

**New York State's Commissioner's Advisory Panel for Special Education Services
May 19-20, 2022, Meeting Minutes**

New York State's (NYS) Commissioner's Advisory Panel (CAP) for Special Education Services held its scheduled spring meeting on May 19-

processes and procedures for monitoring local education agencies for compliance and performance, and the correction of non-compliance. OSE has met with OSEP to provide additional information and clarification as requested. Ms. LaCrosse described the progress of the monitoring review thus far and will provide CAP with an update on OSEP's findings at a future meeting.

Due Process Proposed Regulations: Information was provided regarding proposed regulatory changes to the due process system. Members were given links to the related Board of Regents items, scheduled public hearings and call for public comment during the meeting and subsequently through the CAP Listserv. To address the volume of due process special education complaints filed annually in NYC, NYSED has [proposed the amendment of sections 200.2\(e\) and 200.5\(j\) of the Regulations of the Commissioner of Education relating to Special education due process system procedures](#) to address the rotational selection process for assignment of impartial hearing officers (IHO) to due process complaints, provide clarification of terms and promote timeliness of impartial hearing decisions, and address how IHOs must handle conflicts of interest. NYSED also [proposed amendments to sections 200.5\(j\) and 200.21\(a\) and addition of section 200.5\(o\) to the Regulations of the Commissioner of Education relating to special education due process procedures](#) to permit the immediate appointment of an IHO to conduct an accelerated review of a due process complaint, establish the process by which a parent may request an accelerated review and indicate the timelines and procedures for an IHO to issue an accelerated order of relief or finding, and establish the compensation rate for IHOs that have been appointed to accelerated due process cases.

Special Educator Certification Proposed Regulations: NYSED collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Special education is one of the persistent statewide shortage areas. To address the shortage of certified special education teachers, the Department has [proposed amendments to the Regulations of the Commissioner of Education to establish the Students with Disabilities \(All Grades\) certificate](#). This certificate will permit special education teachers to teach pre-Kindergarten through grade 12 and will give school districts the flexibility to place special education teachers in the grade levels with the highest staffing needs. CAP members were encouraged to view the [Supplemental Presentation: Proposed Students with Disabilities \(All Grades\) Certificate](#) and to provide public comment.

Office of Special Education Technical Assistance Resources

Jason O'Connell, Associate in OSE's PDSS Unit, presented to CAP on the [OSE Educational Partnership](#), a coordinated and cohesive network of support focused on enhancing services and supports for students with disabilities ages birth to 21 which provides support to educational organizations (districts, schools, approved private schools, and preschools) using an intensive team approach to build organizational capacity through technical assistance and professional development that is implemented with consistency across New York State. The OSE Educational Partnership's mission is to support and empower schools and families to improve equity, access, opportunities, and outcomes for all students with

information for upcoming professional development and training offerings, and descriptions of training packages and sessions. Member were provided the link to [NYSED OSE Educational Partnership website](#) where they can view the current training packages that are available.

3. **Teacher/Provider Certification/Recruitment and Retention:** Kim Black and Suryati Barnes were designated as chair and co-chair. They have been brainstorming challenges related to teacher shortages. Alison Connors suggested they follow-up with Alana Wickware, their NYSED Liaison, for data available about the proposed changes.
4. **Least Restrictive Environment/Inclusion:** Roles for this subcommittee have not been established. The subcommittee is looking at previous goals and objectives and are focusing on inclusiveness, and a review and analysis of access. The subcommittee will be exploring issues relating to access and ways to maximize participation of students with disabilities with their non-disabled peers.
5. **Family Engagement:** Barbara Martorana provided an update for this subcommittee. The first meeting had only had two participants and a chair and co-chair have not been identified. The subcommittee has not yet decided on a specific topic(s) or focus.

CAP Bylaws

Chairperson Escobar acknowledged the work the Business Subcommittee has done in revising the CAP Bylaws. Barbara Martorana updated the members on the Business Subcommittee's continued work with NYSED staff on the revisions to the CAP Bylaws. The goal is to have the Bylaws ready for a vote at the fall meeting. A draft will be provided to members for review prior to the meeting. CAP Bylaws consist of both federal and State requirements as well as open meeting rules. The Bylaws were last updated in 2013 and are being revised to clarify procedures and address issues such as member attendance.

CAP Annual Report for 2021-22

Chairperson Escobar informed members that the CAP Annual Report for 2020-21 was submitted to the Commissioner of Education, Betty Rosa, as well as to the NYS Governor and Legislature. The CAP Executive Committee will work with NYSED staff to draft the 2021-22 annual report, with the goal of having it ready for review and approval at the fall CAP meeting. Each subcommittee will be asked for a summary of their work for inclusion in the 2021-22 CAP Annual Report.

2022-23 CAP Meetings

Members were informed that the CAP meetings for 2022-23 will be in-person with the option of participating virtually. The meetings will be at the New York State Education Department in seminar rooms 5 A & B in Albany, New York, where the meetings were previously held prior to COVID. The dates of the 2022-23 meetings were shared with members and sent to members via the CAP Listserv:

Thursday, November 3, 2022: 12:00 PM – 4:30 PM
Friday, November 4, 2022: 9:00 AM – 12:00 PM

Thursday, March 2, 2023: 12:00 PM – 4:30 PM
Friday, March 4, 2023: 9:00 AM – 12:00 PM

Thursday, May 18, 2023: 12:00 PM – 4:30 PM
Friday, May 19, 2023; 9:00 AM – 12:00 PM

CAP members were informed of changes in procedures for travel costs for in person meetings and that additional details about the changes will be sent via the CAP Listserv prior to the fall meeting date.

Members were polled regarding their suggestions for meeting topics and were informed that they would be sent a link to an online form to give them the opportunity to provide additional input.

Closing

Chairperson Escobar adjourned the May 2022 CAP meeting.