



Advocates for Children of New York

Protecting every child's right to learn

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

Re: Int. No. 853

June 26, 2026

Advocates for Children of New York (AFC) appreciates the opportunity to submit testimony regarding Intro No. 853, which would require the Mayor's Office for People with Disabilities (MOPD), in consultation with the Department of Education (DOE) and community-based organizations, to conduct a study on how language access needs, income, and geographic location affect access to special education programs and services.

For more than 50 years, AFC 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 advocate for students whose needs are often overlooked, including students with disabilities, students from immigrant families, and students experiencing homelessness. Each year, we hear from thousands of parents struggling to obtain the special education evaluations, programs, and services their children need and have a legal right to receive.

As such, we appreciate the Council's goal of identifying disparities in students' ability to access to special education programs and related services in a timely manner, as well as ways the City can potentially address such disparities. We want to ensure that any entity tasked with carrying out a comprehensive study of the type described in Intro 853 has the expertise, resources, and capacity required to do so. This includes, for example, access to relevant student-level data; a deep understanding of the complexities of the City's special education system and of past policy changes and reform efforts; and the time and capacity to meaningfully engage with a wide array of stakeholders, including students, parents and caregivers, advocates, and educators. A study that relies on surface-level analysis, lacks historical perspective, or fails to consider the knowledge and perspectives of New Yorkers with lived experience will be of limited utility.

We have several recommendations for strengthening the bill, which are described below. Suggested language for incorporating such changes can be found in the attached redlined version of Intro 853.

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Ensure the study examines both preschool and school-age special education.

We urge the Council to amend Intro 853 to specify that the study should examine both preschool (ages 3–5) and school-age (ages 5–22) special education, as we are concerned that the bill could otherwise be interpreted as only applicable to programs and services for students with disabilities in grades K–12. We appreciate the Council's past efforts to draw attention to—and push New York City Public Schools (NYCPS) to address—the shortage of seats in preschool special education classes and the consistently large number of 3- and 4-year-olds not receiving their mandated services. While the City has taken important steps in recent years to address these systemic violations of preschoolers' legal rights, preschoolers continue to experience delays in accessing their legally mandated services. Moreover, if the study is to offer well-informed recommendations for addressing disparities in access to evaluations and services, it is critical that it consider a child's full educational career and the entire special education system. For example, a recommendation promoting the creation of incentives for speech therapists to take jobs in public elementary schools could inadvertently exacerbate provider shortages for preschoolers if existing speech therapists leave jobs working with preschoolers to take such positions.

Add housing status as a measure of economic disadvantage and ensure the study considers the intersection of economic need, home language, and geography.

We encourage the Council to expand the economic factors examined in the study to include housing status, not just family income. More than 100,000 New York City students experience homelessness each year, and these students face educational barriers above and beyond those experienced by permanently housed students from low-income families. In 2024–25, for example, 11% of K–12 students with IEPs in temporary housing did not fully receive their mandated special education instruction, compared to 6% of students with IEPs in permanent housing.

We further recommend adding language to specify that the study should examine the *intersection* of the factors (language access needs, economic need, geographic location) laid out in the bill, not just disparities by each factor on its own; as written, it is unclear whether Intro 853 requires as much. Students often fall into more than one of these categories of analysis, and it would be helpful to tease out the implications of these intersections before developing recommendations for targeted outreach, resources, and support. For example, low-income families who speak a language other than English face different obstacles than low-income families who are fluent in English.

Include all stages of the special education process.

The first stage of the special education process is the referral for evaluation, *not* the evaluation itself. While the law includes requirements related to referring a child suspected of having a disability for evaluation, AFC has worked with many families of students who were not appropriately and timely identified, despite clear evidence that they were struggling and in need of additional support. We therefore recommend modifying both the definition of “access” (Section 1(a)) and the list of stages during which families may encounter barriers (Section 1(c)(2)) to include identification.



Require analysis of access to specific programs and services known to have limited availability and capacity.

Section 1(c)(1) of Intro 853 would be strengthened by specifying that the study's analysis of the availability, capacity, and geographic distribution of special education programs and services should include:

- Each of the City's specialized programs, including ASD Nest/Horizon and AIMS, which serve autistic students; PATH, which serves students who need intensive behavioral support; the Academics, Career, and Essential Skills (ACES) program, which serves students with intellectual disabilities in District 1-32 schools; and IREAD, an inclusive program for students with dyslexia and other reading challenges;
- Bilingual special education classes and related services;
- District 75 programs and services, including District 75 inclusion; and
- Outside service providers (such as speech and occupational therapists) whom the City pays to fill gaps in the system.

