

Special Education Reform in New York City

What has Changed and
What Every Parent Needs to Know

Manhattan DD Council
Family & Professional Resource Fair
November 28, 2012

Presenter:
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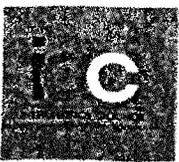
Formed in 1977 as a not-for-profit membership organization, IAC is comprised of voluntary service providers supporting individuals with developmental disabilities in the greater metro-New York area. IAC currently represents over 120 member agencies and organizations helping 30,000 individuals and their families in New York City, and Nassau, Suffolk, Westchester and Rockland counties. Support programs and services offered by IAC member agencies include:

- ◆ Residences
- ◆ Special education
- ◆ Early intervention
- ◆ Job training and placement programs
- ◆ Day habilitation
- ◆ At home and community supports
- ◆ Recreation
- ◆ Clinical and health services

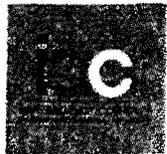
Special Education Reform

- In February 2010 the NYC DOE announced plans to reform special education.
- Currently there are over 175,000 students with disabilities in NYC's public schools.
- Graduation rates for students with disabilities have been low in NYC: Self contained classes less than 5%
- Drop out rates are too high
- For too long, and counter to law, NYC has placed far too many students with disabilities in settings where they had little to no access to the general education curriculum needed to graduate from high school. (In 2011-2012 59 percent of students with disabilities in K-8 did not attend their zoned school)

Report: "Educating All Students Well - Special Education Reform in NYC Public Schools" - August 2012 Fund for Public Advocacy - Office of Bill de Blasio - Public Advocate



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**The Implementation Plan for the Reform of
Special Education**

Guiding Principles:

1. Every school should educate and embrace the overwhelming majority of students with disabilities. A cohort of students with low-incidence disabilities or highly specialized needs will continue to be clustered in a specialized instructional program in community and/or specialized schools.
2. Hold all schools and students with disabilities accountable for goals that are standard-based. IEPs should reflect NYS Learning standards and emphasize long-term educational outcomes.
3. All schools should have the curricular, instructional, and scheduling flexibility needed to meet the diverse needs of students with disabilities with accountability outcomes.
4. Schools must be active partners with parents of students with disabilities.
5. Schools accountability measures, funding, formulas, and enrollment policies and practices will be aligned with the foregoing principles.

Special Education Reform

Phase 1 of reform:

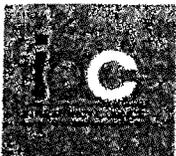
- 260 public schools throughout city during past 2 school years – almost half of the schools were located in the Bronx
- Represented - Elementary, middle, and high school

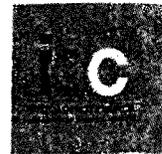
Report "Educating All Students Well - Special Education Reform in NYC Public Schools" – August 2012
Fund for Public Advocacy – Office of Bill de Blasio – Public Advocate

Special Education Reform

Phase 2 of the reform

- The full roll out of the reform had been delayed for one year by the former Chancellor
- The remainder of schools (another 1400) are now required to participate as of September 2012
- Students in articulating grades (kindergarten, 6th grade, and 9th grade) and "over-the-counter" students (those new to NYC's public school system) will be immediately affected by the reform





Special Education Reform

Some schools will be excused from meeting target numbers of students with disabilities this year – those that require specialized high school exam, a limited number of screened schools, and the international high schools

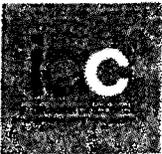
Special Education Reform Reference Guide -2012-2013

- PEP Panel for Education Policy voted to approve changes to special education funding formula to incentive placement of students into less restrictive settings. Increased funding for integrated setting decreased for self contained classes.
- School Psychologist must be part of a team recommending a "more restrictive setting"
- New Supervisor of Psychologists consultation requirement to review recommendation

Special Education Reform

It is important to be open to considering new ways to educate students with special needs, such as more flexible scheduling and increased time in general education classrooms with support





Special Education Reform

- Schools should review all IEP's and identify IEP's that recommend programs the school is not planning to offer in September
- Schools should offer to meet with parents to discuss options
- Schools should plan to implement all IEP's and evaluate staffing and training needs
- Schools should review resources and contact their networks to secure additional resources if needed

**Special Education Reform
What Needs to Happen Next**

- Increased funding to support the need for school level professional development – train those who are working with the children.
- The DOE needs to articulate measurable goals for the evaluating progress and holding schools accountable.
- Ensure that schools are making recommendations based on the student's individual needs and not the services available at the local school.
- Engage and Educate parents of general education students about the new policy and the benefits to all students.

