





given the opportunity to provide comments/corrections. Secretary Dudek asked members for a motion to accept the minutes. A vote was taken in person.

**MOVED**, that the CAP Annual Report for 2022-2023 be approved.

Motion by: Michele Gode

Seconded by: Tim Bromirski

Action: Motion carried

## **DISCUSSION ITEMS**

### **Remarks from OSE Leadership**

Eileen Borden, Chief of Special Education Services, introduced NYSED staff.

Assistant Commissioner Christopher Suriano welcomed participants and relayed the importance of the recommendations and discussions that take place at CAP meetings, and the impact the feedback CAP provides in an advisory capacity. Policy updates were shared on the following:

### **NYS Graduation Measures Initiative: Understanding the Process**

At their October 2023 meeting, the BOR presented the [NYS Graduation Measures Initiative: Understanding the Process](#) outlining measures, and sharing the results in a finalized report. [Recommendations from the Blue-Ribbon Commission on Graduation Measures](#) will be presented at the November 2023 BOR meeting.

### **Formal Opinion of Counsel 242**

The Office of Counsel issued [Formal Opinion of Counsel 242](#) regarding the effect of a Second Circuit Court decision that requires that public schools in New York provide special education and related services to resident students with disabilities until age 22, or the day before the student's 22nd birthday. CAP members were encouraged to review the request for [State Aid](#) support for Free and Appropriate Public Education (FAPE) until age 22 presentation that will be presented at the November 2023 BOR meeting.

### **Formal Opinion of Counsel 243**

The Office of Counsel issued [Formal Opinion of Counsel 243](#) regarding regulations concerning the minimum number of instructional hours per week in home, hospital, or institutional settings. This addresses the amount of instruction owed to a student of compulsory school age who has been suspended.



technical assistance resources, including USDE-funded technical assistance centers and resources, and has required NYS to work with these entities. NYS has also been directed to determine the Results elements and/or Compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. NYS must report with its 2022 SPP/APR submission, due February 1, 2024, on the technical assistance sources from which the state received assistance and the actions the state took as a result of that technical assistance. NYS must also notify the public of its IDEA determination, [New York State's IDEA Determination under Section 616\(d\) of the Individuals with Disabilities Education Act: Part B website](#) has the required public posting of Letter to Commissioner Rosa regarding Determination by the USDOE, Office of Special Education Programs. The final FFY 2021 SPP/APR including the 2023 Part B Results-Driven Accountability Matrix is posted on [Special Education State Performance Plan \(SPP\)/Annual Performance Report \(APR\) website](#).

### **Subcommittee Redesign: Updates/Share Out from Subcommittees**

Chairperson Williams led a discussion about the new structure of the CAP subcommittees, including when and how often they meet and how to promote additional participation. Subcommittees will be given time during CAP but can also choose to meet outside of CAP.

The two subcommittees are School-age and Preschool. CAP members were provided with a framework for approaching their subcommittee conversations as representatives of their constituency. CAP members were encouraged to bring questions and ideas to their meetings and to consider framing issues around the following categories during those discussions: least restrictive environment; student performance; legislative updates; teacher/provider certification, and family engagement. During the May 2023 meeting, CAP members had identified the topic of transition across all ages and levels of education as an unmet need in the state. During the meeting, subcommittees designated their Co-chairs and familiarized themselves with procedures. Subcommittees discussed transition needs and provided input on additional unmet needs within the State in the education of students with disabilities. [\[CAP By-laws, Responsibilities I.A\]](#) The subcommittees identified the following needs for future discussion:

#### **Pre-School Subcommittee**

- Tuition Reimbursement Rate- pre-school
- FFS reimbursement rate-Early Intervention (EI)
- Transportation
- Availability of pre-school providers (pre-school and EI)
- Loss of providers to school districts
- Red tape/requirements to open programs/approvals needed
- No access to teacher retirement system
- Lack of physical space for programs
- Growing list of children without services (pre-school and EI)
- Increase in English Language Learners and support services
- Growing need for services
- District 4410 vs. private/non-profit (private requires oversight)

#### **School Age Subcommittee**

- Families seeking services/due process rights (proper reporting)
- Unbiased 3rd party support for parents (non-school district staff)
- IEP being more functional across grade-spans
- Increase in related service providers need
- Placement for students upon graduation- for NYSAA students links to OPWDD/OMH/etc.

Sharing of multiple languages/formats/modern ways, etc.  
with and supporting parents

Staffing needs

**New York State Agency Representation Updates:**