

**New York State
Commissioner's Advisory Panel
for Special Education Services
Annual Report
July 2021 – June 2022**

Message from the Chair or Executive Committee

The Commissioner's Advisory Panel for Special Education Services (CAP) conducted all business by way of virtual meetings because of the COVID-19 pandemic. The Executive Committee (Chairperson Dr. Edward Escobar, Vice-Chairperson Yvonne Sinisgalli and Secretary Danielle N. Williams) worked with newly appointed CAP members for an orientation session which was co-led by the CAP officers, and the New York State Education Department (NYSED), Office of Special Education (OSE) CAP designees. There were three scheduled meetings for the year. Beginning with the fall 2021 meeting, we had robust agendas to meet and discussed the unmet needs of students with disabilities. In addition, the CAP subcommittees reported out at CAP meetings.

As we continue to navigate the effects of COVID-19 on students with disabilities, as well as the identified issues that compound special education in New York State (NYS), we continue to move forward. We are very proud of the persistence that the members possess and continue to advocate for all with fresh ideas from subcommittee work as well as the full panel.

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 NYS, the panel is referred to as the Commissioner's Advisory Panel for Special Education Services (CAP) and is 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 NYSED's OSE. CAP's responsibilities are prescribed by NYS Education Law section 4403(6) in accordance with the IDEA and include:

- To advise the Governor, Legislature and the Commissioner of Education ("Commissioner") of unmet needs within NYS 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 the IDEA.
- To advise NYSED in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the 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 2021 through June 2022.

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 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* (42 U.S.C. 11431 *et seq.*);
- administrators of programs for children with disabilities;
- representatives of other NYS 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 NYS child welfare agency responsible for foster care; and
- representatives from the NYS 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).

The Commissioner appoints CAP members to a three-year term, which runs from July 1 to June 30. CAP membership for the 2021-22 school year included the following 29 voting members appointed by the Commissioner and two Ad Hoc nonvoting members:

Member Name	Constituency
Naomi Brickel	Parent of a child with a disability
Olga Nelly Collazo	Parent of a child with a disability
Kathy Ralabate Doody	Parent of a child with a disability
Michele Gode	Parent of a child with a disability
Barbara Martorana	Parent of a child with a disability
Lori Podvesker	Parent of a child with a disability
Yvonne Sinisgalli	Parent of a child with a disability
Kristie Stromecki	Parent of a child with a disability
Mara Vanderzell	Parent of a child with a disability
Dr. Danielle Williams	Parent of a child with a disability
Mary-Margaret Zehr	Parent of a child with a disability
Jennifer Pankowski	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
Harold Dean	Administrator of programs for children with disabilities
Edward Escobar	Administrator of programs for children with disabilities
Raquel Schmidt	Representative of institutions of higher education that prepare special education and related services personnel
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
Stacy Lyles	Charter School Representative
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
Alesia Simco	Ad Hoc representative – NYSED Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR)
Chris Kus	Ad Hoc representative – NYS 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 for a one-year term at the first CAP meeting of the year. The following members served on the 2021-22 Executive Committee:

- Edward Escobar, CAP Chairperson
- Yvonne Sinisgalli, CAP Vice-Chairperson
- Danielle Williams, CAP 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 2021-22 school year, CAP met virtually via Zoom on the following dates:

- December 2-3, 2021
- March 3-4, 2022
- May 19-20, 2022

Official minutes are kept on all CAP meetings and are posted on the [CAP website](#) after review and approval. The following are the CAP agendas and meeting minutes for the 2021-22 school year:

- [December 2-3, 2021 CAP Meeting Agenda](#)
- [Minutes from the December 2021 Meeting](#)
- [March 3-4, 2022 CAP Meeting Agenda](#)
- [Minutes from the March 2022 Meeting](#)
- [May 19-20, 2022 CAP Meeting Agenda](#)
- [Minutes from the May 2022 Meeting](#)

CAP Recommendations and Feedback

During the 2021-22 school year, CAP members received information and provided feedback and recommendations on the following policies:

- Identification of Unmet Needs within NYS in the Education of Students with Disabilities/CAP Priorities for 2021-22;
- Target Setting and the Stakeholder Involvement Process Relating to the State Performance Plan (SPP)/Annual Performance Report (APR) for Federal Fiscal Years (FFY) 2020-25;
- NYS's FFY 2020 SPP/APR (submitted February 2, 2022);
- NYS's Annual State Application Under Part B of IDEA for FFY 2022;
- Technical Assistance Resources Available through the [Office of Special Education Educational Partnership](#); and
- NYS's Due Process System.

