

**New York State  
Commissioner's Advisory Panel  
for Special Education Services  
Annual Report  
July 2022 – June 2023**

## Message from the Executive Committee

*The Commissioner’s Advisory Panel for Special Education Services (CAP) serves a crucial role in the delivery of special education services for all students, and its members demonstrated a thoughtful dedication to its mission again this year. Together with representatives from the New York State Education Department (NYSED), CAP engaged in productive dialogue around the most essential needs of our students. The Executive Committee is proud to provide this Executive Summary detailing the extensive work done by this group of committed individuals.*

### 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. CAP serves in this capacity in New York State (NYS), 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 General Membership].

CAP functions in an advisory capacity to NYSED’s Office of Special Education (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 2022 through June 2023.

### 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 2022-2023 school year included the following voting members appointed by the Commissioner and Ad Hoc nonvoting members:

<b>Member Name</b>	<b>Constituency</b>
Naomi Brickel	Parent of a child with a disability
Alicia Bockmeir	Parent of a child with a disability
Olga Nelly Collazo	Parent of a child with a disability
Janety Encarnacion	Parent of a child with a disability
Michele Gode	Parent of a child with a disability
Kimberly Clarke	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
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
Angela Austin	Individual with a disability
Jennifer Pankowski	Individual with a disability
Sharada Veerubhotla	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 (December 2021-November 2022)
Suzanne Pearson	Ad Hoc representative – NYSED Adult Career and Continuing Education Services-Vocational Rehabilitation (March 2023-Present)
Raymond Pierce	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 2022-2023 Executive Committee:

- Barbara Martorana, CAP Chairperson
- Danielle Williams, CAP Vice-Chairperson
- Kristin Dudek, 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 2022-2023 school year, CAP met on the following dates:

- November 3-4, 2022
- March 2-3, 2023
- May 18-19, 2023

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 2022-2023 school year:

- [November 3-4, 2022, CAP Meeting Agenda](#)
- [Minutes from the November 2022 Meeting](#)
- [March 2-3, 2023, CAP Meeting Agenda](#)
- [Minutes from the March 2023 Meeting](#)
- [May 18-19, 2023, CAP Meeting Agenda](#)
- [Minutes from the May 2023 Meeting](#)

#### **CAP Recommendations and Feedback**

During the 2022-2023 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 2022-2023;
- Exiting New York State Alternate Assessment Students from English Language Learner Status;
- Receive information and provide feedback on State Performance Plan (SPP) Indicator 6 - Preschool Least Restrictive Environment, SPP Indicator 8 - Parent Involvement and SPP 14 - Post-School Outcomes
- NYS's FFY 2021 State Performance Plan/Annual Performance Report (SPP/APR) (submitted February 1, 2023);
- NYS's Annual State Application Under Part B of IDEA for FFY 2023;
- NYSED's Blue Ribbon Commission on Graduation Measures;
- NYS's Due Process System;
- Target Setting for SPP Indicator 15, Resolution Sessions; and
- Proposed Amendment of Section 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education on Corporal Punishment.

#### **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 2022-2023 school year, the following issues were identified as areas of need within NYS:

- Transition planning for youth and support for vocational goals;
- Transition for PreK-age 21: critical steps;
- Parent education;
- Supports for students with disabilities who are English language learners;
- Individualized planning for all students including daily living skills;
- Staff shortages - including recruiting and retaining certified educators and shortages of preschool providers (i.e., related services);
- Mental health supports;
- Transition planning should begin earlier and occur PreK to 21 to set students up for success;
- Guidance is needed to assist programs in understanding student needs at key transition stages (e.g., committee on preschool special education (CPSE) to committee on special education (CSE); elementary to middle school, middle school to high school and high school to post-secondary);
- Transition to post-secondary life for students with significant disabilities needs to be seamless so that youth with disabilities have the supports and therapies they need after leaving school;
- Importance of meeting students’ current needs and planning for supports to build future independence (e.g., consideration of 1:1 aide, therapies and supports vs. programs); and
- Students enrolled in Career and Technical Education (CTE) and participating in Work Based Learning (WBL):
  - What is the data on participation of students with disabilities in CTE programs and how are schools using WBL?
  - What supports do students need to be successful?

