

**New York State Education Department
Commissioner's Advisory Panel for Special Education Services
May 30-31, 2019 Meeting Minutes**

New York State's (NYS) Commissioner's Advisory Panel (CAP) for Special Education Services held its scheduled spring meeting on May 30-31, 2019 at the New York State Education Department (NYSED) building.

Members Present May 30, 2019:

Susan Albamont, Kimberly Black, James Blessing, Naomi Brickel, Tim Bromirski, Edward Escobar, Jacqueline Harris, Chris Kus, Barbara Martorana, Mary McInerney, Namita Modasra, Eileen Murtha, Matthew Nelson, Ora Perkins, Vicki Prager, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Jamey Wolff

Members Present May 31, 2019:

Susan Albamont, James Blessing, Edward Escobar, Jacqueline Harris, Chris Kus, Barbara Martorana, Mary McInerney, Namita Modasra, Eileen Murtha, Matthew Nelson, Ora Perkins, Vicki Prager, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Jamey Wolff, Mary-Margaret Zehr

Also present were Assistant Commissioner, Office of Special Education (OSE), Christopher Suriano; OSE Chief of Special Education Services - Policy and Due Process, Joanne LaCrosse; OSE Supervisor - Policy Unit, Alison Conners; OSE Associate in the Education of Students with Disabilities, Sandra Cote; Coordinator of Education Programs, Office of Teaching Initiatives, Laura Glass; and federal technical assistance provider, National Center for Systemic Improvement, Anne Louise Thompson.

ACTION ITEM

February 28/March 1, 2019 CAP Meeting Minutes

MOVED, that the February 28/March 1, 2019 CAP meeting minutes be approved. The motion passed unanimously.

DISCUSSION ITEM

Old Business

No old business raised for further discussion.

PUBLIC COMMENT

No public comment was provided.

DISCUSSION ITEMS

Discussion with the Assistant Commissioner of Special Education

Assistant Commissioner Suriano reviewed the purposes of the Individuals with Disabilities Education Act (IDEA) and discussed initiatives to improve results for students with disabilities. OSE has determined the following areas, aligned to the State Performance Plan (SPP)/Annual Performance Report (APR) Indicators, as its focus areas: performance outcomes, disproportionality, least restrictive environment (LRE), and transition planning. OSE is targeting improvement efforts in these areas and significant changes have been implemented to the OSE organizational structure to increase targeted work. Assistant Commissioner Suriano also reviewed OSE priority projects including: OSE funded network redesign (phasing out the current structure and starting new structure July 1, 2019); NYS's due process system; New York State Alternate Assessment (NYSAA) 1.0 percent cap process, Multi-tiered Systems of Support (MTSS)/the State Systemic Improvement Plan (SSIP); regional planning process, Blueprint for Improved Results for Students with Disabilities, the SPP)/APR, and Board of Regents budget and legislative priorities. OSE is also changing the way it monitors school districts and will be conducting coordinated interventions and supports in 44 districts identified as not meeting requirements under IDEA to facilitate systematic change. OSE will be implementing compliance assurance plans (CAP) for districts that have been identified under IDEA for eight or more consecutive years for either compliance or performance. New York City Department of Education is the first district to have a such a plan using NYSED's newly developed systemic CAP form.

Teacher Recruitment/Retention

In follow-up to the discussion at the November 2018 CAP meeting, Assistant Commissioner Suriano and Laura Glass reviewed draft teaching assignment charts (i.e., *Special Education Teaching Assignments and Certification – By Credential* and *Special Education Teaching Assignments and Certification – By Teaching Assignment*), which reflect certification requirements in effect as of July 1, 2019.

CAP members supported changes made to the charts based on feedback provided by members at their November 2019 CAP meeting and provided additional feedback on the draft charts. Members also discussed issues relating teacher certification and preparation.

