



# CITYWIDE DISTRICT 75 COUNCIL

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CEC District 75  
Special Education

## MINUTES CALENDAR MEETING

The Calendar Meeting of the Citywide District 75 Council was held on Wednesday, **March 21, 2012** at 6:00 pm at Tweed Courthouse, 52 Chambers Street. The following people were in attendance.

\*Note: Mr. Williams, President called the calendar meeting to order.  
Call to Order at 6:30 PM the Calendar Agenda

### 1. Roll Call

Able Alagbe	Present
Charlene Carroll-Hall	Present
Maureen Dantzler	Present
Diamaris Magarin	Present
Gloria Ann Smith	Present
Alicia Valeus	Present
Joseph Williams	Present
Marion R. Lopez	Absent

Joe mentioned we have a new member who has not been sworn in yet but I'm going to ask if she would sit with us. She is going through the process of an interview, welcome and come sit with us.

Joe opened the meeting by stating, for the past two-three weeks I would say we had received a lot of emails and phone calls regarding what's the first on the agenda is the Medicaid Claim Reimbursement for related services. I expect that this room to be over flow with the phone calls that inquire and came in about the (not able to understand). I guess we as a council have to do better in getting the word out to the parents so there will be an attendance that whatever we have to do we will get it done. To start off tonight I'm going to ask the secretary to do the roll call.

### 2. Report of the Superintendent

Gary welcomed the parents for coming out. Gary stated he wanted to go over a brief projector of what's happening in the district. As he mentioned before the related services providers are starting to meet with the director Helen Kauffman, Barbra Joseph the deputy and myself are going out to speak to related service providers as well as parents, we had a Brooklyn meeting with the parents this past week. Were setting up meetings in the Queens, Staten Island and the Bronx we'll have all of that information go out to the parents when we have those meetings and again it's about related services to the relevance of the service to instruction and accountability. Get Ready to Learn is a project that district 75 initiated it's a Yo Project Students are involved and we have had a lot of success in that program and it's in many of our school. I just wanted to remind parents on March 22<sup>nd</sup> there will be a parent workshop on the district level. Parents have been very informative as to the success to their children and what's happening as they get involved with Get Ready to Learn. So were very excited to hear what's going on with parents and the students within the homes. Samuel Stern Awards every year we have Samuel Stern Awards. Samuel Stern was an educator and he was the first president of the department of educator many years ago. He left monies to students with special needs and he gave it to district 75 and over the years the money has grown. Students are recommended by their teachers and councilors about the work that they are doing. Then they are selected by the committee here and they read all of the application, they read the stories. Selected students are invited with their parents to White EPIC Conference where we have students involved, parents involved and schools involved,

every year on a Saturday. This year it will be on May 19<sup>th</sup> at Adams Street High School right up on Adams Street near the Brooklyn Bridge and we expect as many parents to be involved in this activity. Every year we have at least five hundred parents that come to this activity again we expect parents to come. We will have activities for your children while you're at the workshops. Channel 13 presentations last week is a national opportunity for presenters to provide cutting edge instructional activities as well as to talk about what's happening across the nation. This year Henry Winkler was the speaker he was diagnosed with dyslexia and services students with special needs and District 75 had 3 presentations at the workshops at the meeting. This year we have 521 students that will be graduating from district 75; you should know the numbers as our students leave the program. Chapter 683 is our summer program and to remind parents and guardians it starts on July 5<sup>th</sup> and ends August 14<sup>th</sup> you will receive notifications through the schools. The Chancellors made a visit to 233Q and he spent about an hour in the school. The focuses on the students in alternate assessments and he told the principal he was not only impressed but the dedication of service from staff and he did not realize what it took for staff to move students from one step to the next in district 75. The day after Tweed the Chancellor had his cabinet meeting and I was informed by others who were in attendance the Chancellor is impressed with District 75.

**3. Medicaid Claims for Special Education-Related Services: Matthew Berlin, Executive Director, NYC DOE Medicaid Reimbursements**

Joe introduced without and further a due; I expected to have a big crowd for you here tonight and we may still have a large crowd. Matt it's been a long time new it seems you can't get away from me. We have a good working relationship through OPT and I hope we continue that working relationship. Matt if you want to come up here and join us so you can be at the mike. Matt is the Executive Director for reimbursement for Medicaid claim. He is here to answer a lot of questions that was put to the council over the past month so. I would bring to the council hearing and information that needs to be shared with the parents of District 75.

