

New York State's Commissioner's Advisory Panel for Special Education Services March 2-3, 2023, Meeting Minutes

New York State's (NYS) Commissioner's Advisory Panel for Special Education Services (CAP) held its scheduled winter meeting on March 2-3, 2023, through a hybrid in-person/remote model at the New York State Education Department (NYSED) building in Albany, New York.

MEETING OF CAP, March 2nd at 12:00 P.M.

Members Who Participated:

Lynette Aqueron, Suryati Barnes, Natasha Bermudez, Kimberly Black, Alicia Bockmier, Naomi Brickel, Tim Bromirski, Kimberly Clarke, Olga Nelly Collazo, Harold Dean, Kristin Dudek, Janety Encarnacion, Edward Escobar, Mary Jo Ginese, Michelle Gode, Alexis Harrington, Stacy Lyles, Barbara Martorana, Eileen Murtha, Jennifer Pankowski, Suzanne Pearson, Raymond Pierce, Lori Podvesker, Mara Vanderzell, Mindi Wapner, Danielle Williams.

MEETING OF CAP, March 3rd at 9:00 A.M.

Members Who Participated:

Lynette Aqueron, Suryati Barnes, Natasha Bermudez, Kimberly Black, Alicia Bockmier, Tim Bromirski, Kimberly Clarke, Olga Nelly Collazo, Harold Dean, Kristin Dudek, Janety Encarnacion, Edward Escobar, Michelle Gode, Stacy Lyles, Barbara Martorana, Eileen Murtha, Jennifer Pankowski, Raymond Pierce, Suzanne Pearson, Raquel Schmidt, Mara Vanderzell, Danielle Williams.

The following 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 Chief of Special Education Services, Eileen Borden; OSE Supervisor, Special Education Policy, Alison Conners; OSE Supervisor, Preschool Unit, Barbara Koslowski; Assistant Data Director, Information and Reporting Services (IRS)/NYSED Coordinator of Federal Reporting, Kristen DeSalvatore; OSE Associates/NYSED CAP Designees: Dawn Kalleberg, and Alana Wickware.

General Business

Chairperson Barbara Martorana, called the meeting to order at 12:00 P.M. This was followed by the review of the Zoom protocol and participation tips by Dawn Kalleberg.

On day one and two of the meeting, CAP roll call was taken verbally. CAP members were also asked to enter their name and constituency in the chat box for attendance purposes. Members of the public were asked to identify themselves by including their name and affiliation in the chat box.

Chairperson Martorana reviewed the two-day agenda and the responsibilities of CAP members.

Old Business

See Action Item "November 3-4, 2022, Meeting Minutes"

See Action Item "Revision of CAP Bylaws"

Executive Committee Report

Chairperson Martorana reviewed the membership list and reminded members on the importance of verifying that their information is still correct. Chairperson Martorana also reviewed CAP member duties and reminded members of the importance of the responsibility of being a CAP member.

Chairperson Martorana informed members that the Executive Committee has been meeting with OSE staff, which has resulted in discussions regarding the reimagining of the subcommittees and review of information on the unmet needs of students with disabilities.

Vice Chairperson Danielle Williams introduced Suzanne Pearson, the new Ad Hoc member representing NYSED's Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) Office.

Members were informed that Brett Eisenberg resigned from CAP. Chairperson Williams recognized Mr. Eisenberg for his almost three years of service on CAP representing the constituency category "Provider of Transition Services and Business/Vocational Representative" and the secondary constituency "Individual with a Disability."

ACTION ITEMS

November 3-4, 2022, Minutes

Secretary Kristin Dudek provided a summary of the November 2022 CAP meeting minutes. Members were given the opportunity to provide comments/corrections. Secretary Dudek asked members for a motion to accept the minutes. A vote was taken by Zoom poll and in person.

MOVED, that the November 3-4, 2022, meeting minutes be approved.

Motion by: Harold Dean

Seconded by: Alicia Bockmier

Action: Motion carried

DISCUSSION ITEMS

Remarks from OSE Leadership

Alison Conners introduced NYSED staff.

Joanne LaCrosse, OSE Director of Special Education Services, welcomed the CAP members and thanked them for their ongoing recommendations and input. She also relayed the impact that the CAP discussions have had on the work within OSE and NYSED. Policy updates were provided on the following:

- New York's State Performance Plan/Annual Performance Report (SPP/APR), which drives all of OSE's work, was submitted on February 1, 2023.
- NYSED has not received a report from the U.S. Department of Education, Office of Special Education Programs (OSEP) monitoring visit, which took place in April-May 2022. NYSED will share the report findings with CAP when available.
- OSE is undergoing a preschool special education audit by the Office of State Comptroller. NYSED anticipates that the auditors will be reaching out for discussions with preschool providers, schools and parents.
- NYSED has established a department-wide workgroup to address the age eligibility for students with disabilities to receive services based on the 2021 2nd circuit court case, [A.R. v. Connecticut State Board of Education, No. 20-2255](#). The workgroup will look at financial and logistical concerns and give action steps related to this decision and providing a free appropriate public education to students with disabilities until their 22nd birthday.

