panel for Education and Policy meeting and I said
20 this last night at the pep, too. Hundreds of
21 families are still waiting for reimbursement for
22 transportation needs since the abysmal rollout of
23 pupil transportation from Summer Rising and D 75
24 summer session. Rollout those reimbursements. DOE,
25 do better. Thank you.

2 MODERATOR: Thank you, Paulette. We will
3 now hear from Jennifer Choi.

4 SERGEANT-AT-ARMS: Time starts now.

5 JENNIFER CHOI: Thank you, members of
6 the Council and Chair Treyger. My name is Jennifer
7 Choi. I am a parent of two autistic students with
8 IEP's in Queens. I am also a special education
9 advocate with Special Support Services, a parent led
10 advocacy consulting group. Today, you are hearing a
11 lot about the problems with special-education
12 recoveries services and, for sure, I am a parent of a
13 student with an IEP that is having trouble securing
14 the services, but I want to tell you about one avenue
15 of support that has worked and has been the special-
16 education inbox. It is
17 specialeducation@schools.NYC.gov. Parents on the
18 ground have been telling me that escalating their
19 problems to this office has helped and, in some
20 cases, a lot. It's not perfect, but, you know, it
21 does help, so I asked this office all the time for
22 complaints about my own family or for my clients.
23 It's actually way faster than filing a due process
24 complaint. So, this tells us two things, I think.
25 Our city needs a special education ombudsman to allow

2 investigation that goes beyond complaints, but also
3 investigates patterns of frequently occurring
4 special-education problems or a school continuing to
5 be a source of complaints, including impartial
6 hearing requests. I think the public would like to
7 see this information. Additionally, if the city
8 wants to say that students with disabilities on the
9 forefront of their agenda, then we need the head of
10 special-education at the deputy Chancellor level like
11 it used to be before Richard Carranza became
12 Chancellor. 1/5 students have an IEP. That is not
13 including most students with five before plans. When
14 our children's rights are violated, their issues
15 cross into many departments at the DOE, including the
16 Office of Enrollment, the Office of School Planning,
17 Office of School Climate and Wellness. Although
18 these departments are headed by Deputy Chancellor's.
19 We need the special-education office should be
20 elevated back to the cabinet--

21 SERGEANT-AT-ARMS: Time expired.

22 JENNIFER CHOI: to ensure that the \$236
23 million for compensatory services not go to waste,
24 the IDEA being enforced without parents having to
25 hire a lawyer and, most of all, that our children's

2 dignity is protected. How schools treat children
3 with disabilities tells them how much they are valued
4 in this city. Thank you.

5 CHAIRPERSON TREYGER: Jennifer, I want to
6 thank you because I couldn't have said it better. I
7 had submitted a resolution-- some folks might
8 remember-- a couple years ago calling for exactly
9 what you have just said. Someone in DOE-- and I'm
10 open to titles, but my main thing is someone at DOE
11 at the senior level with power and authority to cut
12 through red tape, to go to any office in DOE whether
13 it's OPT, whether it's General Counsel or any office
14 in DOE and get things done for our children and while
15 at the same time inform parents proactively, not
16 reactively, of their rights and the responsibilities
17 of DOE. This has been an issue plaguing the DOE for
18 many years and the former Chancellor said to me--
19 because we discussed this resolution-- because of
20 Mayoral control, I don't have the power to force them
21 to create it which is really a shame, but he said to
22 me, Chancellor Carranza, that, Councilman, I believe
23 that everyone is responsible. And I come from the
24 school of thought that if everyone is responsible,
25 then no one is responsible. You need a point person,

2 a clear chain of accountability to get this work
3 done. So, Jennifer, I could not have said it better
4 myself. Thank you for that testimony and really
5 appreciate you being here today. Thank you.

6 JENNIFER CHOI: Thank you.

7 MODERATOR: Thank you, Jennifer. That
8 concludes this panel. We will now hear from Michael
9 Mulgrew of UFT.

10 SERGEANT-AT-ARMS: Time starts now.

11 MICHAEL MULGREW: Good afternoon and thank
12 you so much for having this and I am with you, Chair
13 Treyger. I thought Jennifer Choi's testimony was
14 spot on because this isn't just about special ed
15 recovery. Special ed recovery has been well
16 documented. It is not working. The idea was
17 correct. We spent hours and hours in July and August
18 laying out an entire year plan on how to deal with
19 what we felt was coming which was our children with
20 IEPs having even more damage. You know, that was our
21 educational judgement. There could be a real issue
22 where there was more damage there and we need a
23 special ed recovery program. It was supposed to take
24 and start in a very slow way with a lot of training.
25 A lot of training at the end of august, beginning of

2 September. Engaging. Engaging with each of the
3 students. But, instead, what happened is it's been
4 all consolidated into a very short period of time as
5 if it was done for a political need to say check the
6 box. We did that. Instead of actually doing it in a
7 thoughtful way that both the UFT, the CSA-- Mark
8 Hanazou [sp?] and his team-- we all worked on this
9 together and all of the things and the timelines we
10 worked on were thrown out the window within two weeks
11 of the school year starting and it was set up in the
12 way-- the timeline had changed and knew it was not
13 going to be successful. But we are still going to
14 continue to do this work despite all that has been
15 thrown at us. But as I said, this goes a lot deeper.
16 There is a reason the state has us under a corrective
17 action plan for special education and I can tell you
18 all right now we have already the same number of
19 valid complaints in less than a quarter of the school
20 year than we had all of last year. And you would
21 think, oh, last year was a hybrid remote. No. The
22 services still had to be delivered and there were
23 quite a few issues because it was how we were
24 delivering the services, what was legal, and all
25 those things were questions. We already have more--

2 SERGEANT-AT-ARMS: Time expired.

3 MICHAEL MULGREW: the same amount of valid
4 complaints as for all of last year. So I appreciate
5 this hearing and I loved what Jennifer Choi said.
6 She is correct. We need an independent person to be
7 looking after the special education because we're
8 about to get, as a school system, in a lot of
9 trouble. We're under a corrective action plan and
10 things are getting worse, not better.

