

**New York State's
Commissioner's Advisory Panel for Special Education Services
February 11-12, 2021 Meeting Minutes**

New York State's (NYS) Commissioner's Advisory Panel (CAP) for Special Education Services held its scheduled winter meeting February 11-12, 2021 via Zoom.

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, February 11th at 9:00 a.m.

Members Who Participated:

Lynnette Aqueron, Suryati Barnes, Natasha Bermudez, Kimberly Black, Naomi Brickel, Tim Bromirski, Kathy Ralabate Doody, Kristen Dudek, Edward Escobar, Jacqueline Frey, MaryJo Ginese, Alexis Harrington, Laura Hartmann, Laretta Joseph, Barbara Martorana, Alyse Middendorf, Namita Modasra, Eileen Murtha, James Nolan, Lori Podvesker, Vicki Prager, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Annmarie Urso, Mara Vanderzell, Danielle Williams, Jamey Wolff, Mary-Margaret Zehr

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, February 12th at 9:00 a.m.

Members Who Participated:

Suryati Barnes, Natasha Bermudez, Kimberly Black, Naomi Brickel, Tim Bromirski, Kathy Ralabate Doody, Kristen Dudek, Edward Escobar, Jacqueline Frey, Alexis Harrington, Laura Hartmann, Laretta Joseph, Barbara Martorana, Alyse Middendorf, Namita Modasra, Eileen Murtha, James Nolan, Lori Podvesker, Vicki Prager, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Annmarie Urso, Mara Vanderzell, Mindi Wapner, Danielle Williams, Jamey Wolff, Mary-Margaret Zehr

The following New York State Education Department (NYSED) staff also participated in the meetings: Assistant Commissioner, Office of Special Education (OSE), Christopher Suriano; OSE Director of Special Education Services, Joanne LaCrosse; OSE Supervisor - Policy Unit, Alison Conners; OSE Associates/CAP Designees: Sandra Cote, Jennifer Hedderman; OSE Associate: Kelly Onorato, Assistant Data Director, Information and Reporting Services (IRS)/NYSED Coordinator of Federal Reporting, Kristin DeSalvatore; Executive Director, Charter School Office/NYSED, David Frank; TRLE Project Coordinator/NYSED, Paul Cardettino

General Business

CAP Chairperson Edward Escobar called the meeting to order at 9:00 a.m. This was followed by a review of Zoom participation tips by Jennifer Hedderman.

Chairperson Escobar also performed roll call. For attendance purposes, members were asked to enter their name in the chat box. Any members of the public were also asked to identify themselves in the chat box.

Alison Conners reviewed the agenda for both days.

ACTION ITEMS

October 22 -23, 2020 CAP Meeting Minutes

Members were given the opportunity to review and provide comments/corrections to the minutes. Chairperson Escobar asked members for a motion to accept the minutes. A vote was taken by Zoom poll.

MOVED, that the October 22-23 meeting minutes be approved.

Motion by: Laretta Joseph

Seconded by: Barbara Martorana

Action: Motion carried.

2019-2020 Annual Report

Annual report was provided to CAP members prior to the meeting to review. An explanation of the annual report process was provided. Following approval, the report will be submitted to the New York State Education Department (NYSED) for consideration and will be posted to the CAP website. Chairperson Escobar asked members for a motion to accept the annual report.

MOVED, that the *New York State Commissioner's Advisory Panel (CAP) for Special Education Services Annual Report - July 2019-June 2020* be approved.

Motion by: Brian Pulvino

Seconded by: Laretta Joseph

Action: Motion carried unanimously.

DISCUSSION ITEMS

Executive Committee Report

The CAP Executive Committee reported out on activities related to CAP since the October 2020 meeting. The Executive Committee has been meeting with NYSED staff on a regular basis to discuss the planning of future CAP meetings and ways to support the work of the CAP Subcommittees. Vice-Chairperson Yvonne Sinisgalli has been taking the lead on coordinating with the subcommittees. Members were reminded that the subcommittees will need to meet outside of CAP meetings and should plan to provide information to the full panel at the May 2021 CAP meeting.

