

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
JOSE P. et al.,

Plaintiffs,

79 C. 270
(Nickerson, J.)

- against -

STIPULATION

THOMAS SOBOL, et al.,

Defendants.
-----x

WHEREAS, pursuant to an order of Special Master John L. Caden dated October 16, 1992, City defendants, on December 7, 1992, filed with this Court a revised detailed plan for the provision of appropriate related services for all students requiring such services; and

WHEREAS, since the filing of the December 7, 1992 Plan, the plaintiffs and City defendants have resolved the outstanding differences they had with respect to the December Plan's provisions; and

WHEREAS, the State defendants did not file any objections to any related services plan served and filed by the City defendants; and

WHEREAS, the January, 1993 "Revised Plan for Ensuring Optimum Delivery of Related Services to Students in the New York Public Schools," attached to this stipulation as Exhibit A, is the Plan upon which the plaintiffs and City defendants have agreed, subject to the provisions of this stipulation.

It is hereby stipulated and agreed by and among the parties as follows:

1. City defendants will implement the January, 1993 "Revised Plan for Ensuring Optimum Delivery of Related Services to Students in the New York City Public Schools" (hereafter "The Plan").

2. With the exception of those matters identified in paragraphs 4; 5 (e) and (g); 6(c) and (e); 7; 9; and 12 below, the parties agree that, based upon their understanding of

current circumstances, the Plan outlines appropriate means of providing related services to special education students for whom those services have been recommended. Should circumstances, or the parties understanding of them, change, either party may seek modification of the Plan or other appropriate relief. The parties jointly request that Special Master Caden recommend that the Court approve this stipulation and order in resolution of all outstanding claims of non-compliance regarding the provision of related services, including, but not limited to, issues raised by the above referenced order of October 16, 1992, the provisions of paragraphs 2, 30, 35-37, 57, and 66 of the judgment herein and paragraphs 17-21, 22(6) ("the provision of related services to LEP children") 31(d), and 32 of the stipulation and order of August, 1988.

3. Nothing set forth in this stipulation shall be read or interpreted to expand or contract the responsibilities undertaken or required of City defendants in previous judgments, stipulations and/or orders in this action, or to impose additional obligations upon City defendants except for those obligations explicitly set forth in this stipulation. The fact that plaintiffs have reserved their right to seek additional relief regarding matters identified in paragraphs 4; 5(e) and (g); 6(c) and (e); 7; 9; and 12 does not mean that City defendants have conceded that any claims so reserved would be legally cognizable under applicable law and/or the judgment stipulations and orders in this action.

4. Notwithstanding the provisions of paragraph "2"

a. Plaintiffs dispute the appropriateness of City defendants' systems for allocating and deploying related service providers to districts and schools, and City defendants' mechanisms for assuring that students recommended for related services in non-shortage areas are promptly served by NYCBOE providers. Nothing contained in this stipulation or in the Plan shall be deemed to waive or to determine any claims arising out of these contentions.

b. Nothing contained in this stipulation or in the City defendants' Plan is intended to prejudice the position of either party with respect to the issue of "substantial compliance," described in paragraphs 49-51 of the August, 1988 stipulation and order.

5. The Plan calls for convening of four new task forces to consider the following issues: 1) the provision of related services on a per session basis during other than school hours (III.E); 2) the programmatic delivery of related services (III.G); 3) the possibility of providing interim counseling services to students requiring bilingual counseling (IV.B); and 4) accommodating the needs of candidates for certificates of clinical competency in speech (IV.C).

a. Plaintiffs may nominate a consultant to sit on task forces 1, 2, and 3.

b. City defendants will provide plaintiffs with final reports of the task forces within 30 days of the completion of the reports.

c. If City defendants intend to take any actions based upon the recommendation of these task forces, they will notify plaintiffs thirty days in advance of their intention to do so.

d. If City defendants intend to take no action with respect to the findings of a task force, they will so notify plaintiffs within 30 days of the issuance of the final recommendation of the task force.

e. Plaintiffs have specifically reserved their right to seek relief with respect to decisions made by City defendants to take action or not to take action regarding the issues covered in this paragraph after the scheduled completion dates of the studies.

f. If plaintiffs decide to seek relief regarding any decision made by City defendants as reported to plaintiffs pursuant to paragraphs 5(c) and 5(d) above, plaintiffs will so notify City defendants within ten days of the date upon which they received notification from City defendants. The parties will then attempt to resolve their differences.

g. If, in the future, city defendants provide related services on a per session basis to students who cannot be served on school premises during the school day, parents of students in any school where per session services are offered, shall have a choice of per session or RSA services in accordance with the provisions described below. The parent shall first be offered per session services at any time other than school hours, either at the NYCBOE school site where such services are offered or at non NYCBOE site. If the choice is a non NYCBOE site, the parent may choose services to be provided at any time other than school hours at the student's home at the provider's place of business, or another appropriate location. If the per session services described above cannot be provided, then an RSA may be invoked. If any related services described in this paragraph are provided at a NYCBOE site or at the provider's place of business, transportation, if required, will be provided through RSA procedures.

6. The Plan also provides, inter alia, for two studies and one survey. One study addresses the Blended Model (IV.C.4) and the other, retention of New York City Board of Education ("NYCBOE") occupational therapists ("OTs"), physical therapists ("PTs") and vision and hearing education providers (IV.E). Under the Plan, NYCBOE will also conduct a survey of related service providers to determine which, if any, providers reasonably believe that their current space and/or supplies are insufficient. (III.H).

a. Plaintiffs will be consulted as to the design and implementation plan of the two studies and of the survey.

b. In June, 1993 City defendants will report to plaintiffs on the implementation of the Blended Model study. At the end of the 1993-94 school year, City defendants will meet with plaintiffs before deciding whether the Blended Model should be continued, expanded, changed, or terminated. If City defendants wish to terminate the Blended Model pilot before the end of the 1993-94 school year, they will meet with plaintiffs before doing so.

c. Plaintiffs have specifically reserved their right to seek relief with respect to decisions made by City defendants regarding the issues covered in this paragraph after the scheduled completion dates.

d. The procedures and time lines for providing plaintiffs with reports describing the results of the studies and survey, notifying them of decisions made, actions taken or not taken on the basis of these studies, and for plaintiffs' notifying City defendants of their intention to seek relief with respect to any decision made as a result of these studies shall be the same as those identified in paragraphs 5 (b), (c), (d) and (f) above.

e. For the scheduled duration of the Blended Model study, plaintiffs will not seek imposition of contempt remedies or penalties or additional judicial relief upon City defendants for any increases in the number of students awaiting speech evaluations or speech therapy services in the pilot districts, or in Citywide programs, provided that City defendants make maximum reasonable efforts to staff the districts, including Citywide, with speech providers and to obtain all available speech providers by use of the three tier process. City defendants have notified the State defendants of their intention to commence the Blended Model study, and have requested that the State not impose penalties upon the City defendants for any increases in the number of students awaiting

speech evaluations or speech therapy services for the duration of the study. City defendants will not implement the Blended Model pilot unless and until they have received assurances from the State defendants that such penalties will not be imposed. Plaintiffs will not be precluded from seeking further relief regarding Blended Model issues if the Blended Model study is not implemented in accordance with stated time lines because the State defendants have failed to provide appropriate assurances.

7. The Plan provides 1) at section III.F(2)(d), for development of guidelines intended to assist service providers in identifying appropriate strategies for providing interim related services to LEP students; 2) at F(2)(e) for the possibility of extending interim services to other related services; 3) at IV.D(2), for implementing strategies to ensure that LEP students are not inappropriately placed in speech therapy; 4) at IV.D(5) for consideration of whether or not the recommendations of the Speech Task Force should be implemented; and 5) at IV.E, for consideration of whether or not it is appropriate to make available bilingual paraprofessionals to facilitate, in certain circumstances, the delivery of OT and PT to LEP students. With respect to 2, 3, 4 and 5 above, the procedures and time lines for providing plaintiffs with any reports describing the results of the studies and survey; notifying them of decisions made, actions taken or not taken on the basis of these studies; and for plaintiffs' notifying City defendants of their intention to seek relief with respect to any decision made as a result of these studies, shall be the same as those identified in paragraphs 5 (b), (c), (d) and (f) above. With respect to item 1 above, City defendants will provide plaintiffs with copies of draft guidelines 10 days prior to implementing them. A request by plaintiffs for a reasonable extension of time to submit comments will be honored.

8. Plaintiffs will be furnished with reports in connection with three other provisions of the Plan: the Scholarship/loan forgiveness program (III.B); CAP (III.K); and Tracking Success (V).

a. If City defendants decide to limit or terminate future scholarships for a particular category of related service provider, plaintiffs shall be notified on November 15 and April 15 of the semester preceding the proposed terminations or modifications along with the data that formed the basis for their decision.

b. CAP. For every other month, beginning October 1, 1993 and for every month starting September 1, 1994, City defendants will issue a report that provides, for all LEP students who have been recommended for related services, the related service, the language of service, the type of related service provider, and whether the child is receiving IEP mandated services or interim

services. For the sole purpose of these reports, children will be designated as LEP whenever they have been given a bilingual assessment. Beginning in March, 1993, plaintiffs will also be provided with monthly CAP reports regarding related services.

c. In April, 1993, November, 1993, March, 1994 and June, 1994, the Executive Director of the Division of Special Education will meet with plaintiffs to report on the implementation of the Plan. City defendants will make maximum reasonable efforts to provide plaintiffs with appropriate data and documents five days in advance of each meeting. The parties will determine whether further meetings need to be held after June, 1994.

d. City defendants will also meet with plaintiffs regarding human resources issues, including recruitment and the scholarship loan forgiveness program on or about August 15, November 15 and April 15 each year until November 15, 1994. City defendants will make maximum reasonable efforts to provide plaintiffs all appropriate data and documents five days in advance of each meeting. The parties will determine whether further meetings need to be held after November 15, 1994. Nothing contained herein shall preclude other meetings related to human resources issues.

