

POLICY REPORT:

OUR SCHOOLS, OUR VOICES

*CEC Appointees' Survey on English Language
Learners and Special Education Services*

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EXECUTIVE SUMMARY

Since taking office in 2014, Public Advocate for the City of New York, Letitia James, has championed issues that face the City's public schools, families and students. The Public Advocate, the City's watchdog for everyday New Yorkers, has committed to ensuring that the City provides equal and quality education for all public school students. The Office of the Public Advocate (OPA) is charged with appointing seven Department of Education (DOE) representatives to the Citywide Education Councils that serve as a bridge for parents and the community to address the challenges they confront in the City's school system. Additionally, the Citywide Education Council members are the voice and advocates for many parents that attend the Citywide Education Councils' monthly meetings – who otherwise may not have their voices heard – providing a forum where concerns and information can be shared.

The purpose of this report is to highlight the work of the appointees and to identify and address the systemic issues that delay or deny the delivery of services to students that are most in need. The report analyzes a twelve-question survey developed by the Office of the Public Advocate's Citywide Education Council appointees that were distributed to parents and guardians whose children attend the New York City public schools.

This snapshot survey looks at how families receive critical information about their children's education. The results of the survey illustrate the gap between the rights and access of mandated programs for English Language Learners (ELLs) – students who score below a certain level on the English proficiency assessment, or for students with Individualized Education Programs (IEPs) – special education programs and services to assist students with disabilities. While the City promised to increase translation and interpretation services for ELL students and families and improve transparency and efficacy to serve students with IEPs, OPA's snapshot survey verified that these unfulfilled promises are having a negative impact on parents and their children.

Key findings of the 90 respondents include:

- When asked if their child was given the appropriate test to determine their proficiency in the English language within ten days of enrollment, 28 percent of parents said the test was not administered and 29 percent did not know whether the test was given within the mandated time period.
- Over half of respondents were not informed of their rights as ELL parents to take free English classes, and over 41 percent were not aware of their right to translation and interpretation services.
- Sixteen percent of the respondents reported not attending their child's IEP planning

meeting for various reasons including not knowing about the meeting; being told they could skip the meeting; being unable to secure child care; and receiving the notice too late to take time off from work.

- Sixty-two of the respondents said that they have been asked to reduce or change their child's IEP, 58 percent of whom disagreed to do so.
- Only half of respondents reported that their child received their mandated special education services in September, the start of the school year. Nine percent of respondents said their child had not received the services even after April.
- Only 37 percent of respondents stated that their child received special education services in their zoned district.
- When it comes to having faith in teachers, 28 percent of parents did not believe their child's teacher had the necessary skills to meet their child's special education needs.

CITYWIDE EDUCATION COUNCIL

The Public Advocate's educational achievements have been extensive, from championing free nutritious lunch for every student to advocating for more services for English Language Learners and students with disabilities. These victories were made possible due to collaboration with parents, students, community leaders, and the Citywide Education Councils. Together, the Public Advocate and her Citywide Education Council appointees have increased parental access in our education system and reformed New York City public schools for the better.

The Citywide Education Councils are education policy advisory bodies charged with promoting student achievement, reviewing and evaluating districts' educational programs, and providing input to the New York City Schools Chancellor and the Panel for Education Policy (PEP). There are four Citywide Education Councils in New York City - representing students from kindergarten to high school who attend public, non-charter schools - with specific areas of focus: Special Education (CCSE), English Language Learners (CCELL), High Schools (CCHS), and District 75 (CCD75) (**Figure 1**).

The Citywide Education Councils' powers and duties are outlined in the New York State Education Law §2590-b¹, which includes advising on educational and instructional policies; communicating with parents and fostering parental involvement; working with the Community Education Council and President's Councils; and issuing an annual report on the effectiveness of the DOE in providing services to the City's diverse student body.^{2,3} The Citywide Education Councils are mandated to hold meetings at least once a month where members of the public are invited to discuss issues that affect their communities.⁴

¹New York Education Law §2590-b; Continuation of City Board and Establishment of Community Districts; Establishment of the City-Wide Councils on Special Education, English Language Learners, and High Schools (available at <http://codes.findlaw.com/ny/education-law/edn-sect-2590-b.html>).

²-New York City Department of Education, 2015-2017 Community and Citywide Education Council Guide, February 2016 (available at <http://schools.nyc.gov/NR/rdonlyres/ECDBEB33-D813-4F33-A0AF-54AAC7E5ED10/0/2015CCECGuideFullUpdatedFeb2016.pdf>).

³New York City Department of Education, "Roles and Responsibilities," (available at <http://schools.nyc.gov/Offices/CEC/RolesandResponsibilities/default.htm>)

⁴N.Y. Educ. Law- §2590-b.

Figure 1: Structure of the Citywide Education Councils

Citywide Council on Special Education (CCSE)	Citywide Council on English Language Learners (CCELL)	Citywide Council on High School (CCHS)	Citywide Council on District 75 (CCD75)
<u>12 members total</u> (11 voting, 1 non-voting)	<u>12 members total</u> (11 voting, 1 non-voting)	<u>14 members total</u> (13 voting, 1 non-voting)	<u>12 members total</u> (11 voting, 1 non-voting)
9 voting members who are parents of students with IEPs: Selected by representatives chosen by members of each Community District, Borough and District 75 President's Council.	9 voting members who are parents of students in a bilingual or ELL program: Selected by representatives chosen by members of each Community District, Borough and District 75 President's Council.	10 voting members (two per borough) who are parents of high school students: Selected by the Parent Association or Parent Teacher Association leadership of every high school in the respective borough.	9 voting members who are parents of students in a District 75 program: Selected by representatives chosen by members of each Community District, Borough and District 75 President's Council.
(two-year term)	(two year term)	(two-year term)	(two year term)
2 voting members, with extensive experience and knowledge in the special education field, are appointed by the Public Advocate.	2 voting members, with extensive experience and knowledge in the education of ELL students, are appointed by the Public Advocate.	3 voting members, with extensive experience and knowledge in the education of high school students, are each appointed by the CCSE President; the CCELL President; and the Public Advocate.	2 voting members, with extensive experience and knowledge in the education of students with disabilities, are appointed by the Public Advocate.
(two year term)	(two year term)	(two-year term)	(two-year term)
1 non-voting member, who is a high school senior in an IEP program, is appointed by the DOE.	1 non-voting member, who is a high school senior in a bilingual or ELL program, is appointed by the DOE.	1 non-voting member, who is a high school senior, is appointed by the DOE.	1 non-voting member, who is in a District 75 program, is appointed by the DOE.
(one year term)	(one year term)	(one year term)	(one year term)

PUBLIC ADVOCATE'S APPOINTEES AND THEIR WORK

The Citywide Education Council appointees of the OPA for the School Year (SY) 2016-2017 are as follows: Ellen McHugh and Michele Noris to the CCSE; Teresa Arboleda and Mitchel Wu to the CCELL; Lisa Lewis to the CCHS; and Cynthia Alvarez and Gloria Smith to the CCD75.

The members of the Citywide Councils are more than advisory - using their first hand experiences with the school system, they are able to identify issues and make recommendations for improvement. Most importantly, members of the Council represent and convey the concerns of millions of parents who otherwise may not have their voices heard. Public Advocate James understands that government reforms cannot be implemented without uniting communities. OPA convenes task forces and holds community forums to empower parents to play a role in their child's education. As such, OPA, along with parents and community members on the Citywide Education Councils are able to address the challenges of New York City public schools.

