



**TESTIMONY OF THE UNITED FEDERATION OF TEACHERS  
BY VICE PRESIDENT FOR SPECIAL EDUCATION  
MARYJO GINESE**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON EDUCATION AND  
COMMITTEE ON MENTAL HEALTH, DISABILITIES, AND ADDICTION**

**REGARDING THE REOPENING OF NEW YORK CITY PUBLIC SCHOOLS  
AND ITS IMPACT ON STUDENTS WITH DISABILITIES**

**OCTOBER 23, 2020**

My name is MaryJo Ginese and I am the vice president for special education at the United Federation of Teachers (UFT). On behalf of the more than 190,000 UFT members, I would like to thank Chairpersons Mark Treyger and Diana Ayala and all the members of the New York City Council's Committee on Education and its Committee on Mental Health, Disabilities, and Addiction for holding this important hearing on the reopening of New York City (NYC) public school buildings for the 2020-21 school year as it relates to the impact it has had on students with disabilities during the COVID-19 pandemic.

As a former occupational therapist, I understand the value in providing individualized attention and services to our students with special needs. These are some of our students who are most affected by the pandemic and, as educators, we have a legal obligation to ensure that students with disabilities continue to receive a free appropriate public education (FAPE).

Remote learning has been challenging for children with special needs, but we remain committed to making improvements. We are working tirelessly to bring the voices of educators and parents

into conversations about reopening plans so the Department of Education hears the classroom perspective and may better understand the challenges families and teachers face.

A recent focus group was composed of special education teachers and their general education co-teachers in Integrated Co-Teaching (ICT) classroom settings. I want to take this opportunity to share with you the challenges they are facing and to ask you to be our allies in government to help us develop solutions.

## **Technology**

I cannot emphasize enough how much support our educators, students and their families need with technology. The educators in our most recent focus group shared their common reality of teaching in an ICT classroom. This is an educational setting in which a general education and a special education teacher jointly provide instruction to a class that has students with and without disabilities.

1. Students do not know how to draft an email, open a google doc or take a picture of an assignment to send to their teachers. To help resolve this issue, you will see English language arts teachers in some schools teaching how to draft an email, while students in a social studies classroom are learning how to open a google doc. This is an immediate solution to the problem but, ultimately, it takes away too much instructional time from students, in particular students with disabilities.
2. Educators and students are becoming increasingly frustrated by the lack of continuity and consistency of the online platforms. On any given day, students might have to switch between eight to 15 Google Classrooms, or worse, switch between Google Classroom, Microsoft Teams and Zoom. Additionally, the platforms and their functions change at a pace that feels unsustainable, with one teacher citing during our focus group that a

tutorial available on the Department of Education (DOE) website on a platform function may become out of date in a matter of days.

3. The hardware available in the classroom and for students is not adequate. Educators teaching remotely to an in-person classroom cannot hear students properly because there's only a laptop available; younger students, in particular, do not have keyboards, forcing them to type using just one finger; and students continue to have internet connectivity issues while some educators have issues with spotty Wi-Fi.
4. Google Classroom remains the most popular online platform, but it lacks the function of organizing files in a way that would make it easy for students and teachers to switch between archived files and current files pertinent to the day's lesson. Additionally, the inability to co-host a Google Classroom restricts the ability of co-teachers and paraprofessionals to support whole classroom instruction, breakout rooms and individual students.
5. Educators are using their 20 minutes of office hours at the end of each school day to help students and their families troubleshoot their technology issues. It can take some families two to three weeks before they hear back from DOE tech support. Twenty minutes is not enough time, considering one technology issue alone can take 20 minutes to resolve. However, the bigger problem is that this is not the best use of teachers' office hours. They are meant for teachers to connect with their students and families on academic achievement and social-emotional well-being.

Functional technology is the foundation of remote instruction. Without it, we cannot get to the deeper and more intricate issue of student progress. It's imperative that the administration work with the technology companies under contract to resolve these problems. We believe a possible solution can be found by assigning a tech support professional to every school. This way, educators can focus on instruction, and students and their families can get immediate help.

## Staffing

Second to the myriad issues with technology are the problems related to staffing. The original policy instituted by administration called for full-time remote teachers to teach remote learners, and teachers returning to the classroom to provide instruction to students enrolled in the blended-learning model.

Our conversations with practitioners have painted a different reality. In one case, a school in Brooklyn started the school year short 15 in-person educators. Two days after reopening, the school building was ordered to close because it was located in one of the new “red zones” and all instruction went remote. The consequences of being so short-staffed did not fully play out due to the sudden building closure, but you can imagine the repercussions that could result from such a severely understaffed school.

The same staffing shortage at a different school, one that remained open, meant some in-person special educators are responsible for their in-person students, their blended remote students on remote days and the fully remote students in their classes.

This creates a problem with lesson planning, particularly for educators in ICT classrooms. Students learning in-person need different materials than students learning remotely, with materials for remote instruction taking far more time to create. Additionally, students with disabilities often require that their materials be accommodated or modified as mandated by their individualized education plans (IEPs). Having to switch between in-person and remote instruction due to severe staffing shortages is straining many of our educators who are working under unsustainable conditions.

All educators have a 30-minute instructional planning period in the morning to allow educators who teach the same groups of children, some in person and some remotely, time to plan and collaborate on the instruction.

One of the effects of the staffing shortage felt by ICT classrooms is that there are not enough special education teachers to meet the demand. So, for example, at the middle and high school levels, a single special education teacher can teach English language arts, math, science and social studies and need to coordinate planning with four different general education teachers. The 30-minute planning session is simply not enough time to coordinate the educational needs of special education and general education students across multiple subjects for both in-person and remote settings.

As a result, the 30-minute period becomes a quick check-in between the special education and general education teachers before they are expected to follow students for the remainder of the day.

The staffing shortage has also had an impact on the amount of time a special education teacher gets to spend with students when they are remote. In the case of in-person learning, ICT classrooms can be as small as five students, giving the educators ample time to get to know the students and their needs. However, the same cannot be said for students with disabilities engaging in remote instruction. Often, virtual classrooms are crowded and interacting with an individual student is constrained by the functionality of the online platforms.

Our special education educators say the end result is that they do not have enough time to get to know their students, a reality that affects students' social-emotional well-being and impinges on their teachers' ability to correctly assess their progress and needs. Our members fear this disconnect will manifest in special education students' IEPs being less insightful and in educators' inability to meet the high bar of providing specialized instruction and services as closely as possible to students' IEP mandates.

To alleviate some of these challenges, the administration agreed to redeploy 2,000 educators and hire an additional 4,500 teachers. They would fill the shortage of educators needed for in-

person instruction that resulted from the restrictions on class size necessary to maintain social distancing. To improve remote instruction, the administration agreed to identify proven masters of remote instruction as Virtual Content Specialists, giving them the task of creating academic content and materials that enhance remote instruction for students and, at the same time, supporting educators who are teaching remotely full time. I implore you to urge the administration to move forward with redeployment, to hire the 4,500 additional qualified teachers and to make public the job posting for the Virtual Content Specialist position.

### **Closing Thoughts**

Once again, I want to thank Chairpersons Mark Treyger and Diana Ayala for hosting today's hearing. Our students with disabilities are among those who are the most vulnerable and the most affected by our current public health crisis. As educators, we take very seriously the legal mandate we uphold to provide our students with disabilities with a free appropriate public education. This is why I am here today to ask for your support, as our allies in government, in addressing the technology and staffing issues I mentioned. Working together, I know we can make this challenging time easier on our students, their families and our educators. We owe that to them.



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony to be delivered to the New York City Council Committee on Education and Committee on Mental Health, Disabilities and Addiction

### Re: Reopening NYC Public Schools: Impact on Students with Disabilities

October 23, 2020

Thank you for the opportunity to speak with you about the impact on students with disabilities of the reopening of NYC schools. My name is Randi Levine, and I am the Policy Director of Advocates for Children of New York (AFC). For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students from immigrant families, students who are homeless, students in foster care, students with mental health needs, and court-involved youth.

We recognize the immense challenge of reopening the nation's largest public school system and know that many DOE staff members, educators, and service providers have been working very hard during this unprecedented time. At the same time, we are gravely concerned about the impact of the pandemic on the more than 200,000 students with disabilities in NYC, many of whom cannot engage in remote instruction or services independently and many of whom simply are not getting what they need to learn.

Since the school year began, AFC has assisted hundreds of individual NYC families of students with disabilities. While many parents are relieved that their children are back in school at least part-time and other parents are relieved that their children can continue learning remotely full-time, we have heard about a range of concerns. This month, we heard from:

- Families whose children's IEPs mandate special education classes of no more than 12 students who are in remote classes with double or triple that number of students spanning up to four grade levels.
- Families pleading for more in-person instruction because remote learning is not working for their children and their children are losing skills, including a parent

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whose child with autism throws their iPad whenever it's time for remote learning and cannot sit in front of the iPad for class.

- Families who chose blended learning so their children could finally get related services in person only to learn that, due to staffing shortages, their school will only provide the services remotely, including one parent who described his kindergarten student's remote physical therapy as "pointless."
- Families whose children are getting fewer related service sessions or Special Education Teacher Support Services (SETSS) sessions than their IEPs require or are not getting services at all, including a parent whose child's IEP mandates three sessions of SETSS per week but has only received two sessions so far this year.
- Families whose children are getting minimal or no live instruction through remote learning and, to add insult to injury, are being pulled out of their live instruction for remote related services, including a student whose speech therapy is scheduled for the same time as his one hour per day of live class instruction.
- Families of students whose IEPs mandate Integrated Co-Teaching classes but are being taught only by a general education teacher – or not being taught at all – on days of remote learning.
- Families of students who have been waiting months for evaluations, including a parent who first requested an evaluation last February before schools closed.
- Families whose Special Education Program Adaptations Documents (PAD) say nothing about the modifications the DOE is making to their child's program even though their blended or remote program looks very different from their IEP, have not received their PAD at all, or cannot understand their PAD because it's not translated into the language the family speaks.
- Families of students who are going without the mental health services and behavioral supports they need to participate successfully in in-person learning and remote instruction.
- Families whose students are unable to access remote instruction or services because they do not have iPads despite requesting them from the DOE as far back as July or who cannot get their iPads to work.
- Families of students placed by the DOE at state-approved non-public schools who are at risk of losing their IEP-mandated one-to-one paraprofessionals as soon as Monday because there is not yet a state policy on reimbursement of paraprofessionals during COVID-19.
- Families who desperately need Learning Bridges seats for their children, especially given the difficulties finding child care for children with disabilities and the need for an adult to be present and actively involved in order for many students with disabilities to access remote learning and services, including an essential worker who exhausted all her paid time off setting up services and transportation for her child at the start of the year and doesn't know what she'll do without a Learning Bridges seat.



