

## **New York State's Commissioner's Advisory Panel for Special Education Services October 24-25, 2024, Meeting Minutes**

New York State's (NYS) Commissioner's Advisory Panel for Special Education Services (CAP) held its scheduled fall meeting on October 24-25, 2024, in-person at the New York State Education Department (NYSED) building in Albany, New York.

### **MEETING OF CAP October 24, 2024 at 11:00 A.M.**

#### **Members Who Participated:**

Natasha Bermudez, Alicia Bockmier, Marilee Boylan, Timothy Bromirski, Kimberly Clarke, Chad Colarusso, Harold Dean, Andrea DeMeo, Vaughn Denton, Kristin Dudek, Janety Encarnación, Suzanne Engel, Jacie Feuer, Amy Frank, MaryJo Ginese, Michelle Gode, Tia Jackson, Andrew Jordan, Stacy Denise Lyles, Jaime Maistros, Scott Payne, Suzanne Pearson, Raymond Pierce, Kylie Schell, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth.

Absent: Jennifer Pankowski

### **MEETING OF CAP, October 25, 2025, at 9:00 A.M.**

Natasha Bermudez, Alicia Bockmier, Marilee Boylan, Timothy Bromirski, Kimberly Clarke, Chad Colarusso, Harold Dean, Andrea DeMeo, Vaughn Denton, Kristin Dudek, Janety Encarnación, Suzanne Engel, Jacie Feuer, Amy Frank, MaryJo Ginese, Michelle Gode, Tia Jackson, Andrew Jordan, Stacy Denise Lyles, Jaime Maistros, Scott Payne, Suzanne Pearson, Raymond Pierce, Kylie Schell, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth.

Absent: Jennifer Pankowski

The following NYSED staff also participated in the meetings: Deputy Commissioner, Office of Adult Career and Continuing Education Services (ACCES) and Office of Special Education (OSE), Ceylane Meyers-Ruff; Associate Commissioner, OSE, Christopher Suriano; Chief of Special Education Services, OSE, School Age Policy and Due Process Units, Eileen Borden; Supervisor, OSE, School Age Policy Unit, Marisa Daniels; Manager, OSE, Preschool Policy, Nondistrict and Incident Management Units, Suzanne Bolling; Supervisor, OSE, Preschool Policy Unit, Barbara Koslowski; Associate, OSE, Program Develop and Support Services Unit (PDSS), Nikki Hellwig; Associates, OSE, School Age Policy Unit/CAP Designees: Dawn Kalleberg and Alana Davis

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#### **General Business**

CAP Chairperson Danielle Williams called the meeting to order at 11:08 AM.

On days one and two of the meeting, CAP roll call was taken verbally. Members of the public were asked to identify themselves by including their name and affiliation.

Chairperson Williams reviewed the two-day agenda, the [bylaws](#) and responsibilities of CAP Members. The annual CAP Orientation was provided which included information on roles and expectations related to CAP in its capacity as an advisory panel.

Vice-Chairperson Kristin Dudek explained the roles of subcommittees within CAP. CAP Members are divided into two subgroups: Preschool and School-age, which identify the unmet needs of

students with disabilities in the State and make recommendations. Time will be allotted at meetings for the subcommittees to meet in person, but they may be able to meet outside of the CAP dates. She outlined the Business Subcommittee role(s).

### **Old Business**

See Action Item “May 30-31, 2024, Meeting Minutes”

### **Executive Committee Report**

Chairperson Williams informed members that the Executive Committee has been meeting regularly. They have been also meeting with the Preschool Subcommittee to review and refine its recommendations. They look forward to working with the School-age Subcommittee to do the same.

Vice-Chairperson Dudek introduced four new CAP Members, each representing the constituency, Parent of a Child with a Disability:

- Marilee Boylan
- Vaughn Denton
- Suzanne Engel
- Scott Payne

## **ACTION ITEMS**

### **Election of Officers: Vice-Chairperson and Secretary**

Chairperson Williams informed members that a vote would be taken to elect the new Vice-Chairperson and Secretary for the 2024-2025 CAP year. CAP Members were provided the opportunity to nominate candidates for these positions prior to the meeting using an online nomination form. Chairperson Williams informed members that the online nominations submitted through the form shared over the CAP listserv were Kristin Dudek and Amy Frank for Vice-Chairperson and Alicia Bockmier and Amy Frank for Secretary. Chairperson Williams asked for any additional nominations from the floor. With no additional nominations made, a vote was taken in person using anonymous ballots, and Kristin Dudek was elected for Vice-Chairperson and Alicia Bockmier was elected for Secretary, for one-year terms.