Matt Berlin: I started in September as the Director of Medicaid Reimbursement for the city. As you may know one of the ways that school districts can fund some of the services for special education children is like seeing Medicaid reimbursements for services that are not provided in other services that are provided for children and that results is govern by state client act. So we can get reimbursement for all services the services are covered by the plan. The state plan allows for ten services and really there are four or five that we can get reimbursed for. One is occupied therapy, speech therapy, physical therapy, transportation; the evaluation services and counseling services we are not able to get reimbursed for counseling because we don't employ counselor to provide credentials. The department has this is a big change in the department of education and we just need to develop systems to make this work. So what my task is just to get those systems up and running so that were able to claim for Medicaid and our target for next year is 167 million of Medicaid revenue. Is should be relatively transparent to the children that this is happening there are two impacts on them and their families. First of all is the consent letter; the federal government asks that families consent or not consent to us billing Medicaid on their behalf and the federal law stated that consenting is optional and second that not consenting in no way reduces the benefits or has negative impact on the family and the other part of the service that may impact the family or the child that we need a medical order for the service. So the DOE is very clear that a lot of the services that we provided are in fact we provided services because they are on the IEP and they are educational necessary. As long as the IEP team agrees that the services are necessary that service will provide. However if we could get a doctor or nurse IEP team aggress that the services and necessary that service will provided. However if we could get a doctor or nurse practitioner or a physical to agree that it is medically necessary and in addition it benefits your child's education.

**3A. Oroma H. Mpi, Esq. Senior Staff Attorney, Education Law Unit, Legal Services NYC**

The Legal Services NYC is a non for profits organization with offices located within the five boroughs. Legal Services NYC services low income families by providing them with legal advice and representation. Ms. Mpi is the Senior Attorney at Legal Services, her office is located in the Bronx and she specializes in Special Education Law. Ms. Mpi has worked closely with D75 parents in helping them challenge IEP's and making sure that the IEP reflects their child's needs and re receiving the proper services. Ms. Mpi was contacted by Mr. Williams after her testimony at the City Council Oversight Hearing. Ms. Mpi, read her presentation to the council and the attendees at the meeting.

### **3B. THE CITYWIDE DISTRICT 75 COUNCIL REPORT ON SPECIAL EDUCATION AND MEDICAID REIMBURSEMENT**

Joe mentioned we went great length to invite the right people here tonight to answer these questions. Because over the last couple weeks it's been a lot of questions and lot of concerns so we invited the DOE and I know how so many parents are leery when you say DOE that's why we went out to find non partial organization that represents parents and give us your onion. Joe Williams informed the attendees, that there are so many kids that need services that are not receiving it and we have claimed that money so there is no reason that's why 60% of the kids that require receiving related services didn't get it. So our stance is that we know the DOE needs that money and we have no quorums of parents in parents signing that letter now that it was clarified to us and we were hoping that there be more parents here tonight. But there will be a letter or a statement going out from this council to all parents in District 75 about what was said and maybe that will help clear up some of the confusion we hope going forward.

Diamaris Magarin Read the Following:

#### **THE CITYWIDE DISTRICT 75 COUNCIL REPORT ON SPECIAL EDUCATION AND MEDICAIDE REIMBUESHMENT**

As the District 75 Citywide Council we are required to issue a report on the effectiveness of special education services and make recommendations on how to improve them.

The parents of District 75 have their children enrolled in a school District that is designed for students with the most server disabilities. Nearly half of D75 students needing related services are placed on waiting list. For example, out of the 525 students who were mandated to receive occupational therapy last year, there were 230 who were on waiting list sat a school in the Bronx.

At another school in the Bronx, only 63% of the students who needed counseling actually received it last year, and only 56% of the students who required physical therapy received it. And at another school 60% of the students who required speech/language therapy were on a waiting list, along with 90% of the students who needed occupational therapy, and 80% of the students who needed physical therapy.