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- Families who won the lottery and were offered a Learning Bridges seat only to be told illegally by the program that it could not accommodate their child's needs, including a child with autism who was turned away.

It is hard to overstate how much work there is to do to help students with disabilities now and as the City recovers. We will be looking to the City Council to help get the data needed to better understand the problems and target solutions, to shine a spotlight on the impact of this pandemic on students with disabilities and advocate on their behalf, to secure desperately needed resources to better meet the needs of students with disabilities, and to ensure students with disabilities get the compensatory services to which they are entitled to make up for the learning time they have lost and are continuing to lose and get students back on track.

We thank the Council for focusing today's hearing on students with disabilities. We appreciate the ongoing work you have done to draw attention to their needs and to secure needed resources and look forward to continuing to partner with you.

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



**Testimony of Kaveri Sengupta, Education Policy Coordinator  
Coalition for Asian American Children and Families (CACF)**

**Committee on Education and Committee on Mental Health, Disabilities, and Addictions  
Joint Remote Hearing  
October 23, 2020 at 10:00AM**

Good afternoon. My name is Kaveri Sengupta, and I am the Education Policy Coordinator at the Coalition for Asian American Children and Families (CACF). Thank you, Chair Treyger and Chair Ayala and members of the Committees on Education and Mental Health, Disabilities, and Addictions for giving us this opportunity to testify.

Since 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian Pacific American (APA) population comprises over 15% of New York City, over 1.3 million people. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the APA community are consistently overlooked, misunderstood, and uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized APAs. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

On behalf of our 70+ organizational members and partners serving the diverse Asian Pacific American, or APA, communities across New York City, we are asking the City Council today to hold our public education system accountable to our communities' needs.

We need data disaggregation to better understand the unique needs of the diverse APA community; we need proactive systems providing interpretation and translation; and we need a culturally responsive system to meet the needs of our students.

Our community members are understandably frightened of sending their children back to school and a deep mistrust of the City's government is spreading throughout communities of color and immigrant communities.

This pandemic has exacerbated long-standing and interconnected crises in socioeconomically disadvantaged communities. While unfortunate and heartbreaking, this was not entirely unexpected. Our APA communities are historically overlooked and our needs misunderstood or entirely uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents the community's needs from being acknowledged and understood. This means our communities often lack the resources to provide critical services for those in need. Never has this been more apparent than right now. We are concerned about the most marginalized within our community - and particularly our APA students with disabilities.



## APA Students with Disabilities

- In 2018-2019, 15,138 APA students were diagnosed with a disability.<sup>1</sup>
- Asian American students are over- and underrepresented in special education classrooms depending on their diagnoses.
  - In total, APA girls comprise 7.84% of students in NYC but only 1.81% of students receiving special education services.<sup>2</sup>
  - APA boys are 8.47% of students in NYC but 4.55% of those receiving special education services.<sup>3</sup>
  - APA students are more likely to be diagnosed with speech or language impairments than their peers, partly because ELL students are overrepresented as having these impairments.<sup>4</sup>
- Bilingual students with disabilities are often not provided with the services they are legally entitled to, and remote learning has exacerbated the problem. A mere one-third of about 5,500 students who should have been learning in small, bilingual special education classrooms this fall were allotted slots.<sup>5</sup>
- As of November 2019, around 3,800 NYC students whose IEPs mandated that they learn in small, bilingual special education classes were not being accommodated.<sup>6</sup>
- There is a large representation of Chinese speaking families in District 75, which serves our most high needs students.

## Data Disaggregation

**We need the City to provide accurate data collection and disaggregation of data on students with disabilities; in specific, APA students and ELL students with disabilities.**

Currently, data are not public, and therefore incomplete. We are unaware of the intersection of ELLs with IEPs by district and by home language, which means that we do not know the locations of ELL students speaking APA languages who have IEPs. In addition, because students are only categorized as being ELLs or non-ELLs, we are also in the dark about students who are not ELLs but could still be from limited English proficient families. This lack of knowledge on zip codes, neighborhoods, and languages results in families continuing to remain uninformed about services they may be legally entitled to.

## Language Access

**The City must provide more multilingual evaluators and service providers, who are able to communicate with families in their languages in a culturally competent way.** The City must prioritize outreach to families; simple availability of resources by no means guarantees that families will be aware of their existence.

The COVID-19 pandemic has highlighted the barriers the most marginalized APAs face to language access. The mere availability of languages is not enough without effective outreach

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<sup>1</sup> NYC Department of Education Annual Special Education Data Report, School Year 2018-2019

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Research Alliance for New York City Schools based on Special Education student Information System, 2018

<sup>5</sup> Chalkbeat, 2020

<sup>6</sup> Ibid.



and implementation of language access policies, preventing vital communication about school decisions and the pandemic from reaching the community.

Language access continues to be an issue for our communities, who often face large barriers to accessing necessary resources and information on services for students with disabilities. In the wake of the pandemic, we've heard from organizations whose clients have been unable to access an evaluation for a disability, and therefore are unaware if their children need an IEP. Many are not even aware that such an evaluation even exists. These families may be recent immigrants, and the compounded experiences of navigating a new country, handling COVID, and figuring out how to access special education services are incredibly challenging. When we do not inform families about their rights, we deny them services they are legally entitled to.

Moreover, we have seen evidence from our communities that special education services are not language-accessible or culturally-competent even when families are able to access them. There has been a persistent lack of multilingual evaluators and providers. If children do receive an IEP, families may be unable to understand them. Furthermore, schools, which are already handling an immense array of issues, overwhelmingly bear the burden of providing IEP translations. If the language needed is not one of the nine most common languages, costs will come from the school's budget. Any delays to accommodation, particularly during COVID, puts families in even more challenging situations. The longer families are denied access to bilingual evaluations, the harder it is for them and their children to catch up.

**We demand that accurate data be collected on how IEP accommodations are being provided.** We have also heard that many language paraprofessionals often have to serve in special education for students with language barriers, which results in the overuse of these aides. In the South Bronx, anecdotal evidence has suggested that regular and language paraprofessionals are being used interchangeably, and the latter are being used in ways that are misaligned with the Chancellor's regulations. Students may be missing instruction as a result of language paraprofessionals being overused. However, there is no monitoring on how language paraprofessionals are being used in this capacity -- we are unable to track how these services are being employed.

### The Impact of COVID-19 Related Anti-Asian Discrimination & Necessary Support for Young People

The pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APAs. In NY, APAs, specifically East-Asian presenting individuals have been subjected to violent racist attacks and xenophobic representations of the virus in the media. The City needs to **ensure support of targeted communities of color during this crisis and moving forward.**

We all know communities of color and immigrant communities are often scapegoated in times of crisis-- for the APA community, the stigmatizing nature of the virus compounded by anti-Asian racism causes individuals to be less likely to seek treatment. When they do, they may be afraid to even identify as 'Asian,' potentially leading to negative health outcomes and an underrepresentation of the pandemic's impact on the community.



Due to the environment of fear and uncertainty caused by the pandemic, many young people in our student program, ASAP, have shared that they have experienced anxiety around leaving their homes. A number of accounts on targeted acts of racism towards APAs have been

recorded since the beginning of the pandemic. Specifically, East-Asian presenting individuals have been subjected to violent racist attacks and xenophobic representations of the virus by political leaders and in the media.

“Go back to your country, we don’t want you here, you created this virus” are a few of the racist comments Nathaniel, an ASAP youth leader, lists as language he has heard during the pandemic. Another youth leader, Sophie, said: “I’m actually pretty fearful, to be honest, about how I might be treated if I were to set foot out of my house.”

**Schools must provide language accessible and culturally competent social and emotional supports for APA immigrant students and their families.** Students contending with such challenges to their mental health cannot be expected to learn as though these are “normal” times. These conditions warrant a comprehensive response from schools, one that places importance on reaching students who may not access mental health services due to stigma. “Guidance counselors, mental health professionals, any other people that youth go into contact with, including educators and staff -- they must be adequately equipped to have knowledge of those students’ cultural backgrounds,” Sophie explained. For high school level APA immigrant students in particular, these supports need to include adopting interventions that provide a safe space for students to seek and receive guidance without isolating them from their families due to cross-cultural intergenerational conflicts. Culturally competent support will help to enable students to develop trust and connections with staff.

Edison, another ASAP youth leader, highlighted the importance of proper mental health services for youth even prior to the COVID-19 pandemic. As the months have dragged on during the pandemic, the concerns Edison outlines have only become more urgent for more and more students.

“I’m Edison, a youth leader from ASAP and a senior at the Bronx High School of Science. I myself experience isolation. Like many other teenagers, I was alone in a large high school with no middle school friends to accompany me, and I kept feeling that I failed to live up to the expectations of my family and culture. At my school, my guidance counselor is responsible for 80 students and we only have 1 social worker. So I didn’t bother to go. For four years I held everything in. My choice was to bear it all and laugh it off. The choice I made brought me countless sleepless nights where I literally suffocated over my thoughts, lack of motivation in the morning where I risked being late, and lifelessness throughout parts of my day.

Thankfully, I was able to vent to my best friend. And I am reassured by the presence of my new Asian American counselor, who constantly vouched for me and assisted me whenever I needed it. But other students are not so lucky, which is why I ask City Council to make sure that the City maintains or even increases the funding for more guidance counselors and social workers to address student mental health barriers and students’ discomfort in asking for help.”



As a whole, during this health care crisis, we continue to demand the following of the City:

- **First, we demand the City provide accurate data collection & disaggregation of data on infection rates, hospitalizations, and deaths in the APA community.** In order to best respond to this pandemic and reopen safely, we must at least be able to track race/ethnicity and languages spoken for those who are tested, so we can appropriately trace and take care of families. We are not doing this now, and our APA communities and our struggles are being erased.
- **Second, we demand that schools, in partnership with the City's health system, can ensure that critical information gets to students and families in the language they need.** It is only recently that the Health+ Hospitals was able to translate health outreach documents into the City's top 11 languages required by local law. This was too late, and still not enough. Schools MUST be prepared to reach and support students and families who are limited English proficient.
- **And third, we demand that schools address the mental health needs of students and families, especially those who are East-Asian presenting who have been targeted during this pandemic.** The school system must be prepared to help our students—who have faced loss, isolation, discrimination, xenophobia, and more—as they return to school.

