

---

Lynette Aqueron, Suryati Barnes, Kimberly Black, Naomi Brickel, Tim Bromirski, Olga Nelly Collazo, Harold Dean, Kathy Ralabate Doody, Kristen Dudek, Brett Eisenberg, Edward Escobar, Mary Jo Ginese, Michelle Gode, Alexis Harrington, Eileen Murtha, Lori Podvesker, Brian Pulvino, Raquel Schmidt, Alesia Simco, Yvonne Sinisgalli, Kristie Stromecki, Mara Vanderzell, Mindi Wapner, Elizabeth O'Dell Wehling, Danielle Williams.

**MEETING OF THE COMMISSIONER'S ADVISORY PANEL, December 3<sup>rd</sup> at 9:00 AM**

**Members Who Participated:**

Lynette Aqueron, Suryati Barnes, Kimberly Black, Naomiik,m Sillm.9 (ar .7 ( .EMC Dk1 9o)-37 (B)-1 (i)dmlr9 (s))JT (K Murtha, Jennifer Pankowski, Lori Podvesker, Brian Pulvino, Raquel Schmidt, Sinisgalli, Kristie Stromecki, Mara Vanderzell, Mindi Wapner, Elizabeth O'Dell Weh

The following New York State Education Department (NYSED) staff also participated: Assistant Commissioner, Office of Special Education (OSE), Christopher Suriano; OSE Manager of Education Services, Joanne LaCrosse; OSE Manager of Preschool Policy, Patricia Incident Management Units, Suzanne Bolling; OSE Supervisor - Policy Unit, Associates/NYSED CAP Designees: Jennifer Hedderman and Dawn Kalleberg; A Information and Reporting Services (IRS)/NYSED's Individuals with Disabilities Ed Manager, Kristin DeSalvatore.

---

**General Business**

Chairperson Escobar called the meeting to order at 9:00 A.M. This was followed by a review of Zoom participation tips by Jennifer Hedderman.

Chairperson Edward Escobar asked members to enter their name and constituency in the chat box for attendance purposes

- Parents of Children with Disabilities – Danielle N. Williams, Olga Nelly Collazo, and Michelle Gode;
- Individuals with Disabilities – Jennifer Pankowski;
- Administrators of Programs for Children with Disabilities - Harold Dean;
- Representatives of Institutions of Higher Education that Prepare Special Education and Related Services Personnel – Raquel Schmidt; and
- Representatives of Private Schools – Eileen Murtha.

Chairperson ~~ES 5624-761-Ed on W CAP~~ ~~00-002174.002PT120.5052-2015~~ ~~0-10Tj0-TWTe)2.Bw (s)521.090)Tj0.008~~

Director of Special Education Services Joanne LaCrosse shared policy updates on the following:

**Special Education Disability Classification “Emotional Disturbance:”**

During the May 13, 2021 CAP meeting, members were polled on whether the BOR should consider replacing the term “Emotional Disturbance” in NYS Regulations. Members unanimously supported such change. The change to the disability classification “Emotional Disturbance” has also been discussed with the OSE Youth Advisory Panel, teacher networks and advocacy groups. On October 7, 2021, the OSE posted a survey to obtain stakeholder input on changing the term for the disability classification emotional disturbance and is seeking suggestions for replacement terminology. The survey closed October 29, 2021, with over 1,110 responses submitted, including 50 students. The OSE will present the results of this survey to the BOR for discussion in the spring of 2022.

**State Personnel Development Grant (SPDG):**

NYSED received a federal SPDG to implement a department-wide initiative that will use integrated multi-tiered systems of support (MTSS-I) to provide academic, behavioral, and social emotional supports in 50 schools that meet specific criteria. The State University of New York at Albany will develop an MTSS-I Center. This project will also include collaboration with institutions of higher education and the Collaboration for Effective Educator Development, Accountability, and Reform Center. Schools will receive intensive support from the OSE Educational Partnership starting in 2022.

**Due Process:**

In May 2019, the OSE imposed a compliance assurance plan on the New York City Department of Education (NYCDOE), that requires, among other actions, that the NYCDOE address the volume of due process special education complaints filed annually. Ninety-eight percent of due process complaints come from NYC (approximately 14,000 currently). At the November 2021 BOR meeting, NYSED proposed the following amendments:

- Requiring NYC Impartial Hearing Officers to accept a minimum of 35 case appointments and no more than 500 case appointments at any one time
- Allow 60-day extensions in special education

## **CAP 2020-21 Annual Report**

Chairperson Edward Escobar informed members that the Executive Committee is working with NYSED on drafting the 2020-21 CAP Annual Report, which summarizes the work of CAP during the 2020-21 school year, reviews the required CAP constituency, meetings, and tasks and provides an overview of the work of the Executive Committee. Yvonne Sinisgalli, 2020-21 Vice-Chairperson provided an overview of the CAP