We urge the Education and Finance Committees to continue monitoring DOE Medicaid reimbursement claims. The DOE should be able to increase the services it provides to children if it effectively utilizes sources of funding, including Medicaid reimbursements

In a December 2011 article, the New York Times revealed that the New York City Department of Education (DOE) has failed to recover tens of millions of dollars in Medicaid reimbursement for services it provided to special-needs students in recent years. State Health Department data show that from 2006 to 2010 the \$33 million school-based Medicaid reimbursement received by the city last year was 60 percent lower that they were five years ago.

Despite the fact that more than two-thirds of New York City special-needs students quality for Medicaid, the City has lagged far behind the state's other large school districts in filing claims between 2006 and 2010. The DOE filed no Medicaid claims or nursing services, occupational and physical therapies, physiological, counseling, audiological evaluations or transportation; according to a DOE spokesperson, the DOE did not file Medicaid claims. After new rules took effect in September of 2009, the process has become more cumbersome and the "the department laced the staff and the training to handle the more demanding requirements".

This is unacceptable for the parents of students in District 75 whose children's IEP mandates are not being met.

#### **Transition: Natalie McQueen, District 75 Coordinator of Transition Services**

Joe Williams the section pertaining to the Medicaid Claims for Special Education-Related Services ran over the scheduled time. Ms. McQueen had to depart and Mr. Williams made a suggestion to the panel to reschedule Ms. McQueen to present Transition Services at another Calendar Meeting. Ms. McQueen mentioned to the council; if the council or parents should have any questions specific to this (transitions) or if the council has any questions I will be able to answer in another meeting.

#### **Legal Guardianship: Joseph A. Parisi, CLU, CHFC, RHU, LUTCH Registered Representatives, New England Wealth Strategies**

Joe Williams informed the attendees' parents had questions about legal guardianship. There is a lot parents that feel their child has a disability that they don't need to get legal guardianship they assume because they have a disability that were going to be their guardian regardless of what age. So I reached out to Joe Parisi of New England Strategies to come and explain to us tonight about legal guardianship.

Joe Parisi informed the attendees there are hand outs in the back that gives you a little history about Met Life and special needs and my back ground and why I got involved (see attached information provide by Mr. Parisi).

Mr. Parisi informed the parents and council Met Life has provided over 300 field representatives to present educational workshops to help parents plan their child's future. Mr. Parisi mentioned that a parent with special needs children sometimes forgo the legal and financial planning for their child's future. The state of New York recognizes the adult once they reached the age of 18 and is capable of making their own decisions. Whether they are capable of making or not, normally parents think it's an automatic thing if my child has special needs once the child is 18 they are the legal guardian.

The state of NY will not recognize you as the guardian and you will have to go to court to make the decisions regarding legal, medical and financial decisions. Before your child reached the age of 18 there is a form called 178Y application, you need your child's birth certificate and the fee of the application is twenty dollars. If the parents are deceased, you need to bring the original death certificate as well. If the parent is waiving guardianship there has to be a waiver form signed by the parent and that has to be presented to the court. If someone is taking the place of the parent to be the guardian there has to be a consent form signed and they have to be present when you go into court. You need two medical affidavits one by the primary care physician of the child and one by the certified physiologist or a psychiatrist. You have to present to the judge to prove to the judge that you as the parent can continue to be the guardian of your child. Dated back to 1973 from the petitioner who in most cases would be the parents and stand by guardians. Just because the child is not capable to make their own decisions you have to apply before the child is 18. You normally have your reports from the doctor and visit the physiologist. Normally six months is enough time but you want to do it before six months that's fine.

A parent asked, so typically a parent can do this on your own they don't need an attorney. Mr. Parisi responded you don't need an attorney. You can use the organization NY Voices of the Public Interest in downtown Manhattan they give free classes, so you can ask and go and visit them and they will prepare you for it.

**Approval of Meeting Minutes: January 1<sup>st</sup>, January 18<sup>th</sup>, February 1<sup>st</sup> and February 15, 2012**

The meeting minutes were tabled until the next Calendar Meeting.

**Meeting Adjourned at 8:30 pm**