11 CHAIRPERSON TREYGER: And, President
12 Mulgrew, I wanted to take this time to thank you and
13 your members and I want the public to kind of hear
14 why on this issue. You know, we have heard a lot
15 from UFT members, obviously, about working conditions
16 and unsafe conditions and issues with COVID and so
17 forth, but the cases that I get-- many cases that I
18 get-- of children not getting the bus service, buses
19 coming late, buses missing, certain staffing issues
20 plaguing the schools, a lot of it comes from UFT
21 members. A lot of it comes from UFT chapter leaders
22 and so forth who are going above and beyond their
23 services for their own profession but fighting for
24 kids and families throughout the school and their
25 districts. So, on behalf, certainly of this

2 committee, I want to thank you and the UFT for not
3 just fighting for your members, but really this is
4 about the children and the neighborhoods and our
5 families. So I want to thank you, Mr. President
6 Mulgrew, for that.

7 MICHAEL MULGREW: And I'm glad you brought
8 that up because let me tell you, our members do this
9 and, believe me, there is a lot of retaliation for
10 members who bring these things to the forefront and
11 that's why we have a union, but there should never be
12 retaliation when somebody is saying a child is not
13 getting their services. This should be how do we get
14 the service? But the system would rather squash the
15 complaint about a child not getting their service
16 rather than deal with the service for the child. And
17 that's what's wrong with it. That's why an ombudsman
18 or something like that is a very, very good idea.

19 CHAIRPERSON TREYGER: Yeah. It was the
20 UFT members that brought to my attention-- there's a
21 D75 school in my district where a bus company didn't
22 show up several we almost no accountability and went
23 above and beyond. They brought it to my attention.
24 I called Kevin Moran and that company is now being
25 assessed on financial penalties and that is because

2 brave union folks, brave teachers went above and
3 beyond their irresponsibility to make sure that I
4 found out there and we held them accountable. So, I
5 want the public to know that. Thank you, President
6 Mulgrew, for your--

7 MICHAEL MULGREW: Thank you.

8 CHAIRPERSON TREYGER: leadership, as
9 well. Thank you.

10 MODERATOR: Thank you. I'd also like to
11 acknowledge that we were joined by Council member
12 Salamanca. For our next panel, we will be calling
13 Rashida Brown Harris, Amy Tsai from New York City
14 Coalition for Educating Families, Jennifer Goddard,
15 New York City Coalition for Educating Families
16 Together, Beth Eisgrau-Heller, Parent Coalition, and
17 Isabel Movrides Caldron. Rashida, you may begin.

18 SERGEANT-AT-ARMS: Time starts now.

19 RASHIDA BROWN HARRIS: Thank you. Can you
20 hear me? Yes? Thank you. Thank you. Good
21 afternoon, everyone. Rashida Brown Harris here. I
22 am a parent leader and [inaudible 02:33:11] education
23 advocate and a proud member of the Healing Centers
24 Schools Working Group. Thank you, Chairman Treyger.
25 I don't have much to say, y'all. We've been around

2 this rodeo over and over. I'm starting to feel like
3 it's just, you know, Groundhog Day, but I just needed
4 to join in when I heard my brother Tom Shepherd
5 speaking and when I heard Ellen and Paulette. Mr.
6 Lee, you know I was on all morning. I was listening
7 live stream doing a million other things, but when I
8 heard my people speak, I said, let me join in. I
9 signed up to testify and I just really want to stress
10 the fact that we really do still have families
11 struggling. A lot of children are struggling with
12 returning back to school. We, as a society must do
13 better. Our schools, we need to reach out to these
14 families and tried to support them figure out what it
15 is they are going through to really support them
16 processing this whole returned to school, returned to
17 society. There is folks who are still just hunkered
18 down in their homes, believe it or not, and just not
19 out and about. Better babies need to get back into
20 the schools and new for you want them back, we have
21 to work with the families. We must provide
22 counseling sessions for the parents and the
23 caregivers and the children to help them process
24 everything. We need the support for our school
25 staff, as well. We still have a lot of school staff

2 person afraid and just full of anxiety and going
3 through things. We must do better, as Paulette Healy
4 said. And while we are figuring it out, we've got to
5 offer a remote option. There is too many of our
6 children were just home--

7 SERGEANT-AT-ARMS: Time expired.

8 RASHIDA BROWN HARRIS: waiting. Families
9 are waiting on the home, you know, instruction
10 approval or preapproval. It is not failing centered.
11 It is not culturally responsive when we say here and
12 just say, back-to-school, that said. No other
13 option. So, I beg you all to please continue to
14 fight and advocate for a remote option. It is not
15 too late. We are in November going into December.
16 We can still roll it out and families who are home,
17 we can get them to login remotely so that they can
18 continue to build virtually, but we have got to pour
19 resources into the services to help support and
20 figure out, you know, how we can really, really help
21 them understand what's going on. There is a lot, we
22 all know, but thank you very much for listening.
23 We've got to continue to fight and advocate for a
24 remote option. Please, you know, Council members,
25 whatever you all have to do, whatever we have to do,

2 we are here with you all and we have just got to keep
3 fighting for it. We just want that option for
4 families who really want and need it. We have got to
5 provide it. Thank you very much for listening.
6 Peace.