Expanding the Panel for Educational Policy (PEP) to include the Citywide Education Council

As one of its main responsibilities, each Citywide Education Council submits an annual report to the DOE; unfortunately, the agency has provided little feedback to its' Citywide Education Councils and many of the same recommendations remain unchanged. To address the lack of empowerment and frustration among the members of the Citywide Education Councils, the Public Advocate recommended that PEP should expand from the current 13 members (eight seats appointed by the mayor and one for each borough president) to 15 members, adding one seat to a parent from the CCSE and another to a parent from the CCELL. This change would enhance parental and community engagement.

Fighting Back against Forced Co-Location of Schools

In 2014, Public Advocate James along with more than 70 co-petitioners sought to block the City's attempt at forced co-locations of schools. The practice of forced co-locations meant that elementary school students attended school with high school students; special needs students lost space for therapy; physical education, art and music programs were discontinued; and overcrowding was occurring. As the DOE put forth six co-location proposals for a vote by members of the PEP, Public Advocate James raised concerns about the lack of 'Blue Book' standards which outline appropriate metrics to be used when considering space allocations. Presently, Citywide and Community Education Councils remain largely disempowered, with little or no say as to school co-locations and space planning.

Ensuring All Students Have Access to Free School Lunch

Public Advocate James has been a leading voice for the inclusion of a universal free lunch plan in the City Council Budget. Today, 75 percent of New York City students are eligible for free or reduced school lunch based on their family income; however, the participation is low, especially as students get older, due to stigma.⁵ Because the federal government's reimbursement rate to the City is higher for each free lunch served compared to reduced-price and full-price lunches, the City loses out on the maximum amount of subsidy without a universal free lunch.

Jointly with the Citywide Education Council and advocacy organizations – through support letters and public campaigning—the City adopted the free universal lunch program in public middle schools in 2014. Additionally, Public Advocate James campaigned for the implementation of universal school breakfast programs in 2015. Today, Public Advocate James and the Citywide Education Council are continuing to pursue free universal lunch programs for all public school students.

Protecting Students with Disabilities from Dangerous School Bus Conditions

In August 2015, Public Advocate James filed a lawsuit against the DOE for failing to adequately provide air conditioning on school buses transporting children with disabilities. The Public Advocate first became aware of the issue when the mother of a child with disabilities contacted the OPA because her autistic daughter had to be taken to the emergency room after being stuck on a school bus in the sweltering heat without any air conditioning.⁶ Between 2014 and 2015, OPA appointees of the Citywide Education Councils took thermometers on school buses on hot summer days and documented that the DOE was violating a local law that requires air-conditioned buses for children with disabilities whenever the temperature rises above 70 degrees Fahrenheit. In July 2016, a judge ordered the DOE to provide buses with air conditioning on two routes that previously had poor or no cooling capabilities.

Currently, the New York State Supreme Court denied the Department of Education's motion to dismiss and held that the OPA has capacity and standing to bring litigation against city agencies to enforce the rights of constituents. The DOE began an appeal process. Although the OPA has proposed straight-forward and reasonable proposals to DOE which would have ensured that children with disabilities were safe in the summer of 2016 and again for this coming summer, the DOE has not accepted the proposals and instead applied for and obtained a stay in the case. Action in the Supreme Court - including the filing of an answer by the DOE - will be frozen until the appeal is resolved. Therefore, the OPA proposals will not come to fruition before this summer, unless the DOE agrees to change its position.

⁵ http://media.wix.com/ugd/fce5d8_200d136d200b40cba1c348ad7deaffd2.pdf

⁶ Beth Fertig, "Special Needs Student Stuck on Stifling School Buses, Lawsuit Says," *WNYC*, August 19, 2015 (available at <http://www.wnyc.org/story/lawsuit-claims-special-needs-students-stuck-stifling-hot-school-buses/>)

Expanding Adequate Access to Language Translation and Interpretation for Parents

In 2015, the Public Advocate stood with advocates at press conferences and urged the DOE to include the designation Language Access Coordinators at each of the new Borough Field Support Centers and Affinity Group Schools as part of its restructuring plans. New York City public school parents have consistently been missing out on critical information about their child's education because of the language barrier. The lack of translation is especially harmful to immigrant families and students with disabilities. Language Access Coordinators would help diminish the linguistic barrier and allow parents to engage more with their child's teachers and school officials. The call to action was made along with advocacy organizations and OPA's CCELL appointees. The Public Advocate also sent a letter to the DOE, requesting relevant data on how schools are addressing barriers to language access. In 2016, the DOE hired nine new positions at the Borough Field Support Centers and Affinity Group Schools in effort to expand translation and interpretation services. Public Advocate James and CCELL continue to push for quality language access and provide oversight in order to support the City's diverse and immigrant population.

Improving quality and transparency of the DOE's Special Education Student Information System (SEIS)

In 2016, Public Advocate James filed a lawsuit against the DOE for failing to track the needs of students with disabilities. Special Education Student Information Systems (SEIS) is the DOE's data tracking software of students with IEPs that ensures compliance with federal and state reporting requirements. Contracted and developed by a private company, Maximus, SEIS has cost the City \$130 million since its launch in 2009. A thorough analysis by the OPA showed that SEIS has not been meeting its purpose - failing to collect data - resulting in a severe lack of services for 200,000 children with IEPs and a \$356 million loss in federal Medicaid dollars. Testimonies from the CCSE appointees have been the basis of the investigation at the OPA.

The OPA made the legal argument that the DOE neglected their duties under the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act to ensure that children are being provided with a free and appropriate public education. Without access to aggregate data, the DOE is unable to gauge whether the City is legally in compliance and if the rates of delivery of mandated services is improving. The IDEA and the Rehabilitation Act require that schools provide services to children with disabilities and the DOE to monitor and track compliance. Additionally, the City has reporting obligations under state and federal law to which it appears unable to comply. By failing to enforce the terms of the contract to develop SEIS, the DOE have neglected their duty to the City under the Charter and State law.

The petition the OPA filed seeks a summary judicial inquiry into whether DOE have neglected or

violated their duties to the City. In August 2016, the Judge granted our petition to conduct an 1109 summary inquiry and denied the City's motion to dismiss. The case is stayed pending appeal by the City. The court would conduct the inquiry.

In January 2017, Mayor De Blasio proposed that his administration would invest roughly \$16 million each year going forward on SESIS.⁷ City officials said this would allow the City to better monitor whether students are actually receiving mandated services, and would improve functionality issues that have previously cost the City millions in overtime; however, the Public Advocate's position is that the City's plan does not go far enough to address systemic issues. Special education advocates also feel encouraged that the City is committing to new staff and software upgrades, but remain concerned about the scope and pace of the changes. It is also unclear whether parents will gain access to the system, a longtime request from parents that city officials have said is a longtime goal.⁸

⁷ <http://www.chalkbeat.org/posts/ny/2016/11/18/new-york-city-reveals-new-plans-to-upgrade-its-dysfunctional-special-education-data-system/>

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THE APPOINTEE'S SURVEY

Methodology

After regular meetings delivering major issues of the community to the OPA, there was a need to create a snapshot survey to hear the voices of the parents. The appointees developed 12 questions that would provide concrete feedback to materialize the anecdotal stories they have been delivering to the OPA. The survey questions were divided into two major topics—rights of ELL students and their parents and the needs of students with IEPs.

