

New York Citywide Council on
Special Education:

2022-2023 Annual Report

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<u>Introduction</u>	2
<u>The Provision of Special Education Services Under the Law</u>	2
<u>2023 Notable Changes to Education Law</u>	3
<u>Overview of the 2022-2023 School Year</u>	4
<u>A Look at the Numbers</u>	6
<u>Disability Classifications of Students in NYCPS</u>	8
<u>Implementation of New York City Special Education Programs</u>	8
<u>Implementation of Related Services</u>	8
<u>Special Education Advisory Council</u>	9
<u>Literacy Initiative</u>	12
<u>Budget</u>	14
<u>Enrollment</u>	16
<u>Busing and Transportation</u>	21
<u>The Case for Ending School Suspensions</u>	24
<u>Career and Technical Education</u>	26
<u>Sensory Education, Exploration and Discovery (SEED)</u>	29
<u>Conclusion</u>	30

Introduction

The Citywide Council on Special Education (CCSE) was created by the state law that provided for [mayoral control](#) of New York City schools. The council is comprised of eleven voting members, nine of whom are parents of students who have an Individualized Education Program (IEP). As of 2020, these members are elected by families of students enrolled in public schools to serve a two-year term, or they are appointed by current council members if a vacancy occurs. The New York City public advocate selects the two additional voting members. Additionally, there are two non-voting members of the CCSE: the chancellor's designee selects one high school senior with an IEP to serve on the CCSE for one year, and CCSE members appoint a representative to sit on the Citywide Council on High Schools.

The [law establishing the CCSE](#) requires that the council hold at least one public meeting per month. The other requirement is that the council issue an annual report assessing the effectiveness of the New York City Department of Education (DOE) in providing special education services to students with disabilities. The report should include recommendations on how these services can be implemented and improved.

The Provision of Special Education Services Under the Law

To understand the rights of students under the law it is helpful to be familiar with three integral pieces of federal legislation:

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What is Section 504 of The Rehabilitation Act of 1973?

This is a national law that protects qualified individuals from discrimination based on their disability status. The law applies to any organizations that receive federal funding and forbids the exclusion of disabled people from the opportunity to receive program benefits and services. In educational settings, this law provides for the provisions of accommodations for students to access public education.

What is the Americans with Disabilities Act?

The Americans with Disabilities Act was enacted on July 26, 1990 by George HW Bush, its basic premise prohibits discrimination against people with disabilities in everyday activities. The ADA prohibits discrimination on the basis of disability just as other civil right laws prohibits discrimination on the basis of race, color, sex, national origin, age, and religion. The ADA guarantees that people with disabilities have the same access as everyone else to enjoy opportunities, purchase goods and services and participate in state and local government programs.

What is the IDEIA?

The idea that students with disabilities have a right to a free and appropriate public education (FAPE) is a relatively new concept in the United States. Up until the last third of the 20th century, few students with disabilities went to public schools. Most disabled students were taught at home, attended expensive private schools, or received little to no education. Then in 1975 Congress passed the [Education for All Handicapped Children Act](#), establishing the rights for all children, disabled or not, to have a public education.

The [Individuals with Disabilities in Education Act](#), (IDEA) enacted in 1990, required that schools provide individualized programs to meet the needs of students with disabilities. In 2004, Congress reauthorized the [Individuals with Disabilities Education Improvement Act](#) (IDEIA). It is this law that governs special education in the United States today.

The law sets out a series of requirements that must be met by schools receiving public funds in the United States. IDEA states that schools must evaluate all students with disabilities or who are suspected may have a disability. Parents may also submit evaluations to the school district which support a diagnosis of a disability. Dependent on the outcome of these evaluations, a student deemed to have a disability, is entitled to have the school district develop an Individualized Education Program (IEP), provide the services called for in that program, and monitor and measure progress. The act also calls for students to be educated in the least restrictive environment (LRE) and requires that parents be informed of any special education programs available to their child as well as be allowed to sit on their child's IEP team.

The act recognizes 13 categories of disability. They are:

- Autism
- Deaf blindness
- Deafness
- Emotional disturbance (In New York State, Emotional Disability)
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

2023 Notable Changes to Education Law

Though separate laws, but very much related, IDEIA, section 504, and the ADA all have implications for disabled students. Until recently, a student was only able to seek recourse under one law at a time. In early 2023, the Supreme Court of the United States

decided an import case with important implications for students with disabilities with its ruling in [Luna Perez v. Sturgis Public Schools](#).

Miguel Luna Perez was a hearing-impaired neurodivergent student at the Sturgis Public School system in Michigan. During his tenure in the Sturgis school district the student claimed that he did not receive any of his services as mandated by his IEP. At the time of filing, Perez was a 23-year-old deaf individual who had attended Sturgis Public School District from 2004-2016. He stated that in his time there he did not receive his federally mandated services which included American Sign Language (ASL) interpretation, and explicit English-language instruction. Perez had filed an administrative due process claim alleging violations of the IDEIA and being denied FAPE administered via an IEP.

In his claim, Perez argued that the school district did not provide him with intensive language instruction to develop effective communication skills; did not provide him with consistent exposure to an accessible mode of language such as ASL; did not address his lack of progress towards the goals in his IEP; and failed to consider opportunities for direct instruction and direct interaction with peers.

Although Perez did come to an agreement with the school regarding his lawsuit under IDEA, prior to the Supreme Court ruling, the Michigan school district argued that Luna had to exhaust all legal proceedings under the IDEA before he could bring a formal complaint under the ADA. The SCOTUS decision found in Perez's favor stating that a person does not have to exhaust their due process claim before filing a complaint under ADA. This ruling sets precedence for individuals to file IDEIA and ADA complaints simultaneously.

This ruling has important implications for students with disabilities as it gives students and families more recourse in their fight to receive the services and compensation they are entitled to under federal law. [Though some argue that this will lead to unnecessary litigation circumventing due process focusing on money instead of education, there is hope that it will encourage timely and appropriate resolution to due process claims for students with disabilities and encourage the provision of services by schools under the law.](#) It will also allow the award of financial compensation that is typically limited under IDEIA. Often due process claims can take years to resolve, leaving students without their entitled services for many years thus having an enormous impact on their education. It is noteworthy that Perez is an example of this as he did not graduate with a High School Diploma but rather a certificate of completion. Perez was looking for compensatory damages under the ADA which is a form of relief that the IDEIA does not provide. This important ruling will give parents and students even more resources to ensure students with disabilities receive their free and appropriate education.

Overview of the 2022-2023 School Year

At the time of this writing, the 2022-2023 school year is coming to a close. If the past three years have been marked by trauma, uncertainty, and disruption brought on by the

Covid-19 pandemic, the 2022-2023 was dubbed the year we “return to normal.” With the phasing out of mask and vaccine mandates and the lifting of any remaining restrictions on in-person gatherings, schools were in session without any significant disruption for the first time since 2020.

[By January 2023, President Joseph Biden declared the Covid-19 health emergency officially over](#), bringing an end to federal support of pandemic-related programs ranging from the distribution of vaccines to expanded access to food stamps (P-EBT) to the moratorium on evictions for those experiencing financial hardship. Whether you believe Covid-19 is gone for good or is something we live with, [the implications for vulnerable populations](#), including people with disabilities and those living with long Covid, is yet to be measured.

For our schools, the focus was largely on academics and the learning loss [as measured by a drop in fourth-grade standardized test scores](#). For high school students, waivers for Regents exams were lifted at the same time that the New York State Education Department began officially rethinking state graduation requirements, including the continuation of Regents exams and the various pathways to graduation.

Notably, though, in spite of Mayor Adams’ resistance to remote learning, it’s clear that online learning is here to stay; snow days are now a thing of the past for New York City public school students. When smoke from Canadian wildfires created a sudden environmental health crisis for the city in early June 2023 schools pivoted to remote instruction—though it’s worth noting that the delay in the decision to shift the entire system online meant [students attended school during the most dangerous smoke conditions putting many of them at risk](#).