The Key Issue

Schools must

“Honor the IEP as it is written”





**Special Education Reform
Remember**

- The Law has not changed –FAPE still applies
- Your rights have not changed
- Reform doesn't change the fact that all students with special education needs are entitled to receive the services on their IEPs
- Parents remain a critical part of the IEP team

The Federal Law

Individuals with Disabilities
Education Act
IDEA

14
11/29/2012

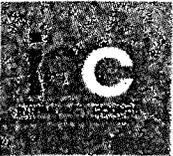
**IDEA – Individuals with Disabilities
Education Act**

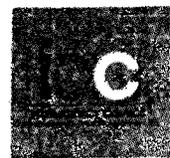
E – Every child regardless of disability is entitled to a **FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)**.

The "free appropriate public education" required by the Act is tailored to the unique needs of the handicapped child by means of an "individualized educational program" (IEP).

The law requires that An **INDIVIDUALIZED EDUCATION PLAN (IEP)** be developed for each child. The IEP must be reviewed annually.

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11/29/2012





What Does the word "Appropriate" mean?

The definition of Appropriate has been interpreted by the United States Supreme Court to mean - the educational program "must be reasonably calculated to provide some educational benefit to the individual child."

"Hendrick Hudson Central School District v. Rowley" Supreme Court Decision- 1982

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11/29/2012

The Individualized Education Program - IEP

The Law requires that An **INDIVIDUALIZED EDUCATION PLAN (IEP)** be developed for each child. The IEP must be reviewed annually.

* **A New State IEP is now in effect for all children!**

• **NYC is now using the SESIS System**

IEP's can be amended without a meeting but a parent must agree. Parents have a right to a meeting to discuss proposed changes to the IEP.

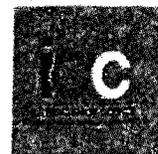
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IDEA – Individuals with Disabilities Education Act

A - ALL CHILDREN under this law must be placed in the **LEAST RESTRICTIVE ENVIRONMENT (LRE)**.

◊ Always Remember that Special Education is A SERVICE Not A PLACE.





IDEA – Individuals with Disabilities Education Act

D – Due Process – Rights and Responsibilities

Parents have the **RIGHT TO BE INFORMED AND KNOWLEDGEABLE** about all actions taken on behalf of their child.

- > They have the **RIGHT TO PARTICIPATE** in all meetings regarding evaluation and placement.
- > **PARENTAL CONSENT** is required prior to evaluation and placement. **UNILATERAL WITHDRAWL OF CONSENT TO SPECIAL EDUCATION SERVICES**
- > The Law requires that parents have the **RIGHT TO CHALLENGE** educational decisions through Due Process procedures.

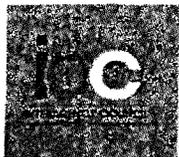
VERY IMPORTANT

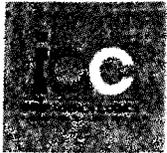
Special education can be a *flexible service delivery* program, **BUT** services should be based upon the needs of the students not the availability of services in the school.

The Continuum of Special Education Placements

- General education with related services
- Resource Room (AKA: Special Education Teacher Support Services or SETSS)
- Integrated Co-Teaching (AKA: Collaborative Team Teaching or CTT)
- Specialized Classes
- Home or Hospital-based instruction
- Private Day School
- Private Residential School
- Interim Alternative Residential Placements

The New York State Continuum of Special Education Placements:
<http://www.vesid.nysed.gov/specialed/publications/policy/schoolagecontinuum.html>





Due Process Rights

If a parent is not satisfied with his/her child's IEP, the parent has right to:

- Request mediation
- File for an impartial hearing
- Submit a complaint to NY State Education Department

Pendency: Protective right for a student to remain in their current placement until dispute is resolved unless another placements is agreed to by parent and school

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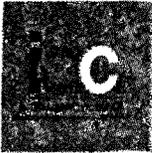
Other Changes to Special Education

- RSA Issue
- Preschool Choice- Preschool placement officer
- Related Services – Contract Agencies
- Remove the parent member as a required participant at the IEP meeting – school age not preschool
- Remove the School Psychologist as a mandatory member of the IEP Team except for initial meetings.

