

**New York State’s Commissioner’s Advisory Panel for Special Education Services
May 30-31, 2024, Meeting Minutes**

New York State’s (NYS) Commissioner’s Advisory Panel for Special Education Services (CAP) held its scheduled spring meeting on May 30-31, 2024, through a hybrid in-person/remote model at the New York State Education Department (NYSED) building in Albany, New York.

MEETING OF CAP, May 30th at 11:00 A.M.

Members Who Participated:

Natasha Bermudez, Alicia Bockmier, Timothy Bromirski, Kimberly Clarke, Chad Colarusso, Andrea DeMeo, Kristin Dudek, Janety Encarnación, Jacie Feuer, Amy Frank, Michelle Gode, Tia Jackson, Andrew Jordan, Stacy Denise Lyles, Jaime Maistros, Jennifer Pankowski, Suzanne Pearson, Raymond Pierce, Kylie Schell, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth.

Absent: Harold Dean, MaryJo Ginese, Lindsey Holcomb

MEETING OF CAP, May 31st at 9:00 A.M.

Members Who Participated:

Natasha Bermudez, Alicia Bockmier, Timothy Bromirski, Kimberly Clarke, Chad Colarusso, Harold Dean, Andrea DeMeo, Kristin Dudek, Janety Encarnación, Jacie Feuer, Amy Frank, MaryJo Ginese, Michelle Gode, Tia Jackson, Andrew Jordan, Stacy Denise Lyles, Jaime Maistros, Jennifer Pankowski, Suzanne Pearson, Raymond Pierce, Kylie Schell, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth.

Absent: Lindsey Holcomb

The following NYSED staff also participated in the meetings: Associate Commissioner, Office of Special Education (OSE), Christopher Suriano; OSE Chief of Special Education Services, Eileen Borden; OSE Supervisor, Special Education Policy Unit, Marisa Roark; OSE Associates, Special Education Policy Unit/NYSED CAP Designees: Dawn Kalleberg and Alana Wickware; OSE Associate, Special Education Policy Unit, Dena Iagrossi; OSE Manager, Preschool Policy Unit, Suzanne Bolling; OSE Supervisor, Preschool Policy Unit, Barbara Koslowski; Assistant Commissioner, Office of Standards and Instruction, Santosha Oliver; Director, Office of Standards and Instruction, Shannon Logan.

General Business

Chairperson Danielle Williams, called the meeting to order at 11:04 A.M. This was followed by the review of the Zoom protocol and participation tips by Dawn Kalleberg.

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

Vice Chairperson Kristin Dudek introduced Kylie Schell, the new CAP member representing the constituency, Parent of a Child with Disability.

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

Dawn Kalleberg and Alana Wickware provided logistical information and reminders of upcoming CAP member actions needed prior to the November 2024 meeting.

Old Business

See Action Item “February 29 – March 1, 2024, Meeting Minutes.”

Executive Committee Report

Chairperson Williams reviewed CAP member duties and provided updates on Executive Committee meetings with OSE staff and ongoing work with CAP subcommittees. Chairperson Williams emphasized the time commitment of CAP membership, particularly the importance of the requirement for attendance at in-person meetings.

Vice Chairperson Dudek thanked OSE staff and CAP members and offered a reflection on the success of the February 2024 CAP meeting, highlighting the value of discussion and sharing of information. The protocol for collecting questions to assist in maintaining the flow of the agenda was reviewed.

ACTION ITEMS

February 29 – March 1, 2024, Meeting Minutes

Secretary Alicia Bockmier provided a summary of the February 2024, CAP meeting minutes. Members were given the opportunity to provide comments/corrections. Secretary Bockmier asked members for a motion to accept the minutes. A vote was taken by Zoom poll and in person.

MOVED, that the February 29 – March 1, 2024, meeting minutes be approved.

Motion by: Raquel Schmidt

Seconded by: Tim Bromirski

Action: Motion carried

Preschool Subcommittee Recommendation:

The CAP Preschool Subcommittee recommends a review of processes and policies related to approved preschool special education programs pursuant to section 4410 of the NYS Education Law. The recommendation is for more specific guidance when programs that are regulated by both NYSED and the Office of Children and Family Services have requirements that may not be in synchrony with one another.