As we continue to live in a COVID world, in which existing disparities continue to grow, we must be sure to center all of our decisions on our most marginalized students and avoid overlooking those who may have previously been ignored. Our communities are consistently overlooked in the distribution of resources, which is harmful to us as well as other communities of color who are denied the same resources due to the perceived "success" of APAs. This pandemic has highlighted a myriad of holes in our City's safety net systems, and the City's response must address root problems in addition to immediate needs. Our community will continue to suffer every day we allow these flaws in the system to exist. As always, CACF will continue to be available as a resource and partner to address these concerns and look forward to working with you to better address our communities' needs.

Leonard Goldberg, Founder  
Opportunity Charter School (OCS)  
240 W. 113th Street, 4th Floor  
New York, NY 10026

**Testimony of Opportunity Charter School (OCS)**

Leonard Goldberg, Founder

October 23, 2020

**New York City Council**

**Committee on Education** – Council Member Mark Treyger, Chair

**Committee on Mental Health, Disabilities, and Addiction** – Council Member Diana Ayala, Chair

Thank you, Chairs Treyger and Ayala, and the members of the Committees on Education and Health, for this opportunity to testify on school reopening.

My name is Leonard Goldberg. I am a former special education teacher, and in 2004, I founded Opportunity Charter School (OCS), a 6 – 12<sup>th</sup> grade school located in Harlem. OCS has distinguished itself as the “go-to” charter school in New York City for parents in search of a welcoming place that accepts students without regard for academic success or learning disability. I am happy to have the opportunity to share an overview of our approach to working with special education students, and how we have brought this philosophy into our recent work supporting our students through remote learning since the onset of the pandemic.

**Educational Philosophy**

As a small, independent charter school, we place a strong focus on providing tailored individual and group instruction that help to identify and develop each student’s respective strengths and weaknesses. Students are supported by highly trained staff who cultivate an engaging and comprehensive learning experience driven by a unique curriculum. This curriculum uses peer-to-peer skills-matching and a measured approach to enhance our students' cognitive thinking and classroom performance.

Because most of our students have heightened emotional, behavioral and social difficulties, our staff is supported by trained behavior specialists. These specialists assist teachers in adopting effective conflict resolution and intervention methods to ensure that both teachers and students function within a respectful and healthy learning environment.

Social workers and learning specialists collaborate with instructional staff on how to effectively customize learning for each student. Additionally, general education teachers collaborate with special education teachers five days a week.

**Curriculum/Instructional**

We use a rigorous curriculum based on the instructional Common Core standards. Individualized plans are generated using testing data, teacher input, and ongoing observations. Our curriculum is designed to prepare students for the NYS Regents exams, and to develop college and career readiness. Our Learning Specialists work with students, both individually and in groups, to ensure that all learners are developing strategies and tools for academic success.

**Our Success**

The results of OCS’s open-door enrollment has given us the unique distinction of serving the highest percentage of students with disabilities of any “traditional” charter school in New York City (only the New York Center for Autism Charter School serves a higher percentage of students with disabilities than OCS

within the charter sector). Nearly two-thirds of OCS's student population has an Individualized Education Program, and more than 90% enter OCS in 6th grade performing far behind their peers on state math and ELA exams.

OCS is distinguished by its impressive track record of helping unique populations of students improve academically, graduate on time, and achieve postsecondary success. More than 60% of OCS's student population have moderate to severe learning disabilities, 98% are either black or Hispanic and nearly nine in 10 students come from economically disadvantaged backgrounds. It is this commitment to helping some of the city's most vulnerable children that truly sets the school apart. OCS has created an atmosphere that fosters learning, understanding, and confidence among students who too often slip through the cracks in a traditional learning environment.

Last year, 92% of OCS's high school seniors graduated, and every student that graduated was able to graduate with a Regents Diploma. For students in attendance (46), the graduation rate was 96%. OCS's graduation rate for students with disabilities (SWD) was 97%, and regularly exceeds both the citywide and local community school district (CSD3) SWD graduation rate. Over recent years, approximately 93% of the graduating students have enrolled in a 2-year or 4-year college or university.

### **Special Education for Students Learning Remotely**

We have created extensive support systems for each of our students to ensure that we can keep them engaged and learning through these months of remote instruction.

We created our remote learning plan to allow the greatest flexibility, allowing us to be responsive to student needs and student engagement levels as they develop. The key elements are:

- Brief morning check-ins to take attendance, triggering outreach to any student who hasn't logged on.
- Teachers teach (5) synchronous hour long classes through Zoom on Mondays, Tuesdays, Thursdays and Fridays.
- ICT is provided during these classes with Breakout Rooms to provide small group differentiated instruction by teachers and service providers.
- Wednesday is our W.I.N. (Whatever I Need) Day. Students receive targeted small group instruction will be implemented to address the "COVID slide".
- Teachers during weekly grade team meetings will create a list of students for small group target instruction based on data collected during the week.

For additional support, we have trained members of our staff to serve as **Mentors**, dedicated to reaching out to families to discuss academic progress, using a tiered system of student engagement to determine how many calls per week each family needs. Many students are excelling as a result of our Mentor outreach system. Parents of students who have had struggles in the past are amazed to see their students thriving in the remote setting.

We've also created a **School Culture Team** to help monitor student attendance and ensure students aren't missing instruction. School Culture Team members attend each live Zoom class to check attendance, and reach out to the family of any student not in attendance, using the same tiered system that the mentors use to determine the level of engagement.

OCS hosted a **Back to School night** to give families the opportunity to hear from all of their child's teachers, learn about the technology used in classrooms and hear about all of the exciting things taking place from day to day.

We have continued to provide extensive speech therapy, occupational therapy, and counseling services to our students, with frequent sessions:

- 189 Counseling Sessions a week
- 276 Speech Sessions a week
- 43 Occupational Therapy Sessions a week

Over the summer, our team reviewed the data we had collected from March through June of 2020 when the school moved to a virtual platform, and we used this information to tailor our program to best meet the needs of our students. We implemented the following programmatic changes in September 2020 and will continue as long as students are learning remotely:

- Students receive synchronous live instruction every period for a minimum of 45 minutes;
- Time once a week to provide small-group targeted instruction;
- Time once a week for teacher open office hours to provide individualized support;
- Each student is paired with a mentor for attendance, and a separate mentor for instruction and participation who call them daily to check in;
- School start time was pushed from 8:00 a.m. to 8:50 a.m. to increase attendance during first period;
- 8:50 a.m. to 9:00 a.m. is a scheduled check-in time, which allows classes to begin promptly at 9:00 a.m. and provides mentors with a list of students who need to be contacted.

Keeping every member of our OCS community safe is the number one priority. No decision has been made yet on in-person learning. We will continue to re-evaluate our approach and be flexible in response to our students' unique needs as remote learning continues, and as we look towards safely reopening our classrooms in the future. OCS administration and board are closely monitoring city actions and results related to COVID, specifically the most recent school closures in Brooklyn and Queens due to elevated infection rates. OCS will re-evaluate our plan to return to the building on a monthly basis. OCS engaged the advisory services of Mount Sinai Business Health Services in the development of our Health and Safety plan.

OCS's educational philosophy is built upon the premise that students with learning disabilities deserve the satisfaction that comes with meeting and exceeding rigorous standards for personal and academic success. This remains unchanged in our new, remote learning environment.

We look forward to working with you to help schools support students of all ability levels through remote learning engagement.

Thank you.

Leonard Goldberg  
Founder, Opportunity Charter School (OCS)



## **Testimony of UJA-Federation of New York**

### **New York City Council Committees on Education and Mental Health, Disabilities and Addiction Oversight – Reopening NYC Public Schools: Impact on Students with Disabilities**

**Submitted by:  
Faith Behum, UJA-Federation of New York**

**October 23, 2020**

Thank you to Chairpersons Treyger and Ayala for the opportunity to submit testimony on the reopening of NYC public schools: impact on students with disabilities. My name is Faith Behum and I am an advocacy and policy advisor at UJA-Federation of New York.

Established more than 100 years ago, UJA-Federation of New York is one of the nation's largest local philanthropies. Central to UJA's mission is to care for those in need, identifying and meeting the needs of New Yorkers of all backgrounds and Jews everywhere. UJA connects people to their communities, responds to crises in New York, Israel and around the world, and supports nearly 100 nonprofit organizations serving those that are most vulnerable and in need of programs and services.

Twelve of UJA's nonprofits oversee UPK programs and 10 also manage Learning Labs. While this hearing is focused on the reopening of NYC public schools and the impact on students with disabilities, this testimony will discuss the challenges UPK and Learning Lab providers in UJA's network have experienced serving children and youth with disabilities.

#### **UPK Specific Issues**

Reopening UPK programs during the pandemic required providers in community-based organizations (CBOs) to develop lesson plans for both in-person and virtual instruction for children enrolled in their programs. Providers have faced many challenges implementing their in-person programs. Limiting the number of children in UPK classes to 15 children per two staff members has impacted providers greatly. Usually UPK providers have 18 children in each classroom. Limiting in-person attendance to 15 has required providers to locate more space in their buildings or hire additional staff to maintain ratios with no funding increases added to their contracts to do so. Providers also stressed how difficult it is to oversee in-person and virtual classes. Ideally, providers should have at least one staff member who is dedicated to monitoring only virtual learning. Unfortunately, it is not financially feasible for programs to pursue this based on current contract reimbursement rates.

While the number of children and staff has been limited in UPK classrooms, providers are still required to allow special education teachers and paraprofessionals into their classrooms to assist

children with Individualized Education Programs (IEPs). Special education staff visit multiple UPK classrooms a week and provide supports to children on IEPs that UPK teachers and assistant teachers are unable to offer to students. While the Department of Education (DOE) has required UPK programs to let additional special education staff into their classrooms, they have provided no guidance to programs on how this can be done safely. For example, programs are unclear if and when they will be notified if a special education teacher who works with their students, tests positive for COVID. Programs have their own procedures on how to notify staff and families if someone tests positive yet are unsure how quickly they will be notified if teachers not employed by them who work with children in their classrooms test positive. UPK providers are committed to offering children with special needs all the supports they need to be successful students in their programs. **They also require and deserve timely guidance from the DOE to support their efforts and ensure the safety of their staff, clients and students with disabilities enrolled in their programs.**

### **Barriers to Participating in Learning Labs for Children and Youth with Disabilities**

UJA's network of nonprofit partners oversee a variety of services (including after-school and summer programs) for individuals with disabilities. Each nonprofit provides these services in an inclusive environment, providing the staff and additional supports that individuals with disabilities need to benefit from the programs. Many of the individuals have attended programming at UJA's community-based organizations for multiple years and have familiarized themselves with the staff and the environment the programs are delivered in. These individuals feel comfortable attending programs at UJA's agencies, viewing them largely as a home away from home.

