

**New York State
Commissioner's Advisory
Panel (CAP) for Special
Education Services
Annual Report**

July 2020 – June 2021

Message from the Chair or Executive Committee

During the past year, we continued to fine tune and update the Commissioner's Advisory Panel (CAP) for Special Education Services as we have worked in the past few years to transition CAP to a more stakeholder friendly community. During this pandemic, we continued to meet off-line on a regular basis to discuss the functions of CAP and special education policies that impact children with disabilities. In developing plans, the Executive Committee met monthly to develop and advise the state on unmet needs for students with disabilities. The Executive Committee has discussed the progress of the sub-committees to ensure all stakeholders are represented and actively engaging in support of the Individuals with Disabilities Education Act. We are excited to continue this work to provide counsel to the New York State Education Department's Office of Special Education.

*Thank you,
Chairperson Edward Escobar
Vice-Chairperson Yvonne Sinisgalli
Secretary Danielle Williams*

I. INTRODUCTION

Section 612 of the [Individuals with Disabilities Education Act](#) (IDEA) requires that each state establish and maintain a state advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. In New York State (NYS), the panel is known as the Commissioner's Advisory Panel (CAP) for Special Education Services and comprised of parents of students with disabilities, individuals with disabilities, educators and administrators as well as representatives from public and private agencies [see Section II Membership].

CAP functions in an advisory capacity to the New York State Education Department's (NYSED) Office of Special Education (OSE). CAP's responsibilities are prescribed by NYS Education Law section 4403(6) in accordance with IDEA and include:

- To advise the Governor, Legislature and the Commissioner of NYSED of unmet needs within the State in the education of children with disabilities.
- To comment publicly on any rules or regulations proposed for issuance by the Commissioner regarding the education of children with disabilities.
- To comment publicly on the procedures for distribution of funds under Article 89 of the State Education Law.
- To advise NYSED in developing procedures for evaluations of the special education system and reporting on data to the Secretary of Education under section 618 of IDEA.
- To advise NYSED in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA.
- To advise NYSED in developing and implementing policies relating to the coordination of services for children with disabilities.
- To advise NYSED on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

This annual report reflects the major activities of CAP and the areas of unmet need identified by CAP in its advisory role to NYSED from July 2020 through June 2021.

II. MEMBERSHIP

The federal regulations and NYS Education Law specify required membership. Specifically, the regulations require that CAP be comprised of the following members:

- parents of children with disabilities (ages birth through 26);
- individuals with disabilities;
- teachers of children with disabilities;
- representatives of institutions of higher education (IHE) that prepare special education and related services personnel;
- state and local education officials, including officials who carry out activities under Subtitle B of title VII of the *McKinney-Vento Homeless Assistance Act* (42U.S.C. 11431 *et seq.*);

- administrators of programs for children with disabilities;
- representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- representatives of nonpublic schools and public charter schools;
- not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- a representative from the State child welfare agency responsible for foster care; and
- representatives from the State juvenile and adult corrections agencies.

In addition, federal regulations and NYS Education Law require that the majority of the members of CAP be individuals with disabilities or parents of children with disabilities (ages birth through 26).

NYSED's Commissioner of Education appoints CAP members to a three-year term, which runs from July 1 to June 30. Members for 2020-21 CAP year included the following 32 voting members appointed by the Commissioner and two Ad Hoc nonvoting members:

Member Name	Constituency
Naomi Brickel	Parent
Kathy Ralabate Doody	Parent
Lauretta Joseph	Parent
Barbara Martorana	Parent
Namita Modasra	Parent
Matthew Nelson	Parent
Lori Podvesker	Parent
Vicki Prager	Parent
Yvonne Sinisgalli	Parent
Kristie Stromecki	Parent
Mara Vanderzell	Parent
Danielle Williams	Parent
Mary-Margaret Zehr	Parent
Alyse Middendorf	Individual with a disability
Brian Pulvino	Individual with a disability
Elizabeth Wheling	Individual with a Disability
Suriyati Barnes	Teacher of students with disabilities
Kimberly Black	Teacher of students with disabilities
Lynnette Aqueron	State and local education official
Kristin Dudek	State and local education official representing homeless students
MaryJo Ginese	State and local education official
Annmarie Urso	Representative of IHEs that prepare special education and related services personnel
Edward Escobar	Administrator of programs for children with disabilities

