

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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HELD AT: Council Chambers - City Hall

B E F O R E: Mark Treyger
Chairperson

COUNCIL MEMBERS:

Alicka Ampry-Samuel
Inez D. Barron
Joseph C. Borelli
Justin L. Brannan
Andrew Cohen
Robert E. Cornegy, Jr.
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Ydanis A. Rodriguez
Deborah L. Rose
Rafael Salamanca, Jr.
Eric A. Ulrich

A P P E A R A N C E S

Jocelyn David-Burch

Uvania [SP?] Espino

Debbie Meyer

Nieves Ojediz (with the interpreter) Sonya Gabba

Susan Paterson

Cameron Brown

Maggie Moroff
Public Advocate

Randi Lavine

Jaclyn Okin Barney

Lori Podvesker
INCLUDE NYC

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Alice Bufkin
Director of Policy for Child and Adolescent
Health

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Corinne Rello-Anselmi
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S. David Jacobson

Laura Espinoza

Sheila Szcuponiac [SP]

Karen Tumulty

Dr. Beth Raskin

Rae Eisdorfer[SP?]

Susan Crawford,

Aurelia Mack,

Michelle Noris

Michele Korgood

Leah Steinberg

Maria Roca

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2 CHAIRPERSON TREYGER: Good afternoon,
3 everyone and welcome to today's Committee on
4 Education oversight hearing on the Department of
5 Education's Provision of Special Education Services.
6 My name is Council Member Mark Treyger and I am the
7 proud Chair of this Committee. I'd like to welcome
8 my colleagues that are present here. We have Council
9 Member Barron, Council Member Dromm, and Council
10 Member Rosenthal and I believe Council Member Kallos
11 will be with us shortly.

12 At today's hearing, we will hear testimony on the
13 following legislation and resolution. Introduction
14 900, sponsored by Council Member Kallos, Introduction
15 1380, sponsored by Council Member Rosenthal and
16 Introduction 1406, sponsored by Council Member Dromm.
17 We'll hear more about those bills from their sponsors
18 shortly. We'll also hear testimony on Introduction
19 559, which I am proud to sponsor. This legislation
20 would amend a law passed by this Council in 2015 and
21 would require DOE to provide school-level data
22 regarding compliance rates for students'
23 individualized education programs known as IEPs.
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2 While DOE is already required to report on
3 compliance rates with respect to IEPs, they were not
4 required to provide the compliance rate at the
5 individual school level. In furtherance of insuring
6 that DOE is complying with IEPs, I have also
7 introduced Resolution 749 which calls upon DOE to
8 establish a czar position specifically tasked with
9 helping DOE achieve full compliance with IEPs and
10 other requirements for students in special education.

11 While I truly appreciate the good work of the
12 Deputy Chief Academic Officer of Special Education
13 and Student Services has done, as we've heard in many
14 hearings, we need someone who has the authority and
15 the mandate to cut across the offices of different
16 deputy Chancellors. So, for example, we've held
17 hearings in this committee in the past on OPT where
18 we learned that the needs of students on our student
19 transportation systems were not being met. Where
20 kids were on buses for long hours, no food, no water,
21 no medical attention. These are kids who are
22 medically fragile and there is no clear chain of
23 accountability about who is responsible to make sure
24 the students are receiving the required help and
25 required services. I'm also talking about students

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2 who are supposed to be enrolled in our UPK programs
3 but cannot because we don't have the physical space
4 to accommodate their needs or the right personal to
5 meet their needs. It's not truly universal when many
6 of our kids are not at the table receiving required
7 education services.

8 Today, this Committee through testimony and the
9 legislation that will be heard will focus on DOE's
10 compliance with IEPs. Additionally, we will look at
11 the full range of services that are offered to
12 students with special needs and where the DOE is
13 failing to provide such services as well as how
14 quickly DOE reimburses parents for private school
15 tuition or other services for children who are not
16 receiving appropriate special education services in
17 DOE schools.

18 Nearly 20% of students in the New York City
19 School system are students with disabilities which is
20 224,160 of our students. To put that into better
21 perspective, the Houston Independent School District,
22 which Chancellor Carranza used to be Superintendent
23 of, has a total student population of 214,175
24 students.

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2 DOE reported in their latest special education
3 report that only 78.4% of school age students with
4 IEPs and DOE settings were fully receiving their
5 recommended services. 19.1% were receiving partial
6 services and 2.5% didn't receive any. Further, and
7 even more disappointing, in 2018, only roughly 50% of
8 students with disabilities graduated from high school
9 within four years. I acknowledge that DOE has made a
10 number of substantial improvements, one of the latest
11 being the special education reform launched in 2012
12 in partnership with the state. However, the numbers
13 I just read show so much more work is needed to
14 ensure we serve some of our cities most vulnerable
15 students.

16 I recognize that not every school has adequate
17 staff to provide all the needed services. I also
18 recognize that compared with other large urban school
19 districts in this nation, our related service
20 providers like physical and occupational therapists
21 are experiencing significant paid disparities with
22 other DOE positions like counseling in school
23 psychology. This contributes to a shortage of
24 service providers. For those English language
25 learners or now the DOE refers to them as

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2 Multilingual learners receiving special education
3 services, the lack of services being provided is only
4 part of the issues they face. From DOE itself, we
5 know that these students are not receiving the
6 services they need in the language they understand.

7 DOE reported that for the 2017-2018 school year,
8 17.2% of bilingual counseling sessions and 17.4% of
9 bilingual speech language therapy sessions were not
10 held in the recommended language due to shortages of
11 bilingual providers. Think about that for a moment.

12 Almost a fifth of counseling in language therapy
13 sessions were not held in the recommended language of
14 the students. Not only are many of these students
15 coming here and experiencing a new country, language,
16 culture and school, they have no way of meaningfully
17 connecting with their peers and teachers because the
18 services they need and are entitled to are not being
19 provided in their native tongue.

20 Not only are we continuing to fail our students,
21 we are also shortchanging the teachers we charge to
22 teach them. I know first hand as I experience this
23 myself as a teacher in our public-school system, that
24 there is a lack of sufficient and appropriate
25 professional development and teacher training for

1 teachers in district schools to enable them to
2 adequately meet the needs of the influx of students
3 with disabilities they now serve. If our teachers
4 are not adequately prepared, how can we expect our
5 students to be? We must provide our teachers and
6 schools with tools and skills they need to connect
7 with all students especially those receiving special
8 education services. We can and must do better. I
9 challenge the DOE to think of new and creative ways
10 to fully meet the needs of every student receiving
11 special education services. Working with parents in
12 the community and having an open and honest exchange
13 of ideas would yield positive results. Just like the
14 reform plan launched in 2012 which the state
15 education department used as a model for the other
16 large urban districts across the state. This city and
17 its education leaders must build on that reform and
18 be bold in its next steps to address the provisions
19 of special education services in our city's public
20 schools.
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22 Being bold is not taking a division at DOE which
23 was headed by a Deputy Chancellor and moving it down
24 the chain of command under the prevue of a chief
25 academic officer. What was once a cabinet level

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2 position with its own independent voice, is not
3 subsumed into another division. Appearance matters,
4 accountability matters, the ability to be a strong
5 voice and advocate on such a critical issue such as
6 special education in a sprawling executive department
7 matters. I would certainly hope to hear from the
8 department why such a restricting occurred and the
9 rationale behind it.

10 The Committee in Education looks forward to
11 hearing testimony from the department, parents,
12 students, educators, advocates and others on this
13 issue. I would like to thank my staff including
14 Innis Scaff [SP?], Venessa Ogle and Eric Famberg
15 [SP?]. I want to thank the Committee staff, our new
16 outstanding Committee Counsel, welcome Malcom
17 Butehorn. Malcom welcome to the Committee. Jan
18 Atwell, Kalima Johnson, and Kaitlyn O'Hagan.

19 Before we begin, I'd like to turn to my
20 colleagues who have bills before this Committee for
21 quick remarks on their bills and first we'll hear
22 from Council Member Dromm.

23 COUNCIL MEMBER DROMM: Thank you, Chair Treyger
24 for holding this hearing on Special Education. It
25 has been nearly five years since the Committee on

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2 Education last visited the issue. At that time, I
3 chaired the committee as it focused on challenges
4 around the timely provision of services. Soon
5 thereafter, the Council passed my bill which was
6 enacted as local law 27 of 2015 requiring the
7 Department of Education to provide data regarding
8 students receiving special education services.

9 Subsequent to the last hearing, the advocates
10 approached me to expand into special education
11 services for preschool age children. Now, it is an
12 ideal time to be talking about this as the city
13 strengthens its commitment to early childhood
14 education with the roll out of UPK and 3PK.

15 Ensuring that appropriate special education
16 services and early intervention services are
17 implemented during this time of life is crucial to
18 setting children on the path to success. The
19 consequences of not acting are all too obvious.
20 Years of shuffling students along until they end
21 their academic careers without a high school diploma
22 or really any of the tools needed to live and work
23 and thrive in our city.

24 Intro 1406 will continue where local law 27 left
25 off by requiring the Department of Education to

1
2 report on preschool special education and early
3 intervention services.

4 These data are important for tracking the
5 departments progress toward special education for all
6 eligible students no matter how economically
7 disadvantaged or otherwise hard to reach.

8 I look forward to hearing from department and the
9 advocates about how we can improve, how we reach the
10 youngest New Yorkers who need our education system to
11 provide them with the best possible start in life.

12 Thank you.

13 CHAIRPERSON TREYGER: Thank you very much Council
14 Member and next we will hear from Council Member
15 Rosenthal.

16 COUNCIL MEMBER ROSENTHAL: Thank you so much
17 Chair Treyger. Thank you for holding this hearing, I
18 very much appreciate it. I'm proud to sponsor Intro
19 1380 which requires the Department of Education to
20 report annually the claims for payment for special
21 education tuition and/or services.

22 In 2014, the DOE committed to expediting
23 decisions on whether to settle Special Education
24 reimbursement claims within fifteen days. In 2015,
25 the DOE announced it would finalize settlements

1 within 90 days. These commitments were meant to ease
2 the settlement process, reduce litigation, and
3 expedite reimbursement payments to families, and I
4 thank them for that effort; however, based on reports
5 from parents and advocates, it's clear that DOE is
6 not meeting these commitments and the process is
7 scuttled by bureaucratic and legal nightmares.

9 Let me give you some examples. Parents are
10 forced to exhaust all options and then front payments
11 for special education that the city is supposed to
12 provide. Families are also forced to retain lawyers
13 to pursue reimbursement claims, all at their own
14 expense.

15 Reimbursement for Special Ed tuition and services
16 can still take years to materialize and even when
17 settlements are reached, the money can trickle in
18 over extended periods of time. Parents are burdened
19 by unnecessary hearings taking up time, as well as
20 tax payer money in order to receive reimbursements.
21 And lastly, probably most importantly although this
22 is all critical, families that cannot afford to front
23 the expenses, either due to time constraints or
24 financial constraints for their child's education or
25 even the legal fees that come along with this fight,

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2 are left without options. Their children do not get
3 the education that they need and deserve.

4 My bill, Intro 1380 is intended to hold the DOE
5 accountable to their own commitments for special
6 education reimbursements. Stop wasting tax payer
7 money and resources, deliver much needed transparency
8 for parents and advocates, and ease the bureaucratic
9 and financial burden for parents and most
10 importantly, improve education for our special
11 education needs children.

12 Again, I'm grateful to Chair Treyger for holding
13 this hearing, as well as my colleagues who have
14 signed on to support this legislation. I would also
15 like to thank all of the parents and advocates, there
16 are quite a few of you who worked with my office in
17 drafting the legislation along with Daniel Collins
18 from the City Council Bill Drafting Unit, Beth Gallup
19 who is the former Council to the Chair on Education
20 and Malcom Butehorn, the current Council to the
21 Committee. I look forward to the testimony from the
22 Department of Education. Thank you.

23 CHAIRPERSON TREYGER: Thank you Council Member
24 and next we'll hear from Council Member Kallos.

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2 COUNCIL MEMBER KALLOS: Good afternoon. I am
3 Council Member Ben Kallos. You can tweet me, as
4 always at Ben Kallos. I want to start off by
5 thanking all of the parents who have, let the record
6 reflect that they have filled this room along with
7 advocates, members of the public, notably CSA
8 President Mark Kanazaro, thank you for being here, as
9 well as members of the media and those watching on TV
10 and online. Thank you to Education Chair Mark
11 Treyger for working to get this bill heard and thank
12 you to the Council staff for your hard work. I am
13 sure this bill the voices and expertise of our
14 communities.

15 Last May, former Public Advocate Latisha
16 James introduced Introduction 900 of 2018, which
17 would force DOE officials to provide more information
18 about services for public students with disabilities.

19 At the time, I was proud to be a co-sponsor along
20 with Council Member Steve Levin and of course, now
21 that public advocate James is now New York State
22 Attorney General. James, I continue to carry this
23 bill in **[Inaudible 22:29]** under Introduction 900 of
24 2018 administrators must publish tri-annually the
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2 demographic information of nearly 200,000 students
3 with disabilities in city schools.

4 The information includes the number and
5 percentage of students who are receiving special
6 education services such as monolingual speech
7 therapy, bilingual speech therapy, occupational
8 therapy, physical therapy, vision and hearing
9 education services, assistive technology services,
10 and special transportation services, just to name a
11 few.

12 According to figures published by the city in
13 November, only 73% of those students received all of
14 the service they were supposed to in 2016. The
15 current system is leaving behind to many of our most
16 vulnerable students while it should be supporting
17 them and putting them forward.

18 Special education services are mandated services,
19 not optional resources. The state law requires the
20 city gives students with disabilities individual
21 education plans IEPs that detail needed services, but
22 as reported last summer by the Daily News in 2016,
23 more than 40,000 students only received partial
24 services or did not get any at all.

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2 Introduction 900 of 2018 will go a long way to
3 ensure that the Council and the parents of these
4 childrens are receiving the services they deserve.
5 Thank you again. I will disclose that I have three
6 contemporaneous hearing on two different bills that I
7 have been working on for quite a while, so hash tag
8 three hearings one time, so I'm sorry that I will not
9 be able to remain, but I thank the Committee members.

10 CHAIRPERSON TREYGER: Thank you very much Council
11 Member. I do recognize that we do have an attendance
12 today. The president of CSA, Mark Cannizzaro, we
13 appreciate his attendance and his support, and I also
14 want to recognize, we've also been joined by some
15 other special guests in the audience.

16 For those of you who know me, I am a proud former
17 teacher, but education really hits home in my family.
18 My father is a retired district 75 teacher. My
19 mother retired paraprofessional and they are both
20 with us here today as well.

21 **[Inaudible 25:49]** Treyger, thank you so much for
22 being here as well. Thank you. Thank you, they have
23 instilled a lot of this passion and drive into me.

24 We're going to do something here. Actually, I
25 want to note that we've also been joined by my other

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2 colleagues, Council Member Barron, Council Member
3 Cohen, Council Member King, Council Member
4 Grodenchik, Council Member Brennon and Council Member
5 Ulrich.

6 We're going to do something unique here at this
7 hearing. Normally, we hear from the administration
8 first, but I feel it's only fitting that we actually
9 hear from some parents first about what they have
10 endured, their families have endured in terms of
11 getting services that are mandated and required for
12 their children and how they've experienced great
13 difficulty navigating a very complex bureaucracy.
14 Getting critical resources for their kids and these
15 are our kids. These are our children and we all have
16 an obligation to make sure that they get every
17 resource available and required to them, so they can
18 succeed. And I want to also just appreciate
19 Advocates for Children who have really been champions
20 fighting on behalf of our children.

21 So, I'd like to call up for the first panel,
22 Jocelyn David-Burch, Uvania [SP?] Espino, Debbie
23 Meyer, Nieves Ojediz, with the interpreter Sonya
24 Gabba, Susan Paterson, and Cameron Brown.

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2 Alright, I guess we'll work our way down, we can
3 start here. Just introduce yourself and you may
4 begin.

5 NIEVES OJENDIZ: (Testimony in Spanish).

6 SONYA GABBA (Interpreter for Nieves): Good
7 afternoon. My name is Sonya Gabba, I'm a case worker
8 at Advocates for Children of New York and I will be
9 interpreting for Ms. Ojendiz today. Her testimony is
10 as follows.

11 Good afternoon. My name is Nieves Ojendiz and I
12 live in the Bronx. I am the mother of Anna, a 10-
13 year-old student and I have had many problems
14 acquiring special education and nursing services in
15 school.

16 Anna is diagnosed with seven diseases and
17 disorders. Some of these include cerebral palsy, a
18 seizure disorder, and osteopenia. She needs an adult
19 to periodically clear out the phlegm from her nose
20 and throat in order to avoid suffocation. She is
21 nonverbal and uses a wheelchair. She needs an
22 adult's assistance for everything.

23 In January of 2016, Anna was seriously injured
24 while in the care of the Department of Education.
25 One afternoon, she returned home from school crying

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2 hysterically. Her leg was swollen, so I called an
3 ambulance to take her to the hospital. There, they
4 performed emergency surgery in order to repair her
5 broken leg. The accident occurred during school
6 hours, but the DOE has never offered an explanation
7 for the accident nor has it taken responsibility.
8 School personnel should have the intensive capacity
9 to tend to students with this level of need without
10 putting them in danger.

11 My daughter missed school for two months, so I
12 called Advocates for Children to help me find a new
13 school. Even at a new school, they couldn't take
14 care of her well. One day, the school asked me to
15 pick her up because she couldn't stop crying. I
16 discovered that they weren't seating her correctly in
17 her wheelchair, which caused her more pain. Many
18 times, I have stayed home with her because I am
19 scared that she will be injured at school.

20 Anna's doctors have always said that she needs a
21 nurse to accompany her during the day. I, therefore,
22 requested nursing services with the help of my
23 attorney, but the DOE rejected the request and the
24 representative who made that decision wasn't even
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2 present during the IEP meeting where they rejected
3 the request formally.

4 We requested nursing services a second time, and
5 that time the DOE never gave us a response. In 2017,
6 Anna's school had to sent her to the hospital because
7 she had a high fever, which resulted in a pulmonary
8 infection because the school wasn't clearing out her
9 phlegm when needed. Anna continued to miss weeks of
10 school.

11 In 2017, my attorney and I requested nursing
12 services a third time and in the resulting IEP
13 meeting, Anna's teachers expressed that she needs a
14 nurse. Even with that level of consensus, the DOE
15 still did not offer her nursing services.

16 After submitting three requests, my attorney sued
17 the DOE for denying my daughter appropriate special
18 education services. Once we filed the case, the DOE
19 finally decided to provide a nurse.

20 Throughout this process, I never received any
21 IEPs, evaluations, or forms in my language, Spanish.
22 My daughter has encountered serious barriers to an
23 education that is safe and appropriate for her, but
24 they have been even harder to overcome due to
25 language barriers.

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2 My daughter is fragile and deserves a safe
3 childhood, not only at home, but also in spaces
4 supervised by her school.

5 Please, I urge the Department of Education to put
6 the needs of children first. Thank you.

7 CHAIRPERSON TREYGER: Thank you very much.

8 UVANIA ESPINO[SP?]: Good Morning and thank you
9 for the opportunity to speak. My name is Uvania
10 [SP?] Espino, I am the mother of a 9-year-old little
11 girl named Mejia [SP?}. Mejia is wheelchair bound
12 and suffers from many disabilities. She attends PS
13 138 in Manhattan since Kindergarten. She is now in
14 the fourth grade and ideally next year she would be
15 graduating with the children that she's been with
16 since day one, but the truth is that we are now
17 seeking alternative placement for Mejia's next school
18 year.

19 Accessibility at her school and in so many
20 schools continues to be a problem. PS 138 has no
21 elevator. Not only is the first floor the only space
22 that Mejia can access, but we've had to seek out
23 advocacy and media coverage to get the school to
24 install working bell and signage at the designated
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2 accessible entrance, a challenge that still exists
3 today.

4 Recently, I met with my daughters' instructional
5 team for the annual IEP. We discussed my daughters
6 process onset. I have no doubt that they care about
7 my daughter and go above and beyond to meet her
8 needs, yet this group of professionals acknowledge
9 that Mejia had outgrown the services available to her
10 on the only barrier free floor in the building.

11 The children in her cohort have advanced to
12 classes located on the third floor.

13 We will never know if Mejia might (crying). I'm
14 sorry. We will never know if Mejia might be able to
15 perform in those classes because she cannot climb the
16 steps. Her current teacher has observed that Mejia
17 asked about her former classmates and is emotional
18 and effected by the separation.

19 My daughter faces enough challenges just getting
20 through her daily life and she should not also be
21 subjected to conditions that can be described in no
22 other way then separate but equal.

23 Provisions must be put in place to include
24 adequate staff and accountable staff so that Mejia
25 and other children won't have to endure the emotional

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2 distress or social stigma that comes with the unequal
3 access and that all children can realize their
4 potential. Thank you.

5 JOCELYN DAVID-BURCH: Good afternoon. I just
6 want to say that my name is Jocelyn David Burch and I
7 would like to express how much I appreciate the
8 opportunity to be here today on behalf of my son
9 David and to share our experience transitioning from
10 early intervention into CPSE.

11 The initial IEP meeting was held on October 30,
12 2018 to secure the extension of EI services, but due
13 to my sons' birthday, his birthday is November 3rd,
14 they were only able to extend his service until
15 December 31st, two months.

16 Around that same time, he is a very high
17 functioning child. He is not officially diagnosed,
18 but he does have signs of autism, but because he is
19 so high functioning, it took awhile to figure that
20 out, but in that process, around that same time, I
21 re-met with Early Intervention in order to increase
22 his services to an ABA [inaudible 45:02] and for 20
23 hours per week, due to the suspicion of autism.

24 The initial recommendation made for my son was
25 for an 8-12 classroom, but the progress reports that

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2 were made by both the ABA as well as his speech
3 therapists, in just those two months of an extension,
4 he made so much progress that they changed his
5 classroom setting from 8-12 to 12-12.

6 Now, what does that indicate? If simply
7 extending early intervention from 11-3-18 to 12-31-18
8 raise David's level of function astronomically, what
9 else could he have accomplished with no disruption to
10 service?

11 Helping to take away precisely when it's needed
12 most and it's showing the most evidence of progress,
13 it to say the least devastating. You have to forgive
14 me, bear with me here.

15 Not to mention, my administrator kind of always
16 seemed a little too busy, so I had to secure my own
17 occupational therapy as well as speech therapy for my
18 son. I have been working for him full time. I
19 cannot take a job. I'm married and my husband is
20 struggling. We have two children. My husband has
21 epilepsy. So, me not working is painful.

22 Within the last five weeks, I have toured ten
23 schools. All I've heard, "I'm sorry, maybe
24 September, let's try for July" and everyday my son is
25 using less words. Everyday my son, the new young man

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2 that I got to meet as a result of those services was
3 dwindling away from me but being who I am, I didn't
4 give up on my son and I gave it a 24-hour job to be
5 his advocate. And as a result, by the grace of God
6 and a lot of blood, sweat and tears, my son is
7 attending his first day of school today, but I wish
8 it was because of the people I'm looking at, not
9 because I sacrificed my job. Not because I sacrifice
10 every moment that I can bond with my daughter because
11 I'm trying to compensate for an ABA that I don't have
12 the skills to do.

13 I'm as much of a student as he. I need as much
14 schooling as he. It should be good news, mission
15 accomplished but at what cost? What needs to change?

16 I had to sacrifice the ability to work because of
17 the level of advocacy needed to protect the needs of
18 my son. No parent should have to give up everything
19 for basic needs. It's like watching your child in
20 quick sand and you just don't feel like throwing the
21 rope.

22 So, I was just going to throw out some
23 suggestions to close out. With regards to service
24 extensions from Early Intervention, why not just
25 extend the time until a preschool placement is found

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2 and confirmed? If not, maybe take over the services
3 from EI and continue them, because now your going to
4 spend that much more money placing this child in a
5 lower functioning classroom and then schools don't
6 have the classrooms. If you want a classroom,
7 anything smaller than a twelve, it's almost
8 impossible, which means the children with the most
9 need has the least options to say Ludacris is a gross
10 understatement.

11 The obvious answer is opening more schools and
12 give schools incentives to open smaller classrooms.
13 Perhaps a sliding scale where there's more funding
14 for children that have higher needs.

15 If a school located in New York struggling to pay
16 that rent, their going to take the highest capacity
17 classroom that's fiscally sound. Why would I open a
18 6-child classroom when I can open an 18 or 15?

19 Obviously, this has no simple answer. I don't
20 exactly what the solution is, but we have to figure
21 it out and we don't have the luxury of time. Thank
22 you.

23 DEBBIE MEYER: Thank you. Thank you all for
24 having this hearing. My name is Debbie Meyer and my
25 testimony are coming from a blog I wrote which is

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2 called, I took a year off work to learn about
3 dyslexia because my son's teachers couldn't teach him
4 how to read.

5 I am a Columbia community scholar looking at the
6 role of universities in stopping the dyslexia to
7 present pipeline and I wish this was a joint hearing
8 with higher education because we need to address
9 literacy sustainably and systemically. If we keep
10 doing it with professional development at the DOE, it
11 will never end.

12 So, why for so many is access to an education
13 that recognizes the signs of reading limited to
14 private programs? My son experiences this as a
15 reader struggling with dyslexia and my sister
16 experiences this as an inspiring teacher wanting to
17 help all her students learn to read.

18 After you hear my sons' story, you won't be
19 surprised why the lack of good instruction affects
20 kids of color whose parents can't take a lunch hour
21 to testify. I'm one of the people that Council Woman
22 Rosenthal described fortunate enough to hire a
23 lawyer, to hire a neuropsych and to use the equity in
24 my house to front a year of tuition.

1
2 So, I remember my son's early reading experience
3 as well. As a four-year-old, he listened to the
4 first few chapters of *My Father's Dragon*, meant for
5 12-year-olds and said, "Mom, each chapter this kid is
6 going to take something out of the backpack to save
7 the day." I was thrilled to see he understood
8 foreshadowing, but he couldn't hear rhymes and he
9 hated Dr. Seuss. He hated *Sesame Street*, but he
10 liked the shows that had a plot to follow.

11 His public pre-K teacher was concerned he didn't
12 know his colors, although his health form stated that
13 he was color blind. She didn't mind that he had no
14 phonemic awareness. Did she even know this was a
15 pillar of literacy? She did say he was bright and
16 enjoyed teaching.

17 His kindergarten teacher at our progressive
18 public school, a very well-respected school, said the
19 same thing. He was bright and enjoyed teaching. The
20 books he brought home from school, got memorized
21 quickly and exchanged. He listened to me and his
22 father read third and fourth grade level books to him
23 at home at night.

24 When he was in first grade, we kept reading even
25 more advanced books out loud, but he wasn't learning

1
2 to read or write. Our school's response, they had
3 our son attend a one-week summer program meant for
4 teacher/professional development.

5 In second grade, he received a school-based
6 evaluation that said he was bright but couldn't
7 express himself in reading or writing. We heard the
8 evaluation and we mentioned to the school team that
9 dyslexia runs in our family. The school told us he
10 would do fine in an ICT class, where a special
11 educator and a general educator would teach all the
12 children together, but he didn't do fine.

13 Vast begin our journey into the private sector
14 for his education. Our first stop was a private
15 evaluation. It cost us \$5,000. We learned he was
16 decoding and spelling at kindergarten level. As
17 though he had never gone to school, yet he could
18 comprehend things he heard at 12th grade level. My
19 son is dyslexic. His teachers have been trained at
20 prestigious institutions including Bank Street and
21 Teachers College. My son was continuing his learning
22 comprehension skills and getting great content, but
23 he kept falling further behind his friends in reading
24 and began to suffer from anxiety.

1
2 I was taking back. I couldn't believe the
3 teachers didn't know how to teach him to read. He
4 was offered assistive technology rather than
5 instruction.

6 By third grade, we found more private resources,
7 tutors. We also sent him to a private summer camp in
8 Amenia at the Kildonan School. The tutors from their
9 teacher training Institute worked with the dyslexic
10 students one on one for an hour a day and then he had
11 summer camp and he got his self-esteem back.

12 He learned cursive, his reading and writing
13 improved, but he went back to public school, and he
14 slid back. The posters of the first day of school in
15 my dreams, were beautiful. The posters of the second
16 semester first day, couldn't read. He was 10-years-
17 old. So, again, we turned to private resources. He
18 began CPT with a psychologist, and we enrolled him in
19 the Windward School, which has its own teacher
20 training institute. They use direct instruction,
21 they teach decoding rules. Now he knows how words
22 work, he can read, he can write. This summer from
23 camp, he wrote me five letters that I could read
24 asking me to send him the autobiography of Malcom X.

1
2 You know, he's a success story. However, at
3 Windward he is not getting the content he really
4 wants. He constantly will listen to podcast to
5 audible to learning ally, go to museums. He goes to
6 museums by himself to learn now, but certainly it's
7 easier for a parent to give a kid content and then to
8 teach him skills, like reading.

9 The other problem is, the school he ended up at,
10 he leaves Harlem everyday to go to, it's on the upper
11 east side. It has maybe 5-6% of kids from public
12 school. It's incredibly idealist and he is shocked
13 every time he hears kids say things that they have
14 never been above 96th street when you know, they read
15 things that have a totally different reading
16 comprehension than him because they don't understand
17 anything beyond their bubble on the upper east side
18 and he doesn't travel around with kids from his
19 neighborhood. He has been mugged twice, because he
20 comes home from school by himself. So, back to why I
21 think what I started, that the universities need to
22 play a role in this. I think the DOE, as much as our
23 special education, they need a strong university
24 liaison to push the universities to supply not just
25

1
2 the teachers that they need but the social workers
3 with the right backgrounds.

4 The school psychologist with the right back
5 grounds and I think medical doctors and pediatricians
6 need to have the right background to help our kids.
7 Thank you.

8 SUSAN PATTERSON: Good Afternoon. My name is
9 Susan Patterson. I am the mother of a 23-year-old
10 son and his name is Miles Saint Clair Patterson.

11 In 2015, my son was diagnosed with a polycystic
12 astrocytoma. So, if you want to have a brain tumor,
13 that's what you want to have. It was precancerous
14 and Miles had to undergo two six and a half hour
15 operations to remove the tumor. His prognosis is
16 good.

17 During that time, I went to his school which is
18 Francis Lewis in Queens and told the principal of
19 Miles's situation.

20 He bluntly said, why are you bothering telling me
21 this? I said, because he is your student and he is
22 coming back to the school. I'm not going to home
23 school. I believe that he needs to be around his
24 peers, so he can acclimate back into the school
25 setting.

1
2 I asked the principal, could we have him tested
3 IEP and he adamantly said, no, that will not be
4 necessary. I'll make the necessary accommodations
5 for Miles. I asked him, could he have a one to one
6 para to escort him from classroom to classroom?
7 Miles had no short-term memory at all because of the
8 operation.

9 He said, the only way I would give him a one to
10 one para, is if he was drooling on himself and with
11 that, I decided to go to the district office,
12 District 26 and ask for testing.

13 Well, needless to say, he did not test well
14 because he was so new from this surgery, but at least
15 we had a platform for where we could develop some
16 services for Miles.

17 I went back to the school, told the principal
18 what I had done, and he was furious. Why would you
19 do something like that? You've messed me up, was his
20 reply and I said, well, listen, this is where we're
21 at and Miles needs the services and I'm not an
22 educator, but I had a sense that something wasn't
23 right. So, I would email the principal, what about
24 this? What about the IEP, is he getting these
25 services? I think he should have occupational

1
2 therapy. I had to go to school twice to get
3 occupational therapy, so a child who has no short-
4 term memory, they gave him occupant therapy one time
5 a month for 45-minutes. Not good.

6 And then I said, you know, I'm walking against a
7 brick wall. Something is not right. But I think the
8 thing that really disturbed me is Miles was coming
9 home one day, he had not left the school grounds and
10 he had to go to relieve himself. He went back to the
11 school, and they said, "you're going to have to
12 urinate on yourself." They would not let him in the
13 school, and he did urinate on himself. I filed
14 charges against the dean who did this but still,
15 nothing really changed. So, I called Advocates for
16 Children and I said, I don't know what's wrong, but
17 somethings wrong. They in turn, contacted Arnold
18 Porter. You guys are the life line to my son. Thank
19 you so much.

20 And they looked at the data, they looked at my
21 emails, we filed suit against the school. We won a
22 decision. Miles received 750 hours of private
23 tutoring. He was transferred to a school in the city
24 called Pathways to Graduation. This is on 35th
25 street and 8th Avenue.

1
2 When Miles went to school in late 2017, he had a
3 reading level of 5.4. Now this boy is 22 at this
4 point. I'm proud to say, my son is reading level is
5 now 9.9. Okay, they cared, they cared. They called
6 me. You know, I'm a proactive parent. So, he has a
7 good story and I wonder, what about the other
8 students who didn't have Advocates for Children or
9 didn't even have an advocate who can help them
10 navigate and understand the language. Understand
11 what the children are entitled to. Oh, by the way,
12 they wouldn't give me transportation. So, I had to
13 take Miles back and forth to school. It was
14 horrendous, but my son is worth it.

15 So, he's going to take his state test next month,
16 with special accommodations where he is going to into
17 Queens Borough Community College. My son is good
18 stuff. I'm proud of my son but look at the kids
19 we've lost because they didn't get the help.

20 So, that's my recommendation. They need an
21 outside board to help the parents. These parents are
22 devastated. They need the help.

23 I want to thank you for listening to me.

24 CHAIRPERSON TREYGER: I mean, this has been some
25 of the most powerful testimony this Committee has

1
2 heard, and I want to just thank all the families here
3 and the advocates for your passionate, dedicated
4 work, not just on behalf of your children, but really
5 on behalf of all kids because I know that's why
6 you're here. Not just for your child, but for all
7 kids and no one should ever be subjected to the
8 horrors that you've all been subjected to and I think
9 one of the things we'd like to see out of this
10 committee is, we have a Council report that was
11 reproduced by a Local Law that gave us the general
12 compliance rate in the city of New York, but we need
13 to go a step further to find out at the school level
14 what's not happening in these schools. We need to
15 find out what specific service are we denying our
16 children? That helps us advocate more effectively
17 when we know on a school by school basis, where are
18 we falling short? And I just want to say Chair of
19 this Committee, I want to apologize to all of you for
20 what you have experienced, or what you're still
21 experiencing in our school system. Your children
22 deserve better, you deserve better and you do need
23 some sort of a champion advocate to help families
24 navigate this because as you pointed out, one of the
25 parents pointed out, they couldn't even work because

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2 of how much time and effort this took to advocate for
3 their child. That's unacceptable. Its unacceptable.