7 MODERATOR: Thank you, Rashida. We will
8 now hear from Amy Tsai.

9 SERGEANT-AT-ARMS: Time starts now.

10 AMY TSAI: Good afternoon, City Council
11 member Treyger and members of the committee. I just
12 want to say thank you so much for your advocacy. I
13 am a VP of the New York City SEFT [sp?]. I am also a
14 CEC member for have been District 75 community for
15 students with disabilities. I am also a mom of three
16 of my five children who have IEP's. I am hearing all
17 of the other parent leaders and advocates here to
18 have talked about desperate. She is that our
19 students are going through with transportation and
20 with the academic recovery services and all of the
21 other stuff that we need to make sure that our
22 children are receiving to meet their needs and their
23 goals. We are very close to almost 2 years we're
24 actually in the two-year anniversary of COVID 19 and
25 being in this unprecedented time. We need to make

2 sure that we are not repeating the same things that
3 we were doing for Summer Rising. We want to make
4 sure that we are not in the movement of continuous
5 crisis, but a movement of really making a recovery
6 actually happened. So we know, this is assessments
7 of a plan to assure that how many students will be
8 able to be provided for in the academic recovery
9 plan, but yet there is no transportation for District
10 75 students in order to have access and opportunity
11 to participate in this. And it is really unfortunate
12 a year thousands of kids who are still not receiving
13 a bus route or at inappropriate route to get to
14 school on time and to leave on time to go home. And
15 so, you know, we are about to fall, one being the
16 student transportation issues and second is the
17 instruction. When we talk about meeting their needs,
18 related services, daily living skills, work programs
19 that were from last year--

20 SERGEANT-AT-ARMS: Time expired.

21 AMY TSAI: these are things that our
22 district 75 is really entire and we hear that every
23 single day and we need to make sure that we are not
24 jazz, you know, making positive steps, but really
25 making change so that we are not stuck in this for

2 decades. And that student transportation has been
3 for, we need an improvement and we need a plan and we
4 need our elected officials to really come out and
5 offer a remote learning so that the access and
6 opportunity are offered to these family to have an
7 option. Again, this is the time now to give academic
8 recovery plan and not to wait until January in order
9 to have transportation. Right now, for parents the
10 option of remote learning. If these children can
11 benefit afterschool and Saturday from remote
12 learning, the maximum number of time, not just 10
13 hours for the entire 3 to 4 months, that is not
14 enough. So, I appreciate you hearing me today in
15 this space. Thank you for your advocacy and your
16 leadership and have a good day.

17 MODERATOR: Thank you, Amy. It also like
18 to remind Council members that if you have any
19 questions, please use the handrails function in zoom.
20 I will note: Jennifer Goddard.

21 SERGEANT-AT-ARMS: Time starts now.

22 JENNIFER GODDARD: Hello. Can you hear me?

23 SERGEANT-AT-ARMS: Yes.

24 JENNIFER GODDARD: Hello? Okay. Great.

25 Thank you. I want to thank my colleague, Amy Tsai,

2 from the New York City SEFT and thank you, Councilman
3 Treyger and city Council members, again, for being
4 advocates. And I think the DOE members who did stay
5 on and I continue task that they hold their
6 colleagues accountable and say that you need to hear
7 what these parents and families have to say about our
8 children. So, I applaud the city Council, also, for
9 the resolution and hope that New York State
10 legislature will pass and the governor will sign the
11 bill requiring remote learning options for any school
12 district and a high transmission area. The remote
13 learning option would solve so many of the problems
14 that we've discussed ad infinitum in these settings.
15 Being in remote helped my medically fragile fifth-
16 grade student to remain safe and receiving his
17 mandated services from his IEP last year until this
18 year when the Mayor refused to offer the remote
19 learning option. So, he is been in medically
20 necessary instruction that the DOE has provided since
21 September 13th and, despite assurances from the DOE
22 that this program would be expanded beyond the one
23 hour per day of instruction that he receives, it has
24 still not been expanded. And I have had to
25 compensate for his learning loss by paying for

2 classes through Out School.com. Andi I only just
3 recently received vouchers, me, the parent, to secure
4 mandated services for him for his IEP. And only
5 after I asked about these services and where are
6 they. I heard nothing about compensatory services,
7 even though he's been in school 48 days and he's
8 missing 15 hours of mandated services and I'm very
9 confused as to why, if he's in a DOE program, why he
10 wasn't automatically being provided these services?
11 Why wasn't this prepared? Why is it my
12 responsibility? You know, in addition to the insult
13 of a paltry one hour per day, now I also have to go
14 out and look for the speech language therapist and
15 the counseling and [inaudible 02:41:29]. This is not
16 acceptable. This is abysmal. You know, and I've
17 heard from the school that he's eligible for special
18 education recovery services, however--

19 SERGEANT-AT-ARMS: Time expired.

20 JENNIFER GODDARD: they're only in person
21 and they are only a fraction of what he is currently
22 owed back dated. So, to me, I'm disgusted. I'll
23 wrap this up now. I just want to reiterate how
24 disgusted I am by how horribly this city and the DOE
25 has failed to educate and support the most vulnerable

2 students in this time of need. It is a stain on the
3 city's leadership and the DOE and I'm going to make
4 it a point to always show up and remind whoever needs
5 to hear it that when parents like me needed most and
6 asked for it, Mayor DeBlasio and the DOE refused to
7 step up. Thank you.