- Members were informed NYSED would be asking them for their feedback regarding diploma options for students with disabilities during the meeting.

Assistant Commissioner Christopher Suriano thanked OSE staff for their coordination of the CAP meetings. Assistant Commissioner Suriano also welcomed participants and relayed the importance of the discussions, comments, and feedback CAP provides in an advisory capacity. Assistant Commissioner Suriano discussed elements of the Executive Budget relevant to students with disabilities and encouraged CAP members to review the presentation given to the Board of Regents [Review of the 2023-2024 Executive Budget Presentation to the Board of Regents February 13, 2023](#), which addressed the following topics:

- Universal Pre-Kindergarten;
- Redesign of the tuition rate-setting methodology for approved school-age and preschool special education providers;
- Capital needs of the State Schools for the Blind and Deaf;
- ACCES-VR - Independent Living Centers (ILC); Readers Aid, adult literacy education aid;
- Alignment of State Learning Standards and practices to the Culturally Responsive and Sustaining Education Framework;
- Translation of NYSED documents to communicate crucial information about available education programs and services to parents and students whose primary language is not English; and
- NYSED staffing to support initiatives and infrastructure needs.

Graduation Measures Review

Alison Conners and Dawn Kalleberg presented on the NYSED [Graduation Measures](#) initiative. The presentation provided background on the Board of Regents and NYSED's inclusive review of the New York's high school graduation measures which began in the fall of 2019, to explore what it means to obtain a diploma in New York and what that diploma should signify to ensure educational excellence and equity for all students in the State. Information was provided on each of three phases of the review and on the role of the [Blue Ribbon Commission](#) (BRC), in developing recommendations to the Board of Regents. The BRC is continuing to gather feedback by asking for input on specific questions related to graduation requirements via the [Thought Exchange](#).

CAP members were asked for their input on the following discussion question:

“What would be good questions for the Blue Ribbon Commission to get feedback on regarding students with disabilities in developing their recommendations for graduation requirements?”

Summary of some of the suggestions provided by the members:

- How do we create/develop a diploma that recognizes the career/civic readiness to the same extent as academics?
- What competencies do students need beyond academics and how do we measure them?
- How do we instill self-actualization and independence skills into something that can be measured as a requirement for graduation?
- How will the stigma of a local diploma be addressed?
- Provide student the choice of taking Regents exams; not have it be a requirement.
- Should NYSED focus on one diploma with various endorsements for everyone?
- How can the pathway process be streamlined for parents and students?
- How will the needs of students going into workforce or vocational/trade be met? Will there be different requirements?
- The individualized education program (IEP) Diploma was replaced with the Skills and Achievement Commencement Credential and Career Development and Occupational Studies Commencement Credential - How will this be clear to the workforce and trade schools?

- How will all types of learners be accommodated so that students can hold their heads high and be successful after high school?

SPP/APR

Kristin Desalvatore, Barbara Kozlowski, Alison Conners, and Dawn Kalleberg presented on NYS's Federal Fiscal Year (FFY) 2021 SPP/APR required under Section 616 of the Individuals with Disabilities Education Act (IDEA). Members were provided an overview of data and information for the 17 SPP compliance and performance indicators NYS was required to report on in its FFY 2021 Part B SPP/APR, submitted to the U.S. Department of Education (USDE) on February 1, 2023. This data and information, considered preliminary during OSEP's clarification period, will be finalized by June 2023 and then publicly posted. Discussion focused on the explanation of progress and whether NYS met its targets for indicators 1-17, with the opportunity for questions and clarification. Additional components of the SPP/APR submission were also explained, including which indicators were based on a sampling of one-sixth of school districts in the State (New York City reports on all indicators every year) and those that showed "slippage" (i.e., worsening from the previous year's data and failure to meet the target).

CAP member feedback was obtained regarding the following discussion questions:

1. "What did you find most notable about the data presented?"
2. "What indicators do you think New York should focus on this year? Why?"
3. "What actions/activities might lead to improved outcomes for these indicators?"

Public Comment

No public comment was provided.

Subcommittees

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 will meet to create a plan for the subcommittee work to be shared with members.

Updates/Share Out from Subcommittees

Business Committee: The subcommittee did not meet pending the review of the amended CAP Bylaws.

Student Performance Outcomes: The subcommittee has met monthly and reviewed the discussion that occurred at the last CAP meeting in November 2022. The subcommittee chairperson reported that the whole group discussion about current unmet needs in the education of children with disabilities in NYS, was eye opening and 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. Kristin Dudek indicated that she will be stepping down as the subcommittee chairperson, effective immediately, and that a new chairperson will need to be appointed.