4 I just have a quick question, and anyone could
5 just kind of chime in with an answer. I'm interested
6 in learning, who was the point person in the school
7 setting that the school directed you to speak with in
8 terms of IEP services for the child? Someone could
9 answer that?

10 SPEAKER: I worked with, it was a small school,
11 the principal, the special and the general ED teacher
12 were all on this IEP team.

13 CHAIRPERSON TREYGER: So, it was an IEP team?

14 SPEAKER: Yeah.

15 CHAIRPERSON TREYGER: Anyone else? Because I
16 heard testimony from one parent that the sessions
17 were not translated in the language that she speaks,
18 is that correct?

19 SPEAKER: Which sessions, I'm sorry?

20 CHAIRPERSON TREYGER: The meetings with regards
21 to fighting for the IEP services were not available
22 in the language that she speaks, is that correct?

23 NIEVES OJEDIZ: (Speaking in Spanish).

24 SONYA GABBA: Ms. Ojediz has said that there was
25 no one designated to translate and to interpret at

1
2 these meetings and they didn't have a language line
3 either, but usually there was a teacher that would be
4 able to step in, in that role in terms of
5 interpretation during the IEPs but none of the
6 documents were ever translated.

7 CHAIRPERSON TREYGER: And I'll flag for my
8 colleagues who are here, that it's my understanding
9 and correct me if I'm wrong, that there are only
10 three school districts currently in our school system
11 that are piloting translating the IEPs for families
12 that need transition services, is that correct? Is
13 that your understanding?

14 NIEVES OJEDIZ: (Speaking in Spanish).

15 SONYA GABBA: So, she hasn't been aware of the
16 districts that are translating, but her I guess, main
17 experience with it has been just inability to
18 communicate with anyone at the school. So, she goes
19 to the school for something related to her daughter's
20 education and there is not even someone in the office
21 who can kind of handle the situation.

22 CHAIRPERSON TREYGER: Thank you for that and one
23 final piece here. In the IEP, and I appreciate your
24 work, Ms. Meyer with regards to, I agree with you,
25 it's not just PD you need foundational better teacher

1
2 training. I fully am on board with that. I'm curious
3 to know whether you face resistance or was the word,
4 the diagnosis dyslexia, even mentioned in the IEP?

5 Because we hear sometimes, there are a number of
6 stories, where they refuse to acknowledge the
7 presence of dyslexia. I'm just, I'm curious to hear
8 your thoughts on that.

9 DEBBIE MEYER: So, the second grade and third
10 grade IEP, did not say dyslexia and we didn't know we
11 had resistance because they kept saying they could
12 teach him how to read. So, even you know, me with a
13 college education, I believed they could teach him
14 how to read.

15 Fourth grade, the school was expanding to become
16 a K-8 school and the principal was otherwise busy and
17 we actually convinced the special ED teacher to put
18 dyslexia on the IEP. So, it was just, we knew we
19 were already leaving, we were working on getting out
20 and it was just basically to make a point to get
21 dyslexia on it. So, the principal wasn't there to
22 fight us.

23 CHAIRPERSON TREYGER: But basically, it was all
24 on you to insist that?

1
2 DEBBIE MEYER: Yes, the state does have new
3 guidance that says that it can be on there and it
4 would help parents tremendously in being able to
5 understand their kid and their challenges. If
6 dyslexia and dysgraphia were on IEPs.

7 CHAIRPERSON TREYGER: Yes, I appreciate that. I
8 recognize the work of assembly member JoAnn Simon
9 from Brooklyn, who has worked very hard on this issue
10 and a lot of the stories were hear, that some
11 families are not being told their rights with regards
12 to dyslexia and there's been resistance historically
13 to even have that on an IEP and that's just not
14 acceptable and I - go ahead.

15 DEBBIE MEYER: Yeah, well the other thing that I
16 think that since more, there's fewer kids that learn
17 without phonics, then learn with phonics. The 5% of
18 kids that learn without phonics should be in Special
19 Ed and everybody else should just be in literacy.
20 Thank You.

21 CHAIRPERSON TREYGER: Thank you. Okay, so we
22 have one more parent I believe who is here. Anyone
23 else recognize that arrived? But we'll call up to
24 hear from Cameron Brown.

1
2 CAMERON BROWN: Hi. I want to thank the City
3 Council for hearing.

4 CHAIRPERSON TREYGER: Make sure that the mic is
5 on and that you are speaking into the mic.

6 CAMERON BROWN: I want to thank the City Council
7 for hearing our concerns today and I hop our
8 testimony will translate into a more efficient
9 reimbursement process for the families as well as the
10 Department of Education. We have two girls, Amelia
11 and Heidi, that are both medically fragile. Amelia
12 attends a special needs school that we pay directly
13 and then seek reimbursement from the DOE, and Heidi's
14 school is reimbursed directly by the DOE. To date
15 I've found the reimbursement process financially
16 costly, lengthy, and extremely stressful.

17 One potential solution I'm here to support would
18 be multi year settlements. It's my understanding the
19 current version of multi-year settlements is
20 problematic because an IEP could change on an annual
21 basis. I believe this obstacle can be overcome. I
22 would recommend children who are already enrolled in
23 certain New York State programs, like the Medicaid
24 Waiver program, for instance, become immediately
25 eligible for multi-year settlements.

1
2 Such a solution would go a long way in
3 alleviating the financial and emotional stress for
4 families, the cashflow issues for schools that seek
5 reimbursement from the DOE directly and free up
6 bandwidth for the DOE to expedite other cases.

7 Using this year as an example, we filed our 10-
8 day notice in June, we then received a settlement
9 offer in October which was approved by the
10 Comptroller in January, but we are still waiting for
11 a countersigned stipulation, a final hurdle before
12 the reimbursement process can begin. Unfortunately,
13 the process of hiring lawyers for 2020 has already
14 begun and 2019 is still unresolved. It is a
15 depressing cycle.

16 I really appreciate your help in making this
17 process more efficient. Thank you.

18 CHAIRPERSON TREYGER: Thank you so much and I
19 think that a number of my colleagues and our Council
20 Member Rosenthal has a bill here today have touched
21 upon this issue where we have such a twisted system
22 where parents and families are forced to sue to get
23 services which their kids are already entitled to.

24 Let that sink in. Families have to sue to get
25 services that their children are already entitled to

1
2 and I would argue, I think my colleagues would agree
3 that that system you know, also hurts working
4 families, working people. Families that live check
5 to check to make ends meet, don't have the wear with
6 all to hire a bunch of attorneys and experts to prove
7 their case. It's really outrageous. Really it
8 favors I think, folks with resources and the well
9 connected and this cannot be the status quote, we
10 have to change this.

11 So, if any of my colleagues do not have any
12 addition - there are some questions for this panel.
13 I want to begin with Council Member Rosenthal.

14 COUNCIL MEMBER ROSENTHAL: Oh, with apologies.
15 Thank you so much and thank you all for coming today
16 and bringing these issues to life.

17 CHAIRPERSON TREYGER: No worries, do any of my
18 colleagues have any questions for this panel?
19 Hearing none, I want to thank all of you for your
20 powerful testimony here today. For your tireless
21 extraordinary efforts and we're not done yet. We
22 have more work to do. Thank you all very much.

23 COUNCIL MEMBER LANDER: Mr. Chair.

24 CHAIRPERSON TREYGER: Oh, Council Member Lander.

25

1
2 COUNCIL MEMBER LANDER: Thank you guys so much
3 for coming. Those were really powerful and hard
4 stories to hear but such an important context for
5 what we're about to do in our conversation with
6 Department of Education.

7 I just wonder if you could on sort of more of the
8 what you'd want side? Like, these are hard stories
9 to hear and what you've had to fight has been so
10 hard, do you just want to talk for a minute about if
11 any of you want to, about either something that's
12 gone right in the system or how you would want it to
13 work for your kids and your families. So, as we're
14 trying to imagine what we're pushing for and what
15 we're trying to get to, we could hear a little from
16 you guys first about what the system should look like
17 and how you would want your kids perceived in their
18 school and how you as families would want to be
19 perceived.

20 JOCELYN DAVID-BURCH: So, just briefly, I think
21 one of the simplest things is transparency and
22 communication. Having one person that's accountable
23 for - that you can come to and speak to about these
24 issues with your kids. Transparency and what
25 services are going to actually be available in these

1
2 buildings for your children so that you're not just
3 bringing your kid in on your first day of school and
4 you know, you think that this is going to be the best
5 deal and then in the end it ends up being a sour
6 note. Definitely, just an accountable staff person,
7 so you're not throwing around to, well, speak to
8 everything that's thrown on the principal and
9 frankly, a lot of times a principal can't fix any of
10 it.

11 So, an accountable staff person, a supervisory
12 staff person that can communicate directly with
13 parents about these issues, I think is something that
14 will make a bit of a difference in my opinion.

15 DEBBIE MEYER: I would like the schools to create
16 a culture for dyslexia and literacy and take it out
17 of Special Ed and make room in Special Ed for the
18 kids that really truly need it. I would like my son
19 to have stayed in his neighborhood school, stayed
20 with his friends, and continued on. We expect him to
21 go to public high school next year. We're waiting
22 until hopefully March for that news.

23 So, I just wish he never had to leave public
24 school.

25 NIEVES OJEDIZ: (Speaking in Spanish).

1
2 SONYA GABBA (Interpreter): So, Ms. Ojediz would
3 recommend that school staff that is in direct contact
4 especially with medically fragile students have extra
5 capacity to tend to these students needs because
6 she's often found her daughter in school with her
7 neck kind of doubled over, maybe not sitting in the
8 right position. So, she would recommend or urge the
9 Department of Education to just train its staff a
10 little bit more to be able to treat those students
11 with greater care.

12 And so, and then the second part would be that
13 she would like to see the Department of Education
14 just have greater transparency with parents because
15 she feels a sense that there is a lot more
16 communication between the higher levels of Department
17 of Education and the personal or the school staff and
18 she doesn't see that same communication being given
19 to her.

20 COUNCIL MEMBER LANDER: Thank you all, those seem
21 like extraordinary reasonable recommendations.

22 ?: I just wanted to add one if that's okay.
23 Also, sorry.

24 COUNCIL MEMBER LANDER: No, no, thank you.

25 ?: Because my son is only three, so I've only

1
2 had very minimal interaction but my suggestion from
3 my experience is it would be really great if the
4 transition from Early Intervention into CPSE was a
5 little more seamless.

6 The best way I can explain it emotionally, it
7 felt like going from a warm hug to a swift kick in
8 the chest. That's literally the transition. I even
9 had my coordinator with Early Intervention, well, you
10 know, it's not going to be like this on that side.

11 Like, this is the dark side, what's happening
12 here, it's ridiculous. So, if that transition could
13 be a little more seamless, maybe if DOE can offer
14 something. Can there be something worked out? Some
15 kind of extension, see it, ABA something? You know,
16 to supplement until that classroom is available. You
17 know, some regular communication. My coordinator
18 with Early Intervention was in constant communication
19 with me. Any time I wanted a meeting, it was almost
20 immediate. Everything was just seamless. Everything
21 was just so much easier. Its just hard to just
22 except that you have a child with a disability. Just
23 that in of itself is almost a mourning process and
24 you have to accept, and you have to be able to move
25 forward, and then to go from that process to folks

1 that almost just want to get you out of their office.
2 You know, that process of well, look, you're one of
3 many, sorry. You know, even if the outlook is bleak,
4 be somewhat positive. I'm sorry there's no schools
5 right now, but we're going to continue looking.
6 We're a team. It's well, look, just accept the fact
7 you're probably not going to get a classroom until
8 September.
9

10 COUNCIL MEMBER LANDER: Hmm.

11 ? : That was my response and from what I
12 understand that's not unusual and that's what I think
13 in my opinion needs to change. The parents are
14 already struggling to deal and to find what's best,
15 and where we need to find the help, it should be easy
16 and welcoming and supportive.

17 COUNCIL MEMBER LANDER: Thank you for your stories
18 and for your expertise. These in many ways are
19 challenging issues but what you're asking is so
20 imminently reasonable and hopefully today's hearing
21 will help us get there. Thank you. Thank you, Mr.
22 Chair.

23 CHAIRPERSON TREYGER: Thank you Council Member
24 Lander and I'll just point out that I think the
25 issues that you are all touching on point to a

1
2 systemic issue within the DOE that even within the
3 DOE, there is no clear chain of command in my view,
4 that has a single grasp of this entire complex issue.

5 I think that the system has gone through changes
6 structurally, but still some folks operate in silos.
7 Whether it's an OPT case, whether it's an
8 instructional issue, whether it's making sure also
9 that we're advancing these children. That they're
10 going to school, getting these services, moving onto
11 the next grade, reading at grade level, graduating on
12 time. The accountability piece is very unclear but
13 what's clear to me here is that there has not been a
14 champion helping you during this process, the burden
15 has fallen on you alone. That is unacceptable.

16 I think Council Member Cornegy has a statement he
17 would like to make as well.

18 COUNCIL MEMBER CORNEGY: Thank you, Chair. I
19 just wanted to lend my voice to the course of
20 testimonies that we've heard today as a father of six
21 and one child with an IEP. My wife and I had to
22 fight hard and get an RSA letter to provide services
23 externally from what the board could do.

24 But I just want to flag that during that process
25 for myself and my family, it took maybe, he went

1
2 without services maybe four months out of every year
3 and cumulatively that's time you can't make up. So,
4 its not like you can just not have those services and
5 then double up down the road. So, his process was
6 always impeded by the inability for the DOE to
7 provide the services that he needed and then you get
8 the RSA letter, which would take forever, and then
9 you'd go eight months with no services and like I
10 said, you don't double up after that. That's just
11 services missed, and it impedes in their progress.

12 So, I just wanted you to know that there are
13 ally's here on the Council that have actually
14 suffered through the indignities of being parents
15 with means and resources who are unable to access the
16 necessary services on any consistent basis and
17 anybody who has a child in IEP know that one of the
18 most important things is consistency and that's not
19 present in this system at all.

20 So, you know, they told us on several occasions,
21 hey, you know, we'll get to it, we'll try, we'll make
22 it happen and there were just these large gaps in
23 services that really didn't help my child.

24 So, I just wanted to lend my voice and flag for
25 everyone that - its not like, when you do get the

1
2 services, if you get them down the road, that it
3 allows you or your child to catch up. It just
4 doesn't happen that way.

5 So, thank you so much for your testimony. It's
6 not wasted on me or the rest of the Education
7 Committee. I promise you that.

8 CHAIRPERSON TREYGER: Thank you. Thank you all
9 very much. I appreciate your time here today.

10 I'd like to now call on the Administration to
11 testify. We're going to have Deputy Chancellor for
12 Early Education, **[inaudible 1:38:11]**, Josh Wallack,
13 Dr. Linda Chen, Chief Academic Officer, Corinne
14 Rello-Anselmi, Deputy Chief Academic Officer, Loren
15 Siciliano, Deputy Chief Operating Officer, and
16 Alexandra Robinson, Executive Director Office of
17 People Transportation.

18 As we're waiting for the Admin to get settled, I
19 would just mention all the members that were present
20 here today, Barron, Cohen, Cornegy, Deutsch, Dromm,
21 Kallos, King, Lander, Levin, Rose, Grodenchik, Ampry-
22 Samuel, Brannon, Ulrich, Borelli.

23 And whenever the Admin is ready, you may proceed.

24 ADMIN: If you could just raise your right hands
25 please. Do you affirm to tell the truth, the whole

1
2 truth, and nothing but the truth in your testimony
3 before this committee and to respond honestly to
4 Council Member questions? And we just ask every
5 person before they testify, to just say their name
6 and title for the record please, thank you.

7 LINDA CHEN: Good Afternoon. I am Linda Chen and
8 I am the Chief Academic Officer for the Department of
9 Education.

10 Before I begin my testimony, I would like to
11 acknowledge and thank the families who shared their
12 personal stories with us today. This hearing is an
13 opportunity to share the work we have done, but
14 importantly also to recognize the work we still have
15 to do.

16 Thank you for your courage in bringing your
17 experiences to the forefront of our discussion today.
18 Please know that we are committed to working with
19 families to ensure the needs of all students are
20 being met.

21 LINDA CHEN: Good afternoon Chair Treyger and
22 members of the Education Committee here today. As I
23 said, my name is Dr. Linda Chen, and I am the Chief
24 Academic Officer of the New York City Department of
25 Education.

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2 In this capacity, I oversee the Division of
3 Teaching & Learning, the Division of Multilingual
4 Learners, and the Division of Specialized Instruction
5 and Student Support. Joining me today are Corinne
6 Rello-Anselmi, Deputy Chief Academic Officer for
7 Special Education and Josh Wallack, Deputy Chancellor
8 for the Division of Early Childhood Education and
9 Student Enrollment, as well as Lauren Siciliano,
10 Deputy Chief Operating Officer.

11 Thank you for the opportunity to testify today on
12 Special Education in New York City public schools and
13 the proposed legislation.

14 Since this is my first time before this
15 Committee, I would like to share a little about
16 myself and my experiences both as a learner and as an
17 educator. As a child of Chinese immigrants, I
18 started elementary school with limited English
19 skills. The support and knowledge of my teachers
20 greatly influenced my trajectory in education. While
21 I began my teaching career in Seattle, I have spent
22 the majority of my career here in New York City. I
23 taught first and third grades at P.S. 163 in
24 Manhattan.

1
2 From there, I worked as a literacy staff
3 developer across the boroughs, served as a literacy
4 supervisor in Queens, and was also principal of a
5 Spanish Dual Language school, P.S. 165, also in
6 Manhattan.

7 At P.S. 165, we offered a continuum of
8 educational settings for diverse learners. My career
9 has since taken me to other large districts where I
10 have also focused on supporting the needs of all
11 learners with high-quality core instruction.

12 I have always carried with me the experience of
13 my immigrant parents, and focused on supporting all
14 families, no matter their background, so that they
15 can advocate for their children's public-school
16 education. I am thrilled to return to New York City
17 to lead this new office that is part of the
18 Chancellor's vision of Equity and Excellence for All,
19 and to build on the progress that has been made
20 during this Administration.

21 First, I would like to thank the City Council for
22 its longstanding leadership and partnership on
23 strengthening special education in our schools. In
24 particular, I want to acknowledge that since we last
25 testified, the annual special education data reports

1
2 have resulted in increased awareness and visibility
3 of data, which has helped us to better serve students
4 and families.

5 The Administration is committed to meeting the
6 needs of over 200,000 students with disabilities in
7 community school districts and District 75. The
8 Department's goal is to ensure that every student has
9 the support and services they need to thrive in the
10 classroom, and we are committed to doing everything
11 necessary to achieve that goal. We are currently
12 serving 95% of nearly 300,000 mandated services for
13 students in Districts 1 through 32 and D75 schools.

14 Since 2014, we've hired 4,300 more special
15 education teachers, occupational therapist, physical
16 therapist, and speech therapists.

17 We have added and strengthened programs including
18 Autism Spectrum Disorder and bilingual special
19 education programs across our schools. We have also
20 deepened our partnerships with providers and
21 community-based organizations.

22 Building on the last Administration's Shared Path
23 to Success initiative, we have also worked
24 extensively to ensure that students with disabilities
25 are receiving their services in the least restrictive

1
2 environment and are part of the inclusive school
3 communities.

4 We see special education as a service, not a
5 place. While students with disabilities can access
6 their instruction along with continuum of services,
7 the practice of servicing students in the least
8 restrictive environment aligns to research and best
9 practices.

10 As a result of continuing our goal of serving
11 students in the least restrictive environment, a
12 greater percentage of students with disabilities
13 spend more than 80 percent of their time with non-
14 disabled peers and fewer student with disabilities
15 spend more than 60 percent of their time in special
16 class settings.

17 Not only are we focused on students receiving
18 their instruction in the least restrictive
19 environment, but we are also ensuring that they are
20 learning in school communities with meaningful
21 inclusion.

22 To that end, we have created an Inclusion summit
23 and Collaboration with parents for inclusive
24 education as well as programs like Just Say Hi and
25 Collaborative School Communities. This work focuses

1
2 on partnering with leadership, teachers, students,
3 and parents to ensure inclusive school community.

4 To further invest in inclusive education, the DOE
5 has recently announced a new admissions policy to
6 better match students with accessibility needs to
7 accessible school buildings. Starting this
8 admissions cycle, students who have an accessibility
9 need will receive priority to school buildings that
10 are fully or partially accessible. This policy
11 change will affect roughly 500 student who have a
12 physical disability or health condition that requires
13 access to an accessible building. This new policy
14 builds on the City's unprecedented investments to
15 improve school accessibility citywide. \$750 million
16 in the new proposal capital plan for accessibility
17 needs, the largest capital funding investment in
18 accessibility to date.

19 These enhancements and changes have led to
20 academic gains for our students with disabilities as
21 they continue to gain greater access to rigorous,
22 standards-aligned, grade-level curriculum and
23 assignments.

24 The graduation rates with students with
25 disabilities are at an all time high and our dropout

1 rates are at an all time low. Over the last four
2 years, the graduation rate for students with
3 disabilities has increased by 10 percentage points
4 from 41 percent in 2014, to 51 percent in 2018. At
5 the same time, the dropout rates for students with
6 disabilities have decreased 3 percentage points from
7 16 percent in 2014 to 13 percent in 2018.

9 We have made consistent and incremental progress
10 on the New York State Assessments. English Language
11 Arts proficiency for students with disabilities has
12 more than doubled since 2013 from 6 percent
13 proficiency in 2013 to 16 percent proficiency in
14 2018.

15 In math, the results have increased 7 points from
16 8 percent proficiency to 15 percent proficiency. New
17 York City students score 4.2 points higher in
18 proficiency in ELA and 1.7 points higher in
19 proficiency in math than students with disabilities
20 in the rest of the state.

21 Another essential piece to student long term
22 success is transition planning. In addition to the
23 transition planning that is part of the IEP process,
24 in collaboration with the Mayor's Office, the DOE has
25 launched Transition and College Access Centers to

1
2 provide students with disabilities and their families
3 with high-quality assistance in planning for life
4 after high school.

5 To date, the DOE has opened four of these centers
6 across the city and are poised to open a fifth center
7 in fall 2019. Last year, 2,915 students participated
8 in work-based learning opportunities through the
9 TCACs and more than 500 staff members received
10 training on postsecondary planning. This year, these
11 numbers continue to grow.

12 Parents are an essential part of the IEP process.
13 Ensuring our families are informed and empowered to
14 fully engage in the IEP development is a priority.
15 We want parents to contribute to discussions and
16 decisions regarding the child's educational needs.

17 To support this, the DOE has developed family
18 guides available online in nine language, for both
19 preschool and school age special education, to ensure
20 that the parents have the information they need.

21 We are also committed to communicating directly
22 with families and family leaders, including the
23 Citywide Council on Special Education. We also
24 conduct workshops on the special education process
25 for various parent and family group, including

1
2 families in temporary housing, parents of students
3 with autism, district/borough parent groups, and
4 parents of children making the transition to
5 kindergarten.

6 Parents with specific concerns can also call a
7 special education hotline or 311 and they will
8 receive a response within 48 hours.

9 While we continue to make progress, we know there
10 is more work to do. One of the ways we are
11 continuing to enhance the support of students with
12 disabilities is through the Chancellor's new
13 streamlined leadership structure.

14 My role as Chief Academic Officer is to unify and
15 simplify instructional supports, including
16 professional development and curricular resources and
17 materials, and to make rigorous teaching accessible
18 to all learners, including students with disabilities
19 and multilingual learners.

20 By bringing together our Divisions of Teaching
21 and Learning, Multilingual Learners, and Specialized
22 Instruction, we are increasing coherence for schools.
23 WE are developing curriculum and professional
24 development from the beginning with Multilingual
25 Learners and students with disabilities in mind,

1
2 rather than focusing on isolate support for different
3 groups of students.

4 In short, we are being more strategic about
5 improving academic achievement for every student.

6 Instructionally, a major priority for special
7 education is providing meaningful literacy
8 instruction.

9 In collaboration with the UFT, the role of the
10 IEP teacher has been enhanced to include intervention
11 support. The DOE is currently in its third year of
12 this initiative and has trained over 900 IEP teachers
13 in both elementary and secondary schools. IEP
14 teachers receive extensive professional development
15 in the five pillars of reading, secondary
16 intervention programs, progress monitoring measures,
17 and diagnostic assessments. They are learning how to
18 strengthen individualized student plans when data
19 suggest that intervention is not aligned to needs.

20 Secondary IEP teachers receive additional
21 training and that focuses on vocabulary and reading
22 comprehension.

23 Bilingual special education continues to be an
24 important part of our work in order to ensure all
25 students receive appropriate programs and services.

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2 Through an extensive process of student
3 identification, geographic need, and program
4 development, the DOE continues to add bilingual
5 special education classes.

6 DOE serves students with a bilingual special
7 education recommendation through bilingual special
8 education classes, ICT or Self Contained, access to
9 language support services through bilingual
10 paraprofessional, and English as a New Language or
11 ENL services.

12 The DOE continues to recruit bilingual
13 professionals by establishing programs such as
14 subsidized bilingual extension programs.

15 Also, critical to this new structure are our
16 Executive Superintendents, who lead both the support
17 and supervision systems for the schools. By brining
18 together our support through borough and citywide
19 offices and supervision through superintendents,
20 under the First Deputy Chancellor, Cheryl Watson-
21 Harris, we are similarly increasing coherence for
22 schools as well as families. Executive
23 superintendents have access to current special
24 education data though the same reporting tool that
25

1
2 the borough citywide office Directors of Special
3 Education use to access data.

4 Program service reports are now shared with
5 schools, borough citywide offices, and superintendent
6 offices so that all are aware when a student is not
7 scheduled in accordance with the programs
8 recommended.

9 The coherence of data access and support from the
10 Special Education office, ensures that priorities
11 such as over referral and timely completion of
12 evaluations are a focus for all stakeholders.

13 I partner closely with our Executive
14 Superintendents and our First Deputy Chancellor to
15 ensure the instructional work we are doing is taking
16 root in our schools and serving our students and
17 families every day. With this structure in place, we
18 believe we will be able to build upon the progress
19 the DOE has made, address current challenges, and put
20 policies in place to ensure all of our New York City
21 students are ready for college, career, and
22 independent living.

23 We are also working to improve special education
24 data management. Beginning in 2016, we implemented
25 internal management reports that have enabled us to

1
2 improve our rate of provision of recommended special
3 education instructional programs to students.

4 The rate of students fully receiving program
5 services has increased from 59 percent in the 2015-
6 2016 school year to 78 percent in 2017-2018 and the
7 percentage of students not receiving service
8 decreased from 8 percent in 2015-2016 to 3 percent in
9 2017-2018.

10 It is critical that all students receive their
11 program service, and we are working to move students
12 from partial to full service.

13 Our upgrades have made a clear, positive impact
14 and the training and infrastructure we have put in
15 place, including our programmatic service reviews,
16 have improved data awareness and visibility, and with
17 it service to students and families. These
18 improvements have brought us to a place where we can
19 now pursue a new special education system to
20 modernize our functionality.

21 As a result, guided by a stakeholder engagement
22 process, we will be pursuing new special education
23 case and data management tools by releasing a request
24 for expressions of interest and proof of concept to
25 vendors in March.

1
2 During this process, we will continue to sustain
3 our current software and build out new pieces, so
4 that we can continue to report out data and serve our
5 students.

6 Reliable data management and reporting is
7 critical, and we want the best most modern systems in
8 place to meet the need so four students.

9 Additionally, as part of our work to strengthen
10 early childhood education and serve students with
11 disabilities, the DOE is committed to serving all
12 preschool children with disabilities and creating
13 inclusive preschool classrooms that enable all
14 children to enter kindergarten with a solid
15 foundation for future success.

16 Pre-K for all is providing a growing number of
17 preschoolers with disabilities access to high quality
18 special education services as families preschool of
19 choice.

20 This year, there are over 6,000 preschoolers with
21 disabilities attending 3-K and Pre-K programs
22 citywide. With the expansion of Pre-K for all, we
23 have been able to the number of inclusive classrooms
24 by opening new integrated preschool classrooms in DOE
25

1 schools to ensure that seats are available for
2 preschoolers who can benefit from that setting.

3
4 In response to rising demand for more special
5 class programs, we have opened special classes in
6 Pre-K centers and in District schools. We have
7 opened 350 preschool special class seats in the last
8 18 months and are planning to open an additional 170
9 seats this spring.

10 We know that for families of students with
11 disabilities, this transition to preschool can at
12 times be challenging. While we still have work to do
13 in this area, we have taken great strides to better
14 meet the needs of families during this transition.

15 This school year, the Committees on Preschool
16 Special Education have added Community Coordinators
17 to each CSE location. Community Coordinators are
18 responsible for conducting outreach to families and
19 to support them in navigating the CPSE process.

20 As we move to the birth through five system of
21 early care and education, the DOE's partnering with
22 DOHMH to improve the transition from Early
23 Intervention to preschool via an Early Intervention
24 Transition Initiative. We are working to ensure that
25 families are empowered with the information they need

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2 to make choices about their preschool options and to
3 gain access to CPSE services without experiencing a
4 gap in service between DOHMH and DOE systems.

5 I would now like to turn to the legislation under
6 consideration today. Intro No. 1406 would require
7 DOE and the Department of Health and Mental Hygiene
8 (DOHMH) to annually report on provision of special
9 education services to preschool age children and
10 provisions of early intervention services to infants
11 and toddlers respectively.

12 We support the goals of this legislation and
13 would like to work with the Council to clarify and
14 align reporting to available data.

15 Intro No. 1380 would require DOE to report on
16 the process for parents or guardians to obtain
17 funding for private school tuition or services for
18 special education students. We welcome the
19 opportunity to further discuss the legislation with
20 Council.

21 The legislation as drafted, appears to be based
22 on a number of assumptions that do not accurately
23 reflect the settlement process. For example, written
24 settlement agreements are not sent to or approved by
25

1
2 the Comptroller. Further, the majority of the data
3 can be provided for completed settlements only.

4 Intro Nos 559 and 900 amend the current special
5 education report to require DOE to report school
6 level data and to report three times a year on
7 compliance with delivery of special education
8 services to students and includes additional
9 reporting requirements.

10 While we closely monitor compliance at the school
11 level, we are concerned that the public reporting of
12 aggregate data at the school level in Intro 559 will
13 be misleading due to the much smaller numbers of
14 students across programs in schools.

15 We will like to work with the Committee to
16 determine the best way to share data in alignment
17 with the goal of using data to better support schools
18 and serve families.

19 For Intro 900, we want to work with the Council
20 on the reporting period so that it is not affected by
21 semester changes or varying school calendars.

22 In closing, our students have infinite potential,
23 and it is our privilege and awesome responsibility to
24 put in place systemic structures and programs to
25 serve our schools, students, and families.

1
2 We are committed to the full provision of
3 instructional and related services, supporting our
4 students and families, and positively impacting
5 student academic and social/emotional growth.

6 Through collaboration and partnership across the
7 DOE and within the new organizational structure, we
8 aim to ensure that there is enhanced support for
9 principals and school-based staff to focus on core
10 instruction as the key drive for meeting the diverse
11 needs of our students.

12 Thank you for the opportunity to testify today.
13 While we are encouraged by the progress we have made,
14 we know there is much more work to do and we will
15 work tirelessly and strategically for continuous
16 improvement for students with disabilities.

17 We welcome any questions you may have.

18 CHAIRPERSON TREYGER: Thank you. Thank you very
19 much and we'll get right to it. Before the
20 leadership restructuring announced by Chancellor
21 Carranza in June of 2018, special education services
22 were overseen by Deputy Chancellor for specialized
23 instruction and student support.

24 In the June restructuring, special education was
25 placed under the control of a newly created position

1
2 of Chief Academic Officer and the former Deputy
3 Chancellor position was converted to a Deputy Chief
4 Academic Officer which is known at grey cabinet level
5 post. It's a two-part question. Can you please
6 explain the rationale behind this change, and do you
7 believe that moving special education leadership one
8 step down from cabinet level reduces attention to
9 issues regarding students with disabilities?

10 LINDA CHEN: Thank you for the question.

11 Regarding your first question regarding the rational,
12 the rational is to ensure that every cabinet member
13 can coordinate and align supports to break down the
14 very silos that you mentioned earlier and part of
15 this is on multi-levels, so I would absolutely say
16 that the role while is no longer a cabinet position,
17 is brought to the center in a way that is different
18 than in the past.

19 It is no longer isolated. Corinne sitting beside
20 me, we are together in every significant way in every
21 part of the work in Special Education but
22 importantly, we sit together with her colleagues in
23 teaching and learning and in Multilingual learners to
24 be able to work together and put students at the
25 center. As someone who has been part of the DOE in

1
2 the past, I understand and was here for the struggle
3 and the time to ensure that there were cabinet level
4 seats for our students with disabilities and that was
5 incredibly important to be able to represent students
6 with disabilities at the cabinet table.

7 Over time, the evolution of where we are requires
8 that it is at the center along with all other
9 students as well and that is what you see in the
10 rationale behind the reorganization.

11 I'm sorry, your second question?

12 CHAIRPERSON TREYGER: The second question is, do
13 you believe that moving special education leadership
14 one step down from cabinet level reduces attention to
15 the issues regarding students with disabilities?

16 LINDA CHEN: It does not reduce the attention on
17 students with disabilities. In fact, at the cabinet
18 table, on a weekly basis, on a daily basis, on a
19 nightly basis sometimes, we are coordinating
20 efficiently across silos with OPT, with other areas
21 of the organization. With school supervision and
22 support through our First Deputy Chancellor and our
23 Executive Superintendents. Not only do we have
24 additional oversight with this coordination, but
25 through our executive superintendents, they are

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2 working tirelessly right along side us on every
3 aspect of special education compliance as well as
4 support.

5 CHAIRPERSON TREYGER: Is there still a division
6 of specialized instruction in student support
7 comprised of the special education office and
8 district 75 citywide program superintendency and if
9 not, please describe the current structure.

10 LINDA CHEN: It still exists.

11 CHAIRPERSON TREYGER: It does still exist. And
12 this is a question that's personal to me in light of
13 my push for I guess greater clarity and
14 accountability especially in light of what we heard
15 earlier today. Do you think that it would be helpful
16 to establish a "czar" position solely devoted to
17 monitoring compliance with IEPs and other
18 requirements for students in special education and to
19 monitor their advancement and progress?