### **May 30-31, 2024 Meeting Minutes**

Secretary Bockmier provided a summary of the [May 30-31, 2024, CAP meeting minutes](#). Members were given the opportunity to provide comments/corrections. Secretary Bockmier asked members for a motion to accept the minutes. A vote was taken for the minutes to be approved.

**MOVED**, that the May 30-31, 2024, meeting minutes be approved.

Motion by: Jaime Maistros

Seconded by: Tim Bromirski

Votes: (Yes 19) (Opposed 0) (Abstain 4)

Action: Motion carried

## **DISCUSSION ITEMS**

### **Review of 2023 - 2024 CAP Annual Report**

The 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. Clarification of one of the School-age Subcommittee's recommendations was requested. The updated draft will be sent to members for their review, with the vote to approve will be held at the February 27-28, 2025 CAP meeting.

### **Preschool Subcommittee Recommendation**

In May of 2024, the CAP Preschool Subcommittee recommended a review of processes 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 (OCFS) have requirements that may not be in synchrony with one another.

Chairperson Williams read the history provided in the Preschool Subcommittee recommendation form. CAP Member/Preschool Subcommittee Co-chair Amy Frank, summarized the recommendation: Review of process between NYSED and OCFS to provide more guidance to 4410 programs. NYSED provided feedback on the recommendation and brought additional information and resources to share at the CAP meeting.

Manager Suzanne Bolling provided information to CAP Members regarding two roundtable discussions related to Approved Special Education Programs (Preschool and School-age) that occurred between OCFS and NYSED on September 11, 2024 and the New York City Department of Health and Mental Hygiene (NYCDOHMH) and NYSED on October 22, 2024. When these agencies met, they clarified regulations between these topics and possible remedies.

### **Remarks from NYSED Leadership**

Deputy Commissioner Ceylane Meyers-Ruff introduced herself to CAP and shared the new interconnected P-20 structure for OSE and ACCES to better support individuals with disabilities. This initiative is a critical step in implementing the Graduation Measures initiative, ensuring that every student in NYS is prepared for success in school, college, and career. Integration of the two offices under the P-20 umbrella strengthens NYSED's shared commitment to providing opportunities and seamless supports for individuals with disabilities, from early education to adulthood. Deputy Commissioner Meyers-Ruff's role in overseeing ACCES has expanded to now include OSE. The benefits of this interconnected structure are:

- **Seamless Transitions:** The redesign ensures that students with disabilities receive continuous support as they transition from preschool to school-age to higher education and into college and the workforce.
- **Comprehensive Services:** By combining the expertise of OSE and ACCES, NYSED is better positioned to implement the P-20 vision, promoting opportunity, equity, excellence, and inclusion for all students, particularly those with disabilities.

Associate Commissioner Christopher Suriano provided NYSED updates and initiatives for CAP Members to be monitoring for feedback/advisory.

- **Blue Ribbon Commission on Graduation Measures**

NYSED conducted a series of Blue-Ribbon Commission "Ambassador Forums" between July and October 2024. These forums provided an opportunity for the public to share their thoughts about the four proposed transformations: (1) adopting the New York State Portrait of a Graduate, (2) redefining credits to focus on proficiency, (3)

sunsetting diploma assessment requirements, and (4) moving to one diploma. In November 2024, the Department's [implementation plan](#) will be presented to the Board of Regents with projected timelines, affected regulations, and other considerations. The Board must approve any changes to the State's graduation requirements; until such time, the existing graduation requirements remain in effect for all public-school students in New York.

- **Dyslexia and Dysgraphia Task Force**

In the fall of 2024, the Task Force held public hearings where stakeholders were invited to provide feedback on their experiences. Members of the public could participate (a) by providing oral testimony at one of three public hearings and/or (b) by submitting written electronic testimony to the Department. The Task Force will prepare and submit a report of its findings and recommendations to the Governor. The [final report](#) of the Task Force will be released publicly in December 2024.

- **NYS Individuals with Disabilities Education Act (IDEA) Determination Process**

NYS must make [determinations](#) annually about the performance of each public school district based on its annual performance relating to State Performance Plan (SPP) indicators. NYS Determination Criteria will be amended to better align with how IDEA identifies states. As a result, more school districts may be identified as not meeting standards.

- **Federal Monitoring/Corrective Actions from OSEP**

At the [February 2024 CAP meeting](#), the September 2023 Differentiated Monitoring and Support (DMS) Report for New York was shared and the corrective actions were discussed. IDEA determination is one of the areas of focus in the Corrective Action Plan. All areas identified in the Corrective Action Plan are being addressed and resolved.

- **Proposed Amendments to Section 200.5 of the Regulations of the Commissioner of Education**

[Proposed Amendment of Section 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Due Process Hearings](#) has not been adopted due to pending legal proceedings.

