



Legislation Text

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Res. No. 1258

Resolution calling upon the New York City Department of Education to implement specific protocols so that the New York City Department of Education will coordinate more formally with the New York City Department of Health and Mental Hygiene and the New York City Administration for Children's Services in order to properly diagnose children with developmental or learning disabilities.

By Council Members James, Chin, Dickens, Eugene, Ferreras, Fidler, Gentile, Koo, Koppell, Levin, Palma, Rose, Vann, Williams, Rodriguez and Halloran

Whereas, The New York City Department of Education ("DOE") would benefit from coordinating with the New York City Department of Health and Mental Hygiene ("DOHMH") and the New York City Administration for Children's Services ("ACS"), in order to properly diagnose children with developmental or learning disabilities in public schools; and

Whereas, The 2009-2010 Report Card for the performance of public schools and districts in New York State reported a high school graduation rate of 76 percent for all students and only 47 percent for students with disabilities;

Whereas, Education inequality has been identified as "one of the greatest threats to the children of New York City" by Resources for Children with Special Needs, New York City's only independent nonprofit organization that works for families and children with all special needs, across all boroughs; and

Whereas, The federal Individuals with Disabilities Education Act ("IDEA") requires local schools to help identify children who may have learning disabilities and have them assessed, with parental consent, free of charge, and, if appropriate, to develop an Individualized Education Program ("IEP") for the child; and

Whereas, However, according to the New York State 2011 school district determinations, which states are required to make each year pursuant to part B of IDEA, the New York City public school district has

specifically been identified as one of the districts that needs assistance in implementing the requirements of IDEA; and

Whereas, A 2010 *New York Times* article reported that a common complaint among parents who have children with developmental or learning disabilities is that the school does not proceed quickly enough to address their children's problems or is reluctant to provide an assessment at all; and

Whereas, Children with developmental or learning disabilities are identified and provided with the applicable services through an Individualized Educational Program ("IEP"), which involves an assessment conducted by an IEP team, consisting of the parents of the child, regular and special educators, a representative of the school system, and someone who can assess the child's evaluation to determine the appropriate services, as well as sometimes including, as appropriate, the child and others with knowledge or special expertise about the child; and

Whereas, Currently, students with diagnosed developmental or learning disabilities are directed to enroll in educational programs that are appropriate for the child's special needs, such as District 75 schools, which receive funding for educational, vocational, and behavior support programs, or general education Collaborative Team Teaching programs, which give special education children a chance to learn alongside their general education peers by having two teachers in the classroom, one from special education and one from general education; and

Whereas, It is inappropriate to place students who have simply not been properly diagnosed with a developmental or learning disability in school environments lacking the resources needed to help them succeed; and

Whereas, The DOHMH and New York State Office for

People with Developmental Disabilities have the ultimate responsibility to plan, develop, fund, and monitor the

services for individuals with disabilities and their families in New York City; and

Whereas, The DOHMH currently contracts with 50 voluntary agencies to operate diagnostic and treatment clinics for children with developmental disabilities; and

Whereas, The ACS is committed to ensuring that children with disabilities receive the appropriate services to meet their special needs and working with the DOE in implementing the ACS' "Head Start" program to actively locate and recruit children with disabilities;

Whereas, The DOE, the ACS, and the DOHMH all provide services to children related to determining whether a child has developmental or learning disabilities and placing the child in the most appropriate school or child care setting; and

Whereas, It therefore falls on the DOE to coordinate with the DOHMH and the ACS in order to screen and diagnose children with developmental and learning disabilities to prevent these students from being placed in ill-suited educational environments; and

Whereas, It is unclear to what extent the DOE, the ACS, and the DOHMH work together to identify and meet the needs of children with developmental and learning disabilities;

Whereas, Requiring the DOE, the ACS, and the DOHMH to more formally coordinate their efforts in providing their services to children would create a more integrated and effective solution to meet the needs of children in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to implement specific protocols so that the New York City Department of Education will coordinate more formally with the New York City Department of Health and Mental Hygiene and the New York City Administration for Children's Services in order to properly diagnose children with developmental or learning disabilities.

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