James Nolan	Administrator of programs for children with disabilities
Jamey Wolff	Administrator of programs for children with disabilities
Natasha Bermudez	Representative of other State agencies – NYS Office of Mental Health
Alexis Harrington	Representative of other State agencies – NYS Office for People with Developmental Disabilities
Jacqueline Frey	Representative of public charter schools
Eileen Murtha	Representative of nonpublic schools
Brett Eisenberg	Representative of a vocational, community or business organization concerned with the provision of transition services to students with disabilities
Timothy Bromirski	Representative of State child welfare agency responsible for foster care/Representative of State juvenile corrections agency – NYS Office of Children and Family Services
Mindi Wapner	Representative of adult corrections agency – NYS Department of Corrections and Community Services
Laura Hartmann	Ad Hoc representative – NYSED Adult Career and Continuing Education Service-Vocational Rehabilitation
Chris Kus	Ad Hoc representative - New York State Department of Health

The officers (Executive Committee) of CAP consist of a chairperson, vice-chairperson, and secretary. The chairperson is appointed by the Commissioner for a two-year term. The vice-chairperson and secretary are elected by the CAP members at the first autumn meeting of CAP for a one-year term. The Executive Committee for 2020-21 CAP year:

Dr. Edward Escobar, Chairperson
Yvonne Sinisgalli, Vice Chairperson
Danielle Williams, Secretary

The Executive Committee is responsible for establishing CAP meeting dates, developing meeting agendas, presiding over the CAP meetings, recording and reviewing meeting minutes, carrying out administrative functions and acting on behalf of CAP between meetings.

III. CAP OVERVIEW

Meetings:

In accordance with the CAP By-laws, CAP must meet at least three times each year. During the 2020-21 CAP year, CAP met virtually via Zoom on the following dates:

- October 22, 2020 (9:00 – 11:00 AM) and October 23, 2020 (9:00 – 11:00 AM)
- February 11, 2021 (9:00 – 11:00 AM) and February 12, 2021 (9:00 – 11:00 AM)
- May 13, 2021 (9:00 – 11:30 AM) and May 14, 2021 (9:00 – 11:00 AM)

Official minutes are kept on all CAP meetings and are posted on the [CAP website](http://www.p12.nysed.gov/specialed/cap/meetings.htm) (<http://www.p12.nysed.gov/specialed/cap/meetings.htm>) after review and approval [see Attachment 1 for copies of the 2020-21 CAP agendas and meeting minutes].

CAP Recommendations and Feedback

During 2020-21, panel members received information and provided feedback and recommendations on the following policies:

- State Performance Plan (SPP)/Annual Performance Report (APR) Target Setting
- Reporting of Data Under 618 of the IDEA: Federal Fiscal Year (FFY) 2019 Part B SPP/APR
- NYS's Annual State Application Under Part B of IDEA for Federal FFY 2021
- COVID-19 and School Reopening
- Rethink K12 Education Models Grant

Identified Areas of Unmet Needs In NYS

In accordance with NYS Education Law section 4403(6), one of the primary responsibilities of CAP is to “advise the Governor, Legislature and the Commissioner of NYSED of unmet needs within the State in the education of children with disabilities.” During the 2020-21 CAP year, the following issues were identified as areas of need within NYS:

- Continue stakeholder input for CAP subcommittees
- Teacher shortage in areas of high needs for students with disabilities
- Teacher certification
- Coordinated collaboration between state agencies
- Transition to adult services (e.g., Adult Career and Continuing Education Services- Vocational Rehabilitation, Office for People With Developmental Disabilities)
- COVID (related to the impact of families with children with disabilities)

Public Participation:

All meetings and work sessions are open and accessible to the public. Public comment is encouraged. A single 30-minute public comment period is included on the agenda at each meeting to allow members the opportunity to hear from stakeholders from across NYS. During 2020-21, public comment was provided at the February and May meetings.

At the February 2021 CAP meeting, Helena van der Merwe provided oral and written comments regarding apprenticeship programs for students with autism. See Attachment 2 for a copy of Ms. van der Merwe's written comment.