Between April and June of 2016, the survey collected 90 responses from parents and guardians of New York City public school students. The parents and guardians were able to complete the surveys online or complete hard copies and mail them to the Office of the Public Advocate. To encourage participation, the CEC appointees reached out to communities through social media, and at various parent meetings and schools throughout the five boroughs. The survey was translated into three different languages—Spanish, Simple Chinese and Russian—to increase participation. Survey respondents were also given the opportunity to provide general comments and explanations for their answer choices. All responses and testimonies shared in this report are kept confidential to protect the participant's privacy.

Among the respondents, seven percent had a student in pre-kindergarten; 62 percent in kindergarten or elementary school; 36 percent in middle school; 27 percent in high school; and five percent in District 75. Surveys were received from various neighborhoods: 13 percent from the Bronx; 49 percent from Brooklyn; 20 percent from Manhattan; and 22 percent from Queens.

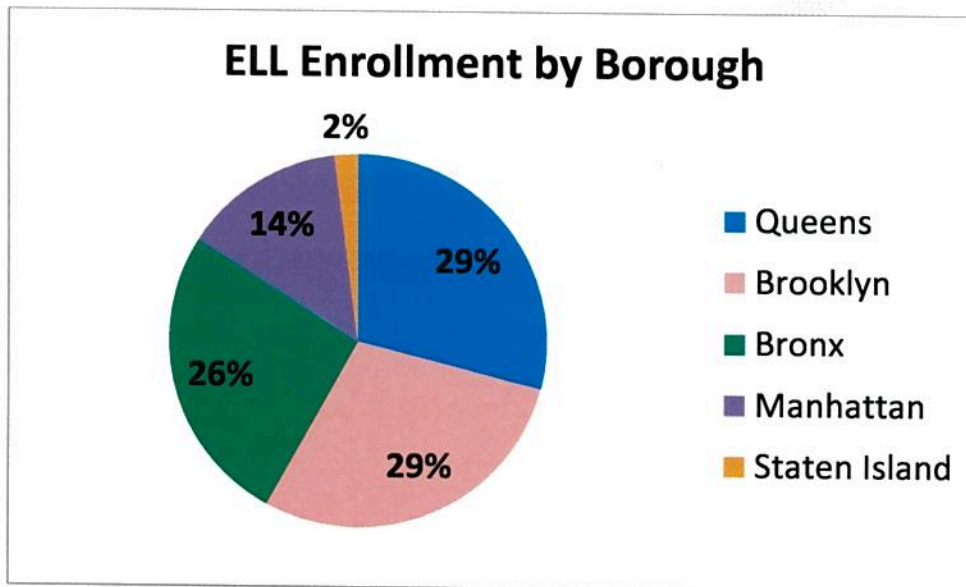
In light of the DOE's efforts to promote parent engagement, improve efficiency of SESIS, and improve language access for ELL students and families, the small but representative sample of survey results reveal that there are still gaps between rights and access to education and information in our school system.

The concerns raised in the survey responses are consistent with those raised consistently by the Office of the Public Advocate's Citywide Education Council appointees. As illustrated in the collaborative cases above such as expanding access to language translation and interpretation for parents, protecting students with disabilities from dangerous school bus conditions, and improving the quality and transparency of SESIS, the appointees identify issues from first hand experiences of parents on a monthly basis and make recommendations for improvements.

English Language Learner (ELL) Students

Diverse ELL Student Population in NYC

Over the last five years, between 13-15 percent (about 150,000 students) of the DOE system were identified as English Language Learners⁹, over 84 percent of them residing in Queens, Brooklyn and the Bronx.¹⁰ Hispanics (62% ELLs vs. 37% non-ELLs) and Asian students (24% ELLs vs. 15% non-ELLs) are represented more in the ELL population whereas Black and White students are represented more in the non-ELL population.¹¹

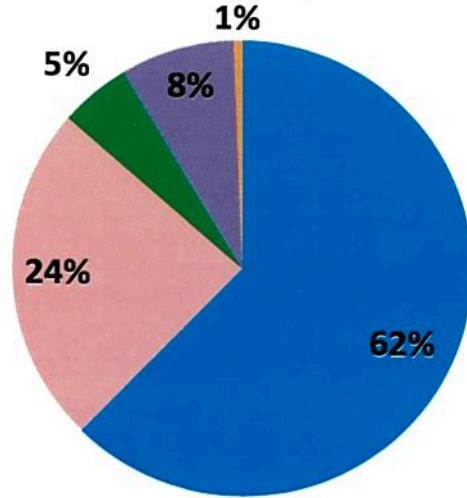


⁹ NYC DOE, “NYC Data: Demographic Snapshots,” <http://schools.nyc.gov/NR/ronlyres/20056B95-8351-4E45-B8A1-9901B4B6A93B/0/DemographicSnapshot201112to201516Public_FINAL.xlsx>.

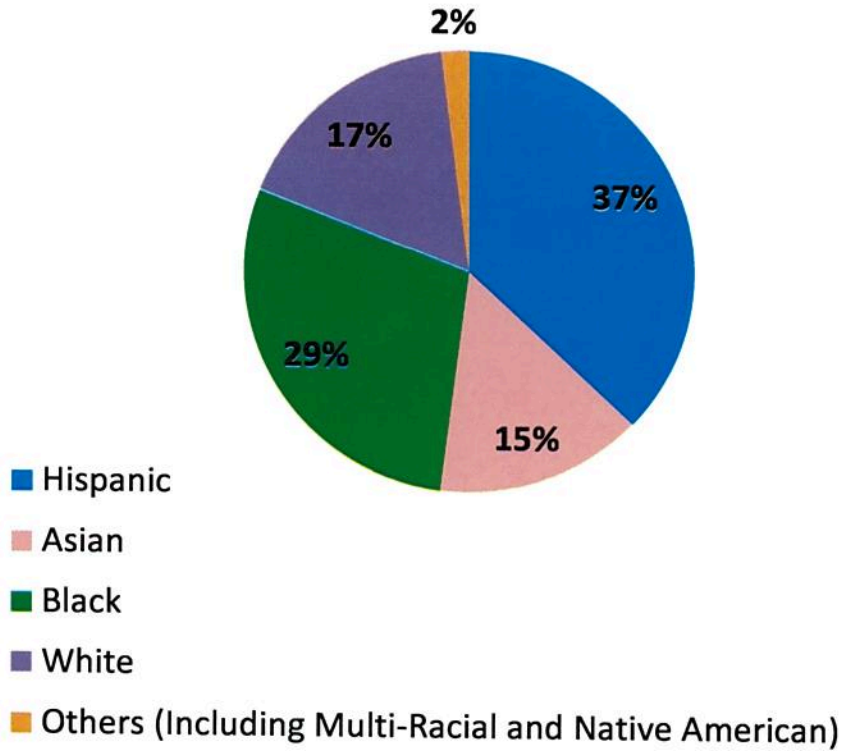
¹⁰ NYC DOE, “NYC Data: Demographic Snapshots.”

¹¹ NYC DOE, Division of English Language Learners and Student Support, “English Language Learner Demographics Report: 2014-15 School Year.”

