



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York City Council Committee on Education

RE: Oversight – Transfer Schools and Int. 1359-2025 Requiring the Department of Education to Report on Manifestation Determination Reviews

Board of Directors

Kimberley D. Harris, *President*

Paul D. Becker, *Treasurer*

Eric F. Grossman, *President Emeritus*

Carmita Alonso

Matt Berke

Whitney Chatterjee

Matt Darnall

Jessica A. Davis

Brian Friedman

Jamie A. Levitt, *past president*

Maura K. Monaghan

Jon H. Oram

Jonathan D. Polkes

Victoria Reese

Ashish Shah

Misti Ushio

Veronica M. Wissel

Executive Director

Maria M. Odom

Chief Operating Officer

Melkis Alvarez-Baez

Deputy Director

Matthew Lenaghan

October 30, 2025

Thank you for the opportunity to testify. My name is Rohini Singh, and I am the Director of the School Justice Project at Advocates for Children of New York (AFC). For more than 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, including students with disabilities, students from immigrant families, students with mental health needs, and students who are homeless or in foster care. Every year, we help thousands of families navigate the education system.

I am here to testify today to highlight some key recommendations related to transfer schools and in support of Int. 1359, requiring the Department of Education to report on Manifestation Determination Reviews.

Transfer Schools

Transfer schools provide critical alternatives for students who have struggled in traditional high school settings, including overage and under-credited youth, immigrant students, and students with disabilities. Yet significant challenges remain in ensuring equitable access and adequate resources. To this end, we make the following recommendations:

Expand access to transfer schools for older immigrant students: Many older immigrant youth are turned away from transfer schools without clear alternatives, even when seats are available. English Language Learners who arrive as teenagers and young adults must learn a new language, should complete graduation requirements before they turn 22, and often have to make up for interrupted education—all while balancing work, family responsibilities, and migration-related trauma. Few transfer high schools offer the intensive academic and emotional support they need, and those that do are concentrated in Manhattan. The City should

expand the number of schools designed specifically to meet these students' needs and should improve the placement process to ensure that a student who is not accepted to a particular transfer school is supported in finding an alternative placement.

Increase educational pathways such as transfer schools for overage and under-credited youth, including court-involved youth: In addition to expanding transfer school options equipped to serve older immigrant youth, the City should assess the need for additional transfer schools and other alternative programs that combine academics with work-based learning—approaches that have proven particularly effective for court-involved students.

Strengthen supports for students with disabilities in transfer schools: While transfer schools' flexible and individualized settings help many students with disabilities succeed, we find that access to appropriate services remains inconsistent, especially for under-credited students coming from District 75 settings, who are often blocked from transfer schools entirely. The DOE should ensure transfer school staff receive sufficient guidance, training, and resources to meet the needs of students with disabilities.

Improve access to information about alternative programs: The City should make information about transfer schools and other alternative education options easily available at Family Welcome Centers, including which transfer schools may have available seats. They should also bring back the transfer schools directory, in electronic and hard copy form, so that students can easily compare transfer schools, review any admissions requirements, and see schools' specialized programming. In addition, Family Welcome Center staff, guidance counselors, and Individualized Education Program (IEP) teams should receive training on enrollment procedures and program offerings.

Baseline funding for the Learning to Work program: The Learning to Work program provides essential academic and career-readiness support for students in transfer schools, but its funding (\$31M) is set to expire in June 2026. We thank the City Council for your ongoing support of this program and urge the City to baseline funding to maintain these opportunities for students.

Together, these steps would strengthen the transfer school system and help ensure that all students—especially those who have struggled in traditional schools—have access to supportive, high-quality pathways to graduation.

Int. 1359-2025

AFC supports Intro. 1359, which would require the Department of Education to publicly report on Manifestation Determination Reviews (MDRs). Students with IEPs are suspended at disproportionately high rates compared to their peers without disabilities—often for behavior directly related to their disabilities. The MDR process is designed to protect these students by ensuring that disciplinary actions appropriately consider the impact of their disabilities. However, the process is often misunderstood and inconsistently applied by schools, leading to continued and unjust suspensions. Regular data collection and public reporting will bring much-needed transparency to this process and help guide reforms to better protect students with disabilities.