20 LINDA CHEN: We not only have Corinne who
21 oversees special education as well as District 75,
22 but in our new structure, we have a long side us,
23 right beside us, Executive Superintendents who
24 oversee every borough across the city and they too
25 are also looking at the oversight of compliance

1 through the superintendents and there are
2 administrators of special education in every borough
3 citywide office that also support every principal
4 across the city. So, in this new structure, you not
5 only have one person working alone from that place
6 but also in partnership with all of the executive
7 superintendents to reach every school and district
8 across the city.
9

10 CHAIRPERSON TREYGER: So, I'll just kind of
11 clarify my concerns with the way I see things are
12 currently.

13 We had a situation where we had a hearing here
14 about OPT and I know OPT is here as well. The
15 majority of the students who are receiving OPT
16 services are students with IEPs, and we heard some
17 horror stories about how their needs were not being
18 met and we also heard some horror stories about – it
19 wasn't even clear to me whether the DOE had a full
20 grasp of their needs. That was very concerning to
21 us.

22 We hear about cases after cases after cases and I
23 want to publicly acknowledge the work of Advocates
24 for Children because really if not for them as we
25 heard from parents, who would be the point of contact

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2 to make sure that the children of parents are
3 receiving the services they're required.

4 They had difficulty navigating the bureaucracy.
5 They had difficulty getting answers. They had
6 difficulty getting results for their children.

7 We hear and I acknowledge that there has been
8 some movement in terms of the graduation rates and in
9 advancement but respectfully, I'm not sure we could
10 celebrate the number of 50 percent of **[inaudible**
11 **2:20:39]** with IEPs you know, graduating in four
12 years. We have a lot more work to do.

13 What I am concerned about is that there is still
14 these silo's where it's not just a matter of you have
15 different folks in different positions, different
16 teams, but do you have a point person within the DOE
17 that can cut across the bureaucracy? Walk into an
18 OPT office and say, why aren't these children getting
19 these services? Could walk into the Deputy
20 Chancellor, Josh Wallack's office and say, how can we
21 make sure that every child has a seat at UPK or 3K
22 that's required? Because he, right now, I don't want
23 to speak for Deputy Chancellor, I'm sure he's still
24 working on transitioning everything from ACS over to
25 DOE. There are still other challenges and structures

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2 he has to work on in the system. Is there someone
3 working on this on a day-to-day basis? At a macro-
4 level? Not from just a local superintendent but from
5 a macro-level system wide saying, how do we make sure
6 that these kids are receiving the help that they're
7 required to receive and also, as we heard from
8 parents, all these new changes, its not permeating
9 down to them. No one's communicating with them. No
10 one's making sure that - and also the parent who is
11 not receiving the translation services, until
12 Advocates for Children told her, no one really
13 informed her of her right to receive translation
14 services.

15 There's an expression, you know, you don't know
16 what you don't know, and you don't even know it.
17 Some folks don't know to ask but the owner should not
18 be on them. It should not be on the parent or the
19 children. The owner should be on the DOE to provide
20 every mandated service that's required and to do the
21 right thing and so, my concern is that with all these
22 changes, and I think the jury's still out on all
23 these structural changes but my concern is that there
24 is no point person that we can hold accountable
25 directly on a day-to-day basis to say, are we

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2 complying with IEPs? Are we making sure that parents
3 are informed? Are we making sure that schools have
4 the resources they need to meet the needs of the
5 children, because I am sure you know, speaking to
6 principals and speaking to folks at the school level,
7 they need more resources to meet the needs of the
8 kids, there's no question about that, but we need to
9 hold someone in my view, accountable centrally and
10 they have to have the power and the authority to walk
11 across any office and say, we need to do better. And
12 so, I'd be curious to hear you know, your response to
13 that and whether or not this position exists and
14 whether they're empowered to do so and kind of show
15 evidence that they have done so already.

16 LINDA CHEN: So, thank you for the question, and
17 we could not agree more with you that there is more
18 work to be done here to ensure that every student and
19 family is served. To that end, I can tell you that
20 the reason why I returned to New York City was the
21 ability to be able to do exactly what you describe.
22 It's not about me, but about the position and the
23 ability to walk into - so, your example of OPT,
24 within the first opening days of school, that was
25 something I was able to literally do what you said.

1
2 Walk over to the person who oversees OPT and discuss
3 what we were going to do to streamline. Now, in that
4 conversation, Corinne was also with me because there
5 are escalation protocols that we've always had in the
6 system that we utilize but if it takes one person to
7 walk over and move things, that is part of the work.

8 What you also see is the Chancellor uplifting and
9 prioritizing the work of Special Education. Just
10 last week, he brought every cabinet member together
11 around a table to discuss exactly what we all needed
12 to do because the Special Education office has done
13 many, many things to improve the outcomes, but we all
14 know in this room that it's not only one office. It
15 is a systemic effort on behalf of every part of the
16 Department of Education to work together towards
17 ensuring every student with disabilities gets what
18 they need.

19 CHAIRPERSON TREYGER: So, if you could just
20 respond to what we heard from the family that
21 testified earlier. It seemed that the pattern was is
22 that they had difficulty getting accurate, correct
23 information and they were relying on different
24 personal to get that information. Walk us through
25 this process. Who is responsible at the school base

1
2 level to provide families with accurate information
3 with regards to the rights and services that the
4 children are entitled to?

5 LINDA CHEN: So again, I appreciate hearing
6 directly from the families and I appreciate the
7 ability to hear them first and have their voices
8 guide our conversation today. I will have each of my
9 colleagues also address the particulars of each
10 point, but we always look at where students are, and
11 that's at the school level and at the school level,
12 there's certainly a sit team that works with the IEP
13 implementation of every student and needs are best
14 addressed closest to where students are. We continue
15 to work with our schools to be able to partner. We
16 also have at the district level, or the borough
17 citywide centers where there are administrators of
18 special education who are also very knowledgeable
19 about both instruction and parent empowerment, that
20 work with families as well at the CSEs, and then we
21 have our Executive Superintendents who we have a
22 dashboard that we instituted two years ago, that not
23 only someone at the borough office is looking at but
24 also Executive Superintendents who have the ability
25 to move work in the times that maybe things don't

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2 move as quickly as we'd like them to do. So, in each
3 of the cases when the parents - I'll start with the
4 family member who asked about IEP interpretation and
5 translation, that is something that we recognize is
6 an important aspect of being able to support our
7 students and families, as part of the IEP process
8 particularly in parts where the social history is
9 taken. There is part of the process question with
10 each of the families regarding whether or not they
11 would like to have IEP translation and those are
12 available as they ask in terms of that process. So,
13 there is a process in place to offer that to families
14 as needed.

15 The 3 District pilot that you mentioned as well
16 in District 724 and 75, we're looking at being much
17 more systemic around doing that from central office.
18 So, the family engagement and empowerment group has
19 been working with us very closely in partnership to
20 ensure that we're able to provide more systemically
21 such translations and we're waiting to look at what
22 the results are from this year to be able to
23 determine next steps on that.

24 So, that parent that testified and I again, thank
25 her for her courage to be able to do that. It's not

1
2 easy. That example for instance is someone who if
3 there isn't someone that they can go to at the school
4 level, at any point they can call 311, or any of the
5 other opportunities to be able to reach out and we do
6 have an escalation process and whether its weekend or
7 evening, we are responding to those to make sure
8 across all entities. I'm going to kick it over to
9 Josh Wallack, my colleague who can talk specifically
10 more about the work we're doing in the transition
11 between the Early Intervention to CPSC.

12 JOSH WALLACK: Thanks very much. Thanks for
13 having me here today and thanks to the families who
14 testified also. I've learned a lot and it's powerful
15 and we have a lot of work to do, but we're trying to
16 work on this particular issue and I was quite struck
17 by the testimony of the parent who spoke about the
18 transition between Early Intervention, which serves
19 our infants and toddlers that are showing signs of
20 developmental delay or disabilities and our preschool
21 special education program. And I just want to show
22 you that despite that all the work that we're doing
23 to expand Early Education in New York City, we are
24 focused on making sure that every student is getting
25 the services that they need as early as possible

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2 because that's part of the purpose of early
3 education, is to help every student get off to a
4 strong start. It means we have to provide the
5 supports that each student needs tailored to her or
6 his needs, and that's what we aim to do.

7 In this transition we've been working hard on
8 this. We have a multipart strategy that I'll
9 describe for you a little bit and then where we go
10 from here, but this year as Dr. Chen described, our
11 Committees on Preschool Special Education are adding
12 community coordinators to work with families, just
13 like the one that was testifying to try to help ease
14 that transition so that they continue to have the
15 support that they enjoyed in Early Intervention.
16 That transition is easier. They actually reach out
17 proactively to families to help them navigate that
18 process.

19 Since school year 2015, we also added additional
20 teams that just do assessment of preschool students
21 to help them find the program that best suits their
22 needs and we are going to continue to support that
23 process and build out that operation.

24 We also created new family materials to make that
25 process easier for families to understand and then I

1
2 think critically, we've begun to work with our
3 colleagues at the Department of Health and Mental
4 Hygiene to try to bring our teams together,
5 particularly we're trying this in one area of the
6 South Bronx to see if we can't through closer
7 coordination and work with families, make that
8 transition from Early Intervention to Preschool
9 Special Education easier and faster.

10 Finally, I would just add that as part of 3K and
11 PreK for all, we have a team of social workers that
12 worked with every program to make sure that their
13 teachers and leaders are well trained to identify
14 potential delays and disabilities to support families
15 and children through that effort. Because again,
16 that's not just part of the program, it is a central
17 part of the program. It's part of why we did it in
18 the first place. It's part of the commitment of this
19 Mayor and Chancellor to strong early education.

20 So, I welcome more questions about it, but I
21 wanted to throw that in and then one other point I
22 would just make is that, I think Dr. Chen pointed out
23 that just in the last 18 months or so, we've added
24 hundreds of new preschool special education seats and
25 I think that's precisely because of the power of this

1
2 new structure. Where the Chief Academic Officer or
3 the Deputy Chief Academic Officer and the Chancellor
4 are holding all of us accountable to make sure that
5 we have the services to meet each child's needs and
6 it is literally a person walking over from one part
7 of a room to another to say, we have these new kids
8 that need seat, where are the seats? And we are
9 working every day to answer that question. Creating
10 those seats month after month, and we plan to
11 continue to do that to meet needs as quickly as we
12 can.

13 CHAIRPERSON TREYGER: But Deputy Chancellor, how
14 many children that you're aware of at this point are
15 not being seating in UPK or 3K or Early Childhood
16 Education because we could not meet their needs?

17 JOSH WALLACK: So, the way I would answer that is
18 I would say, at the moment, we're aware of about 300
19 students that we are working with to get them into a
20 placement. So, that means that we are actively
21 talking to those families, we are reviewing their
22 IEPs or their IFSPs and that's the name of the plan
23 that they get when their an infant and toddler to
24 ensure that they get services as quickly as possible.

1
2 So, the way I would characterize that is that
3 there are several hundred families we're working with
4 but that every day we are ensuring that they're
5 getting partial services and then trying to move them
6 into full services and meanwhile creating new seats
7 and new opportunities for them to get them into full
8 services as quickly as possible.

9 CHAIRPERSON TREYGER: Alright, and I will just
10 let you know that we were informed of a higher number
11 from Advocates who work directly with families. That
12 the number was previously closer to 800. It might
13 have dropped now to under 600 but you know, the Mayor
14 made a very – again, numbers that we know of. It
15 could be even more, but the Mayor made a pledge that
16 any child, zip code, where you from, you will have a
17 seat and that's just not the case and I will also, I
18 think you and I have discussed this, the challenges
19 within retaining educators in UPK and 3K and that
20 will have a disproportionate impact I believe also on
21 children with IEPs, if the service provider cannot
22 retain educators in their classroom because of pay
23 parity issues as well.

24 And so, there are a lot of systemic issues here,
25 but this is one of the areas that I flagged where the

1
2 DOE historically to me has operated almost in silos
3 because quite frankly, when you roll out a program as
4 ambitious as UPK and 3K and I support it strongly. I
5 think it is critically important that we have
6 universal PK but there needed to be in my mind a
7 macro lens making sure that we do not have this
8 situation where hundreds of kids are being denied a
9 seat or it could be even higher.

10 There are capital needs that need to be addressed
11 whether it's a DOE center, whether it's a non-profit
12 center, we keep hearing about these cases. A matter
13 of fact, one of the families that we learned about
14 had an IEP designed by one of the providers that was
15 actually incorrect and the parent didn't know it was
16 incorrect because no one translated to her from
17 English to Spanish and she was carrying around an IEP
18 with the child that actually was not even correct and
19 thank goodness for Advocates for Children again,
20 which flagged the error, flagged the mistake, and
21 they were able to get the child seated after six,
22 seven months. Because it turned out that one of the
23 mandates was not even required of the child. The
24 child didn't need that service.

1
2 So, this is still an issue that we do have
3 concern but let me just move forward of an interest
4 of time.

5 So, we learned that in the DOEs latest report
6 2017-2018, about 78 percent of students with IEPs
7 fully receive their recommended services which
8 reflects an increase from approximately 73 percent
9 the year before.

10 Does the DOE have any data on which service
11 mandates are most difficult to comply with and why?
12 Is it primarily due to a shortage of teachers or
13 service providers such as speech therapist,
14 counselors, or occupational therapists and quite
15 frankly, what we hear is the horror stories in terms
16 of contracting with related service providers who do
17 not get paid in a timely fashion? Folks are waiting
18 months and months and months or in cases over a year
19 to get reimbursed and they can no longer provide the
20 service they can't afford to maintain.

21 So, I would like to hear any type of data at your
22 end. Why are we not at full compliance and which
23 areas are difficult to comply with?

24 LINDA CHEN: Our goal of course is to serve every
25 student and in terms of that if you look closer at

1
2 the data and thank you for that question of diving a
3 little deeper here. 97 percent are fully or
4 partially served. So, if we look at our Elementary
5 School students in core subject areas, we're
6 providing around 95 percent of services for
7 Monolingual Special Education instructional programs
8 in terms of full services.

9 Our greatest needs, so over half of our gaps are
10 due to teacher licenser. So, we do know that about
11 the number of partially served and that's largely in
12 our bilingual and secondary settings. So, for
13 instance, partially served, what does that mean in a
14 secondary setting in middle school or high school
15 where students are seeing a number of teachers across
16 the day. It may mean that one or two teachers are on
17 their way to getting certified. So, that would need
18 to be partially served as an example.

19 CHAIRPERSON TREYGER: Did you want to add
20 anything?

21 LAUREN SISILIANO: Yes, this is Lauren Siciliano,
22 Deputy Chief Operating Officer. I wanted to add
23 specifically on the payment question that you raised
24 that we are absolutely committed to getting students
25 and families the services that they deserve on time.

1
2 As you know, we had an issue in the fall and in
3 the winter, with delays and processing those payments
4 due to an increase in the volume of those payments
5 and this is an area where the structure that we had
6 in place allowed us to problem solve quickly.

7 Once she was identified, we transitioned
8 additional staff from one team to another to support
9 the payments, so that we could get those payments
10 more quickly.

11 CHAIRPERSON TREYGER: But are you aware of
12 service providers that are basically at the brink or
13 facing financial ruin? They don't have the capacity
14 anymore to wait and provide the service because of
15 these delays. Are you aware of cases and can you
16 share with us?

17 LAUREN SICILIANO: Absolutely, we absolutely need
18 to do better. What we are doing is looking at the
19 full breath of the process from the beginning all the
20 way through the payment.

21 At the beginning of the process due to an
22 increase particularly in the impartial hearing cases,
23 we have a limited number of officers to hear those
24 cases that contributes to delays on the front end, so
25 we are trying to address every part of the process,

1
2 those issues, so we can get payments as quickly as
3 possible.

4 CHAIRPERSON TREYGER: And is this a new issue?

5 LAUREN SICILIANO: The issue has increased with
6 the increase in the number of cases.

7 CHAIRPERSON TREYGER: But this is not a new
8 issue? This has been around for a while? Is that
9 correct?

10 LAUREN SICILIANO: The issue has gotten worse as
11 a result of the increase in the cases.

12 CHAIRPERSON TREYGER: So, and I appreciate your
13 honestly, because I think your making kind of my case
14 again. There has not been someone at a macro level
15 in the DOE watching this, following up on this,
16 making sure that this does not happen. Related
17 services are not a new thing. This has been ongoing
18 from days even going back to my teaching days, but it
19 has gotten worse. But there are severe consequences
20 for our children, because if they can no longer
21 provide this service, if we're going to lose these
22 providers, we'll have difficulty getting those
23 services and to comply with their IEPs and that's why
24 I'm concerned that a part of the reason why we're not
25 complying is because we are having difficulty

1
2 retaining and keeping providers to provide those
3 critical services.

4 I want to discuss the announcement that was made
5 I think this past Friday. What is the plan for
6 Sesis? Is it staying, is it going and if its going,
7 whats next?

8 LAUREN SICILIANO: Absolutely and thank you for
9 the question. As you may have heard we are at a
10 moment now given the investments we have made, given
11 the work we have done on Sesis. The work that we
12 have done has made a significant positive impact. We
13 have been able to upgrade the system to the latest
14 version of the platform, we've been able to
15 operationally stabilize it and make enhancements.
16 We've also been able to set up an infrastructure that
17 will be transferable no matter what system we wind up
18 going with. That includes additional training
19 capacity, it includes improving our porting capacity
20 and based on those investments and that work, we are
21 now at a point where we know in more detail what our
22 needs are and would like to transition to a more
23 modern system that can better meet our needs.

24 And so, what we will be doing is releasing a
25 request for expressions of interest and a proof of

1
2 concept. We wanted to announce that early so that we
3 could do stakeholder engagement in that process,
4 releasing that by the end of March so that we can
5 start to transition to a new system.

6 CHAIRPERSON TREYGER: Do you have data with you?
7 How much money have we spent on Sesis thus far that
8 which should include the amount of PD that has gone
9 into the course of many years to implement Sesis?
10 Any data that you have that you could share with us
11 today.

12 LAUREN SICILIANO: Absolutely, so the most recent
13 investments in Sesis starting in FY17, we received
14 about \$16 million per year to support Sesis. A
15 portion of that is for upgrades and enhancements, but
16 much of that is also for the infrastructure that I
17 mentioned that we will need no matter what the system
18 is. For example, on the training front, since FY17
19 we have added over 170 trainings on Sesis.
20 Obviously, as we transition to a new system, that
21 will pivot to the new system similarly on the
22 reporting infrastructure. Part of the investment in
23 Sesis included a power business intelligence tool
24 which supports the programmatic services review that
25 Dr. Chen described earlier that gives schools a more

1
2 granular look at their special education data and I
3 would also say to that while we will be as aggressive
4 as we can in our timelines, it will take time to
5 transition to a new system and so we will need to
6 continue to use sustained and enhanced Sesis as we
7 roll on to a new system in phases.

8 CHAIRPERSON TREYGER: Right, but you mentioned
9 that there was \$60 million in this last budget, is
10 that correct?

11 LAUREN SICILIANO: Correct.

12 CHAIRPERSON TREYGER: What's the total amount
13 that we've spent on this system so far?

14 LAUREN SICILIANO: I don't have it historically,
15 I'm happy to look into that and get back to you.

16 CHAIRPERSON TREYGER: Is it fair to say that's
17 been in the tens of millions, hundred million, any
18 estimate?

19 LAUREN SICILIANO: I need to get back to you with
20 the specific data point.

21 CHAIRPERSON TREYGER: It's been a lot of money
22 and this has been almost a repeat of what I went
23 through with **Aris**. A lot of money was spent and
24 another system that went down, but I just want to
25 flag that we need to have a system that does have the

1 flexibility to provide that school by school granular
2 data and information and also respectfully, Sesis
3 relies on the functioning of an internet system, is
4 that correct? You have to log on?
5

6 LAUREN SICILIANO: Yes.

7 CHAIRPERSON TREYGER: Correct. What happens when
8 the internet is down in the school and that happens
9 quite frequently? I'm just saying. So, in addition
10 to getting a system that works for educators for
11 children, for parents, we need to also need to also
12 have making sure that system could be logged on as
13 well. I'll ask one more question and then I'll turn
14 it over to my colleagues in the interest of time. Is
15 there a chance there is a regulation that requires
16 IEPs to be translated as necessary?

17 LAUREN SICILIANO: Every parent through process,
18 the intake process is able to be able to get a
19 translated IEP and that is part of the process that
20 is required.

21 CHAIRPERSON TREYGER: Required by who, by what?

22 LINDA CHEN: It is required by the Department of
23 Education to be able to provide that. So, that's why
24 we've tried to begin a proactive way because we know
25 that is something that's needed.

1
2 CHAIRPERSON TREYGER: Dr. Chen, could you just
3 give us – what requirement are you referring to?

4 LINDA CHEN: A664.

5 CHAIRPERSON TREYGER: A664.

6 LINDA CHEN: Yes.

7 CHAIRPERSON TREYGER: And do you have that with
8 you or the text of it or that's just a number?

9 LINDA CHEN: I can pull it up.

10 CORINNE RELLO-ANSELM: Corinne Anselmi, Deputy
11 Chief Academic Officer. Translation of IEPs as we
12 have it right now is part of the intake process, a
13 part of our SOPM guidelines. When a parent –

14 CHAIRPERSON TREYGER: Guidelines.

15 CORINNE RELLO-ANSELM: Well, our SOPM is our
16 standard operation.

17 CHAIRPERSON TREYGER: Right.

18 CORINNE RELLO-ANSELM: Okay, when a parent comes
19 in for a social history, those rights are read to the
20 parent and they are asked if they would like
21 translation and interpretation services. Our policy
22 is that parents will receive a translated IEP if they
23 deem that they must have one. We don't assume it,
24 but we offer it and each school receives an
25 allocation to interpret IEPs, to translate IEPs and

1
2 there is an escalation protocol if there is a need
3 for additional funds to do so, but we honor the
4 parents need for a translated IEP. The work that
5 we're doing right now is how we can make this more
6 systemic and natural and not so much on having to go
7 through an intake process to stake the need for a
8 translated IEP. That is that commitment that we are
9 currently investigating in terms of how do we make
10 this easier for parents?

11 CHAIRPERSON TREYGER: But you're referring to the
12 SOPM, which are guidelines. Dr. Chen referred to a
13 [inaudible 2:58:51]. Is there a [inaudible 2:58:52]
14 that requires a DOE to translate these IEPs?

15 CORINNE RELLO-ANSELM: Yes, yes.

16 CHAIRPERSON TREYGER: So why is the DOE only
17 piloting only three districts when the majority are
18 not in compliance? Why isn't this happening across
19 the board?

20 CORINNE RELLO-ANSELM: I'm not quite sure that
21 we're - let's be clear on something that I think is
22 an integral to this. Translation of IEPs doesn't
23 necessarily have to be automatic. There are parents
24 that do not want the IEP translated even though they
25

1
2 may have an English language survey that states that
3 they are a bilingual family.

4 So, the intake process that we've set through the
5 social history says that if a parent requests an IEP
6 be translated, it would be translated. There is no
7 denial of translation of an IEP.

8 CHAIRPERSON TREYGER: How does the family know
9 that they have a right to request that?

10 CORINNE RELLO-ANSELM: It is in the family guide
11 and it is also part of the intake for the social
12 history. It is part of that social history protocol.

13 CHAIRPERSON TREYGER: So, why did the system fail
14 in the case of the parent that we heard earlier
15 today?

16 CORINNE RELLO-ANSELM: We would have to
17 investigate that case to see what communication took
18 place at the school level, the knowledge and the
19 ability of that school in terms of understanding the
20 rights of the parent on translation. We work with
21 our social workers and our psychologists to reinforce
22 that a conversation be had around the need for
23 translation and interpretation services.

24

25

1
2 CHAIRPERSON TREYGER: And how many school
3 psychologists do we have in New York City schools
4 currently?

5 LINDA CHEN: 988.

6 CHAIRPERSON TREYGER: And how many social
7 workers?

8 LINDA CHEN: We would have to get back to you
9 with that exact number, I don't have it. We can get
10 back to you with that.

11 CHAIRPERSON TREYGER: So, is it accurate to say
12 that we don't have a full-time social worker and a
13 full-time school psychologist for every school in New
14 York City school system. Is that accurate?

15 CORINNE RELLO-ANSELM: Yes, yes, it is.

16 CHAIRPERSON TREYGER: That is accurate, correct
17 and that's a problem. That's a problem and I am very
18 concerned that we have a kind of a piece meal
19 approach in terms of the translation services because
20 I feel that the onus is now on the parent to ask when
21 we need to be very much proactive and I'm not clear.
22 If you're saying that this is already a requirement,
23 then why is this a pilot? What are exactly are you
24 piloting in three districts?

1
2 LINDA CHEN: It's always required and in the past
3 in practice it has been done at the school level and
4 our pilot is around the central aspect of it so that
5 we can centrally coordinate all of the translation
6 services necessary.

7 CHAIRPERSON TREYGER: And what does that mean in
8 practical terms Dr. Chen?

9 LINDA CHEN: It really is about instead of
10 individual schools creating a system to get to a
11 translation of every IP, that once we're notified, it
12 is done centrally for those districts and part of
13 that work that our family and community empowerment
14 team is doing is to look at where we can determine
15 some efficiencies so that we can ensure what we
16 believe that the caseloads would be like and also the
17 work of translation is very particular when it comes
18 to IEP, so we also want to make sure that we work
19 with vendors who can quickly, or partners that can
20 quickly turn that around. So, that's why we're
21 centrally being able to manage and look at what the
22 flow is, what the processes are, and the turnaround
23 times. That's the difference in the pilot.

24

25

1
2 CHAIRPERSON TREYGER: So, you have 220,000
3 students with IEPs, an estimate in our system, is
4 that correct?

5 LINDA CHEN: Hmm, hmm.

6 CHAIRPERSON TREYGER: And how many of those IEPs
7 are translated right now?

8 LINDA CHEN: We would need to get that exact
9 number from our family and community engagement
10 office, but we will follow up with that.

11 CORINNE RELLO-ANSELM: Councilman Treyger,
12 essentially, we are supporting your contention that
13 we need a systemic approach to the translation of
14 IEPs. The ongoing pilot that we've taken on is to
15 figure out how exactly to do that and remove the onus
16 from the social worker and the parent interaction so
17 there is a commitment for us to improve this process
18 and we know how essential it is in our Multilingual
19 community at which we operate and we want to make
20 sure that a parent is informed from the get go as to
21 what their rights are, what's available to that
22 student.

23 So, this is a commitment that we are making but
24 before we take it on systemwide, is we have learned
25 when you take on systemwide things without piloting,

1
2 it sometimes can go awry. What we want to do here is
3 to make sure that whatever we do for translation is
4 something that would be sustainable and systemic, and
5 every school will be trained accordingly with
6 supports to help parents that need it.

7 CHAIRPERSON TREYGER: Right, and respectfully, I
8 would just respond by saying that IEPs are not
9 recommendations. There not suggestions, these are
10 requirements.

11 LINDA CHEN: They are legal mandates.

12 CHAIRPERSON TREYGER: You can't pilot compliance
13 with requirements. Either you're complying or you're
14 not and if your saying that this is a requirement and
15 it's not happening across the board, that's a
16 problem.

17 CORINNE RELLO-ANSELM: If the requirement is not
18 what we are debating, requirement we agree that it is
19 a requirement for us to do this but its our due
20 diligence to do it the right way and to make sure
21 systemically that we are approaching this. That the
22 parent gets it in a timely fashion. Okay, that there
23 is understood what elements of the IEP need a
24 particular attention and translation is difficult,
25 especially when you have as many languages as we have

1
2 and we want to make sure that we do this correctly
3 and that's it's done in a quick way and that a parent
4 leaves a meeting that they understand what has taken
5 place at the meeting and they have an IEP that is
6 translated and they fully understand what programs
7 and services their child needs and how to get
8 additional support if needed if this IEP is not
9 implemented with efficacy.

10 CHAIRPERSON TREYGER: Right, but we don't have
11 with us right now the number of IEPs that are
12 currently translated. Is that right?

13 CORINNE RELLO-ANSELM: That is kept by a
14 different division, we could get back to you on that.

15 CHAIRPERSON TREYGER: Why is that a different
16 division?

17 CORINNE RELLO-ANSELM: Because the translation
18 and interpretation division keep track. They request
19 for IEP translation.

20 CHAIRPERSON TREYGER: But those are still IEPs
21 that fall under one of your offices, is that correct?

22 CORINNE RELLO-ANSELM: IEP implementation really
23 falls under all of us, but yes, the family engagement
24 piece and translation falls under a different
25 division that we work very closely with.

1
2 CHAIRPERSON TREYGER: I'm going to turn it over
3 to my colleagues, but again, I think your making my
4 case about my concerns about the different silos
5 within the DOE.

6 CORINNE RELLO-ANSELM: Councilman Treyger, since
7 the elephant in the room is me, I am no longer a
8 Deputy Chancellor. I am now the Deputy CAO and I'm
9 going to be very honest with you. This structure is
10 something we needed to get to because yes, there was
11 a need for a Deputy Chancellor at a time when Special
12 Ed was egregiously not addressed in the city and the
13 rights of parents and students were - I'm probably
14 reminiscing and your parents could probably testify
15 to the times where as a 40-year educator in special
16 education we didn't do our best job for students with
17 disabilities in the City of New York.

18 CHAIRPERSON TREYGER: Agreed, agreed.

19 CORINNE RELLO-ANSELM: The work of the reform
20 that we have taken place over the last ten to twelve
21 years addresses the rights of individual students to
22 be within their community, to get the services that
23 they need, to equip parents with what they need to
24 have and that is the commitment of this Chancellor.
25 I will tell you that I was presently at a meeting

1 where I publicly thanked in this forum the Chancellor
2 for bringing together so many different divisions to
3 address the needs of special education students that
4 largely rested in the previous administrations with
5 one leader. Yes, I worked with other Deputy
6 Chancellor's but this structure right now ensures
7 that the needs of our students are met and whatever
8 you call me, whatever title you give me, my most
9 prideful moment is to be considered an Advocate and
10 someone that would not let the DOE escape from its
11 responsibilities in implementing what is necessary
12 for children. The testimony that Dr. Chen did today
13 really outlines and what the parents attested to
14 today, this is our work and my continuing in this
15 role is because of my core belief that there must be
16 somebody who advocates for our children. All
17 children, but especially children who learn
18 differently.

19
20 The work that we've done in related services more
21 than siloed in the past. Program services, not a
22 clue. When I got to the DOE, we didn't have any kind
23 of data collection system to say, how are we doing?
24 Is it working? The commitment of this administration
25 to get a robust data system, to really look at root

1
2 cause to make sure that every leader under this
3 Chancellor is responsible for this work is crucial.
4 So, if you're looking for a mega Advocate Zarina,
5 you're looking at it because this is really my role
6 and it is something that I am grateful to have the
7 leadership of Dr. Chen and to work along with Josh.
8 Whatever title I possess, whoever sits in this
9 position, their primary responsibility is to make
10 sure what is it that we're not doing, that a parent
11 has to testify that they have egregious conversations
12 with the principal around getting a service or
13 getting a child to read. This is really the primary
14 role and I am grateful that I now have strong
15 partnerships within the DOE that will support this
16 work. There was a time that there was a definite
17 need for a cabinet level Deputy Chancellor that said,
18 wake up people, we are not doing right by kids.

19 We have gotten to a place now where there is
20 shared responsibility and whatever role a person that
21 has the title of Special Education for the City of
22 New York, their major role is to make sure that
23 services are implemented and that's the commitment
24 this Chancellor has made, and this structure has
25 made.

1
2 CHAIRPERSON TREYGER: Right and I appreciate your
3 passion and your work in this regard. I will just
4 say respectfully that the concern we have is whether
5 you have an empowered position that has that
6 authority -

7 CORINNE RELLO-ANSELM: You think they're going
8 to keep me quiet? I think the Advocacy world knows
9 this as well as many parent groups that I work with.

10 CHAIRPERSON TREYGER: I appreciate that. I would
11 just say historically, as recent as the end of last
12 year, what prompted a number of OPT changes for
13 example, in addition to this Council having a
14 hearing, was the news of a Federal investigation into
15 OPT. That we did not know about until the media
16 issued a report. The announcements on the eve of
17 this hearing that Sesis will no longer continue or
18 will continue into a new system. That only happened
19 on the eve of this hearing. You know, I'm not blind
20 to that.

21 And so, I appreciate your passion and your
22 advocacy but as I pointed out, the scale of the kids
23 we are talking about is over 220,000 students.

24 CORINNE RELLO-ANSELM: Exactly.
25

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2 CHAIRPERSON TREYGER: It's extraordinary and I
3 agree it cannot fall on one person alone, but one
4 person should have the ability an empowered ability
5 to go across this large bureaucracy and to demand
6 better, to demand compliance, and to demand that
7 ultimately whatever is happening at [inaudible
8 3:15:47] is permeating down to our school level and
9 that the onus is not on the families, particularly if
10 families to have to sue to get services for their
11 kids. That's outrageous.

12 CORINNE RELLO-ANSELM: We agree Councilman
13 Treyger and to be honest with you, you actually said
14 it better than I can.

15 In terms of this population, this ever-growing
16 population, one person cannot do this. I represent
17 behind me multiple people that look at related
18 services, that look at programmatic implementation,
19 that look at data systems. We have a structure
20 within the division that looks at every piece of that
21 City Council report and plus, to really see what is
22 happening within our system and to report to the
23 Chancellor and to the leadership team around this
24 work.

25

1
2 CHAIRPERSON TREYGER: So, you're saying one
3 person cannot do this?

4 CORINNE RELLO-ANSELM: One person can lead a
5 team that does it. Okay, and that's essentially the
6 structure that we have, but I am saying the work
7 around special education is so complex and it is
8 something that one person really, they can have the
9 title but it's about getting in there and doing the
10 work with the people and I am proud to have a panel
11 of people sitting behind me right now that addressed
12 every aspect of your concerns in a very thoughtful
13 and meaningful way. No, it isn't perfect and I am
14 not here to defend it but when I think about when I
15 started in Special Education 40 years ago, I am
16 telling you, we have come a long way and there is
17 only through the partnership, through leadership
18 structure and with parents and advocates that we will
19 get this right for our children.

20 And you know Councilman Treyger, I want to make
21 sure that the right kids are getting the right
22 services and that we are not over identifying
23 students. That we are looking at interventions, that
24 we're looking at our English language learners and
25 Dr. Chen is committed to that as is Chancellor

1 Carranza and I stand here, I don't care what title
2 you give me, the advocacy for this work will always
3 be.
4

5 CHAIRPERSON TREYGER: Alright, I appreciate your
6 comments. Now, I'll turn it over to Council Member
7 Rosenthal.

8 COUNCIL MEMBER ROSENTHAL: Thank you everyone for
9 your passion and work. Thank you, Chair Treyger for
10 this hearing and thank you of course for the DOE for
11 trying to address this issue.