Review of the history of the issues, a discussion, and questions preceded the vote, which was taken by Zoom poll and in person.

MOVED, the Preschool Subcommittee Recommendation be put forth to OSE for action.

Motion by: Amy Frank

Second by: Jaime Maistros

Action: Motion carried

NEW BUSINESS

Chief of Special Education Services, Eileen Borden, recognized Dr. Danielle Williams for her many years of service and accomplishments as a member of CAP and member of the CAP Executive Team. Since her initial appointment to CAP in 2015, Dr. Williams has been an active member who shows a strong commitment to the education of children with disabilities and their families. As CAP Chairperson, Dr. Williams has facilitated interactive meetings, strengthened communication with members and worked to increase in person attendance; she has also supported the role of the Business/Membership Subcommittee as well as the work of the CAP Preschool and School Age subcommittees.

Per the CAP Bylaws, a member designated as Chairperson may continue to serve at the discretion of the Commissioner beyond the maximum term limit. The Commissioner of Education, Dr. Betty A. Rosa, designated Dr. Williams to serve as the Chairperson of CAP for an additional year. Dr. Danielle Williams accepted her reappointment as Chairperson for the 2024-2025 CAP term.

DISCUSSION ITEMS

New York State Agency Representation Updates:

The following CAP members representing State agencies provided descriptions of their roles in serving students with disabilities and their families as well as updates on current initiatives and activities. CAP members had the opportunity to ask questions.

- **Adult Continuing Career and Education Services - Vocational Rehabilitation ([ACCES-VR](#))** - Suzanne Pearson - assists individuals with disabilities to achieve and maintain employment and to support independent living through training, education, rehabilitation, and career development;
 - Provided overview of [Pre-Employment Transition Services](#) including update on expansion of vendor contracts and work with community colleges
 - Gave information on [Transition and Youth Services](#) provided by ACCES-VR and how to find ACCES-VR Liaison contact information.
 - Described ongoing interagency collaborations with OSE and NYS Commission for the Blind.
- **Department of Health (DOH), Bureau of Early Intervention ([EI](#))** - Ray Pierce - provides therapeutic and support services to eligible infants and toddlers with disabilities, birth – age 3;
 - Shared information on the work of the [Early Childhood Advisory Council](#), which is comprised of New York State experts in early care and education, health care, child welfare, mental health, business and community engagement, on studying evaluation rates and other issues.
 - Described collaboration with OMH on use of The Diagnostic Classification (DC) of Mental Health and Developmental Disorders of Infancy and Early Childhood (DC: 0-5).
 - Discussed an increase in rates planned for related service providers.
- **Department of Corrections and Community Supervision ([DOCCS](#))** - Josh Woodworth - provides special education services to incarcerated individuals, age 18 until age 22, at 14 designated facilities;
 - Provided information about number of youths served in correctional facilities.
 - Described administration of high school equivalency test, impact of education on reducing recidivism, and focus on importance of skill building as a tool for success upon release.

- Explained that current programs include vocational and academic rehabilitation, including providing opportunities to learn trades; onsite college programs; reading rehabilitation programs.
- Discussed transition planning for youth shared with parole officers upon release.
- **Office of Children and Family Services (OCFS)** - Tim Bromirski - provides special education services to court placed individuals under the age of 18;
 - Provided an overview of sites and processes for the provision of special education services for youth served by juvenile justice system.
 - Described intersection of NYSED regulations and oversight of education programs in facilities.
 - Provided updates on population of students served, have seen an increase post-pandemic as well as a trend toward an older population.
 - Shared information on receipt of high school diplomas; and associate degrees through partnerships with local community colleges.
 - Highlighted the collaboration with OMH.
- **Office of Mental Health (OMH)** - Natasha Bermudez - provides traditional outpatient mental health services to children and adolescents in a variety of sites including schools and community offices;
 - Highlighted that [May is Mental Health Awareness Month in New York State](#) and [June is LGBTQIA+ Awareness month](#).
 - Shared that Governor Kathy Hochul has allocated resources for providers to establish OMH-supported [School-based mental health clinics](#) at schools statewide.
 - Provided update that the [988 Suicide & Crisis Lifeline](#) is the new, three-digit number that has replaced the ten-digit National Suicide Prevention Lifeline available nationwide in English and Spanish.
- **Office of People with Developmental Disabilities (OPWDD)** - Chad Colarusso - provides supports and services for people with developmental disabilities.
 - Discussed that OPWDD is seeking input via public forums and public comment on the agency's [2023-2027 Strategic Plan](#).
 - Explained that the Front Door is the way OPWDD connects people to the services they want and need. [Front Door Video Modules](#) are available and currently translated to Spanish and Mandarin.
 - Shared that OPWDD is working with Guidehouse for a [comprehensive evaluation of the Self-Direction Program](#) to examine the current operations of the program to identify ways to improve how New Yorkers with developmental disabilities direct their own services and service budgets.