UJA agencies saw the Learning Lab initiative as an opportunity to support children and youth (including those with disabilities) as they navigate online learning and provide a safe place for families to leave their children as they returned to work. When Learning Labs were first announced, students with disabilities were one of the groups indicated as being prioritized to benefit from the program. Unfortunately, due to how children and youth are placed in Learning Labs few students with disabilities have benefitted from this program at UJA agencies.

To apply for the Learning Labs, parents or guardians must complete an application through the DOE. The DOE reviews the application, indicates if the applicant should be prioritized for a spot in a program and then uses their school's location to place the individual in a Learning Lab. Parents or guardians have no say in which Learning Lab program their child will attend. Learning Lab providers can only accept the children or youth into their program who have been assigned to their program by the DOE.

There are a few issues with this. In general, a number of children and youth have not been matched with the Learning Lab program that is closest to their school or home. Transportation is not provided for Learning Lab participants. Parents or guardians are responsible for dropping their children off at the programs. Many families have decided not to participate in the program because of the amount of time the commute takes for them to drop-off and pick-up their children.

Many individuals with disabilities were not matched with the Learning Labs at UJA nonprofits where they already attend programs. These individuals were placed in programs and with staff they are not familiar with. It is incredibly challenging for individuals with disabilities to adapt to a new program and staff after largely being at home with their families for more than six months. Parents/guardians have approached UJA's partners and requested their child be allowed to attend

a Learning Lab program at their agencies. UJA's partners have stated they have space in their programs for these children but unfortunately cannot serve them due to the DOE and DYCD policy that providers can only offer services to the children who were assigned to their Learning Lab rosters. Some of these children are actually enrolled in a UJA agency afterschool program but were assigned to a Learning Lab outside the agency. These children could benefit from a full day program, but because their Learning Lab is located in a different location than their afterschool program, it will be difficult for them to get to the afterschool program in a different location.

Because families are offered no choice in which Learning Lab program their children will attend, many are choosing not to send their children with disabilities either due to distance or lack of familiarity with the provider. This results in children and youth with disabilities relying on their parents or guardians to support them on the days they are enrolled in remote learning, making it impossible for parents or guardians to go back to work.

Support outside the Learning Lab programs is lacking for children and youth with disabilities. Even those who are fortunate to receive community services, like respite through the Medicaid waiver program, cannot utilize these supports during school hours when they are being instructed either remotely or in-person. If a child or youth with disabilities cannot attend a Learning Lab program there are limited support options available to them. UJA understands the need for Learning Lab assignments to be carefully monitored by the DOE in order to ensure children and youth are maintaining stagnant cohorts. Unfortunately, the process that DOE used to connect students to Learning Labs has proven faulty, resulting in children being assigned to Learning Labs that are either too far away from their home or placed with providers they are not familiar with. **UJA urges the DOE and DYCD to allow providers to host children and youth with disabilities who were not included in their initial roster in their Learning Lab programs in order for these individuals to have a better chance to benefit from this program.**

### **Impact of Cluster Action Initiative on Programs and Lack of Guidance**

Eight of UJA's nonprofit partners oversee services in the recently established yellow, orange or red COVID zones. The closure of schools in red and orange zones, has disrupted how services could be provided to children and youth with disabilities in 3K, UPK, Learning Labs, and after-school programs. UPK, 3K and after-school programs in each zone were notified by the agencies that oversee them that their programs would transition to virtual offerings. Learning Lab providers however received inconsistent messaging, specifically from DYCD, on the status of their programs when the Cluster Action Initiative was announced by Governor Cuomo. It is incumbent upon New York City to consistently implement and communicate program changes to providers as we experience a second wave of COVID-19 and directives come down from the state. The following is a timeline that displays the various announcements related to the COVID hot spots in NYC Learning Lab providers have (or have not) received:

- On October 5<sup>th</sup>, providers were told in an email from DYCD that "Learning Labs programs were to be closed beginning 10/6/2020" and that they would be in touch with further updates as the situation changes.
- On October 6<sup>th</sup>, Governor Cuomo announced the Cluster Action Initiative. At this point, providers struggled to determine if their programs were located in one of the yellow, orange or red zones instituted by the initiative.

- On October 9<sup>th</sup>, one of UJA’s providers in an orange zone (where schools were closed) was told in an email from DYCD, “Learning Labs may continue childcare services for currently enrolled students.”
- As of October 21<sup>st</sup>, no **mass** communication has been sent from DYCD to Learning Lab providers about the impact of the Cluster Action Initiative on their programs-specifically what being located in each zone meant for operating in-person Learning Lab programs.
- Many Learning Lab programs (depending on their location) simply closed due to the initial information they received from DYCD on October 5<sup>th</sup>.

Since the Learning Lab initiative was introduced, DYCD has been unclear what is expected of programs if and when schools would be required to go remote. This became evident when schools were actually closed. **UJA urges DYCD to be proactive in developing guidance for their programs especially in instances when increased COVID infection rates will impact their ability to provide in-person services.**

### **Lack of Access to Nutritious Kosher Food in Learning Labs**

In order to meet the food requirement for the Learning Lab program, providers are required to pick up meals from DOE Grab&Go sites throughout the city. Because many of UJA’s providers require kosher meals, a staff member must travel to the closest kosher meal site, which is not always so close. In many cases, providers must invest a significant amount of staff time – due to distance as well as traffic—to travel to pick up these meals. Furthermore, UJA agencies have reported experiencing issues with the Grab&Go program, including with the quality and safety of the kosher food (with some reporting meals arriving rotten from lack of proper refrigeration or completely frozen); and food being inappropriate to meet the nutritional needs of the children and youth with disabilities, such as a meal comprised solely of carrots and hummus. UJA agencies have reported having to throw out food received through this program due to spoilage, poor quality or dietary standards not being met resulting in a significant waste of food and city funding.

**UJA urges the DOE to resolve these issues at the Grab&Go sites so that providers that require kosher food have easier access to nutritious, fresh food for their participants. Additionally, UJA urges DYCD to explore ways in which providers can use their own kosher caterers and be reimbursed for providing meals which would eliminate the travel requirement as well as ensure that the meals are of high quality and nutritionally adequate.**

### **Conclusion**

Thank you for the opportunity to submit testimony. UJA looks forward to working closely with the Council and the Administration in order to continue to provide the services and supports children and youth with disabilities need during this unprecedented time. Please contact Faith Behum at [behumf@ujafedny.org](mailto:behumf@ujafedny.org) or 212-836-1338 with any questions. Thank you.

In this city, ever since the lockdowns began, children with disabilities are having their federally-guaranteed rights to a “free and appropriate public education” violated; they are suffering and regressing, and their families are suffering with them.

My son, Adam, is autistic. Adam and his 7 autistic third grade classmates, at PS/MS 219Q, are a few of these children struggling through inaccessible online instruction and inconsistent access to a classroom and therapy schedule that works for them. I share our story here so that you will finally hear their voices.

Adam and his classmates attend a program for students with autism called “Horizon”, housed at PS 219. Horizon is one of the citywide Autism Spectrum Disorder Programs, offering specialized instruction and self-contained classes of 8 within community schools. There are many students like Adam who attend restrictive non-District 75 placements in community schools, and these students and programs have not been specifically considered in the reopening plans or discussions.

Without system wide special education reopening guidelines from the Mayor and the DOE, decisions about special education have been left, to individual schools, sometimes with unfortunate results. Adam’s principal chose not to apply for an exemption for them to attend school full time despite their need for this. Other Horizon programs did apply for and were granted this exemption. Adam’s principal told us that the Horizon students did not warrant any special consideration relative to other populations in the school, despite their significant disability.

With our family’s story in mind, I make the following recommendations about special education during this unprecedented time:

- Students with disabilities who have such intensive support needs that they require a self-contained placement of 12 or fewer students should attend school at least 4 days per week whether in a community school placement or District 75.
- The DOE must immediately set specific system-wide guidelines to protect special education services and students with disabilities as schools reopen and not leave decisions solely in the hands of individual principals. .
- Evaluations for triennial and other federally-mandated reviews need to be completed in order to assess the regression and needs of students with disabilities.

In our public schools, there are almost 200,000 students with IEPs\*. Of these students, 161,000 qualify for free or reduced lunch at school and 152,000 are black or Hispanic.

At the intersection of disability, race, and poverty, you will find the most marginalized kids and families in our schools and city. It is time to prioritize our children with disabilities and their families, to do better for the most underserved students in our schools.

\*Source: [NYCDOE 2018-2019 Annual Special Ed Submitted Data](#)

I'm Debbie Brukman, and my younger son is in 8<sup>th</sup> grade with ICT, meaning inclusion with two teachers per class. I also have an 11<sup>th</sup> grader with no disabilities, who has been on the General Education side of an inclusion class three times.

ICT, or the inclusion model is a long proven success. Unfortunately due to the steep need for more teachers during the pandemic to accommodate both remote and blended models, the DOE is NOT currently providing Fair and Equitable Education for children with ICT placement, because there is simply NO ICT happening.

MS 447 is an all inclusion school, and we are currently missing 37 teachers to run it as an all inclusion school. None of my child's classes are being taught by two teachers together. Instead he is taught by one teacher, often, a general education teacher, on a zoom with up to 27 students, many with disabilities.

So instead of having a special education teacher modify in real time during the class by forming small groups, presenting information visually, repeating, reframing, I can report that my child is just lost despite the high caliber of the Gen ed teachers.

The 20 minutes of office hours each day are not enough time to meet with each subject teacher so exponentially he is falling further behind in every class. The truth is he has gone from an honor roll student who loves school to a struggling student with sadness, lost confidence, frustration and anger.

By not providing ICT with two teachers, his access to education has been greatly diminished. We know how to educate kids with Autism, dyslexia, dysgraphia, physical disabilities, audio processing disorders, and other learning challenges. But we are missing the teachers needed to accomplish this. It is illegal. It is morally wrong. And it is disappointing.

I want to shout out to the heroic job the staff at MS 447 is doing trying to help 150 kids with ICT placement. They are rock stars finding bandaids in the air.

Please hire more special education teachers. Listen to the principals. They know what they need.

Thank you.

Speaker and Councilman Cory Johnson

October 19, 2020

224 West 30th St, Suite 1206  
New York, NY 10001

Dear Speaker Johnson,

Apologies for the long correspondence, but what I write is important.