At the May 2021 meeting, oral comment was provided by Stephanie Fisher Kindestin, a Special Education and Reading Interventionist from the New York City (NYC) Department of Education and Rue Zalia Watkins, from the Mental Health Association of New York City. Ms. Fisher Kindestin provided comment on dyslexia screening and remediation

policy in NYS. Ms. Fisher Kindestin regularly sees indicators of dyslexia in students but does not have the tools to remediate this. She also informed CAP that there is a high rate of dyslexia among persons who are in prison. Ms. Fisher Kindestin stated that school psychologists do not have access to assessments for dyslexia. She believes that NYS is well behind other states on policy for dyslexia and recommended something be done to address this. Ms. Zalia Watkins provided comment on the disability category “emotional disturbance.” She would like to see this label changed. Ms. Watkins reported that as NYS works on changing this label, she hopes that the focus is put on the best way to educate these children. Ms. Watkins indicated that in addition to changing the label, NYS needs to ensure that these children have access to the same high-quality education as children without disabilities.

IV. SUBCOMMITTEES

The four established, standing subcommittees met regularly during the 2020-21 CAP year to fulfill their responsibilities. The role of the subcommittees is to assist and support CAP in fulfilling its vision and carrying out its duties to serve NYSED in an advisory capacity. Each subcommittee is comprised of 8-9 members. Each panel member must serve on one of the standing subcommittees. A brief description of each subcommittee is as follows:

1. Student Performance Outcomes – Purpose: To focus on data relative to the State SPP/APR, conduct analysis around identified areas of concern, make recommendations, and advise the Department regarding target setting.
2. Legislative/Regulatory/Policy – Purpose: To follow emerging initiatives at the State level including reviewing legislative bills and regulations proposed for issuance regarding/affecting the education of children with disabilities and sharing information with the entire Panel to determine if comments should be provided on behalf of CAP.
3. Teacher/Provider Certification/Recruitment and Retention – Purpose: To address concerns regarding the preparation, availability, and retention of qualified special education teachers and related service providers.
4. Least Restrictive Environment (LRE)/Inclusion – Purpose: To review and analyze data relating to LRE and focus on best practices to maximize participation of students with disabilities in general education programs and to ensure that students with disabilities are being provided with opportunities to receive high-quality instruction in the LRE.

Members may also volunteer to serve on the Business/Membership Subcommittee, which was established for the following purposes:

- To review member vacancies, recruit members and make recommendations to fill vacancies.
- To monitor attendance, make recommendations to achieve better panel meeting attendance, and make recommendations to replace members who do not regularly attend meetings.
- To revise/update the By-laws based upon input from the Panel related to the policies, procedures, and by-laws that guide the operations of CAP.

- To review best practices from other State Advisory Panels and make recommendations to the full panel to make the CAP meeting process more engaging and productive.

Subcommittee Recommendations:

Based on the recommendations made by the Teacher/Provider Certification/Recruitment and Retention Subcommittee at the 2020-21 CAP meetings, the full CAP discussed and voted to approve for consideration by NYSED that:

- CAP make a recommendation for NYSED to partner with New York State United Teachers to issue a survey to gather information on special education teacher shortages.
- CAP present to NYSED a white paper on teacher shortages for publication.
- CAP recommend that NYSED consider a process for IHEs to award additional individual pathway certification.
- CAP recommend that NYSED expand the offerings that provide the 30 credit courses in a concentrated area to represent “enough credit for graduate study.”

Based on the recommendation made by the LRE/Inclusion Subcommittee at the 2020-21 CAP meetings, the full CAP discussed and voted to approve for consideration by NYSED that:

- CAP ask NYSED to develop a blueprint specific to LRE.

Attachments

[October 22-23, 2020 CAP Meeting Agenda](#)
[Minutes from the October 2020 Meeting](#)
[February 11-12, 2021 CAP Meeting Agenda](#)
[Minutes from the February 2021 Meeting](#)
[May 13-14, 2021 CAP Meeting Agenda](#)
[Minutes from the May 2021 Meeting](#)
[Van der Merwe Written Comment](#)