9. Plaintiffs will also be furnished with information regarding the number of budget lines, if any, for monolingual counselors in the Citywide program authorized pursuant to the OBOR analysis described in Section IV(A) of the Plan, along with an explanation therefor, and a description of any other efforts being undertaken to reduce the number of Citywide students awaiting monolingual counseling. Plaintiffs reserve their right to request additional relief on this issue. Nothing contained in this stipulation or in the Plan shall be deemed to waive or determine any claims plaintiffs may have regarding this issue.

10. With respect to the provision of interim related services to LEP students,

a. For as long as City defendants provide interim speech services to LEP students, plaintiffs will not seek imposition of class relief, including contempt remedies or penalties or additional judicial relief upon City defendants for any increases in the number of monolingual students awaiting speech therapy as a result of implementation of interim speech services, provided that City defendants, using the three tier system, make maximum reasonable efforts to staff the districts with speech providers and recruit all available providers or that all reasonable efforts to locate an

appropriate service provider for that child are continued. City defendants have notified the State defendants of their intention to provide interim speech services to LEP students, and have requested that the State not impose penalties upon the City defendants for any increases in the number of students awaiting monolingual speech resulting from this practice. City defendants will not implement interim speech services for LEP students unless and until they have received assurances from the State defendants that such penalties will not be imposed. Plaintiffs are not precluded from seeking further relief concerning the interim provision of speech services to LEP students if the State defendants do not provide appropriate assurances.

b. City defendants will ensure that LEP children receiving interim services pursuant to Section III.F.2 of the Plan are so identified in CAP reports.

c. By May 5, 1993, City defendants will initiate staff development and will provide sufficient written notices to all NYCBOE personnel calculated to ensure that (1) LEP students receiving interim services pursuant to section III (F) (2) of the Plan are recorded as receiving a distinct category of services known as interim services, which are not the related services required by the student's individualized education program, and (11) that appropriate NYCBOE personnel will continue efforts to recruit bilingual service providers for LEP students receiving interim related services

11. If and before City defendants decide to discontinue offering part time positions in shortage areas to all qualified individuals as permitted under section (III(E)(5), they will provide plaintiffs with ten days notice of their intention to do so. At the time that City defendants so notify plaintiffs, they will provide plaintiffs with information justifying their decision.

12. This stipulation does not preclude plaintiffs from raising at a future time and seeking relief with regard to the following three issues: 1) the feasibility and appropriateness of assigning Occupational Therapy Assistants ("OTAs") and Physical Therapy Assistants ("PTAs"); the effectiveness of current contracts and contracting procedures for providing related services; and rights, if any, of students unilaterally placed in private schools to receive related services at public expense.

13. City defendants may amend, supplement, or supersede any specific directives, forms and other documents used by staff in the implementation of the plan in accordance with the procedures set forth in paragraph 54 of the judgment. Plaintiffs will be provided with drafts of all relevant SOPs used in implementation of the Plan at least ten (10) days prior to their issuance.

14. Nothing contained herein shall be deemed to be an admission by any of the City defendants that they have in any manner or way violated plaintiff class members' rights as defined in the constitutions, statutes, rules or regulations of the United States, the State of New York, any other rules, regulations of bylaws of any department or subdivision of City government, or the Board of Education, or any judgment, stipulation or order in this or any other action. This stipulation is not related to any other litigation or settlement negotiations in other legal actions. Further, plaintiffs' acceptance of the Plan for the purposes set forth in this stipulation does not indicate their agreement with all the factual statements contained in the Plan.

15. This stipulation and order contains all the terms and conditions agreed upon by the parties hereto and no oral agreement, entered into at any time, or any written agreement other than court orders and stipulations in this action existing prior to the execution of this stipulation and order regarding the subject of related services shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained hereto.

16. This stipulation resolves in full all claims against City defendants by plaintiff class members with respect to the provision of related services up to and including the effective date of the stipulation and order, except that nothing in the stipulation shall affect the right of Jose P. class members to pursue individual remedies pursuant to 20 U.S.C. 1415(e)(3).

17. Provisions of this stipulation may become part of the consolidated judgment described in paragraph 34 of the 1988 stipulation and order.

Dated: New York, New York
February , 1993

MICHAEL A. REBELL ASSOCIATES
Attorney for UCP Plaintiffs

By: _____
Michael A. Rebell
260 Madison Avenue
New York, New York 10016
(212) 213-1007

Teitelbaum Hiller Rodman Paden
& Hibsher, P.C.
Attorney for Dyrcia S. Plaintiffs
260 Madison Avenue
New York, New York 10016

By: _____
Roger Maldonado

BROOKLYN LEGAL SERVICES B
105 Court Street
Brooklyn, New York 11201
(718) 237-5500

ADVOCATES FOR CHILDREN
OF NEW YORK, INC.
24-16 Bridge Plaza So.
Long Island City, New York 11101

Co-Counsel for the Jose P.
Plaintiffs
By: _____

O. PETER SHERWOOD
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 6C19
New York, New York 10007
(212) 788-0957
By: _____

SO ORDERED:

EUGENE H. NICKERSON, U.S.D.J.

EXHIBIT "A"

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
JOSE P., et al.,

- against -

THOMAS SOBOL, et al.,

-----x
UNITED CEREBRAL PALSY OF NEW YORK
CITY, INC., et al.,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW
YORK, et al.,

-----x
DYRCIA S., et al.,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW
YORK, et al.,

79 Civ. 279
79 Civ. 560
79 Civ. 2562
(Nickerson, J.)

-----x
CITY DEFENDANTS' REVISED PLAN FOR
PROVIDING OPTIMUM DELIVERY OF
RELATED SERVICES TO SPECIAL
EDUCATION STUDENTS IN THE NEW YORK
CITY PUBLIC SCHOOLS

O. Peter Sherwood
Corporation Counsel of the
City of New York
Attorney for City Defendants
100 Church Street
New York, New York 10007

Dated: New York, New York
January 29, 1993

TABLE OF CONTENTS

REVISED PLAN FOR ENSURING OPTIMUM DELIVERY OF RELATED SERVICES TO SPECIAL EDUCATION STUDENTS IN THE NEW YORK CITY PUBLIC SCHOOLS

I. Introduction	1
II. Goal of the Plan	4
III. Provisions Applicable to All Related Services	4
A. Recruitment of Related Services Providers	4
B. Scholarship/Loan Program	4
C. SOPM	5
D. Professional Development	5
E. Revisions to NYCBOE Practices and Procedures for Providing Related Services	6
F. LEP Issues	9
G. Programmatic Delivery of Related Services	11
H. Space and Supplies	11
I. Hiring and Staffing Procedures	11
J. Provider-Student Ratios	12
K. CAP	12
IV. Ensuring Optimum Delivery of Specific Related Services to Special Education Students in the New York City Public School System	13
A. Counseling: Monolingual	13
B. Counseling: Bilingual	16
C. Speech: Monolingual	18
D. Speech: Bilingual	22
E. Occupational/Physical Therapy	24
Occupational Therapy	24
Physical Therapy	25
F. Hearing/Vision Related Services	28
Hearing Education	28
Vision Education	29
G. Health Services	31
H. Transportation	32
V. Tracking Success of the Related Services Plan	33
Appendix A	

City Defendants' January, 1993 Related Services Plan

I. Introduction

The New York City Board of Education (NYCBOE) provides as related services counseling, speech therapy, occupational therapy, physical therapy, hearing education services, vision education services, health services, and other support services such as page turners or crisis management paraprofessionals.¹ Related services are regularly scheduled services necessary for students with disabling conditions to benefit from their primary educational programs and are intended to support the instructional program rather than duplicate it. The services are provided pursuant to the recommendation of the Committee on Special Education or School Based Support Team (CSE/SBST), following an appropriate evaluation of the student's needs. The SBST/CSE records its recommendation for related services on a student's Individualized Education Program (IEP).

Limited English proficient (LEP) students as well as English speaking students are entitled to related services. In some cases, LEP students are provided related services in their native languages while they learn English. The IEP goals identify the appropriate service language for prescribed related services.

Related services are provided by NYCBOE personnel or, if necessary, by other qualified providers. A qualified provider, whether employed by the NYCBOE or otherwise, is a person licensed or certified² to provide the particular related service. Such providers might be either employees of private agencies under contract to the NYCBOE or individuals hired pursuant to the Related Service Authorization (RSA) procedure.

The Chancellor of the NYCBOE has the overall power and duty to control and operate all special education programs and services, including, related services. However, subject to this ultimate power and duty, direct responsibility for the administration and supervision of related services depends upon the particular services involved. Some related services, such as occupational and physical therapy (OT and PT) and health services, are administered centrally by the NYCBOE's Office of Related and Contractual Services (ORCS). Providers of OT, PT and health services are NYCBOE personnel, contract agencies or RSA providers. Counseling and speech therapy, to the extent that they are provided by NYCBOE personnel, are supervised and administered by individual community school districts, high school superintendencies or

¹ NYCBOE also provides transportation as a related service. See Section IV H.

² NYCBOE, pursuant to its procedures, licenses pedagogical personnel. The State, by different procedures, certifies them.

Citywide (District 75) programs³. Hearing and Vision education are supervised and administered by directors of hearing and vision education assigned to District 75. If, due to shortages, services can not be provided by NYCBOE personnel, ORCS will either contract out the service or issue an RSA for the parent or guardian of the student.

