

**New York State's
Commissioner's Advisory Panel for Special Education Services
May 28-29, 2020 Meeting Minutes**

New York State's (NYS) Commissioner's Advisory Panel (CAP) for Special Education Services held its scheduled spring meeting on May 28-29, 2020 via WebEx.

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, May 28th at 9:00 a.m.

Members Who Participated:

Lynnette Aqueron, Suri Barnes, Natasha Bermudez, Kimberly Black, Naomi Brickel, Tim Bromirski, Kathy Doody, Kristin Dudek, Brett Eisenberg, Edward Escobar, Jacqueline Frey, MaryJo Ginese, Alexis Harrington, Laura Hartmann, Dustie Huff, Laretta Joseph, Chris Kus, Barbara Martorana, Mary McInerney, Namita Modasra, Eileen Murtha, Matt Nelson, James Nolan, Ora Perkins, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Annmarie Urso, Mara Vanderzell, Danielle Williams, Jamey Wolff, Mary-Margaret Zehr.

MEETING OF THE COMMISSIONER'S ADVISORY PANEL, May 29th at 9:00 a.m.

Members Who Participated:

Lynnette Aqueron, Suri Barnes, Natasha Bermudez, Kimberly Black, Naomi Brickel, Tim Bromirski, Kathy Ralabate Doody, Kristin Dudek, Brett Eisenberg, Edward Escobar, Jacqueline Frey, Alexis Harrington, Laura Hartmann, Dustie Huff, Laretta Joseph, Chris Kus, Barbara Martorana, Mary McInerney, Namita Modasra, Eileen Murtha, Matt Nelson, James Nolan, Brian Pulvino, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Elizabeth Wheling, Danielle Williams, Jamey Wolff, Mary-Margaret Zehr.

The following New York State Education Department (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 Due Process and Policy, Louise DeCandia; OSE Supervisor - Policy Unit, Alison Conners; OSE Associates/CAP Designees: Sandra Cote, Jennifer Hedderman; OSE Associate, Kelly Onorato; Assistant Data Director, Information and Reporting Services/NYSED Coordinator of Federal Reporting, Kristin DeSalvatore.

General Business

CAP Chairperson Edward Escobar called the meeting to order at 9:00 a.m. This was followed by a review of WebEx participation tips by Jennifer Hedderman.

Chairperson Escobar also performed roll call and introduced new CAP members – Suriyati Barnes representing the constituency "Teacher;" Natasha Bermudez, representing "State Agency Involved in the Delivery of Related Services;" Kristin Dudek, representing "State/Local Education Official Representing Homeless;" Brett Eisenberg, representing "Provider of Transition Services and Business/Vocational Representative;" MaryJo Ginese, representing "State/Local Educational Official;" Alexis Harrington, representing "State Agency Involved in the Delivery of Related Services;" and Elizabeth Wheling, representing "Individual with a Disability."

Alison Conners introduced NYSED staff participating in the meeting and reviewed the meeting agenda.

Old Business

ACTION ITEMS

November 21-22, 2019 CAP Meeting Minutes

MOVED, that the November 21-22, 2019 meeting minutes be approved.

Motion by: Brian Pulvino

Seconded by: Yvonne Sinisgalli

Action: Motion carried. Kathy Ralabate Doody abstained.

DISCUSSION ITEMS

Reviewed Priority Areas of Unmet Needs from Nov 2019 Meeting

Chairperson Escobar reviewed the priority areas for which subcommittees were formed:

- 1.) Student Performance Outcomes;
- 2.) Legislative/Regulatory/Policy;
- 3.) Teacher/Provider Certification/Recruitment/Retention;
- 4.) LRE/ Inclusion;
- 5) Business/membership.

Reporting of Data Under 618 of the Individuals with Disabilities Act (IDEA): Federal Fiscal Year (FFY) 2018 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Kelly Onorato and Kristen DeSalvatore presented on NYS's FFY 2018 State Performance Plan/Annual Performance Report required under Section 616 of IDEA.

Prior to the meeting, members received a pre-recorded Zoom presentation and PowerPoint presentation, which provided an overview of preliminary data submitted to the US Department of Education (USDE) on February 3, 2020 as part of NYS's FFY 2018 SPP/APR.

Members were provided an overview of the 16 SPP compliance and performance indicators NYS was required to report on in the February 2020 submission of data for FFY 2018. Members were asked to consider the following three guiding questions based on the data submitted in the FFY 2018 SPP/APR: 1. "What may the data be telling us?"; 2. "Where (which indicators) should the State focus its efforts?"; and 3. "What are the current statewide resources that could be leveraged to improve the indicators?". Due to the limitations of a virtual meeting format and time constraints, members will be given the opportunity to advise the Department on the guiding questions through an online form.