The end of federal Covid relief also means an end to additional federal money to support public schools. The federal government passed [three stimulus acts between March 2020 and March 2021](#): Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), and American Rescue Plan Act (ARPA). Each of these acts included allocations to the Education Stabilization Fund, with the majority of money going to the Elementary & Secondary Relief (ESSER). [ARPA-ESSER funding provided \\$4.8 billion in direct funding to the NYC DOE to address the academic impact of the pandemic due to lost instructional time through additional summer, afterschool, and extended school year programs which must be spent between March 2021 and September 2024](#).

Enrollment and the impact of the current school budget is discussed later in this report, but it’s worth pointing out here that the effects of loss of pandemic aid need to be made clear. As this report goes to press, we are in the final days of enrollment in [Summer Rising](#), a partnership between New York City Public Schools and the Department of Youth and Community Development (DYCD) that provides free academic and enrichment programming to K-8 students that has been funded through federal COVID money. At the time this report is being published, of the 110,000 spots available in Summer Rising, 94,000 filled. After an enrollment process that was plagued with

confusion and lack of communication, the Department of Education announced that after the initial enrollment is complete, there may be additional seats available for some of the 45,000 students who have applied but have not been placed. This means that with just days until the end of the school year, many [families have been left scrambling to provide programming and childcare for the summer](#).

With the budget for Summer Rising expiring this year as federal funding comes to end, there has been no communication about the uncertain future of the program. What is certain is that there is a critical need for free, quality summer programming for New York City families.

Coinciding with questions about what the future holds as we phase out pandemic-era programming and funding, the NYC DOE has embarked on a “rebranding,” of sorts, changing their name to New York City Public Schools (NYCPS). It is the opinion of this Council that this shift in branding represents a political strategy to associate a more humanized approach to Public School education under the Adams, Banks administration and embrace the idea that charters are “public” schools.

A Look At the Numbers:

During the [2022-23 school year there were 1,058,888 students in New York City](#), making it the largest school district in the United States. Of those students, 20.6 percent or approximately 218,131 have disabilities and receive educational support services via an Individualized Education Program (IEP).

Data on special education for year 2022-2023 SY has not yet been published, so the data below reflects percentages from SY 2021-2022.

Grade Level	General Education Students	Students with Disabilities
3K	89.6%	10.4%
Pre-K	89.8%	10.2%
Grades K-5	77.3%	22.7%
Grades 6-8	77.2%	22.8%
Grades 9-12	80.3%	19.7%

When looking at Students with Disabilities (see below) it is helpful to see how they are classified because often these classifications impact the services and programs that are developed to best serve students. It is helpful to note that these classifications are not a perfect system and though a student is given only one classification many students could in fact “fit” into multiple classifications, for example a student with dyslexia may be classified under Learning Disability but may also have ADHD which would be classified under “Other Health Impairment.” Classifications are often prioritized in order to place students into programs with the most appropriate fit. Below is a breakdown of the classifications for SY 2021-2022 as data for SY 2022-2023 is not yet available.

Disability Classifications of Students in NYCPS

Disability Classification	Share of Students with Disabilities
	2021-2022
Learning Disability	36.9%
Speech Impairment	31.7%
Autism	11.0%
Other Health Impairment	9.2%
Emotional Disability	5.2%
Intellectual Disability	3.1%
Other	2.8%

Every year the CCSE’s primary concern is with the provision of special education services from the number of initial referrals to the provision of IEP mandates. From 2021 to 2022, NYCPS saw a marginal improvement in the implementation of Special Education Programs.

Implementation of New York City Special Education Programs

Primary Program Type	June 14, 2021	June 15, 2022	Change in Percentage Points
	Percent Fully Receiving	Percent Fully Receiving	
Integrated Co-Teaching Services	86.9%	88.9%	+ 2.0 points
SETSS	87.3%	87.0%	- 0.3 points
Special Class	86.3%	87.4%	+ 1.1 points
Total	86.7%	88.2%	+ 1.5 points

Source:

<https://infohub.nyced.org/docs/default-source/default-document-library/september-2022-ccr-narrative.pdf>

When looking at the implementation of related services NYCPS increased compliance across the board. The CCSE was pleased to see such an increase in the implementation of bilingual counseling related services as this has been an area of need for many years though there remains need for continued improvement in other bilingual related services. It is also important to note that NYCPS counts a full compliance when a student receives even one incident of service, so this chart may not be an accurate reflection of consistent service implementation nor quality of implementation.

Where NYCPS has made progress for their K-12 students their implementation for pre-school special education students is left severely lacking. published a report in June of 2023 that found that nearly 10,000 preschool students with disabilities did not receive their mandated Special Education Services with 37% going the entire year without their services. Given the proven benefit of early intervention for the mitigation of impact of disability on educational outcomes for disabled students, AFC's findings border on negligence by NYCPS.

Implementation of Related Services

Related Services Recommendation Type	June 14, 2021	June 15, 2022	Change in Percentage Points
	Percent Full Encounter	Percent Full Encounter	
Counseling Services	91.3%	93.6%	+ 2.3 points
Counseling Services Bilingual	64.8%	79.2%	+ 14.4 points
Hearing Education Services	93.9%	95.9%	+ 2.0 points
Occupational Therapy	91.7%	93.3%	+ 1.6 points
Physical Therapy	91.2%	95.5%	+ 4.3 points

Speech-Language Therapy	83.4%	87.0%	+ 3.6 points
Speech-Language Therapy Bilingual	83.4%	87.0%	+ 3.6 points
Vision Education Services	89.9%	90.1%	+ 0.2 points
Total	92.5%	95.0%	+ 2.5 points

Source:
<https://infohub.nyced.org/docs/default-source/default-document-library/september-2022-ccr-narrative.pdf>

Recommendations:

- The CCSE recommends that compliance be measured by percentage of total required services completed versus counting one incident as full compliance.
- The CCSE recommends a plan be implemented to ensure full compliance for pre-school students receiving related services.
- The CCSE recommends the immediate expansion of pre-K seats for disabled students.
- The CCSE recommends the NYCPS report quarterly on its staffing vacancies and efforts to close vacancy gaps with a focus on bilingual service providers.
- The CCSE recommends that NYCPS identify why there is such a significant jump in the percentage of students with disabilities between pre-K and K-5 and develop a plan to identify these “missing” students so they can receive early interventions prior to entering Kindergarten.

Special Education Advisory Council

On December 1st, 2022, Chancellor David Banks announced plans to form a [Special Education Advisory Council](#) with the purpose of reimagining special education in NYC public schools. The NYC Department of Special Education convened a diverse group of stakeholders to launch the council on February 27, 2023.

New York City Public Schools has partnered with the [Center for Public Research and Leadership](#) (CPRL) at Columbia University to co-facilitate the Special Education Advisory Council.

The goals of the Special Education Advisory Council are as follows:

- Support the design of a long-term vision for Special Education in New York City
- Collect information on student and family experiences to inform planning
- Generate recommendations for improving special education
- Build awareness of special education programs and services.

In achieving these goals, the members of the Special Education Advisory Council were broken up into four working groups, or sub-committees:

- Integration and Interdependence (I&I)

- Scale and Sustain (S&S)
- Process and Policy (P&P)
- Engagement and Empowerment (E&E)

The members of the various groups meet during the month in optional office hours to work on recommendations. Then all four groups re-convene in a monthly meeting to share out what each group has worked on. These are the main topics coming out of each group:

Integration and Interdependence (I&I)

- Recommendations on alignments in District 75 and Districts 1-32/79 to support interdependence serving all students effectively.
- Shifting D75 superintendent out of the oversight of the Special Education office and under the Division of School Leadership.
- Recommendations on how to shift D75 supports to the Central office.
- Aligning resources and teams to improve supports and families while also ensuring that no one will lose their job as a result of any of the proposed shifts.

Scale and Sustain (S&S)

- Recommendations on how to strategically allocate resources to effective programs and service delivery models and ensure that every student with an IEP receives their mandated programs and services.
- Involvement of school principals to make sure core elements are in place.
- Capacity building for leaders and educators.
- Focus on ASD NEST and Horizon placement and application process with an aim to seat 33% of students classified with autism in each district in an ASD program.