Chairperson Escobar reported that he recently attended NYSED's Digital Equity Summit. He discussed the need for technology in NYS; concerns about connectivity; and effective use of devices and technology by students with disabilities, especially those with severe disabilities that may need one to one support. A second meeting is scheduled for March 2021. Recommendations from this Digital Equity Summit will go to Governor Cuomo's Office.

Old Business

In follow up to NYSED Commissioner Betty Rosa's participation at the October CAP meeting, the CAP Executive Committee sent a letter to the Commissioner expressing CAP's appreciation for having the opportunity to meet with her to articulate needs of CAP and hear her input. CAP members expressed interest in inviting Commissioner Rosa to attend a future meeting to continue the conversation.

Federal Fiscal Year (FFY) 2019 State Performance Plan/Annual Performance Report (Submitted February 1, 2021)

Kristen Desalvatore and Kelly Onorato presented on NYS's FFY 2019 State Performance Plan/Annual Performance Report required under Section 616 of the Individuals with Disabilities Education Act (IDEA). Members were provided an overview of data and information for the 16 SPP compliance and performance indicators NYS was required to report on in its FFY 2019 Part B SPP/APR, submitted to the U.S. Department of Education (USDE), Office of Special Education Programs (OSEP) on February 3, 2021. This data and information, considered preliminary during OSEP's clarification period, will be finalized by June 2021 and then publicly posted. Discussion focused on the explanation of progress and whether NYS met its targets for Indicators 1-16, with the opportunity for questions and clarification. Additional components of the SPP/APR submission were also explained, including which indicators were based on

a sampling of one-sixth of school districts in the State (New York City reports on all indicators every year) and those that showed “slippage” (i.e., worsening from the previous year’s data and failure to meet the target).

Members were also informed that next year’s FFY 2020 submission, due February 2022, to USDE will be first submission of the new FFY 2020-2025 six-year cycle. Target setting for the FFY 2020-2025 SPP/APR will involve broad stakeholder input on setting targets on the indicators for which new targets are required. Additional information will be shared with members throughout the stakeholder engagement process. CAP members, particularly certain subcommittees (i.e., Student Performance outcomes and Least Restrictive Environment (LRE)/Inclusion subcommittees), will be asked to provide input on target setting.

Members were asked to provide input on the following guiding questions using Padlet, an online post-it board.

1. For what indicators may future targets be more rigorous?
2. How has COVID-19 and online/hybrid learning impacted the data and what should be considered when setting new targets?
3. What reasons, if any, indicate that the current trend for certain indicators may change?
4. What are your suggestions on obtaining stakeholder input for target setting?

The Padlet link will remain open following the meeting for CAP members to continue to submit feedback. The results will be shared with members at the May 2021 CAP meeting.

Annual State Application Under Part B of IDEA

Alison Conners presented on the submission of New York State’s (NYS) Annual State Application Under Part B of IDEA for Federal Fiscal Year 2021, due May 21, 2021. Prior to the meeting, members received a copy of the PowerPoint presentation. Members were provided an overview of the required components of the application, including reporting on the description of the use of federal funds used for administrative and other State-level, the required assurances that NYS has policies and procedures to comply with IDEA requirements and the identification of areas where NYS exceeds federal requirements. Ms. Conners also explained the public participation requirements – posting for 60 days, public comment accepted for 30 days. The Part B Application is due no later than May 21, 2021. Members will be notified when the application is publicly posted.

Public Comment

Public comment regarding an in-school apprenticeship program was provided by Helena Van der Merwe a small business owner from A-Plus-Consulting LLC divisions. Following the meeting, Ms. Van de Merwe will submit comments in writing to CAP (see attached).

