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# RECOMMENDATIONS FOR IMPROVING THE EDUCATION OF NEW YORK CITY STUDENTS WITH DISABILITIES DURING THE PANDEMIC

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Advocates for Children  
of New York  
Protecting every child's right to learn



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## While many students struggled with the transition to remote learning this past spring, the closure of school buildings due to COVID-19 was especially difficult for New York City’s students with disabilities.

In addition to academic instruction, students with disabilities depend on schools for a range of specialized services and therapies, some of which can be quite challenging to deliver remotely. And without consistent services and a structured school day, many students with Individualized Education Programs (IEPs) fell behind their peers or lost skills they had gained earlier in the year.

These losses are doubly concerning in light of the long-standing disparities between students with and without disabilities: in 2019, only 16% of the City’s students with disabilities were reading proficiently, 40 percentage points lower than the proficiency rate for their peers without IEPs, while the 4-year graduation rate for students with disabilities was just 53%, representing a 30-point gap. Because students with disabilities are disproportionately Black and Latinx, the damage to their academic progress resulting from the pandemic exacerbates the racial achievement gap as well. Without a targeted, comprehensive plan for addressing the barriers that prevented many students with disabilities from accessing remote learning last semester and helping those who have fallen behind get caught up, their odds of success in school will grow even more grim.

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Based on our experience talking to the families of more than 1,000 students with disabilities since March, as well as our decades of special education advocacy, we offer a number of recommendations for how best to support students with disabilities in this difficult time. While there are no easy answers, we are guided by several key principles:

- 1** Students with disabilities do not give up their civil rights in a public health emergency. While the pandemic poses new challenges, requiring innovative thinking and flexibility, the NYC Department of Education (DOE) has the same responsibilities as ever to provide all children with a free and appropriate public education in the least restrictive environment.
- 2** Federal special education law requires an individualized approach to each student’s education program. For students who are not physically in the classroom every day, schools must do everything possible to maximize use of

their limited in-person time and think creatively about how remote days can best be used to support each student's progress. This will look different for different students, based on individual needs and parental preference. It will require thoughtful, intentional planning and should not be left to chance.

**3** Students with disabilities should be prioritized for additional in-person instruction and services, should their families wish to send them to school.

**4** At this point, much, if not all, of a student's learning will take place in the home this fall. Schools must work collaboratively with families to an unprecedented extent and include parents as partners in all decision-making about their children's education.

We are not attempting to address every outstanding issue or provide a comprehensive list of every recommendation that would help students with disabilities during this time. Rather, we are setting forth some key recommendations based on the challenges we have seen working with families on the ground.

## KEY RECOMMENDATIONS

- ❑ Offer **full-time in-person instruction** to all students in self-contained special education classes, including all students in District 75 programs, whose families want that option.
- ❑ Offer multiple options for families who want **in-person related services**, including receiving services in schools, at the City's new "Learning Bridges" child care programs, at home, and at related service agencies.
- ❑ Hold **meetings with parents** to develop an individualized plan for each student with a disability prior to the start of the school year.
- ❑ Deploy educators trained in evidence-based literacy instruction to provide **small-group support to struggling readers** on days they are learning remotely.
- ❑ Ensure that all students have the **technology and resources** they need to be successful when working remotely and that parents have the information and support they need to help their children, in a language they can understand.
- ❑ Provide **robust behavioral and mental health supports** to all students who need them, refrain from police interventions, and limit exclusionary discipline.

- ❑ Marshal resources to address the **backlog in special education evaluations** in a timely manner and provide clear guidance to guard against over- and under-referral in the coming year.
- ❑ Ensure all **health and safety protocols** take into account the unique needs of students with disabilities, including physical accessibility.
- ❑ Provide **compensatory services** to make up for the instruction and services students missed while schools were closed.
- ❑ Ensure the City’s new “Learning Bridges” **child care programs** provide support for students with disabilities and expand eligibility to include high school students with disabilities.
- ❑ Start planning now for **post-COVID recovery**.