8 MODERATOR: Thank you, Jennifer, for your
9 testimony. We will next hear from Beth Eisgrau
10 Heller.

11 SERGEANT-AT-ARMS: Time starts now.

12 BETH EISGRAU-HELLER: Hi. Can you hear
13 me?

14 SERGEANT-AT-ARMS: Yep.

15 BETH EISGRAU-HELLER: Thank you,
16 Jennifer. You actually made me cry. I want to thank
17 Chair Treyger. You have been incredibly appointed in
18 your questions and ice and Sarah really appreciate
19 you and all the efforts that the Council members have
20 made today and to date to hold the DOE accountable.
21 And I also echo everything, every advocate, and every
22 parent has said thus far. I can only speak about my
23 experience. My son is almost 11. He is a 2E
24 learner, a sixth-grader attending a DOE approved
25 nonpublic school in Queens. We are profoundly

2 grateful for his placement at this school. We were
3 always worried about the distance of him getting
4 there from where we live in Brooklyn and it has been
5 problematic. For the past two years, he has endured
6 7 AM pickups, excessive ride times of two hours or
7 more, routes with stops to disparate neighborhoods,
8 recent changes to his bus route, Jo Faz 829, they
9 have been myopic, benefiting one child will
10 negatively impacting multiple children on the same
11 bus. Recently, it's basically a proverbial game of
12 walkable and the route has since been combined with
13 another. Because I am a squeaky wheel and I have a
14 history of being a squeaky wheel in District 13, I
15 have documented all of my problems with the OPT, the
16 Office of the Public Advocate, everyone I can
17 possibly find and think of within the DOE and OPT.
18 Of course, school administrators, I'm in constant
19 contact with them, but I have to say our dedicated
20 OPT wrap that hours Assistant principal deals with, I
21 hate to say it, the man is feckless and I don't say
22 that lightly. He comes up with myopic solutions.
23 There is zero communication and there is no
24 escalation within the DOE. You get sent into a
25 vacuum and have no idea who you can turn to. You

2 feel as if you are screaming into the wind to just
3 try and get your child to the school that the DOE has
4 agreed to send them to give them their mandated
5 services--

6 SERGEANT-AT-ARMS: Time expired.

7 BETH EISGRAU-HELLER: that they are
8 entitled to. I'll be quick, promise. So, the latest
9 solution is that I was offered Ubers to school by
10 Limo Asist which is part of the Access-a-Ride. I
11 can't tell you how frustrating this is and how much
12 money wastes. Not only am I dealing with a different
13 car every day, I'm getting into a different uber
14 driven by a different driver. They can refuse the
15 drive, the call and not show, I am dealing with a car
16 service and don't know where they're coming from.
17 Generally speaking, the drivers have been great, but
18 I had one without a mask, I had one that was a
19 dangerous driver and his car was filthy. Not to
20 mention, I have to go with my child. I have to be in
21 the car with my child on four legs there and back
22 twice a day. I spent four to five hours in the car
23 and I cannot pursue my livelihood which I was not
24 able to do during COVID because I am a freelance
25 photographer. And now I can't pursue it. I hope to

2 do it now that he is able to get vaccinated. So, I'm
3 not able to make a living in the way that I choose.
4 So, their safety, there is my inability to work,
5 there is also excessive cost. There was a no-show
6 just yesterday afternoon stranding me in Queens. I
7 had to call an uber myself and, fortunately, have the
8 means and ways to do that. It costs \$60 before I
9 gave the driver to. So, if the DOE is sending my
10 child to school back and forth and they send four
11 cars to get me there back-and-forth, that is \$240 a
12 day times 180 days in the school year. That is
13 \$43,200 for an academic year to send one child to one
14 school from Brooklyn to Queens. That is an enormous
15 waste of money and taxpayer dollars and resources and
16 as we are obviously now going to be a wash and
17 funding, there has to be massive oversight. There
18 also needs to be oversight of the bus companies. Are
19 they fulfilling their contracts? Are they paying
20 their drivers and matrons and paras a living wage?
21 These are all questions that have to be answered and
22 given the responses from the DOE, I no idea who is
23 going to provide that information. I wholeheartedly
24 support an ombudsman and someone who can hold all of
25 the different disparate communications that need to

2 happen, hold all of the departments within the DOE
3 and OPT accountable. Everybody's silent. Decisions
4 are random, myopic, and there is no communication.
5 Lastly, the administrators at my son's school, one,
6 you can't take a public face on this because most of
7 the students come from the general population of
8 periods, by the way, who can't afford to spend
9 \$70,000 on a private school and wait three years for
10 reimbursement. The DOE has agreed to pay for these
11 schools and our schools can't be perceived to bite
12 the hand that feeds them, but more than that, our
13 administrators who are specialized in working with
14 special needs children are being taken away from that
15 task by having to deal with the ceaseless and
16 pointless, consistent problems with busing. So,
17 obviously, children's rights are being trampled on.
18 Their civil rights and their disability rights and
19 the bottom line is they are entitled to their
20 education and they are entitled to the services that
21 they need to be fully reached and fully to reach
22 their potential and also the well-being of our
23 family. Families haven't even talked about the
24 struggles that they have raising children with
25 special needs. So I will end here. I have more that

2 I could say, but it's in my testimony and I will send
3 it. Again, I sincerely appreciate what everyone has
4 said her today and I implore you, fix this. If we
5 cannot take care of the most vulnerable among us,
6 what does that say about us as a society? We would
7 be lost if we don't take care of our children. All
8 of our children. And I'm here to amplify the voices
9 of all the parents who do not have the luxury to make
10 this crusade a full time job like I am so fortunate
11 to be able to do. Thank you very much for your time
12 and I will see you again because, like my advocacy in
13 District 13, I planned to be at every meeting and my
14 wheel will continue to squeak. Thank you.