### **OSE Policy Updates**

Chief of Special Education Services Eileen Borden and Supervisor Marisa Daniels provided an overview and information on the [New York State Alternate Assessment \(NYSAA\) 1% State-level Cap Improvement Plan](#) submitted to the United States Department of Education (USDE). A draft decision-making tool, developed for committees on special education (CSEs) to make appropriate recommendations and help decrease the number of students inappropriately identified as NYSAA eligible, was presented to CAP Members. A demonstration of how the tool will be used and implemented was provided. CAP Members were asked for feedback on the following question:

- Do you think this NYSAA 1% decision making tool will be helpful for CSEs to make appropriate recommendations and help decrease the number of students inappropriately identified as NYSAA eligible?

CAP Members were asked to fill out a survey regarding the draft decision-making tool and had the opportunity for discussion and questions prior to completing the survey.

### **New York's Determination for 2024 under IDEA**

Previously, at the [March 2024 meeting](#), CAP Members were provided with background information on New York's Federal Fiscal Year (FFY) 2022 Part B State Performance Plan (SPP)/Annual Performance Report (APR) submission, including a review of the State's results on

the 17 SPP indicators. The FFY 2022 SPP/APR was finalized and publicly posted in November 2024. As a follow up, Chief Eileen Borden presented on New York's 2024 IDEA determination under Part B. USDE makes determinations on whether each state "meets requirements," "needs assistance," "needs intervention," or "needs substantial intervention" in meeting the requirements of Part B of the IDEA. A states' determination is based on both compliance and results data other State-reported data, and other publicly available information. In June 2024, NYSED was notified of USDE's determination that NYS "needs assistance" in implementing the requirements of Part B of the IDEA. This determination was based on data reflected in NYS's "2024 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is a scoring rubric that includes specific Results and Compliance factors by which states are 5 measured. As a result of NYS's determination of "needs assistance," USDE advised NYS of available technical assistance resources, including USDE-funded technical assistance centers and resources, and has required NYS to work with these entities. NYS has also been directed to determine the Results elements and/or Compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. NYS must report with its FFY 2023 SPP/APR submission, due February 3, 2025, on the technical assistance sources from which the state received assistance and the actions the state took as a result of that technical assistance. NYS must also notify the public of its IDEA determination, NYS IDEA Determination under Section 616(d) of the Individuals with Disabilities Education Act: Part B website has the required public posting of Letter to Commissioner Rosa regarding Determination by the USDOE, Office of Special Education Programs. The final FFY 2022 SPP/APR including the 2024 Part B Results-Driven Accountability Matrix is posted on NYSED's [Special Education State Performance Plan \(SPP\)/Annual Performance Report \(APR\) website](#).

### **Changes to School Determinations under IDEA**

Chief Eileen Borden and Manager Suzanne Bolling presented on changes in the criteria used to make annual determinations about the performance of each local education agency (LEA) based on its annual performance relating to special education SPP indicators. Determinations for the 2024-2025 school year (SY), and years prior, were based on criteria used by NYSED for LEA identification under the Every Students Succeeds Act (ESSA). The criteria used to make IDEA determinations for the 2025-2026 SY will be based on a Compliance Matrix and a Performance Matrix to evaluate several aspects of LEA's implementation of the IDEA. CAP Members were asked to provide suggestions for activities or focus areas to improve outcomes in school districts that do not receive full points on the new IDEA RDA Matrix structure.

### **New York State Agency Representation Updates**

The following CAP Members representing State agencies provided a brief overview and update of the services and supports provided to children with disabilities and their families in NYS:

- **Adult Continuing Career and Education Services - Vocational Rehabilitation (ACCES-VR)** - Suzanne Pearson - assists individuals with disabilities to achieve and maintain employment and to support independent living through training, education, rehabilitation, and career development;
  - Explained Pre-Employment Transition (Pre-ETS) services for students and youth with disabilities; and
  - Provided overview of the [Student and Youth Transition Services](#) website which has further information on Pre-ETS and ACCES-VR services for youth with disabilities.
- **Department of Health (DOH), Bureau of Early Intervention (EI)** - Ray Pierce - provides therapeutic and support services to eligible infants and toddlers with disabilities, birth – age 3;