## Prioritize students with disabilities for in-person classroom instruction and services, provided their families want that option.

### STUDENTS IN DISTRICT 75 SCHOOLS

The DOE should offer full-time in-person instruction to all students at District 75 schools whose families want that option. The DOE places students in District 75 programs because of their need for intensive, specialized support—support that can be particularly difficult, if not impossible, to provide online.

By their very nature, District 75 classes are small in size, ranging from six to twelve students, and responses to the DOE’s summer survey indicate that families of more than a quarter of these students want their children to remain fully remote. Since the DOE has said that class sizes this fall will range from nine to twelve students, the small District 75 class sizes should allow schools to offer students full-time instruction and services. The current DOE scheduling models, however, allow District 75 schools the option of having one cohort of students attend on a regular Monday through Friday schedule, leaving another two cohorts of students attending school only two or three days per

week, depending on the week, or every other week, depending on the model chosen by the school. Given the needs of students in District 75 schools and the already-small class sizes, the DOE should revise its District 75 models to offer full-time in-person instruction to all students whose families wish to send them and should ensure District 75 schools have adequate space for classes and services.

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## **STUDENTS IN SPECIAL CLASSES IN DISTRICT 1-32 SCHOOLS**

Upon the reopening of school buildings, the DOE should also offer full-time in-person instruction to all students in self-contained special education classes in District 1-32 schools whose families want that option. Since special classes have 12 students (in elementary and middle school) or 15 students (in high school), and the families of some of these students will likely opt for full-time remote learning, the DOE should be able to offer students in special classes the opportunity to attend school five days per week, making it easier for these students to spend time in the classroom while still receiving their mandated related services in the building. Similarly, the DOE should offer full-time in-person instruction to students in specialized programs in District 1-32 schools, such as the ASD Nest and Horizon programs for children with autism and bilingual special education classes. As with students in District 75 programs, students whose IEPs mandate special education classes have significant needs requiring more individualized attention and support; they are disproportionately likely to flounder in the absence of in-person teaching.

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## **STUDENTS IN INTEGRATED CO-TEACHING (ICT) CLASSES**

As schools group students for in-person and remote Integrated Co-Teaching (ICT) classes, the DOE must ensure that each cohort includes students with and without disabilities so that students with disabilities continue to have the opportunity to learn in an inclusive setting, alongside their typically developing peers. Furthermore, as legally required, each ICT class must have a special education teacher and a general education teacher.

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## **RELATED SERVICES & SUPPORTS**

For students with disabilities who are not offered the chance to be in school full-time, it is critical that schools maximize use of students' limited in-person time to best support their individual needs. This will require thoughtful planning, flexibility, and collaboration

with families. For example, a student’s IEP may mandate physical therapy three times per week in a school location outside the classroom, but the student may be in school only two days per week. For some students, getting physical therapy on the days the student is in school may be an important priority; for other students, it may be more important to maximize time in the classroom and provide in-person or remote services on days when the student is scheduled for remote learning. The DOE should collaborate with families to determine what instruction and services should be provided during the student’s days in school, and what should be offered on the days they are learning from home or other locations.

For families who want in-person related services, the DOE should offer multiple options, including receiving related services in schools, at the City’s new “Learning Bridges” child care programs, at home, and at related service agencies. This summer, the City provided in-person services to a small number of students at the Regional Enrichment Centers (RECs); the DOE should build upon the initial success of this model and expand the number of sites at which students can receive in-person services on days when they are not otherwise scheduled to be in school buildings.

For English Language Learners (ELLs) whose IEPs recommend an “alternate placement paraprofessional” due to their need for support in a language other than English, the DOE should ensure that each paraprofessional has the tools and availability to support their assigned students on each day of instruction, whether in-person or remote.