15 CHAIRPERSON TREYGER: I want to thank
16 you, Beth. This has been some of the most powerful
17 and-- it hits you right here. I think many folks
18 know what I'm feeling and what we all are feeling
19 right now. You hit on so many things that we have
20 been raising and trying to amplify for years. The
21 DOE is siloed. This is by design. This is not by
22 circumstance or by accident. This is by design. I
23 have figured out myself as being a teacher and now
24 chair of the committee. And so many things that you
25 raise are common sense and Jennifer in her testimony,

2 as well, is such,, but it is by design because they
3 want to shield themselves from accountability or
4 liability and, you know, in reality-- and I said it
5 before and during the exchange with the
6 administration, we have a system that, basically, a
7 budget is deciding on what services we are giving
8 kids rather than the needs of children deciding what
9 budget we're going to have to meet the needs of our
10 children. They don't have an excuse anymore. We are
11 in receipt of billions of dollars, more than we have
12 ever had, more is coming for education. There is no
13 excuse. And I firmly agree with you and others who
14 have said that we need that senior-level position
15 that is empowered with the power to go into an office
16 and say, this has to get done. Not please work on
17 this. And how are we proactively communicating with
18 school families across the city and languages they
19 speak and meeting them where they are at, informing
20 them of their rights. In my district, we actually
21 supported a school, PS212, thing called an IEP binder
22 party. I was invited to an-- I loved it. Families
23 from across my district, different languages and so
24 forth came out and there was an organization that
25 help run the workshop and it was beautiful to see a

2 community come together and learn about their rights
3 and empowering themselves and others so they could
4 also be a resource for others. That is how this
5 should work. It shouldn't be a Council member trying
6 to figure out how to connect that. The DOE, that is
7 their responsibility. So, thank you. That was some
8 of the most powerful testimony. It really hit home.
9 I want to thank you very much, Beth. And please keep
10 showing up. Keep speaking up because we hear you and
11 we will get this done. I am a believer that we will
12 get this done. Thank you, all.

13 MODERATOR: Thank you. We will now hear
14 from Isabel Movrides-Calderon.

15 ISABEL MOVRIDES-CALDERON: Thank you so
16 much for having me and thank you so much to Chair
17 Treyger and the Committee on Education for holding
18 this incredibly important hearing. I am Isabel
19 Movrides-Calderon. I work for the nonprofit Patients
20 Rising. I am a disability rights activist, but most
21 of all, I am a high school student that lives with a
22 chronic, this is myself. I strongly support the
23 resolution to keep a remote option during this
24 pandemic, but I also believe that we need a remote
25 option beyond this pandemic for the sake of

2 disability. Before this pandemic, disabled and
3 chronically ill students would have missed an
4 incredible amount of school whenever they were
5 hospitalized, whenever they had surgery, whenever
6 they were at a doctors appointment. And then,
7 suddenly, during this pandemic, we got accessibility
8 and we were able to join school and zoom in this
9 accessibility we never had before. The graduation
10 rates for disabled students are much lower than
11 nondisabled students and this is partially because
12 they don't have an option to be with their classmates
13 and peers. But with remote learning, we got that.
14 Now were reverting back to our old patterns and we
15 are ripping this accessibility away from disabled
16 students. What they're getting now in home education
17 and hours of school completely separate from their
18 peers is not the least restrictive educational
19 environment. IDEA mandates that disabled students
20 are educated alongside nondisabled students to the
21 maximum extent possible and this is not what is
22 happening anymore. We now know that there is a
23 better option. We know that we can have remote
24 learning and by not providing this, we are not
25 following the spirit of IDEA. The long haul COVID

2 and disabled students coming up, there are
3 disabilities that are just going to increase in this
4 pandemic. And now, more than ever, we need to be
5 supporting the most vulnerable students. We need to
6 keep remote options. We can do better. We know this
7 is possible and we are leaving behind the one in four
8 people who are disabled by not keeping a remote
9 option permanently. Thank you so much to all the
10 parents advocating and everyone here. Your
11 testimonies are so powerful and this is how we are
12 going to make change. Thank you.

13 MODERATOR: Thank you, Isabel. That
14 concludes this panel. Again, Council members, if any
15 of you have questions, please use the zoom and raise
16 function. We will now move to the next panel. It
17 will include Jennifer Rodriguez of Collaborative for
18 Inclusive Education NYC charter center, Sade McCall,
19 Opportunity Charter School, Jacob Kapustin, Knowledge
20 World, Jeanna McGinnis, Lauren Clavin, and Eileen
21 Irizarry Ramirez. Jennifer, you may begin.

22 SERGEANT-AT-ARMS: Time starts now.

23 JENNIFER RODRIGUEZ: Thank you. Good
24 afternoon, Chair Treyger and members of the city
25 Council. I am the inclusive education specialist at

2 the Collaborative for Inclusive Education within the
3 NYC Charter School Center and a career special
4 educator. Thank you for the opportunity to present
5 testimony today. Currently, we have 272 charter
6 schools representing over 26,000 students with IEP's.
7 The DOE is the LEA for NYC Charters. Currently, the
8 DOE contracts with agency providers that work
9 directly charters to provide related services. While
10 there have always been shortages, the pandemic has
11 exacerbated this. It is clear from our conversations
12 with schools that providers that work for these
13 agencies are often compensated at a lower rate and
14 those working within district schools. This pay
15 disparity this incentivizes agency work and has led
16 many providers to leave for more permanent positions,
17 creating a system where students with disabilities
18 enrolled in a charter are inherently at a
19 disadvantage due to the likelihood of them not
20 receiving services or services being of subpar
21 quality. Given mention of agencies shortages, RSAs
22 are being issued had an even higher rate than in
23 previous years. This practice places the burden of
24 finding providers on families with little to no
25 support for follow-up from the district and often