We have several recommendations for amending Intro. 1359 to help make the data as useful as possible. Our suggestions include the following:

- Incorporate the language of the bill into the special education reporting law (Section 21-955 of the Administrative Code), to align data collection and ensure the data can be viewed in conjunction with other City data on students with disabilities.
- Require reporting by community school district, not just by school, to identify district-level trends and ensure that disaggregated data get reported, as certain disaggregated school-level data would likely be redacted due to small numbers.
- Disaggregate data by key factors, including free or reduced-price lunch eligibility, race/ethnicity, gender, English Language Learner status, temporary housing or foster care status, disability classification, language of instruction, grade level, service recommendation, and district.
- Add key data points to assess equity in the MDR process, including:
 - The number and outcomes of MDRs where a parent representative (e.g., attorney or social worker) was present.
 - The number and outcomes of MDRs by underlying infraction code.

We are including our suggested revisions at the end of the testimony. Thank you, Chair Joseph, for introducing this bill. We look forward to working with you to get it enacted.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

Below please find our recommendations for amendments to Intro. 1359, incorporating the proposed Manifestation Determination Review (MDR) data reporting requirements into the current special education data reporting law (Section 21-955 of the Administrative Code), as per our suggestion. Following this version of the bill, we provide a second version, which includes amendments to the bill as a standalone data reporting law, separate from the broader special education data reporting law, in the event the bill sponsor prefers to have the proposed MDR requirements be a separate standalone section of law.

Int. No. 1359

By Council Members Joseph, Louis, Marte, Zhuang, Feliz, Banks, Avilés, Ayala and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on manifestation determination reviews

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York, as amended by local law number 147 for the year 2023, is amended by adding new definitions of “Manifestation determination review” and “Procedural safeguards notice” in alphabetical order to read as follows:

Manifestation determination review. The term “manifestation determination review” means a review to determine whether a student’s behavior that is subject to disciplinary action is a manifestation of the student’s disability, as required pursuant to subparagraph (E) of paragraph (1) of subsection (a) of section 1415 of the United States code and section 201.4 of title 8 of the New York codes, rules and regulations, regarding manifestation determinations, or a successor provision.

Procedural safeguards notice. The term “procedural safeguards notice” means the notice required by subsection (d) of section 1415 of title 20 of the United States code and subsection (f) of section 200.5 of title 8 of the New York codes, rules and regulations, regarding due process procedures, or a successor provision.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law number 27 for the year 2015 is amended to add new paragraphs 18, 19, and 20 to read as follows:

18. The number of students, both in total and disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, disability classification, recommended language of instruction, grade level, service recommendation, community school district and school who were referred to a committee on special education for a manifestation determination review pursuant to chancellor's regulation A-443 or applicable state or federal regulations, regarding student discipline procedures, or a successor provision, and the number and percentage of such students who received more than one manifestation determination review during the same academic year;

19. The number of manifestation determination reviews conducted by a committee on special education, in total and disaggregated by:

(a) school;

(b) community school district;

(c) the infraction code associated with the disciplinary incident immediately preceding the referral for a manifestation determination review;

(d) whether the parent or guardian attended such review or was absent;

(e) whether a parent representative (e.g. attorney, social worker) was present at such review;

(f) whether notice of such review was provided to the parent or guardian at least 5 days in advance of such review, provided fewer than 5 days in advance, or not provided; and

(g) whether the procedural safeguard notice was provided on the same day as the date of referral to a committee on special education, or was not provided the same day; and

20. The following information for such manifestation determination reviews, disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, disability classification, recommended language of instruction, grade level, service recommendation and community school district:

(a) The number and percentage of such manifestation determination reviews conducted within 10 school days of the date of referral to a committee on special education, and the number and percentage conducted more than 10 school days after the date of referral;

(b) The number and percentage of such manifestation determination reviews resulting in a finding that the student's behavior was a manifestation of the student's disability, both in total and further disaggregated by whether the parent or guardian attended and whether a parent representative was present; and

(c) The number and percentage of such manifestation determination reviews resulting in a finding that the student's behavior was not a manifestation of the student's disability, both in total and further disaggregated by whether the parent or guardian attended and whether a parent representative was present.

By Council Members Joseph, Louis, Marte, Zhuang, Feliz, Banks, Avilés, Ayala and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on manifestation determination reviews

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 40 to read as follows:

CHAPTER 40

REPORTING ON MANIFESTATION DETERMINATION REVIEWS

§ 21-1012 Reporting on manifestation determination reviews. a. Definitions. For purposes of this section, the following terms have the following meanings:

Committee on special education. The term “committee on special education” has the same meaning as set forth in section 201.2 of title 8 of the New York codes, rules and regulations, regarding procedural safeguards for students with disabilities subject to discipline, or a successor provision.

Manifestation determination review. The term “manifestation determination review” means a review to determine whether a student’s behavior that is subject to disciplinary action is a manifestation of the student’s disability, as required pursuant to subparagraph (E) of paragraph (1) of subsection (a) of section 1415 of the United States code and section 201.4 of title 8 of the New York codes, rules and regulations, regarding manifestation determinations, or a successor provision.