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## TRANSPORTATION

Parents of students with disabilities need information in their home language about how school buses will work as soon as possible in order to be able to make informed decisions. For many students with disabilities, in-person learning will only be an option if there is a safe and reliable way to get to school. The City’s school busing system is plagued with problems during the best of times, and the logistical challenges will be far more complicated when students’ schedules are not consistent from week to week and with the need for social distancing. We appreciate that the DOE has identified students with disabilities as a priority population for bus services and emphasize that the City has a legal obligation to abide by IEP transportation mandates. The DOE should communicate information to families about health and safety precautions to be taken on buses to ensure children are safe on their way to and from school.



## Improve remote instruction and service delivery.

*Many families of students with disabilities will opt for full-time remote learning. And even for families who want in-person instruction, the DOE's current scheduling models will result in the vast majority of students with disabilities attending school only one to three days per week, while continuing to learn remotely on all remaining days. Therefore, the DOE must improve remote instruction and services and address the barriers that prevented many students with disabilities from successfully engaging in distance learning last semester.*

### INDIVIDUALIZED PLANS FOR REMOTE OR HYBRID LEARNING

This spring, schools developed Remote Learning Plans (RLPs) to document the type of instruction and services that students with disabilities would receive while school buildings were closed. We recommend that schools hold meetings with families to ensure all students have an individualized plan in place prior to the start of the school year, collaborating with parents to evaluate what worked and what didn't in the spring and making any changes necessary to address what did not work or to account for the switch from an all-remote to a blended schedule. For students who are participating in blended learning, the team should decide how students will spend their limited in-person time—for example, whether a student should receive some or all of their mandated speech therapy on the days they are in the school building and how the student will receive the rest of their speech services, whether that be in person at another site, such as a Learning Bridges program or related services agency, or via teletherapy.

In addition, the team should:

- » Discuss the support parents need to assist their child with remote learning and services and a plan for providing that support (e.g., a training that a therapist will provide for a parent or a visual schedule the teacher will create);
- » Use the meeting to ensure that the student has the technology needed to participate in online instruction and to address any barriers to learning successfully on the days they are remote; and
- » Proactively plan for what happens if school buildings close again or individual students switch back to full-time remote learning, whether by choice or because they are required to quarantine due to exposure to COVID-19.

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## **SUPPORT FOR STRUGGLING READERS**

Learning to read proficiently is the foundation of all future learning, and even before the pandemic, there were troubling gaps in literacy by race, disability status, and economic need. In the coming school year, the DOE should make it a priority to target evidence-based literacy interventions to students who require help learning to read, as students who do not receive the instruction they need to develop key literacy skills now will fall further and further behind.

We recommend that the DOE deploy staff who have already been trained in delivering evidence-based literacy interventions, including Universal Literacy coaches and IEP/Intervention teachers, to provide remote small-group literacy instruction to struggling readers, with and without disabilities, on days when they are learning from home. The DOE launched a program to do just that for a small number of students attending remote summer school; in the coming year, this initiative could be continued and expanded. The shift to online and blended learning offers a unique opportunity in that individual students are no longer limited by the training and expertise of the educators who happen to be assigned to their particular school building. An IEP/Intervention teacher who is working remotely, for example, could provide supplemental, small-group reading instruction to students attending their own school as well as to students from other schools in the district who have similar needs but are unable to access this support in their own building.

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## **LIVE INSTRUCTION**

Some students with disabilities received little or no live instruction while schools were closed in the spring, depriving students of the opportunity to interact with their teachers and peers and often leaving it to parents to teach their children new skills. The DOE should ensure that all children participating in either blended or full-time remote learning receive daily live instruction from a teacher. While the DOE has committed to providing daily live instruction to students learning remotely, we are already hearing from families that their individual schools do not plan to offer any live instruction on days of remote learning. While distance learning has never before been implemented at the scale currently required because of the pandemic, existing research on online education indicates that frequent, direct, and meaningful student-teacher and student-student interactions are critical for student engagement and success.

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## **FAMILY ENGAGEMENT AND SUPPORT**

Many students, especially those with disabilities, rely on parental support in order to participate in remote instruction, complete assignments, and access related services.



