

**New York State  
Commissioner's Advisory Panel  
for Special Education Services  
Annual Report  
July 2023 – June 2024**

## 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 fundamental 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 NYS 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 2023 through June 2024.

## 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 2023-2024 school year included the following voting members appointed by the Commissioner and Ad Hoc nonvoting members:

Member Name	Constituency
Alicia Bockmier	Parent of a child with a disability
Kimberly Clarke	Parent of a child with a disability
Janety Encarnacion	Parent of a child with a disability
Amy Frank	Parent of a child with a disability
Michele Gode	Parent of a child with a disability
Lindsey Holcomb	Parent of a child with a disability
Tia Jackson	Parent of a child with a disability
Jamie Maistros	Parent of a child with a disability
Kylie Schell	Parent of a child with a disability (May 2024-present)
Danielle Williams	Parent of a child with a disability
Jennifer Pankowski	Individual with a disability
Sharada Veerubhotla	Individual with a disability
Andrew Jordan	Teacher of students with disabilities
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
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
Chad Colarusso	Representative of other State agencies – NYS Office for People with Developmental Disabilities
Stacy Lyles	Charter School Representative
Andrea DeMeo	Representative of nonpublic schools
Jacie Feuer	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
Joshua Woodworth	Representative of adult corrections agency – NYS Department of Corrections and Community Services
Suzanne Pearson	Ad Hoc representative – NYSED Adult Career and Continuing Education Services-Vocational Rehabilitation
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 2023-2024 Executive Committee:

- Danielle Williams, CAP Chairperson
- Kristin Dudek, CAP Vice-Chairperson
- Alicia Bockmier, 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 2023-2024 school year, CAP met on the following dates:

- November 2 - 3, 2023
- February 29, 2024 - March 1, 2024
- May 30 - 31, 2024

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 2023-2024 school year:

- [November 2 - 3, 2023, CAP Meeting Agenda](#)
- [Minutes from the November 2023 Meeting](#)
- [February 29, 2024 - March 1, 2024, CAP Meeting Agenda](#)
- [Minutes from the February - March 2024 Meeting](#)
- [May 30 -31, 2024, CAP Meeting Agenda](#)
- [Minutes from the May 2024 Meeting](#)

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

During the 2023-2024 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 2023-2024;
- Participation of Students with Disabilities in Career and Technical Education Programs;
- Due Process System in NYS;
- State Performance Plan Indicator 15, Resolution Sessions, Data, Target Setting and Improvement Strategies;
- NYS 2023 IDEA Determination under Section 616(d) of the IDEA: Part B;
- Results of the Differentiated Monitoring and Support (DMS) activities conducted by the U. S. Department of Education's Office of Special Education Programs;
- Formal Opinion of Counsel 242 regarding the effect of a Second Circuit Court of Appeals' decision that requires that public schools in New York provide special education and related services to resident students with disabilities until age 22;
- NYS Federal Fiscal Year (FFY) 2022 State Performance Plan/Annual Performance Report (SPP/APR) (submitted February 1, 2024);
- NYS Annual State Application Under Part B of IDEA for FFY 2024;
- Blue Ribbon Commission on Graduation Measures Report and Recommendations;
- Bilingual and English as a New Language Services for English Language Learners who are Students with Disabilities;
- Updates to Behavioral Supports and Interventions in Schools in accordance with the 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 regarding the prohibition of corporal punishment, aversive interventions, prone restraint, and seclusion; permitted use of timeout and restraint; data collection;
- Updated Early Intervention to Preschool Transition Guide;
- Updates on the NYSED Dyslexia and Dysgraphia Task Force that was established pursuant to Chapter 76 of the Education Laws of 2024;
- Office of Standards and Instruction P-20 Literacy Initiative and Virtual Learning

### **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 2023-2024 school year, the following issues were identified as areas of need within NYS:

#### **Preschool Unmet Needs**

- Tuition Reimbursement Rate for preschool programs serving preschool students with disabilities
- Fee For Service reimbursement rate-Early Intervention (EI)
- Transportation
- Availability of preschool providers (preschool and EI)
- Loss of providers to school districts
- Requirements and extensive process to open programs/approvals needed
- Preschool staff—No access to teacher retirement system
- Lack of physical space for programs
- Increase in number of children not receiving services (preschool and EI)
- Increase in English Language Learners and support services
- Growing need for new special education services
- District operated approved preschool programs (education law section 4410) vs. private/non-profit

#### **School Age Unmet Needs**

- Communication between schools and families:
  - implementation of impartial hearing decisions
  - Information regarding committee on special education (CSE) parent member and other resources/organizations to support families
  - use of understandable language and offering a variety of methods when communicating and supporting parents
  - availability of translations/multiple languages
- Increase in need for related service providers and special education staff.
- Transition related needs:
  - collaboration with outside agencies (ACCES-VR, OPWDD, OMH) for services, e.g., Pre-Employment Transition Services
  - coordination and linkages to adult services and programs/placements for students with higher levels of need

At the May 2024 meeting, CAP members identified the following main areas of focus for the 2024-2025 school year:

- Role of State agencies participating in transition planning with families, e.g., participation in CSE meetings and IEP development
- Least Restrictive Environment – Residential Placements
- Understanding Impartial Hearing Process
- Supporting students with disabilities in institutions of higher education and other post-secondary settings
- Clarification of scope of practice and reciprocity with other states in professional licensing for related services
- Transition programming, e.g., work-based learning
- Effect of Workplace Violence act on staffing
- Encouraging people to enter the teaching profession, student teaching,
- Issues related to transfer students (sharing of records and information)
- Continuum of special education services and Least Restrictive Environment
  - Clarification of difference between home instruction (parent taught) and homebound instruction (Instruction provided to students in a home, hospital, or institutional setting other than a school.
- Discipline of students with disabilities, manifestation review and manifestation determination

### **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 2023-2024, no public comment was provided.

## **IV. SUBCOMMITTEES**

The established, standing subcommittees met during the 2023-2024 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 CAP member must serve on one of the standing subcommittees. A brief description of each subcommittee is as follows:

1. Preschool Subcommittee – Purpose: The Preschool Subcommittee is comprised of CAP members representing diverse constituencies and serves as a vital resource for the Panel to support the advancement of high-quality preschool special education by providing expertise, insights, and recommendations based on areas of need identified through analysis of data trends and review of State regulations, policies, procedures and practices.
2. School-age Subcommittee – Purpose: The School-age Subcommittee is comprised of CAP members representing diverse constituencies and serves as a vital resource for the Panel to support the advancement of high-quality special education for school-

age students by providing expertise, insights, and recommendations based on areas of need identified through analysis of data trends and review of State regulations, policies, procedures and practices.

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 completed the following at the 2023-2024 CAP meetings:

#### Preschool Subcommittee:

The Preschool Subcommittee discussed issues relating to preschool provider shortages; meeting the behavioral needs of preschool students with disabilities; and differences in policies between preschool programs regulated by different agencies.

As a result of these discussions, the CAP Preschool Subcommittee made a formal recommendation for a review of process and policies related to approved preschool special education programs pursuant to section 4410 of the NYS Education Law. The recommendation is for more specific guidance when programs that are regulated by both NYSED and the Office of Children and Family Services have requirements that may not be in synchrony with one another.

#### School-age Subcommittee:

The School-age Subcommittee discussed issues related to transition planning for students with disabilities, including the need for providing vocational resources for younger students; student participation in work based learning; student participation in CSE; transition planning needs of justice involved youth; and the role of other NYS agencies in transition planning. The subcommittee also discussed teacher and provider shortages; student teaching requirements; diversity, equity and inclusion in providing supports for students prior to classification through multi-tiered systems of support and universal design for learning. The School-age Subcommittee further discussed the need for a multilingual resource guide to assist families.

Business/Membership Subcommittee:

Members of the Business/Membership Subcommittee reviewed the process for recruiting new CAP members; discussed methods for increasing outreach; reviewed application materials; and made recommendations regarding expanded participation in the new member interview process.