Members were also informed that in February 2020, USDE issued a notice of proposed changes to the SPP/APR for FFY 2020-2025. Changes have been proposed for indicators 1-6, 8, 13, 14, and 17. NYSED submitted comments regarding the proposed changes on April 20, 2020.

The clarification period for the FFY 2018 SPP/APR was from April 16 through April 30, 2020. NYSED was required to make minor clarifications to its FFY 2018 SPP/APR in the Introduction as well as in indicators 4, 8, 9, 10, 11, 13, 14, 15, and 16. USDE's final review period is from May 1, 2020 until June 24, 2020. The FFY 2018 SPP/APR data remains preliminary until USDE issues final IDEA determinations in June 2020. A state's determination may be: Meets Requirements and Purposes of IDEA; Needs Assistance in Implementing the Requirements of IDEA; Needs Intervention in Implementing the Requirements of IDEA; or Needs Substantial Intervention in Implementing the Requirements of IDEA. NYS has been identified as "Needs Assistance" for the past 13 years.

Members were provided information on Indicator 8: Parent Involvement, which measures the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. NYSED has a contract with the Potsdam Institute of Applied Research (PIAR) to administer the survey. Parent surveys are collected only for the school districts scheduled to report on indicator 8 for a given year (every 6 years). As part of the FFY 2018 SPP/APR clarification period, USDE requested that NYSED clarify if response data for this indicator were representative of the demographics of the children receiving special education services in our State. NYS's response data showed that the white race was overrepresented while the black race and Hispanic ethnicity were underrepresented.

Members were asked for recommendations regarding strategies NYSED can use to increase parent survey response rates in sampled districts and ways NYS can ensure that it is complying with the representativeness requirement as follows: In the SPP/APR, OSEP requires states to "Include the State's analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. States should consider categories such as race and ethnicity, age of the student, disability category, gender, and geographic location in the State."

Member recommendations included but were not limited to: look at how surveys are currently distributed - consider using a polling company, sending out surveys by mail or providing surveys at the end of committee on special education meetings; include Indicator 8 survey questions on other school surveys; support parents in completing surveys; reduce the survey length and increase relevance of the questions asked; make questions easier to answer (e.g., yes or no responses, 1-10 rating scales); and provide the survey in multiple languages. Members will be sent a copy of the Indicator 8 Parent Survey to review. Additional member feedback will be obtained via an online form following the meeting.

2020-2021 CAP Meetings

Chairperson Escobar and Vice Chairperson Yvonne Sinisgalli led the members in a discussion about the 2020-2021 CAP meetings. Members were asked to consider several factors in planning for next year, with the expectation being that meetings will need to continue to be conducted remotely at least through fall 2020. Members gave input on the web-based platform, time, duration, and frequency of remote meetings as well as strategies for streamlining and being efficient with the process during the remote meeting. The CAP Executive Committee will research the possibility of using other platforms.

Members also discussed priority areas relating to the COVID-19 emergency, which included equity in access to technology, provision of a free appropriate public education (FAPE) in distance learning environments, and timeline requirements for re-opening plans. CAP members would like a voice and representation on NYSED's re-opening committee. Members also discussed the possibility of forming an ad hoc committee related to COVID-19 issues. Members will be provided an online form to provide additional input on the 2020-2021 CAP meetings.

Public Comment

No public comments were provided.

Subcommittee Reports

Student Performance Outcomes

The Student Performance Outcomes subcommittee met following the November meeting and reported on the following activities:

- Laura Hartman, Ad Hoc CAP member from NYSED's Adult Career and Continuing Education Services-Vocational Rehabilitation Office shared resources with the committee relating to transition and adult services;
- Recommended that the NYSED transition handbook be updated;
- Proposed meeting with the legislative committee to discuss a super senior program for youth to receive vocational training after receiving their diplomas; and
- Continue to work on the graduation rate and SPP Indicator 13.

Legislative/Regulatory/Policy

No report submitted

Teacher/Provider Certification/Recruitment/Retention

The Teacher/Provider Certification/Recruitment/Retention Subcommittee met in January and February of 2020 and reported on the following activities:

- The subcommittee spent time determining subcommittees charge and deciphering difference between work NYSED is doing with the Collaboration for Effective Educator Development, Accountability, and Reform (CEEDAR) national technical assistance center, and charge of the subcommittee.
- Members reported that there appear to be three groups working on issues relating to teacher preparation and shortages – CAP subcommittee, a NYSED Teacher Group, and CEEDAR.
- The subcommittee working on this topic would like to be able to collaborate with the other workgroups.
- The subcommittee plans to begin meeting again following the May 2020 CAP meeting.

LRE/Inclusion

No report submitted

Business/Membership

The Business/Membership Subcommittee drafted a new application form for CAP members to be more informative, highlight stakeholder roles and review CAP responsibilities. Barbara Martorana will email the form to NYSED so that it can be shared with the CAP members.