Therefore, it is vital for the DOE to see parents as partners and ensure they have the information and support they need, in a language they can understand. The DOE's "Beyond Access" webinar series, held this spring and summer for families of students with disabilities, should be continued in the coming year. We urge the DOE to offer more targeted webinars for families of students with specific disabilities, such as ADHD or dyslexia, as well as trainings specifically for parents of ELLs receiving special education services, to help ensure that all families can support their children during remote learning. Additionally, to ensure that parents with low literacy and limited access to online media receive critical special education information, the DOE should communicate significant updates to parents by telephone.

In addition to ensuring that school-based staff offer translation and interpretation services to all parents who need them, the City must ensure that special education providers who are not DOE employees—such as the contracted and independent therapists the DOE relies on to provide related services—can communicate with families in a language they understand. For example, given that therapists are relying on parents to assist with remote related services sessions, the DOE must extend access to its phone interpretation service to all related services providers so that they can communicate with parents in their primary language.

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## OUTREACH

In the months after school buildings closed, we spoke with many families whose children were not receiving their special education instruction and services for a variety of reasons, ranging from low digital literacy to a need for mental health services to a parent's inability to serve as their child's teacher, service provider, and paraprofessional while also holding on to a full-time job. While school staff should be the first ones to reach out to families of students who are not attending in-person or virtual school, there must be central oversight and a strengths-based plan for identifying, re-engaging, and supporting students who are not participating in online instruction or are facing obstacles to success under blended learning.

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## TECHNOLOGY

The DOE must ensure that all students have the technology, internet access, and other material resources and specialized equipment (e.g., sensory toys, assistive technology) they need to be successful when working remotely, given their disability. This may require reassessing what was initially provided in the spring (e.g., a particular student may benefit from having a laptop rather than an iPad in light of their specific needs). The DOE should

continue to make remote learning devices available not only to students attending DOE schools but to all NYC students with disabilities, including those enrolled at charter or non-public special education schools, as the DOE is responsible for providing an appropriate education to all of these students. Finally, the DOE should ensure parents have a place to reach out for technical support and individualized assistance to resolve problems with accessing remote instruction.

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## PUBLIC REPORTING

While the DOE reported the overall percentage of students engaging in remote instruction this spring and summer, it did not provide any information specific to students with disabilities. To ensure accountability and help promote equity, the DOE should publicly report the number and percentage of students with disabilities who did and did not participate in remote instruction and who received full services, partial services, or no services, both retroactively to March and continuing through the coming school year.



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## Provide robust behavioral and mental health supports, refrain from police interventions, and limit exclusionary, punitive discipline.

*The City should put forward a detailed and substantive plan for ensuring students receive the trauma-informed and culturally-responsive social-emotional learning and mental health support they need to be able to thrive in the coming school year. Students have experienced trauma related to COVID-19, systemic racism, and police brutality and will need help adjusting to the new school routines.*

Students with disabilities are disproportionately Black and Latinx, and are thus more likely to have loved ones who fell ill or passed away from COVID-19 and who have been harmed by the police. Moreover, difficulty coping with abrupt changes to daily routines is characteristic of a number of disabilities; some students with disabilities found it especially difficult to transition to remote learning in the spring and likely will have trouble acclimating to a new blended or fully remote schedule this fall. Furthermore, students

who had difficulty engaging in learning last semester due to mental health needs that went unaddressed will need support to participate in instruction this year, and students with significant mental health challenges will need targeted and intensive behavioral supports and services.

Regardless of whether students learn online or in person, it is essential that the DOE equip schools with the resources, tools, staff, training, and coaching to support students' social-emotional needs this school year, including providing behavioral and mental health supports to students. The DOE should marshal the resources of central and borough-based staff such as school response clinicians and social workers working on other student mental health initiatives, Borough/Citywide Office staff (e.g., behavior specialists, crisis de-escalation managers), and social workers at Alternate Learning Centers. The DOE should make such staff available to families and schools to provide mental health and behavioral supports to students and to assist school staff in implementing trauma-informed and restorative supports.

