



Legislation Text

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**File #:** Res 1003-2019, **Version:** \*

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Res. No. 1003

Resolution calling on the United States Congress to pass, and the President to sign, and on the New York State Legislature to pass, and the Governor to sign, a law that would authorize the transfer of the regulation of special education from the Department of Education to the Department of Mental Health and Hygiene.

By Council Member King

Whereas, Over 200,000 students in New York City, nearly 20 percent of the City's public school students, are eligible for special education services outlined in their Individualized Education Program (IEP), which sets forth the educational goals and services needed for that particular student; and

Whereas, Students with IEPs may have a wide variety of needs, including learning disabilities, emotional disturbance, speech or language impairments, and other health impairments defined as "limited strength, vitality or alertness" resulting from chronic or acute health problems like a heart condition, asthma or an attention deficit disorder; and

Whereas, Complaints filed against the New York City Department of Education (DOE) regarding the needs of special education students have dramatically increased since 2014 according to a May 2019 report of New York State Education Department data, the number of complaints jumped 51 percent between the 2014-2015 and 2017-2018 school years; and

Whereas, As reported by the New York Times in October 2018, nearly 50,000 students with disabilities did not receive the specialized instruction they were entitled to receive in the 2016-2017 school year and, in the year prior, over 40 percent of students with disabilities did not receive such instruction; and

Whereas, According to the New York City DOE Compliance Assurance Plan, as of February 21, 2019, the City received 7,448 due process complaints related to special education students and their needs, which was

greater than the total complaints for the 2017-2018 school year; and

Whereas, In 2016, then-Public Advocate Letitia James filed a lawsuit against the DOE regarding the lack of sufficient tracking through the City's Special Education Student Information System (SEGIS), which is intended to facilitate IEPs for special education students and to ensure their needs are being met; and

Whereas, the lawsuit alleged \$356 million in Medicaid dollars were lost over the years due to the inadequacies and glitches of SEGIS; and

Whereas, Despite rising graduation rates in recent years, only 43.4 percent of students with disabilities finished high school on time in 2017 in DOE schools; and

Whereas, Schools are supposed to assign therapists to students with disabilities based on their needs as outlined in their IEP at the beginning of the academic year and if they are unable to do so, families must locate such specialists with the use of a voucher; and

Whereas, According to the 2017 report released by then-Public Advocate James, nearly half of the 9,164 vouchers for the 2015-2016 school year issued to families for services such as speech therapy, physical or occupational therapy for disabled students went unused, as families were unable to locate providers; and

Whereas, The resolution process for complaints filed with the DOE is lengthy and burdensome, with the average complaint remaining open for 202 days, and the DOE only conducted 126 mediations, one of the methods of complaint resolution, in the 2017-2018 school year and; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Federal United States Congress to pass, and the President to sign, and on the New York State Legislature to pass, and the Governor to sign, a law that would authorize the transfer of the regulation of special education from the Department of Education to the Department of Mental Health and Hygiene.

N.O.  
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