12 My first question is about my legislation which
13 is 1380 and my quick questions are, is the DOE still
14 committed to the Mayors expedited settlement policy?
15 Why are parents waiting so long still for DOE to
16 refer cases for settlement, make settlement offers,
17 and approve the settlement language and what does the
18 DOE need to ensure that it is following the Mayors
19 policy? What can we do to be helpful?

20 LAUREN SICILIANO: Thank you for the question.
21 We are absolutely committed to the policy of making
22 the reimbursement process easier and fairer for
23 families who may need it and we will continue to work
24 with families throughout the process to make sure
25 that they are getting the services that they need.

1
2 In terms of the delays that your referenced, as
3 you know, as the number of cases has increased, the
4 case load per attorney has increased and that has led
5 to some delays. We were recently approved to hire
6 additional lawyers to reduce the case load which will
7 help speed up the process, but we are absolutely
8 still committed to the policy.

9 COUNCIL MEMBER ROSENTHAL: Whats the correct case
10 load number and what case load number are you at?

11 LAUREN SICILIANO: So, right now, I believe it is
12 several hundred cases.

13 COUNCIL MEMBER ROSENTHAL: In total.

14 LAUREN SICILIANO: I will get back to you with
15 the specific ratio, I don't want to misspeak but it
16 is a high number of cases per attorney and I can
17 share with you what that ratio will become once we
18 hire the additional attorneys.

19 COUNCIL MEMBER ROSENHAL: And then what the right
20 ratio is in order to get to your stated goal.

21 LAUREN SICILIANO: Yeah, absolutely.

22 COUNCIL MEMBER ROSENTHAL: Second set of
23 questions, do you guys, are you aware of local law 27
24 that requires a disability services facility for the
25 Department of Education?

1
2 CORINNE RELLO-ANSELM: I have never heard of it,
3 I'm sorry.

4 COUNCIL MEMBER ROSENTHAL: That's okay, so this
5 law was passed a couple years ago, it happens to be
6 mine and it requires every agency to post on the
7 front of its website, on the first page, the name of
8 a person, not just DSF but the name of a person that
9 the public can contact. So, with an email address
10 and a phone number should they be somebody with
11 disabilities, know of someone who has disabilities,
12 so that the public, an outward facing person, so that
13 the public can get the services they need through
14 that agency.

15 CORINNE RELLO-ANSELM: Actually yes, and on the
16 website, I believe my name is there.

17 COUNCIL MEMBER ROSENTHAL: No, it's not.

18 CORINNE RELLO-ANSELM: Okay, then I don't know.

19 COUNCIL MEMBER ROSENTHAL: I'm looking at it.
20 I'm looking at it, there's no name. You can click on
21 Special Education and then it lists about 30
22 different specific things that you could click on,
23 but no, no one's name is on there. However, if I go
24 to the Mayor's office of People with Disabilities,
25 where they are required to list the names that every

1
2 agency supposedly lists, we have the name Thomas
3 **Teratacco [SP?]** and then there is a phone number and
4 the email is accessibilityatschools.nyc.gov. It is
5 my understanding that gentleman works on
6 accessibility issues, sort of with the SCA or
7 building or how you make sure that your building are
8 accessible which has nothing to do with the public
9 being able to contact someone at the agency to ask
10 questions about how the agency serves them who has
11 someone who has a special need.

12 CORINNE RELLO-ANSELM: We will follow up on that
13 with the transition of the website. We'll follow up
14 on that.

15 COUNCIL MEMBER ROSENTHAL: So, I'm sorry, so
16 you're saying your name should be on there?

17 CORINNE RELLO-ANSELM: My name is part of the
18 leader of the division, absolutely for Special
19 Education. Absolutely, my name should be there and
20 with the revamping of the website, I mean, I
21 surprised that is not included there but there is -
22 listed there, there should be the contacts a Special
23 Ed Reform Inbox and how parents can contact us. So,
24 if its not in my particular name, it should be.
25 There is information posted around how to contact us

1
2 with any issues concerning the implementation of the
3 IEP.

4 COUNCIL MEMBER ROSENTHAL: I mean again, you
5 know, this is what you do. You click – and it's only
6 in English. So, you can either click on
7 specialeducationatschools.nyc.gov. There is a
8 Special Education hotline or 311. Tell that to the
9 seven parents who testified this morning. You can
10 email related services and you can email IHO inquiry,
11 but I'll tell you, if you are a low vision
12 individual, this is a very difficult page to read.

13 CORINNE RELLO-ANSELM: We are looking at the
14 website.

15 COUNCIL MEMBER ROSENTHAL: I know.

16 CORINNE RELLO-ANSELM: Because there was a major
17 work done on revamping of the website and we have a
18 committee that is looking at it to update it to make
19 it more –

20 COUNCIL MEMBER ROSENTHAL: I'm glad there's a
21 committee. I mean this was always my concern about
22 the bills. That there's no teeth. There's no one
23 around who has to – I mean the bill was passed in
24 2015.

1
2 CORINNE RELLO-ANSELM: I just want to put your
3 fears at bay only in the sense that one of the things
4 that we're most proud of is our escalation protocol.
5 A parent that's listed on the website and also in our
6 parent handbook, and also with our work with
7 Advocates and other, we have let it be known that
8 actually people know and do contact me directly.

9 COUNCIL MEMBER ROSENTHAL: Do you want to say
10 your name, phone number, and email address out loud.

11 CORINNE RELLO-ANSELM: Corinne Rello-Anselmi,
12 okay, and I would say that the Special Inbox is the
13 one that they would be able to reach me at because
14 what we do is, we take in all of the -

15 COUNCIL MEMBER ROSENTHAL: Do you want to say it
16 again outloud for the public.

17 CORINNE RELLO-ANSELM: Sure, specialeducation@
18 schools.nyc

19 COUNCIL MEMBER ROSENTHAL: Hmm, hmm.

20 CORINNE RELLO-ANSELM: Yeah.

21 COUNCIL MEMBER ROSENTHAL: So, now let's talk a
22 little bit, not necessarily about the IEPs but
23 instead at a school level data point of view, do you
24 have information on the types of disabilities that
25 people have on each school? So, not just in terms of

1
2 IEP compliance but based on disability so that the
3 public could see that students are connected to
4 appropriate services and programs.

5 So, let me just sort of run through the
6 questions. What school level reporting does the DOE
7 collect related to disability and which of that data
8 is publicly available? Does the DOE collect and if
9 so, can you make public the number of students with
10 disabilities in each school disaggregated by
11 disability type? Do you know how many students with
12 physical, hearing, visual, and cognitive disabilities
13 there are in each DOE school? What are the barriers
14 to making this data publicly available?

15 I think its super important for the public to
16 know how many students with various disability types
17 are in school, so we can connect them to the
18 appropriate resource, and we've all talked about the
19 amazing non-profit groups including NYC Advocates for
20 Children and perhaps to identify the students for
21 various opportunities like adaptive sports programs
22 for example.

23 And lastly, a student who uses a wheelchair is
24 different than a student who has hearing loss. So,
25 being able to identify the number of students with

1 disabilities in each school and disaggregating them
2 by disability type is crucial. Specifically, data
3 that disaggregates by disability type would be very
4 helpful so that we can identify exactly how many
5 students in a particular school have physical
6 disabilities for example, so we could think about
7 playground equipment and I know my colleagues here
8 are going to giggle because I ask this every year.
9 You know you guys opened a school on my district.
10 I'm very grateful for it. You put in a hearing loop
11 because I asked you to and the hearing loop for the
12 past three years, I've been asking you when you're
13 going to move the hearing loop out of the lunch room
14 and into the auditorium, which is where hearing loops
15 belong, PS 191.

17 CORINNE RELLO-ANSELM: Yes, we want to work with
18 you to resolve that particular issue that the points
19 that you're raising, we absolutely agree with. One
20 thing that I would want to also just raise as an area
21 that we should consider is depending on how many
22 students at each school have a particular disability,
23 we just want to make sure that we are not necessarily
24 pointing towards personally identifying students when
25 there's a low incident of numbers.

1
2 COUNCIL MEMBER ROSENTHAL: Obviously, but then we
3 don't know if they need ramps and elevators or if
4 they need a hearing loop.

5 CORINNE RELLO-ANSELM: We agree with you, we do
6 look at those things.

7 COUNCIL MEMBER ROSENTHAL: Do you have it
8 internally?

9 CORINNE RELLO-ANSELM: The matter of how we make
10 that information public because I think what I'm
11 hearing behind is we do look at those things but the
12 matter of how we make that public and that
13 information is something we need to work with you on.

14 COUNCIL MEMBER ROSENTHAL: Sure, how many schools
15 are there will kids with disabilities where its not
16 possible for the kid to enter the school by the front
17 door and go up and down by elevator? How many
18 schools are there like that?

19 CORINNE RELLO-ANSELM: That would have to be a
20 part of the accessibility work that we have done with
21 the school planning and facilities, the exact number
22 I'm not aware of.

23 COUNCIL MEMBER ROSENTHAL: So, there's one in my
24 district where the Mayor promised to fix it because
25 we were at a town hall and the mom brought Joshua in

1
2 his wheelchair and talked about how he had to go in
3 the back door because there's no way to get in the
4 front door and he still goes in the back door and
5 that was real disappointment to me and to that
6 family.

7 CORINNE RELLO-ANSELM: This has been an
8 important concern with the Chancellor and the cabinet
9 and that is also why we have \$750 million going into
10 capital planning for accessibility but -

11 COUNCIL MEMBER ROSENTHAL: Yeah, you've already
12 determined that at this particular school, it's not
13 possible, which is really not possible for me to
14 believe.

15 CORINNE RELLO-ANSELM: We will need to take
16 another look at that. I would say that to answer
17 your question about percentages of fully or partially
18 accessible at our elementary schools, it's 44.8
19 percent.

20 COUNCIL MEMBER ROSENTHAL: No, the question was,
21 where you have kids who are on wheelchairs, right?
22 Because you just said, everyone behind you is
23 nodding. They have information, school by school
24 information disaggregated by disability type. So,
25 the question was, by disability type, how many kids

1
2 are going to a school that doesn't meet their need?
3 Whether it be hearing loss, low vision.

4 CORINNE RELLO-ANSELM: So, we will go back and
5 look at all of our information and make sure that you
6 have a response.

7 COUNCIL MEMBER ROSENTHAL: Yeah, I would
8 appreciate that.

9 CHAIRPERSON TREYGER: There is an interest of
10 time for other colleagues whenever.

11 COUNCIL MEMBER ROSENTHAL: Yeah.

12 CHAIRPERSON TREYGER: Thank you.

13 COUNCIL MEMBER ROSENTHAL: Thank you all very
14 much. Oh, I'm sorry, last question, promise. And
15 this will come back at budget time. One of the
16 things I sensed in hearing your testimony and the
17 answers today is that - and one of the tensions in
18 this discussion about referring people out to private
19 schools is does OMB or City Hall or the Mayor or
20 whoever is making the decisions, decide on how much
21 money goes to Special Ed kids specifically, or are
22 you asked to fund those private schools out of your
23 general - general, your large, \$30 billion or
24 whatever the number is, education budget? And the
25 reasons it's important is it goes to the question

1
2 that is debated in the public and I'm not saying I
3 have an answer, but do we require DOE to build enough
4 schools in order to meet the needs of all different
5 types of Special Ed or do we contract out to private
6 schools to do this and that's a real tension, it's a
7 debate. I've heard different points of view, but if
8 it is the case that the more you pay for kids to go
9 out, the less money you have in your overall budget
10 that tells me public policy. A decision has been
11 made, and I'm just wondering how that role is for
12 you?

13 CORINNE RELLO-ANSELM: In terms of physical
14 accessible to buildings, that is the commitment going
15 forward in any new design in construction. If you're
16 talking about - oh, I'm sorry.

17 LAUREN SICILIANO: In terms of looking at that
18 question, we work very closely with OMB throughout
19 the year to monitor all portions of our budget to see
20 where the needs are and what the spend is.
21 Particularly in this case as well, so we're working
22 closely with the office with Management and Budget to
23 monitor those needs.

24 COUNCIL MEMBER ROSENTHAL: Right, so right now
25 FY18 actual for spending on Special Ed students in

1
2 private setting is \$858 million and the budgeted is
3 \$732 for next year. So, I guess you're thinking that
4 number comes - oh, I see, FY 18 actual was \$859
5 million and for the current year, the amount budgeted
6 is \$732 million. How many outstanding cases do you
7 have? Is this budgeted number accurate or are you
8 going to be coming back you know, with the number
9 that at least was the of the year prior?

10 LAUREN SICILIANO: So, I would love to look over
11 that chart to make sure that we're talking about -
12 that we're comparing the same things, but again, we
13 are constantly looking at spend patterns with OMB to
14 make sure that we have the resources that we need.

15 COUNCIL MEMBER ROSENTHAL: Yeah, the disconnect
16 appears to be in the blind and deaf schools. Where
17 in FY 18, it was \$126 million and the budget for FY
18 19 is \$60 million.

19 LAUREN SICILIANO: Okay, I'm happy to look into
20 that.

21 COUNCIL MEMBER ROSENTHAL: It seems like a
22 disconnect or its so well rounded as opposed to every
23 other number, it looks like a place where you can
24 just plug in a number. Thank you very much. I
25 appreciate you Chair.

1
2 CHAIRPERSON TREYGER: Thank you Council Member
3 for your leadership. Next, we'll hear from Council
4 Member Brannan.

5 COUNCIL MEMBER BRANNAN: Thank you, Chair. I
6 just have two quick questions. First, is there a way
7 to track delivery of IEP services for Charter schools
8 or are we doing that?

9 LINDA CHEN: So, for the purposes of Special
10 Education, the DOE is the local education agency
11 accountable for all students with disabilities in the
12 Charter schools and to that degree, we work closely
13 with the CSEs to be able to monitor and support IEP
14 delivery in implementation, excuse me, in Charter
15 schools.

16 COUNCIL MEMBER BRANNAN: So, we are tracking?

17 LINDA CHEN: Yes.

18 COUNCIL MEMBER BRANNAN: Okay, this is anecdotal
19 from constituents. You know, dealing with carter
20 cases and some of the impartial trial stuff where if
21 - and I sort of make the analogy to when I talk to my
22 local precinct commanders when I ask them if they
23 need more police. Their never admit that they need
24 more police because they sort of see it as its like a
25 sign of weakness or they're too proud to admit that

1
2 they could use some more help. Even though privately
3 they'll say, yeah, we could use some more cops, I'll
4 never say no. We hear from parents that sometimes get
5 the feeling that there is a pressure to see if
6 appropriate services can be provided by the DOE
7 directly when it's clear that that's not the case.
8 When it's better off if a child is sent, you know if
9 they could just write NPS on the IEP and it's
10 basically that simple as opposed to pulling a kid out
11 of class you know, eight times a week at the District
12 school. Is there any pressure or is it looked upon
13 unfavorably if school leadership or a principal or a
14 superintendent is signing to many kids out of the
15 system, so to speak?

16 LINDA CHEN: We do look at that closely because
17 first and foremost we want at the DOE to be able to
18 provide every student what they need and that's where
19 that close monitoring comes from. So, when we look
20 at trends and where we have areas of growth. I'll
21 give you an example in terms of our autism spectrum
22 disorders. We have created additional programs to
23 better support families and that is one area where we
24 look at where are those trends where there seems to
25 be an area of need that has to be sought in other

1
2 areas and outside of the system. So, that would be
3 an example of something that we've been doing.

4 CORINNE RELLO-ANSELM: And I think to your
5 question, its not up to a superintendent or a
6 principal to make that decision, that's the role of
7 the evaluation unit and working with parents and with
8 students, so we want to ensure because we are legally
9 mandated to supply service our own students. So, we
10 have to engage our parents and our students in the
11 evaluation process to ensure that we really cannot
12 service a particular child. More often than not we
13 are able to and it is our commitment to do so as we
14 build out more specialized programs. As Dr. Chen
15 already mentioned around rising needs of students
16 that are presenting on the spectrum. We are building
17 out programs and training teachers that students can
18 be kept within the general education classroom with
19 better training of teachers for children who may
20 present on the spectrum but do not need to go to a
21 special program or a special school.

22 I am taking also into account the work that we're
23 doing around print based disabilities. I know there
24 was a discussion before around dyslexia and the
25 recognition of dyslexia. Dyslexia is not one of the

1
2 13 classifications, but we do use the term dyslexia
3 or print based disabilities when we describe children
4 who need a multisensory approach to literacy. This
5 work has been supported by teaching and learning and
6 across the division to train out teachers in more
7 than one way to work with students that are
8 presenting with print-based disabilities early on and
9 intervene.

10 So, to really summarize your answer, there is an
11 incentive, but it is our obligation to exhaust every
12 resource to service a child within the DOE.

13 COUNCIL MEMBER BRANNAN: Last thing, over the
14 past couple of years, was there any sort of you know
15 concerted effort to try to cut down on the number of
16 IEPs that were sent out to non-public schools?

17 CORINNE RELLO-ANSELM: Only in terms of looking
18 at our own practices and programs to make sure we
19 build programs that meet the needs of the parents, so
20 that they don't have to leave the system to get help.

21 COUNCIL MEMBER BRANNAN: Okay, thank you.

22 CHAIRPERSON TREYGER: Thank you. Next, we'll
23 hear from Council Member Rose.

24 COUNCIL MEMBER ROSE: Thank you. I was a little
25 concerned about the gap in services. The time it

1 takes for students with an IEP to get the services.
2 So, I was wondering, how frequently are IEPs reviewed
3 to determine if a student is actually getting those
4 services that are in the IEP and is there an
5 identified timeframe that these services should be
6 met. Is there something that triggers you know, this
7 look back to see whether or not they're actually
8 getting those services and what is the parent's
9 recourse when the resources are not provided, other
10 than litigation. Is there some sort of internal
11 process that parents are preview to, to remediate
12 this problem and how do they know this?
13

14 CORINNE RELLO-ANSELM: So, I believe your
15 speaking about related services. There are two
16 services the programmatic services, which means the
17 classroom programs designation and then there's also
18 the related services that ensure that the children
19 are successful whatever they may be sitting in.

20 We periodically do look at through our program
21 service report and our related service compliance
22 dashboards, look at the service of our students and
23 whether or not they are being received at a given
24 point and time.
25

1
2 The structure that we have in place is that at
3 borough field office, there is a director of Special
4 Education and there are Administrators of Special
5 Education called **[inaudible 3:50:23]**, that are
6 assigned by District and to schools to look at the
7 related service compliance, programmatic service
8 compliance, and to escalate both to our related
9 service office or to our central team around students
10 that are currently in need of services and not
11 getting them.

12 The related service team works tirelessly, works
13 very hard to ensure that our students are getting
14 their related services and where there are shortages
15 address where the shortages are and deploy additional
16 providers to that area. For example, we know
17 historically the Bronx has had difficulty in the area
18 of a bilingual counseling and OT, so we have sent
19 resources and put a full press on sending providers
20 to hard to serve areas.

21 COUNCIL MEMBER ROSE: What triggers that level of
22 review?

23 CORINNE RELLO-ANSELM: Yes, its weekly. We look
24 weekly at our related service compliance and our
25 program services to monitor where we see that there

1
2 are huge gaps in service and compliance in terms of
3 related service.

4 COUNCIL MEMBER ROSE: So, as an individual
5 parent, we heard parents testify today that they've
6 had an IEP for their child, but they did not get
7 those services for months, for some unreasonable
8 duration of time. So, what is a reasonable amount of
9 time that internally in that school each IEP is
10 reviewed so that a parent's child does not lose four
11 months of instruction, eight months of instruction
12 because we have not been - DOE has not been able to
13 get those related services on board. Have not been
14 able to make the appropriate placement. When is
15 there a fail-safe system that when I as a parent, I
16 come, I get an IEP, I believe that now my child is
17 going to get these services only to find that you
18 know, that's not the reality? It's four months, it's
19 eight months, it's whatever. When do you look at
20 that internally to see that this child is not getting
21 those services that IEP said they would get?

22 CORINNE RELLO-ANSELM: The work of our related
23 service team is exactly that. That's why we work
24 with the District Administrators of Special Education
25 and our related services team looks to see what is

1
2 the area that is in need, that the child is not
3 getting. We have recognized that there OT and PT
4 shortages, OT mostly, and bilingual counseling
5 shortages that exist. When a child and all providers
6 have been contacted and we are unable to hire an OT
7 provider to work for example, for the City of New
8 York, we issue something called an RSA. Now an RSA
9 in our minds, just provides the parent with the
10 opportunity to go out and find their own provider.
11 We have improved.

12 COUNCIL MEMBER ROSE: How long does that take?
13 I'm really concerned about how long it takes. When I
14 come to you, I have my IEP, I sit down with the
15 professionals and you give me a plan for my child,
16 what is realistic for me to expect that my child will
17 get these services?

18 CORINNE RELLO-ANSELM: Realistically, you should
19 get - your child should have their service almost
20 immediately because their provider should be in the
21 school. Let's say a child is recommended for PT and
22 we do not have a PT provider assigned to that school.
23 The team will look to assign a provider immediately
24 to that school to pick up that case. Now, I would
25 say that it's a week to ten days that we exhaust all

1 the possibilities before we attempt to issue the RSA.
2 We don't want to sit for a long period of time, but
3 again, an RSA process just covers us in a sense that
4 we have made an attempt to get a provider. We were
5 unsuccessful, we're giving it to a parent, and saying
6 to the parent, if you find your own provider, we will
7 pay that provider to service your child.
8

9 COUNCIL MEMBER ROSE: At what point is that? How
10 long is that? When you say to me a week to ten days
11 to get my own provider?

12 CORINNE RELLO-ANSEMI: Well, there's the
13 process. This is why we don't want to be overly
14 dependent on RSAs because even though we may provide
15 an RSA to a parent, it still is very difficult at
16 times for parents to find a provider that will
17 service. We are working to expand our number of OT
18 providers, PT providers, Bilingual Special Educators,
19 Speech and Counselors, but quite honestly, there is a
20 shortage. We are working with universities, we are
21 working with agencies, to get more providers to
22 service the need of our students in the City.

23 COUNCIL MEMBER ROSE: But if you can't do that as
24 DOE to get that provider in to provide those
25

1
2 services, how am I as a parent supposed to get that
3 service or know where to go?

4 CORINNE RELLO-ANSELM: So, there's an
5 interesting complexity around this. There are
6 providers who do not want to work for the DOE. I
7 don't know why, but they don't want to work for the
8 DOE and prefer to keep their private practices and
9 sometimes parents do have the opportunity through the
10 list of agencies we've had, agencies would prefer to
11 work directly with the parent.

12 COUNCIL MEMBER ROSE: So, you provide them with a
13 list.

14 CORINNE RELLO-ANSELM: Yes, we do, and we've
15 gotten a little better at that to because it's a list
16 that doesn't expire. It's something that's more
17 current and updated regularly.

18 COUNCIL MEMBER ROSE: Are these services that an
19 IEP might call for, are they predicated on a
20 principal's budget?

21 CORINNE RELLO-ANSELM: No, absolutely not.

22 COUNCIL MEMBER ROSE: So, whatever is needed,
23 that school can bring that professional in to fill
24 that IEP?

1
2 CORINNE RELLO-ANSELM: They will receive the
3 resources and the allocation necessary to get the
4 provider in school. If it doesn't currently exist
5 within the school.

6 COUNCIL MEMBER ROSE: I have one more question.
7 In my District, a parent raised concern about their
8 child being pulled out of school in the middle of the
9 school year and placed in an out of district school
10 based on behavior, but the parent was not notified,
11 advised, or any permission requested. Is there some
12 sort of protocol that is supposed to take place when
13 a child is taken out of one environment and placed in
14 another and it's not because of an IEP
15 recommendation?

16 CORINNE RELLO-ANSELM: I would need some clarity
17 as to are we speaking of taking out of one school and
18 placing in another school, without the parent's
19 knowledge.

20 COUNCIL MEMBER ROSE: Well, I'm from Staten
21 Island, so this child was placed in a school in
22 another borough without transportation assigned to
23 that child which then made it necessary for the child
24 to be out of school for a very long period of time
25 because it was the middle of the year, they placed

1
2 him some place else without the necessary resources
3 to get there.

4 CORINNE RELLO-ANSELM: I think what I'm hearing

5 -

6 COUNCIL MEMBER ROSE: And without also the
7 necessary care person. Yes, I'm asking about the
8 process that allows that to happen without first
9 talking with the parent? This child needed services,
10 they have a nurse, but was moved out of the District
11 to another school without transportation, without the
12 assistance of a nurse which actually complicated
13 their health issues.

14 CORINNE RELLO-ANSELM: Sure, to be honest, I
15 find it very strange that all of this especially for
16 a medically fragile child in need of these kinds of
17 services that the parent was not engaged in the
18 decisions to move the child and to send them to
19 another program or not have the service or the
20 transportation. We are legally obligated to have the
21 parent informed at all forms of the evaluation
22 process and placement process as to what services
23 would be given to that child at any given time.

24 COUNCIL MEMBER ROSE: Would you move a student
25 because of behavior without concern or without making

1
2 sure that the necessary other, you know, services
3 were in place?

4 CORINNE RELLO-ANSELM: You got me.

5 COUNCIL MEMBER ROSE: Okay.

6 CORINNE RELLO-ANSELM: On this one, I would
7 honestly say its to be the egregious part of this
8 whole story is that the parent wasn't exactly
9 engaged. These are the kinds of cases we love to
10 hear about centrally. That's why we have the
11 escalation protocol and the 311 and the Special
12 Education hotline. Our whole escalation protocol is
13 to look at cases like this and figure out how this
14 happened, because there seems to be a breakdown in
15 understanding. First of all, the parental right, the
16 student right, and the need for the services and we
17 are obliged to ensure that the parent fully
18 understand why a child may have to leave a school.
19 It's to difficult to say it's because of behavior. I
20 mean that's something that we would have to
21 investigate in terms of the need. Of what kind of
22 services were necessary, but again, at the crooks of
23 it, not without the parent being actively engaged in
24 the movement of the child or the delivery of the
25 service to the child.

1
2 COUNCIL MEMBER ROSE: Thank you and I'll have an
3 offline conversation about that.

4 CORINNE RELLO-ANSELM: Yes, please.

5 COUNCIL MEMBER ROSE: And I just want to ask
6 about when a child transitions out because of age.
7 This is a very simple answer, when they transition
8 out because of age and we're providing them with
9 workforce prep or something, is there any engagement?
10 Is there any following through with this young
11 person, just to see if they actually did get a job,
12 if they are engaged in something after they've aged
13 out of school in the services that DOE provides? Is
14 there any safety net after they age out?

15 CORINNE RELLO-ANSELM: Okay, this is all part of
16 that transition work that Dr. Chen spoke about and
17 the development of our TCACs. That's the exact
18 reason for this, that during high school there is a
19 transition plan put in place as per the IEP to get
20 the child ready for post-secondary success, whether
21 it be career, college, independent living. If when
22 the child ages out, now it depends on what programs
23 the child is in, but a child let's say in a program
24 that District 75 maybe staying within the program

1
2 until age 21. We work with that family and with that
3 student for post DOE.

4 COUNCIL MEMBER ROSE: Okay, that's all I wanted
5 to know.

6 CORINNE RELLO-ANSELMINI: TCACs help support that
7 but also then state agencies, we then connect with
8 the state agencies who take on that age 21 per
9 individual and beyond. So, we do a dual linkage.

10 COUNCIL MEMBER ROSE: Thank you. Thank you,
11 Chair.

12 CHAIRPERSON TREYGER: Thank you and next we'll
13 hear from Council Member Levin.

14 COUNCIL MEMBER LEVIN: Thank you very much,
15 Chair. Thank you very much for your testimony, I
16 realize it's late in the afternoon here, so I'll just
17 keep this brief.

18 I wanted to ask just about the overall picture
19 for Special Ed Pre-K? You know, over the last
20 several years, the overall expenditure on Special Ed
21 Pre-K has decreased. It had steadily increased for a
22 number of years from about 2008 to 2013 and then
23 since then has declined a little bit. Can you speak
24 to that and kind of what has been going into that and
25 is this that there are Special Ed Pre-K services

1
2 being offered in our UPK settings? Is that what that
3 could be attributed to?

4 JOSH WALLACK: So, I'm not familiar with the
5 specific budget numbers that you're discussing but I
6 can say that overall our commitment to serving
7 students in early education has gone up. So, I don't
8 want to speculate on specific -

9 COUNCIL MEMBER LEVIN: It peaked at well over a
10 billion dollars. It's down now to about \$800
11 million, so it was at \$1.1 billion at some point.

12 JOSH WALLACK: So. I want to take another look at
13 those numbers but I would just say just to get to the
14 premise of the question, we're committed through Pre-
15 K and 3-K for all to serving every student and to
16 making sure that they are getting all the services
17 that they need because again, that's the very premise
18 of the effort is to ensure that every student is
19 getting off to a strong start.

20 I think part of the story behind those numbers is
21 that we're now serving about 6,000 preschool students
22 in 3-K and Pre-K classrooms in inclusive integrated
23 settings. Then there is another set of students that
24 are attending private programs outside that are
25 funded by a mix of city and state dollars. And then

1
2 some that are in the Department of Education and more
3 specialized programs.

4 I think that when you look at all those sources
5 combined, you'd probably find that our commitment has
6 increased just because we're serving more kids than
7 we were before and again we're pleased and proud of
8 that fact.

9 COUNCIL MEMBER LEVIN: Okay, but the overall
10 expenditure on that I mean, has gone down and you
11 should go and look at it over the last ten years and
12 you'll see an increase and then a decrease. So, I'm
13 curious what is going into that and if we could have
14 a follow up conversation about that.

15 JOSH WALLACK: I'll take a look at those numbers
16 and get back to you, sure.

17 COUNCIL MEMBER LEVIN: Okay, for families that
18 are seeking reimbursement for private Special Ed
19 services, the Mayor has indicated that the
20 administrations policy is to challenge fewer of those
21 cases. Do you have data that show how you know, you
22 have a year or quarter by quarter, those number of
23 challenges or the percentage of cases that result in
24 challenges has changed?

1
2 LAUREN SICILIANO: Yes, as you stated the purpose
3 of the change in policy was absolutely to make the
4 process easier for families and I would be happy to
5 share the detail on percentage of settlements and
6 things like that to help illustrate.

7 COUNCIL MEMBER LEVIN: Okay, because obviously we
8 do hear from certainly the panel that was here at
9 first. There's the one mother who had been denied
10 Special Ed services numerous times and so, I don't
11 know the time line exactly for that and whether that
12 was before or after a policy change, but this is
13 something that we should keep a close eye on.

14 Is there a budgetary impact that you anticipate
15 to change the policy?

16 LAUREN SICILIANO: So, the year over year
17 expenditures in this area have been increasing. As I
18 mentioned earlier, we reviewed that budget every year
19 with OMB. It's been difficult to pull out clear
20 trends since the policy is relatively new and it's
21 very much dependent on how families are filing. So,
22 you will see some increase year over year in the
23 budget.

24 COUNCIL MEMBER LEVIN: I'm sorry, when did the
25 policy go into effect?

1
2 LAUREN SICILIANO: 2014.

3 COUNCIL MEMBER LEVIN: Okay, then why are we – I
4 mean the Mayor's been speaking about this recently,
5 so what is it about now versus last year or the year
6 before why a policy would change? In terms of
7 preliminary budget conversations, it was discussed as
8 an impact to preliminary budget. Has there been a
9 policy change this year that would result in a budget
10 impact?

11 LAUREN SICILIANO: No, it's the same policy
12 change from 2014.

13 COUNCIL MEMBER LEVIN: From 2014, okay. So, then
14 yeah, it would be good to see you know, eight years
15 of data to show certainly the number or percentage of
16 cases that are challenged.

17 And then my last question is about the role of –
18 this is the response of the first panel as well. The
19 role of principals in parents requesting an IEP or
20 requesting outside services and whether there's a
21 need for better training of principals or better
22 support for principals.

23 I mean the one story that we heard was somewhat
24 appalling and you know, we should kind of look into
25 that one further, but I think that this is an area

1
2 that I'm not sure that every principal knows what
3 they need to know or has the type of support services
4 or is the best person to be making certain decisions.
5 So, can you speak a little bit to what the role of
6 principals in this conversation and whether that
7 should be examined?

8 CORINNE RELLO-ANSELM: So, we agree with you
9 that the role of the principal is incredibly
10 important as well as it's a large plate of things
11 that they are carrying a load on and I would say
12 first and foremost, we have principals across the
13 city that are doing a wonderful and very good job of
14 meeting the needs of our students with disabilities
15 in every student.

16 We also have as you know, there are principals
17 who are new or have moved in from different schools.
18 There is some transition and there is always need for
19 additional professional learning for everyone. We do
20 work with our superintendents who oversee the
21 principals but also provide support for them, so that
22 they are clear about their needs.

23 We do have a handbook for principals and there is
24 training for every principal to ensure that they know
25 exactly what their responsibilities are. We do

1
2 believe it is important for principals to oversee –
3 they oversee the entire community and all the
4 functioning of things that happen at the school level
5 and IEP decisions are made by a team overseen
6 ultimately by the principal.

7 So, there is expertise at every school in every
8 aspect of the work that involved in the IEP process
9 in addition to the principal's overall oversight.

10 COUNCIL MEMBER LEVIN: Thank you. Thank you,
11 Chair.

12 CHAIRPERSON TREYGER: Thank you. I just want to
13 also note we've been joined by Brooklyn College
14 Professor David Bloomfield, who is my college
15 professor who taught me the differences between laws
16 and rags and guidance, and I got a good grade in that
17 class professor, thanks to you and just to point out
18 that the requirement about translating IEPs actually
19 comes from federal law.

20 So, it goes even beyond the SOPM. It goes beyond
21 whether or not there's a change there's a regulation.
22 We need to make sure that families are – that the
23 onus is not on them. That we inform them of that
24 right and we provide that critical service and that
25 IEPs are actually put together in a carefully crafted

1 way that is really customized and aligned to the
2 needs of the children and I will say that I'm hearing
3 from you that there's a quick turnaround time to get
4 that service to the child.
5

6 We're hearing differently on the ground. That
7 there are significant delays and so there's a
8 disconnect here.

9 CORINNE RELLO-ANSELM: But there is a commitment
10 to find out the root cause for the delay. Whether it
11 be a shortage area and to develop better recruitment
12 procedures to fill that need.

13 CHAIRPERSON TREYGER: You mentioned earlier about
14 you're not sure why certain service providers would
15 not want to work with the DOE to provide services,
16 when we're hearing that there are significant delays
17 in contracting and reimbursements.