At the May 2023 meeting, CAP members identified the following main areas of focus for the 2023-2024 school year: Transitions from CPSE to CSE; elementary to middle school, middle school to high school, and high school to post-secondary. Specific focus to be placed on preschool to school age supports and CTE/Life and Career Readiness for students with disabilities.

### **Public Participation**

All meetings and work sessions are open and accessible to the public. Public comments are 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 2022-2023, no public comment was provided.

## **IV. SUBCOMMITTEES**

The five established, standing subcommittees met during the 2022-2023 school 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 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 2022-2023 CAP meetings:

- Student Performance Outcomes: The subcommittee reviewed previous areas of focus related to student outcomes and will be moving forward with addressing these areas: the Board of Regents discussions on diploma types, performance outcomes, and transition supports and concluded with a committee discussion around the CAP meeting in November 2022. This group would like to see large group discussions continuing at future CAP meetings. The subcommittee reported that it is difficult to focus on areas when the data is lagging a year but indicated that review and discussions with other subcommittees would be beneficial.

- Legislative/Regulatory/Policy: The subcommittee set their priorities for the new policies they want to address. The subcommittee shared they would like the input of the full Panel on ranking and prioritizing proposed legislation in the 2022-2023 session, in consideration of the unmet needs identified by members at the November 2022 meeting. The subcommittee hopes to send out a survey about the legislative proposals that are most impactful to CAP.
- Teacher/Provider Certification/Recruitment and Retention: The subcommittee has been brainstorming challenges related to teacher shortages. Since the comment period on the proposed regulations ended in August 2022, comments drafted by the subcommittee asking the Board of Regents to consider K-8 and 5-12 certification grade bands to help maintain retention of staff, were submitted by a subcommittee member as an individual member of the public. The subcommittee reported that current concerns in the field are related to the high turnover rate of teachers, teachers feeling unprepared with behavioral management techniques, and how the impact of the requirement for an additional eighteen credit hours in a content area will impact teachers in resource room or special class settings. They also discussed the impact of the Students with Disabilities (All Grades) certification and reviewed the certificate summary and frequently asked questions document provided on the Office of teaching Initiatives webpage and are seeking information about support for Institutes of Higher Education regarding the new certification.
- LRE/Inclusion: The subcommittee is looking at its previous goals and objectives of focusing on inclusiveness. Through the review and analysis of data, the subcommittee was exploring issues relating to access and ways to maximize participation of students with disabilities with their non-disabled peers. Much of their information was shared in full group CAP meetings and led to discussions of unmet needs.
- Family Engagement: The subcommittee focused on the importance of looking through a family lens and determining how information is reaching parents and families. One goal identified by the subcommittee is to increase public participation and determine how best to provide information to families. The subcommittee chairperson indicated support for the CAP subcommittees with additional guidance and a focus on addressing unmet needs.
- Business/Membership: The subcommittee did not meet pending the review of the amended CAP Bylaws.

### **Subcommittee Redesign**

Chairperson Martorana led a discussion about the structure of the CAP subcommittees moving forward, including when and how often they meet and how to promote additional participation. CAP members shared suggestions for the process moving forward. Based on the recommendations, the Executive Committee met to create a plan for the subcommittee work to be shared with members.

Beginning with the 2023-2024 CAP year, there will be three subcommittees:

- Preschool;
- School Age; and
- Business/Membership

Subcommittees will be given time to meet at each CAP meeting and asked to provide input and stakeholder feedback on relevant and timely issues and topics (e.g., redesign of SPP indicators 8 and 14 survey and data collection). Subcommittees will consider the identified unmet needs of students with disabilities to make recommendations to the larger CAP. The Business/Membership subcommittee will play a more active role in monitoring attendance and recruitment strategies.