ELL Enrollment by Ethnicity



Non-ELL Enrollment by Ethnicity



DOE's Lack of Responsiveness to Assess ELL Students

Today, 43 percent of 1.1 million students in New York City public schools speak 180 different languages other than English at home.¹² When parents indicate that their newly enrolled child uses a language other than English at home, the student is given the New York State Identification Test for English Language Learners (NYSITELL); students who score below a State-determined level of English language proficiency are identified as ELLs.¹³ New York State's regulation requires that, upon a written request to determine whether a student is an ELL, the review process must be completed within ten school days.¹⁴

According to the OPA's survey, only 43 percent of the respondents indicated that their child had been given the appropriate test to determine English proficiency within ten days of enrollment. Meanwhile, 28 percent of the respondents indicated that the test was not given within the mandated time period, and 29 percent indicated that they do not know whether their child was given the appropriate test within ten days or not (**Question 4**).

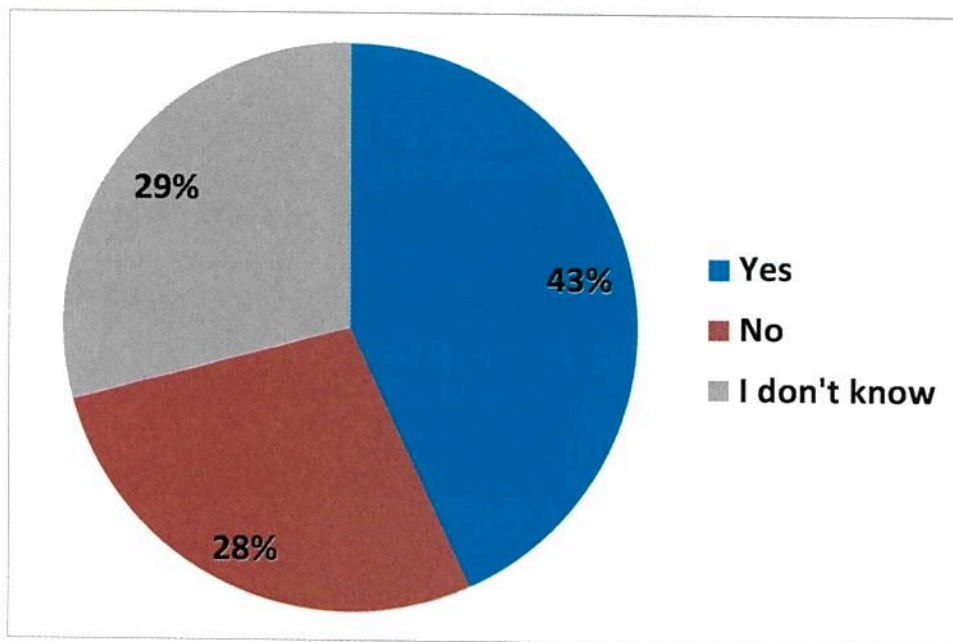
¹² New York City Department of Education (NYC DOE), Division of English Language Learners and Student Support, "English Language Learner Demographics Report: 2014-15 School Year," <<http://schools.nyc.gov/NR/rdonlyres/0183D51C-377B-4ED7-BCBE-607AE4669D54/0/201415ELLDemographicReport.pdf>>.

¹³ NYC DOE, Division of English Language Learners and Student Support, "English Language Learner Demographics Report: 2014-15 School Year."

¹⁴ New York State Education Department Regulations Part 154-2.3

<http://www.nysed.gov/common/nysed/files/programs/bilingual-ed/terms-154-2-effective-2015-16-and-after.pdf>

Question 4 - Has your child been given the appropriate test to determine knowledge of English, based on a home language other than English, within 10 school days of enrollment?



Why Parent Engagement is Important

During SY 2014-15, 161 languages were spoken by the DOE students at home, and 49 percent of DOE's ELL students were born outside of the US.¹⁵ Regardless of immigration status or language proficiency, parents and guardians of the DOE students have the right to receive information about their children and communicate with the school system. According to the Chancellor's Regulation A-663, schools must determine within 30 days of a student's enrollment the primary language spoken by the parent of each student enrolled in the school, and whether the parent requires language assistance in order to communicate effectively with the DOE.

When asked about the right to take free English classes for parents of the ELL students, 53 percent of the OPA survey respondents were not aware of the program. In addition, 41 percent of the ELL parents did not know about the right to translation and interpretation services at school meetings, parent meetings, and meetings with their children's teachers (**Question 6**).

¹⁵ NYC DOE, Division of English Language Learners and Student Support, "English Language Learner Demographics Report: 2014-15 School Year."

Question 6 - Have you been informed of the following rights as English Language Learner (ELL) parents?

Right to take free English classes available for ELL parents

■ Yes, I am aware ■ No, I am not aware



Right to translation and interpretation services at school meetings, parent meetings, and meetings with your child's teacher

■ Yes, I am aware ■ No, I am not aware



Numerous studies of students across various age groups and ethnicities showed higher achievement scores for children with parents who were highly involved in their education compared to children with less involved parents.¹⁶ The type of parental engagement matters as well; activities such as reading to a child had a larger impact on education outcomes than

¹⁶ William H. Jeynes, "Parental Involvement and Student Achievement: A Meta-Analysis," *Harvard Family Research Project*, December 2005 (available at <http://www.hfrp.org/publications-resources/browse-our-publications/parental-involvement-and-student-achievement-a-meta-analysis>).

attendance and participation in school functions.¹⁷ Families with limited economic, educational, and social resources were less likely to participate in literacy activities than those with greater resources.¹⁸ It is critical to provide adequate resources to students and families with several layers of challenges, especially since 83 percent of the City’s ELL students qualify for free or reduced-priced lunch – which is about 14 percent higher than then non-ELL students who qualify for free or reduced priced lunch during the school year.¹⁹ This further reiterates the importance of awareness about the DOE’s free English classes, and translation and interpretation services.

¹⁷ “Parental Involvement and Student Achievement: A Meta-Anaylsis” Ibid.

¹⁸ Barbara Schhneider, Sylvia Martinez, and Ann Ownes, “Barriers to Educational Opportunities for Hispanics in the United States,” *National Academies Press*, ch. 6, 2006 (available at <http://www.ncbi.nlm.nih.gov/books/NBK19909/>).