18 CORINNE RELLO-ANSELM: I meant become a DOE
19 employee.

20 CHAIRPERSON TREYGER: Right, right, well, yes,
21 yes. Well, that's an issue with regards to there's a
22 pay pay issue at the UPK level and then 3-K level
23 which we still have to address and resolve, but we do
24 need to do better in this area and also, we spent a
25 lot of time on compliance about services to children

1 but there's an academic component here as well.
2 Making sure that they are advancing through our
3 school system and that you know, reading at grade
4 level and as we heard the terms college career
5 readiness. We have to look at this kind of from a
6 macro lens, that these decisions or these delays or
7 these things are not happening. They have just a
8 significant adverse impact on these children and just
9 to be clear on my legislation, with regard to my
10 reporting bill. I'm not sure if I heard a clear
11 answer from DOE that to have a reporting bill on a
12 school, school by school basis about areas where
13 we're not complying and what service areas are, we
14 short on? Is there a position from the DOE on that?

16 CORINNE RELLO-ANSELM: Yes, we do closely
17 monitor compliance at the school level. As you know,
18 however, we are concerned that the public reporting
19 of aggregate data at the school level in Intro 559
20 may be a bit misleading due to the smaller numbers of
21 students captured and the student needs served across
22 the schools. We want to ensure that schools are
23 focused on supporting the students in their school
24 buildings and we do want to look after putting all
25 efforts in that area.

1
2 CHAIRPERSON TREYGER: But you're saying that you
3 already have this data, is that correct?

4 CORINNE RELLO-ANSELM: We do in terms at every
5 level. We have access to that certainly, our field
6 support offices have access to it, our
7 superintendents as well as our -

8 CHAIRPERSON TREYGER: So, why can't the public
9 have access to that?

10 CORINNE RELLO-ANSELM: There are a number of
11 shifts that happen in term of what the status is and
12 that's why we have weekly updates. So, we would have
13 to work out what are some of those logistics around
14 that. The other pieces in terms of the numbers of
15 students. That is of concern for us and I know is a
16 concern for all of us is just reporting out when the
17 numbers are very small, we need to be mindful of our
18 students' rights and privacy.

19 CHAIRPERSON TREYGER: Right, we'll follow up on
20 this.

21 CORINNE RELLO-ANSELM: We'd like to follow up on
22 it. We think it's important.

23 CHAIRPERSON TREYGER: We need to know. Like for
24 example, today I heard that there are some shortage
25 areas. I'm curious to know how have we advertised or

1
2 try to address those shortage areas? I speak with
3 other institutions, I'm not sure if they would share
4 that with me or share that with the committee. So,
5 we need to know where are we falling short? In order
6 to advocate appropriate resources accordingly. If we
7 don't know where we're falling short, how can we
8 advocate? How can we fight?

9 So, I do think we need to follow up on this item
10 and lastly, I will just conclude by saying that I
11 appreciate the discussion before about the pilots and
12 what not. Do you have data on how many parents have
13 asked already so far for translation for the IEPs?

14 CORINNE RELLO-ANSELM: We can get that exact
15 number. I think the last pole we have is a little
16 bit old, so I want to share updated information with
17 you, but we are tracking that, and the pilot is
18 focused on ensuring the process is something that we
19 can do efficiently and effectively that meets the
20 needs of parents as quickly as possible.

21 CHAIRPERSON TREYGER: Is the number 200 accurate?

22 CORINNE RELLO-ANSELM: If I'm going off memory,
23 it is something in that neighborhood. I don't have
24 that information with me now, but I do remember just
25

1
2 meeting about a week and a half ago to check on that
3 and it was about 200.

4 CHAIRPERSON TREYGER: Right, again, my concern is
5 that folks, parents, are not even aware that they
6 have this right and I do think you know that we have
7 more work to do but I think in the interest of time,
8 and with the colleagues here present, I think the
9 panel for your time here today.

10 CORINNE RELLO-ANSELM: Thank you very much for
11 your partnership and leadership as well.

12 CHAIRPERSON TREYGER: Thank you. Alright, so I
13 just want to inform folks that soon the charter
14 commission will have to conduct their work in this
15 room. So, I just want to emphasize that we're going
16 to call panels to speak. We'll put up a three minute
17 clock per speaker and I would just ask those who will
18 testify, if possible they don't have to read every
19 part of their testimony to give us the salient points
20 the key points in their testimony and we will accept
21 all written testimony because we do review it and we
22 do appreciate it because we do have a I think a hard
23 stop for us in this room and then we have to transfer
24 over to the committee room at about five o'clock.

1
2 So, I just want you to be mindful of that. But we
3 will hear from everybody.

4 So, next panel I would like to call up Maggie
5 Moroff, Randi Lavine, Lori Podvesker, Jaclyn Okin
6 Barney, Heidi Siegfried [SP?], Alice Bufkin, and Lisa
7 Vasquez. Okay, whenever folks are ready. Be sure to
8 state your name in the beginning for the record and
9 we'll have the sergeant set the clock as soon as
10 their ready and you may begin, whoever is ready to go
11 first.

12 MAGGIE MOROFF: Good Afternoon. I am Maggie
13 Moroff. I am the Special Education Coordinator at
14 Advocates for Children. Sorry, I also coordinate the
15 ARISE Coalition. I am here to today on behalf of
16 ARISE. I want to talk about three themes that we've
17 discussed with the Chancellor and with his staff
18 already. Integration of students with disabilities,
19 parent empowerment, and educational equity.

20 So, regarding Integration, as you noted before
21 nearly 1/5 of the City's students have disabilities
22 and they need to be considered in all citywide
23 decisions about academic policies and practices,
24 enrollment procedures, school and program siting, and
25 school discipline policies. Everyone benefits from a

1 strong inclusive school culture and even when
2 students with disabilities are placed in separate
3 classrooms for academic instruction, they need to be
4 integrated with their more typically developing peers
5 throughout the rest of the school day and to make
6 sure that happens, the DOE needs to make clear from
7 the top that all students in the building are key
8 members of the community and that anything less than
9 that is unacceptable and principals in school staff
10 need to receive specific training on including
11 individuals with a range of disabilities and
12 disability culture needs to be an explicit piece of
13 all efforts to create a culturally responsive
14 curriculum.
15

16 On parent empowerment, you heard a lot about that
17 from the earlier panel. Our special education system
18 is difficult and sometimes impossible to navigate.
19 Families need access to the tools and the information
20 to advocate for their children with disabilities and
21 that includes real time access to information about
22 the supports and services their children are and may
23 not be receiving despite IEP mandates. Trainings,
24 guides, an improving website, are all important to
25 but only if they go hand and hand with a user-

1
2 friendly system that families can trust to help them
3 resolve their conflict.

4 And then lastly, on educational equity and
5 forgive me for speaking so quickly. All students
6 need to have access to high-quality instruction and
7 education and school staff need to be able to deliver
8 differentiated instruction. Those staff need to be
9 well trained in a variety of key instructional issues
10 including but not limited to delivering literacy
11 supports, preparing teachers to work with students
12 who face academic obstacles needs to be a priority
13 and it must be resourced appropriately.

14 You're going to hear from one student on the
15 school accessibility. Oh, my goodness, student panel
16 on school accessibility that we work with parents for
17 inclusive education on.

18 I'm also delivering, I'm not going to read it out
19 loud, but I have testimony from another student on
20 that panel and a parent is here today to read a third
21 students on that.

22 So, I'm going to leave it to the parents and the
23 students and everybody in the room to share their
24 stories, talk about the obstacles that they face, the
25 daily battles that they fight and the successes that

1
2 they brought about through their own persistent
3 efforts and I thank you very much for holding this
4 hearing. It means a great deal to the families and
5 the advocates in this community.

6 RANDI LEVINE: Thank you for the opportunity to
7 speak with you. My name is Randi Levine and I am
8 Policy Director of Advocates for Children of New
9 York. We are grateful that the City Council is
10 holding a hearing on the important topic of the
11 provision of special education services. Every day,
12 Advocates for Children hears from parents who are
13 struggling to get their children the special
14 education services they need.

15 In the past two weeks alone, more than 100
16 parents and professional contacted us with questions
17 or concerns about the education of students with
18 disabilities in New York City. Here are just a few
19 examples of the children who came to our attention in
20 the past two weeks: a preschooler with autism whose
21 IEP mandates a preschool special education class but
22 who is sitting at home with no instruction or
23 services and is regressing because of the DOE
24 shortage of preschool special education classes. A
25 shortage that is heartbreaking to explain to families

1
2 who see signs all over the city for 3-K and Pre-K for
3 All but whose children do not have the preschool
4 special education classes to which they are legally
5 entitled.

6 A child with a disability who is in kindergarten
7 for the second time, whose school is asking his
8 parent to pick him up early every day in violation of
9 the law, instead of providing the support needed to
10 educate him for the full day and ensure he will
11 successfully complete kindergarten this time around.

12 An elementary school student with a disability
13 who has already attended four different schools,
14 district and charter and is now facing expulsion from
15 the charter school where his parent hoped he would
16 finally get the high-quality education he deserves.

17 A student who is currently out of school because
18 the paraprofessional who accompanies the student on
19 the bus resigned and the DOE has not yet assigned a
20 new one.

21 A student who received special education services
22 while living in Puerto Rico but after moving to this
23 City, waited a full year for his school to complete
24 special education evaluations and recommend services

1
2 in violation of the law and just received a promotion
3 and doubt letter.

4 A student diagnosed with dyslexia whose parent
5 just wants her to learn to read and has resorted to
6 looking at private schools because she has not been
7 able to figure out how to get her child effective
8 reading instruction within the public-school system.

9 And a student whose parent came to this country
10 dreaming of a better life for her children but is
11 unable to understand her child's IEP because it is
12 written in English, a language she is just starting
13 to learn.

14 These are just some cases that came to our
15 attention in the past two weeks. This small ample of
16 cases shows that the DOE must do more to help provide
17 each child with a disability with the program
18 services and supports they need to succeed in school.
19 Indeed, the DOE's annual special education report
20 shows that more than 20 percent of students with
21 disabilities nearly 40,000 students are going without
22 the full special education instruction they are
23 entitled to receive under the law. Meanwhile there
24 is a 40-point gap in reading proficiency between
25 students with disabilities and their non-disabled

1
2 peers and our written testimony has additional
3 statistics about the ways that we're leaving behind
4 students with disabilities in New York City.

5 In order to address the challenges faced by
6 students with disabilities, it is important to
7 identify where the city falls short. Therefore,
8 Advocates for Children strongly supports all four
9 data reporting bills on today's hearing agenda. We
10 are grateful for the leadership of Chair Treyger,
11 Council Member Dromm, Council Member Kallos, and
12 Council Member Rosenthal for introducing these
13 important bills and our written testimony has
14 information about all four of the bills and why they
15 are necessary at this time.

16 We appreciate the City Council's leadership in
17 holding this important hearing and look forward to
18 working with you to move the data reporting bills
19 forward. Thank you for the opportunity to speak with
20 you. I am happy to answer any questions.

21 CHAIRPERSON TREYGER: Thank you very much and I
22 just want the public to know how important Advocates
23 for Children has been for so many families. They
24 have inspired this Council. They have inspired a lot
25 of my colleagues and families. They have empowered

1 families with critical knowledge. I cannot thank you
2 enough and we have a lot more work to do but thank you
3 so much. Please next.

4 Hi. I'd like to thank the Council and as well as
5 Chairman Treyger for holding this important oversight
6 hearing on the Provision of Special Education
7 Services.

8 LORI PODVESKER: My name is Lori Podvesker and I
9 lead the policy work at Include NYC. I'm a little
10 nervous and I'm also the parent of a 16-year-old boy
11 who is full of sunshine and attends the District 75
12 program on the lower east side.

13 Testifying today to highlight the need for better
14 quality and increase in the delivery of Special Ed
15 supports and services for more than 250,000 students
16 with disabilities ages 3-21.

17 We also testify today to bring more attention to
18 the need for the equitable inclusion of all students
19 with disabilities in all schools and all activities.
20 We believe there's a direct relationship between the
21 extent in which students with disabilities are
22 integrated with students in other program settings
23 and receive all their mandated related services with
24 the extent they make academic progress.
25

1
2 We fully support and thank the Council for all
3 the proposed bills. In particular, we're grateful
4 that they will provide more transparency and
5 oversight of special education services. Especially
6 the Introduction of bill 900-2018. This bill will
7 hold the DOE accountable for the delivery of related
8 services.

9 We know from our own experience and extensive
10 work with families that related services are
11 extremely inconsistent throughout the years and
12 students are not receiving all them.

13 We also applaud the addition of requiring data on
14 assistive technology services and the additional
15 requirement of the Department of Ed and the
16 Department of Health and Mental Hygiene to report
17 annually on preschool special education and early
18 intervention services.

19 Every year, thousands of parents and Include NYC
20 with help with resolving education issues due to a
21 lack of parental support at the school level,
22 regional level, and from DOE central. Persistent
23 issues include: Quality of evaluations and IEP
24 development, inappropriate classroom placements,
25 parents not knowing their rights and how to escalate

1
2 issues when necessary, apprehension on sending their
3 child to a District 75 program, and I personally
4 believe this is because to many students in District
5 75 are receiving instruction in segregated setting
6 and general education students don't see them and
7 don't know them, and so parents are fearful and we
8 often talk to parents demystifying what District 70
9 programs are, concerns about the restrictiveness of
10 their child's program setting, overall quality of
11 instruction, absence of reading instruction, need for
12 appropriate interventions and accommodations. We
13 help a lot of parents at transition points looking
14 for help when applying to kindergarten, middle
15 school, and high schools and a lack of transition
16 plans and coordinated activities.

17 We thank the Council for pressing the Department
18 of Ed on issues related to translation and busing and
19 we hope to see more work around bullying.

20 One mother who speaks only Spanish recently
21 called us for help. She told us that her 15-year-old
22 nonverbal, autistic daughter who attended District 75
23 program has been waiting for an assistive technology
24 device for more than two years since the service was
25 first documented on her child's IEP.

1
2 The mother emotionally explained her daughter's
3 frustration, her inability to express herself at
4 school and home, and how she screams when she feels
5 unheard or is in pain.

6 This mom also fears for her own safety because
7 her daughter becomes physically aggressive at times,
8 when she doesn't have the basic tools. I'm sorry.
9 And to communicate with those around her.

10 No child and parent should be put in the
11 situation or wait for the support needed for this
12 basic human right.

13 As a result of these persistent special education
14 issues, we have some recommendations a lot of them
15 have been said, but some of them that haven't that is
16 important is that we ensure the number of school
17 psychologist is adequate so that students are
18 evaluated and receive Special Ed supports and
19 services in a timely manner.

20 We recommend that the Department of Ed creates
21 borough based related service centers to increase
22 access for services for families close to home and in
23 their own language.

24 Also, the requirement of more professional
25 development for general education teacher and

1
2 paraprofessionals on the basic characteristics of
3 learning emotional, intellectual, and physical
4 disabilities as well as sensory processing disorders
5 and the value of inclusion.

6 We also recommend that the Department of Ed
7 measures the extent in which schools integrate
8 students with disabilities when non-disabled students
9 via existing mechanism such as quality reviews,
10 learning surveys, and school quality reports.

11 And lastly, we urge the Council to put pressure
12 on the Department of Ed to recognize that inclusion
13 of all students with disabilities including students
14 attending District 75 programs being an integral part
15 of all school diversity initiatives.

16 Thank you for taking the time to consider these
17 issues.

18 LISA VASQUEZ: My name is Lisa Vasquez. I am the
19 single parent of two special needs children Jasmiah
20 age 7 and Jasiel age 3 ½.

21 I'm very emotional today because I just sat here
22 and heard all of these people, the Department of
23 Education officials just lie. I can challenge every
24 single statement that Ms. Rello said. I'm sorry,
25 I've been holding it in for a while.

1
2 My daughter Jasmiah, I wrote a bunch of points
3 down, but if I may just be allowed to speak from the
4 heart.

5 So, my experiences with the Department of
6 Education began in 2015 when my daughter began CPSE.
7 We reside in Staten Island in District 31. We've
8 faced many forms of injustices and discrimination,
9 segregation, just a lack of support. I'm a single
10 mother, I'm also an aspiring social worker. I want
11 to make a change in the system you know but having my
12 children home full time is very hard. I'm a young
13 mother. You know, I didn't receive the best
14 education, so the system has not only failed me but
15 is now failing my children.

16 So, my 7-year-old Jasmiah Vasquez has multiple
17 disabilities. She has been sitting home for the past
18 two years without a school placement despite having a
19 deferral to CBST, which was made in November 2017.

20 My daughter is not being provided any of the
21 special education services listed on her IEP and
22 ordered by an impartial hearing officer.

23 The impartial hearing officer ordered in August
24 of 2018 for my daughter to be provided 40 hours of
25 one to one instruction, speech therapy, occupational

1
2 therapy, physical therapy, transportation, and a
3 travel para. While the Department of Education
4 effectuates on non-public school placement.

5 To date, none of those services have been
6 provided to my daughter. That hearing was held in
7 August 24, 2018. The hearing officer issued his
8 decision right away and my daughter still, she hasn't
9 received a minute of those services.

10 My son, Jasiel Vasquez and also, I just want to
11 step back. My daughter first entered into the
12 Department of Education in 2015. She had a messily
13 two times 30 speech and OT recommendation which was
14 never provided to her. The CPSE administrator, Uri
15 Garcia in District 31 kept telling me, we're working
16 on it. We're working on it. The whole preschool
17 year came and went. My daughter didn't receive any
18 speech therapy services.

19 The IEP team had a turning five meeting. I was
20 never explained any of my rights. I didn't even know
21 the different between a SEIT and a SETSS teacher. I
22 had no idea. They sat there and they pretty much had
23 like this five-minute meeting and said, this, this
24 and this and that's it. While I had my son, whose
25 three in a half now strapped to my chest. I sat

1
2 there, trying to trust them. Trying to make sense of
3 what was being said to me having no experience, no
4 advocate with me, just me myself. A young single
5 mother, you know, willing to do whatever it takes for
6 my daughter at the time.

7 In 2016, my daughter began kindergarten in a
8 general education. I was severely concerned because
9 she couldn't even fully speak. She was almost like
10 nonverbal still. She was abused in PS 46 in Staten
11 Island. She was verbally and physically abused and
12 mishandled on multiple occasions. It got so bad that
13 my daughters pediatrician referred me to an outside
14 therapist who stated my daughter cannot return to PS
15 46.

16 I went to Anthony Ladiko's office, the
17 Superintendent of District 31. I sat at a table with
18 himself, Vincenza Gallassio and Shelli Green. I will
19 never forget these people's names. This is like
20 etched in my brain and they sat there, and they told
21 me, well, what do you want me to do? I'm not going
22 to fire my teacher.

23 So, my daughter sat home for the remainder of the
24 2016-2017 school year for kindergarten. In 2017, I
25 was desperate because the district was not offering

1 another school outside of the zone school, PS 46.
2 So, I sought out a placement at a charter school
3 success academy. They promised that they could meet
4 my daughter needs and they also failed my daughter
5 upon putting my daughter in success academy, she
6 started off in first grade and then within a few
7 weeks, they put her back into kindergarten. They
8 didn't offer any supports.
9

10 In November 2017, at the IEP meeting, my daughter
11 was deferred to CBST from November until May, nothing
12 was provided at the IEP meeting. Off the record, the
13 social worker, Karen Riley, at the CSE on Flatlands
14 Avenue, kind of pulled me to the side and said, hey,
15 you should just keep her home because Success Academy
16 doesn't want her, and it will speed up the CBST
17 process.

18 So, I took the advice of Karen Riley and pretty
19 much pulled my daughter out and again, I have all of
20 this documented. I have emails to everyone that I'm
21 speaking of and I just waited. I was never contacted
22 by CBST. I began googling CBST and found out who -
23 you know, I found finally a number and I was able to
24 contact Delilah Ogransapata [SP?], the CBST case
25 manager who kind of gave me the run around. She

1
2 couldn't give me any like specifics on the process,
3 nothing. She just said, you'll wait for my phone
4 call if a school becomes available. To date, a
5 school has not been available for my daughter. We
6 went to an impartial hearing, as I just said in
7 August and none of the services have been
8 implemented.

9 So, Jasmiah currently sits home at 7-years-old.
10 She doesn't even know her last name. She has to ask
11 me, mommy, whats my last name. She can't do basic
12 things that a 7-year-old child should be able to do.
13 She has so much potential and my heart just breaks
14 having her home all day long while I scramble to try
15 to find people to watch my kids so I can you know,
16 attend something like this or go to the DOE in
17 person. I've went to 65 Court Street in person and
18 demanded to speak to Sapna Kapoor, the Director of
19 Implementation. She has declined to speak to me.
20 She has not implemented the impartial hearing orders
21 and my son Jasiel, he is three and a half and the
22 same thing is happening. It's like one generation,
23 they have failed, and now they're failing my son.
24 Initially, he was recommended for an 8 to 1 to 2
25 classroom and I went to tour the one school that

1
2 District 31, the administrator, it was Gwen Cohen at
3 the time, now it's Uri Garcia again and that one
4 classroom that they offered, I went to the school and
5 the school said he's not appropriate for here. I
6 went back to the CPSE and CPSE said, well, that's the
7 only classroom we have for him. That's the only
8 school we have for him. So, let's try out the SEIT
9 services. He'll have one to one instruction, he
10 could have the service in the community or anywhere
11 else and so, they basically gave him - they put on
12 his IEP, SEIT occupational therapy, physical therapy,
13 speech therapy, which has not been provided.

14 An impartial hearing officer ordered an issue for
15 my son as well in July of 2018 and none of the
16 services are being provided. My two children just
17 sit home day in and out.

18 CHAIRPERSON TREYGER: And we thank you. This is
19 outrageous what your explaining and what you're going
20 through. Who have you informed from the DOE that
21 these services are not being provided?

22 LISA VASQUEZ: So, I write daily emails and I
23 have record of my email. My most recent email was
24 actually just sent this morning. I have been
25 emailing Betty Corbin, the Compliance Liaison at the

1
2 Office of Related Service, the CSE 7 IEP team and
3 Chairperson, Amin Hadade [SP?], the Implementation
4 Unit, Director Sapna Kapoor and Assistant Director
5 Thomas Beam [SP?]. I have emailed Ms. Rello who was
6 just here today. I have her email that I was able to
7 find. I believe I had called one of the Advocacy
8 groups an they were able to give me her direct email.
9 I've even emailed Mr. Carranza, the Chancellor. I
10 have all of these emails. I would like to pile up
11 all of this and give it to you.

12 CHAIRPERSON TREYGER: So, you have informed quite
13 a bit of folks?

14 LISA VASQUEZ: Yes, daily.

15 CHAIRPERSON TREYGER: And you're saying you have
16 not received a response?

17 LISA VASQUEZ: I have not received a response.

18 CHAIRPERSON TREYGER: So, we're going to take
19 down your information. I assure you, you're going to
20 receive a response.

21 LISA VASQUEZ: Please, you know, it's very -

22 CHAIRPERSON TREYGER: You're going to receive a
23 response.

24 So, we'll follow up with you right after this
25 hearing.

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LISA VASQUEZ: I really appreciate it.

CHAIRPERSON TREYGER: We appreciate you.

LISA VASQUEZ: You know, I've done everything I can. I don't have monies to pay out of pocket for these services. I don't even know where to look for them other than google and my google searches, I've exhausted my google searches. My days are divided between trying to attend to my two severely disabled children who are falling further and further behind. My son Jasiel, you know, was beginning to speak and now that these interventions still aren't being provided, he walks around making animal noises. You know, I really need help.

CHAIRPERSON TREYGER: We're going to get a response to your case asap.

LISA VASQUEZ: Thank you, thank you.

CHAIRPERSON TREYGER: Thank you.

COUNCIL MEMBER ROSENTHAL?: Chair, as a Council Member from Staten Island, we're going to follow up. We'll make sure that something happens.

LISA VASQUEZ: Thank you. I actually came to your event in October where they were giving out the helmets. I actually have pictures of you and Jasmia

1
2 who was at the event. You know, so I would
3 appreciate any follow up.

4 COUNCIL MEMBER ROSENTHAL: We will follow up
5 okay. I'm going to have my staff come and get your
6 information.

7 LISA VASQUEZ: Thank you.

8 CHAIRPERSON TREYGER: You have a great Council
9 member here and you have the full weight of this
10 Committee that has your back.

11 LISA VASQUEZ: I just feel so voiceless, so
12 hopeless you know. Like, this has caused so much.
13 I'm about to become evicted from my **[inaudible**
14 **5:00:07]** apartment because I can't even keep up with
15 the HRA bureaucracy. You know, there's just so much
16 going on and I just want to really give my children a
17 chance at life. I don't want them to become a
18 statistic.

19 CHAIRPERSON TREYGER: Thank you. God Bless you.
20 Thank you. We're going to follow up. Thank you so
21 much. I appreciate you.

22 ALICE BUFKIN: Good afternoon. My name is Alice
23 Bufkin. I am the Director of Policy for Child and
24 Adolescent Health with Citizens Community for
25 Children of New York. We are a multi-issue non-

1
2 profit child advocacy organization dedicated to
3 ensuring that every New York child is health housed,
4 educated, and safe.

5 There is no way I could have any testimony that
6 could compare to the power you have heard today and
7 the testimony. I am so grateful that this hearing is
8 happening and grateful to the parents who have shown
9 up to voice the challenges they're facing with these
10 systems.

11 I do want to thank Chair Treyger. Thank you for
12 holding this meeting and all the members of this
13 committee. I am actually going to keep my testimony
14 very narrow. We are in support of every bill that is
15 being heard today. Clearly, there is a lot of work
16 that needs to be done. In the minutes that I have
17 though I do want to focus specifically on Intro 1406,
18 in the early intervention section of that. I know a
19 lot of attention has been paid to Special Education.
20 I just want to talk a little bit about some of the
21 issues facing early intervention.

22 You heard earlier today that description of it as
23 a warm hug. It is a really critical part of making
24 sure that children with disabilities and
25 developmental delays have the services they need.

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2 As you may know, there have been cuts to
3 statewide reimbursement rates for EI. A series of
4 cuts that were never restored. We've also seen
5 additional administrative burdens placed on the EI
6 providers that have made it even more challenging for
7 providers to keep their doors open.

8 We've seen as a result, providers closing
9 throughout the state including here in New York City.
10 One of the providers that was providing service
11 coordination to 2,400 ended its 24 year EI program in
12 June 2017 because the program wasn't financially
13 viable and from the data that we do have, we know
14 that we are seeing children who are not getting
15 timely services in this really critical window when
16 they're developing when they really benefit from
17 having that early intervention service.

18 So, the city and state level challenges
19 underscore the need for detailed timely data on the
20 provision of EI services. We strongly support Intro
21 1406. Importantly, each of these data points will be
22 disaggregated by zip code, race ethnicity, status of
23 the student, and temporary housing and gender. This
24 is really critical for determining what the
25 disparities are in terms of access to services and

1
2 timely care. We do want to make a couple of small
3 recommendations. In addition to the categories
4 including the bill, we recommend that the bill
5 require that data be disaggregated by a recommended
6 language of instruction and home language. As you've
7 heard today, we have ongoing problems with a lack of
8 adequate Multilingual EI providers, or providers
9 generally but including an early intervention. It is
10 critical we know that how language is impacting
11 provision of services in a timely manner.

12 We also recommend requiring information be
13 disaggregated by type of health insurance, health
14 coverage. Children that either receive Medicaid,
15 Child Health Plus, private insurance, and it would be
16 helpful to know what impact that health coverage has
17 on again, timely access to care. Again, we're
18 grateful for today's hearing and in support of all
19 the bills being heard today. So, thank you very
20 much.

21 **[INAUDIBLE TESTIMONY OF PERSON TESTIFYING 5:04 TO**
22 **5:08:43]** Hi. In this hearing today you heard
23 testimony -
24 Thank you.

25

1
2 CHAIRPERSON TREYGER: Thank you all. Thank you
3 all so much.

4 Okay, so we're going to have one more panel in
5 this room and then after this panel, we'll move to
6 the Committee room, but every one will be heard but
7 if we could just stress that even though we have a
8 three minute clock, you don't have to read your whole
9 testimony, we'll read it when you submit it for us.
10 Just give us your summarized salient points but we'll
11 take all your testimony. So, I'd like to call up
12 next Sonja Mendez Castro [SP?], Jessie Cutler, Karen
13 Varcus [SP?], Molinda Ondra [SP?], and Alice Murphy.

14 Okay, whoever is ready to go first, you may begin
15 to proceed.

16 ALICE[SP?] MURPHY: Hi. Thank you for the
17 opportunity to speak on behalf of Staten Island
18 parents of children with disabilities. My name is
19 Alice Murphy and I am a mother of two children on the
20 autism spectrum. The testimony I have the honor to
21 share with your today was written collectively by
22 parents of children in special education in both
23 District 31 and District 75. When the equity and
24 excellence for all diversity in New York City public
25 schools was unveiled, the Staten Island parent of

1 children with special needs were hopeful with
2 language such as the DOEs belief that all students
3 benefit from diverse and inclusive schools and
4 classrooms where all students, families, and school
5 staff are supportive and welcomed.
6

7 However, quickly into the first few paragraphs of
8 the plan, it becomes evident that the mention of the
9 Special Needs population is nearly an afterthought.
10 Not a single one of the twelve proposed action plans
11 are targeted for children with disabilities. Their
12 stated goals of increasing the number of inclusive
13 schools that serve students with disabilities is
14 ignored with no clear proposal of how this will be
15 achieved, and they fail to even include district 75,
16 when defining New York city's large school system.
17 The plan shied away from words like discrimination
18 and segregation, however, we as parents of children
19 who have been separated from their peers and
20 consistently discriminated against due to their
21 disability are not afraid to speak up. Our children
22 are placed in classroom setting that are completely
23 inappropriate or many miles away from their homes and
24 neighborhoods due to lack of funding resources space
25 or diverse programs. Children are being denied

1 enrollment in their community schools, not because of
2 a severe disability, but rather because the community
3 schools are not properly equipped with training and
4 funding to accommodate a child with a disability.
5 Because of limited seating, students that are
6 recommended for District 75 are left little to no
7 choice where their child attends and are often
8 traveling across the borough or in some cases out of
9 the borough entirely to accommodate the child's
10 recommended classroom setting.
11

12 Children are receiving therapy sessions in
13 hallways and closets. Many of our classrooms are
14 dilapidated and outdated buildings and trailers, and
15 children with disabilities in convocated sites are
16 treated as second class citizens often using separate
17 cafeterias, hallways, entry ways with minimal or no
18 access to libraries, auditoriums, gymnasiums, after
19 school activities or outdoor space. Our children
20 with physical disabilities are traveling multiple
21 hours a day to receive an education because most of
22 our schools lack accessible bathrooms, classrooms,
23 labs, cafeteria's, ramps, and lifts.

24 On a personal note, my third-grade son who spent
25 the last month on my couch receiving zero education,

1
2 because the DOE fails to find appropriate placement
3 to meet both his academic and behavioral needs. In
4 his last school, while enrolled in a specific program
5 for his diagnosis, he endured complete separation
6 from his peers and not only was he the only child in
7 which should have been a setting of eight, but he was
8 forced to sit alone at lunch by his principal. This
9 treatment was detrimental to his self esteem and he
10 was expressing suicidal ideation as a direct result
11 of this isolation.

12 So, we are urging the education committee to put
13 pressure on the Chancellor, the division of family
14 and community engagement and the school diversity
15 advisory group to finish what they started. To
16 continue the very necessary conversation of diversity
17 equity inclusion for all but include stakeholders of
18 children with disabilities in our community districts
19 and district 75 to assist in devising a clear
20 concrete plan to children with special education.

21 In the spirit of inclusion, we request that each
22 community education council have a seat designated
23 for a District 75 parent and every school leadership
24 team of a community school and District 75 co-
25 location add additional mandatory seats for a

1 District 75 Administrator and UFT representative.

2 This will send a clear message that we are all one
3 community that allows everyone's voices to be heard.

4
5 In 2019, it is an antiquated notion to separate
6 our children based on their disabilities. Instead of
7 dividing our communities, let's work together for
8 unity for all. Thank you very much.

9 MELINDA ONDRA[SP?]: Good afternoon. My name is
10 Melinda Ondra. I'm a supervising attorney at the
11 Legal Aid Society in the Education Advocacy Project.

12 Through the Education Advocacy Project and our
13 Education Law Project, the legal aid society that
14 presents hundreds of children each year who have
15 special needs and who are not receiving the services
16 that they need.

17 So, we thank the Chair Treyger and the Committee
18 on Education for having this hearing and allowing us
19 to offer our thoughts.

20 The reporting requirements at the City Council
21 Enacted in 2015 under Local Law 27 have increased
22 transparency and accountability and we appreciate
23 that, and we applaud the efforts of the Committee to
24 increase the transparency and accountability of the
25 DOE.

1
2 Today, we specifically want to talk about the
3 need for more therapeutic day programs that
4 incorporate mental health treatment for students
5 during the school day, the shortage of high-quality
6 supportive career and technical programs for children
7 with disabilities and the DOEs failure to comply with
8 impartial hearing orders that would remedy some of
9 these problems.

10 So, specifically, we represent a large number of
11 children who have significant mental health issues
12 that stem from a variety of factors, and in the past
13 the Department of Education had partnerships with
14 clinics and hospitals to address those children.
15 Where children could receive clinical services
16 throughout the day along with their educational
17 services and in recent years, we've seen the
18 availability of those programs disappear.

19 Many of our clients, their needs cannot be met by
20 going to a 45- or 60-day intensive day treatment
21 program and popping them back into the same program
22 that they started in and they can't be met for some
23 of them by being in a community school and simply
24 meeting with the guidance counselor once or twice a
25 week.

1
2 So, these students need wrap around services in
3 order for those special education needs to be met and
4 at this point students with this level of need are
5 often recommended for non-public schools because
6 there is no public school program that can meet their
7 needs and for family with means, most of which are
8 not legal aid clients, but for families with means,
9 many families are placing their children in private
10 therapeutic programs which the DOE eventually pays
11 for through the impartial hearing process.

12 So, we would like to urge the City Council to use
13 it to influence to pressure the DOE to create more
14 programs that would create partnerships and address
15 mental health needs along with educational needs of
16 children with special needs.

17 In terms of access to career and technical
18 education, which is our next area. We heard earlier
19 that in 2017, approximately 50 percent of New York
20 City children with disabilities graduated. We know
21 nationally, approximately 19 percent of children with
22 disabilities who graduate high school enroll in a
23 four-year college and of those students, only about
24 34 percent leave within eight years with a four-year
25 degree. Which if you take those statistics together

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2 means that out of every hundred students with
3 disabilities 3 to 3½ are leaving with a four-year
4 college degree and this makes it vitally important
5 for our clients that there are high-quality
6 vocational education programs. Most of our clients
7 can achieve a meaningful career, or meaningful trade
8 if they have the proper training.