Since the enactment of 20 U.S.C. 1401 *et seq.*, efforts to provide related services to special education students in the New York City Public School System (NYCPSS) have been thwarted in large part by a lack of qualified providers. As discussed below, provider shortages are most serious in OT, PT and speech, particularly bilingual speech. In particular, the shortage of providers has affected delivery of services to LEP students. Not only do LEP special education students speak Spanish, Chinese, or Yiddish languages where there is a reasonable expectation of finding qualified providers over time, but LEP students also speak Albanian (34), Khmer (16), Tagalog (8), and Farsi (18), among others.⁴

An accompanying document, the "Resource Guide", describes the many unprecedented steps that the NYCBOE has taken to obtain monolingual and bilingual providers in shortage areas, and to provide related services to students. The three tier system for providing services for students when no NYCBOE provider exists described in that document has been in place since approximately 1984, and a two tier system was in place before that. Extraordinary recruitment efforts for qualified providers including a scholarship and loan forgiveness program have been in existence since 1989 and will continue. The NYCBOE is currently funding 507 scholarships in shortage areas and will fund approximately 300 more for spring, 1993. The NYCBOE will continue a scholarship program, and other recruitment initiatives for as long as such programs are needed to increase, and are effective in increasing, the numbers of providers in shortage areas.

Appendix A, attached to this Plan, is a chart which illustrates the June, 1992 status of the NYCBOE's needs for qualified personnel. The information contained in Appendix A identifies the key shortage areas, short term and long term, and forms the basis for elements of this Plan.

Specifically, by the time the present 150 incumbents in the scholarship program for bilingual counselors finish their course work in 1994, there may be a sufficient number of providers in that area. By the time the 126 candidates for degrees that could lead to certification in monolingual speech now in the program complete their course work in the spring of 1996, it is projected that there may be a sufficient number of providers (BOE, contract agency and RSA) to meet the needs of students requiring monolingual speech as a related service. On the

³ Citywide/District 75 is the district which serves the most severely and profoundly disabled students in the school system. District 75 is not a community school district.

⁴ The numbers in parentheses indicate the total number of students in special education that speak that language, not merely LEP students receiving related services.

other hand, even with the present number of students in the scholarship program for bilingual speech (46), occupational therapy (124), and physical therapy (61), the provider needs of students in those related services will not be met for the foreseeable future.

Because the provision of related services varies with each related service, and because there are greater provider shortages in some areas than there are in others, Section IV of the Plan addresses each related service separately. However, certain elements of the Plan, such as continued aggressive recruitment strategies, strategies for ensuring improved retention of scarce providers, continuing investigation of appropriate ways of providing interim services as well as additional administrative and managerial initiatives, are common to many, if not all, of the separate related service areas described, and are summarized in Section III below.

Because the basic components of the Plan - continued recruitment, managerial initiatives, pedagogical innovations, and enhanced professional development - will be implemented by a variety of NYCBOE divisions and offices in the central board, community school districts and District 75, the Chancellor has established a Related Services Standing Committee to provide leadership and oversight for the implementation of this Plan. The Standing Committee includes representatives from the Offices of the Deputy Chancellor for Instruction, the Deputy Chancellor for Operations, the Office of Business and Administration, the Office of Monitoring and School Improvement ("OMSI") (including the Superintendent for Bilingual Monitoring), the Division of High Schools, the Executive Director of Special Education, the Executive Director of Human Resources, and Counsel to the Chancellor. The specific role of the Standing Committee in ensuring optimum delivery of related services is described in Section V of the Plan.

II. Goal of the Plan

The goal of this plan is to provide appropriate related services promptly⁵ to all students needing such services through NYCBOE employees, bilingual where necessary, in the appropriate languages during the regular school day. As stated above, a major barrier to the provision of related services to all students has been the lack of qualified providers, particularly those able to serve limited English proficient (LEP) students. Although increasing numbers of providers are now available to serve the needs of students, there are still shortages in three areas, bilingual speech, OT and PT, shortages that may exist for many years. Accordingly, the goal, in certain areas, is not one which may realistically be attained over the short term. Nevertheless, NYCBOE will use and continue to use maximum reasonable efforts to achieve both its general goal and each of the specific components of the plan.

III. Provisions Applicable to All Related Services

A. **Recruitment of Related Service Providers**

The NYCBOE will undertake aggressive recruitment programs at all colleges and universities in the New York, New Jersey, and Connecticut areas which offer programs in needed related services, and, where likely to be effective, at other colleges and universities in other parts of the United States. Recruitment advertisements will be placed regularly in all major professional journals covering each related services area, and, to the maximum extent appropriate and necessary, in publications of general circulation, including publications aimed at non-English speaking readers.

The NYCBOE in collaboration with CUNY's Workforce Initiative, is planning additional ways to meet critical provider shortages in special education. The Workforce Initiative is intended to link CUNY's programs to workforce needs of the City. This effort includes exploring collaborations to build CUNY capacity or developing new programs in high priority/critical shortage areas such as bilingual education, bilingual speech, OT and PT and facilitating the development of Master of Arts in Teaching (MAT) programs for college graduates who lack requisite education course work to become certified or licensed teachers. This initiative is intended to enhance recruitment of bilingual individuals, second careerists and qualified immigrants.

B. **Scholarship/Loan Program**

The NYBOE is currently funding 507 scholarships awarded to students taking courses leading to degrees which will result in certification and licensure in shortage areas. Once such a scholarship is accepted, the NYCBOE funds the awardee through the completion of all

⁵ Related services are provided "promptly" when provided no later than the time limits for timely placement set out in the judgment, and immediately upon placement.

eligibility requirements. The NYCBOE will continue this program and will continue to actively recruit applicants and to offer scholarships to all eligible applicants through the 1994 fiscal year (i.e., June, 1994).⁶ However, the NYCBOE will continue the scholarship/loan forgiveness program after that date for as long as it is needed to increase, and is effective in increasing, the numbers of related service providers in shortage areas. Effective February 28, 1993, the program will be extended to include all needed eligible individuals enrolled in programs which will prepare them to serve as teachers of the deaf and hard of hearing and as teachers of vision education. Concurrently, the NYCBOE will examine other strategies for recruiting providers in shortage areas, and, as importantly, in retaining those recruited.

C. SOPM. The NYCBOE will develop and/or revise standard operating, staff development, supervision, and monitoring procedures appropriate and necessary for implementing this Plan.

D. Professional Development. The NYCBOE will develop, implement, maintain and update a comprehensive system of professional development to ensure that NYCBOE, contract agency, and RSA related service providers, teachers, supervisors, administrators, CSE's, SBST's, monitors, DASEs and other staff are appropriately and adequately prepared and trained. This system shall

1. Provide for the appropriate education and professional development of staff. The NYCBOE will ensure that its personnel participate in sufficient staff development activities to ensure that the purposes and the requirements of the plan are fulfilled. Mandatory staff development activities shall include professional development sufficient to keep related services providers and CSE/SBST staff abreast of developments in related services disciplines and in appropriate techniques for delivery of related services in the least restrictive appropriate environment. In addition, to the maximum extent possible, the NYCBOE will encourage participation in voluntary staff development activities through securing the approval of professional associations for Board offered staff development, and

2. Disseminate significant information derived from educational research and other sources and adopt, where appropriate, promising educational practices and materials development for the delivery of related services.

⁶ The NYCBOE may limit or terminate scholarships for a particular category of related service provider based upon a showing that a particular category is no longer a shortage area, or despite maximum reasonable efforts to recruit and retain staff, the program has proven ineffective for the shortage area.

E. Revisions to NYCBOE Practices and Procedures for Providing Related Services

1. The NYCBOE will continue to provide related services through the three tier structure referred to in Section I B of the Resource Guide.⁷

2. During the spring, 1993 term, the NYCBOE will issue a procedural document outlining the steps necessary to initiate, amend or terminate the provision of related services. Incorporating the CAP related services system, this procedural document will address such items as requests for staff allocation, time frames, contracting out, etc. After the CAP related services system is fully implemented, related services information concerning individual students will be on-line. At that time, NYCBOE will amend its internal time frames for obtaining providers during the school year as follows: no more than two days from the final notice of recommendation for identifying a NYCBOE provider; no more than five days for ORCS to transmit each case to an appropriate contract agency; and no more than ten days for the contract agency to initiate services or return the case to ORCS. Immediately upon return of the case, ORCS will issue an RSA, and RSA assistance procedures will commence. However, if no appropriate contract agency is available to provide services, ORCS will issue an RSA within two days of referral to ORCS. The NYCBOE commits to shortening time frames for providing related services to the maximum extent possible, including renegotiation of service contracts if possible.

By July 1993, NYCBOE will establish modified time frames for processing related service assignments for children who have been recommended to receive related services before or at the beginning of the school year. These time frames shall ensure, to the maximum extent possible, the prompt initiation of related services to all students at the beginning of the school year, whether by NYCBOE staff, contract agency staff or by RSA. It is understood that if it is learned, on staff reporting day, that services cannot be initiated because of unexpected staff changes beyond the control of NYCBOE, service will be provided at least within the timeframes described in the preceding paragraph.

3. By April, 1993, the Executive Director of DSE will convene a Task Force on providing related services on a per session basis during other than school hours. The Task Force will be responsible for producing, by June 30, 1993, a report outlining its conclusions and recommendations.

⁷ Per session as referred to in IB of The Resource Guide actually refers to teachers serving in lieu of their preparation periods. Thus, the first tier includes full time and part time providers as well as teachers serving in lieu of their preparation periods.

4. Effective no later than February 28, 1993, Personnel Memorandum #14, 1992-93, pertaining to teachers in shortage license areas, will be revised to state that in regard to each category of related services in which there are staff shortages, every related service provider in the school or program to whom the memorandum applies shall be offered the opportunity to teach in lieu of preparation periods.