Process and Policy (P&P)

- Recommendations on changes to legal processes in light of expansion of services and programs.
- Special education compliance rates went from 60.3% in SY15-16 to 86.7% in SY21-22. This is a 143% increase.
- Due process complaints went from 5,005 in SY15-16 to 17,851 in SY21-22. This is a 357% increase.
- Disbursements made in connection with these due process complaints went from over \$300 million in FY16 (analogous to SY15-16) to \$920 million in FY22 (analogous to SY21-22). This is an increase of 207%

Engagement and Empowerment (E&E)

- Recommendations regarding effectively marketing to families and students in order to raise awareness of the Continuum of Services and the Language Campaign, and to spotlight success stories.

The Special Education Advisory Committee is working on the following timeline to draft recommendations:

January to February 2023

- Build out the Advisory Council
- Establish Sub-Councils and identify opportunities for members engagement
- Kick off Full Advisory Council Meeting

March to April 2023

- Advisory Council meets once a month
- Some Sub-Councils meet frequently in between
- Advisors conduct engagement with stakeholders in their community

May to June 2023

- Advisory Council drafts recommendations for each Sub-Council
- CPRL prepares a summative report outlining the work of the Advisory Councils and Sub-Councils to date.

At the time of this writing, the Special Education Advisory Council is nearing conclusion. While the CCSE appreciates the organization that went into this Advisory Council model, barriers regarding the structure and format of the Council and subcommittees have prevented a true “reimagining of special education” for students in NYC Public Schools.

The CCSE made the following observations regarding the Special Education Advisory Council

- The sub-council structure did not allow cross-council collaborations to happen thereby ignoring the intersectionality that is the lived experience of a student with an IEP.
- The organization of the subcommittees and the expected work appears to be very restricted and predetermined. For example, there was limited engagement into the real issues around Due Process concerns that families faced from the Process and Policy sub council, which was tasked to address these concerns.
- The experience, though productive, felt siloed and restricted as to how wide the discussions and recommendations could have been developed.
- The subcommittees themselves had no consistency when it came to how they convened. For example, I&I met weekly (sometimes multiple times in 1 week) to discuss the different areas of concern within the portfolio. Meanwhile, to date, P&P has only met once and with no explanation as to why. These varying degrees of focus were not revealed until the entire Advisory Council met later in the month.
- Special Education in our school system is a very convoluted system that needs a much more in-depth exploration, if we are going to reimagine and restructure how we serve students with disabilities in our public schools. While we appreciate the idea and intention to examine the work and find impactful solutions to better support our students. There is still much work to be done.
- There already exists advisory councils, in the CCSE, CEC D75, ECC and President’s Councils, it was unclear to the larger public how this advisory

council's recommendations would be considered any different than the recommendations established councils have been making for many years.

Recommendations

- The CCSE recommends that the Special Advisory Council continue meeting after June 2023 without CPRL.
- The CCSE recommends that there be more engagement and participation within and across the multiple subcommittees.
- The CCSE recommends extending the work of the Special Education Advisory Council as an important way to advise our NYCPS partners on proposed programming and policy changes that will be truly impactful and transformative for Special Education in New York City Public schools.

Literacy Initiative

In November 2022, Mayor Adams and Chancellor Banks announced plans to boost literacy achievement across all students attending NYC public schools by overhauling the existing reading curriculum. The creation of a of nearly 60 literacy experts, educators, nonprofit leaders and parents as well as pilot programs launched to promote the earlier identification of students with dyslexia and provide targeted interventions.

New York City Public Schools has partnered with the [Center for Public Research and Leadership](#) (CPRL) at Columbia University to co-facilitate the Literacy Advisory Council.

Goals

Members of the 2022-2023 Literacy Advisory Council were tasked to: Members of the 2022-2023 were tasked to:

- **Connect** with other advisors to coordinate efforts related to literacy
- **Collect** information on student and family experiences
- **Generate** recommendations for improving literacy
- **Build awareness** of new literacy initiatives
- **Advise** on the direction of the DOE's literacy initiatives
- **Support** the design of a long-term vision for literacy in New York City

In May 2023, the a major citywide campaign to declare literacy and reading instruction a core focus of New York City's public schools. In May 2023, the Mayor and DOE Chancellor announced, "New York City Reads," a major citywide campaign to declare literacy and reading instruction a core focus of New York City's public schools. Under this campaign, New York City's elementary schools will be required to use one of three reading curriculums, a major shift that education officials hope will improve literacy rates across the nation's largest school system. Beginning in September, elementary schools in 15 of the city's 32 to use one of three programs selected by the education department. By September 2024, all of the city's roughly 800 elementary schools will be required to use one of the three.

- Wit & Wisdom, from a company called Great Minds
- Into Reading from Houghton Mifflin Harcourt
- EL Education.

Superintendents of the 15 districts selected to pilot this campaign were tasked to select the program to be implemented in their schools. The Chancellor is also requiring all elementary schools to [use an approved phonics curriculum](#), which schools often deploy in 30-minute blocks, on top of their reading curriculum. Some members of the Literacy Advisory Council applauded the scaling down of curriculum choices noting it would make training and professional development easier to implement and create more uniformity.

However, some department administrators say there has been limited communication about how carefully those three curriculums were chosen. One of the curriculums, Into Reading, was [criticized in a NYU report](#) for not being culturally responsive and or detrimental to culturally responsive education and students of color.

The CCSE appreciates the labor that went into this Advisory Council. However, if the Advisory Council had been engaged in suggesting curriculum, it would have been noted that the process in which the 3 curriculums were chosen violates the school governance process. These governance processes are established so that can determine what programs to use their school budget on to address the needs of their students. By offering the three curriculums so late in the school year, it forces schools that have already discussed programming with their SLT to start from scratch. It also incurs additional expenses to schools, who have already made curriculum purchases, creating an undue burden to schools under Mayoral budget cuts.

Recommendations

- The CCSE recommends that the Literacy Advisory Council continue their work independent of the Center for Public Research and Leadership beyond June 2023.
- The CCSE recommends that the Literacy Advisory Council continue advising our New York City Public School partners on proposed programming and policy changes that will be impactful and transformative for Special Education in New York City Public schools.
- The CCSE recommends that the Center for Assistive Technology team be engaged in implementation of assistive technologies as an additional resource to support children with dyslexia with the new curriculum.
- The CCSE recommends that preliminary data via iReady or Acadience assessments be made available to the CCSE to examine the effectiveness of the curriculum pivot and be provided a schedule of professional development sessions attended by teachers to learn the new curriculum.
- The CCSE recommends a review and consideration of phonics-based curriculums that meet culturally responsive education expectations and reflect the rich culture and diversity of NYCPS communities.

Budget

In February 2022, his intention to cut school budgets by \$215 million for the 2022-2023 school year. These cuts were credited to a decline in enrollment and resulted in schools losing millions of dollars, even those that did not experience declines in enrollment would now have to struggle to staff and program for the same amount of students they had in previous years with substantially less.

Roughly 650 principals, or 43%, challenged the DOE's initial enrollment projection, according to the Office of Student Enrollment—up from 540 last year. About two-thirds of it thought their projection was too low, and one-third said it was too high.

On May 31, 2022, Chancellor David Banks [issued an “emergency declaration”](#) that temporarily declared the budget approved for 60 days, or until the Panel for Education Policy (PEP)—a largely mayoral appointed board that approves major contracts and policies—could meet for its approval. Banks justified this move by stating that there was not sufficient time to hold a required 45-day public comment period before schools were notified of how much money they would receive and before the City Council needed to adopt the budget. The city budget must be approved by July 1. The PEP eventually voted to approve the budget on June 23, 2023, as a mostly symbolic and procedural gesture, as the city council had already voted to approve the city budget.

This decision to circumvent budget approval protocol resulted in a [July 2022 lawsuit filed against New York City](#), the education department, and schools Chancellor David Banks by two NYC public school parents and two NYC public school teachers. The lawsuit claimed that the city skirted proper protocols by failing to allow the PEP to approve the department's estimated budget before it went to City Council for a final vote. They asked for a court to invalidate the adopted budget and require the City Council to reconsider and vote again. While awaiting a hearing and a final decision, the plaintiffs also requested a temporary restraining order on implementation of the budget cuts, and city schools funded at the same levels as last fiscal year. If allowed to vote again, it was expected at the time that the City Council would push to reverse the cuts.