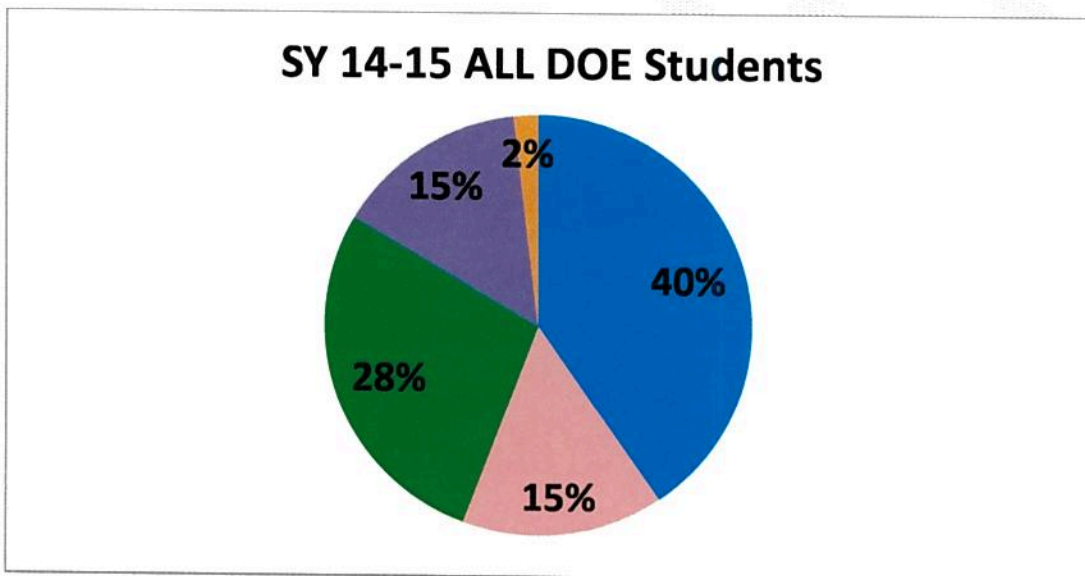
¹⁹ NYC DOE, Division of English Language Learners and Student Support, “English Language Learner Demographics Report: 2014-15 School Year.”

Students with Individualized Education Programs (IEPs)

Demographics of Students with IEPs

Over the last five years, students with disabilities who are receiving IEPs have been between 17 to 19 percent (about 200,000 students) of the total student body across the city.²⁰ During SY 2014-15, approximately 18 percent of the students with IEPs were also English Language Learners.²¹ While Hispanic students make up about 48 percent of the total number of students with IEPs, they make up 77 percent of the students who are both ELLs and have IEPs.²²

It is also significant to note that there are about twice as many male students with IEPs (67%) than female students with IEPs (33%) and about 11 percentage point difference between male ELLs (56%) and female ELLs (45%) while male students make up 51 percent and females 49 percent of the total student body.²³



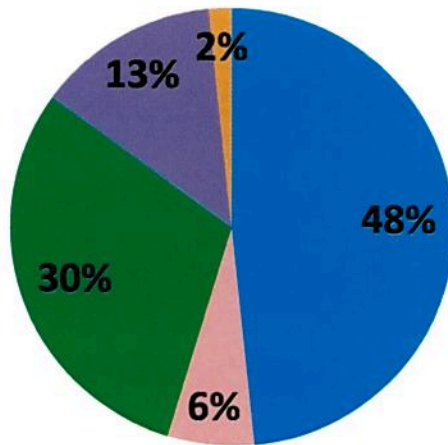
²⁰ NYC DOE, "NYC Data: Demographic Snapshots."

²¹ NYC DOE, Division of English Language Learners and Student Support, "English Language Learner Demographics Report: 2014-15 School Year."

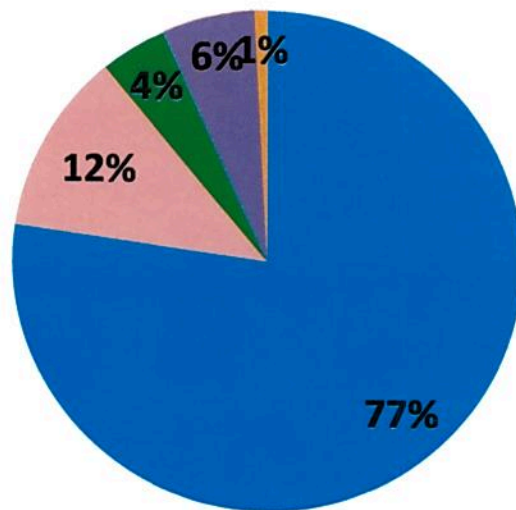
²² NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015," <<http://schools.nyc.gov/NR/rdonlyres/6035782C-F95D-4224-8372-F2B1F7E9A226/0/LocalLaw27of20152292016FINAL.pdf>>.

²³ NYC DOE, "NYC Data: Demographic Snapshots.," NYC DOE, Division of English Language Learners and Student Support, "English Language Learner Demographics Report: 2014-15 School Year.," NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015."

SY 14-15 Students with IEPs



SY 14-15 Students with IEPs and ELL



- Hispanic
- Asian
- Black
- White
- Others (Including Multi-Racial and Native American)

Students with IEPs also vary by disability classification: 40.4 percent have a learning disability, 31 percent have a speech or language impairment, 7.2 percent have autism, and 6.4 percent have an emotional disturbance, to name a few.²⁴ Therefore, Individualized Education Program (IEP) team planning meetings are critical to the success of a student.

Parents of Students with IEPs are Left in the Dark

The process of a student receiving an IEP starts when a parent makes a referral for an evaluation. After the parent submits a Consent for Initial Evaluation form, the DOE is mandated to evaluate the student within 60 calendar days.²⁵ Once the child's evaluation is completed, parents are invited to attend an initial IEP meeting. The meeting is comprised of parents, teachers, and school officials to discuss the student's academic standing and progress in order to create a plan specific for the child's needs to ensure success.²⁶ After the child has started receiving special education services, an IEP meeting is held each year to monitor the student's progress, and a complete review, including new evaluations, is done every three years.²⁷

According to the OPA's survey, 16 percent of the respondents did not attend the annual IEP planning meeting. The majority of those who did not attend their child's meeting were not informed about it. Others could not attend either because they could not arrange child care services, could not take time off from work or were told they could skip the meeting (**Question 9**). When asked about parents' input during the evaluation process, 62 percent of the survey respondents stated that they were asked to change their child's IEP, 58 percent of whom did not agree to the change (**Question 11**).

Furthermore, the DOE's 2016 annual report shows that 30 percent of the students with IEPs and their families have not been provided the three-year reevaluations in a timely manner (failing to have the reevaluations before the end of the third year calendar month).²⁸ Delays in the reevaluations have occurred consistently across race/ethnicity, gender, and family income.²⁹

²⁴ NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015."

²⁵ <http://schools.nyc.gov/Academics/SpecialEducation/IEPprocess/Evaluation/default.htm>