I would like to take a few minutes to introduce my son Jordan. Jordan is a spirited and clever 8-and-a-half-year-old who loves his cats, space, and Minecraft. He has energy to match his afro of red curls that bounce from his scalp in all directions. He is funny and kind and full of big feelings. He also has ADHD and Autism and needs lots of support in school. When we found the Horizon program at PS 219, a small class for kids on the autism spectrum with enhanced behavioral and learning supports, we knew it was the perfect fit. The small 8:1:1 setting in a community school with two teachers would give him the support and attention he needed to be successful in school. He started the program in first grade and has done very well and loved school. At least this was the case until the schools shut down in March of 2020 due to the COVID pandemic.

In the last 8 months I have watched my son change. Remote learning does not work for him. This boy who once loved school, now must be forced to get up and attend remote sessions. The spring remote learning was a frustrating experience for us. There was no live teaching and my son was given what amounted to a high-tech homework packet to complete each day. His once a week meltdown became daily occurrences and increased in intensity, including self-harming behaviors that he rarely engaged in. For this first time, I heard my son refer to himself as, "stupid, and dumb." His academic skills have diminished, and he struggles with academic concepts that he was able to do easily before. His energy has remained high, but now it is a negative, dysregulated and oppositional energy and his joy for learning has all but disappeared. I am fortunate to be able to work from home, but as a single mother, balancing remote learning and my work, has left us both irritable and exhausted. Jordan walks away from his live meetings 3 or 4 times in each 20-minute session, he is often off topic, playing with a small toy, or drawing in his sketch book though most of time he is wandering around aimlessly instead of attending to class. He stops to pet his cats every 10-15 minutes as they help him regulate and relax. An argument ensues with every assignment. I have been forced to medicate him so that he can focus long enough to attend even a few minutes of each live session. In person he does not need medication as the classroom setting supports his learning needs in a way that cannot be duplicated at home. The trauma of COVID and remote learning have left him feeling defeated, stupid, and ashamed.

I was advised to set up a learning space for him but was given no direction on how to do that. I had to be creative in our one room studio. I created a visual schedule that I update each morning when the teacher posts the schedule each day. I purchased a tri-fold board to try and block out visual distractions. His workspace has all his materials, books and learning device ready for him. He has fidgeting and sensory aids as well as a stabilization cushion on his chair, but these are not enough. Without the in-person structure and support of his peers and teachers, he continues to struggle and fall behind losing skills as well as self confidence in his ability to learn.

My son needs to be in school. He needs to be in school 5 days a week. Mayor DeBlasio, Chancellor Carranza and Governor Cuomo, have failed to acknowledge that many students with disabilities are educated outside of District 75 schools. A large number of students with IEPs are educated in

community schools. In fact, district 75 only serves 12% of students with IEPs in NYC leaving the other 88% to be served by community schools. The DOE has made no mention of how these students are to be supported with school reopening plans and remote learning. The fact is that self-contained classes in community schools are the most restrictive setting and at times even more restrictive than some classrooms in district 75, and yet these classes have continued to be overlooked by the DOE. Their access to in person learning is lumped into decisions being made for general education students in these same schools. My son is in an 8:1:1 because he needs hands on individualized support in order to learn. The kids in these self-contained settings should have been prioritized for in person learning 5 days a week.

The recent school closures by the governor have forced my son into remote learning. The school closures were done with no scientific data to support their closure. In fact, a strip of red hotspot cluster to the west of my son's school on the hotspot map is a cemetery. The most recent data shows that 10,676 staff and students were tested with only 18 positive cases which is a tenth of a percent positivity rate. And the COVID rate for Orange zones is currently .43%. That is less than half a percent! Yet still today Mayor DeBlasio has stated that this is not low enough to open schools again. There is no data to support that schools are a vector in COVID spread at this time. The latest announcement by the governor is concerning in that he will not share COVID data from hotspots nor the metrics he will use to determine school closings. My son's education is covered by the FAPE and IDEA laws at the federal level and denying him his IEP contracted services is in violation of his federal education mandates. The DOE and now New York State is willfully denying my son his right to his education with no data to support a public health risk. What data does show, however is that students with disabilities experience equity gaps in education. In New York City this is compounded by the intersectionality of race and disability where approximately 80% of students with an IEP identify as Black or Brown or non-white, my son included. 80% of students with an IEP also qualify for free and reduced lunch programs so they already have disability, race and poverty stacked against them. Data shows that students with disabilities have one of the lowest graduation rates at only 63%. Which leads to long term deficits, lower wages, higher unemployment, and greater reliance on government assistance and entitlements. At this point our children have lost close to a year of instruction and the consequence of this may be that some of this loss will never be recovered.

I would like to point out that offering 5 day in person is not without precedence, as the city set up Regional Enrichment Centers last spring at the height of the pandemic for the children of essential workers. These children were in school 5 days a week and to my knowledge there was no large-scale transmission of COVID in these settings.

I am writing to request your advocacy to:

- Mandate the DOE to prioritize students with disabilities in self contained classrooms in community schools for in person learning 5 days a week when staffing and space are not an issue.
- Mandate assessment of students with disabilities to measure regression of skill and make a plan to "catch them up."
- Present a comprehensive plan to support students with disabilities with remote learning when remote learning is unavoidable.

- Require the city and state to be transparent about COVID cases in micro-clusters and provide metrics being used to determine school closures
- Provide a comprehensive plan for how student with disabilities' schoolwork will be assessed for grading and promotion.

The DOE is willfully neglecting these kids, and it is shameful. This has now become a civil rights issue. As a parent my voice is not being heard and my child's voice is not being heard.

I thank you for your time and I look forward to your support and response.

A very Concerned Parent,

Heather Dailey, LMSW

347-753-2937

# Arts in Education **R**NYC **UNDTABLE**

## **New York City Arts in Education Roundtable** *Live Testimony - Students with Disabilities*

*Thank you for the opportunity to testify and for your leadership and commitment to equity in our schools. My name is Kimberly Olsen, and I come to you today as Executive Director of the NYC Arts in Education Roundtable and as a teaching artist who has taught theater in District 75 and ICT classrooms throughout the city.*

*I am here to highlight the importance of ensuring that students with disabilities participate in rich arts and arts education experiences. This can be accomplished by:*

- 1) Continuing existing partnerships between NYC cultural arts organizations and our public schools and;*
- 2) Maintain certified arts teachers and ensure that they are assigned to teach in their licensed artistic discipline.*

*Without thousands of additional teachers to staff in-person and remote classes, arts teachers are being reassigned to teach non-arts subjects. Delays in contract approvals, cuts to Arts Partnerships Grants serving SWD at 300+ schools, and unconfirmed arts education budgets at the school and central levels are preventing cultural organizations from continuing long-standing partnerships. The arts are disappearing from classrooms across the city when our students need them the most.*

*The New York City Arts in Education Roundtable is a service organization who builds its efforts around the values that arts are essential and that arts education is a right for all NYC students. For students with disabilities, knowledge and skill development gained through the arts can play a critical role in their overall success. Critical, because the arts offer unique opportunities for students to develop awareness, that broadens their perspectives, celebrates their differing talents and creativity, and encourages their acceptance of others. All of this in addition to helping students meet IEP goals, support healing, and positively impacting their school attendance rate.*

*And yet, as schools grapple with a year of remote or blended learning, many are missing this essential piece of their curriculum.*

*On behalf of the Roundtable's membership of over 120 cultural organizations, we request City Council's help in preventing schools from stripping away resources from our students with disabilities to make up for budget shortfalls. The arts are essential in our schools, now and forever. Thank you.*

## **Testimony for City Council Oversight Hearing 10/23**

Hello my name is Lucas Healy and I go to a D75 school. I want to say hi to my friends Councilman Treyger and Councilman Brannan and Ms Christina and Mr John. Ms Christina was my first principal when I started kindergarten. I did not know too many words then. Thanks to my D75 school, I can read books that I love, count money and use a Chromebook like a pro! I was so happy when I could go for in person speech over the summer. But when school started in September, the buildings were not safe. My school building was closed because of positive cases but my teachers were still forced to go inside. Also, even if the buildings were safe which they are not, I could not go without a school bus because my school is in another district. I have to go more than 1 hour to get to school. That is why I am here-to ask you City Council to please support more D75 programs so I can continue to learn. I will be starting High School next September and I do not have many choices. My sister who is not in D75 can go to a high school in my community but I can't because that program does not exist...yet. It is not fair and I am distressed. There are a lot of kids who need programs like D75 and want to keep learning just like me. I should not have to travel so far to do that. Thank you for giving me this time. Lucas Healy, signing out!

## **Testimony for City Council Oversight Hearing 10/23**

Greetings Esteemed Council Members,

My name is Paullette Healy and I am a council member on the Citywide Council on Special education and a member of PRESSNYC.

I want to commend Deputy Chief Academic Officer Christina Foti and her team for their leadership and continued responsive engagement with our Council and our special education community. You personally have gone above and beyond any DOE agency to engage and actively listen and problem solve the issues presented to you. For that and for you, I will be forever grateful.

That being said, we have heard how frustrated our City Council members are with the failure of the DOE to offer concrete data about things such as attendance, device distribution, teacher shortage numbers and class size. We know of students who have not been able to attend school because a bus para still has not been assigned and are being told if they remove the para from their IEPs, their child can get on the bus. WE know students not only still waiting for a learning device but also an assistive tech device because they are non-verbal therefore cannot benefit from live instruction. Some parents are still waiting to conclude the AT evals that were initiated pre-COVID. Children are being sent into school anticipating in person services and only receiving teletherapy in the classroom. What sense does that make? Our students with disabilities have NOT been prioritized in this poor excuse of a school reopening. And unlike the summer, REC centers are not available for our essential workers who have children with disabilities and are struggling to find childcare supports. The guidance the DOE is putting

out is not being implemented on the ground level. We advocates have been saying for years that this top-down approach is not working and this pandemic has put a glaring spotlight on that. As Lori Podvesker had mentioned in her testimony, our families are faced with the daily struggle between paying for wifi so their children can continue to learn and putting food on the table. Also, bussing contracts have ballooned to over \$1.56 billion so far which is \$31M more than it cost in 2018-2019 pre-COVID and that does NOT include the acquisition of Reliant for countless millions more. When every penny counts, this kind of spending feels outrageous.