Following the public comment, CAP discussed the way in which public comment is provided at the CAP meetings, including what should happen with the comment provided, and that revisions to the process may be warranted.

Rethink Grant K12 Education Models Grant

David Frank, Executive Director of the NYSED Charter Office, and Paul Cardettino, Teaching in Remote/Hybrid Learning Environments (TRLE) Project Coordinator, presented on the [TRLE](#) Grant, launched using funds awarded to NYS for the federal Rethink K-12 Education Models Grant. Members were provided an overview of the three phases of the grant. The overarching purpose of the grant is to build the capacity of teachers and educational leaders to effectively implement remote/hybrid learning for all students. NYSED has partnered with the State University of New York Stony Brook Center for

Teaching and Learning in Community as part of the continuous improvement process and to perform action research. Baseline data is being gathered through initial reflection from focus groups and information gathering from other groups. Members were provided the link to the [online survey](#) that is available for teachers to provide input and sign up for focus groups. Members were also provided the link to join the TRLE Listserv.

To obtain member input on how TRLE can best support the needs of educators of students with disabilities, CAP members were assigned to virtual break out rooms to respond to the following two framing questions and reported out to the larger group:

Framing Question 1: What are the top three barriers to high-quality instruction and supports for educators of students with disabilities in a remote/hybrid environment (focusing on barriers that professional learning can help with)?

CAP Member Responses:

- Difficulty transitioning from traditional to computer learning
- Students with most significant challenges need one to one support
- Need to know more about accommodations for hybrid environment
- Inconsistency of connection and support
- Concerns about re-engagement when students return to in person instruction
- Need for professional development for parents assisting students at home
- Parents are frustrated and need support
- Need for clear guidelines and expectations
- Changing the old culture and paradigms to a new approach
- Technology issues in classroom and home
- Underutilization of paraprofessionals and need for training (e.g. one to one aides)
- Student engagement, especially for those with executive functioning issues
- Need for professional development on strategies for student engagement
- Modifying, prioritizing curriculum
- Planning time when co-teaching
- Adapting individualized education program goals for the home environment
- Mental health concerns, social time needed, supports for executive functioning needs
- Keeping students stimulated and engaged

Framing Question 2: What successful instructional/engagement/social-emotional practices have you seen educators implement to support students with disabilities, academically and social-emotionally in a remote/hybrid environment?

CAP Member Responses:

- Setting consistent expectations for home and school
- Training of paraprofessionals on software use
- Community groups stepping up to meet basic needs
- Prioritizing social emotional learning (SEL) over academic needs
- Use of aides and paraprofessionals as relationship managers
- Some students do better with remote instruction than in person
- Providing power hours, private Zoom links, lunch breaks, supported SEL chat times, school work times with support
- Smaller pods of instruction
- Training of staff remotely
- Using green screen activities
- Music breaks, body breaks, brain breaks

Presentation by Assistant Commissioner Chris Suriano

Assistant Commissioner Christopher Suriano shared information on the 2020-21 Legislative Budget Hearings for Special Education, including the Residential School Maintenance Cost Shift to Rest of State School Districts; Special Education Waivers; and Summer School Special Education Claiming Deadline. Commissioner Suriano also provided information on the Board of Regents special education 2020-2021 budget priority to improve the financial stability for approved school-age and preschool programs serving students with disabilities.

Assistant Commissioner Suriano also shared the positive feedback provided by Commissioner Rosa regarding her participation in the October 2020 CAP meeting. If CAP would like to meet with Commissioner Rosa again, Commissioner Suriano encouraged the CAP Executive Committee to provide him with the meeting dates for future CAP meetings.

