

**New York State’s Commissioner’s Advisory Panel for Special Education Services  
February 29 – March 1, 2024, Meeting Minutes**

New York State’s (NYS) Commissioner’s Advisory Panel for Special Education Services (CAP) held its scheduled spring meeting on February 29 - March 1, 2024, through a hybrid in-person/remote model at the New York State Education Department (NYSED) building in Albany, NY.

**MEETING OF CAP, Thursday, February 29, 2024, at 11:00 A.M.**

**Members Who Participated:**

Remote participants: Kimberly Clarke, Chad Colarusso, Harold Dean, Jacie Feuer, Tia Jackson, Stacy Denise Lyles, Jennifer Pankowski

In-person participants: Alicia Bockmier, Timothy Bromirski, Andrea DeMeo, Kristin Dudek, Janety Encarnación, Amy Frank, MaryJo Ginese, Michelle Gode, Andrew Jordan, Jaime, Maistros, Suzanne Pearson, Raymond Pierce, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth

The following NYSED staff also participated in the meetings: Assistant Commissioner, Office of Special Education (OSE), Christopher Suriano; OSE Director of Special Education Services, Joanne LaCrosse; Chief of Special Education Services, Eileen Borden; Associate Commissioner, Office of Bilingual Education and World Languages (OBEWL), Elisa Alvarez; OBEWL Assistant Counsel, Rachel Natelson; Director, Office of Student Support Services (SSS), Maribeth Barney; SSS Supervisor, Karen Hollowood; Executive Coordinator, Office of Information Reporting Services (IRS), Yufan Huang; Associate, Office of Standards and Instruction, Melissa Montague; Associates, OSE Policy Unit/NYSED CAP Designees: Dawn Kalleberg, and Alana Wickware.

**MEETING OF CAP, Friday, March 4, 2024, at 9:00 A.M.**

**Members Who Participated:**

Remote participants: Chad Colarusso, Harold Dean, Jacie Feuer, Tia Jackson, Stacy Denise Lyles, Jennifer Pankowski

In-person participants: Alicia Bockmier, Timothy Bromirski, Andrea DeMeo, Kristin Dudek, Janety Encarnación, Amy Frank, MaryJo Ginese, Michelle Gode, Andrew Jordan, Jaime, Maistros, Suzanne Pearson, Raymond Pierce, Raquel Schmidt, Sharada Veerubhotla, Danielle Williams, Joshua Woodworth

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**General Business**

Chairperson Danielle Williams called the meeting to order at 11:05 A.M. This was followed by the review of the Zoom protocol and participation tips for members participating remotely by Dawn Kalleberg.

Vice Chairperson Dudek introduced Andrew Jordan, the new CAP member from the Finger Lakes region representing the constituency, “Teachers of Students with Disabilities.” On day one of the meeting, attendance was taken verbally, starting with remote participants. CAP members participating remotely were also asked to enter their name in the chat box.

Chairperson Danielle reviewed the two-day agenda.

Eileen Borden reviewed CAP member duties and responsibilities including the role of CAP members in representing their constituencies and not personal interests; acting in an advisory capacity to NYSED; providing stakeholder input; and sharing of information using designated methods. In accordance with CAP Bylaws, the official spokesperson for CAP is the Chairperson, Danielle Williams. CAP members are encouraged to share the [CAP website](#) with the public.

### **Old Business**

See Action Item “[November 2-3, 2023, Meeting Minutes](#).”

Discussion of outstanding items from the November 2023 meeting.

### **Executive Committee Report**

Chairperson Williams shared information from Executive Committee meetings, including discussions with Business Subcommittee on their role; meeting with the Preschool and School-age Subcommittee chairs to review the process for making a recommendation to CAP; and regular planning meetings with OSE staff. Chairperson Williams highlighted the importance and value of the subcommittees and reviewed the unmet needs of students with disabilities identified at the November CAP meeting.

Vice Chairperson Dudek thanked the subcommittee chairs for their reports. She also thanked OSE staff for their feedback and collaboration with subcommittees.

Dawn Kalleberg reviewed the subcommittee process for making a recommendation to the full CAP.

### **ACTION ITEMS**

Secretary Alicia Bockmier provided a summary of the November 2-3, 2023, CAP meeting minutes. Members were given the opportunity to provide comments/corrections. Chairperson Williams asked members for a motion to accept the minutes. A vote was taken by Zoom poll and in person.

**MOVED**, that the November 2-3, 2023, meeting minutes be approved.

Motion by: Michelle Gode

Seconded by: Raquel Schmidt

Action: Motion carried

### **DISCUSSION ITEMS**

#### **Remarks from OSE Leadership**

Joanne LaCrosse, OSE Director of Special Education Services, welcomed the CAP members and thanked them for their ongoing recommendations and input. She also relayed that she will be retiring in a few months and thanked CAP members for the ongoing work of the Panel. Policy updates were provided on the following:

- The Office of Special Education Programs (OSEP) monitors all Individual with Disabilities Education Act (IDEA) Part C and B programs through its Differentiated Monitoring and

Support 2.0 system (DMS.2.0). The September 2023 [Differentiated Monitoring and Support \(DMS\) Report for New York](#) was shared and the corrective actions were discussed.

