

New York State's Commissioner's Advisory Panel for Special Education Services December 2-3, 2021 Meeting Minutes

New York State's (NYS) Commissioner's Advisory Panel (CAP) for Special Education Services held its scheduled fall meeting December 2-3, 2021 via Zoom.

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, December 2nd at 9:00 AM.

Members Who Participated:

Lynette Aqueron, Suryati Barnes, Kimberly Black, Naomi Brickel, Tim Bromirski, Olga Nelly Collazo, Harold Dean, Kathy Ralabate Doody, Kristen Dudek, Brett Eisenberg, Edward Escobar, Mary Jo Ginese, Michelle Gode, Alexis Harrington, Eileen Murtha, Lori Podvesker, Brian Pulvino, Raquel Schmidt, Alesia Simco, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Mindi Wapner, Elizabeth O'Dell Wehling, Danielle Williams.

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, December 3rd at 9:00 AM

Members Who Participated:

Lynette Aqueron, Suryati Barnes, Kimberly Black, Naomi Brickel, Tim Bromirski, Olga Nelly Collazo, Harold Dean, Kathy Ralabate Doody, Kristen Dudek, Edward Escobar, Michelle Gode, Alexis Harrington, Eileen Murtha, Jennifer Pankowski, Lori Podvesker, Brian Pulvino, Raquel Schmidt, Alesia Simco, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Mindi Wapner, Elizabeth O'Dell Wehling, Danielle Williams.

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 Manager of Preschool Policy, Policy, Non-District and Incident Management Units, Suzanne Bolling; OSE Supervisor - Policy Unit, Alison Conners; OSE Associates/NYSED CAP Designees: Jennifer Hedderman and Dawn Kalleberg; Assistant Data Director, Information and Reporting Services (IRS)/NYSED's Individuals with Disabilities Education Act Part B Data Manager, Kristin DeSalvatore.

General Business

Chairperson 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 Edward Escobar asked members to enter their name and constituency in the chat box for attendance purposes. Members of the public were also asked to identify themselves by including their name and affiliation in the chat box.

Alison Conners introduced NYSED staff participating in the meeting and reviewed the two-day meeting agenda.

Old Business

See Action Item "May 13-14, 2021 Meeting Minutes."

Executive Committee Report

The Executive Committee recognized that schools and families have had to adjust during the COVID-19 pandemic and CAP and the Executive Committee continue to meet regularly throughout the school year to discuss the unmet needs of students with disabilities.

Chairperson Escobar introduced the following new members and previous members appointed for a new three-year term representing the following constituencies:

- Parents of Children with Disabilities – Danielle N. Williams, Olga Nelly Collazo, and Michelle Gode;
- Individuals with Disabilities – Jennifer Pankowski;
- Administrators of Programs for Children with Disabilities - Harold Dean;
- Representatives of Institutions of Higher Education that Prepare Special Education and Related Services Personnel – Raquel Schmidt; and
- Representatives of Private Schools – Eileen Murtha.

Chairperson Escobar reported that CAP currently has one vacant position for a representative of public charter schools. Applicants who are employed by a charter school may still apply for this vacant seat.

Vice-Chairperson Sinisgalli outlined the work of the CAP subcommittees. Secretary Williams provided a brief explanation of the work the Executive Committee has done related to CAP structure. She also discussed the importance of CAP voice, branding as well as the work needed moving forward.

ACTION ITEMS

May 13-14, 2021 Meeting Minutes

Secretary Williams provided a high-level summary of the May 2021 CAP minutes. Topics included Executive Committee work, input on the disability classification “Emotional Disturbance,” polling on State Performance Plan/Annual Performance Report (SPP/APR) Indicator 8 and Indicator 14, and CAP subcommittee reports. Members were given the opportunity to provide comments and/or 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 May 13-14, 2021 meeting minutes be approved.

Motion by: Harold Dean

Seconded by: Yvonne Sinisgalli

Action: Motion carried. One member abstained.

Election of CAP Executive Committee Officers

Chairperson Escobar informed members that he is in the second year of his two-year appointment by NYSED as Chairperson of CAP. He also informed members that a vote would be taken to elect the new Vice-Chairperson and Secretary for the 2021-22 CAP year. CAP members were provided the opportunity to nominate candidates for these positions prior to the meeting using an online nomination form. Chairperson Escobar informed members that nominations included Yvonne Sinisgalli for Vice Chairperson and Danielle Williams for Secretary and asked for any additional nominations from the floor. No additional nominations were made.