Remarks from OSE Leadership

Associate Commissioner, Christopher Suriano thanked OSE staff for their coordination of the CAP meetings and welcomed CAP members, emphasizing the importance of the discussions, comments, and feedback CAP provides in an advisory capacity.

- Associate Commissioner Suriano shared information regarding the ongoing collaboration between the OSE and other NYSED offices, including work with the [Office of Early Learning](#) and the Office of Standards and Instruction on literacy initiatives. OSE recognizes that early learning and preschool education are critical to building skills.
- Updates on the elements of the [2024-2025 Regents Priorities and the Enacted Budget](#) relevant to students with disabilities were reviewed. Tuition Rate Setting Study (\$1.4 million request funded for two additional years) was included. Priorities that were not included in the budget are hold harmless for special education programs with adults occupying student placements; tuition rate growth factor for special education programs in statute, gathering

agencies to recommend approaches to expanding residential opportunities; and enhanced aid to support student with disabilities until age 22 (Free Appropriate Public Education).

- The [Multi-Tiered System of Supports–Integrated \(MTSS-I\)](#) Center’s mission is to improve outcomes for all students by building capacity in educational organizations to deliver evidence-based practices within a tiered system. The MTSS-Center is hosting a two-day [Virtual Learning Summit on August 14 - 15, 2024](#).
- On September 6, 2023, Governor Hochul signed into law Chapter 351 of the Laws of 2023 (S1746/A1120), amending the Workplace Violence Prevention Law (Section 27-b of Labor Law), to extend coverage to public school districts, charter schools, and boards of cooperative educational services (BOCES) which were previously exempted. These changes became effective January 4, 2024, (120 days after becoming law). NYSED Office of Student Support Services and OSE have issued [Workplace Violence Prevention Program Frequently Asked Questions \(FAQ\)](#).
- [NYSED Educational Partnership](#) contracts end June 30, 2024, and new contracts for the Regional Partnership Centers begin July 1, 2024. The Educational Partnership is a coordinated and cohesive network of support focused on enhancing services and supports for students with disabilities from early childhood and school-age education to engagement in post-school opportunities.

Dyslexia and Dysgraphia Task Force

Supervisor Marisa Roark presented the background on the formation of the Dyslexia and Dysgraphia Task Force and an overview of its work. First, prior work of NYSED in this area was reviewed as the result of [Chapter 216 of the Laws of 2017](#), which amended New York State Education Law to include provisions for NYSED, in cooperation with stakeholders to issue guidance on the unique educational needs of students with dyslexia, dysgraphia, and dyscalculia and to clarify that school districts may reference or use the terms dyslexia, dysgraphia, and dyscalculia in evaluations, eligibility determinations, or in developing an individualized education program under the IDEA.

Consistent with Chapter 216, a statewide group of stakeholders representing various perspectives and constituencies related to the education of students with dyslexia, dysgraphia, and dyscalculia was convened to advise NYSED on the unique educational needs of such students. Additionally, online surveys related to the education of students with learning disabilities resulting from dyslexia, dysgraphia, and dyscalculia were disseminated statewide to special education administrators, educators and providers, and families. Results of the surveys and input from these stakeholder groups informed the development of two guidance documents related to students with dyslexia, dysgraphia, and dyscalculia, [Meeting the Needs of Students with Dyslexia, Dysgraphia, and Dyscalculia](#), and [Students with Disabilities Resulting from Dyslexia, Dysgraphia, and Dyscalculia: Questions and Answers](#).