5. Part time positions in shortage areas will be offered to all qualified individuals who express interest, unless it can be demonstrated that offering part-time positions in a particular area necessarily has the effect of materially reducing the availability of full time providers. In addition, NYCBOE will advertise the availability of part time positions. In order to determine the pool of prospective part time staff, the Division of Human Resources (DHR) will canvass all individuals who possess appropriate licensure but are unavailable to serve full time, as well as those individuals on leaves of absence without pay. Additionally, DHR will request the Teachers Retirement System (TRS) to communicate to all retirees the availability of part time positions in related service shortage areas and to describe the health, welfare and other benefits associated with providing such services.

6. During the Spring, 1993 term, the NYCBOE will issue a memorandum that will set forth its policy regarding assignment of related service providers to other duties. This memorandum shall provide that related service providers shall not be used to cover classes of absent teachers or be assigned to other duties in the school which would interfere with their ability to provide mandated services except in cases of emergencies. Even in emergencies, no related service provider may be assigned to other duties when another appropriate school staff member is available.

7. Assisted RSAs. NYCBOE commits to assisting, in appropriate home languages, parents/guardians who are recipients of RSAs, in understanding the documents issued to them and in obtaining appropriately licensed independent providers. This commitment shall be carried out by ORCS in coordination with community school districts, DASEs, high school and Citywide related service administrators, and others within the school system. To that end, ORCS has hired two additional staff members to assist parents in obtaining RSA providers.

8. Coordination of Related Services. Related Services Administrators in the districts and at central will identify the school level personnel to be responsible for coordination of related services, including any services provided by contracts, RSA's or per session. ORCS will convene a meeting among related services administrators and DASEs and will take other actions, if necessary, to ensure that related services administrators and school level coordinators understand their responsibilities and are fulfilling them.

9. Once RSA services have begun, even if the NYCBOE determines that it can provide the service for the student, the parent will have the option either of continuing with the RSA provider through the last day of the school year, or terminating the RSA provider's service and having the NYCBOE provider serve the student.

Once contract services have begun, and if a NYCBOE provider is identified, in lieu of terminating contracted services, maximum reasonable efforts will be made to assign a NYCBOE provider to a school where there are unserved students. In cases where such an assignment can not be accomplished, contracted services may be terminated.⁸ If, however, due to extenuating circumstances (e.g., it is near the end of the semester) or it is demonstrated by the parent, school staff, or others that by terminating contracted services prior to the end of the semester, a student's progress will be adversely affected, contracting will continue through the end of the school semester. At the time the contract agency is notified of termination, parents will be notified, and will be provided the name of the related services coordinator at the student's school or district who the parents may contact, if they have questions or concerns.

10. Coverage of absent providers. No later than September 1, 1993, the NYCBOE will implement a system for prompt appropriate coverage of absences of related service providers, except in service areas where staff shortages would make implementation of such a system impossible. This system will ensure the reasonable provision of services by a qualified substitute provider during periods when the assigned provider is expected to be absent for 10 days or more, and it is determined that such provision is reasonable. It is understood that in implementing this system, reasonable provisions will be made for determining how long it is expected that an absence will continue. Make up sessions will be provided where educationally appropriate and if time permits.

⁸ This procedure does not apply to Health Services because short term contracting is utilized pending processing of BOE providers in order to ensure that students can attend school.

F. LEP Issues⁹

1. Assessment and Recommendation Procedures

a. **To the maximum extent feasible, LEP students requiring related services shall be served in the appropriate language.** Nevertheless, as set forth in Section II, the long term goal of the NYCBOE shall be to **provide all the related services set forth in the IEP in the appropriate languages of instruction as determined by the student's IEP.**

b. For each student, including each LEP student, appropriately licensed assessment professionals will **provide a functional description, on each student's IEP, of the student's receptive and expressive language skills in the English and other than English language.**

c. Assessment professionals will adhere to current NYCBOE policy to not recommend the provision of related services to a student, including a LEP student, based on learning or other difficulties that are primarily attributable to cultural, linguistic, or ethnic factors, or to the student's deferred education in a formal public school setting.

d. **When recommending related services in every category, the teams shall consider, for each LEP student, that student's skills and needs in both the English and other than English languages.** Additionally, **the team shall determine how the proposed related service will meet that student's needs as well as the appropriate language of service.**

e. For each student, including each LEP student recommended for related services, appropriately licensed assessment professionals will **identify on the IEP both the long term goals and short term objectives sought to be obtained for each service.** In addition, the IEP will include appropriate objective criteria and evaluation procedures and schedules for determining whether instructional objectives are being met. **For each LEP student for whom the related service shall be provided by a monolingual service provider, and for whom additional language services are necessary, as indicated by the IEP, the IEP shall also set forth the means by which the LEP student's language needs will be met, with respect to the service, during the provision of the related service.**

2. Interim services. **If a LEP student cannot be provided appropriate related services set forth in the IEP that address the LEP student's individual language needs in English and other than in English, the LEP student will be provided**

⁹ Certain sections of F1 apply to non LEP students also.

interim services that are identified by appropriately licensed bilingual clinicians, as providing educational benefit to the LEP student.

a. It is acknowledged that **interim related services are not the "related services required by the student's individualized education program"**. See Judgment para. 4(c). Interim services may only be implemented **after all available and reasonable means to provide the appropriate related service to the LEP student have been exhausted**, and shall not serve as a basis to discontinue ongoing efforts to recruit and place bilingual service providers.

b. **Interim speech** and language related services provided to a LEP student will address the LEP student's needs in both English and the student's **other-than-English language**.

c. The multidisciplinary team shall identify on **an addendum** to the IEP the **goals and instructional objectives** sought to be attained by the **provision of the interim related service** and the category, by license and language, of service provider(s) who will provide the interim service.

d. The NYCBOE will **develop and provide guidelines to assist the service providers to identify**, in writing, in consultation with the LEP student's parents, the **strategies designed to achieve the goals and objectives set forth in the interim services addendum** to the IEP.

e. The persons providing these interim services will **receive ongoing technical assistance, staff development, consultation, and supervision** from appropriate licensed professionals, **including bilingual professionals**, as necessary to provide the most appropriate feasible benefits. **Presently interim services are planned for bilingual speech**. If, in the future, interim services are extended to other related services, a plan will be formulated at that time.

G. Programmatic Delivery of Related Services

The Executive Director of DSE, during the early Spring term of 1993, will convene a Task Force to consider the feasibility and appropriateness of providing related services on a programmatic basis. The Task Force will be responsible for evaluating issues attendant to the implementation of MIS II programmatic counseling, as well as for producing a report outlining its conclusions and recommendations regarding programmatic delivery of related services. It should be noted that changes resulting from the Chancellor's implementation of Task Force recommendations may necessitate revisions in the NYCBOE continuum of services document.

H. Space and Supplies

NYCBOE will use maximum reasonable efforts to provide all related service providers, including contract providers who work in the schools with appropriate space and sufficient supplies to enable these providers to provide appropriate related services to their students. During the Spring term, 1993, NYCBOE will conduct a confidential survey of all related service providers to determine which providers, if any, reasonably believe that their current space or supplies are insufficient. The survey will include, but not be limited to, the adequacy of space, furniture, testing materials, supplies, and access to telephones, copiers and typing equipment. The survey will be distributed by and returned to the office of the Executive Director of Special Education. NYCBOE will implement a reasonable program to remedy problems regarding space and supplies identified by the results of the survey. NYCBOE will take reasonable steps to assure that any future problems concerning space and supplies that occur or reoccur will be appropriately handled.

I. Hiring and Staffing Procedures

In shortage areas, the NYCBOE will continue to hire, and promptly assign, all qualified providers who agree to work for it until such time as there are sufficient numbers of NYCBOE providers to serve all students recommended for that service.

In non-shortage areas, the NYCBOE will make maximum reasonable efforts to have on staff a sufficient number of providers to serve all students recommended for that service, and to ensure that students newly-referred for service are assigned immediately to NYCBOE providers

Where appropriate and necessary, NYCBOE will simplify and clarify its existing procedure for allocation and assignment of related services providers. Once the CAP related services system is fully operating, it will be used for monitoring the allocation and assignment systems.

J. Provider-Student Ratios

Once the CAP Related Services System is fully operational and related service data is fully entered into the system, the NYCBOE will annually review its provider to student ratio so that staff allocation is based on realistic projections of the actual needs of students, accounting for frequency, duration and group size. To a maximum reasonable extent, all students will receive services for the full amount of time required by their IEP's. Actual provider travel time and time needed to collect students shall not be subtracted from scheduled service time for students.

K. CAP

The NYCBOE will make maximum reasonable efforts to implement the CAP tracking and reporting system by February 28, 1993. Implementation of that system will assist in ensuring that recommended related services are provided promptly and appropriately. In addition, NYCBOE will provide every other month beginning October 1, 1993, and every month starting September 1, 1994, a report that provides, for all LEP students who have been recommended for related services, the related service, language of service, the type of related service provider, and whether the LEP child is receiving IEP mandated services or ~~interim~~ services. For the purpose of these reports children will be designated as LEP whenever they have been given a bilingual assessment.

interim

IV. Ensuring Optimum Delivery of Specific Related Services to Special Education Students in the New York City Public School System

A. Counseling: Monolingual

Counseling as a related service is designed to address the social and emotional needs of students which prevent them from benefitting from their primary educational programs. This service is provided by licensed or certified guidance counselors, school social workers or school psychologists. It should be noted that monolingual counseling includes (1) ongoing communication with program staff and parents to ensure the coordination and congruence of the instructional program including the development of career decision-making skills and education/vocational planning, and (2) coordination of related service goals with programmatic counseling to support therapeutic environments established in programs for students who demonstrate significant or severe difficulties in the acquisition and generalization of social/emotional skills.