9 There are programs in the DOE with very
10 euphemistic names like the Crew Development Center or
11 Occupational training centers but when you visit
12 those programs you see very little vocation training
13 going on.

14 So, programs like Co-op Tech in Manhattan or the
15 Steam Center in Brooklyn are wonderful programs for
16 kids who are general education students, but they
17 don't accept children that need smaller classes, that
18 need modified curriculum and those are children that
19 could be successful in those programs with some
20 modifications.

21 So, we want to encourage the DOE to increase
22 those programs, increase the access to those programs
23 because children with disabilities deserve the
24 opportunity to leave public school with a meaningful
25 trade that they can use to support themselves.

1
2 The third issue that we wanted to talk about is
3 hearing order implementation. There have always been
4 some issues, right? But this year we have seen
5 extraordinarily delays with the DOE's implementation
6 of impartial hearing orders.

7 So, these are students that have been deprived of
8 special education services, they've gone through the
9 process which is often very lengthy of getting an
10 attorney, going to hearing, sometimes waiting months
11 for a decision and then when they have a decision,
12 their still not getting the services that they need
13 because of the delays from the DOE and implementing
14 those orders.

15 By and large, my clients cannot afford to front
16 the money to pay for their children to get services
17 and wait to be reimbursed.

18 So, my clients are not getting the services even
19 when their parents have gone through this process and
20 gotten the hearing order. So, you know, we need the
21 DOE to step up and implement these orders and
22 increase their staffing in the implementation
23 department if necessary.

24 We also, as a result of these delays and even
25 delays when the DOE has agreed, we're having delays

1
2 in getting service providers paid and service
3 providers are abandoning our clients because they
4 cannot afford to work for free.

5 You know, we rely on providers who will build the
6 DOE directly so that our clients can get the services
7 when those schools are unable to provide them. And
8 so, we urge the DOE to add staff to the impartial
9 hearing implementation office, so that these cases
10 can be processed more quickly.

11 CHAIRPERSON TREYGER: I want to really thank you
12 for making some key points. I just want to very
13 quickly emphasize, we heard a lot today about
14 children with special needs, but these are children
15 with also incredible and special talents. They are
16 gifted in so many different ways. There's a D75
17 school in my District Roy Campanella where they
18 invited me in, and I was greeted with some delicious
19 muffins and I was told the students prepared them. I
20 like to cook at home, they were much better than mine
21 and these kids are so gifted and their so talented in
22 so many different ways. I agree with you, but
23 someone needs to be held accountable for their
24 progress. So, thank you so much for your great
25

1 leadership and for your advocacy. I appreciate that.
2
3 Next please, thank you.

4 JESSE COLE CUTLER: My name is Jesse Cole Cutler
5 and I am a partner at the Law Office of Regina Skyer
6 & Associates, LLP, a special education law firm
7 representing thousands of families in all five
8 boroughs. Thank you to Educating Chair Treyger and
9 Speaker Johnson for the opportunity to testify today
10 in favor of Introduction 1380.

11 In 2014, Mayor de Blasio announced his Special
12 Education Initiative. It did not come with any new
13 proposed law or regulation, rather the Mayor promised
14 internal policy changes in four bullet point: The
15 City would expedite decisions, reduce extended legal
16 battles, reduce paperwork, and expedite payments.

17 Nearly five years later, while more tuition
18 reimbursement claims are referred for settlement on
19 notice at higher dollar amounts than before 2014, our
20 client families have experienced worsening delays in
21 the overall process, it now takes over twice as long.

22 During the Bloomberg Administration, parents
23 typically received their first reimbursement within 9
24 months. Now, we advise clients they must plan to
25 front two years of school expenses.

1
2 One of the longest steps in the process is
3 waiting to obtain countersignature from the City on a
4 settlement agreement. When the financial pressures
5 on a family become too much to bear, the only legal
6 recourse that we have is to withdraw from the
7 settlement process and proceed to an impartial
8 hearing. This is precisely the kind of unnecessary
9 and burdensome litigation that the 2014 initiative
10 aimed to reduce. Some estimate that each year it
11 will cost New York City \$50,000.

12 The Department of Education has told us that the
13 slow execution of stipulations is due to an increase
14 in the number of tuition reimbursement claims as well
15 as understaffing and turnover rates of the office of
16 legal services.

17 In our experience, when we call the office of
18 Legal Services to inquire about a specific case,
19 we're often told that it's "with the Comptroller".
20 Meanwhile, the Comptrollers office assures us that
21 they have no back log. This finger pointing does
22 nothing to fix the problem. The proposed reporting
23 requirements would allow us all to see where the
24 systemic issues actually lay.

1
2 Before I move on, one technical suggestion we
3 have for the bill itself is that in addition to
4 reporting the date the department refers for
5 settlement, the department should also be required to
6 report the date the request for settlement is
7 actually approved by the office of legal services.

8 After cases recommended by the Committee on
9 Special Education for settlement, the office of legal
10 services must actually review and approve of that
11 request before negotiations can begin. These are
12 separate and distinct steps.

13 Unrelated to Introduction 1380, I also want to
14 alert the Committee to a growing crisis related to
15 the non-availability of the impartial hearing
16 officers. When we must go to hearing, because the
17 city refuses to settle or too much time has passed
18 waiting for a countersignature on a stipulation from
19 the DOE as I described earlier, we are increasingly
20 unable to get a first hearing date in an appropriate
21 or reasonable amount of time.

22 In New York City, there are legally – well,
23 technically, 75 impartial hearing officers but right
24 now, less than a dozen are accepting assignment of
25 new cases. The rest are reporting themselves as

1
2 temporarily unavailable or recusing themselves from
3 accepting cases. This shortage impacts all due
4 process hearings conducted before the DOE, not just
5 tuition reimbursement claims.

6 There are three main reasons the IE chose to give
7 us for accepting less case work. Number one, they're
8 under paid, they have not received raises in nearly
9 20 years. Number two, they're not allow to bill for
10 necessary tasks, administrative tasks, motions,
11 things of that nature and number three, there are
12 extreme delays of anywhere from four to six months
13 before they're actually paid for the work that they
14 do and that they bill to the Department of Education.

15 This is a catastrophe in slow motion. If parents
16 cannot access due process for students with
17 disabilities, the entire system will collapse.

18 New York State received \$780 million in IDEA part
19 B funding in 2018. In order to remain eligible for
20 that funding, procedural safe cards including access
21 to impartial hearings, must remain intact. It is
22 critical that this body **[inaudible 5:30:27]** upon this
23 important issue and its discussions with New York
24 State to ensure the due process rights of students
25 with disabilities are retained.

1
2 With that, thank you very much and I'd like to
3 turn it over to Iliana Keizer who's reading the
4 testimony of Sonya Mendez-Castro, who had to leave.

5 ILIANA KEIZER: Hi. Sorry, Sonya had to leave at
6 around 4:30. So, I'm a colleague of hers, so I'm
7 going to read her testimony.

8 My name is Sonya Mendez-Castro and I'm a partner
9 at the law office of Regina Skyer and Associates.
10 Thank you for the opportunity to testify today.

11 My testimony will focus on the impact of
12 settlement and pendency payment delays. There is a
13 myth that only wealthy people engage in the high-risk
14 complicated and expensive process of tuition
15 reimbursement. The truth is that parents are parents
16 and parents will do anything they can for their kids.
17 They will beg and borrow and even mortgage their
18 homes and they often have to mortgage their homes or
19 their grandma's home.

20 Special Education is much more expensive than
21 general education no matter who is administering it.
22 As my colleague said, the dollar amount of
23 settlements is higher under this administration than
24 the previous, but the cruel paradox is that longer
25 delays in reimbursement mean that things are now

1
2 worse for middle class families than in the past. If
3 you can't afford to front two years of tuition and
4 absorb significant interest on loans you've taken, it
5 really doesn't matter what the dollar amount for the
6 settlement is.

7 These delays harm are lowest income clients to.
8 This slice of our client pool does not file carter
9 claims, where you pay tuition up front and sue.

10 Instead, they file Connors claims, and as a
11 personal note, I'm a Connors claim parent myself, so
12 this is personal.

13 Connors claims allow a parent to sue
14 prospectively for tuition. When the school is
15 willing to wait to receive the tuition. We are proud
16 to work with many schools who make it part of their
17 mission to provide seats for economically diverse New
18 Yorkers through this process; however, these schools
19 need to keep the lights on and pay teachers.

20 We are now hearing from many schools that they
21 will be offering fewer Connor seats for the upcoming
22 school year, specifically, because of these delays.

23 While Connors claims are a far from perfect
24 solution to the economic inequities that are current
25

1
2 system implies. They are the best tool we have
3 today.

4 Switching topics, I'd like to address how delays
5 and pendency payments are harming our clients and
6 special education professionals. Pendency is the
7 term we loosely use to describe an IHO order at the
8 start of a school year that affirms the students
9 right under the IDEA to continue to have their last
10 agreed to special education placement funded pending
11 the outcome of the litigation.

12 Pendency orders are meant to guarantee that
13 payment is sent on a regular basis to schools and
14 providers when proper documentation, attendance
15 records, invoices are submitted. However, a shocking
16 number of the schools and individual providers we
17 work with, did not receive pendency payments for the
18 twelve-month school year beginning in July 2018 until
19 after the start of 2019.

20 As a result, even though tuition has been ordered
21 by a judge, some schools, most of which are non-
22 profit institutions, have been forced to operate on
23 lines of credit and lose money on interest payments.
24 Many more have been forced to require that the
25 tuition and fees be paid by parents.

1
2 Again, this disproportionately impacts our most
3 financially vulnerable families. The impacts of
4 these pendency payment delays have also been
5 devastating for individual special education
6 professional like, speech therapists and SEITs. Many
7 of our families work with teachers, therapists, and
8 other related service professionals who have been
9 unable to pay their rent or student loans or afford a
10 Metro card to get to work. It's an unattainable
11 situation. We're available to answer any questions
12 you have.

13 CHAIRPERSON TREYGER: I would just note that you
14 added - I was just keeping tabs on how many different
15 offices we've heard today that deal with Special
16 Education. You added now the Office of Legal
17 Services. We have Office of Family Engagement. We
18 have so many different folks and it's still not clear
19 to me about the accountability piece. It's
20 unacceptable. So, we're going to take a brief five-
21 minute recess as we move this hearing to the
22 Committee room, and we'll restart there shortly.

23 Alright, we will restart again. Thank you
24 everyone for transitioning over to this room. We had
25 to make accommodations for the charter commission.

1
2 Again, just to repeat. There is three minutes on
3 the clock per speaker. If you have lengthy
4 testimony, we will receive it, we'll read it, process
5 it, but feel free to kind of summarize your main
6 points when you testify in the interest of time, so
7 everyone can have a chance to speak.

8 Alright, so the next panel is Ellen McHugh, Nancy
9 Northrop, Susan Crowson, Rebecca Kostyuchenko, Jackie
10 Kostyuchenko, and Celia Green.

11 So, whoever is ready to go first, may go first.
12 Please just state your name at the beginning.

13 JACKIE KOSTYUCHENKO: I think you probably know
14 me because my mom's done a lot of work here, but just
15 in case you don't, my name is Jacklyn Kostyuchenko.
16 I'm in eighth grade, I go to school in Brooklyn at
17 the middle school MS 447. I wanted to start off by
18 saying that being a kid with a disability in New York
19 City public schools is so difficult in so many ways
20 that a lot of times its almost even hard to describe
21 with words.

22 Having a disability in school makes you feel like
23 the teacher and not the student a lot of times.
24 School is already challenging between studying for
25 tests and/or doing your homework on time and when you

1
2 add on top of that having to change every single
3 activity, homework, and class that comes in your path
4 as a student, it's much, much harder.

5 I would like everyone to think back to when they
6 were 13 or 14-years old. Most people when they were
7 teenagers don't want to speak up. Sometimes, don't
8 even want to speak at all. So, I'm sure you all can
9 imagine being 13 and having to tell your teachers on
10 a daily basis, no, that activity doesn't work for me
11 or sorry, to make you change your entire lesson plan,
12 but I can't physically do that.

13 Just a few weeks ago, right around the time I
14 told my group I would be willing to come down here to
15 speak, I had an experience that I've had many times
16 before. My math teacher and my advisory teacher,
17 they are the same person. In math, I noticed that we
18 had been walking around the room in the hallway a
19 great deal, so I decided to go after school and talk
20 to the math teacher about how this physically doesn't
21 work for me. In response that she said, but it
22 worked for you before. After some more explaining
23 she said that she understood and that was that.

24 A week later, I got an email the night before the
25 day that we have advisory and telling me about a

1
2 physical activity coming up. The activity was moving
3 around the room to different tables based on a
4 certain number you got. I responded saying, we
5 already discussed this, and it does not work for me.

6 Luckily, the lesson plan was changed, but why do
7 I have to keep telling this teacher? Why do I have
8 to keep teaching all my teachers how to include a
9 student with a physical disability?

10 From this experience and other experiences, I
11 have learned that teachers aren't trained at all in
12 how to deal with students with physical disabilities.
13 What I did notice is that teachers are trained in
14 dealing with students with behavior issues,
15 intellectual disabilities.

16 Recently, we had LGBTQ plus week in schools,
17 where there was a whole seminar for teachers on how
18 to be there for LGBTQ plus students and we had Black
19 lives matter week, just recently.

20 I am so grateful for all of this, but why do we
21 not have any teacher training for students with
22 physical disabilities. Don't I deserve to be
23 understood and supported as well. Thank you.

24 CHAIRPERSON TREYGER: You left me speechless.
25 Very powerful stuff and I could not agree more.

1
2 First of all, thank you for your courage. Thank you
3 for being here. Thank you for sharing that and as a
4 former teacher, you are correct. We have a lot more
5 work to do for better teacher training and they can't
6 just send us in a workshop. They should prepare us
7 before we get into the classroom on how to meet the
8 needs of all of our children.

9 So, thank you and thank your wonderful mom and
10 your family. Your advocacy and your story really
11 inspired this Council and this body, which was the
12 impetus behind the significant money that we put in
13 to make our schools more accessible but there is
14 still so much more work to do. But thank you so much
15 and that was an A+.

16 JACKIE KOSTYUCHENKO: Thank you.

17 CHAIRPERSON TREYGER: Great job, yes. Thank you,
18 next.

19 CELIA GREEN: Good afternoon. My name is Celia
20 Green. I'm a mom of six young men. Four of whom are
21 in the spectrum, three of whom are still public-
22 school students and all three of whom are still D75
23 students.

24

25

1
2 I have been a mom with experience in D75 since
3 1994 and as the saying goes, the more things change,
4 the more they stay the same.

5 So, I can definitely know that the same things
6 that were happening to me and parents back in the
7 90's, are still happening with parents today.

8 That's definitely not a good thing, because I
9 believe that anytime you find something in a
10 particular way, you should leave it better than you
11 found it. I am also the co-Chair of CPAC, the
12 Chancellors Parent Advisory Council and I'm also the
13 president of CCHS, which is the citywide Council on
14 high schools.

15 I wanted to touch a couple of points that may not
16 have been touched with D75 and D79, because I've
17 noticed that no one has brought up D79. A lot of our
18 kids do grow up and do end up in D79 programs as
19 well. So, there is a large amount of children with
20 IEPs in those programs also.

21 I think part of the difficulty that a lot of
22 people are seeing within the DOE is that there is so
23 many silos, there are too many silos. No one knows
24 what the other person is doing.

1
2 There are really good CSEs, so if you live in
3 District one or District two, you may not have had as
4 hard of issue. If you live in District 13 or 15 in
5 Brooklyn, you may not have had the same issue as if
6 you lived in let's say District 19.

7 I don't think that whether or not you get
8 educated should depend on the district you live in.
9 In my case it did because I live in District 18 and
10 it was not a good CSE. It remains not a good CSE.

11 All of my children have been lucky enough to be
12 educated or housed in District 13 and 15, so they are
13 getting things that they need. They are getting the
14 supports they need, but it should not be a hit and
15 miss across the city. They're all children, we all
16 need all of our children to function independently.
17 If you want to have taxpayers, you have to have
18 people that function independently.

19 So, all our children deserve that chance. I
20 think that it is taken from our children too often,
21 because one hand doesn't know what the other one is
22 doing.

23 District 75, I want to point out is that it's a
24 district who has a superintended but does not have a
25 CSE which is a shame, because determinations, as to

1 kids that really don't need to be in 75 could be made
2 at the CSE and kids that really do need it, should be
3 able to get those services.
4

5 One other thing I want to mention to. I notice
6 that people are mentioning all these different
7 services you know, speech OT and other related
8 services, but one of the ones they did not touch was
9 assistive technology evaluations. I mean it's
10 assistive technology. It helps a lot of children,
11 but every time and across schools, if you mention the
12 fact that you want an assistive technology
13 evaluation, they all act like you've asked for the
14 holy grail and for them to go and get it.

15 It takes several tries, it takes you trying to
16 get someone else to advocate on your behalf. It
17 takes writing to the Chancellor and this person and
18 that person just to get the one thing that you need
19 for your kid to thrive. When kids get what they
20 need, they truly thrive, when they don't, there's
21 great chance of failure.

22 NANCY NORTHROP: Hi. My name is Nancy Northrop
23 and I served for three years as chair of the
24 Chancellor's Parent Advisory Council and for five
25 years as president of the Queens High School

1
2 Presidents' Council. So, in both cases representing
3 a lot of Pas and PTAs and parents throughout the
4 system and there's probably never been one more
5 single topic that has come up in more of our
6 discussions and our meetings than the provision of
7 Special Ed services and IEPs.

8 My passion is High School, so I'm going to focus
9 on high schools. Provisions of services and respect
10 of IEPs at the high school level are very hit and
11 miss. Some schools do a great job but a lot of them
12 miss the mark. I need to give a shout out to the DOE
13 on one front. As CPAC and at the high school
14 president's council level requested a special ed task
15 force dealing with high school issues with the DOE
16 and we've been working with them for about a year but
17 I did want to give you a sampling of some of the
18 topics that we've been talking about because I do
19 think high school is a bit of a separate issue.

20 One, in many high schools, IEPs are routinely
21 ignored and or only partially implemented. While the
22 City Council's desire for the DOE to provide school
23 level data on compliance rates for the students' IEP
24 is a laudable goal, it is a bit like asking the fox
25 to count the chickens in the chicken coop. Of

1 course, schools are going to state that IEPs are
2 being implemented, whether it is true or not and this
3 is a huge problem. What does it mean for school to
4 be in compliance given that IEPs are multilayered
5 documents with various accommodations, services, and
6 supports, goals, and the need for teachers to modify
7 their methods to support each child?
8

9 Two, students often do not receive, and we've
10 talked about this all day, the services outline in
11 their IEPs. I just want to stress it even though the
12 DOE may say something else, it really is, a huge part
13 of it is lack of funding. They'll always say, oh,
14 funding is not the issue and that's just incorrect.
15 There's also a problem obviously of lack of trained
16 personal, but parents find it nearly impossible to
17 obtain these services from outside providers,
18 especially at the high school level.

19 The impact for high school student can be
20 devastating and last a lifetime. Students may not
21 complete high school or make it to college because
22 they're not receiving the supports, they need.

23 Three, General education high school teachers
24 often do not understand their role and responsibility
25 in carrying out an IEP not aching to special needs

1 students. They are not required to take the training
2 they need to support these students. High school
3 general education teachers are key to the
4 implementation of IEPs, but many view implementations
5 as the responsibility of the special ed teacher.
6 Many are unaware that state guidelines require that
7 they adjust their teaching in the classroom to
8 support these students and because IEPs are extremely
9 difficult to read, high school teachers often cannot
10 spot what supports and accommodations they are
11 required to provide.
12

13 There's also pervasive implicit bias among many
14 teachers and administrators that students with IEPs are
15 either lazy, stupid, or an added burden in the
16 classroom which can have devastating psychological
17 impacts on these very vulnerable children.

18 And just my last thing, four, the role of special
19 education teachers at the high school level is
20 particularly problematic, especially in subject areas
21 they do not understand. The DOE needs to do a deep
22 dive to determine what it means to provide sets to
23 high school students with IEPs taking higher level
24 courses. In many cases, this time is currently used
25 to do homework, time for Special education students

1
2 to tutor other students or time to play scrabble and
3 listen to music. Anyway, I believe the creation of
4 the special education czar is a fabulous idea, please
5 do it but please make sure they also focus on high
6 school issues, because the DOE just totally forgets
7 that high schools exist. Thank you.

8 CHAIRPERSON TREYGER: Thank you and I am a former
9 **[inaudible 17:55]** high school teacher, so I know
10 exactly what you're talking about and I taught
11 inclusion class with a special education teacher. We
12 had to make our own time to meet, to plan, to modify
13 our instruction to meet the needs of our kids. They
14 did not give us that time in the beginning until we
15 had to push systemwide changes within our school to
16 give us common planning time.

17 Here they were, they put two teachers in a
18 classroom, and I treat the kids, they're all my kids,
19 regardless of what roster they might be on. They're
20 all of our children and we needed to make time as
21 teachers to meet together to collaborate, to plan
22 together. I could not agree with you more about the
23 more work we have deal with the high school level as
24 well. So, I really appreciate you.

1
2 NANCY NORTHROP: I just want to stress one thing.
3 Not every kid with an IEP is part of an ICT
4 classroom. Lots and lots and lots of kids with IEPs
5 who are just in general ed classrooms doing their
6 thing.

7 CHAIRPERSON TREYGER: Correct. Thank you, thank
8 you so much for that. I appreciate it.

9 SUSAN CROWSON: Hi. My name is Susan Crowson.
10 I'm the mom of two amazing boys that are now 18 and
11 19-years-old. I'd like to say tht even though the
12 Education Committee members have changed, I'd like to
13 think that I'm not a stranger to the Committee.

14 I want to thank you for having this. It's been a
15 long time coming but my heart is full. So, thank you
16 very much for listening.

17 Please, excuse me. I just spent twelve hours
18 driving my son back to his school in Massachusetts,
19 so I'm a little exhausted.

20 I'm piggy backing on, there are a couple of
21 issues I have. I have a general Ed kid, well, he
22 just graduated and a son that was privately placed.
23 Private school placement funding and care of those
24 children who are privately placed need a voice, they
25 need support, they need information. Imagine finding

1
2 out for the first time at your 19-year-olds IEP
3 meeting, that they haven't taken **[inaudible 20:29]**,
4 then they won't get their diploma.

5 In the year following, do you think they have
6 offered any support, suggestions, or avenues to have
7 a path for that child. No.

8 There is no area in the department of special
9 education to deal with private students. It's
10 probably one thing if a child is placed in the city
11 area, but you know, my son is in Massachusetts, they
12 have different laws, they have different rules and I
13 don't get to see him a lot and it's awful.

14 This is all in my testimony and just talk to Jan,
15 she knows the whole story, but here's another piece.
16 Special Education for high schools within general
17 education population and setting. It's not a surprise
18 that many middle schools push to have their kids to
19 classified prior to high school because the high
20 schools don't have the funds, tools, teachers, to
21 cover the special ed needs. Most of the kids in my
22 younger son's school had SETTs. When their SETTs
23 provider left in the beginning of my son's tenth
24 grade, they had no one to replace him. He went
25 through tenth and eleventh grade without appropriate

1
2 SETT services. Twelve grade SETTs ended up being a
3 study hall. I'm not sure what study hall does to
4 help kids with ADHD, organization issues, executive
5 functioning issues.

6 Needless to say, these kids didn't fair well with
7 college options and the real tragic thing is most of
8 the parents whose kids didn't get their SETTs had no
9 idea and still don't that their kids didn't receive
10 their services. Study hall is not SETTs.

11 Why is this happening? I don't think there are a
12 lot of high school special education teachers.
13 Whatever teachers that are in the system seem to be
14 leaving. I'm not sure why, but first and for
15 foremost, the DOE needs to hire more special ed
16 teachers or do what I suggested in bringing two
17 different programs that can help with skilled
18 building on this kind of level.

19 Nancy mentioned the group which has been
20 wonderful and very helpful.

21 Sorry, I'm just going to stop there. You've
22 heard it. You know it's you know, ditto, ditto,
23 ditto, not getting services.

24 CHAIRPERSON TREYGER: But your points are well
25 taken, and I'll tell you, my licensed area was in

1
2 history education for high school. I would have
3 appreciated additional training education courses on
4 special education during my training years. I felt
5 there was too much content, not enough pedagogy, not
6 enough skills, skill building for all children. So,
7 I think your testimony is spot on, but we need the
8 state actually to make some changes, requirements for
9 teacher licensing.

10 So, I really, really do appreciate for your
11 leadership. Thank you so much and next.

12 CELIA KATZ: Hello honorable members of the New
13 York City Council Education Committee. Thank you for
14 allowing me to participate in this important
15 conversation about early intervention and preschool
16 education services.

17 My name is Celia Katz and I'm a 17-year-old high
18 school student.

19 I would not be who I am today had it not been for
20 the Early Intervention and preschool special
21 education services I received. I was born two months
22 early and had a stroke in utero which affected the
23 left side of my body. I was diagnosed with
24 Axpraxia/Dyspraxia, speech language and motor delays,
25 motor skill planning issues, hypotonia, low muscle

1
2 tone, auditory processing, a seizure disorder and
3 very severe sensory issues. From the stroke, I did
4 not have the natural developmental milestones and
5 instincts of most toddlers. I had to be taught how
6 to rollover, crawl, walk, eat and speak. I did not
7 walk or talk until I was almost two years old. I had
8 physical therapy fine motor occupational therapy,
9 gross motor occupational therapy, speech therapy, and
10 oral motor speech therapy basically every day until I
11 was five years old and I needed an attendant with me
12 in preschool.

13 While I qualified immediately for Early
14 Intervention services, there were not enough case
15 workers and therapists available to begin my
16 treatment right away. With language and auditory
17 processing delays, you are in a race against time as
18 the odds for remediation and being on track for
19 school are better if you begin before you are three
20 years old. Thankfully, my family had the ability to
21 navigate the system and the means to supplement early
22 intervention services with private therapies, but it
23 was at a significant expense that is not an option
24 for everyone. There was no daycare that could
25 accommodate the magnitude of care and therapies I

1
2 services. I think every child should have access to
3 these services and given an equal chance, not only to
4 survive, but to succeed. I am concerned that there
5 is not enough early intervention preschool special
6 education therapist to meet the demand of kids and
7 families who need them just as there were 17-years-
8 ago, when I was born.

9 I hope the City Council will help to make sure
10 all children get the services they need as early in
11 life as possible. Thank you.

12 CHAIRPERSON TREYGER: So, I just want to first of
13 all, A+ as well.

14 CELIA KATZ: Thanks.

15 CHAIRPERSON TREYGER: That was outstanding. A
16 round of applause for our young people. Quick
17 question to both, any careers you're thinking of
18 considering of in the future already or still
19 undecided? No pressure.

20 CELIA KATZ: I'm feeling a little bit of
21 pressure. I have no idea.

22 CHAIRPERSON TREYGER: I will say, if I can make a
23 potential suggestion for both of you. Running for
24 office isn't a bad thing.

1
2 CELIA KATZ: Something where I get to speak my
3 mind and stand up for things that don't seem right to
4 me because there are so many things that just are so
5 messed up in this world that I want to be able to
6 fix.

7 JACKIE KOSTYUCHENKO: Well, this is a much
8 simpler answer than that, but I mean, I have two very
9 parallel career choices. I am really into fashion,
10 so I was thinking fashion journalism or maybe being
11 something for Vogue, like a Vogue Editor. Also,
12 anesthesiology, being an anesthesiologist.

13 CHAIRPERSON TREYGER: That is extraordinary.
14 Just saying, every four years, election for
15 president. Every four years, election for City
16 Council coming up. This is all about you and your
17 future and I just cannot thank you enough for your
18 courage and for your stories because what you're
19 effecting here is not just your own cases but for all
20 of our children and so, I can't thank you enough and
21 also **[INAUDIBLE 30:30]**.

22 So, you talked about how some schools are modeled
23 program which makes a difference between a child
24 graduating and not. So, on your work on the Parents
25 Advisory Council, was there any efforts. Every DOE'

1
2 d to identify those model programs and then share
3 those throughout the system on a school level to say,
4 you know, these schools are making a difference
5 because of x, y, and Z?

6 NANCY NORTHROP: I think that's definitely one of
7 the recommendations that we're working towards, is
8 trying to create more of those and to use those as
9 centers where teachers can come and learn more and
10 just become better programs, but I just think there's
11 so much work that needs to be done at the high school
12 level. I can't even. Scary.

13 CHAIRPERSON TREYGER: Thank you, thank you all
14 very much. Outstanding panel. Oh, I'm sorry. Did
15 you want to go?

16 REBECCA KOSTYUCHENKO: My daughter is putting me
17 on the spot but yeah, I can go on the next panel.

18 CHAIRPERSON TREYGER: Okay, alright. Yes, so I'm
19 going to call the next panel in. I'm going to take a
20 brief, just one minutes pause just to - there's a
21 little bit of positive breaking news today in terms
22 of the board of elections, something else happening
23 all today. We've been fighting very hard in the
24 Council to provide interpreters at poll sites to help
25 our communities get information and we won the

1
2 lawsuit here today. So, I'm just going to be quickly
3 brief in one minute and I will come right back but I
4 want to call the panel in. So, this is a tremendous
5 day here today. I want to call up next Melissa Katz,
6 Mathew Delforta, Cameron Brown, Karen Tumulty, Dr.
7 Beth Raskin, and Rae Eisdorfer [SP?].

8 Again, we just remind everyone there is three
9 panels left, so we're going to be on the clock, and
10 we have all the written testimony, so we're just
11 looking for salient high points please.

12 REBECCA KOSTYUCHENKO: I'm going to have to cut
13 out after this and take my eighth grader home. I
14 apologize. My daughter, good kid, very proud. I feel
15 like. Oh, Rebecca Kostyuchenko, mother of Jacklyn
16 eighth grader Brooklyn member of **[inaudible 48:43]**
17 Coalition lover of INCLUDE NYC.

18 I feel like I had a lot written but every body
19 touches on everything that's so important here and we
20 could sit for days and days and every parent here has
21 stories and I know you've heard a lot of mine but I'm
22 going to talk about what I haven't been able to
23 change for my daughter that only the system can
24 change and that's the bias, the implicit bias, the
25 ignorance and ableism that permeates the system and I

1 think all the things that you hear, all these
2 stories, have that as a common root. It's a societal
3 problem and it reflects itself in our educational
4 community. You know, importantly, like I don't like
5 the term Special Education because that place is some
6 other education as other and some education as
7 typical and disabilities of all types are typical.
8 They are part of human existence. They are part of
9 who we are as human beings and the problem is that we
10 have seen them not in that way. When actually,
11 that's what they are and that's what you know, I've
12 been really lucky because I have a lot of privilege
13 in a lot of ways that I've been able to buy my
14 daughter out of a lot of the situations that you hear
15 about. That we've been in and I've been able to pay
16 for therapists when I didn't get my RSAs to go
17 through for four months and I've been able to pull
18 her and put her in a private school when we've had
19 trouble having an accessible public school.

21 But I'm the daughter of a public-school teacher
22 and you know, I believe that our city deserves
23 better. I know that you know that, and I believe
24 that all kids deserve better. So, essentially what
25 I'm here to make a voice for is for integration

1 because the only way to change that bias, the only
2 way to change the ignorance anabolism is to make sure
3 that our kids are all together and their all taught
4 together and their needs are all seen as equal, the
5 same, and all as valuable and all to be met. And
6 I've found as the parent of a child in general
7 education who has an IP, who has very specific needs,
8 that the silos in the city between special education
9 and general education have created an entire separate
10 system of other and when you're in general ed with an
11 IEP, especially when you're not something more common
12 like ADHD, for example, but even that, you'll see
13 that our system doesn't see that as part of normal.
14 That you're not going to be included and those
15 teachers don't know what to do, as you heard my
16 daughter speak. I mean, she doesn't even - on field
17 trips, if she wants to take a bus with her class on a
18 field trip, our city doesn't have inclusive
19 accessible buses for a field trip. So, when she goes
20 on a field trip, if she wanted to be on an accessible
21 bus which of course, she does because she needs one,
22 she would have to separately on a bus by herself on a
23 field trip. We don't have an accessible bus for a
24 field trip for her. That is such a minimal level of
25

1 inclusion. She sits outside at separate entrances,
2 she has not had access to her stage, she has not had
3 access to her music room. She has had para's who are
4 not trained to deal with students with physical
5 disabilities and are upset at the idea that they're
6 there to assist somebody physically and not actually
7 to be in charge of them intellectually or emotionally
8 who have treated her poorly.
9

10 She's had teachers who don't understand chronic
11 illness and absences and you choice, if you're
12 somebody who has a lot of physical issues that
13 require doctors or hospitals, is to either be taught
14 at home, a very minimal number of hours, or to just
15 try and keep your head above water and work really,
16 really, really hard and be the peg that they want you
17 to fit into their hole and that's what she has to do.

18 We have teachers say, well, its not fair even
19 though you've been out for a week in the hospital if
20 I give you an extension on that paper.

21 Like, basic levels of inclusion that aren't okay.
22 I could go on and on for days, but I just want to say
23 that the teachers, the staff, and the administration
24 in our schools, some of them I'm not going to - I
25 can't paint them all with the same brush. Clearly,

1
2 you were a teacher and look at you what you are doing
3 here, but for a large part and especially in our
4 general education system, they don't get it and
5 they're a reflection of our society and we need to
6 start attacking that with specific sensitivity and
7 anti-bias training for those people.

8 And once we get to the root of the problem, we're
9 going to start to see some of the other things clear
10 up. Because if we think that all kids are equal
11 including kids with disabilities, then we're not
12 going to have four month waits for RSAs and we're not
13 going to have no accessible buses for field trips,
14 etc., etc. Thank you.