I urge the Council members here to please use your collective power to institute universal broadband for all in order to address the digital divide that prevents our children from a free and appropriate education. I urge City Council to continue demanding the data from the DOE and continue holding them accountable. I ask City Council to support and fund more programs like D75, ASD NEST and Horizon, ASD AIMS program which only have 91 seats available citywide and has proven to work and has quantifiable data on how early intervention in the classroom yields real progress. I ask City Council to take a closer look at how the DOE is spending the itty bitty amount of money allocated to run our schools for reckless, unnecessary expenditures that can result in deprivation of resources for our students. I urge you to look at programs like Wilsons and Orton Gillingham as alternatives to the bias reading programs that do not work because the science of literacy is real. And if we are unable teach our kids to read, what good are we as parents and advocates? Thank you for this opportunity and allowing my son Lucas to testify.

## Parent testimony on special education

I'm a DOE teacher and I have two kids attending public schools in the "red zone," which is now closed indefinitely for blended learning. This is a hardship for my neurotypical 1st grader, but absolute suffering for my autistic 3rd grader, who is bussed to an ASD Horizon program at PS 199. Remote learning and related services are unsuccessful for him. While he thrives in his warm and supportive school environment, at home his stim is activated by too much screen time, he is distract and unfocused and can't work to his full potential, and his OT and social skills are regressing rapidly. Already in June a pediatric ophthalmology appointment revealed that the excessive screen time is worsening a convergence issue with his left eye and making him more near-sighted as the months go on. We fear that the regression and damage to his vision will be permanent if the shutdown continues for months or the rest of the school year.

Because his school is in Midwood, where rates are not declining, we fear that this accident of geography will keep his school closed and him learning remotely for the rest of the year, which would be a true tragedy for our family. PLEASE work to sensibly re-open public schools in the red zone, particularly special programs where students are bussed in from other neighborhoods outside the red zone. We would have our whole family tested for COVID daily to ensure our safety and the safety of others if it meant that our sons could receive in-person instruction in their beloved schools, which they so desperately need.

Thank you for your time.

Melissa Ahart

NYC DOE teacher and parent

18\*\* E. 31st St.

Brooklyn, NY 11215

IEP mandated services

Good afternoon,

My son is in a D75@PS254 school and is doing remote learning. Since September he has not received Speech Therapy 3x:30mins which is on his IEP. He should also be receiving the same amount for Occupational Therapy but is only getting 2x:30. I was told that the school doesn't have enough staff at this time. My son needs these services and will not progress if he doesn't receive what's required on his IEP. What is being done to remedy this problem?

Sincerely,

Rocio Melendez



**Chinese-American Planning Council, Inc.  
Testimony at the New York City Council**

**Mental Health, Disabilities, and Addictions & Education Joint Committee Hearing on NYC Schools  
Reopening and the Impact on Students with Disabilities Oversight  
Honorable Diana Ayala and Mark Treyger, Chairs  
October 23, 2020**

Good morning. My name is Ada Lin, and I am a Counselor Advocate at the Chinese-American Planning Council (CPC). Thank you, Chairs Ayala and Treyger, and members of the Committee on Education and Committee on Mental Health, Disabilities, and Addictions for giving us this opportunity to testify.

The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community based- organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities. To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

Asian American youth are constantly struggling with the model minority myth. The needs of mental health in Asian communities are often being overlooked. Around half of my students recently immigrated to the USA, and rest of them grew up here. Although they are from the same culture, their needs are different due to different environment. This requires me to constantly assess the needs of my students, so that I can best support them. Some of my students are able to keep up their grades, which may seem like a marker that they are doing well enough. When I speak to them, it reveals a whole range of other issues that we are not addressing, specifically around mental health. Academic pressure, social skills competency, and racial discrimination are all contributing factor to their mental health. For English-language learners and students with physical or learning disabilities, the indefinite shift to distance learning poses even more challenges Yet at the same time, AAPI youth might not have the space to talk about mental health because of the perception that they are doing well in grades, therefore they are fine. This is on top of being called upon to deal with pandemic relief agents, navigating benefits, unemployment claims as their family's only fluent English language



speaker. And that is only one group of Asian American youth that I work with. The needs of mental health in Asian American communities as a whole are different because Asian communities are so diverse. **Schools must be able to provide culturally sensitive, holistic, and relevant mental health supports for students in order to safely reopen to students, teachers, administrators, and support staff.** Schools must also acknowledge that some students will need both English-learner and special education support services.

For our schools to be safe and prepared to reopen to students, teachers, administrators, and support staff, **we are asking the City Council today to hold our public education system accountable to our communities' needs.**

We demand that schools address the mental health needs of students and families, especially those who are East-Asian presenting who have been targeted during this pandemic. The school system must be prepared to support our students—who have faced loss, isolation, discrimination, xenophobia, and more—as they return to school. My mom and many other community members are afraid of sending their children back to school, some of the students that I work with are afraid of returning to school and a deep mistrust of the City's government is spreading throughout communities of color and immigrant communities.

According to Stop AAPI Hate, a national coalition aimed at addressing anti-Asian American discrimination amid the pandemic, there were more than 300 incidents of discrimination against Asian Americans and Pacific Islanders (AAPIs) from March 19 to August 5, 2020, yet they are only the tip of the iceberg — many more incidents go unheard and unreported. Therefore, now more than ever, the City needs to respond with adequate measures to support and address the AAPI community's mental health needs. As the city increases its efforts to understand and respond to the psychological effects of the COVID-19 pandemic, **we demand policymakers to also consider the traumatic effects of these anti-Asian sentiments during both the height of the pandemic and longer-term recovery.** Mental disorders (e.g., depression, anxiety, posttraumatic stress disorder) and subclinical stress responses (e.g., fear, sleep disturbances) can last for months or years. Fear and anticipation of future stigma and discrimination due to coronavirus may also contribute to greater anxiety and uncertainty both during and following the pandemic.

While the City has an Asian Hate Crime Task Force, it is not enough. In order to adequately respond to this anticipated increase in mental health problems and to fully recover from COVID-19, the City needs to equitably fund immigrant social services organizations such as CPC. CPC remains a trusted resource for many low-income, Chinese-American, and LEP (Limited English Proficient) immigrants in school and outside of school. CPC staff provide daily outreach to marginalized communities to ensure they get linked to the appropriate resources. Due to large



language gaps and the lack of equitable funding for community-based mental health supports, CPC staff become catch-all interpreters for community members' various needs, and end up providing interpretation out of their current roles and expertise. In addition, CPC staff remain over-capacity and experience vicarious trauma as they assist with the mental health needs of community members. **Therefore, we demand the government to invest in culturally appropriate mental health services and community-based outreach to Asian communities that may be disproportionately affected. This investment includes adequate training and compensation of current community-based social workers and counselors, and intentional hiring efforts from immigrant, low-income, and communities of color to ensure for linguistic and cultural representation.**

As always, CPC will continue to be available as a resource and partner to address these concerns and look forward to working with you to better address our communities' needs.

CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Ada Lin at [alin2@cpc-nyc.org](mailto:alin2@cpc-nyc.org)



**Special Support Services, LLC | 1060 Ocean Avenue, Suite F8 | Brooklyn, NY 11226 | 631-403-0569**

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**Testimony for the New York City Council Committees on Education and Mental Health,  
Disabilities and Addiction**

**Re: “Reopening NYC Public Schools: Impact on Students with Disabilities”**

October 23, 2020

Thank you for the opportunity to comment about the impact of the New York City Schools Reopening plan on students with disabilities. My name is Rachel Ford from Sunnyside, Queens. I am a parent of two, autistic, middle school students with IEPs (in D15 and D25, respectively)). I am also an advocate with Special Support Services, LLC, an organization that offers affordable advocacy systems navigation, and peer support to NYC families of students with disabilities.

As an advocate, I often wake to see desperate emails from distraught parents reporting that their children cannot access remote learning or therapies. In particular, I am thinking of the story of a 9-year-old autistic girl who had been given a unicorn head on a stick by her teachers from the Spring remote period. She is supposed to use the unicorn stick to signal the teacher’s attention during live remote classes. Yet, repeatedly, her mother found her crying in front of the computer with her head down and the stick held up and waving frantically in the air. The remote class continued on without any teacher acknowledging her. After a week, the child gave up and refused to do remote learning.

On a personal level, I am also the mother of two autistic middle school students. I fear my 13-year-old autistic son may need to repeat the eighth grade as he struggles to focus in a remote Zoom class with 28 kids; teachers wearing masks on screen (with auditory processing disorder, he relies on lip reading too); and the lack of access to direct 1:1 instruction and small, breakout sessions. I have already pulled him out of his Algebra class due to daily emotional meltdowns. He currently has speech therapy scheduled over live ICT Zoom classes.

As I have gleaned on a professional and a personal level, the issues impacting families of students with disabilities are numerous, but I wish to focus on these:

1. *Lack of parent voice in development of the reopening plan.* The virtual town halls with the Chancellor and other virtual events did not allow parents of students with disabilities (or any parents) to offer direct feedback and commentary on school reopening. The parent survey developed by the DoE had no open-ended questions and limited any criticism.

There was an appearance of parent involvement with the town halls. Yet parents were not allowed to speak freely and candidly, which is not parent involvement.

2. *The lack of equity in the reopening plan.* The most severely disabled in District 75 receive no benefit from remote learning. They need a consistent school schedule with trained teachers and providers on a daily basis. Instead, they attend in rotating, disruptive schedules of 1 week in school and 1 week out of school. Self-contained classes of 8:1:1 and 6:1:1 end up split into cohorts of 2 to 3 students in nearly empty classrooms. D75 should have been prioritized for in-person, full-time learning even as early as summer 2020 when Governor Cuomo issued the order to allow special education students to receive in-person therapies. This not only applies to D75, but community 15:1 and 12:1 self-contained classrooms as well as specialized programs such as ASD Horizon or ACES. *As a parent and advocate: I beg the DoE to prioritize D75 students and the most severely disabled first.*
3. *A “one-size-fits-all” approach to ICT has been applied with no distinction between the high needs of students in specialized settings such as ASD NEST or bilingual ICT.* There were many reports of parents requesting an exception be made for ASD Nest students (as an example) to go to full-time, in-person school and being told, “ICT is ICT, if we offer it to one group, we must offer it everyone.” There is also no distinction between the low classroom independence of a preschooler versus the independence of a high schooler. As other cities have done, limited resources should go to the youngest students with disabilities at community schools: with preschool to 2nd grade students prioritized to return to school full time, in-person learning first.
4. *There was no consistency or transparency regarding how some schools were able to offer full-time, in-person learning for disabled student populations.* Did some schools struggle with an issue of space? Of staffing? Or both? What could parents do to advocate for changes? No information was provided to address any of these questions.
5. The city has issued guidance that it is appropriate for students with ICT (Integrated Co-Teaching) to provide just one teacher to teach a class for students who have ICT services as long as that teacher has met with the co-teaching team and has received their curriculum. That type of service known as differentiation, is only one facet of ICT service. *The city and NY State’s guidance is a violation of these children’s right to a free and appropriate public education or FAPE under IDEA.*
6. *No plan has been developed or offered for disabled students to access additional services or supports to make up for reduced or zero services and support during the pandemic, from spring or fall 2020.*
7. *Worse, regression is normalized as resulting from the pandemic; thereby letting the DoE off the hook for addressing skills’ regression proactively.* According to NYC DoE Deputy Chief Academic Officer Christina Foti at the 10/23/20 City Council oversight hearing, training for this has begun. Parents should also be informed how these decisions will be made as they are part of their child’s IEP team. The Program Adaptations Document (PAD) can and should encourage school teams to consider added services, including academic remediation, if needed.
8. *Excessive paperwork — completing remote learning plans, Program Adaptations Documents, teletherapy consent forms, separate surveys for related services and — all of this generated paperwork that prevented providers from offering therapies sooner.* As of

the week ending 10/23/2020, many parents (including me) still reported their child's therapies had not started or only some therapies had started.