Unfortunately, in November 2022 the lawsuit was overturned stating the [appeals court judges found](#) that city officials violated state law in how they passed the budget for this fiscal year, they also decided that requiring a new budget vote would be unsettling to “the DOE's operations and be detrimental to students and teachers alike.”

NYC Comptroller Brad Lander said the cut was steeper than disclosed to the public—[by about \\$150 million more](#)—which officials have said is due to an even deeper projected enrollment drop. “Making cuts to individual school budgets at this moment is wrong for our students, for our teachers, and stands in the way of the equitable recovery our city needs.” At a June 24, 2022, City Council hearing Comptroller Lander advocated for using a portion of the city's remaining \$4.5 billion in stimulus funds to hold school budgets steady.

In [January 2023, Mayor Adams reversed course](#) on a plan to slash an additional \$80 million next year from schools that lost students during the pandemic. In his preliminary budget, Adams announced plans to delay the previously scheduled cut, giving a temporary reprieve to schools who lost students during the pandemic and are still struggling with the effects of last year's cuts. Some families, educators and advocates, however, argue that Adams should have gone even further by restoring the cuts he made last year.

However, in April 2023, Mayor Adams proposed yet another round of spending reductions that will, once again, impact schools. New York City's education department is facing roughly \$421 million in additional budget cuts next school year, according to the city's Independent Budget Office, including rolling back a planned expansion of preschool for 3-year-olds. The mayor's budget proposal, unveiled in January, reversed his earlier plans to cut school budgets by \$80 million due to enrollment declines and evaporating federal COVID relief funding. The education department also [agreed to pump about \\$90 million into school budgets](#) to help support students in temporary housing and schools that serve a disproportionate share of students with disabilities, English learners, those living in poverty, and an [influx of migrant students](#). Officials did not say whether those initiatives could be affected by the latest spending reductions.

The proposals are a response to a [school funding taskforce](#) that recommended revising the city's [Fair Student Funding formula](#), which accounts for about two-thirds of school budgets. Under the formula, schools typically receive a baseline amount per student—for the 2022-2023 school year, it was approximately \$4,197. Students with additional needs come with extra dollars on top of the baseline. Both city proposals line up with [recommendations the taskforce issued in November](#); however, the administration is planning to spend significantly less money on them than the taskforce suggested. Their report recommended spending from \$42 million to \$85 million more on homeless students and from \$60 million to \$120 million more on schools with high concentrations of vulnerable students. The city plans to spend only \$45 million in each category. Changes to the funding formula are not final and must be approved by the city's Panel for Educational Policy. The city's Panel for Educational Policy voted to approve the current Fair Student Funding formula at its meeting on Wednesday May 17, 2023 with a commitment from the Chancellor Banks to form a working group to reform the policy moving forward, [Chalkbeat reported](#).

[The United Federation of Teachers \(UFT\), the city's teachers union, also blasted the proposed budget](#) "New York State has provided record levels of funding for New York City's public schools," Alison Gendar, a spokesperson for the UFT, wrote in an email. "There is no need for any cuts to our school communities. None."

Budget experts said these cuts could result in the elimination over 4,000 positions that have been waiting to be filled, mostly in the areas of Special Education and Early Education.

Lastly, Chancellor David Banks proposed an amendment to the School Construction Authority Capital plan for School year (SY) 2023-2034 cutting an additional \$2.2 billion which will result in a loss of over 11,000 seats across the city. [This amendment was passed by the PEP April 19, 2023.](#)

Recommendations

As this continues to be an ongoing topic with the final city budget, the Citywide Council on Special Education recommends revisiting the area on School Budget in the following term and reporting the effects it has on special education as a whole.

Enrollment

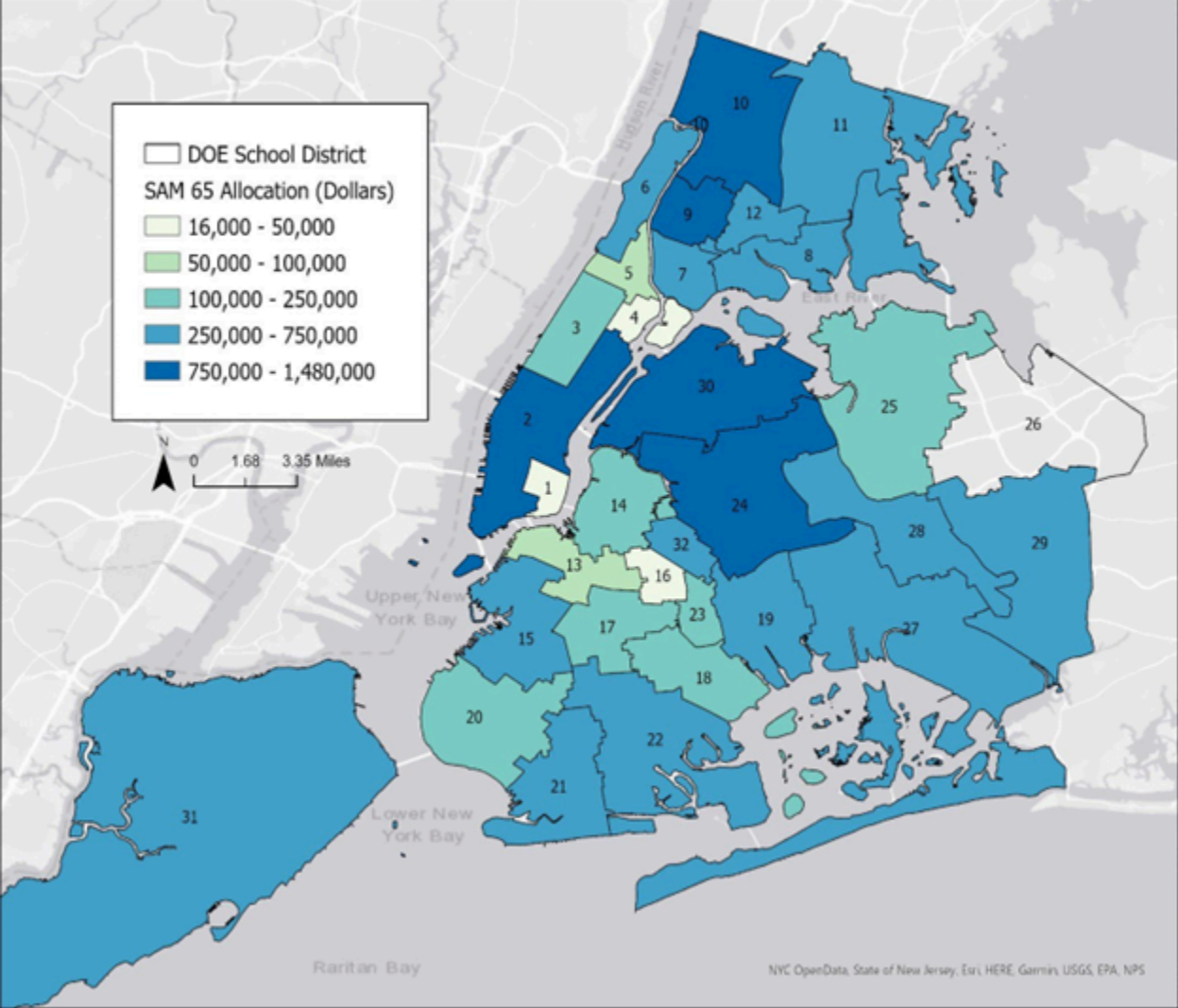
Though some enrollment numbers were addressed earlier, this section will address changes in enrollment in more detail. Before the pandemic, there were more than a million students in the public school system. As stated earlier, there are around 1,058,888 students currently enrolled in NYCPS. [Out of that population](#), 218,131 are students with disabilities (20.6%). It is worth noting that out of the 1,058,888 students enrolled, 139,752 students are enrolled in charter schools. We do not have data available on the number of children enrolled in 3K and PreK, charters, private, nonpublic schools (NPS) or homeschooling who are receiving special education services.