The DOE should require all schools to focus on supporting the social and emotional well-being and resiliency of students when school begins while phasing in academic content, and then infuse social-emotional support throughout the school year. In order to encourage connection, healing, and relationship-building, we recommend that this transition period focus on community circles and other restorative and trauma-informed practices.

We strongly recommend that the DOE set forth a policy for the school year that limits exclusionary, punitive discipline. School staff should not contact School Safety Agents or other members of law enforcement to address student behavior, including students in emotional distress or crises or struggling to comply with health measures. Exclusionary punishments and police interventions are not only ineffective, they also disproportionately impact Black and Latinx students and students with disabilities. No student in emotional distress or crisis should face the police or be handcuffed. No student with a disability struggling to comply with pandemic-related health measures should be punished or excluded from in-person learning or face law enforcement. Teachers and mental health professionals, and not the police, are best equipped to address student behavior.

During the school year, the DOE should not suspend or remove students from class for behavior constituting a Level 1 to Level 4 infraction of the NYC Discipline Code. The DOE must ensure that students with disabilities receive positive behavioral supports and interventions when necessary and are not suspended or otherwise disciplined for behavior exhibited because of their disability. The DOE should remind school staff that, in the limited instances where students with disabilities — including students the DOE is deemed to know have a disability — are disciplined, schools must follow Individuals with Disabilities Education Act (IDEA) discipline rules, even when students learn remotely.



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## Address the backlog in special education evaluations and provide clear guidance to schools on referral and evaluation in the coming year.

*This spring, the DOE did not conduct any psycho-educational evaluations, either in person or remotely. As a result, there is likely a significant backlog in special education evaluations that must be completed in order for children to receive the help they need to learn. We urge the DOE to marshal a variety of resources to address the evaluation backlog in a timely manner and to explore creative solutions that minimize the extent to which students are pulled out of class in order to be evaluated.*

For example, the DOE could have itinerant evaluation teams that travel to the City's new child care centers and students' homes to evaluate students on their remote learning days rather than during the regular school day, should their families prefer. When appropriate and feasible for individual students and families, evaluators could conduct remotely those assessments that can be done virtually, on days when students are learning from home.

Schools will also need clear guidance on meeting their legal obligations to identify students with disabilities in need of special education services, in light of the fact that many students will be returning to school with unfinished learning from last year. Students struggling with grade-level material because they were unable to access remote instruction in the spring will need extra support to accelerate their learning; they should not be referred to special education if their only 'disability' is that they had to wait six weeks to receive a remote learning device, didn't have an adult at home able to help them navigate online learning platforms or understand their assignments, or were unable to focus on schoolwork because they were caring for younger siblings or ill family members. At the same time, schools should not take a 'wait and see' approach and inappropriately delay starting the special education evaluation process for a student with a suspected disability on the grounds that they just need time to get caught up. On the contrary, students with disabilities who need specialized instruction or more individualized support in order to make academic progress will fall further and further behind the more time passes.





## Ensure all health and safety protocols take into account the unique needs of students with disabilities.

*The DOE must provide guidance and training to schools on accommodations for students with disabilities as they develop and implement protocols for health screenings prior to entry into DOE buildings and all health and safety measures taking place throughout the day.*

For example, mask wearing, social distancing, and schedule changes may be particularly challenging for some students with autism spectrum disorders. Schools must provide supports and accommodations to students with disabilities who have difficulty complying with the new requirements and should not exclude students from the classroom if they struggle to follow certain protocols. Such accommodations must be individualized based on the student's needs. For example, teachers and occupational therapists can help some students build tolerance for wearing masks, or find creative ways to make mask-wearing more fun for the students—letting students decorate or design their own masks. Other students may need a mask specially designed for children with sensory needs, and some won't be able to wear masks due to their disability and need extra supports to reinforce social distancing. We are pleased to see that the school reopening plan submitted by the DOE to the New York State Department of Health recognizes that teachers and related service providers may need clear face coverings in some circumstances so that students with disabilities can see the mouths and facial expressions of educators and better understand them.