9. *Global application of a social-emotional learning curriculum without considering the individual student's needs.* At-risk counseling should proactively be offered to students with disabilities, particularly those in transition years of 5th, 8th and 12th grade years.
10. *The use of paraprofessional services needs a drastic revision as many parents report that their children only engage with their full-day paras for just 15 minutes a day for remote learning.* Protocols for sending paraprofessionals to a student's home should be considered. Even the students who have services from the Office of People with Developmental Disabilities can not access their home and community based supports during school hours. Paraprofessionals are desperately needed at home. Additionally, teachers need more training on ways to schedule small group and individual curriculum support frequently throughout the day to ensure appropriate access.

Again, thank you for your time in reading this testimony. As Education Committee Chair Mark Treyger noted during the oversight hearing, "The choice to do hybrid for all has meant that the needs of special education students cannot be met." We agree with this statement 100 percent: and it cannot continue.

Sincerely, on behalf of our clients and advocates at Special Support Services, LLC,

A handwritten signature in black ink that reads "Rachel Ford". The signature is written in a cursive, flowing style.

Rachel Ford, Member

## Special Education Must Re-Open

Education Council,

I can not express how urgent it is to re-open NYC Special Education programs. Most of these programs are small group based programs which can operate in a safe manner. My son's school specifically was operating with no issues and was forced to shut down due to the zone restrictions. They already were robbed of a proper education from the Spring, it will be harmful and detrimental to their long term growth to continue on a remote learning basis.

Remote learning absolutely does not offer any benefit to many of these children. Take a child with severe ADHD, working parents, trying to juggle other children home, it is impossible to give the attention needed to keep a child like this engaged virtually. They need hands on, intensive in person intervention. Please open our special education programs right away!

Alan Safdieh

330 Avenue W

Brooklyn NY 11223



Testimony to be delivered to the New York City Council Committee on Education  
and Committee on Mental Health, Disabilities and Addiction

Re: Reopening NYC Public Schools: Impact on Students with Disabilities

October 23, 2020

Good afternoon. I am Maggie Moroff and I coordinate the ARISE Coalition – a group of parents, advocates, educators, academics and other stakeholders who have been working together for the past 12 years to push for systemic changes to improve the education of students with disabilities in New York City’s public schools. Our goals are many, but they boil down to improving day-to-day experiences and long-term outcomes for the over 230,000 students receiving special education services in our city. You will be hearing from other ARISE members today – parents and advocates – in addition to me. I am also the Special Education Policy Coordinator at Advocates for Children of New York, but today I speak to you on behalf of the full ARISE membership.

The last 8 months in education have been traumatic – for DOE staff, for our students, and for our families – and students with disabilities have been disproportionately impacted. Parents have been asked to serve as teachers, service providers, and so much more while their children were out of school during the spring and summer months, and, more recently, either still learning fully from home or attending in-person classes for only a portion of the time because of blended learning schedules. Parents have had to watch their children struggle with the new state of things, and they have worried about lost time on task and skills slipping away day by day. Teachers have been asked to take on new approaches to teaching. Students, the focus of it all, have seen their worlds turned upside down. They have had to learn to receive instruction in new ways and often from new people, they have been separated from peers who were important to them, and they have struggled to hang onto the skills they’d been developing before the pandemic set in. All the while, the ground has continued to shift, information and plans for returning to school have continued to change, and despite how hard parents have tried to stay afloat, the tide has continued to swamp their efforts.

Coordinator: Maggie Moroff -- [mmoroff@advocatesforchildren.org](mailto:mmoroff@advocatesforchildren.org) -- (212) 822-9523

One key factor that could help parents in these ever-changing times would be clear and consistent communication from the Department of Education. During this time, as always, the DOE must share real-time, consistent, coherent, and helpful information with parents, in a language they can understand, through multiple means of communication, and in as timely a way as possible to allow those parents to continue to play the critical role they have throughout the pandemic. Communication and outreach should not be left up to individual schools and teachers, who seem to be often learning the latest news at the same time as the general public and who are already overwhelmed with the many logistical challenges involved in re-opening.

We appreciate the Office of Special Education's Beyond Access series, where the DOE has been sharing information for families since mid-summer, but a webinar every few weeks simply isn't enough and won't reach the vast majority of parents who need the information. We also appreciate the changes that have been made over time to the DOE's website, but those changes can be hard to find if one is not familiar with the site. Plans for delivering special education supports and services, changes to those plans, and the various steps parents need to take, including surveys to fill out and conversations with school staff to be had, must be affirmatively sent to families in mailings, text messages, emails and phone calls and reiterated through public service announcements. And, of course, all this needs to be done in the many languages that make up NYC's diverse populations.

Additionally, with regard to sharing of information with parents, the DOE must ensure that schools seek parents' input as they develop their children's Program Adaptations Documents (PADs) laying out plans for provision of services for each individual student this fall and provide them with a copy. While DOE guidance requires schools to do so, we continue to hear from families who have not yet had a discussion with school staff about their child's PAD. Furthermore, we are concerned that the DOE is not translating the child-specific information in the PADs for families who speak a language other than English. Now, more than ever, the DOE must partner with families on their children's education and, for students with disabilities, that means, at a minimum, ensuring that every parent has input into any changes to their child's program for this year and receives documentation of that program in their home language.

We further urge the DOE to provide parents with access to their children's individual SESIS accounts so that they can review not just the plan, but the actual roll-out and provision of services. The DOE has talked for years about adding this access. This summer, several parents of students with IEPs received notice that information about their child's IEP would be available on their child's online NYC schools account and they celebrated—though only briefly, because just a few days later, the story changed and this information was unavailable to parents online. This information, always critical, is even more so this fall for families struggling to figure out

how their children will receive all the special education supports and services to which they are entitled. We understand from the Office of Special Education that the DOE still plans to add special education information to students' online accounts, but time is passing, and parents still have no access to this critical information. We urge the City Council to continue pressing the DOE for clear communication with families, particularly families of students with disabilities, including families with low digital literacy and families who speak a language other than English.

To really know what things look like now and going forward for our students with disabilities, the city must collect, analyze and publicly report data with regard to remote and hybrid learning. We were glad to see Chair Treyger introduce a bill (Int. # 2104), which would require the DOE to report on various metrics regarding remote learning during the pandemic. While the DOE already must report key data on the delivery of special education supports and services, it is critical that the department now also track and share information specific to the delivery of services in these troubling days. To further strengthen the bill, we urge that the data breakdowns on participation in remote learning and in-person instruction as well as the data on students recommended for summer school be disaggregated by disability status, in addition to the demographic variables already listed. We also recommend that the bill require the DOE to report disaggregated attendance rates for this period and, in addition to data on related services, data on the extent and nature of paraprofessional support being provided both in-person and remotely.

Only with meaningful data can we truly hold the DOE accountable for the ongoing education of our students with disabilities, and we greatly appreciate that the Council is already considering requiring data collection and reporting. As the Chair's bill moves forward, we would be very happy to offer help in thinking through the data needed to ensure appropriate services now and compensatory services later.

Thank you for the opportunity to speak today.

**The New York City Charter School Center**  
**Jennifer Rodriguez, Inclusive Education Specialist, The Collaborative for Inclusive Education**  
**at the New York City Charter School Center**  
**Testimony Presented to the New York City Council Education Committee**  
**Oversight - Reopening NYC Public Schools: Impact on**  
**Students with Disabilities**  
**Friday, October 23, 2020**

The New York City Charter School Center (Charter Center) and The Collaborative for Inclusive Education, an initiative of the Charter Center (collectively, the “Charter Center”) respectfully submit the following testimony regarding Oversight - Reopening NYC Public Schools: Impact on Students with Disabilities. The Charter Center thanks the New York City Council Committee on Education for providing the opportunity to comment on the effect on the DOE’s Provision of Special Education Services during Fall 2020 re-entry.

For almost 20 years, public charter schools have been an integral part of the public education system in New York City. There are currently 267 charter schools located across all five boroughs and in nearly every community school district (CSD), educating over 128,000 students. Special Education students make up 18.8% of charter school students, which is comparable to the district’s proportion of special education students 20.1%. Since 2013, enrollment of students with disabilities in NYC charter schools has grown 40%. Schools have expanded their continuum of services, with most schools offering SETTS, related services, and ICT sections.

While charter schools are autonomous in many respects, the DOE is the local education agency (LEA) for special education in NYC charter schools, which means all decisions about the provision of special education services for charter students is made by the DOE’s Committees on Special Education (CSEs). The Charter Center strongly supports the goals of transparency and accountability for service delivery in special education in all public schools, including public charter schools. More specifically we submit the following comments:

### **Social-Emotional Supports**

The transition to remote learning has helped some students thrive, but many others are struggling. We are hearing from charter schools that feelings of anxiety, loss, and depression are increasingly common. With COVID-19 disproportionately affecting Black and Latino communities, many public charter students, the majority of whom are students of color, have experienced illness and even death within their families during the pandemic. The Collaborative for Inclusive Education has pivoted its programming during this time to specifically address the increased need for supporting students' and families' emotional well-being and has grown its programming to address increased mental health needs as we transition into a new school year. Many charter schools have pivoted, as well, growing out their supports for both staff and students through virtual community spaces, increased “push in” presence of counselors and social workers in brick-and-mortar and virtual classrooms, and trauma-informed practices trainings for general education staff. We would applaud any efforts from the city to expand mental health supports during this time and request that all communities be included.