2 results in students not receiving services. This has
3 been historically documented as an issue with racial
4 and socioeconomic disproportionality. This school
5 year, RSAs have been issued to family and even to
6 fill paraprofessional vacancies. Supporting these
7 students is the responsibility of the district, not a
8 family chime to navigate a difficult system and now
9 responsible for finding their child a para to work at
10 their charter. It's clear this system should not be
11 what the LEA relies on. We know that this is a time
12 of crisis and have partnered consistently with the
13 DOE. We would also like to partner on accountability
14 to ensure that all students under the same LEA are
15 guaranteed [inaudible 02:56:19]. We ask that the
16 same data that is available on district school
17 special education services being made available to
18 all about the provision of services for charter
19 students. We hope that coming out of COVID there
20 would be a real opportunity to strengthen--

21 SERGEANT-AT-ARMS: Time expired.

22 JENNIFER RODRIGUEZ: relationship
23 between the DOE and charters. We would like to seize
24 this opportunity to bring back and strengthen the
25 charter collaboration back under the current

2 administration to ensure students with disabilities
3 disproportionately impacted by this pandemic get all
4 they are entitled to. Thank you so much for hearing
5 us today.

6 MODERATOR: Thank you, Jennifer. We will
7 now hear from Sade McCaw.

8 SERGEANT-AT-ARMS: Time starts now.

9 SADE MCCAWE: Hi. Thank you so much for
10 having me. My name is Sade McCaw and I am here today
11 on behalf of Opportunity Charter School where I am
12 the deputy head of school. Opportunity Charter
13 School, or OCS, is a school located in Harlem. In our
14 six to 12 student population that we serve, 65percent
15 of our students have disabilities and, additionally,
16 80percent of our students are economically
17 disadvantaged. Our students require a great level of
18 academic and emotional support which is why we have
19 one social worker per grade level, one learning
20 specialist per grade level, small class sizes, and
21 also the school psychologist. As a charter school,
22 we are able to provide students with more specialized
23 services that have been reported public schools
24 aren't able to provide such as counseling, speech,
25 occupational therapy, and physical therapy. Based on

2 our experience and since March 2020, we found it is
3 deeply important for our students to be in the
4 classroom. Our teachers worked tirelessly to provide
5 an experience to in person learning with all classes
6 conducted with live instruction during the peak of
7 the pandemic. Just last year, 92percent of our
8 seniors graduated on time. This was because of their
9 fierce desire to learn and our teachers incredible
10 support. From holding open office hours in Google
11 classroom to Wednesday's being midday where students
12 had individualized schedules, to support with
13 intervention and social emotional needs, staff
14 insurance students received what they needed in order
15 to learn. However, the use methods to not come close
16 to the support that can be offered in the classroom.
17 In person learning allows for our students to have
18 structure and consistency that they need to succeed.
19 From what we have seen since we have transitioned
20 back to school there is that it is essential for
21 students with disabilities. We are able to give
22 stronger and targeted intervention while also
23 immediately addressing their diapers, academic, and
24 social emotional needs that can only be
25 comprehensively met in person. During remote

2 learning, our 10th grade students to struggle
3 academically and social emotionally. We did
4 interventions between parent and student townhomes,
5 frequent checking, community building activities,
6 however, they still continued to struggle.

7 SERGEANT- route AT-ARMS: Time expired.

8 SADE MCCAWE: But now that we are back in
9 the building, they have done a tremendous turnaround
10 and they are very successful 11th graders.
11 Especially for those who come from lower income
12 households and may not have the resources at home to
13 succeed. Many of our students have gone through a
14 tough time during the pandemic. We have students who
15 lost family members as well as whose parents were
16 first responders. They greatly benefit from being
17 surrounded by their peers, teachers, and the great
18 school community. Thank you for your time.

19 MODERATOR: Thank you, Sade. We will now
20 hear from Jacob Kapusin.

21 SERGEANT-AT-ARMS: Time starts now.

22 JACOB KAPUSIN: Hi. Good afternoon,
23 everyone. My name is Jacob Kapusin and I am the
24 founder and CEO of Knowledge Road. Knowledge Road is
25 a mission driven SEFS agency that has been servicing

2 hundreds of students with special needs across New
3 York City. During COVID, our community was faced
4 with a host of issues, one of them being remote
5 learning. Every child has different needs and
6 challenges. Remote learning has made it much easier
7 to locate providers for after school cases and it did
8 work well for some students. However, many of our
9 students struggle with learning disabilities that get
10 in the way of learning in a remote environment.
11 Parents had no choice but to settle for remote
12 services even though their children weren't getting
13 much out of them. During COVID, the Department of
14 Education shut down and stopped replying to agencies
15 and providers in regards to paperwork, payments, and
16 even students. Due to the DOE being shut down, many
17 agencies went out of business, didn't pay their
18 teachers or lowered their rates. Teachers were going
19 from making a living wage to being practically
20 without a job. In addition to payment, troubles with
21 agencies, they were having trouble getting students
22 to join zoom, so many teachers might've had a full
23 case load pre-COVID, but post-COVID, you know, they
24 can't get their kids to join zoom, so they don't--
25 they're not able to bill enough hours to make a

2 living wage. Knowledge Road is proud that, during
3 COVID, although the delay in payments were very
4 difficult for us, not one teacher was put out of work
5 nor was anyone making less than before COVID. We
6 also continued bringing on more students even though
7 we were not sure if we'd be around the next school
8 year. Post-COVID, there is a huge teacher shortage.
9 This year, our recruitment department has had a much
10 more difficult time finding teachers because many
11 teachers aren't vaccinated. Our concern of working
12 in person--

13 SERGEANT-AT-ARMS: Time expired.

14 JACOB KAPUSIN: and then you have left
15 the profession entirely. I'm going to be quick. I'm
16 finishing my last paragraph. The need for services
17 grows every year and Knowledge Road has been
18 servicing exponentially more students every year.
19 When COVID hit, we were helping more and more
20 students, paying our teachers well and on time,
21 providing online teaching materials to our providers,
22 and doing everything possible to have a smooth school
23 year, however, DOE still owes us 40percent on our
24 invoices from last year and 25percent from two years
25 ago. Why is it that company that cares about its

2 families and teachers must fight to survive year
3 after year? Thank you so much.

