

NOTICE TO ALL APPLICANTS: EQUITY FOR STUDENTS, EDUCATORS, AND OTHER PROGRAM BENEFICIARIES

Section 427 of the General Education Provisions Act (GEPA) ([20 U.S.C. 1228a](#)) applies to applicants for grant awards under this program.

ALL APPLICANTS FOR NEW GRANT AWARDS MUST INCLUDE THE FOLLOWING INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.

Please respond to the following requests for information:

1. Describe how your entity's existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.

The mission of the New York State Education Department (NYSED) is to raise the knowledge, skill, and opportunity of all people in New York State (NYS). Consistent with this mission, NYSED is committed to ensuring equitable access to, and participation in, activities conducted under Part B of the Individuals with Disabilities Education Act (IDEA) for students, teachers, and other program beneficiaries with special needs through the implementation of several laws and regulations. NYSED does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. In New York, all local educational agencies (LEAs) must comply with NYS Education Law §3201 which states that "Discrimination on account of race, creed, color or national origin is prohibited." Further, Education Law §3201 requires that "No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin."

NYS is one of the most diverse states in the nation and the NYS Board of Regents has long held a commitment to principles of diversity, equity, and inclusion. To that end, NYSED, with the support and directive of the Board of Regents, convened a multiple-stakeholder group to develop a [Culturally Responsive-Sustaining \(CR-S\) Education Framework](#) to guide educators in advancing equity. This framework focuses on providing strategies for educators to advance equity aligned with four main principles: creating welcoming and affirming environments, fostering high expectations and rigorous instruction, identifying inclusive curriculum and assessment, and engaging in ongoing professional learning and support. Guidelines for culturally responsive sustaining practices for seven stakeholder groups are provided: students, teachers, school leaders, district leaders, families and community members, higher education staff, and NYSED policymakers.

Furthermore, in 2021 the Board of Regents released [The New York State Board of Regents Policy Statement on Diversity, Equity and Inclusion in New York Schools](#), emphasizing their commitment to the moral and economic imperative of removing inequities that stand in the way of success for whole segments of NYS's student population. With this policy statement, the Board of Regents set expectations that all school districts and institutions of higher education will develop and implement policies and practices that advance diversity, equity and inclusion – and that they will implement such policies and practices with fidelity and urgency.

NYSED, in designing its activities under Part B of the IDEA, is committed to addressing equity concerns that may affect the ability of certain potential beneficiaries to fully access and participate in these activities and to achieve high standards.

2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?

NYSED has identified the following as possible barriers which may impede equitable access and participation of students, educators, or other beneficiaries in activities conducted under Part B of the IDEA:

1. Statewide shortages of service providers and special education teachers who are certified to teach students with disabilities, including diverse, culturally competent, highly effective teachers.
 2. Challenges with staffing of evaluators, particularly bilingual and specialty evaluators, in certain regions of the State, in particular rural LEAs and large city school districts, to ensure the timely transition of children with disabilities from Part C to Part B of the IDEA.
 3. Need for ongoing collaboration and involvement with families using a culturally responsive framework.
 4. Accessible and readable information readily available to families in a variety of modes, including translations and accommodations for those with disabilities.
 5. Challenges with timeliness of due process hearings in New York City (NYC) Public Schools and limited use of mediation statewide.
3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?

NYSED is taking the following steps to address the barriers to equitable access and participation in activities conducted under Part B of the IDEA:

Barriers 1 and 2

- **Memorandum of Understanding (MOU) with the City University of New York (CUNY):** NYSED is currently developing an MOU with CUNY that will focus on using IDEA funding to address the shortage of bilingual special education (BSE) professionals in NYS, with a specific focus on addressing the identified shortage of the educators and pupil personnel service professionals available to work for NYS's largest city school district. The MOU will support a wider availability of in-person and online bilingual programs to teachers and pre-service teachers in the NYC through the CUNY system and attract current and pre-service teachers
- **Intensive Teacher Institute for Teachers of the Blind and Visually Impaired (ITI-TVI):** Since 1993, NYSED has funded the ITI-TVI, which provides tuition assistance to students and teachers who are interested in becoming TVIs and are willing to serve as TVIs in NYS for two years following program completion.
- **Teacher Certification Fund:** To ensure the appropriate certification of teachers in schools that provide special services or programs to preschool and school-age students with disabilities, NYSED provides one time funding for tuition for course work leading to teacher certification and costs for test preparation programs for tests required for certification. Teaching staff seeking certification who are currently employed in Special Act School Districts, private nonresidential and residential schools approved pursuant to

section 4401 of Education Law, and private preschool programs approved pursuant to section 4410 of Education Law can apply.

- **Special Education Services Management Data System (SEDS):** NYSED is working to develop an integrated data system to collect timely and comprehensive information on student-level programs and services, special education program providers, enrollment and program seats availability, and capacity utilization. This would in turn enable the more strategic use of data, perform advanced data-driven decision making, conduct research and trend analysis for accurate assessment of program-level regional needs, communicate more effectively with all stakeholders, identify areas to plan program and service expansions, and focus investments to maximize effectiveness.