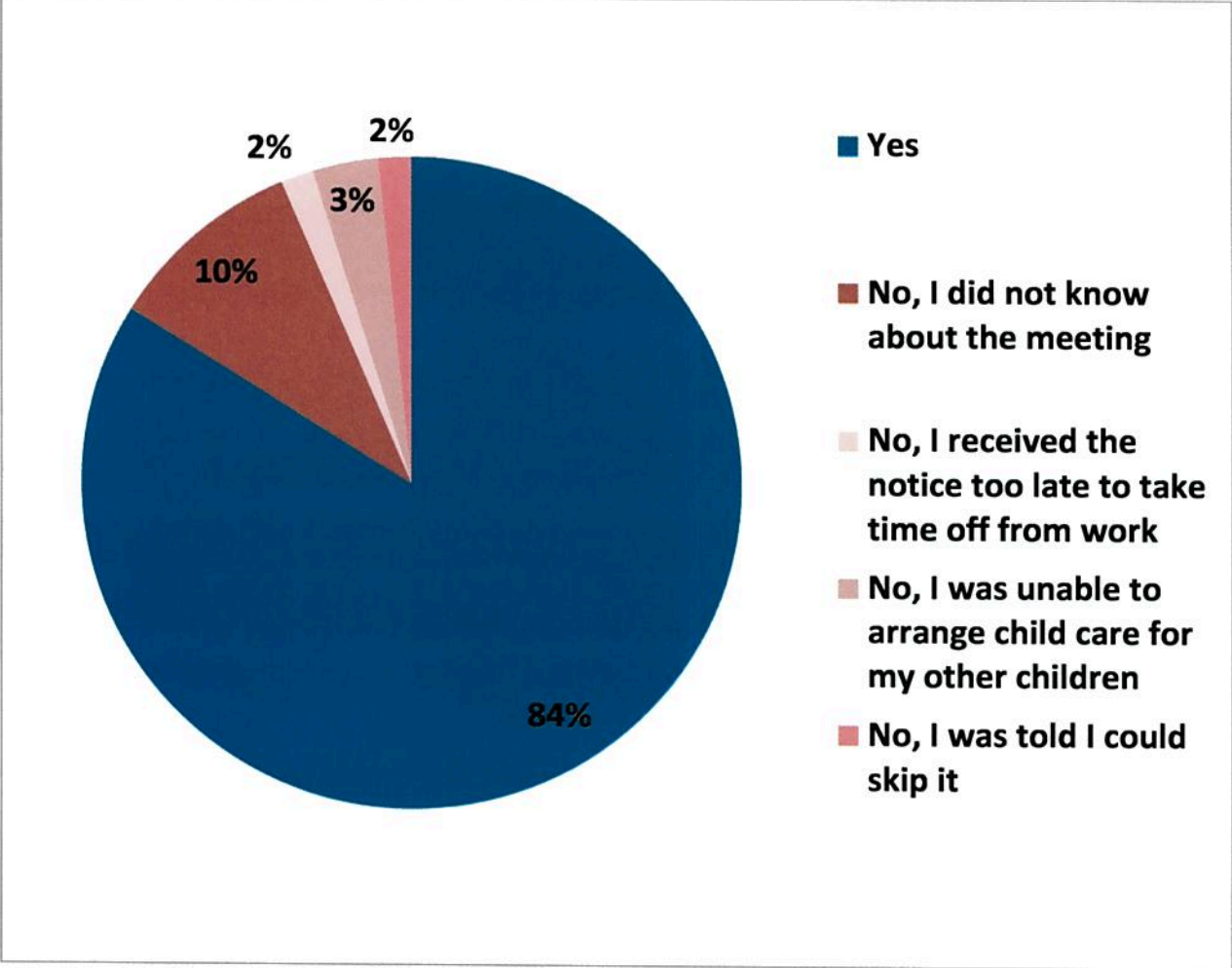
²⁶ New York City Department of Education, "What Happens at the IEP Meeting?," (available at <http://schools.nyc.gov/Academics/SpecialEducation/SEP/meeting/whathappens.htm>)

²⁷ NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015."

²⁸ NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015."

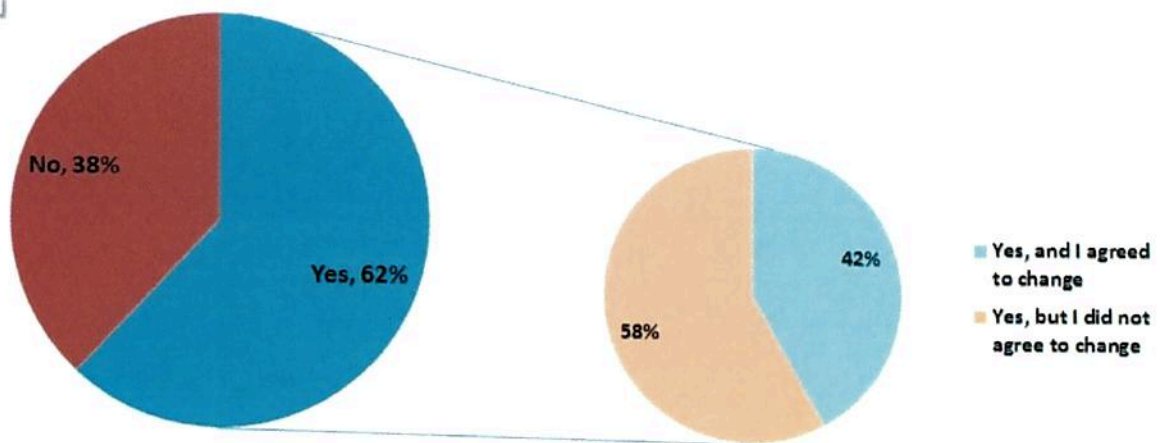
²⁹ NYC DOE, "Local Law 27 of 2015 Annual Report on Special Education, School Year 2014-2015."

Question 9 – Did you attend your child's Individualized Education Program (IEP) planning meeting this year? (Please check all that apply)



Question 11 – Have you ever been asked to reduce or change your child's Individualized Education Program (IEP)?

Chart Area



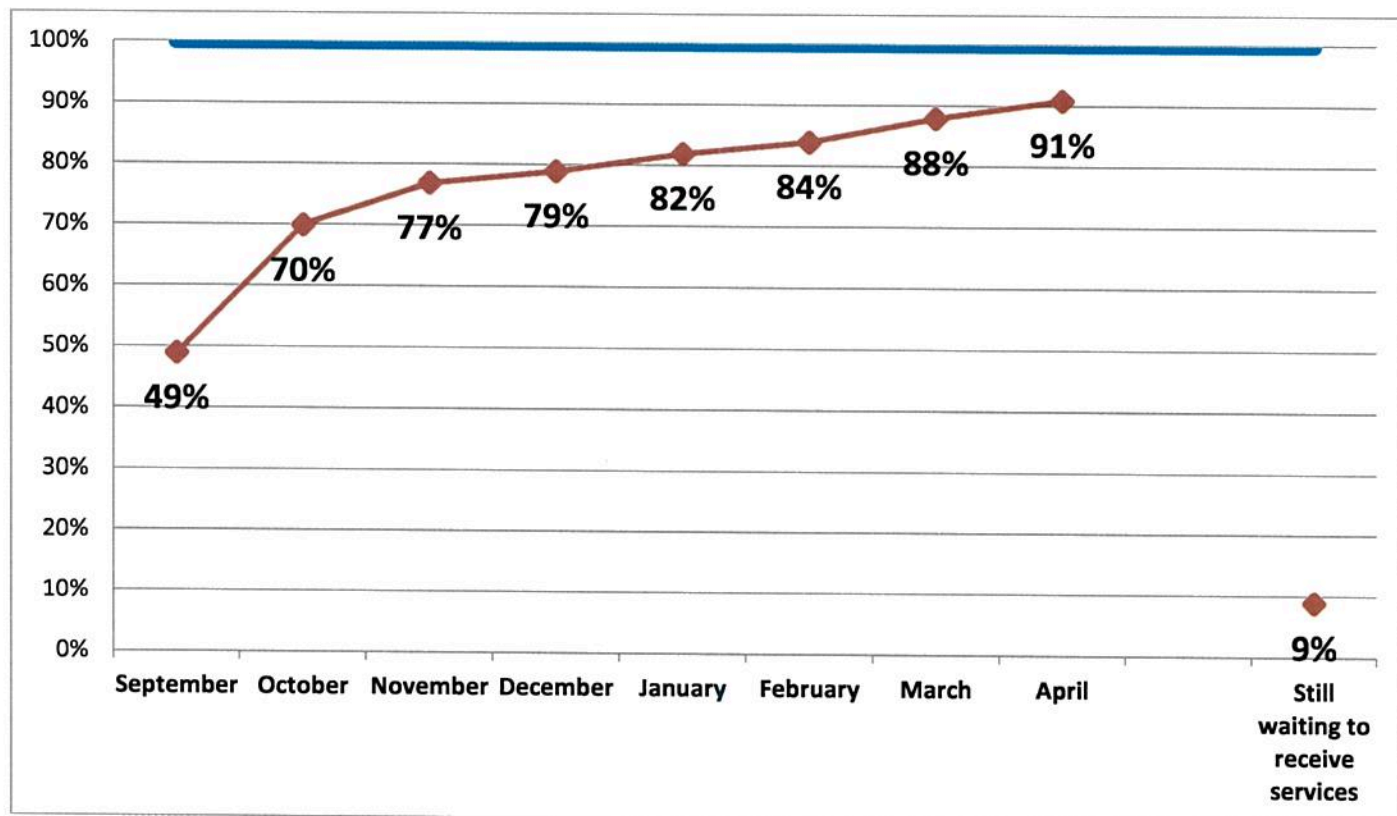
Students are Not Receiving Special Education Services in a Timely Manner