There is presently no shortage of certified or licensed monolingual counselors. Accordingly, proper allocation and deployment of staff can ensure that virtually all students recommended for the service receive it in a timely fashion. Indeed, recent CAP statistics show that a very small proportion of students recommended for monolingual counseling are awaiting that service.¹⁰

The Office of Budget Operations and Review ("OBOR") annually projects the maximum number of students who are expected to be recommended in each district utilizing March data for the previous two years, taking into account referral trends. OBOR has found that March data most accurately reflects the number of students who can be projected as requiring the service. Based on these projections and on average ratios of providers to students, positions are allocated to community school districts, Citywide Programs, and the High School Superintendency at the beginning of each school year to ensure that students recommended for this service receive it at the commencement of the school year. If unanticipated increases or decreases of students recommended occur during the school year, the number of positions allocated to a district may be either increased or decreased at any time during the year. Forms OBOR-60 and OBOR-60A, comprising attachments M and N to the Resource Guide, are used by community school districts to justify increased allocations of counselors.

The community school districts, District 75/Citywide Programs, and the High School Superintendency are responsible for declaring vacancies and requesting staff to fill the vacancies. The Division of Human Resources makes appointments from eligible lists for declared vacancies.

¹⁰ Because the figures in Appendix 1 regarding students awaiting related services do not describe the length of the wait, some of those listed as awaiting monolingual counseling may be within mandated timelines.

If eligible lists are exhausted, then certified provisional teachers (C.P.T.) and Preparatory Provisional Teachers (P.P.T.) fill remaining vacancies.

Fractional portions of community school district staffing allocations are placed in a "fractional pool." The fractional pool combines the fractional position portions of allocations for crisis intervention teachers, supervisors (itinerant), language coordinators, related service counseling, and related service speech. Districts which are not allocated a full health coordinator position may link their separate Health Coordinator allocation with fractional pool funds in order to fund a full health coordinator position. Districts are directed to give out-of-program-compliance situations first priority with regard to the use of fractional pool funds. Districts are further advised not to commit all their fractional pool resources at the start of the school year, but to set aside a reserve for handling compliance issues that may arise later in the year. Districts are required to identify to OBOR how they spend their fractional pool monies.

Regardless of what the fractional portions of their allocations add up to, each district is guaranteed a minimum fractional pool. For FY 1992-1993, that minimum is \$122,000. Thus each community school district receives more than enough money in their fractional pool to hire, for example, one full time additional counselor as well as one full time additional speech teacher, if it determines that that is the best way of serving the students in that district.

Subject to the overall power and duty of the Chancellor to control special education programs and services, it is up to each district to deploy its counselors in such a way as to ensure that all recommended students receive their counseling. Schedules are arranged so as to maximize the caseload of each counselor. Beyond that, districts have great discretion in determining the best strategy for providing service. As one example, they might use itinerant counselors to serve those students in different schools who are not assigned to counselors based at their schools. Where necessary to serve timely those students recommended for the service, the RSA mechanism is employed.

Beginning in the Spring Term, 1993, the Division of Special Education (DSE) will regularly analyze data, including information on the numbers of students awaiting monolingual counseling in the community school districts, to determine which, if any, districts have demonstrated an inability to properly manage their resources so as to provide monolingual counseling to their students. In the Spring or early Summer of 1993, any district so identified will be required to send administrators to workshops regarding proper use of resources to provide service to all students requiring it. Other districts will be invited to send representatives to the workshops. Districts which have been most successful in managing their resources to properly serve students will be encouraged to provide advice to less successful districts. Beginning in September, 1993 the NYCBOE will withhold fractional pool funds from those districts demonstrating an inability to properly manage their resources until such time as they submit a satisfactory plan for doing so.

OMSI will continue to monitor districts to ensure that they declare vacancies when necessary, properly deploy their staff, and properly use their fractional pool monies, in order

to serve all recommended students. Beginning in January, 1993, it will focus on those instances where RSA's have been issued for the provision of this service to ensure that that mechanism is only used in appropriate circumstances. If it finds inappropriate issuance of RSA's, it will follow up to ensure that the students affected receive counseling from Board of Education providers.

Because CAP statistics show a somewhat larger proportion of students awaiting monolingual counseling in the District 75/Citywide programs than in the community school districts, OBOR is reviewing the budgetary allocations for District 75/Citywide to determine whether additional counselors may be necessary to serve its students recommended for such counseling. Part of this analysis is a review of the appropriateness of the current provider-student ratios in light of the needs of Citywide pupils. The analysis will be completed shortly, and an appropriate number of budget lines authorized. In the meantime, the DSE, which administers the Citywide program, is ensuring that staff are deployed in such a way that counseling service to Citywide students is maximized.

Staff development initiatives have recently been implemented for counselors. Conferences scheduled for the 1991-92 school year included "Techniques for Working Effectively with Caribbean Students" and "Reality Therapy: A Model for Counseling Individuals of All Ages", and so on. Exhibit Q, Resource Guide.

B. Counseling: Bilingual

Bilingual counseling, just like monolingual counseling, is designed to address the social and emotional needs of students which prevent them from benefitting from their primary educational programs. It should be noted that bilingual counseling, like monolingual counseling, includes 1) ongoing communication with program staff and parents to ensure the coordination and congruence of the instructional program including the development of career decision-making skills and education/vocational planning, and 2) coordination of related service goals with programmatic counseling to support therapeutic environments established in programs for students who demonstrate significant or severe difficulties in the acquisition and generalization of social/emotional skills.

While no shortage of monolingual counselors exists, the statistics and estimates contained in Appendix A and described below indicate that a short term shortage of licensed or certified bilingual counselors does exist. As of June, 1992, 5,492 public school students had been recommended for bilingual counseling, and 4,793 were receiving the service. Of the 4793, **3970 received services from a NYCBOE provider, 778¹¹ from a contract agency, and 44 from an RSA provider.** A total of 669 students, or 12%, were not receiving bilingual counseling. Appendix A.

Since 1989, the NYCBOE scholarship incentive program has addressed the provider shortage in bilingual counseling. From the Fall of 1989 through the Fall of 1992, 182 candidates accepted awards of NYCBOE scholarships for degrees leading to certification in guidance and counseling (bilingual), and remained with the program. Of the total number of awardees, 32 have now graduated. 27 awardees are projected to graduate in 1993; 60 in 1994; and 63 in 1995, for a total of 150 actual and projected graduates.¹² Based upon these numbers and the rough projections contained in Appendix A, NYCBOE projects that, due to the enormous success of the NYCBOE's incentive program for bilingual counselors, in from two to three years, bilingual counseling will not be a shortage area, except in the rarer languages.

To increase the number of providers in the interim, NYCBOE will continue to recruit for bilingual counselors at the eleven area schools, and other appropriate schools elsewhere. The eleven schools which offer course work leading to certification as a bilingual guidance counselor are: Teacher's College, Columbia University; New York University; Bank Street College; Fordham University; Long Island University; Hofstra University, CUNY, City College; CUNY, Brooklyn College; CUNY, Lehman College; and St. John's University.

¹¹ This number includes students receiving services from a mental health agency.

¹² Of the anticipated 150 graduates, 125 speak Spanish, 22 Haitian Creole, 7 Chinese, and 5 other languages.

To enhance the success of the scholarship and recruitment programs, efforts are made and will continue to be made to encourage counselors to remain NYCBOE employees. The New York State Plan for Education of Students With Disabilities, 1993-95, provides for "Special Education Training and Resource Centers" (SETRC) to provide regionalized training, information dissemination, and technical assistance on areas identified through a needs assessment process. The NYCBOE will seek to use this resource to provide additional staff development for bilingual counselors on an ongoing basis.

Recognizing the short term need for bilingual counseling services, the NYCBOE will establish a Bilingual Counseling Task Force. The Task Force's purpose is to determine and recommend appropriate interim services which should be provided to LEP students when bilingual counselors are unavailable. The Task Force will recommend the criteria for CSE's to use when recommending interim counseling services for bilingual students. The Task Force will be made up of representatives from higher education, collective bargaining units, bilingual counselors, and supervisors/administrators of counseling services.

C. Speech: Monolingual

Speech therapy as a related service is designed to provide students who demonstrate communication disorders¹³ the support needed to help them benefit from their education. Speech therapy should not duplicate language instruction provided in the primary educational program. It should be noted that speech/language therapy provides ongoing collaboration among the related service providers and school staff to ensure coordination and congruence with language stimulation and/or follow-up in the classroom and consultation and assistance to staff on specific strategies, adaptations, and modifications to learning activities that enable students to achieve the goals on the IEP.

A shortage of licensed or certified monolingual speech providers still exists. Appendix A shows that as of June, 1992, 41,191 public school students had been recommended for speech improvement (monolingual) as a related service. As of that date, 38,674 students, or 94%, were receiving speech improvement, 34,568 from a NYCBOE provider; 3,450 from a contract agency; and 656 from an RSA provider. Two thousand five hundred seventeen (2,517) students were awaiting speech (monolingual) as a related service.

As of that date, 943 speech improvement teachers were employed by the NYCBOE. However, from the Fall of 1989 to the Fall of 1992, 131 candidates for degrees leading to certification in speech improvement (monolingual) were given awards for scholarships for tuition reimbursement, and remained with the program. Of those 131 candidates, 5 have now graduated and are working for the NYCBOE. By Fall 1993, it is anticipated that 3 additional speech providers will be employed by the NYCBOE, and by Fall of 1994, 42 more; by Fall of 1995, 38 and by Spring of 1996, 43, for a total of 126.¹⁴

As reflected by the rough projections contained in Appendix A, the noteworthy success of the incentive programs for speech providers along with other developments described below, indicate that the existing shortage of monolingual speech providers will be greatly eased by 1995. In the interim, NYCBOE will take the following steps to ensure optimum service to the substantial number of students presently unserved.