Since this guidance was issued, there has been an increase in dyslexia awareness and questions coming in from the field concerning who can diagnose dyslexia, what reading interventions and supports are schools providing for students with dyslexia and what NYS is doing to screen students for dyslexia.

In December 2023, [Senate Bill S2599](#), establishing an expert statewide task force on dyslexia and dysgraphia, was signed into law by Governor Hochul.

This legislation required NYSED to establish a task force to examine appropriate and effective evidence-based screening methods, reading interventions and other educational supports for dyslexia and dysgraphia for students in kindergarten through grade five. The taskforce is comprised with experts in the field, including professors, teachers, parents, and psychologists, who were appointed by assemblymen. Commissioner Rosa conducted a kick-off meeting on July 10, 2024, with the taskforce members and the 3 NYSED offices coordinating the work (OSE, Office of Standards and Instruction, and Office of Early Learning). The goal of this Task Force is to prepare a comprehensive report (due to the Governor December 22, 2024) of findings and recommendations based on screening methods, review of reading interventions, recommendation of educational supports, engagement of stakeholders, and public dissemination of findings. Information on the Task Force subcommittees and a detailed timeline were shared with CAP members. Public hearings will be held in the fall.

OSE Preschool Policy Updates

Manager, Suzanne Bolling, and Supervisor, Barbara Kozlowski, reviewed the draft of the revised Early Intervention (EI) to Preschool Transition Guide and asked CAP members for feedback on the following questions:

- How can the guide be structured so that it is more parent/family/field/committee on preschool special education (CPSE) chair/service coordination provider friendly?
- Does the guide need more explanations vs. less explanations?
- How can the guide better describe regulatory requirements?
- Do we need more examples, plain language or specific information in the guide?
- Should the EI only process refer back to EI's parent guide and that section be removed from [Early Intervention Steps: A Parent's Basic Guide to the Early Intervention Program](#)?
- Should the CPSE only process refer back to SED's parent guide and that section be removed from [A Parent's Guide to Special Education](#)?
- Should there be a separate transition guide for parents vs. CPSE chairs?
- Are there any additional topics/FAQs that should be added?
- Are there any changes or updates to wording that is needed?

CAP Members had the opportunity for discussion and questions prior to completing the survey questions.

Public Comment

No public comment was provided.

OSE Policy Updates

Chief, Eileen Borden and Supervisor, Marisa Roark presented policy updates on the following:

Behavior Supports and Interventions Regulations

At the July 2023 Board of Regents meeting, the Board approved the permanent adoption of amendment of sections 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education relating to the Prohibition of Corporal Punishment, Aversive Interventions, Prone Restraint and Seclusion; Permitted Use of Timeout and Restraint; and Data Collection.

On April 26, 2024, NYSED updated the [Frequently Asked Questions](#) document to add 7 new questions based on input from the field. The new questions cover the following areas:

- Physical Restraint
 - breaking up a fight (C-10)
 - known medical contraindication (C-11)
 - determination of least restrictive technique (C-12)
- Documentation and Training
 - Requirements for School Resource Officer related to the use of physical restraint (D-7)
 - Annual training requirements for SRO(D-8)
 - What staff receive annual training on use of time out and physical restraint (D-9)
- Annual Reporting
 - Parental notification requirements for physical restraints after school hours (e.g., at evening school event) (E-6)
 - Requirements for School Resource Officer related to the use of physical restraint (D-7)

Revised New York State Procedural Safeguard Notice for Students with Disabilities

NYSED has updated its [Procedural Safeguard Notice](#). Updates include both minor technical edits and formatting changes along with several substantive changes. The substantive changes include:

- The addition of a section on accelerated relief;
- Removal of the prohibition of attorney fees for special education mediation;
- Highlighting special education mediation as a dispute resolution in a standalone section; and
- The change in hours of alternative instruction at the elementary and secondary level.