4 MODERATOR: Thank you, Jacob. We will
5 now hear from Jeanna McGinnis.

6 SERGEANT-AT-ARMS: Time starts now.

7 JEANNA MCGINNIS: Hi. Thank you. I'd
8 like to thank the New York City City Council on
9 Education for holding this hearing and Chair Treyger
10 for your dedication for advocating for equality in
11 special education. This has been, indeed, a critical
12 topic, however, my son with a disability has never
13 had his needs met in public school, even before
14 COVID. In the first few weeks of his kindergarten
15 year, I was made aware the school was struggling to
16 manage my son, Fox, in the classroom. A crisis para
17 was assigned to him and he was labeled a flight risk.
18 I was scared and confused and unsupported and agreed
19 to have him evaluated by the school psychologist. I
20 was in complete shock at the initial IEP meeting when
21 my son was classified with an emotional disturbance.
22 The experience was not the same as his pre-K or even
23 3-K and it didn't ring true with how I saw my son.
24 The report from the school psychologist and my son's
25 teacher said that my son was resistant to rules,

2 defiant, known to tantrum, behave aggressively,
3 engage in attention-seeking behavior with varying
4 academic success depending on his mood. That he is
5 hostile, emotionally disturbed, aggressive, and
6 depressed. Not one single statement that I just read
7 to you describes my happy, silly, bright son. I
8 pleaded with the school for a reassessment. I saw
9 that he was working hard to achieve literacy that was
10 in line with his peers. I could plainly see that his
11 brain did not process information in the way that the
12 school was teaching him and this caused him stress
13 and further exacerbated his anxiety reaction when his
14 educators met his requests for help with skepticism.
15 I know my son and I knew this report was inaccurate,
16 so I went to an outside source and paid out of my own
17 pocket for him to have a full--

18 SERGEANT-AT-ARMS: Time expired.

19 JEANNA MCGINNIS: neuro psyche evaluation
20 at my own expense. The independent assessor reported
21 that he found Fox friendly, cooperative, engaging and
22 well related. Ultimately, the assessment and
23 subsequent assessments have diagnosed my son with
24 dyslexia, not an emotional disturbance. The examiner
25 found that when my son was presented with a literacy

2 skill that he felt he should and that he recognized
3 that his peers knew, he became anxious and
4 frustrated, which is apparently perceived as
5 aggression in his school. Speaking specifically to
6 academic recovery, my son's IEP goals were set while
7 he was still in kindergarten and while he still had
8 the incorrect classification, he is now in second
9 grade and appropriately classified with a learning
10 disability, but we haven't updated his goals. There
11 hasn't been a reassessment. So when the
12 administrators were assessing data to assign him for
13 academic recovery, they had inaccurate information
14 and they placed him as low priority because he has
15 met his kindergarten goals. This is not an accurate
16 representation of the academic gap which has
17 significantly widened in a remote setting. There is
18 absolutely no urgency in the process that is
19 absolutely critical, particularly at this young stage
20 of his academics. As you know, New York City has
21 roughly 200,000 students with disabilities. Five
22 percent of these students are labeled as emotionally
23 disturbed which is categorically stigmatizing our
24 young students with support needs and undoubtedly
25 follow their academic careers potentially beyond

2 their academics. In this classification, 50percent
3 of students identify as black, 38percent identify as
4 Latino or Latin-X. This is alarmingly
5 disproportionate. Labelizing already marginalized
6 students with a classification that is stigmatizing
7 only enforces current patterns of racism and
8 oppression. Black and brown boys that are struggling
9 in our school system are labeled as bad. If my son
10 had white skin like I have white skin, I wonder how
11 hard I would've had to advocate to get him support
12 for his language disability. How can special
13 education needs be met when we don't have accurate,
14 unbiased assessments? Thank you for your time.

15 MODERATOR: Thank you, Jeanna. We will
16 now hear from Lauren Clavin.

17 SERGEANT-AT-ARMS: Time starts now.

18 LAUREN CLAVIN: Hello, everyone. Thank
19 you, Chair Treyger, and the rest of the Council
20 members. I'm not going to read from my prepared
21 statement. A lot of it I've said here before and my
22 fellow parents today said what I wanted to express
23 about the need for a remote option. Thank you, Tom
24 Shepherd and Paulette Healy and Amy Tsai and Rashida
25 Brown Harris. And thank you to the student

2 disability rights activists who showed up here to
3 speak. I don't know if anyone from the DOE is still
4 here. Ms. Foti, if you are here, I hope you listened
5 to what that student had to say. That is who you all
6 say that you are prioritizing the needs of an she is
7 saying that she wants a remote option and to send it
8 brilliantly and very clear. And just quickly, I'm a
9 parent of two children. I participated in the Strike
10 for Safe Schools. I have a child with multiple
11 disabilities and an IEP and underlying health
12 conditions that made it impossible for me to send him
13 back to school this year and I want to thank Jennifer
14 Goddard for illustrating, unfortunately, why I didn't
15 even bother applying for the home instruction option
16 and I think what she shared shows why that doesn't
17 work. So, thank you for sharing your story. And I
18 am currently no longer actually enrolled in a DOE
19 school. My children are no longer enrolled in DOE
20 schools because it was made very clear to me with,
21 you know, subtle language that there would be an ACS
22 call made if I didn't return my child to school. And
23 as a former foster parent, I've had enough contact
24 with ACS to know that I didn't want to invite that