Subcommittee Reports

The CAP Executive Committee clarified and explained roles of the four standing subcommittees as part of the restructuring of CAP to build efficiency and improve structures. Members were reminded that the expectation is for subcommittees to meet outside of the regular CAP meetings. Members were encouraged to define roles and appoint a chair/co-chair. Alison Conners clarified that the role of CAP and the subcommittees is to serve in an advisory capacity to NYSED. Recommendations of the subcommittee presented to full panel for approval are then submitted to NYSED for consideration. Following the meeting, members will be resent the subcommittee member lists along with contact information as well as procedures that have been developed to guide the work of the subcommittees. Assistant Commissioner Suriano thanked the subcommittees for their work and emphasized the importance of their input going forward.

Four Standing Subcommittees

1. **Student Performance Outcomes:** The subcommittee met and identified key questions/areas of focus including: the need for more information on the new Pre-Employment Transition services and how high school and the Adult Career and Continuing Education Services-Vocational Rehabilitation Office are coordinating to support students in transition; information on the outcomes of students with disabilities, inclusive of cognitive/physical/emotional outcomes, who have transitioned from school age programs to adult life and how successful these students have been.
2. **Teacher/Provider Certification/Recruitment and Retention:** The subcommittee met 5 times in 2020 to identify areas of teacher shortage, identify barriers to teacher recruitment/retention, identify barriers to certification, and prepare a summary of recommendations to CAP for further review. The subcommittee consulted with the following outside individuals: Lindsey Hayes, Collaborative for Effective Educator Development Accountability and Reform Center, David Rothfuss, New York State United Teachers (NYSUT), and Lin Severance, New York State Association of School Personnel Administrators.

The subcommittee has the following recommendations and information to share with CAP:

- Recommend that CAP partner with NYSUT to use their capacity to poll NYSUT members to identify barriers to recruitment and retention. The subcommittee also recommends P-12 partnerships with Institutions of Higher Education (IHEs) to address shortages and maximize pre-service and in-service teacher development.
- The following barriers to certification have initially been identified:
 - Additional credentials needed for teachers in grades 7-12 to be highly qualified in content area subjects;
 - Additional costs associated with certifications and exams;

- Shortage of applicants – need incentives to pursue areas of shortages (e.g., intensive training programs with funding opportunities);
 - Long process time for new program approvals (IHEs),
 - Lengthy wait for certification results (16 weeks); and
 - Juvenile justice population compounds existing issues as well as other populations.
- The subcommittee requested that CAP approve the following action items for the subcommittee during the next three months:
 - Work with NYSUT to develop a survey to gather data on barriers to teacher retention and shortages utilizing their capacity to reach a large number of NYS teaching professionals as well as collect and analyze a large dataset.
 - Allow members of the committee to not only gather data and make recommendations, but to prepare a white paper on the state of teacher shortages and recruitment and retention issues in special education in NYS at the conclusion of the project. Such a paper may be submitted for publication.
 - Establish a liaison within NYSED’s Office of Teaching Initiatives so that members of the subcommittee may interface and relay the barriers to students with disabilities certification that are being encountered in the field.
3. **Legislative/Regulatory/Policy Subcommittee:** No report submitted. NYSED will reach out to this subcommittee should input be needed on the special education waivers discussed by Assistant Commissioner Suriano and special education mandate relief.
4. **Least Restrictive Environment (LRE)/Inclusion Subcommittee:** The LRE/Inclusion Subcommittee appointed co-chairs who met to identify the goals of the subcommittee including: the need to build understanding across NYS of what LRE is and is not; focus on understanding LRE may provide better data for NYS development of a compendium of best practices from other states and district tools to support LRE.

Business Subcommittee: The Business Subcommittee is in the process of reviewing and updating the CAP By-laws. The proposed revisions will be submitted to the Cap Executive Committee for review and discussion prior to being presented to the full panel.

Due to time constraints, the recommendations of the Teacher/Provider Certification/Recruitment and Retention Subcommittee were not discussed by the members. These recommendations will be discussed and voted on at the May 13-14, 2021 CAP meeting.

Closing

Chairperson Escobar adjourned the February 2021 CAP meeting.