15 CHAIRPERSON TREYGER: Thank you so much. I
16 appreciate your powerful testimony. Thank you.

17 KAREN TUMULTY: Hello, my name is Karen Tumulty.
18 I am the school Principal for the International
19 Academy of Hope. We are a small school that services
20 students from 5 to 21 who have a diagnosis of
21 traumatic brain injury or otherwise acquired brain
22 injury. Our students that we support are the most
23 vulnerable students of New York City. They are
24 students that come to school, ready to learn, but
25 they are also are students who come to school on

1 ventilators with G-tubes, need of oxygen, personal
2 care, medication, rescue medication and so these
3 students that have already gone through the D75
4 process, where New York City has said they are not
5 the appropriate candidate, they have already been
6 given a non-public school but there is no state
7 approved school accessible to them in terms of
8 proximity to their home. They come to us and still
9 we are really struggling with this reimbursement
10 process. Even families who are willing or would
11 definitely consider other alternatives, they've
12 already been turned down and now they're at the place
13 where they cannot get reimbursement.
14

15 How that affects a school program such as ours,
16 is clearly we have tremendous cashflow issue and when
17 there's a cashflow issue, we have to find someone to,
18 you know, a line of credit in a different fashion.
19 What that does also is create an instability towards
20 the staff. And so, staff when you long to retain the
21 most highly qualified staff that we need for students
22 who have a high level of support need, don't feel
23 like we necessarily are offering that sustainable
24 place of employment.
25

1
2 So, that also puts the students at risk because
3 you need really qualified staff. The other issue is
4 just to mention is that for example, New York City,
5 which on their IEPs, they have nursing services, they
6 have skilled nursing services. That contract is
7 through Horizon, that the New York City Board of Ed
8 has that contract. We are unable to get funding for
9 that presently. That's \$90,000 and Horizon is saying
10 if you don't provide payment, we won't provide the
11 service. So, these kids are in the middle of this
12 tug a war. So, either we're paying it, but again,
13 that puts us in addition to the tuition way behind
14 the eight ball, or the student doesn't get the care
15 that they need and obviously, we're student first.
16 Children should have their care needs met first.

17 Their educational, what their entitled to
18 available to them, and the stress level of their
19 parents reduced.

20 So, we are all in favor of streamlining this
21 process of making it more transparent of when those
22 payments eventually come in, that the DOE somehow has
23 a better recording mechanism for it because they will
24 frequently send a check, which is unidentifiable as
25 to who it's connected to. Which I find it hard to

1
2 believe that any entity could write large checks
3 without identifying markers to what its marked for.
4 Again, we're all spending a lot of extra money and
5 time unnecessarily. We can make it a better process.
6 Thank you.

7 CHAIRPERSON TREYGER: Thank you. Just a quick
8 follow up to that. So, you mentioned that some of
9 these service providers are threatening to withhold
10 services because of non-payment for quite some time.

11 KAREN TUMULTY: Correct.

12 CHAIRPERSON TREYGER: And you have righted this
13 with the DOE? Have you informed the DOE of these
14 threats from service providers?

15 KAREN TUMULTY: Well, the Horizon Healthcare,
16 which is a deal we contract is saying that they have
17 not received payment. That they're going to withhold
18 the service and the payment is attached to the
19 reimbursement which could be as you know, a year or
20 two years. So, you know, where the nursing is in the
21 middle of this triangle, so we're fronting nursing on
22 top of that educational service.

23 CHAIRPERSON TREYGER: So, I'm just trying to
24 figure out, who from the DOE was made aware of this
25 and what are they doing to address it?

1
2 KAREN TUMULTY: Well, it winds up to be included
3 in the settlement would be the intent, but it's
4 already on their IEP that the DOE is drafted, and it
5 says skilled nursing their IEP. So, it should be
6 that at least the nursing aspect is fast tracked.
7 That would be our request because it is designated on
8 their IEP as a skilled nursing.

9 CHAIRPERSON TREYGER: There's a troubling pattern
10 that I'm hearing today, all day today. Just about a
11 clear lack of accountability. A lack of urgency but
12 a clear lack of accountability. This is just really
13 unacceptable, and I thank you for your powerful
14 testimony and the Committee staff is taking notes
15 about your situation as well. So, thank you very
16 much.

17 KAREN TUMULTY: Thank you very much.

18 Dr. BETH RASKIN: I am Dr. Beth Raskin, the
19 Executive Director of Kulanu Academy. A private
20 school that serves New York City students with
21 disabilities. We're chartered by the New York State
22 Board of Regions. We serve elementary through the
23 age of 21.

24 You have heard impassion stories from parents,
25 you have heard from some of our attorneys. I think

1
2 the piece that I'd like to share that's most critical
3 to us echo's my colleague. And that is the dreadful
4 DOE impartial hearing settlement and payment service
5 system.

6 The impact that it has on schools, and really to
7 ask for your help. The system is broken.

8 Respectfully, I disagree with the DOE. It is not all
9 roses, at all.

10 In several meetings with DOEs general council, we
11 were told that the DOE is overwhelmed. They didn't
12 have enough staff. There were delays at the
13 Controllers office. Frankly, one of the meetings
14 Council alluded to the fact that we were causing the
15 problem because we had so many more cases that we
16 were now bringing forth.

17 Without transparency, frankly, we can't figure
18 out where any of our cases are. I want to give you
19 hard data. 2017-2019 last year we had 50 New York
20 City cases, 60 percent of them remain unpaid. 14
21 cases are settled in the system and represent to us
22 \$1.7 million. We have not been paid. 18 families
23 filed impartial hearings because the DOE never
24 responded to the ten-day notice and so, those
25 additional 18 families, those cases are \$1.5 million.

1
2 We are out \$3.5 million from 2017-2018. How are we
3 supposed to run our business? I increased my line of
4 credit. I have donors that have asked to support us.
5 I have trouble making payroll every two weeks. We
6 are in dept for \$2 million. 2018 is no better, as a
7 matter of fact, in 2018, half of our student body
8 hasn't even had a response to their 10-day notice.
9 That means 25 cases haven't even begun yet and for
10 all intense and purposes, its March. When will we
11 see resolution to those cases? Not for at least
12 another year. How are we supposed to survive?

13 The result of this is my colleagues and I have a
14 new norm, and that new normal is cash flow crisis.
15 Our programs, we run them. We support all of our
16 families and all of our students. We are in jeopardy
17 right now. So, the oversight that you're suggesting,
18 the 1380 that Council woman Rosenthal has put forth.
19 We are so supportive of that. Whatever we can do on
20 behalf of our families, our staff, we're there to
21 help you along the way. Thank you.

22 CHAIRPERSON TREYGER: I thank you so much and I'm
23 going to ask the same question. Who from the DOE or
24 anyone from the DOE, have you been communicating
25 with, flagging these? This is serious stuff.

1
2 Dr. BETH RASKIN: I will tell you that we have
3 spoken to the general council who oversees the
4 reimbursement process. Who says, well, here is our
5 problem. We don't have enough staff. And I said,
6 but that's your problem. I run a business, it's an
7 education business. If I don't have enough staff, I
8 go out and find them, hire them, train them. That's
9 their dilemma. All of a sudden there was these
10 increasing cases. Well, you know what, children get
11 older, so I would assume that those that are in the
12 system are in the system and every year there will be
13 additional.

14 So, when we speak to the DOE, we are told, we are
15 working on it. I can't manage we're working on it.

16 CHAIRPERSON TREYGER: But the extent of your
17 contact has been with the general counsel's office?

18 Dr. BETH RASKIN: Yes.

19 CHAIRPERSON TREYGER: And there was a meeting we
20 see here, Howard Friedman. Is that correct?

21 Dr. BETH RASKIN: Yeah, he's general counsel for
22 the DOE.

23 CHAIRPERSON TREYGER: Right, and you never
24 received — did you receive any notification or
25 correspondence from the now Deputy Chief Academic

1
2 folks? The folks that who they say that are in charge
3 of compliance?

4 Dr. BETH RASKIN: Nothing.

5 CHAIRPERSON TREYGER: Silo's. That's maybe one
6 of the operative words that we've also heard here
7 today. They're operating still in silos. Thank you
8 very much and we took down your information and we'll
9 be following up as well. Thank you.

10 MATTHEW DELFORTE: Good afternoon. My name is
11 Matthew Delforte. I'm a partner at Shebitz Berman &
12 Delforte here in New York. We are an education law
13 firm. I have practiced education law for the last 20
14 years.

15 Thank you for this hearing. It's obviously
16 critically important. I have created numerous
17 schools for kids with disabilities over the past 20
18 years. I work actually with these two fine schools.
19 Extraordinary people, extraordinary institutions.
20 I'm here today to share our many clients concerns and
21 the problems that they have encountered with the DOEs
22 failures at implementing the Mayor's Policy
23 Initiative with respect to the settlements and
24 payment of those settlements.

1
2 But first, as I was listening today, I decided I
3 was going to change things up and I've submitted
4 longer testimony. I will keep this brief, I promise.

5 I decided I would answer three questions that you
6 put to the DOE that you didn't get an answer to
7 today.

8 Chalkbeat reported I think on Friday, that DOE
9 spent a \$130 million dollars on CESIS. So, there's
10 that answer.

11 Related Services, they've been mandated since
12 1975 by federal law. So, you don't get to provide
13 most, you got to provide all of them.

14 Thirdly with respect of translation services,
15 there was talk earlier about Chancellors regulation.
16 Well, you have a Chancellors regulation because that
17 to is required by federal law. Pretty simple
18 answers, I think.

19 So, with respect to getting back to the problems
20 associated with implementing the Mayor's Initiative.
21 As your doctor asked and tell it, it's been
22 unfulfilled. DOE is not making decisions on whether
23 to settle these cases within 15 days, like the policy
24 says. It often takes months, or they don't respond
25

1
2 at all. When they do decide to settle, it takes
3 months or years to negotiate and settle.

4 I mean I'm hearing from the schools that we
5 represent it's taking anywhere from minimally eight
6 to ten months to more likely fourteen months in most
7 cases and often times two years. That's not
8 acceptable.

9 So, for one of our clients, only five of the
10 fifty cases were settled pursuant to the Mayor's
11 policy even though most of them, I think, virtually
12 every single one of them met the criteria for
13 settlement and they didn't respond at all in forty-
14 four of those fifty cases to the ten-day letters.

15 So, with respect to payment cases, they're not
16 being timely paid, there's a cash flow crisis as
17 you've heard. One of our schools had a \$9 million
18 receivable in May, cases that had been determined a
19 year previous.

20 So, what's the solution? As you've heard you
21 know schools leverage everything and their being put
22 at risk financially. What's the solution? I think
23 that Council Member Treyger, your resolution for a
24 czar is an excellent suggestion. I think along with
25 that perhaps maybe a special commissioner for a

1
2 special education to liaison with SR so that you
3 know, that word that you keep using all day long,
4 accountability, that's critical to this entire
5 process. There is no accountability, we need
6 accountability a czar and or a special education
7 special commissioner I think would go a long way to
8 do that.

9 I guess I will wrap it up here and say that we
10 wholeheartedly support in addition to the resolution,
11 each of the bills that are consideration. We thank
12 you for your dedication to this and we are here. I
13 will pledge that personally and my law firm are here
14 to assist you in any way that you see fit.

15 CHAIRPERSON TREYGER: Thank you and if the DOE
16 spent less time fighting law firms, with all the
17 resources their spending to fight law firms, get the
18 money for the children right away, we'd have less
19 headaches in our system right now. So, I really
20 appreciate you and thank you for your work as well.
21 Next please.

22 MELISSA KATZ: Hi, good evening Chair Treyger and
23 members of the New York City Council Committees. My
24 name is Melissa Katz, I'm the Director of the Special
25 Education Collaborative and Inclusive Education

1
2 Initiatives at the New York City Charter School
3 Center. Thank you for the opportunity to present
4 testimony today.

5 As you may or may not know, the Charter Center
6 and the Special Education Collaborative work to
7 support Charter schools to ensure they can
8 effectively serve students with disabilities as well
9 culturally and linguistically diverse students. In
10 addition, actually just before coming to todays
11 oversight hearing, I spent the day with 50 school
12 leaders at day one of our leading for equity
13 institute exploring how our perspectives and biases
14 impact how we lead and the effects of systemic
15 racism, sexism, anabolism, on education. Of course,
16 I was particularly interested in hearing insights
17 into the inequities we identify in our schools when
18 it comes to students with disabilities.

19 Students with disabilities have been marginalized
20 for years in our countries schools and I was
21 impressed with the level of commitment the Charter
22 School leaders showed to reflecting on their
23 practices for these students.

24 Over the past five years charter schools have
25 expanded their continuum of services and enrollment

1
2 of students with disabilities has grown in charter
3 schools by 38 percent to the point that there is only
4 one percentage point difference between charter and
5 district enrollment of students with disabilities.

6 While charter schools are autonomous in many
7 aspects and this is following up on a comment that
8 you heard earlier, the DOE is the LEA for special
9 education in New York City charter schools. Which
10 means all decisions about the provision of special
11 education services for charter students is made by
12 the DOEs committees on special education the CSEs.

13 While in my role as director of the special
14 education collaborative, I work very closely with the
15 DOE. I am in constant contact around special
16 education services for charter schools with the DOE.
17 Ultimately, the DOE is the decision maker. So, the
18 special education collaborative and the charter
19 center strongly support the goals of the legislation
20 and resolutions today. The goals of transparency and
21 accountability for service delivery in special
22 education and all public schools including in public
23 charter schools are long standing priorities of ours
24 as well.

1
2 Finally, our submitted testimony goes into much
3 more detail but I wanted to close by saying that
4 because of the unique structure that exists for
5 special education students in New York City charter
6 schools with the DOE being the LEA and decision maker
7 on services provided to charter school students as
8 well as maintaining the data on special education
9 compliance in charter schools, we respectfully
10 request that the Council expand the scope of the DOEs
11 reporting on special education services to include
12 charter school students. Currently the annual report
13 excludes charter school students. Since the DOE is
14 the LEA for charter school student, they have all the
15 data about the provision of special education
16 services for students in charter schools and could
17 provide that information and that's required by the
18 current report.

19 Charter students are public school students and
20 we respectfully request that the same data that is
21 available on district school special education
22 services be made available to parents and the
23 community about the provision of special education
24 services for charter school students. Thank you.
25

1
2 CHAIRPERSON TREYGER: Thank you. Fair point,
3 thank you very much and I thank the panel for your
4 work and we did flag the institutions that you work
5 with and represent and we will follow up at our end
6 because it's just not acceptable and it's real in
7 terms of what I am hearing today and I've heard from
8 other folks prior to this hearing is that there are
9 some providers at the brink of just financial ruin
10 and their about to collapse, and the impact is not
11 just on your staff and the folks in the building, the
12 DOE admits it does not have the capacity to
13 accommodate the needs of those children. Where do
14 they go? There is no where for them to go. This has
15 to work and that's the urgency that we need to have
16 here today. Thank you so much, I appreciate it.

17 Okay, next panel. Susan Crawford, Aurelia Mack,
18 Michelle Noris, Michele Korgood, Leah Steinberg and
19 Maria Roca, I believe, yeah, Friends of Sunset Park.

20 You may begin.

21 MARIA ROCA: Good evening. Thank you for the
22 opportunity to tell our story. I am Maria Roca from
23 Friends of Sunset Park in Brooklyn and I'm here as a
24 long-time community advocate in support for Sunset
25 Park families with children with IEPs. This has been

1
2 going on for over two decades. We don't charge
3 anybody, we're available, we're there and so forth.
4 So, I'm just going to do bullets rather than a long
5 story.

6 We must have IEPs in the parent's dominant
7 language. It is a must that they be available and
8 that they be available in a timely manner. If
9 families are able to participate and collaborate
10 because they understand what is expected of them, our
11 children are going to fair much better. Only as the
12 schools don't want the parents in the schools, and
13 that is the reason they're not facilitating the
14 understanding of what is supposed to happen. So, you
15 can be the cynic in the room, which I do very well,
16 but at the same time, it is about the children.
17 That's not the bottom line. We're here because of
18 the children, there's nothing else and if you don't
19 want to deal with parents then go find another job as
20 far as I'm concerned.

21 The next point that I'd like to talk about is
22 that we must end pull out therapeutic services push
23 in services are in fact more effective and the
24 Department of Education understands this and knows
25 this. Further pull out services that excecated

1
2 bullying. Since the children leaving the classroom
3 multiple times per week, are regarded as not fitting
4 in by their peers. They're not part of the flow, of
5 the social flow of the classroom by being pulled out.
6 They get disconnected.

7 I will follow to the next point and that is that
8 a comprehensive audit of the office of student and
9 pupil's transportation is way, way overdue.
10 Particularly in view of the chaotic scheduling of
11 mandated versus services for children with IEPs. In
12 Sunset park pick up and drop off of children can only
13 be described as a rodeo on wheels. You have to stand
14 on fifth avenue and watch the action. Dozens, dozens
15 of buses crisscross our small neighborhood in bumper
16 car fashion each morning and afternoon of every
17 school day. How can a child derive the most benefit
18 from the school day after 60 or 75 minutes going into
19 school of riding circles and particularly children
20 who are really challenged with social and emotional
21 issues as well?

22 And on the way out of the neighborhood, to
23 schools throughout the borough. This situation makes
24 the question, why are we sending all these children
25

1
2 out of their neighborhood? In sighting unnecessary
3 stress and reducing psychosocial advancement.

4 When there are existing opportunities to build
5 the needed accessible facilities within easy reach by
6 the students and the families. I'm talking about
7 Sunset Park, I'm not going to talk about any other
8 neighborhood.

9 Therefore, eliminating or at least extensively
10 reducing the number of buses and trips out of the
11 neighborhood.

12 And lastly, how many children will we continue to
13 deliver to the Department of Corrections and to the
14 Adolescent and Developmental Health Institutions
15 because we failed to deliver timely and comprehensive
16 services from birth?

17 CHAIRPERSON TREYGER: Thank you. Thank you very
18 much.

19 LEAH STEINBERG: Good evening. Right here I wrote
20 good afternoon but its not afternoon anymore. My
21 name is Leah Steinberg. I serve as Director of
22 Special Education Affairs for Agudath Israel of
23 America.

24 Agudath Israel was founded in 1922, it's a
25 national organization who are headquartered here in

1
2 Manhattan with an office in Washington and seven
3 regional offices across the country. Among our goals
4 are advocacy on behalf of orthodox Jewish community
5 and comprehensive community based social services
6 serving all populations.

7 As Director of Special Education Affairs at
8 Agudath Israel, I was involved in the implementation
9 of the city's 2014 policy on tuition reimbursements
10 and I have been working hard to help it reach its
11 promise with New York City Department of Education as
12 well as parents in Special Education schools.

13 So, at the 2014 press conference, rolling out the
14 policy, Senator Felder, Sheldon Silver, Assembly
15 woman Helene Weinstein, as well as the Mayor and
16 school Chancellor for **[inaudible 1:28:10]** all spoke
17 of a unified goal. That goal would be that parents
18 who have no choice but to place their children in
19 nonpublic schools would no longer have to go through
20 the harrowing process they had to year after year.

21 What was promised was that once the placement met
22 five basic criteria, the city would agree to settle
23 after a parent receives a ten-day letter, settlements
24 would quickly be reached, placement would be
25 guaranteed to continue in future years if the child's

1
2 IEP remained the same. As lays on between my
3 community and New York City Department of Education
4 have regular scheduled meetings with the involved
5 parties to see how things were progressing.

6 The first year, everyone was happy, and it seemed
7 that things were going in the right direction. The
8 only concern was how year two would play out and if
9 parents would see the relief that they wouldn't have
10 to repeat the whole process as was promised. That
11 never happened; however, as settlements were still
12 coming in quickly, although not as quickly as the
13 first year, they were willing to wait and see. Low
14 and behold, the third year started really getting
15 bad. Instead of seeing improvement, things seemed to
16 be slowing down dramatically and all talk about the
17 automatic approval was all but forgotten. The impact
18 is not only being felt by parents, but the schools
19 are having a very hard time meeting payroll as well.

20 Giving the children the quality education is
21 vital in the special education schools and the
22 orthodox Jewish community give their heart and soul
23 to make it happen. Without timely reimbursements,
24 the schools are struggling simply to survive.

1
2 At this point, it seems the whole process has
3 frozen. Getting annual reports may help move the
4 process along somewhat and we commend the City
5 Council for this proposal. However, the most
6 important contribution the City Council could make is
7 taking the steps to ensure the process achieves the
8 original goal of the 2014 policy that parents should
9 not have to file cases every single year and that
10 funding should flow in a timely fashion.

11 CHAIRPERSON TREYGER: Thank you very much.

12 MICHELE KOLE-KORGOOD: Good evening, Chair Treyger
13 and members of the City Council Committee on
14 Education. First of all, thank you for your time and
15 leadership on these critical issues.

16 My name is Michele Kole-Korgood, I am like you a
17 former teacher. I'm a former special education
18 teacher that left teaching of special education 28
19 years ago. I'm giving way too much about my age, to
20 pursue a career in legal advocacy for children with
21 special needs.

22 I have watched this process evolve in New York
23 City for 25 years, for a quarter of a century. Every
24 year the process of pursuing an appropriate education
25 for a child with a disability is filled with more

1
2 bureaucracy and more delays. As tax payers, we
3 should all understand we can either provide the
4 necessary services to enable a child with a
5 disability to grow up and become an employable, tax
6 paying productive adult, or we cannot provide the
7 services and we can keep that child on public
8 assistance from age 21 through their entire life
9 expectancy. The math is very easy. I suggest it's
10 not even high school math.

11 And to Councilman Cornegy' s point earlier, the
12 poet Gabriella Mistral, said it far better than I
13 ever could. Many things can wait, children cannot.

14 Today, their bones are being formed, their blood
15 is being made, their senses are being developed. To
16 them we cannot say tomorrow. There name is today.

17 One year in the life of a 5-year-old not
18 receiving services is not the same thing as you or I
19 am waiting one year in our life for anything else.
20 We are missing critical times.

21 As Ms. Steinberg and others have stated, Mayor de
22 Blasio announced a policy and set of procedures in
23 2014 to implement and streamline this process. That
24 was so important in this field that I got permission
25 from my surgeon the day after a three-hour surgery

1
2 under general anesthesia to be transported to New
3 York City to attend that meeting in person, because I
4 couldn't imagine not being there and I couldn't
5 reschedule my surgery.

6 For 2014-2015, the process worked in normal cases
7 we got the determination letters within 15 business
8 days of parents sending out these letters of concern,
9 10-day notice letters and for most of the cases the
10 entire settlement was done in months.

11 Now, the policy is a promise unfulfilled. First
12 of all, even if the case resolved through settlement,
13 it commonly takes one to two years and sometimes even
14 longer. When I asked my staff to start compiling
15 information for this Friday afternoon when I found
16 out about this, there are cases we have that are two
17 and a half years since that 10 day notice letter was
18 found and as of today, if the city wants to talk or
19 the Department of Ed wants to talk about statistics,
20 as of today, six months since the 2018-2019 school
21 year, we still don't have responses from the city to
22 10 day notice letters in over 80 cases or almost 50
23 percent of cases where parents in our office
24 submitted a 10 day notice letter, obviously that's
25 not the only kind of case we handle.

1
2 What makes it worse and one thing that hasn't
3 been brought out is that you need to understand that
4 that's only the first delay in the process and that
5 one gets compounded geometrically with the other
6 delays. So, once there's a determination, they say
7 we want to settle, we provide the requested documents
8 and then wait three to four months to get a
9 settlement offer and we're told by the DOEs Office of
10 Legal Services that there inundated, and they deal
11 with things in the order that they get the
12 information. Which means that now the parent can pay
13 for the fact that it took them six months to you'll
14 hear from a client of mine, eighteen months to get a
15 determination. I would be at that impartial hearing
16 with that parent today had I not emailed General
17 Council Howard Friedman last week and you asked who
18 contact. We contact the attorney assigned. We
19 contact their team leader. We contact the managing
20 attorney's and after a year and a half I contact
21 general Council, guess what, that day I had a
22 determination. I shouldn't have to contact General
23 Council. That parent of twins with autism should not
24 wait you know, eighteen months.

1
2 In one of my cases we reached agreement on
3 January 31, 2018, a verbal settlement. As of three
4 weeks ago, over one year later, they still had not
5 even applied for approval from the controller's
6 office. We're still waiting.

7 As City Council members, you have the power to
8 intercede by requiring the DOE to report on each day
9 to point of the process. This process is broken down
10 entirely. It needs sunlight in order to shed light
11 on where the breakdowns are so that they can be
12 addressed. I am in favor of all of the resolutions
13 and bills that are currently there, and I stand ready
14 to help you in any regard.

15 There's one other quick point I just want to
16 bring out. I could go toe to toe with Corinne
17 Rello-Anselmi about so many untruths and would
18 welcome the opportunity to do it but there's one
19 that I want you to keep in mind. When they talk
20 about compliance, they say only 22,000 kids aren't
21 getting all their services or 22 percent of 44,000
22 kids, they're not telling you about the kids whose
23 IEPs they changed to remove the program and
24 services that they didn't have in the schools
25 because when they did the reorganization a few

1
2 years ago, they sent a training manual out to every
3 principal in the city saying, you now have to
4 provide every service on a kids IEP, but here's
5 what you do. Here's six case studies. A kid comes
6 in with an IEP and there's services and programs on
7 the IEP that the school can't provide.

8 Every one of those six case studies. You
9 reconvene the IPT meeting and you convince the
10 parent the wisdom of changing the IEP to the
11 services that you have.

12 CHAIRPERSON TREYGER: Do you have a copy of that
13 mail memo?

14 LEAH STEINBERG: I have to go through. I don't,
15 its from years ago and I don't know if I still have
16 the training manual, but there were six case
17 studies and it went out to every New York City
18 principal.

19 CHAIRPERSON TREYGER: I'm going to flag for our
20 staff to try to look this up and to find it and the
21 one thing and I appreciate your, you're seeing this
22 from a number of lenses. You're a former educator,
23 still an educator.

24 LEAH STEINBERG: And a parent.

1
2 CHAIRPERSON TREYGER: And a parent and an
3 attorney. When you deal with the General Council's
4 Office and I don't know this answer, I wonder if
5 anyone in that room is an educator? Because as you
6 just pointed out, there's no time here. We can't
7 lose precious time and that's one of my calls for a
8 clear line of accountability. Someone that has the
9 authority and the power to go across any of these
10 offices in the DOE and say, do your job. Fill out
11 this paperwork. Get this done. Because that's
12 what I think is a matter of. Someone just filling
13 out a piece of paper or signing things and getting
14 things out. Signing a check. It's a \$32 billion
15 department, they have money. We need to do more
16 but this is the largest city department in our
17 government and they receive money from the federal
18 government, from the state and from the city and
19 they need more resources, there's no question about
20 it, but this I think, is a matter of either just
21 inertia, an indifference and basic competence to
22 get stuff out and fill things out and get things
23 done and I really, really, appreciate your powerful
24 testimony. Very quickly and I will turn to.

1
2 LEAH STEINBERG: A very quick point. I think
3 one of the very important things that you touched
4 on is that the transparency as the process goes
5 along is not there and that is something that we've
6 been asking for for a very, very long time and I
7 think if we had that it could help but right now
8 all the schools, all the parents, everyone is just
9 lost. It's a terrible situation.

10 CHAIRPERSON TREYGER: Yeah, because all the
11 responsibility is broken up into so many different
12 pieces in the DOE. And we're trying to piece it
13 together. Thank you, thank you so much. Next
14 please, thank you.

15 AURELIA MACK: Okay, my name is Aurelia Mack. I
16 am the CEO and founder of Wings of Success for
17 children with special and exceptional needs. I am
18 the mother of twelve children, nine girls, three
19 boys and I have thirty grandchildren. Out of the
20 grandchildren, I have assisted in getting eleven of
21 them into NPS schools. My three sons actually went
22 to Xaverian. All of my children now are
23 successful, their educators. One in the military,
24 one in FDNYEMT but that's due to me fighting tooth
25 and nail. I am a retired correction officer and I

1
2 see the travesty of our children of color, Black
3 and Latino children. The suspension rate
4 extraordinarily high. The dumping ground for
5 special education children who have the
6 intelligence but because they don't know where to
7 put them and their behavioral challenges, they are
8 just thrown into twelve to one program and they sit
9 there and do not get educated.

10 I have a daughter that's a para now and she
11 called me the first day at work crying because she
12 said these children were sitting in rooms not being
13 educated. I have advocated for hundreds of
14 families. I have gotten them private school. I
15 sat in due process hearing. I sat in IEP meeting
16 and the meetings are a dictatorship. They are rude
17 and disrespectful to parents. Of course, you
18 always have one or two that are not, but they sit
19 quietly by. When I go in as an advocate, they do
20 not even want the parent to have an advocate and
21 they will tell parents, you don't need an advocate.

22 So, especially bilingual parents, they'll just
23 give them a paper and tell them to sign.

24 I have advocated for 18-year-olds that have
25 third grade reading levels and just sit in school

1
2 and again, the pipeline to prison is real and the
3 majority of children sitting in special education
4 are in juvenile justice and I've seen it first
5 hand, even at work. Adults that cannot read and
6 this is ridiculous. You know, I sat there, and I
7 heard DOE speak and that is not the people that sit
8 at the table and the ones that do sit at the table
9 when they refer to the CSE chairperson, they ignore
10 you or they're not even at the meeting and their
11 giving their response. Parents are not treated as
12 equal, they're not treated as team members ever.
13 You know, once it goes around the room, yay, nay,
14 that's it. They don't even care, and the parent is
15 the one that knows the child the most.

16 As far as due process hearing, the families that
17 I advocate for cannot even afford attorneys. When
18 it was my time, when my children were younger, I
19 called every attorney I knew just to beg for pro
20 bono service because at the time, I had three
21 children that needed services. Needed to get into
22 a private school. They told me to pick one, so I
23 picked one and I did the cases for the others, but
24 up to this day my son came and told me, mom, if you
25 did not fight for me, I don't know where I would

1
2 have been because during that time gangs were after
3 the children that had special needs. The suicide
4 rate for children with special needs is extremely
5 high. So, I'm here not only as a mother and a
6 grandmother but as an advocate and I will continue
7 to fight, and I applaud you because I wasn't coming
8 today. Somebody told me and I could tell how much
9 you care, and you sit here and you're listening.
10 So, I definitely applaud you for that. Thank you.

11 SUSAN CRAWFORD: Thank you. Susan Crawford
12 Director of the Right to Read Project and a member
13 of the Arise Coalition.

14 And as I said to you out in the hall, I'm a
15 dyslexia sister of Debbie Meyers and many other
16 moms and like claimant denial, dyslexia denial, has
17 a history that at this point goes back 50 years,
18 since the advent of the whole language movement and
19 I think we can finally start to break through that
20 as generations turn over in the DOE, but it's been
21 allowed, dyslexia denial allowed to be fostered and
22 then to fester in the face of science in all this
23 time.

24 There are treatments that work, the dyslexic
25 brain has been shown on FMRI's back in the 1990's.

1
2 The reading panel report came out with the five
3 pillars that should be observed in all reading
4 instruction, just not happening, not happening yet.

5 And then, I want to give some recommendations,
6 but I do want to respond to some of the things I
7 heard earlier in the day.

8 You've been asking, why do families have to sue
9 to get what their children are entitled to and up
10 until I heard this panel and one or two before, I
11 thought because back 20 years ago when I was going
12 through this, little would be said to me but when
13 it was all over, I didn't understand what was going
14 on at the time and I just got my kids help outside
15 of the system and we just paid out of pocket for
16 it. But in retrospect I realize they were waiting
17 for me to sue for private placement.

18 So, there's this whole kabuki dance that's going
19 on and then the suits go on and now their
20 languishing not for days, weeks, or months, but now
21 for years.

22 One of the parents on the earlier panel said,
23 folks that almost just want you out of their office
24 and we've all experienced that. Help should be
25 easy, welcoming and supportive.

1
2 One of the things that's come up in the ARISE
3 coalition is that kindergarteners are just being
4 referred immediately to D75 without evaluations of
5 any kind presumably because they're not reading by
6 the end of kindergarten or something.

7 You mentioned that 220,000 students have IEPs,
8 that would be 20 percent of the population. In
9 fact, 20 percent of the population is dyslexic.
10 So, 220,000 students alone have dyslexia and then
11 there are all the other learning disabilities and
12 we know for sure that the dyslexics aren't being
13 attended to unless it gets extracted from the
14 system and as she just said, they often end up in
15 prison if they aren't helped because they can't
16 function for years and years and years with what
17 they're being asked to do.

18 As recommendations, I want to point out in
19 Barron's there's an article about opportunity costs
20 and Mayor de Blasio's offering another \$300 million
21 towards special ed and each of us would have a
22 place to put that \$300 million. So, each of us in
23 this room. If it were up to me, if I were spending
24 it, if it went right into dyslexia treatments that
25 bypassed the schools, that were handled at the

1
2 district level until reality catches up with the
3 science. So that parent had a place to go, maybe
4 through the community schools but certainly through
5 the district office, that child could be tested.
6 It's easy to test for now compared to how it had
7 been in the past and remediated and then they could
8 just go back in the classroom and thrive which
9 happened with my kids.

10 So, thank you very much for doing this. I just
11 want to make sure I got to everything. One of the
12 things that I think goes on is principals are under
13 pressure to not over identify but there's a double
14 edge sword if a principal is accommodating, then
15 parents cluster to that school and this idea that
16 we'd all like to see this book that's explained how
17 to bypass. I had a parent call me recently who
18 said, the principal won't give what the person from
19 NYU said my child needs. Just won't do it and we
20 need to look deeply into that. I suggest you do a
21 whole set of these just on the literacy issue
22 because we're just scratching the service. Thanks
23 very much.

24 CHAIRPERSON TREYGER: No, I appreciate that and
25 we're going to have budget hearings coming up

1
2 shortly. We're going to dig deeper on this \$300
3 million figure but I'm afraid that that money is
4 not new money, but money that's already been
5 scheduled to keep up with the cost of compliance
6 and so, which quite frankly, we still have a lot
7 more work to do obviously from the testimony that
8 we're hearing today and also, the state has some
9 responsibility here to quite frankly because they
10 pass on certain mandates, certain things, which is
11 okay but give us resources to meet these mandates
12 to meet the needs of our kids. They are still
13 short changing us.

14 So, it's definitely accountability. It's
15 definitely urgency but it's also, would you need
16 some resources to better meet their needs. But
17 once we have the money, you need folks who know
18 what their doing to do their job. It's as simple
19 as them to have a heart and to look at it through a
20 lens of compassion and empathy and a sense of
21 urgency. It's not just some bureaucrat sitting at
22 tweed. You need someone with an urgency to say,
23 get this done now. That's what we need more of I
24 think in government. So, thank you. Thank you
25 very much for that testimony.

1
2 SUSAN CRAWFORD: I just wanted to add, it was on
3 my list about the czar idea and then you mentioned
4 this state and in fact, there are representative of
5 the state education special ed department in every
6 district who can go in and intervene on behalf of
7 the students and parents don't know this and the
8 schools, either they know it or they don't
9 volunteer these people to come in, but if the state
10 could be that check and balance on the city that
11 would be something.

12 CHAIRPERSON TREYGER: I mean it seems that
13 everyone has the number to legal on speed dial. I
14 mean that's the only office everyone seems to know
15 very well, but that's about it but I hear you. I
16 definitely appreciate it. Thank you so much and
17 next, we'll hear from you.