Proposed Amendment of Section 200.5 relating to Special Education Due Process System Procedures

At their May 2024 meeting, the Board of Regents [proposed an amendment to section 200.5 of the Regulations of the Commissioner of Education relating to special education due process hearings](#). The proposed regulatory language is amended to read that due process complaints do not include disputes over the implementation of services in an individualized education services plan, such as the payment of services by a school district that was obtained by the parents of a student with a disability. It is anticipated that the proposed amendment will be presented for permanent adoption at the September 2024 Board of Regents meeting. Public comment period is from May 22, 2024 to July 22, 2024. CAP was encouraged to provide public comment.

New York's State Performance Plan (SPP)/Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2023

Chief, Eileen Borden reported on the work currently underway on the SPP/APR for FFY 2023, due February 1, 2025, including explaining the addition of SPP Indicator 18, which focuses on the State's exercise of its general supervision responsibility to monitor its local educational agencies for requirements under Part B of IDEA through the State's reporting on timely correction of noncompliance. NYSED will continue to engage with CAP as its primary stakeholder group on the SPP/APR.

Updates from the Office of Standards and Instruction

Assistant Commissioner, Santosha Oliver, and Director, Shannon Logan, provided the following updates:

P-20 Literacy Initiatives

In January, the Department released a series of literacy briefs that focus on the science of reading. The release of the briefs included a statewide literacy conference where educators from across the state came together to focus on research-based practices and the science of reading to support students' learning and development. A Literacy Curriculum Review Guide has also been developed in collaboration with stakeholders, provides high-level guidance, in the form of guiding questions, criteria, and indicators. The guide will assist districts in choosing or revising K-3 curricular materials to better ensure alignment with evidence-based practices, the NYS Learning Standards, the NYS Culturally Responsive-Sustaining Education Framework, and the NYS Social-Emotional Learning Benchmarks. These resources can be found on the [Literacy Initiative webpage](#).

Virtual and Blended Instruction

NYSED supports the use of virtual and blended learning to provide access to high-quality, culturally and linguistically responsive instructional and learning opportunities and to expand and personalize educational programmatic offerings to meet student needs. To codify this support, the [Board of Regents approved changes to amendments to Commissioner's Regulations related to virtual and blended instruction](#). While virtual learning has been a part of the educational landscape in New York for decades, schools, districts, and BOCES have previously only been able to offer such learning for courses that result in course credit. The regulations now allow virtual learning across the grade levels, ensuring that schools can continue to expand learning opportunities for students in the digital age. NYSED has published [FAQ about virtual learning regulations](#).

2024-2025 CAP Meeting Topics:

CAP members proposed the following topics for the 2024-2025 school year:

- Role of agencies participating in transition planning with families, (e.g., participation in committee on special education meetings and individualized education program development)
- Least Restrictive Environment (e.g., Residential and Non-District Placements)
- Impartial Hearing Process
- Supporting students with disabilities in institutions of higher education and other post-secondary settings
- Teacher certifications & professional licensing (e.g., occupational therapy, physical therapy)
- Transition programming, (e.g., work-based learning)
- Effect of Workplace Violence Prevention Law on staffing
- Encouraging people to enter the teaching profession, student teaching,
- Issues related to transfer students (sharing of records and information)
- Home instruction vs. homebound instruction vs. alternate setting – multiple areas of impact
- Manifestation reviews and determinations

CAP Annual Report for 2023-2024

The CAP Executive Committee will work with NYSED staff to draft the 2023-2024 CAP Annual Report, with the goal of bringing it to a vote for approval at the November 2024 CAP meeting.

CAP 2024-2025 Meetings

Members were provided with the dates and times for the 2024-2025 CAP meetings. Additional details about the meeting format and times will be sent to members via the CAP Listserv.

- Thursday, October 24, 2024 - Friday, October 25, 2024
- Thursday, February 27, 2025 - February 28, 2025
- Thursday, May 29, 2025 - Friday, May 30, 2025

MOVED, that the May 30-31, 2024, CAP meeting be adjourned.

Motion by: Andrew Jordan

Second by: Tim Bromirski

Action: Motion carried

Chairperson Williams adjourned the May 2024 CAP meeting at 11:50 a.m.