Danielle Williams was elected as Secretary and Yvonne Sinisgalli as Vice-Chairperson for a one-year term by unanimous vote.

DISCUSSION ITEMS

Remarks from the OSE Leadership

Assistant Commissioner Chris Suriano welcomed participants and explained that the recommendations and discussions that take place at CAP meetings impact work within the Department. Assistant Commissioner Suriano presented an overview of certification and plans for a comprehensive review of certification in response to teacher shortages across New York State (NYS). Based on feedback from the field, a number of certification regulations, policies, and procedures are currently under review. Next steps in the review include: making certification changes driven by Board of Regents (BOR) policy goals; investing in a supportive, responsive, and efficient certification process for applicants; continuing stakeholder engagement; reducing certification complexity to achieve policy goals while maintaining rigorous standards; communicating with higher education around changes to competencies and expectations for the field; and proposing regulatory changes to the BOR at future meetings, as necessary.

Director of Special Education Services Joanne LaCrosse shared policy updates on the following:

Special Education Disability Classification “Emotional Disturbance:”

During the May 13, 2021 CAP meeting, members were polled on whether the BOR should consider replacing the term “Emotional Disturbance” in NYS Regulations. Members unanimously supported such change. The change to the disability classification “Emotional Disturbance” has also been discussed with the OSE Youth Advisory Panel, teacher networks and advocacy groups. On October 7, 2021, the OSE posted a survey to obtain stakeholder input on changing the term for the disability classification emotional disturbance and is seeking suggestions for replacement terminology. The survey closed October 29, 2021, with over 1,110 responses submitted, including 50 students. The OSE will present the results of this survey to the BOR for discussion in the spring of 2022.

State Personnel Development Grant (SPDG):

NYSED received a federal SPDG to implement a department-wide initiative that will use integrated multi-tiered systems of support (MTSS-I) to provide academic, behavioral, and social emotional supports in 50 schools that meet specific criteria. The State University of New York at Albany will develop an MTSS-I Center. This project will also include collaboration with institutions of higher education and the Collaboration for Effective Educator Development, Accountability, and Reform Center. Schools will receive intensive support from the OSE Educational Partnership starting in 2022.

Due Process:

In May 2019, the OSE imposed a compliance assurance plan on the New York City Department of Education (NYCDOE), that requires, among other actions, that the NYCDOE address the volume of due process special education complaints filed annually. Ninety-eight percent of due process complaints come from NYC (approximately 14,000 currently). At the November 2021 BOR meeting, NYSED proposed the following amendments:

- Requiring NYC Impartial Hearing Officers to accept a minimum of 35 case appointments and no more than 500 case appointments at any one point in time;
- Allow 60-day extensions in special education due process hearings; and
- Require the implementation and use of an electronic filing system for special education due process in NYC.

NYSED will hold public hearings in February 2022 to elicit public comment on these changes.

SPP/APR Target Setting/Stakeholder Engagement

Alison Conners, Suzanne Bolling and Kristen DeSalvatore presented updates on NYS’s Federal Fiscal Year (FFY) 2020-2025 SPP/APR target setting and stakeholder engagement process, previously discussed at the May 2021 CAP meeting. Members watched an OSE SSP/APR video that provided a broad overview of the SPP/APR and the stakeholder engagement requirements. Information was provided on the SPP/APR resources developed by the OSE, including indicator specific materials, the October and November 2021 virtual stakeholder meetings and the online surveys used to obtain stakeholder feedback on improvement strategies and the OSE’s proposed SPP/APR targets. Detailed information was provided for Indicators 6 and 7, including the indicator measures, trend data, proposed targets, and results of the feedback from the stakeholder meetings and online surveys. Members were asked for their feedback as to whether there should be any changes to the phase in of the proposed targets for FFY 2021-2024. CAP’s input will be considered in making a final decision on target setting for Indicators 6 and 7. The OSE will post a written report for all 17 indicators describing the results of the stakeholder input as well as the final targets to be included in the FFY 2020-2025 SPP/APR.

Public Comment

There was no public comment submitted or provided during the meeting.