18 MICHELE NORIS: So, I'm going to read two
19 testimonies. I'm reading on behalf of my son,
20 Abraham Weitzman who is in the student
21 accessibility Advisory Counseling. You've probably
22 seen him on video. He's the one who hits this with
23 just with his chest.

24 Good afternoon, he was hopeful. I am a
25 sophomore at Bard Queens, and I am severely

1 disabled and medically fragile. I have therapy and
2 awesome para, assistive technology, daily feeding
3 by G-tube and I have a dedicated bunch of teachers
4 and staff led by Principal Val. I am very lucky.
5 When I am at school, I am supported and included.
6 Teaching me makes my teachers find ways to improve
7 class for everyone. The administration changes
8 policies to be inclusive and accommodate my needs
9 and they never complain.
10

11 The other students pick me to be on their
12 project team. I want every IEP student to have a
13 school like Bard Queens because we are all entitled
14 to support an inclusion. Thank you.

15 He couldn't come because he had therapy today.
16 This is from me and I come, and I complain a lot,
17 but I came today to tell you about what -

18 CHAIRPERSON TREYGER: Could I get your name for
19 the record?

20 MICHELLE NORIS: Oh, I'm sorry I'm Michelle
21 Noris, that was Abraham Weitzman.

22 CHAIRPERSON TREYGER: Thank you.

23 MICHELLE NORIS: So, I want to tell you what
24 special education looks like when it's at its best.
25 My son as I said, attends Bard Queens and they

1
2 follow his IEP consistently. He has services the
3 first week of school. His therapy equipment and
4 his assistive technology equipment are ready and
5 waiting for him in September. His teachers meet in
6 June to make sure that his assistive technology is
7 programed so when he shows up for chemistry on the
8 first day, it's ready to go.

9 His special educators and his general educators
10 work together. They have periods set aside for it
11 to meet and they work with the administration to
12 make sure all his educational materials are
13 accessible. They're responsive to us and their
14 responsive to him when he needs a modification
15 outside what's covered in the IEP. His guidance
16 counselor started the test accommodation process,
17 the college board, without me asking her. They are
18 now complete and in place and in time for his PSATs
19 next month. An administrator put an extra locker
20 for him on each floor to keep his medical supplies
21 and extra clothing and they set his schedule to
22 minimize his floor chain, so he has time to go to
23 the bathroom.

24 They set up an extra space in the library for
25 study and meetings and for socializing with friends

1
2 because the cafeteria is overwhelming. This is
3 happening because Bard Queens has an extraordinary
4 principal Valarie Thompson and she has hired an
5 extraordinary staff who are too numerous for me to
6 list, but it shouldn't be extraordinary. Every
7 student should be having this. Every student has a
8 right to this, but what we really see all day here
9 and I've been listening for a while, is disparity.

10 Disparity based on economics, disparity based on
11 race, disparity based on district, which is related
12 to both of those. Disparity based on who's in a
13 segregated environment and who's in an inclusive
14 environment and the shame of all of this is that
15 they're capable of doing what my son has. They're
16 capable.

17 There are principals out there who can do it.
18 We need all the principals to be trained to do it
19 and this is like my mantra now. The principal is
20 the CEO, they must be trained to be in charge of
21 everyone, not just the easy kids. Not just the
22 kids who show up, ready to learn with no extra
23 help. They need training. We need to mandate
24 principal training about dyslexia, about physical
25 disabilities, about where the hearing loop needs to

1
2 be in their building because they should be asking
3 for it, not the parent. The principals need to be
4 trained. How many principals came from being a
5 special educator? That's how you become a
6 principal right? You become a teacher, you work
7 your way up and become a principal but very few of
8 them start off teaching special education and so,
9 they don't come from that back ground. They don't
10 have that grounding. We must mandate training.
11 Thank you.

12 CHAIRPERSON TREYGER: Thank you very much and
13 just to close this panel. I think we have two more
14 panels here, good observation. In the school I
15 worked in, my principal hired a former special
16 education teacher to be in charge of our compliance
17 in our school and she taught us a lot that we
18 didn't know and so, I thank you so much for that
19 and for your advocacy and I really thank the panel
20 for your great work. I appreciate you all.

21 MICHELLE NORIS: Thank you.

22 CHAIRPERSON TREYGER: Next panel we'll hear
23 Esther Malamud, Alicia Mercado, Robert Burt, Julia
24 Luppino, and Danielle Maurey [SP?].

25

1
2 I think we'll call up some more folks. I think
3 we only have two people in the panel. Is Diana
4 Williams still here? No, she had to leave, okay.
5 Claudia Cruz? Claudia you can come up in that
6 panel and I think we have room for two more.

7 Alright, so you may begin whenever you're ready.

8 ALICIA MERCADO: Hi, my name is Alicia Mercado
9 and I'm the mother of a fourteen-year-old. Her
10 name is Olivia Rose and she struggles with ADHD and
11 anxiety disorder. She was removed from public
12 schools only after middle school failed her
13 miserably, both academically and in terms of basic
14 safety.

15 She has been recommended to attend an inclusion
16 ICT class with two teachers but typically there was
17 only one teacher in the class. According to her
18 IEPs failed to make any progress in reading and
19 math according to her IEPs, the public-school new
20 Olivia only needed to work in small groups and be
21 in a structured supportive classroom with few
22 distractions, but they could not provide this
23 environment for her.

24 The district required Olivia be in a school for
25 extensive periods of the day beyond the school day.

1
2 As she needed to give up a lot of enrichment like
3 she was in drumming, she was in soccer, she was in
4 the free arts program, none of which she could
5 attend. She couldn't even go to her therapy
6 sessions because she would have to be in breakfast
7 club, lunch study, after school just to catch up
8 because they weren't adhering to her IEP.

9 The public-school staff informed me that Olivia
10 was failing all of her major subjects and that
11 perhaps the school was no longer appropriate for
12 her, but they didn't provide any options for her
13 other than attending summer school.

14 Olivia became a victim of severe bullying. In
15 summer school Olivia was physically assaulted by
16 one student and sexually assaulted by another. It
17 became so severe that I had to attend summer school
18 with her each day and finally, the teacher advised
19 us to go home for the sake of our own safety after
20 she witnessed students threatening our lives.

21 We found placement for Olivia at the community
22 school, a small specialized program approved by the
23 New York State education program to serve children
24 with disabilities. I had begged the IEP team to
25

1
2 recommend a program just like this for Olivia, but
3 they kept recommending the same failing program.

4 Finally, in mid-August, I sent the district a
5 long letter announcing my concerns and stating my
6 intention to place her in community school in the
7 absence of an appropriate program where Olivia
8 could learn and be safe. It was my understanding
9 that an according to the policy set forth by the
10 Mayor the district would respond within 15 business
11 days or by mid-September. However, to this date,
12 there has been no response, despite my number's
13 inquiries by my attorney to the DOE's legal
14 department.

15 At this point, DOE's failure to respond is
16 threatening my daughters continued placement in the
17 first school where she's finally experiencing
18 success.

19 After years of the DOE failing my daughter, she
20 had begun to dread school which had become a place
21 of danger and failure, but now that she is at the
22 community school, she loves school again and is
23 passing all of her classes. It is incomprehensible
24 to me that the city could ignore my letters for
25 over six months and fail to make any determination

1
2 as to whether they are interested in resolving this
3 matter.

4 ROBERT BURT: Good evening. My name is Robert
5 Burt. I am the father of twin boys Jayden and
6 Jared, both on the autism spectrum. Just to start,
7 we started out in District 75, for a few years of
8 their schooling within District 75 and there were
9 lots of problems. Some of the most egregious was
10 the bullying that was going on to the extent where
11 the kid had my son pull his pants down in the yard.
12 There was nobody watching, so you know. And then
13 my other child Jayden, they lost him three times in
14 a two-week period, and he had a one to one para who
15 would pick him up off the bus.

16 It was crazy, a lot of crazy stuff going on.
17 Okay, so what we decided to do is to move them out.
18 So, we got Jared into a state approved school, we
19 got Jayden into a non-state approved school.
20 Jayden was really regressing the two years that he
21 was at 206 in Queens and we got him into this
22 school, and it's been a wonderful site to see. You
23 know, but we still have to fight. In 2014, in the
24 beginning when they started this signing off on
25 stuff. When the Mayor said that he was signing off

1
2 on schools, it was a really easy process. Even the
3 staff at CSE, they were nice. They would sit you
4 down, they would recommend things that they would
5 think you needed. Services that they think would
6 help your child and then they changed a couple
7 years ago, and it became like a dictatorship.
8 Where you have people and don't piss them off.
9 When you have people who actually sit down and tell
10 you what you're going to have and what you're not
11 going to have, and they don't care what you go to
12 say about it. They don't care what your concerns
13 are.

14 Jayden always had a problem with the
15 psychologist calling him a pocketing fool. Because
16 he would eat something and hold it in his mouth,
17 and he won't chew it which is a choking hazard and
18 they refused to let him keep his para that he had
19 for two years that the nice people had gave him.
20 It seemed like in the last four IEP meetings, three
21 IEP meetings, every year they look at something
22 else they can take. I guess they're trying to cut
23 back on their expenses.

24 Okay, so, we just finished an impartial hearing
25 just this fall for 2016-2017 school. We just got

1
2 finished, we just got a determination from the
3 hearing officer and then we were supposed to be at
4 an impartial hearing today for the 2017-2018 school
5 year, but my lawyer called the Council and they
6 cancelled the hearing. But it seems like they're
7 trying to force us to back into DOT even though
8 there are school psychologists who sits on the IEP
9 team, she has stated at least twice off the record,
10 the school hears that, it was the best fit for him.
11 But on the record, we had to be moved to a DOT
12 school. So, they really don't care about the
13 children. They really don't care about their
14 needs. They really don't care about their safety.
15 All they care about is counting beans to make sure
16 that all the beans are counted right, and I was
17 sitting here today listening to their budget and
18 I'm shocked.

19 Why are they fighting parents all the time over
20 paying this tuition for these private schools? You
21 know, it just doesn't make any sense to me.

22 Okay, so now we're in the process, we got a call
23 back for the 18 months - it took them 18 months to
24 get back to us on a 10-day notice and now we're
25 going to see what happened with that and the

1
2 problem really quick. This doesn't just cause a
3 problem for the school, this just doesn't cause a
4 problem for the parents with anxiety and the
5 nervousness. Jayden once heard that he might have
6 to move to another school. Sorry, shit, I said I
7 wasn't going to do that.

8 He was upset for four days. For four days he
9 was upset. Every five to ten minutes he would come
10 and say, daddy I got to go to a new school? Daddy,
11 why do I got to go to another school? Daddy, I
12 don't want to go to another school. Four days, it
13 took me four days and the counselors at the school
14 are kind of like get him straightened there. So, I
15 learned a lesson that make sure he doesn't know
16 whats going on and it's a shame to have to do that.

17 But DOE I heard them today, and I listen to
18 their excuses for why they're the way they are and
19 it's a shame. But anyway, I want to thank you for
20 this opportunity, and I wish I had more time
21 because I got a lot more to talk about but thank
22 you.

23 CLAUDIA CRUZ: Good evening everyone. Thank you
24 for the opportunity to present here tonight. My
25 name is Claudia Cruz and my daughter is named

1
2 **[inaudible 2:16:20]**. She has down syndrome and I
3 am a cancer survivor. It hasn't been easy for me.
4 She is my only child. She has experience for her
5 child discrimination whether it was at the hospital
6 when **[inaudible 2:17:06]** was born as well as from
7 other parents telling their children not to go near
8 **[inaudible 2:17:16]** because their uncomfortable,
9 their ignorance.

10 Even in a WIC office, the treatment was not that
11 nice towards my child. I have received even the
12 behavior from teachers sort of telling me to accept
13 what is and not to expect to much, that children
14 with down syndrome can't do so much.

15 I have friends who also have daughters with down
16 syndrome and their experiences as well made me very
17 sad. I am sure that my daughter will grow up to be
18 independent and able. She is now about to be four
19 years old and she's now beginning to vocalize and
20 is placed independently.

21 I ask for the IEP to be made available to me in
22 Spanish, so I could be part of **[inaudible**
23 **2:19:48]**'s team. So, it would be the teacher, the
24 therapist, and myself. They told me that they
25 couldn't make it available though we have taken

1
2 action about that and for her it was very difficult
3 to hear that.

4 Imagine if for English speaking parents, this
5 process is difficult. I with a language barrier,
6 everything gets further complicated.

7 Herself and other families in Sunset Park with
8 children are traveling by bus and often the trip is
9 an hour and ten minutes, mind you on the B63 bus,
10 and I'm adding this, which is not the best line in
11 Sunset Park. There's a lot of double parking and
12 whatnot. That trip door to door is 20 minutes,
13 door to door. So, it's taking what I alluded to
14 before about the circling of the buses and she
15 experiences it and it is an hour to an hour and 10
16 minutes every morning and every afternoon. If that
17 doesn't do something to a child that is already
18 stressed and you know, gets confused, what it would
19 do to you and me. So, just imagine a child that is
20 not even four years old.

21 I would love it for the Sunset Park schools to
22 be able to integrate children like her daughter, so
23 this traveling did not need to happen.

24 But at the same time, I'm scared because the
25 children often don't understand. But imagine if

1
2 the adults are not understanding you know, the
3 situation is not a good one.

4 I do and will continue to do whatever is
5 necessary is for my daughter because I have faith
6 in her that she will be able to reach a point where
7 she can be independent and be able to do for
8 herself.

9 My goal is for my daughter to be integrated into
10 a regular school and then be able to participate in
11 a regular school day.

12 Thank you so much.

13 CHAIRPERSON TREYGER: Thank you so much for
14 that. For all of your powerful testimony. Just a
15 quick question. I heard that she had asked for the
16 IEP to be translated. Is that correct?

17 CLAUDIA CRUZ: Yes.

18 CHAIRPERSON TREYGER: And who was it that said
19 that they could not do it?

20 CLAUDIA CRUZ TRANSLATOR: I was there the second
21 time she asked with her. There was the special
22 education, the IEP coordinator in the school said
23 it. The teachers said it and when we pressed the
24 issue, because I had asked her to write a note in
25 Spanish asking for the IEP in Spanish, so that she

1
2 would understand, and it was pushed back. They
3 were not happy with me specifically.

4 CHAIRPERSON TREYGER: This is a district public
5 school?

6 CLAUDIA CRUZ: No, it is a special school for
7 children with disabilities.

8 CHAIRPERSON TREYGER: Okay.

9 CLAUDIA CRUZ: William McConnor. It is under
10 the hospices of the Catholic Diocese, but it was
11 clear that they were not going to budge. The
12 person, the IEP coordinator person, she got
13 indignant with me and I've been through this very
14 often, more than I'd like to say, but I just stood
15 my ground and calmly I said, well, you may not know
16 this but this is, you know, she's entitled so that
17 she can collaborate. You know, I just turned it
18 around and softened it up but for me to have to,
19 for us to have to sit calmly and defuse the
20 situation because the professional is trying to
21 manipulate it is totally unnecessary, but I was
22 just happy to be able to be there with her and she
23 had her note. We asked for a copy of the note,
24 signed, that it had been received. You know, I
25 thought she was going to blow me out of there. So,

1
2 she hasn't received it yet mind you. This was
3 January, their meeting was, and nothing has been
4 received yet. I'm not surprised but still.

5 CHAIRPERSON TREYGER: Yeah, we'll get her
6 information because this is not even negotiable.
7 This is federal law.

8 CLAUDIA CRUZ: Which I explained that, and I had
9 explained that to her to calm her down. That she
10 was not asking for anything, but no one told her.
11 What was said there was part of the intake process
12 that the parents are advised, you know, I have been
13 through dozens and dozens of these. I accompanied
14 parents to Sunset Park over the last 20 odd years.
15 Not once has anyone said to a parent in my
16 presence, you know you're entitled to this.
17 Because I went through my own with my son who has
18 done very well, thank goodness and 20 odd years ago
19 and nothing has changed.

20 CHAIRPERSON TREYGER: I believe you. I believe
21 you. You are not alone, and you have a lot of
22 people that support you and want the very best for
23 your daughter and for your family. She deserves
24 nothing less than the best and so, we'll take down
25 her information about the school information

1
2 because I think they need to be given an education
3 about federal law and mandates and requirement.

4 So, thank you very much. I appreciate all of you.

5 Yes, the last panel and the most patient panel.
6 They get the gold stars today, right. S. David
7 Jacobson, Laura Espinoza, and Sheila.

8 Okay, whenever you're ready.

9 LAURA ESPINOZA: Hi, good afternoon and my name
10 is Laura. I'm trying to say in English because a
11 long time ago I tried to relay it in English.
12 That's why I'm here.

13 So, my name is Laura Espinoza, mother of twins
14 with special needs. Why I'm here, my son is 18
15 years old. When he was 6 years old, he suffered a
16 lot of bulling in school. Bullying mental and
17 physical, not just for the children. It is for a
18 person who works in the school and he just needed
19 speech therapy at that moment. So, since at that
20 time, when I have in 2014 and have twins, and I saw
21 them, so they need a little help, but I didn't want
22 to ask for **[inaudible 2:32:19]** because I had a bad
23 experience in the bus and the school, and I didn't
24 want them to put gate in IEP.

1
2 So, since the last time, my twins in going to
3 bullying, out please. So, now not only does the
4 Department of Education hear all this testimony
5 because they need to be here. They need to be
6 listening to us. So, I came here only today, not
7 just for giving testimony but also, I want to say
8 that I will not sit down and wait for DOE to decide
9 the future of my children with completely a
10 disproportionate system and public school.

11 In my opinion, the laws that they have that
12 exist in DOE on the special education must be
13 modified to give adequate support for a student
14 with IEP throughout the city.

15 Privation should be made each year to the
16 program. An evaluation of the student with IEP,
17 their progress acclimated each year. Not only when
18 the parent asks for it because they will not know
19 if a profit or change the service in the students
20 and their progress. In existing programs extended
21 all public school in low income community as our
22 community in Sunset Park, we don't have nothing in
23 the public school, nothing. We just have to go out
24 to the community and see the service. That I don't
25 want for my kids. I don't want the same as a long

1
2 time ago for my kids. So, DOE **[inaudible 2:34:35]**
3 adequate support for our children such as PreK for
4 all. We can not call for all when this doesn't
5 exist in the public school.

6 In many cases children at an early age with a
7 special need doesn't have adequate support in the
8 public school in their area and they must go far
9 from their homes extending out to receive help that
10 they need in the age of four years. We must
11 continue fighting and look at the way to the
12 education system and complete the **[inaudible**
13 **2:35:24]** of child because they are our future of
14 this country.

15 Thank you for the **[inaudible 2:35:32]**. I am
16 grateful for what you are doing, and we are going
17 to support you. You will hear us. We are a group
18 in the community to fight for our rights and learn
19 what IEP is, what is the good education for our
20 kids in the public school in our community.

21 Thank you so much and God Bless you.

22 CLAUDIA COALICIA: Good night. My name is
23 Claudia Coalicia and I'm here on behalf of my
24 daughter **[Inaudible 2:36:17]** Coalicia, who is here
25 making origami, but she got bored and left.

1
2 We have had really tough years because my
3 daughters on the spectrum, she has autism and it's
4 been very difficult for our family to enter the
5 system when we she first was diagnosed, she was
6 given ABA therapy, which is the **[inaudible 2:36:58]**
7 for children on the spectrum and then boom, we were
8 thrown to the DOE. It's time for you to move, lets
9 have your five year old meeting and on that
10 meeting, they told us, well, there's no ABA in the
11 DOE, so your daughter has to go to a regular school
12 and even though my daughter had a mandate of
13 Spanish in her IEP, I was told, we won't give you
14 any school. I had to go to Advocates for Children
15 to secure a placement for my daughter. So, I got a
16 school in September. I got a school in September,
17 days before the school started and this big
18 discrimination in the DOE to families of color, who
19 speak a different language.

20 So, my daughter had to stay in Spanish because
21 my mother doesn't speak English and my sister
22 doesn't speak English, to remove my daughter to
23 English only would be like, it would separate our
24 families. She would not be able to interact with
25 grandma or with TETE. So, I've been fighting this

1
2 discrimination. There are only two schools in
3 Brooklyn, PS89 which is the one with the ICT
4 program and there is one school in Sunset Park that
5 has dual language ICT and ICT program and there's
6 only one **NEST** program dual language for the whole
7 city.

8 I confronted the Mayor and some of those liars
9 that were here from the DOE. They're always
10 telling us, well, there's not enough people.

11 So, when we went into the DOE, they removed
12 instantly the Spanish mandate. So, now, you know,
13 I no longer have the right. My daughter does no
14 longer have the right to stay in her language.

15 So, I went to an impartial hearing, so I got
16 pendency and I know you've been hearing. So, this
17 pendency, I haven't been able to enforce the
18 pendency. So, I think the system, government is
19 failing us. By law I have Barron training which I
20 haven't had ever. But who is going to enforce the
21 pendency? Who's going to enforce the parent
22 training and all the services that my daughter is
23 owed? There's so much money in litigation right
24 now, because my daughter case is going to go to
25 federal court, so she can get her pendency because

1
2 my daughter is regressing. It has taken my family
3 years for my daughter to talk, to be high
4 functioning, and right now, less than a year, I can
5 see how she's regressing.

6 My daughter is a gifted and talented child with
7 autism and I'm very proud of her, but if she
8 doesn't have the right services, then she regresses
9 and that's why I'm here to tell you that it's a
10 crime. It's a crime that the DOE has the face to
11 come and see us parents and tell us, like I ask for
12 my IEP also to be translated, it's been four years.
13 I haven't gotten a response. So, we have at
14 Department of Education that doesn't care about
15 parents.

16 My hearing officers told me, I said, look, I can
17 come to so many hearings. Is there anyway that we
18 can settle this case? And he was like, well, I
19 don't care, you asked for these. So, now you're
20 going to have to come three days in a row.

21 So, we're broke. We have no money. We have to
22 spend all this time trying to get services and we
23 come, and we see the DOE with millions of dollars
24 in their pocket, not giving us the right thing.

1
2 We're not asking them for much. We just want
3 whatever is right for our children.

4 They saw my IEP, so they went into the system
5 and they erased the services. Without an IEP
6 meeting.

7 So, that's one of the things that I'm fighting.
8 So, no one can go into this system and just scratch
9 things.

10 Unfortunately, I have those old IEPs that have
11 the mandate, but they just went into the system and
12 my next IEP meeting, it was something different.

13 CHAIRPERSON TREYGER: So, just to be clear,
14 you're saying that your waiting four years for the
15 IEP to be translated? Is that correct?

16 CLAUDIA COALICIA: Correct.

17 CHAIRPERSON TREYGER: Right after this hearing,
18 we're going to take down your information and the
19 school information. That's just not acceptable. I
20 mean, there's obviously a disconnect from what we
21 heard from the DOE and what families are
22 experiencing on the ground. So, we'll take down
23 your information right after this hearing, okay.
24 Thank you very much.

25 CLAUDIA COALICIA: Thank you for having us.

1
2 CHAIRPERSON TREYGER: I appreciate you. Thank
3 you.

4 SHEILA SZCUPONIAC[SP?]: Hello. My name is
5 Sheila Szcuponiac and I applaud any action that can
6 help improve the special education systems and
7 services and NYC. Thank you for having this
8 meeting and staying so late and listening to our
9 stories.

10 Especially, I'm here to ask why it's taking so
11 long for the city to pay for the reimbursement of
12 the tutoring services mandated by the hearing
13 officer that we as a family had to undertake when
14 the system failed us?

15 When my son's middle school failed to provide
16 the mandated SETTS as outlined on his IEP and then
17 concealed the failure, we had no other choice then
18 to seek legal redress to help us pay for the
19 educational services he required in order to remain
20 in a mainstream school.

21 We prevailed in our case and since June of 2018,
22 have been waiting for reimbursement. Our son is
23 now in high school, where there is no direct
24 remedial SETT support. Our reimbursement is
25 critical in providing the essential educational

1
2 tutoring and foundational skills that the system
3 failed to provide him early on. If payments cannot
4 be made by the DOE in a timely period, then it
5 should be mandated that they pay finance charges on
6 the outstanding balances.

7 As a family we continually have to fight for
8 educational rights and now, to have to battle to
9 collect the monies we were awarded, underscores the
10 DOE's lack of understanding of the economic
11 struggle's families face ensuring their children
12 receive the promised education they need to be
13 productive, successful citizens.

14 I want to thank you for taking the time and
15 giving me your full attention. I also just wanted
16 to point out a few things just to reiterate and to
17 underscore what other people have said.

18 My son is right now in high school and when he
19 was at a good high school, he's at LaGuardia. When
20 I came in for my IEP meeting, they told me that
21 they would not be able to provide the SETT service
22 that he was directed to have. They said they
23 couldn't comply. I said that I didn't agree, and I
24 wasn't going to agree to that. I was determined,
25 but what happened, the next year I looked at my IEP

1
2 when it was sent out to me and it had been erased
3 and when I talked to the school psychologist who
4 had done it, he passed the buck and said it was not
5 his responsibility and this was done by somebody
6 else and I have a meeting coming up this Monday
7 with them and we're going to sit there and continue
8 to fight it with them.

9 There was another about a hearing officer at the
10 DOE, which was a funny story. When we went to the
11 DOE for our hearing and the officer from the DOE
12 heard that my son was receiving SETTS at school,
13 they said well, that should be enough. Why do you
14 need additional tutoring and I said, don't you
15 understand? What they told me is that there is no
16 remedial teaching in high school. Sorry, it's a
17 study hall. And there you have four years that
18 aren't going to be addressed. So, I mean we've had
19 to do this ourselves to get those tutors that we
20 can find.

21 And another point, you mentioned earlier on way
22 this morning about how you cannot find services,
23 well, after the school, the middle school had
24 concealed the fact and I pressed to get a you know,
25 some kind of reimbursement sheet, they gave me a

1
2 packet of people to call to get SETTS and I did. I
3 went through the entire 200 people on the list. I
4 emailed all of them. There was nobody, either the
5 list was out of date, people weren't doing it
6 anymore, and also, the money that they were
7 providing was nothing. The skill level you needed
8 to deal with a language-based learning disability
9 because my son is mildly dyslexic and has another
10 processing issue. You need special skilled people.

11 Also, I just wanted to point out. I had a
12 daughter who had got to Beacon who has since
13 graduated and she had come down with juvenile
14 rheumatoid arthritis and I wanted to point out what
15 another woman had said, just about the sensitivity
16 of dealing with people who have physical
17 disabilities, because when she needed to have
18 additional time and we had doctors notes and
19 doctors letters, it was up to me. The principal
20 and the IEP coordinator did not go and talk to the
21 teachers even when we had problems, it was up to me
22 to always talk to each teacher, each year and
23 discuss, these are the issues that we have. These
24 are the kind of accommodations that he needs. This
25 is what has to happen.

1
2 And yet still, you found that people could not
3 understand it and that when she was supposed to be
4 given additional time for papers and stuff and it
5 was demoralizing for her because then she was
6 really a brilliant student, and she was getting
7 marked down because she couldn't write. She
8 couldn't be at class at eight in the morning and
9 they wouldn't schedule anything later for her
10 because her arthritis wouldn't allow her to move.

11 So, oh, we also had a transportation issue where
12 the bus, she was supposed to get a bus. We sent
13 letters, we did everything. The bus would not take
14 her because she had a walker and she would have to
15 go on the elevated platform. It was a liability.
16 They didn't want that to happen and so, she had no
17 bus service. So, then we kept on fighting for it.
18 All they made me do was keep on writing letters and
19 push it off until she finally graduated, and they
20 didn't have to deal with it anymore.

21 For her junior and senior year, thank God, we
22 had the resources to pay for her to take Uber to
23 get to school, because otherwise she would've never
24 have gotten there. She had a wonderful para to who
25 helped her but often the administration would try

1
2 to coop the para for their own purposes, so that
3 the para could do some work for them.

4 Another thing is just also about reading and
5 writing. That if those things could actually be
6 addressed and this is one thing, I just wanted to
7 point out by the IEP, is that they make these
8 really nice IEPs with all these goals, but there
9 are no set concrete criteria to how to achieve
10 them. They have these nice goals and say, this kid
11 will be able to this in the end of the year, but
12 when he comes to a session, they don't have
13 anything planned. There's nothing and one woman
14 said to me, well, I asked your son if he needed
15 help and he said, no. So, we didn't have our
16 session.

17 I said, he's a 13-year-old kid, who's the adult
18 here? No kid is going to tell you, yes, I can't
19 read or no, I can't make a sentence.

20 Obviously, you know, it's beyond all our
21 comprehensions and the system really needs to be
22 fixed and on top of the fact so money could be
23 saved. So much money could be saved if you
24 actually hit kids in the beginning parts of
25 childhood.

1
2 When we had problems in elementary school, they
3 would not give him an IEP. I had to go up to the
4 district office Harlem to get him tested. When he
5 got the accommodations, or when he got the stuff,
6 they didn't want to provide it and a DOE
7 representative called me up and said, I'm sorry,
8 but whoever gave you those one on one sets, you
9 can't have them. And I said, I'm sorry, it's a
10 legal mandated document and you can't change it.
11 So, these doctors are saying, and your employee
12 said this is what he needs.

13 Because often what would happen would be and I
14 hate to say it. I mean a lot of the teachers are
15 great but the SETTS teachers, they aren't really
16 educated like in dyslexia and how to really provide
17 services.

18 My son said, I don't want to be pulled out
19 anymore because the kids are standing on chairs and
20 I'm not getting anything done. I'd rather just be
21 back in the classroom. Can you just let me go
22 back?

23 CHAIRPERSON TREYGER: I have a quick, just very
24 quickly, I think you had mentioned also that there
25

1
2 were portions of the IEP that were deleted, is that
3 correct?

4 SHEILA SZCUPONIAC: Yeah.

5 CHAIRPERSON TREYGER: Did you receive any notice
6 from the school prior to the deletion of those?

7 SHEILA SZCUPONIAC: No, and this happened, it
8 was when we were in ninth grade. He's in tenth
9 grade now. So, we were in ninth grade, we sat
10 down, they said that they don't provide these and I
11 said, well, you should be, it's mandated. Well, we
12 don't provide remedial help. He can have SETTS,
13 but we are not going to do these one on one
14 sessions. And so, I said well, I disagree with
15 that and even if you can't provide it, it's going
16 to stay on the IEP because you know, I don't think
17 it's legal for you to take it off when he needs
18 these services.

19 CHAIRPERSON TREYGER: It's violation of federal
20 law.

21 SHEILA SZCUPONIAC: Well, they did. They did
22 because then it came back and I said to the school
23 psychologist, I had a meeting with him the junior
24 year of meeting with him. We sat down, I went over
25 test scores of my son, you know, stuff that

1
2 teachers needed to be talked to etc. I get the
3 IEP, I see that none of that has been in there.
4 I've been in a meeting with him for an hour and a
5 half, none of it got changed. I don't know what he
6 did, but then I saw that the services were off, and
7 I asked him, and I emailed him, and he said, oh,
8 I'm sorry, that's not my responsibility. That
9 happened in ninth grade.

10 And I said, no it didn't. I mean, I had an
11 advocate with me, my husband was with me. I have
12 documentation, we did not agree to get rid of any
13 services. And he's like, well, that's what
14 happened. I don't know, that's not my
15 responsibility and I don't know whose
16 responsibility it is anymore.

17 CHAIRPERSON TREYGER: We're trying to figure
18 that out to.

19 SHEILA SZCUPONIAC: I mean you ask the
20 principals, you ask the IEP coordinators.
21 Everybody just passed the buck.

22 CHAIRPERSON TREYGER: And that's exactly how the
23 system is designed, to pass the buck. And this is
24 infuriating. It's infuriating and you're the
25

1
2 parent and we feel for you because this is just
3 outrageous.

4 SHEILA SZCUPONIAC: Well, you know, I'm
5 supporting my son a lot. You know, I'm doing a lot
6 of tutoring at home, I'm learning a lot of things I
7 never knew to support him, and I can only imagine,
8 because my kids are at pretty good schools.

9 LaGuardia and Beacon. And it makes me cringe when
10 I think about other kids in lower income schools
11 and what they must be going through because it's
12 just unimaginable and I can pretty well navigate
13 and fight, and I can't imagine what people if they
14 don't understand what their laws are and what their
15 rights are can do.

16 And even I have trouble, because you know, after
17 a while your spending a lot of money on bus
18 transportation and tutoring and this and that and
19 the other and you're putting yourself in depth but
20 like the other woman said, it's your kids and there
21 is no time. Either you're going to have a kid
22 who's going to be educated and can be able to go
23 off to college or you're not, and which one do you
24 want and so often these kids when they're in these
25 situations, they start feeling so much less than

1
2 that they just feel like, I can't do this. I can't
3 be in school. I'm not a good student and it's like
4 no, no, you just haven't had the instruction to
5 help you and its unimaginable that these educators
6 are allowing it with school psychologist and IEP
7 coordinators are allowing kids to feel this way
8 because I don't know, their hands are tied. They
9 don't have the resources. I don't know what it is,
10 but they are all inner meshed. They all know what
11 their doing.

12 CHAIRPERSON TREYGER: I'll share with you this
13 and then we'll close. It's been a powerful long
14 day. We don't have enough, and they are swamped.
15 I'm not defending the actions of what might have
16 happened here because this is outrageous and it's
17 illegal but from my understanding of our system, we
18 have over 1.1 million students, over 220,000
19 students with IEPs. Today they said 800 school
20 psychologists, that's the first time I heard that
21 number. Our numbers show less. We have about
22 1,200 or so full-time social workers in our school
23 system and about close to 3,000 or so guidance
24 counselors.

25

1
2 We don't have enough social supports in our
3 system to meet the needs of all of our kids, and
4 those who we do have are tied to mandated cases
5 with IEPs and they complain to us and we hear from
6 them that their case loads are in the hundreds and
7 sometimes over a thousand kids and we need more
8 support staff to better meet the needs of our
9 children.

10 First of all, I applaud you. I applaud all the
11 parents here for being the champions for your kids
12 but it is outrageous that you're doing this alone
13 and there's no one that can help you navigate this
14 process and deal with the bureaucracy on your
15 behalf for your children and it's evident to me
16 that we have a lot more work to do for our children
17 here. So, I thank you all for your courage and for
18 your advocacy. Thank you, I appreciate you all.

19 SHEILA SZCUPONIAC: Thank you for listening.

20 CHAIRPERSON TREYGER: Yes, absolutely. There is
21 more work to do but for now, this hearing is
22 adjourned. [Gavel]

23

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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 April 1, 2018