1. According to the Division of Teacher Certification of the State Education Department (SED), the following area colleges and universities offer course work that could lead to certification as a speech improvement (monolingual) provider: Teachers College, Columbia University; New York University; Long Island University (Brooklyn and C.W.Post); Adelphi

¹³ A communication disorder is a significant difficulty in the student's ability to speak, comprehend, or use language which adversely affects the student's performance in school.

¹⁴ Most scholarship awardees began their 60 credit program in the Spring of 1992, and that is why so many will not complete the program until 1996.

University; Hofstra University; CUNY, Hunter College; CUNY, Queens College; CUNY, Brooklyn College; CUNY Lehman College; Mercy College; Marymount College; Pace University; and St. John's University. Aggressive recruitment efforts at these and other appropriate colleges are now planned to help meet the present need for providers.

2. In addition, annually, until there is no longer a shortage of speech providers, NYCBOE representatives will attend periodic meetings of professional associations including but not limited to the American Speech and Hearing Association ("ASHA") and the New York State Speech and Hearing Association to recruit additional speech improvement teachers - and speech pathologists, assuming SED makes a provision for their permanent certification.

3. Licensure and Certification of Speech Pathologists. The SED issues provisional and permanent state certificates in the area of speech and hearing handicapped to individuals who have completed required course work as outlined in the commissioner's regulations. In contrast, the State issues licenses as certified speech pathologists to individuals who may not have intended to pursue a career in the public schools and who did not fulfill the requirements for certification in the area of speech and hearing handicapped.

The SED currently permits individuals in shortage areas to be granted temporary licenses so long as they complete an educational plan that provides for the completion of all requirements by the end of three annual renewals.

Chapter 650 of the Laws of 1990 requires that individuals who seek New York City licensure must possess appropriate corresponding New York State certification. Individuals who possess NYS certification as teachers of speech and hearing handicapped (provisional or permanent) may apply for a NYC license as a teacher of speech improvement. Individuals who are deficient in any requirement, and therefore uncertified, who possess temporary NYS licenses are not eligible to apply for a NYC license. Thus presently a certified speech pathologist who possesses a temporary NYS license in speech and hearing handicapped is not eligible to apply for a NYC license.

Accordingly, The NYCBOE will meet with appropriate representatives of the SED in order to request, effective September 1, 1993, a new regulation or a variance to existing regulations that would allow for NYS licensed speech pathologists to be issued provisional rather than temporary state certificates in the area of speech and hearing handicapped while completing their certification requirements as determined by SED within the time normally permitted (five years) for an individual to obtain a permanent state certificate. If speech pathologists had provisional state licenses, they could then be eligible to apply for a NYC license as a teacher of speech improvement.

In addition, the NYCBOE will establish a Task Force to explore the feasibility of accommodating the needs of candidates for the certificate of clinical competence (CCC) to work with a holder of the CCC. The Task Force will report its findings and recommendations no later than June 30, 1993, and will aim for implementation by September, 1993.

4. The Blended Model. The Office of Research, Evaluation and Assessment (OREA) will undertake an in-depth evaluation of the effectiveness of two models of service delivery which would permit teachers of speech improvement to provide speech as a related service and to conduct clinical evaluations in speech. Assigning teachers of speech improvement to provide both evaluations and therapy is known as the "Blended Model." Different versions of the Blended Model currently exist in Citywide programs and in the high schools. Presently, in the districts, teachers of speech improvement, under the jurisdiction of community superintendents, provide speech therapy only, while clinicians, under the jurisdiction of the central Division of Special Education (DSE), conduct initial, annual, and triennial speech evaluations.

The proposed OREA study will examine the current operation of the Blended Model as it exists in Citywide programs and in the high schools. In addition, DSE will implement a pilot program, for evaluation by OREA, in at least two school districts. In some schools in these districts, teachers of speech improvement will perform reevaluations and triennial evaluations only. In other schools in these districts, teachers of speech improvement will perform initial evaluations, reevaluations and triennial evaluations. In District 75, pilot programs analogous to those in the two districts will be established in some schools.

The purpose of the study will be to determine the effectiveness of implementing the Blended Model in all of the community districts. The study may consider, among other items, for the high schools, Citywide, and the pilot community districts, the effect, if any, of the Blended Model on the number of speech improvement teacher vacancies; the ratio of teachers to students being served; the teachers' job satisfaction; the number of referrals for speech evaluation; the number of students decertified for special education; the number of students awaiting speech as a related service; the number of students receiving speech services through contract agencies and RSA staff; the number of students awaiting evaluations; the time needed for additional administrative work and attendance at meetings and hearings; the responsibilities of speech supervisors; and the need for staff development.

During the Spring 1993 semester, the districts for the pilot program will be selected and the parameters and methodology of the study will be more precisely determined. Selected districts, to the extent possible, will be those which have required only limited use of contracting for both related services and assessments. If during this design period, all parties agree to increase the number of districts, the number of districts will be expanded. The study will be implemented in September, 1993 and continue for the 1993-1994 academic year. At the beginning of the Spring 1994 semester, if it is apparent, based upon review of the data at that time that the Blended Model in either or both forms cannot feasibly be implemented in the districts, the pilot will be terminated. Otherwise, at the conclusion of the 1993-1994 academic year, the NYCBOE will decide, after consultation with appropriate parties, whether the Blended Model should be implemented in additional or all community school districts, and whether the pilot project should be continued and expanded, changed, or terminated.

5. Finally, a review of the referral and evaluation process for speech improvement will be completed and appropriate recommendations made. OMSI has preliminarily observed that

in some instances children in need of a communications program may have been inappropriately referred to speech therapy as a related service. OMSI will monitor the implementation of these criteria. SBST and CSE members will be directed to comply with the criteria set forth in the District Plan for placing a student in speech improvement as a related service.

D. Speech, Bilingual

Bilingual speech therapy, just like monolingual speech therapy, is designed to provide students who demonstrate communication disorders the support needed to help them benefit from their education. It should be noted that bilingual speech therapy, like monolingual speech therapy, provides ongoing collaboration among the related service providers and program staff to ensure coordination and congruence with language stimulation and/or follow-up in the classroom and consultation and assistance to staff on specific strategies, adaptations, and modification to learning activities that enable students to achieve the goals on the IEPs.

A severe shortage of licensed or certified bilingual speech providers exists. Appendix A shows that as of June, 1992, 5,973 public school students had been recommended for speech improvement (bilingual) as a related service. As of that date, 1,887 students were receiving speech improvement, 1313 from a NYCBOE provider; none from a contract agency; and 574 from an RSA provider. Four thousand eighty six (4,086) students, or 68.4%, were awaiting speech (bilingual) as a related service.

Appendix A also shows that as of June, 1992, according to NYCBOE payroll data, 25 licensed speech improvement providers were employed by the NYCBOE. No additional providers, known to NYCBOE, and on active status, are licensed or certified to provide the service.

During the period from Fall 1989 to Fall 1992, 50 candidates for degrees leading to certification in speech improvement were given awards for scholarship reimbursement and remained with the program. Of those 50 candidates, 2 never began the program, 1 withdrew, 1 canceled, 1 died, and three are in default. Of the remaining 42, 4 have now graduated, 9 are projected to graduate in 1993; and the remaining 33 in years thereafter up to 1996.

This projected number will still be insufficient to meet the needs of the projected LEP population that will require speech therapy. Therefore the six point plan for providing monolingual speech will be implemented with respect to bilingual speech, with the following modifications and additions:

1. Only the following schools in New York State according to the Division of Teacher Certification, offer course work that could lead to certification or licensure as a speech improvement (bilingual) provider: Teacher's College, New York University, Long Island University (Brooklyn and C.W.Post), Adelphi University, Hofstra University, Brooklyn College, Lehman College, and St John's University. Thus, intensive recruitment efforts for bilingual speech providers will be conducted at these and other appropriate colleges.

2. The Division of Special Education has long been concerned with the apparent overreferral and subsequent placement of LEP students in special education. It is thought that such students may also be inappropriately recommended for speech therapy. Often the recommendation that a LEP student receive a speech/language evaluation is based on a lack of

understanding of the normal developmental stages of second language acquisition. DSE is committed to providing to monolingual and bilingual assessment professionals **a comprehensive staff development program** on first and second language acquisition, as well as on the distinction between language delays and language deficits for LEP students.

3. NYCBOE will **review and revise**, if necessary, the present district plan ("continuum document") for **the purpose of considering revisions regarding methodology and criteria for recommending and providing speech therapy to LEP students.**

4. NYCBOE is reviewing RFP criteria to explore the possibility of promulgating revised RFP's to encourage contracts with additional bilingual speech providers.

5. In 1991-92 a Speech Task Force was convened to research and recommend alternatives to bilingual speech therapy, given the shortage of providers. Resource Guide, Attachment K. The recommendations provided for interim delivery of speech therapy to certain LEP students by monolingual speech providers. In order to prepare the monolingual providers to provide such services, the recommendations provided for mandatory ESL training, and additional training and technical assistance to providers after commencement of the program. NYCBOE is presently considering implementation of the recommendations of the Speech Task Force, subject to the provisions of section 3F.

E. Occupational/Physical Therapy

Occupational and physical therapy are two separate related services which are administered by the same office (ORCS) and which have certain features in common. OT is designed to provide for the planning and utilization of a program of purposeful activities to develop or maintain adaptive skills calculated to improve the physical and mental functioning of special education students. PT is designed to provide for the planning and utilization of therapeutic exercises, modalities and techniques that promote improved quality of movement and posture, gross-motor balance, strength and coordination, functional posture, positioning and mobility.

Both the provision of OT and PT require ongoing communication and interaction with educational staff to coordinate the use of adaptive equipment and ensure congruence with the primary educational program, and consultation and assistance to staff on specific strategies, adaptations, and modification of learning activities that enable the students to achieve the goals on the Individualized Education Programs.

