



Advocates for Children of New York

Protecting every child's right to learn

Testimony for New York City Council Committee on Children and Youth

Re: Afterschool Expansion and DYCD's Concept Paper

September 18, 2025

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Thank you for the opportunity to speak with you today. My name is May DePierro, and I am Policy Associate at Advocates for Children of New York (AFC). 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. Every year, we help thousands of families navigate the New York City school system.

We are pleased that the City has committed to expanding access to after-school programs, with the goal of adding 20,000 new after-school seats over the next three school years. However, for many students who are currently left out of after-school programs, adding seats is not sufficient to provide access.

While the Department of Youth and Community Development (DYCD) concept paper noted that contractors should “provide additional supports or services to enable full participation by those with special needs,” the City must do more to ensure students with disabilities can participate. Unfortunately, we have heard from families of students with disabilities who have been turned away from after-school programs with the explanation that the providers are not able to meet their needs.

This type of exclusion is unacceptable, and illegal. The City should develop a well-publicized process for parents to request the accommodations a student may need to participate in an after-school program; a system for making determinations with input from the parent; a form, similar to the Summer Rising accommodations form, to document the accommodations and supports that the student needs; and a process for the City to provide the needed accommodations and supports, including paraprofessionals. Responsibility for this process should lie with the City and not with individual community-based organizations, so that the process can be

standardized across all programs and the City can ensure that students with disabilities get the accommodations and support they need to participate. Furthermore, there must be resources available to provide such accommodations and support.

As the City works to expand after-school programs, it should ensure that programs are available to students with disabilities who attend District 1-32 schools, as well as to students with more intensive needs who attend District 75 specialized schools or who were placed in state-approved non-public schools by the City because of their disabilities. ***Stranded After School: Advancing Equity & Transportation Access for Students with Disabilities***, a report recently published by the Office of the NYC Comptroller, found that students attending District 75 schools are far less likely than students enrolled in District 1-32 schools to have after-school programs offered at their schools. The City should ensure that it is contracting with community-based organizations that are equipped to meet the needs of students in specialized schools for students with disabilities and should provide the needed support and resources to increase access to after-school programming for these students. In addition, the City should provide the training needed for all providers to understand the accommodations process and to better work with and fully include students with disabilities in after-school programs, including how to get additional assistance.

We also hear from families of students with disabilities, students in temporary housing, and students in foster care, who often attend school far from where they live and rely on bus service to get home, who cannot participate in after-school programs because bus service is only available at the end of the regular school day. In fact, the previously mentioned report from the NYC Comptroller's Office found that almost a third of the 627 school leaders surveyed identified the lack of school bus transportation as a major barrier to participation in after-school programming; of the respondents from District 75 schools, 100 percent indicated lack of busing as a barrier. By not providing these students with the transportation services to which they are entitled, the City is denying them equal access to after-school programs. Making matters even worse, students who get yellow bus service do not receive an OMNY card from their schools, meaning that even families who could pick up their children from after-school programs and accompany them home using public transportation may have to pay for public transportation costs.

Under both the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, the City must provide busing to and from after-school programs for students with disabilities whose Individualized Education Programs (IEPs) or Section 504 plans mandate bus service. The United States Department of Education Office of Special Education and Rehabilitative Services (OSERS) has stated that under the IDEA, "If the IEP Team has made that determination [that a student requires bus service on their IEP], then it should include transportation for required after-school activities, such as community service activities that are required by the school, as well as for activities necessary to afford the child an equal opportunity to participate in extracurricular activities." See *U.S. Department of Education, Questions and Answers on Serving Children with Disabilities Eligible for Transportation* at E-1, Nov. 2009, https://sites.ed.gov/idea/files/OMB_08-0101_Transportation-11-4-09_FINAL-1.pdf.



Similarly, the City has a legal obligation to provide bus service to allow students in temporary housing to participate in after-school programming. New York State Education Law requires that school districts provide transportation to students in temporary housing so they can participate in extracurricular activities if the lack of transportation poses a barrier to their participation. Education Law § 3209(4)(f); *see also U.S. Department of Education, Education of Homeless Children and Youths Program Non-Regulatory Guidance* at J-11, Aug. 2018, <https://www.ed.gov/sites/ed/files/2020/07/160240ehcyguidanceupdated082718.pdf>.

The City must commit to fulfilling its legal obligation to provide students who have a right to transportation to and from school with access to bus service or alternative, workable transportation from after-school programs. The City has indicated that it must rebid the 45-year-old school bus contracts in order to add after-school bus service, and we urge the City to rebid the contracts as soon as possible to make much-needed improvements including the addition of after-school bus service.

The City will not be able to realize the Mayor's vision of "after-school for all" unless it ensures that programs are equipped to meet the needs of all students and that students who rely on bus service have a way to get home.

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