2 again and I really want to stress here to anyone that
3 is never--

4 SERGEANT-AT-ARMS: Time expired.

5 LAUREN CLAVIN: to anyone that is never
6 had ACS involvement in our home, you cannot
7 understand the terror, the absolute terror that it
8 inflicts on an entire family. The trauma, the
9 emotional abuse that occurs at the hands of people
10 who call themselves representatives of child welfare,
11 which we know that they are not, but that is a
12 different story for a different committee. So, I
13 felt that I had no choice but to enroll my children
14 and I am now homeschooling which is not something
15 that I had wanted to do. I want my children to go
16 back to school. As I said-- just think it all the
17 parents and I hope, I hope, that any DOE employees
18 your listening and I thank you, Chair Treyger, for
19 continually opening these spaces. As you said, this
20 is a failure. It's embarrassing. It's a stain on
21 the city. Like you, I blame the Mayor and this will
22 be his legacy. I could say more. Thank you so
23 much.

24 MODERATOR: Thank you, Lauren. We will
25 now hear from Eileen Irizarry Ramirez.

2 SERGEANT-AT-ARMS: Time starts now.

3 EILEEN IRIZARRY RAMIREZ: Hello. Good
4 afternoon. My name is Eileen Irizarry Ramirez. Can
5 you all hear me?

6 SERGEANT-AT-ARMS: Yes.

7 EILEEN IRIZARRY RAMIREZ: Okay. Great.
8 I have a child with special needs. I advocate for
9 parents and children with special needs and I was in
10 a meeting last night and then a meeting previously
11 the day before where OBD just doesn't take
12 responsibility for nothing. The DOE, really, you
13 guys don't take responsibility for the problems
14 either in May just got a huge grin, no. More funding
15 yesterday was voted in, meanwhile, I have parents who
16 cannot put their children on these buses. I'm not
17 even talking about not having a bus route. I'm
18 talking about their safety. Why are there not
19 cameras mandatorily put on all of these buses? Most
20 of our children cannot speak for themselves. A lot
21 of these children are nonverbal and then you have the
22 children who are verbal could tell their parents they
23 were hit on the bus by matron and the parent follows
24 protocol, calls OPT, calls the bussing service,
25 reaches out to the school and there is no resolve.

2 The parent is told you have to be patient, you have
3 to, you know, give us time or, my favorite one was
4 from the bus services so, you weren't there, I wasn't
5 there and the matron has no recollection. I'm going
6 to believe my child, right? You believe your child.
7 My question is better training, better funding. You
8 know? In that aspect. There has to be better
9 training for the people handling the children on
10 these buses. There has to be some sort of money put
11 into those cameras. They have to be there. It's
12 going to come to appoint that my parents are not
13 going to go this route and then you're going to have
14 parents on the news for been physical for protecting
15 their child. It's an instinct to protect your
16 offspring.

17 SERGEANT-AT-ARMS: Time expired.

18 EILEEN IRIZARRY RAMIREZ: and they are
19 not allowed to. That's all. Thank you.

20 MODERATOR: Thank you, Eileen. That
21 concludes this panel. If we have missed anyone that
22 would like to testify, please use the zoom raise hand
23 function and we will call you in the order your hand
24 is raised. Seeing none, Chair Treyger, we have
25

2 concluded public testimony for this hearing. Handing
3 it over to you.

4 CHAIRPERSON TREYGER: Thank you. Thank
5 you so much, as well, for stepping in today and doing
6 a great job help moderating. Thank you, Aliyah.
7 Much appreciation to you.

8 MODERATOR: Thank you.

9 CHAIRPERSON TREYGER: And to the entire
10 staff. We, as I mentioned earlier, there's no way to
11 sugar coat this. We are failing and the entire
12 government needs to take responsibility here. We
13 keep running into a brick wall of mayoral control in
14 terms of what we can legally force, but we are going
15 to continue to use this platform as mentioned to
16 create a space for families and folks to speak up and
17 rightfully advocate. I just want the public to know
18 that they cannot use the excuse of resources.
19 Historically, in the past, they could have used it
20 here and there even though, when there is a will,
21 there is a way, but now we are in receipt of billions
22 of dollars. More is coming. There is no excuse
23 anymore and I think I heard some powerful stories
24 today. You know, thinking of creating a bus program
25 three months into school is the equivalent of

2 offering someone who is starving to death food after.

3 The fact that our kids were not centered to begin

4 with, that is already an indictment because we have

5 heard time and time again equity, equity, equity.

6 That was not the case. I know folks at DOE, some

7 folks are listening and so forth. There's no excuse

8 and I know that there are folks in DOE who agree with

9 us. I know that. The issue is City Hall, OMB, the

10 Mayor's office, and we're not going to give up. And

11 also, to those parents and families, educators who

12 have emailed me stories, please email me.

13 MTreyger@Council.NYC.gov. Every case I get, I follow

14 up on with Christina Foti, if need be. And also, I

15 want to acknowledge her on the record that she does

16 respond to me. She is one person. I wish she was

17 more empowered and had more power in the

18 administration. She does get back to me. Kevin

19 Moran does get back to me, but this should not be a

20 piecemeal thing. We need to have a more

21 comprehensive approach here. So, we have more work

22 to do. I have some follow up questions from this

23 hearing. Forgive me. We have some work to do. I

24 have some follow up questions from this hearing which

25 we expect to get answers from from the administration

2 and we will share with the public accordingly. Thank
3 you all for your powerful testimony, for your
4 partnership. We have a lot more work to do. This
5 hearing is adjourned.

6 [gavel]

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C E R T I F I C A T E

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



Date December 15, 2021