Occupational Therapy: According to Appendix A, as of June, 1992, 5758 public school students had been recommended for OT as a related service, and 4,687 (81.4%) were receiving the service, 400 from a NYCBOE provider, 3,462 from a contract agency, and 825 from an RSA provider. Thus, as of June, 1992, 1,071 public school students were awaiting OT as a related service. As of that date, 23 certified OT's were employed by the NYCBOE.

The Board of Education does not offer licenses in OT. Instead, therapists must be licensed by New York State. According to the SED Department of Licensing, there are presently 4235 occupational therapists registered to practice in New York State. Of those, 2022 are identified by SED as being from the five boroughs of New York City, Nassau, Suffolk and Westchester counties. The New York State Plan for Education of Students with Disabilities, 1993-95, indicates at page 55 that only 118 individuals in the entire state have New York State certification as OT's qualified to work in the public schools.

Since the inception of the NYCBOE scholarship incentive program in 1990, 139 candidates for degrees leading to certification in occupational therapy applied for, were awarded and accepted scholarships for tuition reimbursement. Of those 139 applicants, 15 began employment with the NYCBOE in 1991-92, and 38 are to start in 1992-93; and the remaining 86 will commence employment in subsequent years.

The following colleges located in New York State offer course work that could lead to licensure as an occupational therapist: Columbia University, New York University, Touro College, SUNY Health Science Center at Brooklyn, CUNY, York College, SUNY at Buffalo, Keuka College, and Utica College of Syracuse University. Despite aggressive outreach to all colleges, only three, Columbia, New York University and Touro College, submitted RFP's, and met all criteria to participate in the scholarship incentive program.

NYCBOE will continue its recruitment efforts at all the colleges identified above, as well as other appropriate colleges and in addition, will continue to recruit at annual meetings of the American Occupational Therapy Association ("AOTA"), and other appropriate meetings. NYCBOE will also continue to use the journal, OT Advance to identify conferences at which additional recruitment can occur. In addition, NYCBOE will initiate meetings with AOTA to explore strategies for expanding the pool of qualified providers. The CUNY Workforce Initiative described above also contemplates exploring the building of CUNY's programmatic capacity to provide OT's.

OREA will conduct, as soon as possible, a retention survey to determine ways to increase the retention of OTS in the public school system. The study will include a survey consisting of questionnaires, and focus group discussions with OTs who have left the system, and OTs who have remained in the system; and will include, to the extent possible, an analysis of salaries, supervisory and support services, and working conditions at other private and public workplaces in the metropolitan area. OREA will also consult with union representatives and professional organizations to study the full gamut of issues bearing on successful retention of awardees in OT.

Additional lines for OT supervisors have been allocated. After completion of the retention survey, the Executive Director of DSE will determine if further and other actions should be taken to recruit and retain OTs. The Executive Director will also consider implementing a pilot program for the appointment of Occupational Therapy Assistants ("OTAs") in Citywide program sites, if appropriate and feasible.

In addition, ORCS has promulgated clear procedures for ordering health related supplies and equipment (Attachment P, Resource Guide). In addition, OTs receive money for uniforms, and tuition reimbursement, and a work day equivalent to that of teachers.

By creative pursuit of these initiatives, NYCBOE will seek to maximize the numbers of qualified professionals it can recruit as well as the numbers it can retain after scholarship awardees and others begin working for NYCBOE.

Physical Therapy: Appendix A indicates that as of June, 1992, 4153 public school students had been recommended for physical therapy as a related service, and 3,480 (84%) were receiving the service, 107 from a NYCBOE provider, 3,075 from a contract agency, and 298 from an RSA provider. Thus as of June, 1992, 673 public school students were awaiting physical therapy as a related service. As of June, 1992, 6 PT's were employed by the NYCBOE.

Physical therapists, like occupational therapists, must be licensed by New York State. According to the SED Department of Licensing, there are presently 7,312 physical therapists registered to practice in New York State.

Since the 1990 inception of the NYCBOE scholarship incentive program, 66 candidates for degrees leading to certification in physical therapy applied for, were awarded, and accepted

scholarships for tuition reimbursement. Of those 66 applicants, 5 began employment with the NYCBOE in 1991-92, and 27 will begin in 1992-93. Thirty-four graduates will commence employment in subsequent years. ¹⁵

The following colleges located in New York State offer course work that could lead to licensure as a physical therapist: Columbia University, New York University, Touro College, SUNY Health Science Center at Brooklyn; SUNY Health Science Center at Stony Brook; CUNY, Hunter College; CUNY, College of Staten Island; Long Island University; Ithaca College; Daeman College; Russell Sage College; SUNY at Syracuse; SUNY at Geneseo; SUNY at Buffalo. Despite aggressive outreach efforts, only Columbia, Hunter, NYU, Long Island University and Touro submitted RFP's and met all criteria to participate in the scholarship incentive program.

ORCS will continue its recruitment at all the colleges identified above, as well as other appropriate colleges, and will continue its recruitment efforts at annual meetings of the American Physical Therapists Association (APTA). In addition, ORCS will continue to review the journal PT Forum to identify conferences at which NYCBOE can recruit. In addition, the Workforce Initiative program at CUNY described above as well as those retention initiatives described in the OT section, will be used to recruit more PTs.

The initiatives described on page 25 calculated to improving working conditions for OTs (i.e., professional development, access to necessary supplies, and additional supervisors) have been implemented for PTs as well. In addition, the OREA retention study will be conducted for PTs. After completing the study, the Executive Director of DSE will determine if further and other actions should be taken to recruit and retain PT's. The Executive Director will also consider implementing a pilot program for the recruitment of Physical Therapy Assistants in Citywide sites if appropriate and feasible.

Review of the Needs of LEP Students: Although a student may have an IEP that recommends a bilingual instructional program, historically, SBSTs and CSEs have recommended that these students receive monolingual OT and/or PT. Thus, to date no need has been identified for bilingual OTs and PTs.

In recognition of this fact, in 1991-92, the Division of Special Education convened an OT/PT Task Force to consider the issue of whether it is necessary for LEP students to receive OT and PT from a bilingual therapist in order to fully benefit from these services. ~~The~~ **consensus of the Task Force**, which included representatives from New York University and Columbia University, the Director of ORCS, OT and PT supervisors and providers, a physician, and a DSE bilingual PT was that **both OT and/or PT services could meaningfully be provided**.

¹⁵ One awardee who completed the program accepted employment elsewhere, but reimbursed the NYCBOE for the money spent on his education.

by a monolingual therapist.¹⁶ In meetings which occurred after the Task Force had submitted its recommendation, the needs of LEP students continued to be discussed. As a result of these discussions, it was concluded, as is reflected in section 3(F) (1), that recommendations could be made as necessary to address the individual language needs of LEP students in need of OT or PT.

Finally, the issue of whether or not it is appropriate to make available bilingual paraprofessionals to facilitate the delivery of OT and PT, in certain circumstances, is still under review.

¹⁶ Plaintiffs' representative was invited to attend, but did not do so.

F. Hearing/Vision Related Services

Hearing and Vision Education related services are administered by Citywide/District 75. Because the two services have common features, they are discussed together in this section. Hearing education provides direct specialized instruction, including speech reading and auditory training to students in both general and special education. Vision education provides direct specialized education, including direct instruction in the use of various optical aids, use of large print books and worksheets, tactile and recorded material and current technology.

Both hearing and vision education involve ongoing communication and interaction with educational staff to coordinate the use of adaptive equipment and ensure congruence with the primary educational program, and consultation and assistance to other staff on specific strategies, adaptations, modification of learning activities which enable the students to achieve the goals on the IEPs.

Hearing Education: Appendix A reflects that, as of June, 1992, 1,209 public school students had been recommended for hearing education as a related service, 1031 monolingual and 178 LEP. Nine hundred ninety (990) were receiving the service, 942 monolingual (95%) and 48 LEP (5%). Nine hundred eighty eight (988) received hearing education services from a NYCBOE provider, none from a contract agency, and one from an RSA provider. Thus, as of June, 1992, 219 public school students were awaiting hearing education as a related service.

As of June, 1992, 69 hearing education teachers were licensed or certified by NYCBOE and providing services, 67 monolingual and 2 bilingual. One additional bilingual teacher is on sabbatical. In all of New York State there are only 620 permanently licensed or certified teachers of the deaf and hearing handicapped. New York State Plan.

According to the Division of Teacher Certification of the SED, the following colleges and universities in the New York metropolitan area offer course work that could lead to certification or licensure as teacher of the deaf and hearing impaired: Teacher's College, Columbia University; New York University; Adelphi University; CUNY, Hunter College; and Marymount College.

Hearing Education Services (HES) independently recruits providers and will continue to do so. In recent weeks, the Director of HES spoke at Hunter College on October 8, 1992, at Columbia University on October 23, 1992, and at Adelphi College on November 5, 1992. HES provides information on available positions to all teacher training programs for the deaf in the country, as well as to Gallaudet University and the National Technical Institute for the Deaf. The Director of HES is also active in professional organizations, such as Deaf Awareness Week Committee, Mayor's Office for People With Disabilities, National Association of the Deaf, Alexander Graham Bell Association, Conference of Educational Administrators Serving the Deaf, and identifies to those organizations available positions.

DSE recently conducted recruitment efforts in Puerto Rico to encourage Spanish speaking hearing education providers to seek employment with the NYCBOE. In addition, HES recruitment at other teacher training institutions includes efforts directed at encouraging bilingual graduates to work for the NYCBOE.

Vision Education: Appendix A shows that, as of June, 1992, 758 public school students had been recommended for vision education as a related service, and 603 (80%) were receiving the service. Five hundred eighty (580) students received vision education services from a NYCBOE provider, none from a contract agency, and 23 from an RSA provider. Thus, as of June, 1992, 155 students, including 15 LEP students, were awaiting vision education as a related service.