AFC frequently works with families who have encountered barriers in accessing each of the above programs and services. For example, we have heard from parents who thought the Nest or Horizon program would be a perfect fit for their child, but who were turned away due to the limited number of available seats; from immigrant families for whom the closest bilingual special education class was a long bus ride away; and from parents who called dozens of service providers but were unable to find anyone in their neighborhood who had availability to work with their child and was willing to accept NYCPS' Related Service Authorization (RSA) rate.

Thank you for the opportunity to submit testimony. If you have any questions or would like additional information, please contact Sarah Part, AFC's Senior Policy Analyst, at spart@advocatesforchildren.org.

Int. No. 853

By Council Members Zhuang, Morano, Banks, Brooks-Powers, Dinowitz, Wong, Epstein, Ung, Louis, Gutiérrez, Cabán, Maloney and Schulman

A Local Law in relation to requiring a study on how language access needs, income, and geographic location affect access to special education programs and services

Be it enacted by the Council as follows:

1 Section 1. a. Definitions. For purposes of this local law, the following terms have the
2 following meanings:

3 504 plan. The term “504 plan” has the same meaning as set forth in section 21-955 of the
4 administrative code of the city of New York.

5 Access. The term “access” means the timely and equitable ability to identify preschool and
6 school-age students with disabilities and obtain special education evaluations, programs, and
7 related services.

8 Individualized education program. The term “individualized education program” has the
9 same meaning as set forth in section 21-955 of the administrative code of the city of New York.

10 Language access needs. The term “language access needs” means the need for translation,
11 interpretation, bilingual services or instruction, or other communication supports for families and
12 students with limited English proficiency.

13 Office. The term “office” means the mayor’s office for people with disabilities established
14 pursuant to executive order number 73, dated July 27, 2021, or any successor entity.

15 Special education programs and related services. The term “special education programs
16 and related services” means evaluations, instruction, placements, transportation, accommodations,
17 and any other educational program or service intended to meet the needs of a preschool or school-
18 age child with special educational needs.

1 Student. The term “student” has the same meaning as set forth in section 21-955 of the
2 administrative code of the city of New York.

3 Student with special education needs. The term “student with special education needs”
4 means a child between the ages of 3 and 22 who is eligible for, seeking, or may reasonably require
5 special education programs and related services, including but not limited to students with
6 individualized education ~~plans~~ programs and students with 504 plans.

7 b. Required study. The office, in consultation with the department of education, and with
8 relevant community-based organizations, parents, students, educators, service providers, and
9 advocates, as determined by the office, shall conduct a study examining the degree to which
10 students with special education needs have access to special education evaluations, programs, and
11 related services. The study shall focus on determining the extent to which language access needs,
12 family income, housing status, and geographic location within the city, ~~including borough, council~~
13 ~~district, and school district~~, affect access to special education evaluations, programs, and related
14 services.

15 c. Study components. Such study shall include, but need not be limited to, an examination
16 of:

17 1. The availability, capacity, and geographic distribution of preschool and school-age
18 special education evaluations, programs, and related services, including an analysis of the
19 availability, capacity, and geographic distribution of department of education specialized
20 programs, District 75 programs and services, bilingual special education programs and services,
21 and service providers employed by, contracted with, or otherwise paid by the department of
22 education to serve students with special education needs;

1 2. Barriers to timely identification, evaluation, eligibility determination, placement, and
2 service delivery for special education programs and related services;

3 3. Disparities in access to special education evaluations, programs, and related services by
4 borough, zip code, and community school district, including analysis of whether children residing
5 outside of Manhattan or in zip codes with one or fewer subway stations within their boundaries
6 face increased or unique obstacles;

7 4. Disparities in access to special education evaluations, programs, and related services
8 based on language spoken at home, including an analysis of the availability of interpretation and
9 translation services, bilingual evaluations, bilingual special education programs, and bilingual
10 related services;

11 5. Disparities in access to special education evaluations, programs, and related services
12 based on family income, housing status, and related economic barriers;

13 6. Disparities in access to special education evaluations, programs, and related services
14 based on the intersection of language access needs, family income, housing status, and geographic
15 location, including the extent to which children affected by more than one of these factors face
16 increased or unique obstacles;

17 7. Information about any other disparities identified through the study that impact equitable
18 access to special education identification, evaluation, eligibility determination, placement, and
19 service delivery; and

20 68. Recommendations to address barriers to timely identification, evaluation, eligibility
21 determination, placement, and service delivery and ensure ~~expand~~ equitable access to preschool
22 and school-age special education, including strategies tailored to multilingual households, low-
23 income households, students in temporary housing, and any geographically underserved areas that

1 are identified. Such recommendations should include strategies, including policy, administrative,
2 and operational reforms, to reduce identified disparities and improve access.

3 d. Reporting. No later than 6 months after the effective date of this local law, the office
4 shall submit to the mayor and the speaker of the council, and post on the office's website, a report
5 providing the findings and recommendations described in subdivision c of this section.

6 § 2. This local law takes effect immediately.

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