



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony to be delivered to the New York City Council Committee on Education and Committee on Mental Health, Disabilities and Addiction

### Re: Reopening NYC Public Schools: Impact on Students with Disabilities

October 23, 2020

Thank you for the opportunity to speak with you about the impact on students with disabilities of the reopening of NYC schools. My name is Randi Levine, and I am the Policy Director of Advocates for Children of New York (AFC). For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students from immigrant families, students who are homeless, students in foster care, students with mental health needs, and court-involved youth.

We recognize the immense challenge of reopening the nation's largest public school system and know that many DOE staff members, educators, and service providers have been working very hard during this unprecedented time. At the same time, we are gravely concerned about the impact of the pandemic on the more than 200,000 students with disabilities in NYC, many of whom cannot engage in remote instruction or services independently and many of whom simply are not getting what they need to learn.

Since the school year began, AFC has assisted hundreds of individual NYC families of students with disabilities. While many parents are relieved that their children are back in school at least part-time and other parents are relieved that their children can continue learning remotely full-time, we have heard about a range of concerns. This month, we heard from:

- Families whose children's IEPs mandate special education classes of no more than 12 students who are in remote classes with double or triple that number of students spanning up to four grade levels.
- Families pleading for more in-person instruction because remote learning is not working for their children and their children are losing skills, including a parent

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whose child with autism throws their iPad whenever it's time for remote learning and cannot sit in front of the iPad for class.

- Families who chose blended learning so their children could finally get related services in person only to learn that, due to staffing shortages, their school will only provide the services remotely, including one parent who described his kindergarten student's remote physical therapy as "pointless."
- Families whose children are getting fewer related service sessions or Special Education Teacher Support Services (SETSS) sessions than their IEPs require or are not getting services at all, including a parent whose child's IEP mandates three sessions of SETSS per week but has only received two sessions so far this year.
- Families whose children are getting minimal or no live instruction through remote learning and, to add insult to injury, are being pulled out of their live instruction for remote related services, including a student whose speech therapy is scheduled for the same time as his one hour per day of live class instruction.
- Families of students whose IEPs mandate Integrated Co-Teaching classes but are being taught only by a general education teacher – or not being taught at all – on days of remote learning.
- Families of students who have been waiting months for evaluations, including a parent who first requested an evaluation last February before schools closed.
- Families whose Special Education Program Adaptations Documents (PAD) say nothing about the modifications the DOE is making to their child's program even though their blended or remote program looks very different from their IEP, have not received their PAD at all, or cannot understand their PAD because it's not translated into the language the family speaks.
- Families of students who are going without the mental health services and behavioral supports they need to participate successfully in in-person learning and remote instruction.
- Families whose students are unable to access remote instruction or services because they do not have iPads despite requesting them from the DOE as far back as July or who cannot get their iPads to work.
- Families of students placed by the DOE at state-approved non-public schools who are at risk of losing their IEP-mandated one-to-one paraprofessionals as soon as Monday because there is not yet a state policy on reimbursement of paraprofessionals during COVID-19.
- Families who desperately need Learning Bridges seats for their children, especially given the difficulties finding child care for children with disabilities and the need for an adult to be present and actively involved in order for many students with disabilities to access remote learning and services, including an essential worker who exhausted all her paid time off setting up services and transportation for her child at the start of the year and doesn't know what she'll do without a Learning Bridges seat.



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- Families who won the lottery and were offered a Learning Bridges seat only to be told illegally by the program that it could not accommodate their child's needs, including a child with autism who was turned away.

It is hard to overstate how much work there is to do to help students with disabilities now and as the City recovers. We will be looking to the City Council to help get the data needed to better understand the problems and target solutions, to shine a spotlight on the impact of this pandemic on students with disabilities and advocate on their behalf, to secure desperately needed resources to better meet the needs of students with disabilities, and to ensure students with disabilities get the compensatory services to which they are entitled to make up for the learning time they have lost and are continuing to lose and get students back on track.

We thank the Council for focusing today's hearing on students with disabilities. We appreciate the ongoing work you have done to draw attention to their needs and to secure needed resources and look forward to continuing to partner with you.

Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.