New York City mandates that students with IEP receive their special education services starting on the date of implementation included on the IEP. According to the DOE's annual report on special education, 40 percent of students with IEPs did not receive at all or only partially received their recommended special education services during the 2014-2015 School Year.³⁰ The expectation of mandated services should not be missed. In fact, while there is nothing on the books, the services should be delivered on the first day of the school year for returning students with IEP, just as students are expected to be provided with books and meals starting on the first day of the school year. Special education services provided by schools are meant to help students with disabilities succeed both academically and socially. However, failure to intervene early and other delays in services can inhibit progress for some groups.

When asked about the timeliness of the service delivery, over half (51 percent) of the OPA survey respondents said that their children did not receive all of the mandated services by October 1st. Nine percent of the students had not received all of their services even after April, almost approaching the end of the school year (**Question 10**).

³⁰ <http://schools.nyc.gov/NR/rdonlyres/6035782C-F95D-4224-8372-F2B1F7E9A226/0/LocalLaw27of20152292016FINAL.pdf>

Question 10 - At what month during the school year did your child with an Individualized Education Program (IEP) start receiving all of his/her mandated special education services?



* The percentages indicated above each month is cumulative of all previous months.

Too Many Students with IEPs are not getting Services due to the RSA Process

The DOE provides special education services through a three-tiered system. Typically, a school is responsible for providing the students with the special education services that is designated on his/her IEP. However, some community schools do not have the resources, staff, or expertise to appropriately serve these students. Many students who have IEPs receive services at their community school *if* their school has the staff and resources to provide the service needed. For those schools that lack the resources and the staff with appropriate expertise, the special education services would have to be contracted outside to meet the student's needs. If both the DOE and a contracted provider are unable to provide school-based special education services, the DOE issues what is called a Related Service Authorization (RSA), enabling the parents to identify an independent provider to serve their child at DOE expense.

The delay as a result of this three-tiered system is causing students to fall behind academically,

leaving the burden to parents/guardians to coordinate their child's services as stated and legally mandated on the IEP. Currently, DOE doesn't have a written timeline associated with how long this process should take. The only mention of when the completion of procedural steps should occur can be found in the DOE's outdated 2009 Standard Operating Procedure Manual (SOPM), which suggests a 15-day timeline from beginning to end.³¹ It is not mentioned anywhere on the DOE's website or in their Family Guide to Special Education Services for School-age Children. It is also unclear whether there is any oversight by the DOE when services are not provided within a 15-day period.

Additionally, the process has become even more onerous. According to special education advocates and service providers throughout the City, the SESIS data management system that is used to transmit requests for service is not functioning properly. As a result, referrals are stuck in the system and are not being completed. This prevents providers from being assigned to students and the services from being delivered. It also prevents the final step of the DOE issuing a RSA for an independent provider.

According to the RSA data received by the DOE, the DOE fully served 94.8 percent of all mandates of students with IEPs in SY 15-16.³² This is a significant improvement compared to having only served 75 percent of students who needed services in 2010³³; however, there continues to be significant shortages in certain service areas. In SY 15-16, the DOE fulfilled only 73.6 percent of bilingual counseling service mandates and 76.4 percent of bilingual speech-language therapy mandates. The DOE acknowledges that RSAs are issued only as a last resort, and as a result, they are issued for services that are "by definition the most difficult to serve."

When asked about special education services, 58 percent of survey respondents stated that their child received services through their IEP program. However, 21 percent of the students received services in a school outside of their zoned district. Many of the respondents who answered "Other" have indicated that their IEP evaluation or approval processes have just been started (**Question 8**).

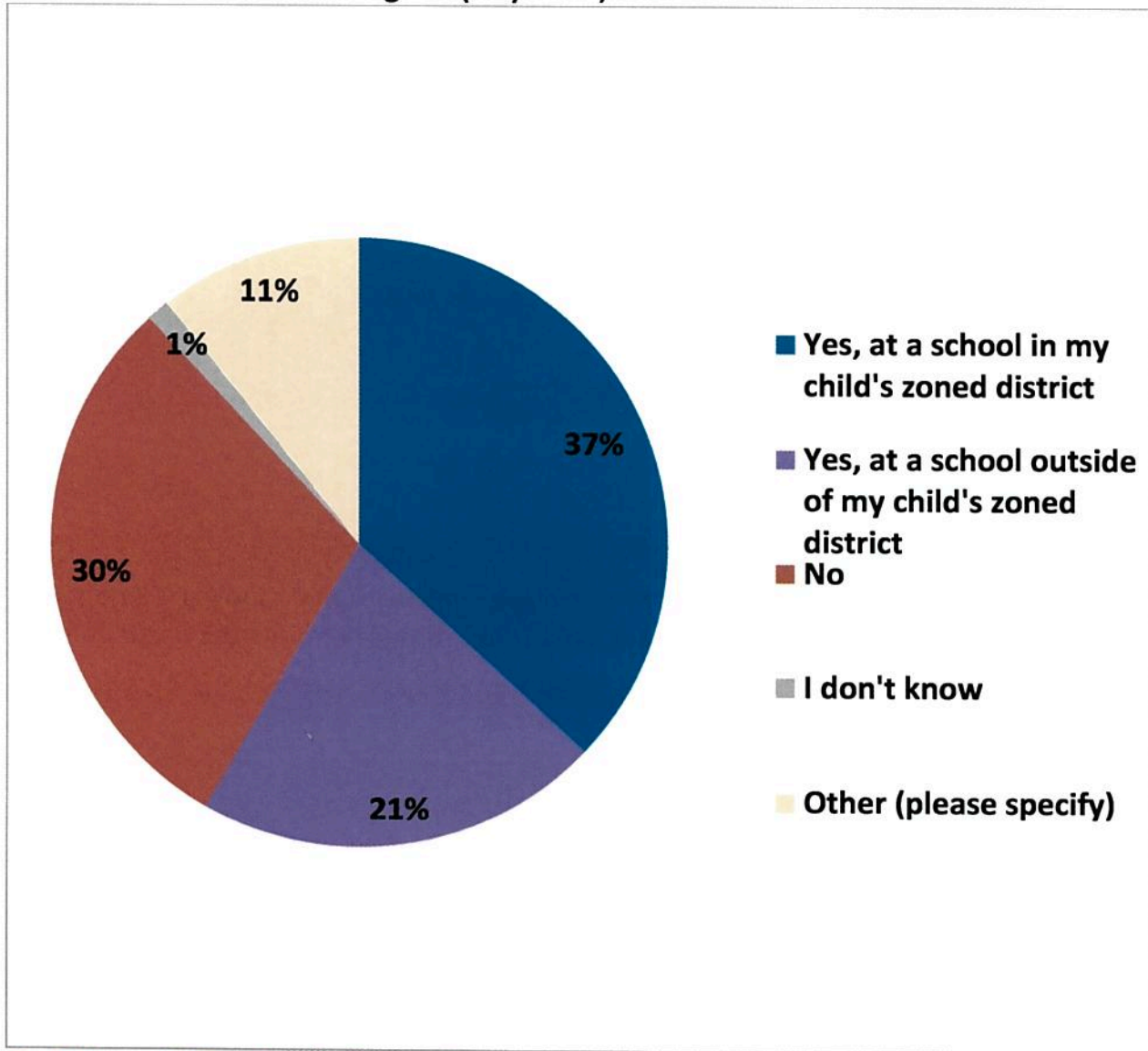
³¹ <http://schools.nyc.gov/NR/ronlyres/B658DB42-561D-4A93-9707-1645FD3AE961/0/SOPM.pdf>

