



Legislation Text

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**File #:** Res 0359-2002, **Version:** \*

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Res. No. 359

Resolution calling upon the appropriate committee of the Council of the City of New York to conduct an oversight hearing to assess the Board of Education's compliance with the provisions of Individual Education Programs for children with special needs.

By Council Members Moskowitz, Oddo, Addabbo, Brewer, Comrie, DeBlasio, Fidler, Gerson, Gioia, Jackson, Katz, Liu, McMahon, Nelson, Quinn, Recchia, Reyna, Sanders, Seabrook, Sears and Stewart

Whereas, The Individuals with Disabilities Education Act of 1975 mandates that all children receive a "free and appropriate public education," regardless of the level or severity of their disability; and

Whereas, In order to effect the provisions of the Individuals with Disabilities Education Act, State law and regulations require that local committees on special education develop an Individualized Education Program for every eligible disabled child; and

Whereas, An Individualized Education Program assesses a child's unique needs and proposes a framework for addressing these needs; and

Whereas, Furthermore, an Individualized Education Program must contain each special education service recommended by a local committee on special education, as well as the location where the service will be provided; and

Whereas, Parents and parent groups have complained that a number of students are not receiving the mandated special education services in their Individualized Education Programs and have expressed concerns that budget cuts will exacerbate this problem; and

Whereas, In particular, parents and parent groups have indicated that the Board of Education is not providing students with appropriate occupational and physical therapy services, as mandated by their Individualized Education Programs and by the Individuals with Disabilities Education Act; and

Whereas, Parents and parent groups have complained that the Board of Education does not have enough therapists available during school hours and have proposed that the Board of Education should allow its own therapists to service children outside of school hours through the Related Service Authorization process; and

Whereas, This is a complex issue which requires discussion; now, therefore, be it

Resolved, That the appropriate committee of the Council of the City of New York conduct an oversight hearing to assess the Board of Education's compliance with the provisions of Individualized Education Programs for children with special needs.

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