

**New York State's Commissioner's Advisory Panel for Special Education Services
May 30-31, 2024, Meeting Minutes**

The Panel held its scheduled spring meeting on May 30-31, 2024, through a hybrid in-person/remote model at the New York State Education Department (NYSED) building in Albany, New York.

MEETING OF CAP, May 30th at 11:00 A.M.

Members Who Participated:

Natasha Bermudez, Alicia Bockmier, Timothy Bromirski, Kimberly Clarke, Chad Colarusso, Andrea DeMeo, Kristin Dudek, Janety Encarnación, Jacie Feuer, Amy Frank, Michelle Gode, Tia Jackson, Andrew Jordan, Stacy Denise Lyles, Jaime Maistros, Jennifer Pankowski, Suzanne Pearson, Raymond Pierce, Kylie Schell, Raquel Schmidt, Sharada Veerubhotla, Danielle

Chairperson Williams reviewed the two-day agenda and the responsibilities of CAP members.

Dawn Kalleberg and Alana Wickware provided logistical information and reminders of upcoming CAP member actions needed prior to the November 2024 meeting.

Old Business

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Executive Committee Report

Chairperson Williams reviewed CAP member duties and provided updates on Executive Committee meetings with OSE staff and ongoing work with CAP subcommittees. Chairperson Williams emphasized the time commitment of CAP membership, particularly the importance of the requirement for attendance at in-person meetings.

Vice Chairperson Dudek thanked OSE staff and CAP members and offered a reflection on the success of the February 2024 CAP meeting, highlighting the value of discussion and sharing of information. The protocol for

- Explained that current programs include vocational and academic rehabilitation, including providing opportunities to learn trades; onsite college programs; reading rehabilitation programs.
- Discussed transition planning for youth shared with parole officers upon release.
- **Office of Children and Family Services (OCFS)** - Tim Bromirski - provides special education services to court placed individuals under the age of 18;
 - Provided an overview of sites and processes for the provision of special education services for youth served by juvenile justice system.
 - Described intersection of NYSED regulations and oversight of education programs in facilities.
 - Provided updates on population of students served, have seen an increase post-pandemic as well as a trend toward an older population.
 - Shared information on receipt of high school diplomas; and associate degrees through partnerships with local community colleges.
 - Highlighted the collaboration with OMH.
- **Office of Mental Health (OMH)** - Natasha Bermudez - provides traditional outpatient mental health services to children and adolescents in a variety of sites including schools and community offices;
 - Highlighted that [May is Mental Health Awareness Month](#)

agencies to recommend approaches to expanding residential opportunities; and enhanced aid to support student with disabilities until age 22 (Free Appropriate Public Education).

- The [Multi-Tiered System of Supports. Qc^*|æ^â Q VUÙ-I](#) Center, [Á\(ã•ã } Áã Áç Áã \]|| ç^Á](#) outcomes for all students by building capacity in educational organizations to deliver evidence-based practices within a tiered system. The MTSS-Center is hosting a two-day [Virtual Learning Summit on August 14 - 15, 2024](#).
- On September 6, 2023, Governor Hochul signed into law Chapter 351 of the Laws of 2023 (S1746/A1120), amending the [BCE 00196 0.388 01.0](#), to extend coverage to public school districts, charter schools, and boards of cooperative educational services (BOCES) which were previously exempted. These changes became effective January 4, 2024, (120 days after becoming law). NYSED Office of Student Support Services and OSE have issued [Workplace Violence Prevention Program Frequently Asked Questions \(FAQ\)](#).
- [NYSED Educational Partnership](#) contracts end June 30, 2024, and new contracts for the Regional Partnership Centers begin July 1, 2024. The Educational Partnership is a coordinated and cohesive network of support focused on enhancing services and supports for sYSEDs June 30ional services (BCE 00196 0.388 01.0 issued

- Physical Restraint
 - breaking up a fight (C-10)
 - known medical contraindication (C-11)
 - determination of least restrictive technique (C-12)
- Documentation and Training
 - Requirements for School Resource Officer related to the use of physical restraint (D-7)
 - Annual training requirements for SRO(D-8)
 - What staff receive annual training on use of time out and physical restraint (D-9)
- Annual Reporting
 - Parental notification requirements for physical restraints after school hours (e.g., at evening school event) (E-6)
 - Requirements for School Resource Officer related to the use of physical restraint (D-7)

Revised New York State Procedural Safeguard Notice for Students with Disabilities

NYSED has updated its [Procedural Safeguard Notice](#). Updates include both minor technical edits and formatting changes along with several substantive changes. The substantive changes include:

- The addition of a section on accelerated relief;
- Removal of the prohibition of attorney fees for special education mediation;
- Highlighting special education mediation as a dispute resolution in a standalone section; and
- The change in hours of alternative instruction at the elementary and secondary level.

Proposed Amendment of Section 200.5 relating to Special Education Due Process System Procedures

At their May 2024 meeting, the Board of Regents [proposed an amendment to section 200.5 of the Regulations of the Commissioner of Education relating to special education due process hearings](#). The proposed regulatory language is amended to read that due process complaints do not include disputes over the implementation of services in an individualized education services plan, such as the payment of services by a school district that was obtained by the parents of a student with a disability. It is anticipated that the proposed amendment will be presented for permanent adoption at the September 2024 Board of Regents meeting. Public comment period is from May 22, 2024 to July 22, 2024. CAP was encouraged to provide public comment.

New York’s State Performance Plan (SPP)/Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2023

Chief, Eileen Borden reported on the work currently underway on the SPP/APR for FFY 2023, due February 1, 2025, including explaining the addition of SPP Indicator 18, which focuses on the requirements under Part B of IDEA for noncompliance.

Updates from the Office of Standards and Instruction

Assistant Commissioner, Santosha Oliver, and Director, Shannon Logan, provided the following updates:

P-20 Literacy Initiatives

In January, the Department released a series of literacy briefs that focus on the science of reading. The release of the briefs included a statewide literacy conference where educators from across the state came together to focus on research-based practices and the science of reading to •]] [! Á ċ â ^ } o q (æ) ā * Ā ā development. A Literacy Curriculum Review Guide has also been developed in collaboration with stakeholders, provides high-level guidance, in the form of guiding questions, criteria, and indicators. The guide will assist districts in choosing or revising K-3 curricular materials to better ensure alignment with evidence-based practices, the NYS Learning Standards, the NYS Culturally Responsive-Sustaining Education Framework, and the NYS Social-Emotional Learning Benchmarks. These resources can be found on the [Literacy Initiative webpage](#).

Virtual and Blended Instruction

NYSSED supports the use of virtual and blended learning to provide access to high-quality,