Enrollment fell almost 4 percent in 2021-22, which in turn was down from the previous year, according to the DOE, even while charter schools increased by more than 7 percent. Statewide, enrollment numbers were partially buoyed by the expanded availability of pre-kindergarten, for which enrollment jumped from 101,253 to 139,547. Data shows that enrollment among students with disabilities also decreased by 2.9 percent compared to 2.6 percent for general education students. History has shown that New York has a poor track record of providing for public school students with disabilities, and the impacts of the recent pandemic just further highlighted this issue. Some of the change in enrollment has been attributed to falling birth rates, which have gone down over the last 15 years-and can also be attributed to potentially due to leaving New York City for more affordable cities or to find educational opportunities that more align with their student's needs. , according to the DOE. Most of them moved to school systems within New York State, New Jersey or to southern parts of the United States.

The enrollment decline has been offset by the coming into NYC. According to DOE, a total of 369 schools (out of the City's total of 1,588 public schools) are receiving a School Allocation Memo (SAM) 65 allocations, representing 5,851 students. More than 70% of these schools are elementary or K-8 schools, 15% are middle or 6-12 schools, and 15% are high schools including 4 transfer high schools.

Newcomer students are heavily concentrated in a small number of districts and schools, most likely in close proximity to shelters where families are being placed (Figure 1). DOE data shows that the 15 schools with the largest numbers of newcomer students have more than 17% of newcomer students enrolled while representing only 4% of the

369 schools. The Bronx and Queens have the largest number of schools with at least 6 students from families seeking asylum and the greatest numbers of these new students, particularly in Districts 9 and 10 in the Bronx and Districts 24 and 30 in Queens. Large concentrations of students also exist in schools in District 2 in Manhattan.



One area of enrollment that has not seen a decline is students referred to District 75: The , is tasked to create 3024 D75 seats across the 5 boroughs. Because these students are placed in their programs rather than enrolled through a traditional application process, families looking for a D75 program are given very little choice where their child is placed and often their children are subjected to long travel times on pupil transportation outside of their home districts. In April 2023, administrative shifts surrounding D75 infrastructure were made to provide DOE Central support for the D75 student population. There is a proposal in the works to shift D75 Placement to DOE Central offices under the umbrella of the Division of Student Enrollment. The , established by Chancellor Banks in March 2023 have been engaged in the transition discussion in addition to expansion of programs like ASD NEST, Horizon and PATH.

Lastly, the effects of the decline in enrollment has been disproportionately detrimental to our Transfer High Schools. Because these specialized programs operate on a rolling enrollment model, the schools are tasked to increase their enrollment every year in order to offset expenses accumulated to support mid-term transfer students. These gaps in funding are a result of community high schools budgets being locked in after the October 31 enrollment deadline and because that funding stays with the community school even after a student has transferred out it is not transferable to the transfer school. This model, unfortunately, leaves transfer schools to start off every school year with a funding deficit and they play an untenable game of “catch up” in order to serve their students. This is important to note since service a high percentage of students with disabilities.

About 70% of the city’s transfer schools now enroll fewer than 200 students, up from about 26% of transfer schools in 2017. A handful have slipped below 100. Some observers attribute enrollment drops in-part to more [relaxed academic standards](#) at traditional high schools during the pandemic But [dwindling enrollment](#) raises questions about the sustainability of a network of schools that exclusively serve students who are at risk of dropping out, including those who have been entangled in the criminal justice system, face difficult family circumstances, or may be young parents. Since schools are funded largely based on enrollment, [shrinking rosters](#) can make it difficult to offer a wide range of classes, including special education settings like ICT and extracurricular activities.

This SY 2022-2023 we have seen an increase of school mergers or relocations for our Transfer High Schools. Presently, the proposal for the relocation of the Edward Reynolds Westside HS was up for the vote at the Panel for Education Policy (PEP) on May 1, 2023. On April 23, 2023 the proposed merger of Westside MS with Lafayette Middle School and the relocation of Aspirations Transfer High School with Brownsville Academy High School and New Visions AIMS Charter High School was met with immense public outcry yet the Mayoral appointees of the PEP [chose to vote yes](#) and allowed the proposals to pass.

Based on the impending outcome of these proposals, the Citywide Council on Special Education reserves the right to revisit this area of concern in the following term to report the impact these mergers and relocations will have on overall enrollment trends for our students with disabilities.

The Citywide Council on Special Education has created a sub-committee focused on District Planning and Enrollment. In the creation of the committee, resources have been developed to identify programming deserts within the various districts across NYC. This resource will continue to be developed and utilized in conversations with the Office of District Planning and the Division of Student Enrollment to better serve our .

Because funding is tied tightly to enrollment, decreases in enrollment can impact service delivery for those in need of special education provisions. A recent Chalkbeat article detailed the significant changes in special education in NYC. The articles states

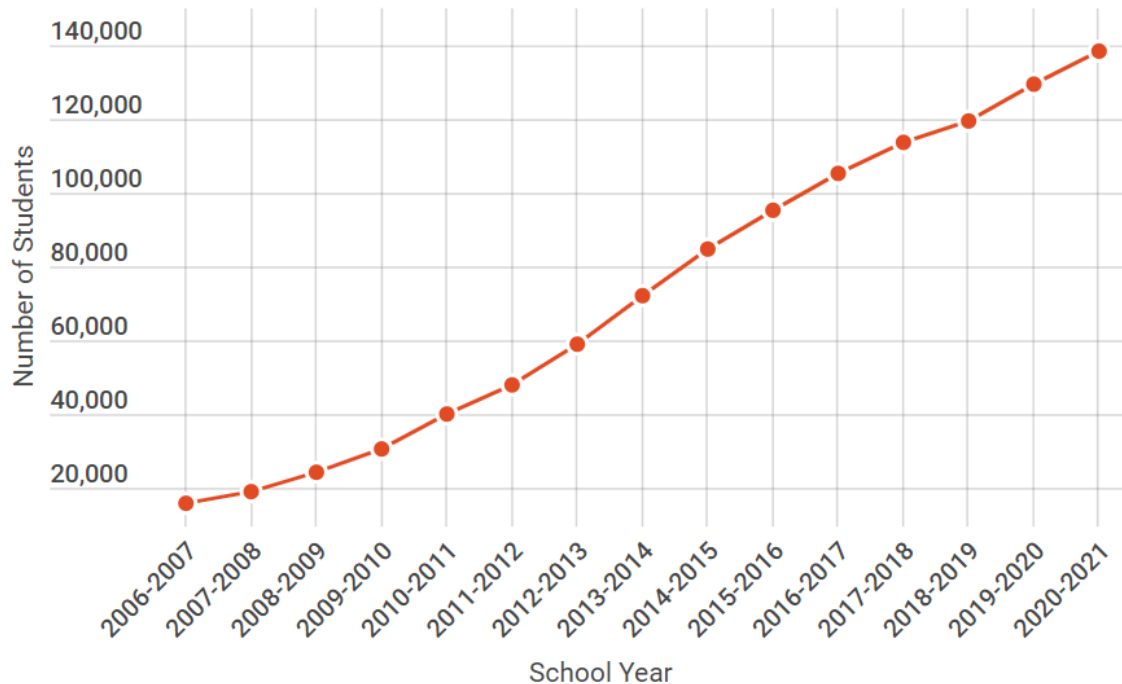
that “significantly fewer students were referred for special education evaluations last year, dropping 57% since the year before the pandemic started, raising concerns that thousands of students have not been identified for services they may need.” The article found data that shows that during the 2020-2021 school year, the number of students referred to be evaluated for special education was 9,457. These evaluations determine a student’s need for more intensive educational supports, such as smaller classes with a special education instructor and other related services such as occupational therapy, counseling, or speech and language among others. The number of [referrals was down](#) significantly from the roughly 16,000 referrals the previous school year and nearly 22,000 in 2018-19, the year before the COVID-19 pandemic had a significant impact on schools. Chalkbeat highlights the significance of this decline in referrals for special education services as it significantly outpaced the enrollment drop.