Procedural safeguards notice. The term “procedural safeguards notice” means the notice required by subsection (d) of section 1415 of title 20 of the United States code and subsection (f)

1 of section 200.5 of title 8 of the New York codes, rules and regulations, regarding due process
2 procedures, or a successor provision.

3 Referral to a committee on special education. The term “referral to a committee on
4 special education” means the act of notifying a committee on special education that a student
5 requires a manifestation determination review, pursuant to chancellor’s regulation A-443 ~~or~~
6 ~~applicable state or federal law~~, regarding student discipline procedures, or a successor provision.

7 b. No later than 120 days after the effective date of the local law that added this section,
8 and by November 1 annually thereafter, the chancellor shall submit to the speaker of the council
9 and post conspicuously on the department’s website a report regarding manifestation
10 determination reviews conducted during the preceding academic year. Such report shall include
11 the following information for each ~~community school district~~school, and shall also include such
12 information aggregated by ~~community school district~~, borough, and citywide:

13 1. The number of students referred to a committee on special education for a
14 manifestation determination review, in total and disaggregated by:

15 (a) School;

16 (b) Grade level;

17 (c) Race or ethnicity;

18 (~~b~~d) Gender;

19 (~~e~~e) English language learner status;

20 (~~d~~f) Eligibility for the free and reduced price lunch program;

21 (~~e~~g) Status as a student in temporary housing; ~~and~~

22 (~~f~~h) Status as a student in foster care; and

23 (i) Disability classification;

1 2. The number of manifestation determination reviews conducted by a committee on
2 special education, in total and disaggregated by:

3 (a) The number and percentage of such manifestation determination reviews in which the
4 parent or guardian reported not receiving notice of the manifestation determination review or for
5 which no documentation of such notice exists;

6 (b) The number and percentage of such manifestation determination reviews for which
7 notice of the manifestation determination review was provided to the parent or guardian at least 5
8 days in advance of such review, and the number and percentage in which such notice was
9 provided fewer than 5 days in advance of such review;

10 (c) The number and percentage of such manifestation determination reviews in which the
11 parent or guardian did not attend the manifestation determination review;

12 (d) The number and percentage of such manifestation determination reviews in which
13 translation interpretation services were requested by a parent or guardian and the number and
14 percentage of instances in which such services were provided during the manifestation
15 determination review;

16 (e) The number and percentage of such manifestation determination reviews for which
17 the procedural safeguard notice was not provided on the same day as the date of referral to a
18 committee on special education, and the number and percentage for which such notice was not
19 provided on the same day;

20 (f) The number and percentage of such manifestation determination reviews conducted
21 more than within 10 school days after of the date of referral to a committee on special education,
22 and the number and percentage conducted more than 10 school days after the date of referral;

1 (g) The number and percentage of such manifestation determination reviews resulting in
2 a finding that the student's behavior was a manifestation of the student's disability, both in total
3 and disaggregated by:

4 (i) Race or ethnicity;

5 (ii) Gender;

6 (iii) English Language Learner status;

7 (iv) Eligibility for the free and reduced price lunch program

8 (v) Status as a student in temporary housing;

9 (vi) Status as a student in foster care; and

10 (vii) Disability classification; and

11 (h) The number and percentage of such manifestation determination reviews resulting in
12 a finding that the student's behavior was not a manifestation of the student's disability, both in
13 total and disaggregated by:

14 (i) Race or ethnicity;

15 (ii) Gender;

16 (iii) English Language Learner status;

17 (iv) Eligibility for the free and reduced price lunch program

18 (v) Status as a student in temporary housing;

19 (vi) Status as a student in foster care; and

20 (vii) Disability classification; and

21 3. The number of students who received more than one manifestation determination
22 review during the same academic year.

1 c. The report shall also include a summary of system-wide practices used by the
2 department to inform parents and guardians about the manifestation determination review
3 process.

4 d. No information that is otherwise required to be reported pursuant to this section shall
5 be reported in a manner that would violate any applicable provision of federal, state, or local law
6 relating to the privacy of student information, or that would interfere with law enforcement
7 investigations or otherwise conflict with the interests of law enforcement. If a category to be
8 reported contains between 1 and 5 students, or allows another category to be narrowed to
9 between 1 and 5 students, the number shall be replaced with a symbol. If a category contains
10 zero students, it shall be reported as zero, unless such reporting would violate any applicable
11 provision of federal, state, or local law relating to the privacy of student information.

12 § 2. This local law takes effect immediately.

NJF
LS # 19864
7/28/2025 12:28 PM