Member Sharing - Input on Unmet Needs Within the State in the Education of Children with Disabilities [[CAP By-laws, Responsibilities A.1.](#)]

Joanne LaCrosse and Alison Connors reviewed member share out of unmet needs from the February 28/March 1, 2019 CAP meeting and what, if any, action have been taken to address the identified priority issues. Members were also asked to share new concerns, challenges or unmet needs within their region of the State from their constituent groups, networks and/own experiences since the last meeting. The following were identified as

the top priority areas of need within the State for the February 28/March 1, 2019 and May meetings combined:

- Teacher and provider recruitment/retention/shortages – need for appropriately qualified staff;
- Equity/disproportionality - meeting the students' needs who have a minority classification;
- Need for quality inclusive programming/guidance on serving students in the least restrictive environment;
- Behavioral and mental health issues/certification of behavior specialists; and
- Data on what is happening with students with disabilities across the State – challenges due to sampling for SPP/APR indicators/data should be broken out by race/ethnicity

CAP Restructuring

CAP members continued their discussion from the November 2018 and February 28/ March 1, 2019 meetings and additional feedback submitted by members via email regarding the restructuring of CAP. Joanne LaCrosse and Alison Connors reviewed previous member input on the following areas: 1.) Roles of CAP members and State staff; 2.) Frequency and timing of meetings; 3.) Structure of meetings; 4.) Use of subcommittees; 5.) Agenda format; and 6.) Other ideas about CAP restructure; and obtained additional member input on CAP restructuring. It was discussed that four to five standing subcommittees will be established beginning with the 2019-20 CAP meetings. The subcommittees will be determined by the CAP Executive Committee and OSE staff based on member input, current NYSED priorities and, to avoid duplication of efforts, areas where there are not existing initiatives/workgroups in place. Members will be assigned to the subcommittees based on interest and expertise. NYSED staff provided members with information about the 2019-20 CAP meetings. CAP will meet two times in person in Albany, New York and two times virtually. The dates of in-person meetings were announced as November 21-22, 2019 and May 28-29, 2020. The dates for the virtual meeting are to be determined. Members provided feedback on possible reasons for low member attendance at both the February 28/March 1 and May 2019 meetings and suggestions on ways to promote more regular attendance including holding members who do not regularly attend the CAP meetings more accountable and considering a change to the CAP By-laws.

2018-19 CAP Annual Report

CAP members provided feedback on the intentions of the annual report and considerations for what information should be included in the report.

PRESENTATIONS

Federal and State Policy Updates

OSE staff provided updates and responded to member questions on the following special education policy issues:

- Government Accountability Office (GAO) Report [Varied State Criteria May Contribute to Differences in Percentages of Children Served](#);
- [NYS's Part B Application for Federal Fiscal Year 2019](#);
- [1.0 Percent Cap on Participation in New York State Alternate Assessment and Eligibility Criteria for Participation in the New York State Alternate Assessment \(NYSAA\)](#);
- [Proposed Regulations to conform to Chapter 363 of the Laws of 2018](#)
- [March 2019 Report to the Board of Regents: Improving Special Education Outcomes in NYS](#);
- NYS's SSIP;
- Due Process Update and NYC DOE Due Process Compliance Assurance Plan; and
- Preschool Updates – Preschool Provider Round Tables, funding request to Department of Budget for preschool special education, preschool inclusion program objectives and policies promoting preschool inclusion.

DISCUSSION ITEM

New Business

Members Kristie Stromecki and Mara Vanderzell requested a vote for CAP to draft a letter to the NYS legislature regarding the certification of behavior analysts. NYS law limits scope of practice to students with autism. Legislation has been proposed to allow flexibility to work with students other than students with autism. Members raised concerns about conducting a vote with less than a majority of members still in attendance and without any discussion. CAP Chairperson, Edward Escobar suggested that information be shared with members via the CAP listserv for members to consider submitting individual comments.

FOLLOW-UP ACTION STEPS

The CAP Executive Committee and OSE staff will meet to finalize the standing subcommittees. Members will be sent a list of subcommittees and asked to rank order their choices for subcommittee assignment. The CAP Executive Committee will work with OSE staff to develop a draft of the 2018-19 CAP Annual Report for member feedback. Dates for the virtual meetings and the start and end times for the in-person meetings will be finalized by OSE staff and the Executive Committee and sent to CAP members.