“The drop in referrals likely means that there are students with disabilities that went all year without getting the help they needed and maybe continuing into this year without getting needed support,” said [Randi Levine](#), a special education policy expert at Advocates for Children, a nonprofit that helps low-income families navigate the city’s special education system. Black students saw a disproportionately larger decrease in referrals for services, with rates of referral falling by more than half last school year and nearly 66% since the year before the pandemic.

It should be noted that this is not a new phenomenon. The decline in enrollment was also noted during the DeBlasio administration and several advocate groups called out NYCPS for a lack of transparency in reporting timely enrollment data. Once the data was released, it became evident that New York City enrollment had been essentially flat for a few years rather than a blip on the radar as was being reported in various media, the first-year collapses in enrollment due to the coronavirus pandemic appear to have been permanent and part of a trend of falling enrollment prior to the COVID pandemic. New York City Public School had three straight years of decline, with enrollment falling from 994,964 in 2018-19 to 880,554 in 2022—a drop of more than 110,000 students, or almost 12 percent, in just four years.

It seems that enrollment has also been impacted by charter schools which select students by lottery and do not charge tuition. The Chancellor has not been shy about his penchant for charter schools. Enrollment data shows that charter schools are educating a bigger share of New York’s students, with enrollment climbing from 91,927 (3.4 percent of all students) in 2013-14 to 175,065 (7 percent) in this school year. The Independent budget office charts significant growth in charter school enrollment since 2006 (Figure 2).

Charter School Enrollment from 2006-2007 Through 2020-2021



<https://www.ibo.nyc.ny.us/iboreports/charter-school-enrollment-trends-2021.html>

Yet, charter schools are known for not being as accepting of special education students so the assumption is that those . This begs the question, where are they going? Unfortunately, NYCPS does not have an answer because they are not collecting the relevant data.

Lastly, the importance of declining enrollment on the NYCPS budget should not be missed. While public school enrollment has declined, the statewide teachers' union has pressed lawmakers to hike state aid for local school districts. [School aid climbed 15 percent](#) in inflation-adjusted dollars over past decade and is on pace to climb 12 percent beyond 2022-23 levels in just the next three years. Yet, the mayor recently announced another possible cut to education funding. The New York City Department of Education's budget would shrink by almost \$1 billion under the new financial plan proposed by Mayor Eric Adams earlier this week. As reported in late April 2023, the mayor's \$107 billion executive budget envisions devoting roughly \$30.6 billion to the education department in the next fiscal year, compared to the approximately \$31.5 billion it expects to spend by the end of the current fiscal year. Although Adams promised there would be "no service reductions, layoffs or cuts to school budgets" as a result of the reduction in education spending. We only have to look at the previous year to see our future. Less seats at D75 schools, more crowded classrooms, and frustrated students, parents, and educators.

Beyond the hazy outlook for NYC public schools and their funding, there remains the question: t Where are all the missing students, and in particular special education students? Similar to gaps that have been highlighted in other areas, the lack of data is a major limitation for NYC DOE. They are not able to adequately track educational progress when they do not have reliable baseline attendance numbers. Former Councilmember Mark Treyger passed legislation requiring the DOE to share enrollment data. At the time, [Treyger stated](#), “The fact that we don't share how many kids are enrolled in our school system right now is unacceptable to me. And, quite frankly, further erodes trust with the public. It is unfathomable to me—and insulting to this committee and to the public—that they will not share the attendance data and information.”

Recommendations

- The CCSE recommends, based on the impending outcome of relocations and school merger proposals, the Citywide Council on Special Education be given the right to revisit this area of concern in the following term to report the impact these mergers and relocations will have on overall enrollment trends for our students with disabilities.
- The CCSE recommends that NYCPS Provide baseline enrollment data for NYC Public Schools including the subset for students enrolled in special education/ with IEPs.
- The CCSE recommends that NYCPS track special education referrals and provide data to assist in determining number of seats needed for D75 schools
- The CCSE recommends NYCPS conduct a thorough analysis of where deficiencies exist in seats for D75 and specialized programs such as PATH, ASD programs and dyslexia programs by district and provide a plan to increase seats to meet community needs as well as providing increased bilingual special education in high need districts.
- The CCSE recommends an increase in efforts to limit the transfer of public school students to charter schools.
- The CCSE recommends NYCPS work alongside CCSE to establish reporting metrics that captures details in relations to students with disabilities and supportive services provided in all forms of schools settings.

Busing and Transportation

In accordance with Chancellor’s Regulation A-801, NYCPS provides transportation to all eligible New York City students in public, charter and non-public schools. However, all too often students with disabilities cope with long bus rides, unreliable transportation and uncomfortable or even unsafe conditions on buses. This was especially true during the 2021-22 school year as children returned to school in person during a global pandemic and continued to be an issue in the 2022-2023 school year. The busing system continued to see staff shortages, leading to long routes, buses coming late or not showing up at all. Students whose IEPs call for busing continued to experience difficulties securing safe and reliable transportation to and from school. These issues were especially felt by students in D75 due to a reliance on busing to get to and from

schools that are often outside of their home districts and due to higher support needs and accommodations in their busing.

The school year again began with many families experiencing extensive busing issues, from long routes, bus no shows, and lack of related busing accommodations like paras and nurses.

The CCSE in collaboration with the D75 Citywide Council, Parents to Improve Student Transportation (PIST) and the Public Advocate office, again escalated hundreds of concerns directly to the Office of Pupil Transit (OPT) throughout the year with the vast majority of escalations happening in the first half of the school year, though issues continue to persist, even into the final weeks of the school year. A Busing and Transportation Committee was formed to address busing concerns more strategically and take steps to consult with an attorney to file a class action lawsuit on behalf of families where OPT failed to meet their IEP busing mandates. The D75 Citywide Council also formed a busing committee which served as an outlet for parents of D75 students to voice their concerns and get support with getting their issues resolved.

In the late fall of 2022, the and care givers to determine the extent of the busing issues. The survey gathered responses from over 300 parents and showed that 63% of respondents had children who had missed instruction time due to an issue with busing with half of those missing over a week's instruction time. Private and state approved non-public schools, OPT is also responsible for providing busing, faced the most issues with their busing in addition to D75 students. The most common reason for missed instruction was due to a bus being very late, usually due to an absent driver. The found fall of 2022 had the highest number of late buses in the last 5 years. Our survey also found that many children experienced violations of their busing accommodations, especially Limited Time Travel. Additionally, some children were unable to take the bus due to a shortage of busing paraprofessionals and nurses. Parents also faced many delays in being reimbursed for out-of-pocket expenses from getting their children two and from school when buses did not arrive.

The survey also asked about resolution strategies parents utilized to address their busing issues. Many respondents indicated that they repeatedly reached out to OPT's call center but rarely were complaints resolved. Many families escalated their issues to OPT administration directly via email, contacted parent advocates, their education councils, and their local elected officials. Many parents indicated that they opted to just escort their children to and from school on their own and hope that the DOE would reimburse them their out-of-pocket expenses. It should also be noted that the forms for reimbursement were arduous, difficult to locate and challenging to complete. The results of this survey were shared with the Office of Special Education (OSE) and OPT.

Another area of concern for students with disabilities related to busing, is their ability to participate in after school programs and extra-curricular activities such as sports, and enrichment programs. The primary reason for the lack of access is due to transportation, as many students are bused out of district; therefore when busing is only

available immediately after school, bused students are by default, denied access to these programs. This was seen in SY 2021-2022 with many students unable to participate in special education recovery services as well as summer programming in the summer of 2020. Busing needs to be available to students later in the evening to provide access to extracurricular activities available to their non-disabled peers.

After many years of waiting, this school year finally saw the launch of a GPS pilot program for parents to track their child's busing. The app, in partnership with was made available as a pilot to parents in District 26. Despite promises by OPT to the city council in the fall of 2022, the roll-out was very slow and as of June 2023 it is still not available to all parents and care givers. The app requires a New York City Schools Account (NYCSA) log in to access the GPS features. Many parents of private and non-public schools continue to face issues accessing NYCSA accounts for their children, and therefore are unable to utilize this app. As of June 2023, only NYCSBUS and Pioneer busing companies in addition to District 26 are utilizing the app, leaving many parents still without access.

