



THE LEGISLATURE
STATE OF NEW YORK
ALBANY

January 14, 2021

Honorable Bill de Blasio
Mayor of the City of New York
City Hall,
New York, NY 10007

Dear Mayor de Blasio:

In these difficult times, we applaud you and the Chancellor for starting the hard work of developing a proactive plan to close the “COVID achievement gap” experienced by many students throughout the city. We recognize that the details of this plan are still being determined.

We write today to make several recommendations for you to consider as you work to address both the achievement gap in academic, social and physical skill areas and the regression of life among the approximately 200,000 students with Individualized Education Programs (IEPs). Unlike other students, this population of children may never catch up on what was lost during the days of remote learning.

With regard to the effort to provide families the option of blended or remote instruction models, appropriate staffing has become a challenge, particularly for students with IEPs. This has been detailed in the [press](#) and in testimony from parents and other stakeholders at the joint committee hearing of the New York City Council on the reopening of schools (10/23/20). Additionally, parent-led advocacy consulting group, Special Support Services recently released a [report](#) that surveyed 1,100 parents whose children require special education services during the initial schools reopening, October 7-26. In this report, parents described numerous ways in which IEP services were not provided or partially provided. The following issues were identified:

- 1. Large Classes and Less Staffing have caused Integrated Co-Teaching Service to be Delivered Poorly:**

- Large sizes are over the UFT contractual limit: Highest reported Blended remote ICT had 80 students. Highest reported Fully Remote ICT class had 45 students.
- 55% Blended Remote ICT classes did not have two teachers.
- 39% Fully Remote ICT classes did not have two teachers.
- 22% of the Blended families reported that they had two teachers, but one teacher taught remotely and the other taught in person.

2. There has been Inefficient Structuring for Students in Self-Contained Classes (all students in the class have IEPs):

- In-Person Blended Self-Contained Class Cohorts were very small, with reports of class sizes of 2 and 3 students.
- Percentage of self-contained classes under 5 students: 64% of Elementary Students; 90% Middle School; 78% for High School.
- Even with these small cohorts and with D75 being prioritized to return to school 12/7/2020, many schools could not accommodate a consistent, 5x a week schedule for these students.
- 17% of students attended in person learning at schools with an Exception model, yet no clear guidelines provided as to how these schools received Exceptions or how parents could advocate for Exceptions.

3. There is Not Enough Live Remote Instruction or Small Group Support:

- 49% of Blended Remote students had one hour or less of live instruction on remote days.
- 43% of Fully Remote students had one hour or less of live instruction.
- 20% of Blended Remote students and 25% of Fully Remote students lack small, breakout group instruction.
- 62% of Blended Autism Spectrum Disorder Nest and Horizon Programs do not have access to their teachers during remote self-directed instruction.
- 46% of Blended Learners and 32% of Fully Remote learners had their related service therapies scheduled during live instruction.

4. There is a Lack of Access to Paraprofessional Services and SETSS (Special Education Teacher Support Services):

- 55% of parents with IEP-assigned paraprofessionals (paras) received either no support or under 30 minutes per day whether blended remote or fully remote
- 55% of parents said their child was not receiving all of their mandated SETSS

As over half of all students with disabilities learn alongside nondisabled peers, their failure to make appropriate progress will have consequences in both their classroom and school communities long into the future. The remedies will not only become more time intensive, they will be more expensive, with the cost borne by taxpayers.

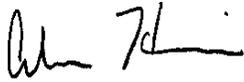
We would very much like to work with your administration to create a plan to address these staffing related issues affecting students with IEPs, which will obviate any need to have the New York State Education Department determine the extent to which services were either not delivered or only partially delivered.

We therefore respectfully ask that you consider the following recommendations:

1. Prioritize space and staffing for students in self-contained programs (e.g., 12:1:1, 8:1:1, 6:1:1) in District 75 and community schools. Prioritize these students for in-person, 5-day instruction consistently (without alternating weeks).
2. Remove [the DOE guidance](#) that blended remote ICT with 1 teacher is appropriate.
3. Remove [the DOE guidance](#) that suggests teachers may double caseloads.
4. Prioritize hiring certified special education teachers to fill staffing gaps.
5. Improve remote special education services by offering students with disabilities small group instruction and individualized instruction during asynchronous remote learning periods.
6. Improve remote special education services by offering small breakout groups during synchronous learning.
7. Stop the practice of using paraprofessionals for other school support during the “school day.” Provide mandatory training to paraprofessionals on how to support their students remotely.
8. Clarify and document what is appropriate special education service delivery. School teams need to document when services are not provided due to inappropriate staffing in the PAD (Program Adaptations Document).
9. Allow schools to offer Related Services Agreements (RSA’s), which will allow parents to seek independent providers for services such as speech, OT or physical therapy, to students who have live instruction for core classes and related services scheduled at the same time.
10. Create a proactive plan for students with disabilities to catch-up missed services and partial service delivery. The NY State Education Department Office of Special Education provided [guidance](#) to school districts in June 2020 regarding compensatory services. DOE should provide guidance to schools for how to have this discussion with families. We recommend that RSAs/P4s be offered when services do not happen or are partially provided. Skills remediation should be built into future school years.

As you are very aware, the pandemic started almost 10 months ago, and will continue well into 2021. We welcome the opportunity to partner with you to discuss the implementation of these recommendations. Again, we thank you for your proactive approach to addressing the effects of COVID and remote learning for our City's students.

Sincerely,



Andrew Hevesi
Children and Families Chair, NYS Assembly



Mark Treyger
Education Chair, NYC Council



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Jo Ann Simon
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Co-signed:

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