- NYSED released a series of [literacy briefs](#) that focus on the science of reading. These briefs may be used to strengthen knowledge of evidence-based literacy practices in PK-12 education.
- The [2024-2025 State Education Department Budget and Legislative Initiatives](#) proposal presented at the November 2023 Board of Regents meeting was discussed. The budget proposal outlines the budget and legislative priorities that support education, higher education, the professions, cultural education, and adult education programs as well as services/supports for individuals with disabilities. Discussions about the needs of students and elements of the Budget relevant to students with disabilities across New York took place. CAP members were encouraged to review the presentation given to the Board of Regents and to contact their legislators as individuals and as a state advisory panel to support budget and legislative priorities.

### **Bilingual and English as a New Language Services for English Language Learners who are Students with Disabilities**

Elisa Alvarez and Rachel Natelson presented on the January 2024 OBEWL/OSE joint-field memorandum clarifying policy regarding the right of English Language Learners (ELLs) who are identified as eligible for special education to continue receiving language acquisition services as required under Part 154 of the Regulations of the Commissioner of Education and federal civil rights law.

### **Updates to Behavioral Supports and Interventions in Schools**

Eileen Borden, Maribeth Barney and Karen Hollowood presented on the January 2024 SSS/OSE joint-field memorandum providing guidance to the updated regulations regarding the prohibition of corporal punishment, aversive interventions, prone restraint, and seclusion; permitted use of timeout and restraint; data collection; and changes to Part 200 of the Commissioner's Regulations relating to Students with Disabilities to secure alignment with Section 19.5.

### **Reporting Student Behavioral Interventions in 2024-25 (Revised)**

Yufan Huang presented on the November 2023 field memoranda providing guidance related to the submission of the annual Student Behavioral Interventions report to NYSED through the Student Information Repository System (SIRS) using the [eScholar Student Restraint Event template](#).

### **New York's State Performance Plan (SPP)/Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2022**

Eileen Borden, Barbara Kozlowski, and Dawn Kalleberg presented on NYS's FFY 2022 SPP/APR required under section 616 of IDEA. CAP members were provided an overview of data and information for the 17 SPP compliance and performance indicators NYS was required to report on in its 2022 Part B SPP/APR, submitted to the U.S. Department of Education (USDE) on January 31, 2024. This data and information, considered preliminary during OSEP's clarification period, will be finalized by June 2024, and then publicly posted. Discussion focused on the explanation of data and whether NYS met its targets for indicators 1-17, and how it relates to students progressing through their educational careers, with opportunities for questions and clarification.

CAP member feedback was obtained regarding the following discussion questions:

1. What indicators do you think New York should focus on this year? Why?
2. What actions/activities might lead to improved outcomes for these indicators?

## **Part B Application**

Eileen Borden presented on the submission of NYS's Annual State Application Under Part B of IDEA for FFY 2024, due to the USDE no later than May 22, 2024. Members were provided with an overview of the required components of the application, including reporting on the description of the use of federal funds used for administrative and other State-level purposes. Ms. Borden also explained the public participation requirements – posting for 60 days, public comment accepted for 30 days. Members were provided a breakdown of anticipated administration funds. Members will be notified when the Part B application is posted and were reminded of their responsibility as CAP members to comment publicly on the procedures for distribution of funds under Article 89 of the State Education Law (CAP By-laws, Responsibilities I.A.3.). Members were provided opportunities to ask questions and provide member input during the presentation and at the end.

## **New York State Blue Ribbon Commission on Graduation Measures Report**

Melissa Montague presented on the Graduation Measures Initiative and the work of the Blue Ribbon Commission. The work of the Commission concluded in November 2023 with the presentation of the recommendations to the Board of Regents. After the November presentation, the Regents began policy discussions related to any future changes to the State's graduation measures.

## **Public Comment**

Chairperson Williams called for public comment at 4:00pm. No public comment was provided.

## **Subcommittees**

The subcommittees were provided time to discuss indicators 1-17 and unmet needs. Members were provided with note taking materials to use during presentations to guide discussions and feedback and were asked to provide member input via an online survey. Dawn Kalleberg walked members through the NYSED Special Education [Website](#) and demonstrated where to find information, locate resources and training through the [OSE Partnership, and OSE Resources](#) by topic.

## **Updates/Share Out from Subcommittees**

**Business:** The subcommittee has met and discussed the recruitment of new CAP members, have become involved in the interview process and are developing a recommendation on the recruitment of new members to be submitted to the Cap Executive Team for review. The subcommittee has reviewed the bylaws and focused on term limits and member attendance.

**Preschool-age:** The subcommittee has meet and has submitted recommendations to the CAP Executive Team for review. The discussions focused on diversity, conflicting regulations between State agencies, and wait lists based on program and provider shortages.

**School-age:** At the November 2023 meeting, the subcommittee's discussion focused on student transitions throughout their educational career, the resources available and the sharing of this information.

## **Member Information Sharing:**

Two small group breakout sessions were held for subcommittees to reflect on and discuss the guiding questions presented during presentations. Members regathered as a large group and identified the following themes related to unmet needs:

- Funding
- Transition planning at all ages/grades
- Due Process
- ELL services and support
- Parent education/engagement

**Closing:**

Vice chairperson Dudek thanked members for their participation, reminded members to complete the online survey, and look for updates.

Dawn Kalleberg shared proposed meeting dates for 2024-2025 CAP year:

- October 24-25, 2024 (in person only)
- Feb 27-28, 2025 (virtual option)
- May 29-30, 2025 (in person only)

Chairperson Williams adjourned the February 29-March 1, 2024 CAP meeting at 11:50 AM.