CAP 2020-21 Annual Report

Chairperson Edward Escobar informed members that the Executive Committee is working with NYSED on drafting the 2020-21 CAP Annual Report, which summarizes the work of CAP during the 2020-21 school year, reviews the required CAP constituency, meetings, and tasks and provides an overview of the work of the Executive Committee. Yvonne Sinisgalli, 2020-21 Vice-Chairperson provided an overview of the CAP subcommittees. A copy will be sent to members to review prior to being voted on at the March 2022 CAP meeting.

Unmet Needs

The CAP members were randomly assigned to virtual breakout rooms to discuss and identify current unmet needs related to special education in NYS and report out to the larger group. Members identified the following unmet needs:

Breakout room 1

- Addressing the social emotional needs of students with disabilities during the COVID-19 crisis;
- Staffing shortages statewide - students not getting the services they need and teachers leaving the field and State;
- Part 154 of NYS regulations for English as a New Language services and special education; and
- Helping parents advocate effectively.

Breakout room 2

- Training on least restrictive environment (LRE) for members of the committee on preschool special education and families;
- Parent advocacy - Families need a place to turn to when they have questions or need help navigating the process that will not cost money;
- Successes and failures of schools and why they happen; and
- Parent engagement versus parent involvement.

Breakout room 3

- Lack of appropriate programs for students with autism, especially those with mild and severe autism;
- Use of Cares Act/American Rescue Plan (ARP) funding;
- Continuum of services, including the placement of children in smaller settings (6:1+1/ 8:1+1) and appropriate settings for students with autism; and
- Need to look at NYC's plan for providing additional services using ARP funds rather than providing compensatory services when services are not provided according to a student's individualized education program.

Subcommittee Reports

- 1. Student Performance Outcomes:** The subcommittee has met three times since the May 2021 CAP meeting. The subcommittee recommended providing more help with transition services, especially agency awareness and making things more parent friendly. Due to changes in membership, this subcommittee currently only has one member.
- 2. Teacher/Provider Certification, Recruitment and Retention:** The subcommittee reiterated their recommendations from the May 2021 CAP meeting, including:
 - Using the Collaboration for Effective Educator Development, Accountability, and Reform Center and other resources to identify teacher shortages;
 - Partnering with the New York State United Teachers to conduct a survey of teachers to identify the barriers to certification
 - Developing a white paper on teacher shortages for CAP to present to NYSED and for future publication;
 - Partnering with NYSED to work on retention issues;

- Establishing partnerships with institutions of higher education for teacher development;
- Addressing barriers for teacher certification;
- Establishing a liaison with the Office of Teaching Initiatives

Joanne LaCrosse reported that NYSED will be presenting to the BOR on teacher shortages and certification. NYSED will continue stakeholder engagement on these issues, including additional discussions with CAP.

- 3. Legislative/Regulatory/Policy:** The subcommittee reported that they had met two times since the May 2021 CAP meeting. The subcommittee recommended discussion of proposed legislation S1662B and A3523A, which would expand the scope of practice of Licensed Behavior Analysts to serve students beyond those with an autism diagnosis, and that CAP vote to submit a recommendation to NYSED to support both bills. Subcommittee Co-Chairperson Kristie Stromecki and subcommittee member Mara Vanderzell provided background on the bill and indicated that passage of this bill would align NYS with other states and could decrease the number of behavior analysts leaving the State.

Chairperson Escobar called for a motion for the following action item put forward by the subcommittee:

MOVED, that CAP recommend to NYSED that NYSED voice support to the Governor and legislature for bills S1662B and A3523A.

Motion: Harold Dean

Second: Yvonne Sinisgalli

Action: Motion carried. One member abstained.

- 4. LRE:** The subcommittee recommended:
- NYSED create an LRE Blueprint;
 - Training be provided to committees on special education (CSE) on how to develop behavior support.
 - NYSED develop training for CSE members, including parents, on the benefits of LRE; and
 - More emphasis be placed on specially designed instruction.

Suzanne Bolling provided information on the OSE's proposed improvement strategies for SPP/APR Indicators 5 and 6 and discussed future collaboration between the OSE's internal LRE workgroup and the CAP LRE subcommittee.

Business Committee: The subcommittee has met two times since the May 2021 CAP meeting. Members of the subcommittee have been reviewing the structure for voting remotely using Roberts Rules, developing a draft/template thank you letter to public commenters and presenters. Members were informed that the updates the subcommittee made to the member application can be found in the version of application posted on the CAP website. The application was used for recruiting members for the 2021-22 CAP year.

Closing

Chairperson Escobar adjourned the December 2021 CAP meeting.