As of June 1992, 33 teachers were licensed or certified by the NYCBOE in Vision Services (Blind/Visually Impaired). Vision services is a shortage area. Teachers of Visually Impaired and Orientation and Mobility Specialists are in short supply nationwide. In all of New York State, there are only 352 permanently certified or licensed teachers of the blind and partially sighted.

According to the Division of Teacher Certification of the SED, the following colleges and universities in the New York metropolitan area offer course work that could lead to certification or licensure as a vision education teacher: Teacher's College, Columbia University and CUNY, Hunter College. The NYCBOE's Educational Vision Programs and Services Unit recruits at both Teachers College and Hunter. In addition, some teachers are enrolled in and completing programs leading to State certification.

There are no licensed bilingual vision services providers. Although a competitive examination was scheduled for such a license area within the past several years, no candidates applied and the examination was not given. Until NYCBOE employs a sufficient number of bilingual providers, monolingual providers will continue to work in cooperation with ESL bilingual teachers in order to provide services to LEP students.

The Director of Vision Education Services recruits at periodic meetings of professional organizations including American Education Rehabilitation Workers for the Blind and the American Foundation for the Blind.

In addition, advertisements are placed in the following professional journals: Review, Association for Education & Rehabilitation of the Blind & Visually Impaired, and Journal of Visually Impaired and Blindness - American Foundation for the Blind. Both teachers and peripatologists have been hired as a result of inquiries stemming from these advertisements.

Once vision education teachers become employed by the NYCBOE, there is very little turnover. Teacher satisfaction results, in part, from professional development activities which include monthly staff development programs, and collaborative training with The New York State Commission for the Blind and the Baruch Computer Center for the Visually Impaired.

Nevertheless, the retention study described above at page 24 will study retention of hearing and vision education staff as well. After completion of the study, the Executive Director of DSE will determine if further and other actions should be taken to recruit and retain hearing and vision education staff.

G. Health Services

Health services are designed to provide medically related services such as catheterization, tracheal suctioning, etc. to special education students. Appendix A shows that, in June, 1992, 495 public school students had been recommended for health services, and all 495 were receiving those services. Four hundred fifty nine (459) students were served by NYCBOE providers, and the remaining 36 by contract agencies. All students can be served by monolingual providers, subject to the provisions of section 3F.

The two most successful recruitment tools are advertisements in the Sunday New York Times and in Nursing Spectrum, a professional journal.

Recent efforts to enhance professionalism of nurses include creation of five additional budget lines to permit hiring of additional nursing supervisors, and paid workshops in relevant areas conducted by prominent professionals similar to those described for OT's and PT's, and clear procedures for obtaining needed supplies. Resource Guide, Attachments P and R.

Fortunately health services is not a shortage area and substitute coverage is provided for daily or protracted absences of registered nurses and paraprofessionals who provide health services.

H. Transportation

Draft guidelines have been developed to ensure that transportation services for special education students are provided in an appropriate and timely manner. Resource Guide, Attachment F. The Guidelines are expected to be promulgated on or before March 31, 1993. When the Guidelines are finally promulgated, they will indicate that determinations that a child needs transportation are made based upon the individual needs of the child.

Round trip transportation services are provided to students who require transportation as a related service, as noted on their IEPs. If necessary, roundtrip transportation is also provided to and from sites where related services are provided off school grounds or not during the school day.

Except for from 12-20 medically fragile students who receive ambulette transportation arranged by ORCS, students receive transportation through the Office of Pupil Transportation ("OPT"). The CSE transmits a completed transportation application to the OPT, and transportation is provided as quickly as possible or within 10 days.

A transportation survey conducted on September 9, 1992, the opening of school, showed that of 37,816 special education students requiring transportation, 37,301 or over 98.5% had been routed. Of the remaining 515, 370 had waited 0- 5 days, and 60, 6 - 10 days.

V. Tracking Success of the Related Services Plan

Described above are the components of a comprehensive plan for securing the optimum delivery of related services even in areas where severe provider shortages exist. Obviously, it is necessary to determine at various points whether or not the Plan is being implemented as intended and/or whether the Plan is fulfilling its purpose of securing enhanced delivery of related services to special education students. Such reviews and determinations will be the responsibility, at the first instance, of the Chancellor's Standing Committee.

One tool of the Standing Committee will be the CAP related services report. The CAP (Child Assistance Program) is a computer assisted system which generates data reports concerning the number of students referred for special education who are in the evaluation and placement process. A new related services component of the CAP system is being implemented which will provide data previously manually collected. It is expected that by the end of February, 1993 reports will provide data on special education students, pertaining to related service recommendations and the extent to which students are receiving the IEP prescribed services.

The Standing Committee will meet quarterly for the purpose of reviewing CAP related service reports, and ensuring that the components of this Plan are being implemented. The first review will be on or about April 30, 1993. Should any revisions to the Plan be warranted, the Standing Committee will recommend appropriate revisions to the Chancellor. Should any actions be necessary to further ensure implementation of the Plan, the Standing Committee will make those recommendations to the Chancellor.

Exhibit A

Board of Education Provider Staffing Requirements Students Recommended for Related Services

Using the June 1992 Jose P. data for students receiving or awaiting related services the attached charts reflect calculations made to estimate the number of additional full-time equivalent (FTE) providers required to serve all students who are recommended for related services. Students attending non-public schools are not included in this analysis.

Chart 1

Cascade of Providers Needed to Serve Students Recommended for Related Services

This chart presents the various staff resources currently used by the Board of Education to deliver related services. It is noted that even with the use of contract agencies and independent providers under the RSA there are still a number of students who are unserved. Column J on Chart 1 indicates the estimated number of additional FTE providers needed to serve students recommended for related services. Column K indicates the number of approved scholarship recipients for Speech, Counseling, Occupational Therapy and Physical Therapy who will be available to provide these services upon completion of the program.

Chart 2

Number of FTE BOE Providers Needed to Serve Students Recommended for Related Services

This chart estimates the number of additional FTE providers (Col. F) necessary to serve all students recommended for related services if all students were served by Board of Education personnel. Column G indicates the number of approved scholarship recipients for Speech, Counseling, Occupational Therapy and Physical Therapy who will be available to provide these services upon completion of the program.

Staffing data was taken from the June 1992 payroll. Student data was taken from the June 1992 Jose P. Report.

A	B	C	D	E	F	G	H	I	J	K
SERVICE	# OF STUDENTS RECOM-MENDED	# OF STUDENTS SERVED BY BOE FTE PROVID-ERS	# OF BOE FTE PROVID-ERS	# OF STUDENTS UNSERV-ED BY BOE (B-C)	# OF STUDENTS SERVED BY AGENCY	# OF STUDENTS REMAIN-ING UNSERVED (E-F)	# OF STUDENTS SERVED BY RSAs	# OF STUDENTS REMAIN-ING UNSERVED (G-H)	# OF FTE BOE STAFF REQUIRED	ACCEPTED SCHOLAR-SHIP APPLI-CANTS
	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil	Mono Bil
Speech	41191 5973	34568 1313	943 25	6623 4660	3450 0	3173 4660	656 574	2517 4086	68 110	126 46
Counseling	58465 5492	56979 3970	841 129	1486 1522	750 751	736 743	183 44	553 669	9 11	0 150
Occup. Th.	5758 NA	400 NA	23 NA	5358 NA	3462 NA	1896 NA	825 NA	1071 NA	62 NA	124 NA
Phys. Th.	4153 NA	107 NA	6 NA	4046 NA	3075 NA	971 NA	298 NA	673 NA	38 NA	61 NA
Health Serv.	495 NA	459 NA	140 NA	36 NA	36 NA	0 NA	0 NA	0 NA	0 NA	NA NA
Hearing	1031 178	941 47	67 2	90 131	0 0	90 131	1 1	89 130	6 9	NA NA
Vision	742 16	579 1	33 0	163 15	0 0	163 15	23 0	140 15	8 1	NA NA

The 750 monolingual children and 28 of the bilingual children are in Citywide and are served by mental health agencies.

A	B	C	D	E	F	G
SERVICE	# OF STUDENTS RECOMMENDED	# OF STUDENTS SERVED BY HOE FTE PROVIDERS	# OF HOE FTE PROVIDERS	# OF STUDENTS REMAINING UNSERVED	# OF FTE HOE STAFF REQUIRED	ACCEPTED SCHOLARSHIP APPLICANTS
	Monolingual/Bilingual	Monolingual/Bilingual	Monolingual/Bilingual	Monolingual/Bilingual	Monolingual/Bilingual	Monolingual/Bilingual
Speech	41191 5973	34568 1313	943 25	6023 4060	179 126	126 46
Counseling	58465 5492	56979 3970	841 129	1486 1522	24 24	0 150
Occup. Th.	5758 NA	400 NA	23 NA	5358 NA	308 NA	124 NA
Phys. Th.	4153 NA	107 NA	6 NA	4046 NA	227 NA	61 NA
Health Svc.	495 NA	459 NA	140 NA	36 NA	11 NA	NA NA
Hearing	1031 178	941 47	67 2	90 131	6 9	NA NA
Vision	742 16	579 1	33 0	163 15	9 1	NA NA

Index No. 79 C. 270
(Nickerson, J.)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSE P, et al.,

Plaintiffs,

- against -

THOMAS SOBOL, et al.,

Defendants.

STIPULATION

O. PETER SHERWOOD
Corporation Counsel of the City of New
York

Attorney for Defendants
100 Church Street,
New York, N.Y. 10007
Tel: (212) 788-0957
NYCLIS No.

Due and timely serviceis hereby admitted.

New York, N.Y. , 199
. Esq.

Attorney for