³² Email from the Department of Education to Barbara Sherman, Deputy Policy Director for the Office of New York City Public Advocate, received on February 6, 2017.

³³ https://comptroller.nyc.gov/wp-content/uploads/documents/FK10_147A.pdf - page 3

A Related Service Status Report issued by the DOE's Division of Instructional and Information Technology (DIIT) found that DOE failed to provide 25 percent (72,000 students) with their mandated services in June 2010.

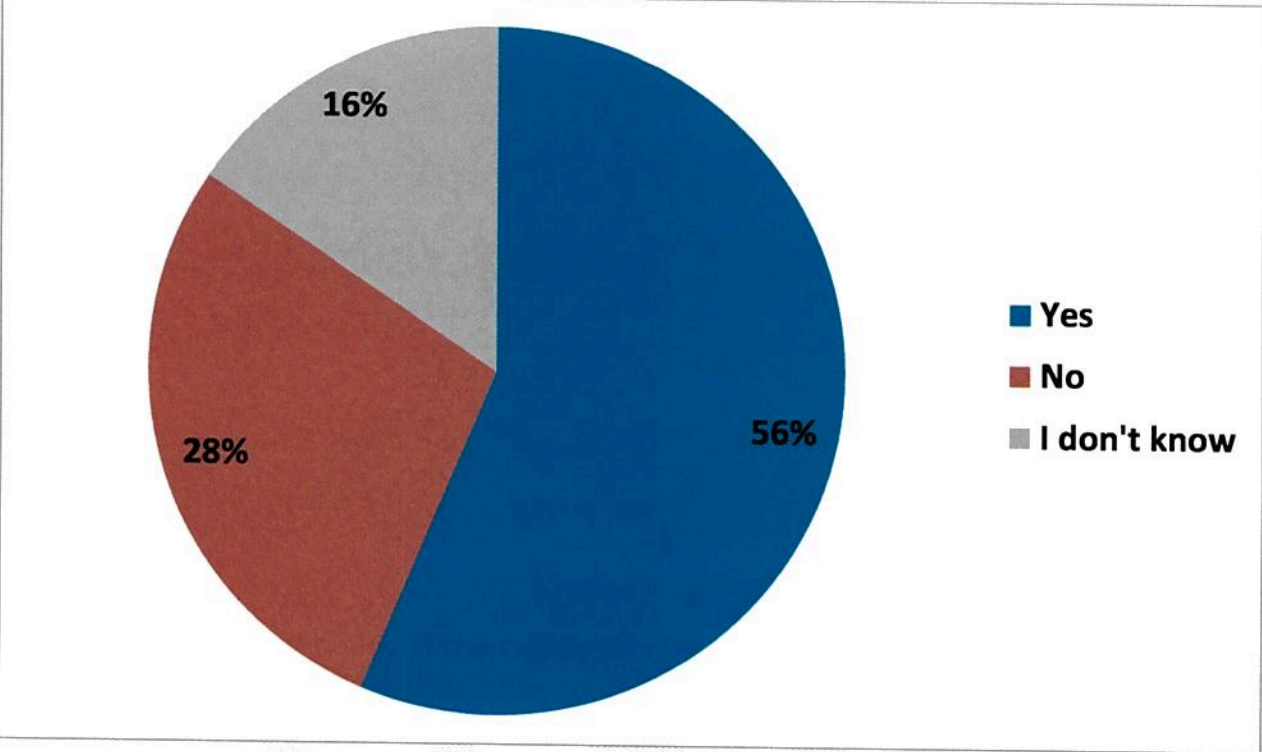
Question 8 – Is your child receiving special education services through an Individualized Education Program (IEP)? If so, where?



Confidence in Teachers is Key to Every Student's Success

While more than half (56 percent) of parents/guardians believe their child's teachers have the necessary skills to assist their students' special education needs, 28 percent of the respondents did not agree and 16 percent responded, "I don't know" (Question 12).

Question 12 - Do you believe your child's teachers have the necessary skills to help with their students' special education needs?



RECOMMENDATIONS

1. **Accountability for Language Access Coordinators**

Families of immigrant families want and deserve good education for their children as much as all other families in New York City. However, many public school parents are missing out on critical information about their child's education simply because they speak a language other than English. The City cannot allow linguistic barriers to prevent parental involvement. Chancellor's Regulation A-663, established in 2007, provides procedures to ensure Limited English Speaking parents can meaningfully participate and have access to information and services critical to their child's education. The DOE recently made an announcement to open more Dual Language programs in SY 2017-2018. While this initiative is important, it does not address the systematic challenges of parent engagement. More can be done to increase transparency and allowing information to be more accessible for parents whose English is not their first language.

There are about 1500 Language Access Coordinators (LACs) across the DOE schools who manage translation and interpretation needs for school parents, but without standard accountability measures for the position. Currently, there is no specific job description for the Language Access Coordinators. Moreover, the position is often on add-on role – rather than a stand-alone full time position – that school staff takes on. **In order to hold the job position accountable and ensure they have the uniform credentials, OPA believes that the DOE should create a clear job description for LAC.**

In addition, many parents whose English is a new language are not aware of the existence of LACs or lack up-to-date information of who to contact. Because the LACs are not a stand-alone position, some schools face a high turnover even within the same school year. **The OPA believes that the City must expand its resources and outreach efforts to proactively inform parents and communities of high language access needs about the LACs. In addition, the DOE must create a portal where parents can easily access updated information about who their current LACs are at given schools.**

2. **Increase Guidance Counselors (multi-lingual)**

As the student population at DOE is becoming more diverse, the role of guidance counselors is also becoming ever more essential. Guidance counselors provide not only academic planning, but also personal development and post-secondary directions for students – especially those who are from immigrant families and are the first generation to attend school in the United States. According to the DOE Report on Guidance Counselors released in 2016, guidance counselor to student ratio in New York City was 1:352 – far exceeding the counselor to student ratio of 1:250 that the American School