One win for busing this year came in to amend the city administrative code to require all buses serving special education students to provide air conditioning. With every bus having air conditioning, routing will be easier, as accommodations will not have to be made for specific students requiring air conditioning. This is a long-awaited change to the administrative code that will benefit students, especially in the sweltering summer months.

This school year also saw the full return of the for students with disabilities. Though this program is available to all students with disabilities it primarily serves D75 students. Through this program, students learn to travel to and from school independently and safely. This program is essential to reducing the reliance on busing for high school students and creating independence for D75 students as they transition into post high-school life.

Recommendations

- The CCSE recommends more accountability from OPT regarding complaints filed via the call center. A daily report of calls and resolutions should be made publicly available as well as a monthly report of complaints and resolutions.
- The CCSE recommends that all busing companies be held accountable for reporting late buses to the late bus list published daily by OPT as some companies fail to report their lateness.
- The CCSE recommends that a dedicated staff person be appointed to assist families in establishing and troubleshooting a NYCSA account.
- The CCSE recommends a simplified reimbursement process with established deadlines for reimbursement to be paid to families.
- The CCSE recommends a monthly bus maintenance and staff vacancy report be made publicly available.
- The CCSE recommends that the GPS pilot be swiftly expanded to include all students who utilize a school bus regardless of school placement.

- The CCSE recommends that busing be expanded to early evening so that students with IEPs can participate in after school programs, extended day summer enrichment, after school sports and extracurricular activities.

The Case for Ending School Suspensions

In discussions of education, the topic of school suspensions has garnered significant attention in recent years. While suspensions have traditionally been viewed as an effective disciplinary tool, suggests that they may do more harm than good. By reevaluating the detrimental impact of suspensions on student well-being, academic progress, and the perpetuation of inequalities, it becomes apparent that ending school suspensions is a necessary step toward creating a positive and inclusive learning environment.

Recent data from reveals a concerning rise in mental health crises among students in New York City schools. In light of this alarming trend, it is imperative to reassess the role of suspensions in addressing student misconduct. Rather than providing the necessary support and intervention, suspensions often exacerbate students' emotional distress, leading to feelings of isolation and alienation. Ending school suspensions would allow for a shift in focus towards mental health services, ensuring students receive the care they need to thrive academically and emotionally.

Research from highlights the adverse impact of suspensions on foster care students. For these vulnerable students punitive disciplinary actions create additional obstacles. Suspensions frequently result in increased absenteeism, disengagement from school, and a higher likelihood of dropping out. By replacing suspensions with alternative, restorative approaches, we can disrupt the cycle of disadvantage experienced by foster care students and provide the necessary support to help them overcome their challenges.

Another significant concern surrounding school suspensions is the disproportionate impact they have on marginalized communities. Students with disabilities, students of color, and those from low-income backgrounds are disproportionately subjected to disciplinary actions compared to their peers. According the [New York Civil Liberties Unions](#), Black students with learning disabilities are disproportionately punished under disciplinary codes. They found:

- Black students represented only 17% of national public-school enrollment in 2000 but accounted for 34% of
- Special education students represent 8.6% of students, but 32% of youth in
- Black students with learning disabilities are three times more likely to be suspended than white and four times more likely to end up in correctional facilities.

This unjust disparity perpetuates systemic inequities and contributes to the school-to-prison pipeline. By eliminating suspensions, we can begin to dismantle these

inequitable practices, fostering an educational environment that promotes inclusivity, fairness, and equal opportunities for all students.

When students are suspended, they miss valuable instructional time, hindering their learning and impeding their academic growth. Additionally, suspensions disrupt the continuity of education, leading to disengagement and an increased risk of chronic absenteeism and dropping out. [In New York State](#), a student can be legally suspended for an entire year having significant impact on educational outcomes. By implementing alternative disciplinary methods and providing social emotional and academic supports, schools can help ensure that students maintain their educational trajectory and increase their likelihood of graduating successfully. This is why advocates have legislature to end suspensions and instead focus on solutions for students to address challenging behavior and bias.

The COVID-19 pandemic has presented unprecedented challenges to students' educational journeys. As highlighted in a article, the use of suspensions during this period has further widened the discipline gap, underscoring the need for compassion and understanding. Suspending students due to pandemic-related issues not only compounds their existing struggles but also hampers their ability to recover and succeed academically. Instead, adopting restorative justice practices and prioritizing social-emotional support can help students overcome pandemic-related difficulties and build resilience in the face of adversity.

Recommendations

- The CCSE recommend that NYCPS acknowledge the evidence provided by multiple sources that supports the necessity of ending school suspensions to create a positive and inclusive learning environments.
- The CCSE recommends shifting the focus from punitive measures to restorative practices, thus addressing the detrimental impact of suspensions including:
 - student mental health
 - foster care students' well-being,
 - equity within the education system,
 - academic progress
 - challenges posed by the COVID-19 pandemic.
- The CCSE recommends the critical need to reimagine disciplinary approaches and prioritize the well-being and success of all students.
- The CCSE recommends that NYCPS, in synchrony with a goal to lower suspension rates, partner with community based mental health resources, and partner institutions to provide equitable, high-quality services to students and school staff professional development.

Career and Technical Education

According to the NYS department of education, Career and Technical education (CTE) programs provide academic and technical instruction in the content areas of agriculture,

business and marketing, family and consumer sciences, health sciences, trade and technical education, and technology education. NYCPS states that the mission of NYC CTE is to ensure all NYC students graduate college and career ready, and to provide a high-value strategy to support both students' postsecondary aspirations and the strength of the city's economy. They further state that the vision and strategic plan for CTE in NYC is to equitably prepare all CTE students with education, skills, and experiences that are necessary to successfully earn post-secondary credentials and pursue careers with family sustaining wages.

Currently the NYCPS has approximately [300 CTE programs of study in 135 high schools across the five boroughs](#). Programs are organized into 16 areas of study:

- Agriculture, Food and Natural Resources
- Architecture and Construction
- Arts, A/V Technology & Communication
- Business, Management & Administration
- Education and Training
- Government and Public Administration
- Health Science
- Hospitality and Tourism
- Human Services
- Information Technology
- Law and Public Safety
- Manufacturing Production
- Marketing, Sales & Service
- Recording Arts Technology/Technician
- Scientific Research and Engineering
- Transportation, Distribution & Logistics

In order to earn a technical endorsement on their diplomas, students must fulfill the following graduation requirements:

- A minimum of 44 units of credit
- Five required Regents examination(s) or approved alternatives with passing grades
- A minimum of 7 CTE credits, including one credit in Career and Financial Management
- A three-part technical assessment (written, demonstration, and project components)
- Work-based learning experiences as provided by the approved program (learning activities that take place in the workplace or in the school in collaboration with the community to provide a service or produce a product that meets industry standard)
- A work-skills employability profile (documents student attainment of technical knowledge, work-related skills, endorsements, and licenses).

Students can also enroll in CTE programs offered in NYCPS high schools with specialized programs known as [NYC P-TECH Grades 9-14 Early College and](#)

[Career Schools](#). NYC P-TECH high schools are affiliated with CUNY community colleges and offer a six-year high school program in which students work toward an Associates Degree upon graduation.

The CCSE agrees that a well-established CTE program is fundamental to the strategy for college and career readiness for all students. The development of the 2021-2026 [CTE Strategic Plan](#), which outlines the NYCPS's goals and priorities, was a step in the right direction. However, NYCPS has failed to show due diligence to commit to building more opportunities for our special education students to be participants in our city's economic, social, and cultural future. The NYCPS focus is on aligning programs to NYC labor market demand which does not typically align with the needs of special education students. The work in 2021, to develop the strategic plan and its subsequent process has failed to yield any viable progress to drive the next five academic years for special education students.

NYCPS reports that all current CTE programs offer high-tech and modernized programs aligned to labor market demand, with robust industry partnerships allowing students to master core academic subjects while gaining work-based learning experience outside of the classroom. They go further to state students in CTE programs have opportunities to participate in industry-specific courses, earn industry-recognized certifications, and access work-based learning experiences. CTE graduates also benefit from the added advantage of articulation agreements with postsecondary institutions that provide advanced placement, college credit, tuition waivers, and various job placement opportunities. Yet no data is provided to support this. The only data NYC to the public is the percent of student that graduate (88%). Furthermore, no information is provided on how the CTE programs provide accommodations to meet the needs of special education students. This is likely due to the overwhelming lack of data on special education students in the CTE programs.

