



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

**RE: Oversight: Meeting the Needs of Students with Disabilities in the COVID Era**

**November 18, 2021**

Good morning, I am Maggie Moroff and I coordinate the ARISE Coalition. I speak today on behalf of our 49 organizational and 68 individual members. I'd like to use my time today to highlight a few areas of immediate importance to meeting the needs of students with disabilities during this COVID era--closing current gaps in the delivery of special education supports and ensuring the equitable and effective provision of services to make up for special education services denied to students with disabilities during the pandemic.

**Special Education Service Delivery**

Thanks to the City Council, the DOE must now publicly share data on special education around compliance with regard to evaluations, service delivery and special education instruction. The data showed close to 30,000 students with disabilities not fully receiving their mandated special education instruction as of last April and over 23,000 still not fully receiving their Individualized Education Program (IEP) mandated supports at the end of the last school year. Compliance with IEP mandates doesn't tell the whole story, especially during the pandemic when students counted as "fully served" by the end of the school year may have gone months without an iPad or may have gotten no benefit from remote services even when they received them. Nonetheless, it is troubling to continue to see tens of thousands of students not fully receiving their IEP-mandated instruction since compliance with IEPs is an important component of educating students with disabilities. Those mandates are on IEPs following evaluations and input from school staff and family members about what is necessary to support a student with a disability as they progress through their school years. NYC must do a better job providing the programs and services to which students with disabilities are entitled.

**Make-up Special Education Services**

Because of the pandemic, students with IEPs went without many of the services they critically needed to make progress. In fact, many have seen regression of skills they developed prior to March of 2020. In response, the city announced plans to set up "Recovery Services" for students with disabilities afterschool and/or on weekends. While the details around how Recovery Services and compensatory services will overlap remain unclear to us, it's important

that the DOE begin providing services to make up for lost instruction as soon as possible. That said, we want to flag some concerns around the rollout of those services and caution that they must be addressed immediately to render the additional supports successful:

- In most schools, Recovery Services won't begin until December—nearly a third of the way into the school year. Every day that passes without those services exacerbates existing gaps between students with special education needs and their peers.
- There have been huge inconsistencies in communication with families from school to school. Parents must be included in determining the constellation of support their students will require and receive.
- Attention should be given to the special education recovery needs of all students with disabilities – regardless of age, grade, language needs, or the type of school they attend – to ensure the services and supports they need to make up for lost time and support are delivered and received.
- It is important that these programs provide targeted instructional interventions with proven effectiveness. We were told early on that there will be at least 1 literacy and 1 math teacher at each school trained in evidence-based interventions, although we are now hearing that goal may be compromised. We would like to know how those teachers are being identified, trained and supported so they can provide all that the students require.
- No busing services have yet been assured for students with IEPs who remain at their schools outside of the regular school day for Recovery Services. To be very clear, without specialized transportation for all those who need it, attendance at these programs will be impossible for many. It's critical that transportation be addressed and guaranteed immediately to those who depend on busing for the rest of the school day.
- There needs to be considerable oversight of the program rollout at schools around the city. While this is a citywide initiative, the details are being left to individual schools. Past experiences have demonstrated that some schools will do this more effectively than others and that students at those schools with less resources or commitment will suffer – just as they did during the pandemic and prior to the pandemic. Someone at a high level must watch carefully to be sure that all students with disabilities get the recovery help they need.

We know that Recovery Services will be inaccessible or insufficient for many students. The DOE has a legal obligation to provide students with disabilities with the full make-up services they need as a result of the pandemic—whether or not these services are available through the Recovery Services program at their school.

As I conclude, I wanted to thank you, Chair Treyger, and the Committee on Education, on behalf of the coalition and myself, for your partnership over these past years.