### **Family Supports**

This has been an incredibly challenging time for many charter school families, who are experiencing financial and personal losses during the global pandemic. While not a family-facing organization, the Collaborative has increased the amount of professional development opportunities related to partnering with families. Charter schools have also ramped up family supports, organizing food banks and technology access for their communities. Charter schools have also organized voter registration and Census 2020 drives within their communities, further empowering families. We applaud the city's creation of the Learning Bridges Program and would advocate for charter school families, who are a vital part of the NYC community, to be included in this effort, and any other efforts aimed at supporting families during this critical time.

### **Teletherapy**

Since transitioning to remote and blended learning, the DOE has rolled out teletherapy for related

services such as speech and language, physical therapy (PT), occupational therapy (OT), and counseling. For years, the Charter Center has advocated for teletherapy to be a part of the DOE's special education service delivery practices. Many charter schools are located in communities where therapists cannot or will not travel and because of this, through no fault of their own, students suffer delays and interruptions in their necessary and mandated related services. With the introduction of teletherapy, travel is no longer a barrier to students receiving the related services supports that they need and are entitled to. The Collaborative and Charter Center have partnered with the DOE on a weekly basis to clarify shifting guidance around teletherapy to charter school-based staff. We would like to praise the introduction of teletherapy to the city's students and advocate for the continuation of teletherapy throughout SY20-21 and even post-COVID-19. A school's zip code should never be a deterrent to a student receiving services moving forward.

### **Data Collection and Oversight**

The Charter Center supports the annual reporting on special education services to require reporting by individual schools, including charter schools. Currently, the annual report required by the City Council excludes charter school students; however, under the Charter Schools Act, "special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence." Education Law Section 2853(4)(a). Since the DOE is the LEA for charter school students, the DOE holds all the data about the provision of special education services for students in charter schools across the sector (information is all stored in SESIS). Therefore, when the DOE reports on the provision of special education to students in the district to the City Council, it should also report on the provision of services for students in charter schools. Charter students are public school students and the same data that is available on district school special education services should be made available to parents and the community about the provision of special education services for charter school students.

We know that this is a time of crisis and have partnered consistently with DOE throughout this time

to ensure that communities are receiving the supports they need. In this same spirit, we would also like to partner on accountability during this time. We are aware that students with disabilities are a particularly vulnerable population right now and would request that any systems being created to track compensatory services include public charter school families, who deserve access to the same public information as their district school counterparts. As noted above, we request that data for charters be included in the DOE's reporting on special education as required by Section 21-955 of chapter 5 of Title 21-A of the administrative code of the city of New York. Furthermore, to the extent the Council collects and reports on any data regarding students with disabilities during COVID-19, we request that charter student data is also requested by the Council and included in the public reporting.

D75 No Learning Bridges, remote instruction a failure.

I am a NYC public school teacher. I thought my son would be a priority in getting a placement in Learning Bridges. Wasn't that what Mayor DeBlasio promised? Is it because my son is special needs and in D75 that we have gotten nothing but silence?

Remote instruction is a disaster for all children. But for special education students, it is devastating. Related services through a computer screen is laughable, if it weren't so sad. Occupational therapy? How? Is a hand going to come through the monitor to guide my son's? I have been **required** to become a de facto OT and ST because of this nonsense. Surprise! It isn't working!

It is clear that Mayor DeBlasio and Chancellor Carranza (who has publicly ridiculed the special needs community) have **no idea** how to meet special education students' many needs. Worse, it doesn't seem to me that they even **care to**. Superintendent Louissaint has done nothing. Where is the advocacy? Why are D75 students being allowed to languish under his watch? DeBlasio, Carranza, Louissaint: shame on you all.

Enough with the nonsense. D75 class sizes are small enough to meet social distancing requirements. My son has 4 other students with him. Get them back in school full day, every day.

Learning Bridges: another DeBlasio failed promise.

Dawn Vollaro



**New York City Council – Joint Hearing with Committee on Education and  
Committee on Mental Health, Disabilities, and Addiction  
Oversight Hearing – Reopening NYC Public Schools: Impact on Students with Disabilities  
October 23rd, 2020**

**Testimony of Anna Lu, Asian American Student Advocacy Project (ASAP) Youth Leader  
The Coalition for Asian American Children and Families (CACF)**

Hello all. I would like to thank Chair Treyger and Chair Ayala, as well as the Committee on Education and Committee on Mental Health, Disabilities, and Addiction, for holding this hearing. My name is Anna Lu and I am a student at Stuyvesant High School.

The assumption made about the type of student that attends Stuyvesant is that they are high-achieving and take their education very seriously. These assumptions are held by the teachers and counselors, who expect students to be extremely organized, self-motivated, and successful. As a student with ADHD, I find it extremely difficult to live up to these expectations, although I am not alone in feeling this way. In cases where teachers don't teach well or don't have time to teach all of the material, students feel the burden of teaching ourselves the material. Teachers know that students will study it regardless of whether they teach it or not because we obsess over keeping our grades high. This means that teachers and counselors often assume that we don't need help even when we are struggling.

My experience of feeling excluded and unsupported in classrooms because of my (dis)ability begins much earlier than high school. I was enrolled in a Gifted and Talented program in elementary school. Our class was always learning more quickly than the regular classes, and we went on more trips to museums and theatres than the others as well. Even within our class, there was a small group of exceptional students that would get the opportunity to work on special projects in a craft room while the other students sat for lessons. This is how my classmates and I learned that "the smart kids" get more opportunities and academic encouragement than the kids that aren't as high achieving.

When I transitioned to middle school, it became my responsibility to manage a much larger workload that I wasn't prepared for. I was one of the few Asian students in the school, so everyone assumed I was one of the best students, even though I had to give up dance after school because I was struggling to keep up in my classes. Entering high school, my friendships became stressed as I saw my friends less and less because I was always too exhausted by school to be with them. My grades still didn't always reflect the effort I was putting in trying to be the star student my teachers, peers, and parents expected me to be.

I have constantly felt like I somehow infiltrated the privileged academic institution I now attend, and that I'm not really supposed to be here. Whenever I can't complete classwork or answer a question when the teacher calls on me, I'm afraid that people will begin to question whether I deserve to be at a school like Stuyvesant. I saw that other students were capable of managing their work, while I was skipping classes frequently because I couldn't face my



teachers and the late assignments I owed. The anxiety I felt would get so bad that I would be hit with waves of nausea and light-headedness that left me shaking in the middle of class.

I cannot separate shame from my experiences in educational spaces because they have always existed together. I would have liked to grow up in classrooms that are welcoming to and supportive of students with all different learning needs and emotional/mental needs. This may look like teachers and counselors that care about each student's goals and interests beyond just their grades and that work to provide them with resources to achieve those goals. Classrooms should be a space where students aren't terrified of making mistakes. I hope that students of all abilities can receive encouragement and opportunities to succeed, which may mean reevaluating what academic success looks like.

The City of New York is denying over 200,000 children with disabilities their right to a free and appropriate public education. Other school districts have reopened full 5-day instruction for students with disabilities and for very young children, both of whom are not able to participate in what the city is calling remote learning but for many children is not learning at all. By contrast, New York City's Department of Education has not only ignored our children but has actively lied to us about what services our children will receive and what services they are entitled to. New York City must provide full-time in-person school and therapy, pursuant to IEPs, for children with disabilities in both District 75 and local district schools. The city must also provide meaningful remote learning plans, technology access, and in-person therapy if desired for children who wish to remain remote. You have made clear that you don't care about our children's education while trying to convince us they aren't entitled to the services on their IEPs. Don't disrespect our children further by saying otherwise unless you have a plan to address the significant regression and harm that are being caused by long-term school closures without adequate provision of legally mandated services.



**Testimony for the New York City Council**  
**Committee on Education Jointly with the Committee on Mental Health, Disabilities & Addiction**  
**Oversight - Reopening NYC Public Schools: Impact on Students with Disabilities**

October 23, 2020

Thank you Chair Treyger, Chair Ayala, and members and staff of the Committees. My name is Charlotte Pope and I am speaking on behalf of Girls for Gender Equity. We also thank the Council for making the attendance data public, and we had hoped that the DOE would speak to the disparities we see in median student engagement rates by disability status.

We wanted to raise issues of school climate with the framework that actual or perceived disability has served as a driver of surveillance, discipline, policing, and punishment for girls and gender expansive youth of color and the young people we work with.

As we hear from educators that they're feeling pressure to prioritize academics over the theory behind a "bridge to school" plan, we worry that the commitment to trauma-informed schooling has been in name more so than practice. On that we want to turn to our concerns with the bridge to school plan to support young people with disabilities returning to schools where staff were rushed to understand a 40-page so-named "curriculum" - a document made up of hyperlinks, many of which were broken. In our conversations with educators either the plan was too rushed along with the start of school, or was considered old material educators saw five years ago. Already we are hearing that schools have shifted to business as usual given the absence of resources to shift instead to sustainable restorative practices.

Also, with the news of additional mental health services in schools in neighborhoods most impacted by the pandemic, we caution of the overpathologizing of young people through mental health services. In what is a school district with a punitive culture, the multiple processes of racism and ableism drive a mindset from adults of observing for problems or surveillance, identifying issues, labeling, and punishing - in place of extending care.

In prior school years, thousands of students were forcibly removed by police and hospitalized under the category of "child in crisis" incidents, disproportionately targeting students with disabilities. When we look at NYPD reporting for the spring during remote learning - we do see "child in crisis" police removals from regional enrichment centers. We've not heard a commitment from the DOE to discourage this practice

during a school year that must be focused on healing and care, and we are demanding that no student in emotional distress or crisis be responded to with police during in-person learning.

We also know that in New York City schools students with disabilities are more than twice as likely to be suspended than students without disabilities and we are calling on the DOE to immediately withdraw pending or proposed suspensions from the previous school year.

We don't have the kind of local data that gives us discipline disparities by multiple identity categories but looking at New York City in the new Federal Civil Right Data Collection we see that while students with disabilities are more than twice as likely to be suspended than students without disabilities, Black students with disabilities are 5x as likely as white students with disabilities to be referred to police, 4x as likely to experience a long-term suspension, and 6x more likely to experience more than one long-term suspension.

And while we disagree with the use of last year's discipline code this year, the guidance on facial coverings we've seen from the Office of Student Health does clarify **that expectation of mask-wearing should quote: not lead to new conflict.** We recommend that the DOE explicitly prohibit suspensions related to compliance with public health measures and ensure that students with disabilities receive positive behavioral supports instead of discipline or removal to remote-only instruction.

Thank you again.