- Working to improve recruitment and retention of EI providers workforce, including rate increases of 5% this year across services and 4% next year across high-need areas;
  - Collaborating with OSE on developing a parent guide for transition from EI to CPSE to assist with transitioning 3-year-olds to preschool services; and
  - Working with Office of Professions to develop curriculum for students ages 0-3.
- **Office of Mental Health (OMH)** - Natasha Bermudez - provides traditional outpatient mental health services to children and adolescents in a variety of sites including schools and community offices;
  - As part of Governor Hochul and OMH's commitment to expanding mental health services in NYS schools ([Governor Hochul Launches Expansion of School-Based Mental Health Clinics to Combat Youth Mental Health Crisis | Governor Kathy Hochul \(ny.gov\)](#)), \$20 million in start-up funding is available to new school-based clinics to offset start-up costs.
    - Each new school-based clinic will be eligible to receive \$25,000. An additional \$20,000 (for a possible total of \$45,000) if the clinic is established in a high needs district. See OMH's [Letter to School Administrators](#) for more information. For the purpose of this funding, OMH has identified high needs districts as having at least 50 percent of the student population classified as economically disadvantaged. This funding is available to child-serving clinics only, schools cannot apply for clinic start-up funding.
  - Effective January 1, 2024, Chapter 57 of the Laws of 2023 amended the Insurance Law to require commercial insurance plans to provide reimbursement for covered outpatient care when provided by a school-based mental health clinic, regardless of whether the school-based mental health program participates in the issuer's provider network. Reimbursement for such covered care must be either at the rate negotiated with the provider or, in the absence of a negotiated rate, an amount no less than the Medicaid rate (aka "government rates").
  - OMH has developed several resources to support both the school and clinic providers in developing a partnership to establish a school-based clinic. A new webpage has been launched to house these resources: [School-Based Mental Health Clinics \(ny.gov\)](#)
- **Office of Children and Family Services (OCFS)** - Tim Bromirski - OCFS provides special education services to court placed individuals under the age of 18;
  - Provided an overview of sites and processes for the provision of special education services for youth served by juvenile justice system.
  - Described intersection of NYSED regulations and oversight of education programs in facilities;
  - Shared that the number of students earning high school diplomas and associate degrees has increased through the partnership with the school district of location responsible to provide education services to students and partnerships with local community colleges and that the partnership has streamlined the provision of services; and
  - Shared that staffing is an ongoing challenge and that OCFS is considering new ways to identify, recruit, and retain certified educators.
- **Department of Corrections and Community Supervision (DOCCS)** - Josh Woodworth - provides special education services to incarcerated individuals, age 18 until age 22, at 14 designated facilities;

- Described administration of high school equivalency test, impact of education on reducing recidivism, and focus on importance of skill building as a tool for success upon release;
  - Explained that current programs include vocational and academic rehabilitation, including providing opportunities to learn trades; onsite college programs; reading rehabilitation programs;
  - Described the use of tablets to support instruction, increase digital literacy, and an effort to increase access to technology while acknowledging the safety and security concerns associated with the access to technology in a correctional setting; and
  - Shared that staffing in all areas, not only education, is an ongoing issue.
- **Office of People with Developmental Disabilities (OPWDD)** - Chad Colarusso - provides supports and services for people with developmental disabilities.
    - Stated that staffing is ongoing issue and OPWDD launched a recruitment [website](#) to address this challenge;
    - Shared that OPWDD consulted with Guidehouse for a [review of the Self-Direction Program](#) to examine the current operations, and identify ways to improve how New Yorkers with developmental disabilities direct their own services and service budgets;
    - Shared that the [Managed Care Assessment Final Report](#) has been released. Guidehouse does not recommend a transition to full managed care for the whole OPWDD service delivery system. If OPWDD decides to implement managed care, Guidehouse recommends first assessing the financial viability and feasibility of implementing a partial managed care model.
    - Shared that an initiative to focus on [advocacy](#) is on-going.

### **Subcommittee Meetings**

Subcommittees met to debrief new members on the work accomplished in 2023-2024, discuss and identify the unmet needs of students with disabilities in the State and identify the unmet need the subcommittee will focus on for 2024-2025 to make recommendations.

### **Preschool Subcommittee**

- Members present: Natasha Bermudez, Kimberly Clarke, Harold Dean, Andrea DeMeo, Janety Encarnación, Suzanne Engel, Amy Frank, Michele Gode, Jamie Maistros, Scott Payne, Ray Pierce, Kylie Schell, Denton Vaughn
- Report Out: Members made formal introductions and reviewed recommendation.

### **School Age Subcommittee**

- Members present: Tim Bromirski, Marilee Boylan, Chad Colarusso, Jacie Feuer, MaryJo Ginese, Tia Jackson, Andrew Jordan, Stacy Lyles, Suzanne Pearson, Raquel Schmidt, Sharada Veerubhotla, Joshua Woodworth
- Report Out: Members are reviewing a proposed recommendation and will make tracked edits/comments within a shared document.

### **Public Comment**

No public comment provided.

### **Closing**

Chairperson Williams thanked everyone for their support and requested feedback on the meeting.

**MOVED**, that the October 2024, CAP meeting be adjourned.

Motion by: Jaime Maistros

Second by: Jacie Feuer

Action: Motion carried

Chairperson Williams adjourned the October 2024 CAP meeting at 11:58 a.m.