Barrier 3

- **NYSED Office of Special Education (OSE) Educational Partnership:** Beginning July 2019, NYSED implemented the [OSE Educational Partnership](https://osepartnership.org/) (<https://osepartnership.org/>), a coordinated and cohesive network of support focused on enhancing services and supports for students with disabilities from early childhood and school-age education to engagement in post-school opportunities. The OSE Educational Partnership includes five Technical Assistance Partnerships, housed at institutes of higher education, and Regional Teams located in each region of the State. With 16 regional teams across the State, the OSE Educational Partnership continually engages with parents/guardians and LEA personnel to gather information and feedback at the local level regarding issues that impact the education of students with disabilities. NYSED relies on this communication to both disseminate State and federal guidance related to education of students with disabilities and receive specific information regarding ever evolving needs identified by stakeholders. Specialists within the OSE Educational Partnership also offer assistance and training on a variety of topics including culturally responsive-sustaining education, equity, English language learners with disabilities, and family engagement.
- **State Performance Plan (SPP) Indicators 8 and 14 Surveys:** NYSED will be revising both the Indicator 8 Parent Involvement Survey and the Indicator 14 Post-School Outcomes Survey to increase annual response rates, ensure that the data collected is representative of diverse groups of students with disabilities in NYS, and build support for program improvement and systems change. NYSED will continue to work with the Potsdam Institute for Applied Research at the State University of New York, the contractor for the indicator 8 and Indicator 14 surveys, on strategies to increase response rate and the representativeness of the responses, including increased utilization of social media and technology to reach as many parents as possible and expand accessibility.

Barrier 4

- **Guidance Documents:** NYSED is in the process of updating its *Special Education in New York State for Children Ages 3–21, A Parent’s Guide* to more effectively communicate information regarding the special education process in NYS to families of students with disabilities. NYSED is also updating its *Blueprint for Improved Results for Students with Disabilities* to align with Culturally Responsive-Sustaining Framework. These and other guidance documents will be translated into the five most common languages in NYS.
- **Community Resource Map:** The OSE Educational Partnership website includes a recently launched Community Resource Map (<https://map.osepartnership.org/>), with information available in 11 languages, that connects families with local agencies and

community resources in their area that can provide support for individuals with disabilities and their families from early childhood through the transition to post-school life.

Barrier 5

- **Office of Administrative Trials and Hearings (OATH) Memorandum of Agreement (MOA):** On December 1, 2021, NYSED and the NYC Public Schools entered into a MOA with NYC's OATH to establish an administrative team of full-time impartial hearing officers (IHOs) to effectively manage NYC Public Schools' current caseload. The parties agreed that handling of the special education impartial hearing system would be transitioned, over time, to OATH in order to facilitate the effective management of current and future due process complaint filings. During the transition period, both the current IHOs (per-diem independent contractors) and OATH IHOs are conducting impartial hearings.
- **IHO Training:** NYSED and Special Education Solutions (SES), LLP, have partnered to provide ongoing training and resources needed to ensure that NYSED certified IHOs can effectively adjudicate special education impartial hearing cases involving students with disabilities in New York. NYSED and SES also collaborate to address complaints against IHOs.
- **Expand Training and Outreach for Special Education Mediation Services:** Through a contract with the New York State Dispute Resolution Association, NYSED ensures data collection, outreach to increase awareness and use of mediation, and recruitment and training of special education mediators. Mediation is a cost to the State, and not to families or schools. In October 2020, NYSED awarded two Special Education Mediation contracts to provide high-quality training, professional development and coaching to current and new Special Education Mediators to increase statewide awareness and use of mediation through strong outreach activities focused especially on areas of NYS that have minimally used mediation, ensure timely and accurate data collection and reporting on mediation use and outcomes and provide reimbursement for administrative costs related to conducting special education mediation. Through these contracts, NYSED ensures timely mediation data collection and reporting, statewide outreach to increase awareness and use of mediation, and specialized training of special education mediators.

4. What is your timeline, including targeted milestones, for addressing these identified barriers?

Barriers 1 and 2

- CUNY MOU – Implementation over a period of five years
- ITI-TVI – Ongoing
- Teacher Certification Fund – Ongoing
- SEDS – Implementation by April 2029

Barrier 3

- NYSED OSE Educational Partnership – Five-year contract through June 2025
- SPP 8 and SPP 14 Survey Revisions – Completed by FFY 2025

Barrier 4

- Updates to Guidance Documents – Ongoing

- *Special Education in New York State for Children Ages 3–21, A Parent’s Guide* – Summer 2023
- *Blueprint for Improved Results for Students with Disabilities* – Fall of 2023
- OSE Educational Partnership Community Resource Map – Ongoing

Barrier 5

- OATH MOA – Transition period is ongoing.
- IHO Training – Five-year contract through May 2026
- Expand Training and Outreach for Special Education Mediation Services – Five-year contract through September 2024

Notes:

1. Applicants are not required to have mission statements or policies that align with equity in order to submit an application.
2. Applicants may identify any barriers that may impede equitable access and participation in the proposed project or activity, including, but not limited to, barriers based on economic disadvantage, gender, race, ethnicity, color, national origin, disability, age, language, migrant status, rural status, homeless status or housing insecurity, pregnancy, parenting, or caregiving status, and sexual orientation.
3. Applicants may have already included some or all of this required information in the narrative sections of their applications or their State Plans. In responding to this requirement, for each question, applicants may provide a cross-reference to the section(s) and page number(s) in their applications or State Plans that includes the information responsive to that question on this form or may restate that information on this form.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1894-0005. Public reporting burden for this collection of information is estimated to average 3 hours per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this individual collection, send your comments to ICDocketMgr@ed.gov and reference OMB Control Number 1894-0005. All other comments or concerns regarding the status of your individual form may be addressed to either (a) the person listed in the FOR FURTHER INFORMATION CONTACT section in the competition Notice Inviting Applications, or (b) your assigned program officer.