Data is a key component to NYCPS receiving approval and funding for the program. CTE data is used by NYSED to inform program re-approval decisions, Perkins grant application review, and civil rights monitoring. All three of these are foundational to federally required reporting and administration of CTE programming in the state. The NYCPS proports to embrace transparency by stating “the NYC DOE seeks to ensure that all meet key program quality indicators outlined through the New York State Education Department’s (NYSED) CTE program approval process.”

In concert with previous lapses in reporting of data, the CTE program is seemingly being utilizing to enhance NYC DOE performance because the number of students receiving the CTE Technical Endorsement on their diploma can contribute to raising a district's College, Career, and Civic Readiness Index rate. Essentially, without seeing the data directly, it is unclear how the CTE program is being utilized other than to boost the appearance of having options for students.

Within NYS, CTE providers must report to the Course Instructor Assignment, Student Class Entry Exit, Student Class Grade Detail, and Student Lite templates. CTE data

reported through the CTE Program Fact Data and Assessment Fact (Technical Skills Assessment) templates must be reported for NYSED-approved CTE programs. That means that data on special education students in CTE should be readily available and provided on the NYC DOE website.

For example, special education students are often shuttled between multiple programs in their educational journey. Data should be utilized to help determine why special education students leave a program and/ or stop certain courses. This data should be available since NYSED-approved programs determine how many and what combination of sequenced CTE courses are needed to achieve program completion. If the student does not complete the sequence of CTE courses as approved by NYSED, the Reason for Ending Program Service Code should be recorded. Therefore, NYCPS has the data but again, this data has not been transparently shared by NYCPS. In addition, CTE program guidelines also state that program intensity should be measured to track the student's progression through his or her CTE program. At minimum, the program intensity should be tracked and updated at the end of each school year to make sure NYC DOE is providing an adequate CTE program accommodations for special education students, including the availability of integrated co-teaching (ICT) settings in the CTE courses. Currently these programs are not able to offer Integrated Co-Teaching settings for students forcing students to remove ICT settings from their IEP in order to access these programs. This seems counter intuitive, in that career and technical programs for some disabled students may be a better pathway as they transition post high school into careers rather than post-secondary education.

The NYCPS has failed to show that it is providing a CTE program that meets the needs of any student let alone special education students. This program is being used to bolster graduation rates for NYCPS as a whole without providing needed insight on what exactly is contributing to the rates and how well the CTE program is performing nor how it is or isn't accessible to students with IEPs.

Recommendations

- The CCSE recommends NYCPS conduct evaluation of NYCPS Career and Technical Program and share the results on NYCPS's CTE website.
- The CCSE recommends data be shared that is reported to NYSED on NYCPS's CTE website.
- The CCSE recommends that NYCPS provide data on special education student performance in CTE programs; in particular how often SWD leave a program and provide a plan to identify and address barriers to program completion.
- The CCSE recommends NYCPS address the absence of ICT settings in CTE courses.

Sensory Education, Exploration and Discovery (SEED)

One positive program that came out of special education recovery services after the COVID school closures is a specialized program to address the social emotional and

sensory needs for students with disabilities. The Sensory Education, Exploration, and Discovery program (SEED).

According to the [NYCPS](#), the SEED program's goals are, "to provide children with sensory experiences that prepare the body and brain for learning through a sensory-based, social-emotional curriculum, including a variety of calming and/or alerting activities." The program was supervised by licensed physical therapists and occupational therapists and was offered at HUB location in each borough. The program offered a physical space that promoted sensory integration and strategies to regulate emotions and engaged families as well in strategies and activities that could be utilized at home. All the locations featured a sensory gym with equipment such as swings, climbing walls, trampolines, and scooter boards. One CCSE councilmember who participated with her child reported that the program was well organized, innovative, and provided a sensory opportunity that is often only available to families with access to sensory gyms.

The student member of the CCSE, Nava Bahrapour, acted as an impromptu ambassador for the CCSE and SEED program and successfully pushed for the program to be expanded into high schools in SY 2022-2023.

SEED is crucial for high schoolers because people will always have sensory needs, and adolescence is a time in which young people are all learning about themselves socially, emotionally, and sensorially. It is important for students to understand their needs, especially in these areas, as students navigate life as a young adult transitioning into college and or the workplace. SEED helps students identify their needs and feel empowered to assert them in other situations. Moreover, it is unbelievably valuable to have a space in which students with sensorimotor differences or neurodivergent students can congregate and build trust in one another and in themselves. SEED fosters community, confidence, and an ability to know one's sensory and social-emotional needs. The special education office of NYCPS has done an incredible job making sure that SEED works for all types of students and learners, and the CCSE hopes to continue working on the expansion. The 2022-2023 school year saw the expansion of SEED into 80 public schools as well into some high school programs with plans to expand even further as resources allow. SEED is unique in that it is a community/family effort--families, students and providers are in touch regularly and skills learned by students are transferable across many life domains. SEED represents the best of the special education system in its continual effort to provide support and empowerment to some of the most marginalized students in the New York City school system. As a student with an IEP and the CCSE student representative, Nava placed an emphasis on making sure that students come through the school system after she leaves will feel also feel empowered and safe, whether that is sensorially or socially.

Recommendations

- The CCSE recommends further expansion of SEED to more schools.
- The CCSE recommends that SEED resources be published as a bound booklet for families to keep at the end of the program and be made available to all

schools.

- The CCSE recommends that SEED provide inclusion opportunities for non-disabled peers, in hopes to negate bullying due to a lack of disability awareness and acceptance similar to the pilot already underway in PSMS129 in district 5.
- The CCSE recommends a larger integration of SEED to serve any student, regardless of special education classification, that could benefit from sensory supports to manage emotional regulation.

Conclusion

There are many areas of concern the Citywide Council on Special Education (CCSE) would like to explore deeper that did not make the report but does need mentioning.

1. [Hidden Voices](#) resource materials on disability are a welcome addition, however it is not curriculum and continues to need development. The resources presented to the CCSE earlier in the year need more input from parents and educators and should be tied into the overall need for an Ethnic Studies curriculum.
2. [Advocates for Children](#) has reported 10,000 3K and Pre-K have gone without their mandated related services for the entire year. We need to look at staffing positions in related service providers for all grades and make that a priority to fill going forward.
3. Related service providers (OT, PT, Speech, etc.) reported difficulty getting paid on time for services rendered at the SEED site. This exacerbated the staffing challenges.
4. Assistive Technology (AT) should be more accessible for parents to acquire and there needs to be additional supports for teachers integrating AT into the classroom. The strides made by the Center for Assistive Technology (CAT) team would be instrumental in supporting the new literacy curriculum being piloted in our schools in the coming SY 2023-2024. Conversations surrounding pilot programs at our High Schools (such as Harbor) need to be revisited and developed
5. Co-locations that affect access to space for students with disabilities need to be revisited especially in the face of the upcoming [Class Size Law](#).
6. [Blue Ribbon Commission](#) will be making their recommendations in July. The new Council needs to be mindful of any state education changes that may affect students with disabilities and graduation requirements.
7. Bilingual Special Education. [Chalkbeat](#) reported 64% of bilingual students with IEP did not receive proper services. This number becomes exacerbated when also accounting for students of asylum-seeking families. More insight is needed in understanding how this population of students were received by NYC Schools, if evaluations were conducted, services were rendered, and if the process was conducted in the students' native language. As a follow up to the 2024 CCSE Annual Report, we ask NYC Schools to provide further inquiry on student placement, optics of services provided, and if asylum seeking students were provided the services needed in their native language.

8. Fundamentally, because NYC is one of the few school districts in the country that falls under [Mayoral Control](#), no matter how many recommendations our Council's make, it is dependent on whether or not one individual shares our commitment to our students with disabilities and understanding that it's the responsibility of NYCPS to value their experiences, invest in their futures and ensure an equitable outcome for all students.

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