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 unmet needs within NYS in the education of children with disabilities." During the 2021-22 school year, the following issues were identified as areas of need within NYS:

- continuous stakeholder input on all CAP subcommittees;
- address the teacher and administrator shortage in areas of high needs for students with disabilities;
- revamp the teacher certification for individuals pursuing employment in special education;

- coordinate bi-monthly collaboration between NYS agencies;
- address the transition to adult services (ACCES-VR and Office for People With Developmental Disabilities) for individuals with disabilities; and
- COVID-19 (related to the impact on 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 2021-22, [public comment was provided at the March 2022 CAP meeting by Emily Mondschein](#), the Executive Director of Gigi’s Playhouse in Buffalo, New York regarding inclusive education for students with Down Syndrome.

IV. SUBCOMMITTEES

The four established, standing subcommittees met regularly during the 2021-22 school year to fulfill their responsibilities. Based on member input on the needs of families at the December 2021 CAP meeting, issues raised regarding outreach to families, and conversations of the existing subcommittees, CAP voted at their March 2022 meeting to establish a fifth standing subcommittee, the Family Engagement Subcommittee. 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 5-7 members. Each CAP member must serve on one of the standing subcommittees. A brief description of each subcommittee is as follows:

1. Student Performance Outcomes Subcommittee – Purpose: To focus on data relative to the NYS SPP/ APR, conduct analysis around identified areas of concern, make recommendations, and advise NYSED regarding target setting.
2. Legislative/Regulatory/Policy Subcommittee – Purpose: To follow emerging initiatives in NYS including reviewing legislative bills and regulations proposed for issuance regarding/affecting the education of children with disabilities and sharing information with all the CAP members to determine if comments should be provided on behalf of CAP.
3. Teacher/Provider Certification/Recruitment and Retention Subcommittee – 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 Subcommittee – 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.
5. Family Engagement Subcommittee – Purpose: To advise NYSED on effective strategies and resources to meaningfully engage and support parents and families of students with disabilities as partners in the education of their children.

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 CAP meeting attendance and make recommendations to NYSED to replace members who do not regularly attend meetings.
- To revise/update the Bylaws based upon input from the CAP members related to the policies, procedures, and Bylaws that guide the operations of CAP.
- To review best practices from other State Advisory Panels and make recommendations to CAP members to make the CAP meeting process more engaging and productive.

Summary of Subcommittee Reports

The subcommittees reported out the following at the 2021-22 CAP meetings:

- The Student Performance Outcomes Subcommittee reviewed the changes and initiatives in the following areas which impact performance outcomes for students:
 - Performance Outcomes
 - Disproportionality
 - Least Restrictive Environment
 - Transition Planning and Services
 - Diploma Types

This subcommittee looked at data post-COVID after many changes were implemented and the impact these changes had on students, staff, districts, and agencies that support students with disabilities.

- The Legislative/Regulatory/Policy Subcommittee reviewed proposed legislation/regulations that impacted students with disabilities in NYS such as 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 proposed regulations relating to due process and special education teacher certification requirements.
- The Teacher/Provider Certification/ Recruitment and Retention Subcommittee met to brainstorm on challenges for teachers regarding certifications and the cost of degrees. This subcommittee recommended a data analysis of the outlook on teachers in special education within the next five years. Finally, this subcommittee reviewed the proposed amendments for teacher certification.
- The LRE/Inclusion Subcommittee met to discuss the outlook for LRE and inclusiveness. This subcommittee recommended the following regarding LRE:
 - Ensure special education classifications do not put children in a place but a program
 - Revise the three-year mandated review process
 - Detailed explanation by NYSED of LRE and access to all programs in NYS
 - Focus on LRE in a three-year period
 - Year 1 – Breaking the stigma

- Year 2 – Preparing teachers and staff to support children with disabilities
- Year 3 – Creating a specific landing page with resources and best practices for schools

This subcommittee also posed questions to NYSED for clarification:

- How do we (NYSED) maximize education for students with disabilities with their non-disabled peers?
 - How do we ensure there is LRE access for students with disabilities within their school environment?
- The Family Engagement Subcommittee is a new subcommittee which was formed at the March 2022 CAP meeting. Preliminary meetings discussed the purpose of this subcommittee and how it will impact recommendations to NYSED.
 - The Business/Membership Subcommittee met and updated language in the current CAP Bylaws. This subcommittee also developed a letter to be sent out to any constituent who presented information for public comment.

Subcommittee Recommendations

The Legislative/Regulatory/Policy Subcommittee recommended at the December 2-3, 2021, CAP meeting that NYSED voice support to the Governor and Legislature for proposed legislation S1662B and A3523A. The full CAP discussed and voted to approve this recommendation for consideration by NYSED.