IEP Diploma Changed to Skills and Achievement Credential.

EVERY DAY ADVOCACY SKILLS





Advocate

According to Merriam-Webster's online Dictionary – Latin ad + vacare to call, voc-vox = voice

An advocate is

- ❖ One that pleads the cause of another.
- ❖ One that defends or maintains a cause or proposal.
- ❖ One that supports or promotes the interests of another.

**YOU MAY DO ALL THREE
AT AN IEP Meeting!**

Be Informed

Know Your Rights.
Know what to expect



<http://schools.nyc.gov/NR/rdoonlyres/68E9606C-5FF6-41E5-A536-B69F538A7408/0/OnePagerSpecialEd.pdf>



**Remember Your Rights
Have Not Changed**

BE PERSISTENT

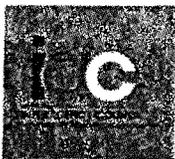


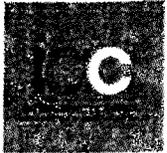
Your Child is entitled to
FAPE

Keep Asking!

Keep calling!

The system counts on the
fact that you will give up
and go away but do not!



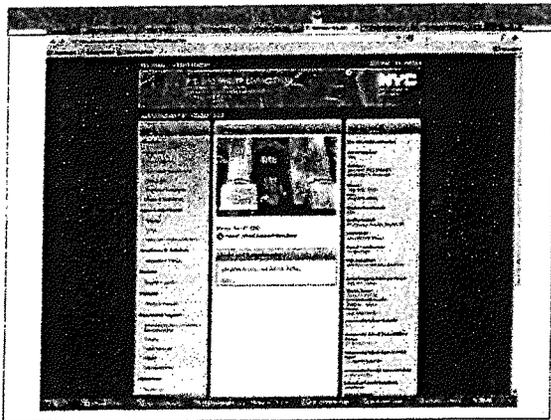


Get People's Names



You can hold people accountable for what they tell you or agree to.

People will be more responsive to you if they are aware that you know who they are.



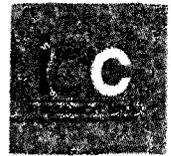


If you are rude or discourteous, you will not be "listened" to or may not receive the help you need.

Be Polite







Save Everything Including Envelopes



A Postmark is really good evidence



Staple the envelope to the letter

Ask Questions

If you do not understand something ASK



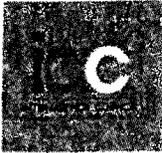
Sign Nothing Until You Read It Thoroughly and Understand It



You could be signing something you do not agree with

Read the Final Notice of Recommendation carefully





Always
Follow the
"Chain of Command"

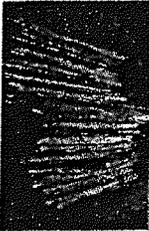


**Remember Everyone
has a Supervisor**

Educational Chain of Command

- Teacher
- Principal
- Network Leader
- Cluster
- Central DOE – Deputy Chancellor for Special Education
- Chancellor
- Mayor

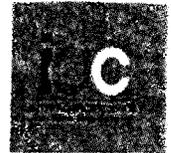
Put it in Writing



Create a "Paper Trail"
or "Email Paper Trail"

turning5@schools.nyc.gov
kindergarten@afcnyc.org





**Be Open
to
Creative Thinking**

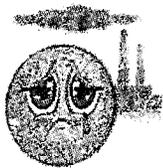
Give a little
to get a little



The Special Education Reform can be an opportunity for new service models

A "Win Win" works for everyone

Stay Objective

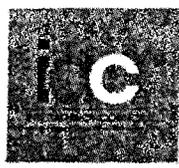


Try not to become too emotional

**Seek out
Professional Advocates**



Sometimes you need a Professional





**Reach Out
to other Parents**

Parents are
some of the
best advocates



It Helps
to Know
You are
not
alone

There is
Strength in
Numbers

Get Involved

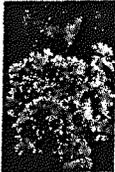


Join with others
who are
organizing for
the same goals

Gracias

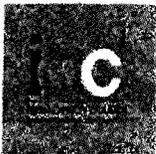
**Say "Thank You"
to those who have
helped you**

Most
people are
never
thanked
for what
they do.
This
simple
gesture
matters



Dank
धन्यवाद
شكر





Believe in Yourself

YOU ARE
YOUR
CHILD'S
BEST
ADVOCATE



Contact Information

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