In addition, as schools look to repurpose every available space in order to maintain appropriate social distancing, they must be mindful of the needs of students and educators with physical disabilities, given that the majority of school buildings are not fully accessible. As each school plans for reopening, it must ensure that students with physical disabilities are assigned only to fully accessible spaces and are able to participate in the entirety of the school day. For example, a building with two entry/exit points may want to maintain traffic flow in a single direction by devoting one door entirely to entrances and limiting use of the other to individuals leaving the building—but if only one of those two entry/exit points is wheelchair-accessible, while the other sits atop a flight of stairs, this will immediately pose a barrier to anyone with a physical disability.



## Ensure students with disabilities, including high school students, can enroll in Learning Bridges child care programs.

*The City is creating “Learning Bridges” programs to provide 100,000 students from 3-K through 8th grade a safe place to participate in remote learning on days when they cannot be in the regular school building but need someplace to go while their parents are at work. The City must ensure that these programs, which will be run by community-based organizations, accommodate students with disabilities who enroll and can provide the support these students need to engage in remote instruction as well as the offered enrichment activities.*

This must be true from the time those programs open. Including students with disabilities may require the City to provide additional staff, arrange for services, or conduct targeted training to meet the individual needs of students. No student should be turned away due to a disability.

In addition, the City should allow high school students with disabilities to enroll in the Learning Bridges programs. The City has announced that the programs are available only to students through the 8th grade under the assumption that high schoolers do not require care and supervision and are able to participate in remote learning independently on days when they are not in the classroom. However, some high school students with disabilities cannot stay alone while their parents work and need adult support in order to participate in online instruction. For this reason, while subsidized child care is generally available only to families of children younger than 13, it is also available to youth with disabilities through age 18. The City should follow these same guidelines with respect to access to the Learning Bridges programs. In addition, the City should ensure that students with disabilities whom the DOE placed in state-approved non-public schools or preschool special education programs at community-based organizations because of their needs have access to the Learning Bridges programs, just like students who attend DOE schools.

Finally, the City should ensure that Learning Bridges programs in every borough are located in fully accessible spaces. If not all program sites are fully accessible, children who have physical disabilities must have enrollment priority at accessible Learning Bridges programs as close to their homes as possible.



## Provide compensatory services to make up for the instruction and services students missed while schools were closed.

During the period of school closure, thousands of students with disabilities missed out on their legally mandated services. These students have the right under federal law to compensatory instruction and services to make up for the support they missed and help them get back on track. The DOE must develop a plan for providing make-up services that includes identifying which students went without services or did not make adequate progress during the period of remote learning and working with families to develop individualized plans for providing compensatory services.



## Start planning now for post-COVID recovery.

The above recommendations all focus on the immediate challenges of educating the City’s students amidst an ongoing pandemic, with the aim of minimizing the long-term educational harm to students with disabilities. However, pandemic schooling is inherently less than ideal, requiring difficult tradeoffs. When the threat to public health has resolved and all students are able to resume full-time, in-person learning, there will be widespread need for additional academic and social-emotional support; schools cannot simply revert back to the ‘normal’ of February 2020. Without targeted action and an eye towards equity, the months of in-person instructional time lost to the pandemic will have ripple effects for decades to come. The DOE will need to offer students with disabilities, along with other high-need populations, including ELLs, students who are homeless, and students in foster care, additional learning time—whether during the summer and other school breaks, via extended school days or school years, or on weekends—as well as targeted instructional interventions with proven effectiveness, such as high-dosage individualized tutoring. Launching new, high-quality programs of this nature at an unprecedented scale will require extensive and meticulous preparation, the commitment of significant resources, and unparalleled collaboration across agencies and between the public and private sectors. Recovery from COVID-19 will be a multi-year process, and the City must begin planning now in order to effectuate it well. ◆