Federal and State Policy Updates

Louise DeCandia and Alison Connors provided updates and responded to member questions on the following special education policy issues:

- Provision of Services During Statewide School Closures Due to COVID-19
 - [Supplement #1 - Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State – Additional Questions and Answers \(April 27, 2020\)](#)
 - [Emergency Regulations for the Provision of Special Education Programs and Services and Due Process Procedures in Response to the Novel Coronavirus \(COVID-19\) Outbreak in New York State –](#)
 - Address special education programs and requirements impacted by school closures due to COVID-19
 - Emergency adoption at the April 6, 2020 Board of Regents (BOR) meeting, effective April 7, 2020

- [Extension of the Subject Area Certification Requirement and SOCE Application Deadline for Special Education Teachers Who Teach a Special Class in Grades 7-12](#)
- [Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- [Cancellation of the June 2020 Administration of the New York State \(NYS\) High School Regents Examination Program in Response to COVID-19 Related School and District Closures](#)
 - Cancellation of all Regents Examinations scheduled for June 2020 Regents Examination period
- [Regents Examination and Graduation Requirements Questions Related to COVID-19 Closure](#)
 - Modifications to assessment requirements to earn high school diplomas, credentials, and endorsements – Exemption from requirements pertaining to passing examinations
- [Parental Right to Decline Examination Waivers](#)
 - Members indicated that information regarding the parent declination of the Regents examination exemption should be clearly communicated to parents and decisions should be highly individualized based on student needs.
- [Proposed Amendments Relating to Impartial Hearing Officers and Due Process System Procedures](#)
 - Discussed at the March 2020 BOR meeting. Public Comment is being accepted through June 16, 2020. Anticipated adoption at the July BOR meeting. The proposed amendments address:
 - Expanding the Pool of Potential Impartial Hearing Officer Applicants in New York City
 - Privacy
 - Use of Video Conference

Discussion of Challenges Students with Disabilities, their Families, and School Communities are Facing as a Result of COVID-19 Outbreak

Members provided feedback on the following guiding questions:

1. What are the challenges you are facing in supporting students with disabilities during the COVID-19 school closure and ensuring the continuity of learning and the provision of special education programs and services?

Responses:

- Children are struggling and falling behind, especially those who are severely disabled
- Subset of children with disabilities that are unable to benefit from online learning
- High risk children – Need to think about how to serve these students once schools reopen
- Parents experiencing difficulties keeping students organized/on schedule and having to learn how to teach
- Parents indicating that they are going to opt out of online services
- Transition goals not being addressed and lack of availability of work-based learning programs
- Students lack executive function skills to assist them in online learning
- Support of paraprofessional is essential for some students
- Administrators not getting information in a timely manner
- Lack of communication with parents
- Families lack connectivity, access to technology and/or knowledge on how to use school provided technology
- Learning curve on how to use new technology for teachers and students
- Students are not being challenged
- Motivation for remote learning - Need to engage students
- Providing services appropriately so students are continuing to learn
- Standardizing practices to minimize discrepancies between districts/region of the State

- Concerns about sending students back to school
- Live interfacing is critical, especially for related services
- Service delivery approach has been driven more by compliance/protecting liability versus student learning - Students are not receiving FAPE
- Online learning has been about the adults and not the children

2. What new practices have you experienced or learned during the school closures due to COVID-19 that have been encouraging or supportive? i.e., how might this be used as a learning experience to rethink our education system? Consider the Governor’s Reimagine Education initiative and what education should look like in the future, including how technology can be used to meet the educational needs of students with disabilities.

Responses:

- Teacher willingness to conduct live sessions
- Parents need to be offered technology “101 workshops”
- Governors Reimagine Education Committee does not have a special educator. Need to have someone to represent all special needs students, including severely challenged and medically fragile students
- Impressed by teachers and related service providers who have found ways to advise families to incorporate learning and individualized education program goals into day to day activities
- Need to calibrate and re-shift thinking to ensure students with disabilities are fully supported
- In addition to thinking about the academics, the social emotional learning is vital
- More information/training and understanding on remote assessments is needed

Members will be given the opportunity to provide additional input on these questions following the meeting via an online form.

Future Agenda Items

Information on future agenda items will be collected via an on-line form following the meeting.

Follow-Up Action Steps

NYSED staff and the CAP Executive Committee will develop an on-line form to collect recommendations regarding the 2020-2021 CAP meetings and future agenda items. Online forms will be sent to members via the CAP Listserv to collect additional input on the FFY 2018 SPP/APR Guiding Questions; SPP/APR Indicator 8 Parent Involvement; and Challenges Students with Disabilities, Families and School Communities are Facing as a Result of the COVID-19 Outbreak.

Closing

MOVED, that the May CAP meeting be adjourned.

Action: Motion carried unanimously.