Legislative/Regulatory/Policy: The subcommittee continues to meet and hopes to send out a survey about the legislative proposals that are most impactful to CAP. The subcommittee is looking forward to the reimagining of the subcommittees.

Teacher/Provider Certification/Recruitment and Retention: The subcommittee continues to meet and has discussed the impact of the Students with Disabilities (SWD) (All Grades) certification and reviewed the certificate summary and frequently asked questions (FAQs) document provided on the Office of teaching Initiatives (OTI) webpage. The subcommittee has contacted Alana Wickware seeking information about support for Institutes of Higher Education (IHE) regarding the new certification. The subcommittee is interested in how the new certification will impact IHEs and the retention of staff who hold other special education certifications. Alison Conners informed members that Laura Glass, Senior Policy Advisory for Higher Education, will be providing updates on the new SWD certification at the May 2023 CAP meeting.

Least Restrictive Environment/Inclusion: The subcommittee has not met since the November 2022 meeting. The subcommittee chairperson reported needing additional/new membership.

Family Engagement: The subcommittee has not met since the November 2022 meeting. The subcommittee chairperson indicated support for the CAP subcommittee redesign with additional guidance from the CAP Executive Committee and a focus on addressing unmet needs.

Cap Bylaws

Chairperson Martorana provided a detailed review of the proposed changes to the following sections of the CAP Bylaws: Panel Duties, General Membership, Responsibilities of Members, Officers and Their Duties, NYSED Staff, Subcommittees, Meetings, Rules of Order, Amendments to the Bylaws. The proposed changes were previously discussed at the November 2022 meeting and a draft was shared with members prior to the March 2023 meeting. Vice Chairperson Williams asked members for a motion to accept the revised CAP Bylaws.

MOVED, that the “New York State Commissioner’s Advisory Panel (CAP) for Special Education Services Bylaws” be approved.

Motion by: Edward Escobar

Seconded by: Tim Bromirski

Action: Motion carried

Part B Application

Alison Conners presented on the submission of NYS’s Annual State Application Under Part B of IDEA for FFY 2023, due to the USDE no later than May 24, 2023. Members were provided with an overview of the required components of the application, including reporting on the description of the use of federal funds used for administrative and other State-level purposes, the required assurances that the state has policies and procedures in effect to comply with IDEA requirements, the identification of areas where the state exceeds federal requirements and the new required form under General Education Provision Act section 427, which describes the steps and strategies NYS proposes to take to ensure equitable access to, and participation in, activities conducted under Part B of IDEA. Ms. Conners also explained the public participation requirements – posting for 60 days, public comment accepted for 30 days. Members will be notified when the Part B application is posted and were reminded of their responsibility as CAP members to comment publicly on the procedures for distribution of funds under Article 89 of the State Education Law ([CAP By-laws, Responsibilities I.A.3.](#)).

CAP member feedback was obtained regarding the following discussion questions:

1. “What thoughts do you have on the way New York spends its IDEA funds?”
2. “Will the way the funds are distributed in New York get us to where we want to be?”

Members commented that there are priority areas designated by the Board of Regents which impact students with disabilities but are not funded by the Executive Budget. In addition to IDEA funds, additional State funds are needed to support students with disabilities.

New York State Agency Representation on CAP

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

Natasha Bermudez, Office of Mental Health (OMH): [OMH](#) supports the health and wellness of NYS residents (including children) who have a serious Mental Illness or Emotional Disturbance.

Suzanne Pearson, ACCES-VR: [ACCES-VR](#) assists individuals with disabilities to achieve and maintain employment and to support independent living through training, education, rehabilitation, and career development.

Alexis Harrington, Office for People with Developmental Disabilities (OPWDD): [OPWDD](#) is responsible for coordinating services for NYS residents with developmental disabilities.

Timothy Bromirski, Office of Children and Family Services (OCFS): [OCFS](#) serves NYS's public by promoting the safety, permanency and well-being of children, families, and communities.

Raymond Pierce, Department of Health (DOH): The NYS Early Intervention Program is administered by the [DOH](#) through the Bureau of Early Intervention and offers a variety of therapeutic and support services to eligible infants and toddlers with disabilities and their families.

Member Sharing of Information

The CAP members were randomly assigned to virtual and in-person breakout groups to discuss concerns, issues, challenges, and unmet needs in the education of children with disabilities in NYS and asked to report out to the large group. Members identified the following themes related to unmet needs:

- Transition planning for youth and support for vocational goals;
- 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); and
- Mental Health supports.

Closing

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

Former Chairperson, Edward Escobar, thanked the executive team members for moving CAP in a positive direction and for creating a smooth transition.

MOVED, that the March 2-3, 2023, CAP meeting be adjourned.

Motion by: Raquel Schmidt

Second by: Alicia Bockmier

Action: Motion carried

Chairperson Martorana adjourned the March 2023 CAP meeting at 11:50 am.