



NYC Special Education Collaborative
Dixon Deutsch, Executive Director
Testimony Presented to The New York City Council Education Committee
Oversight Hearing on Examining NYC Department of Education's Special Education Reform
Friday, October 25, 2013

Good afternoon, Chairman Jackson and members of the New York City Council Committee on Education. My name is Dixon Deutsch and I am the Executive Director of the NYC Special Education Collaborative, an initiative of the New York City Charter School Center (Charter Center).¹ Thank you for the opportunity to present testimony today.

When it comes to NYC special education policy, I've seen the good, the bad and the ugly.

As a Teach For America Corps Member, I came into this work with the mission to reform special education. I had to check a box to choose to teach in a special education setting, but I saw the box and wondered, 'Why is this even an option?'. I wondered why we would we even want a teacher who *doesn't* want to teach students with disabilities?

I taught at a district school in the South Bronx, but I felt dismayed by the lack of expectations for my students with disabilities. I was told that because my students were in special education, it was expected that they were never going to get 3s and 4s state tests. I was told that because my students were Spanish language dominant that they needed special education services. In my first two years as a teacher I wasn't given training on working with students with disabilities, working with their families, or training on interventions that have been proven to work to close the persistent achievement gap.

Dismayed, I resigned from my school in the South Bronx and taught with Achievement First Charter Schools in Brooklyn. I was attracted by their high academic performance, 3 weeks of professional development and an attitude of "whatever it takes." A perfect combination of success factors for students with disabilities. Five years later and wanting to support NYC's charter sector on serving students with special needs, I launched the NYC Special Education Collaborative, an organization whose sole mission is to ensure that NYC charter schools are empowered to build world-class special education programs. The Collaborative currently serves more than 150 of NYC's charter schools and we work to increase the capacity of schools to successfully educate students with disabilities by providing the tools, resources and trainings necessary to ensure best practice. We provide professional development, instructional resources, recruitment activities, and technical assistance to schools so that they can build and maintain the capacity to meet a diverse student population.

Based on my experience, there are 4 points that anyone thinking about special education policy, or reforming special education policy, should keep in mind:

¹ The New York City Charter School Center is an independent not-for-profit organization established in 2004 to help new charter schools get started, support existing schools, build community support, and train new leaders so that highly effective public charter schools can flourish.





1. The NYC DOE's central supports for special education are not always adequate, consistent, or fair.
2. Quality and inclusion are critical.
3. Practical problems can be solved with practical solutions.
4. Practice and training are essential.

Let me further explain...

1. The NYC DOE's central supports for special education are not always adequate, consistent, or fair.

Delays and overburdened staff that are well-meaning but to solve a 21st century issues with resources, technology, language and knowledge that is decades outdated. While I maintain positive working relationships with people within the NYCDOE, and I wholeheartedly support the changes, challenges and vision of my colleagues there, the support across the city is sporadic, variable, and doesn't always drastically impact schools.

For example, in 2008, I organized a group of 35 parents and other school staff and staged a sit-in at the local Committee of Special Education office to demand related services. In prior years it took my parents 4-6 months to secure related services. After this sit-in, each parent was successful in securing all related services for their child, without delays or excuses. This experience taught my parents and me an important lesson about advocacy and the inequities of special education service provisions across the City. Inequities that hardly exist in neighborhoods like TriBeCa but are unfortunately the norm in neighborhoods like East New York.

2. Quality and inclusion are critical.

Make no mistake, special education is much, much more than paperwork. As special educators, identifying a student for special education is when our work begins, not when it ends. I believe that we should be less compliance-focused and more focused on student outcomes.

We've known for decades that inclusive settings, wherever possible, help students achieve and reach their full potential. Throughout my five years with Achievement First we grew the special needs population from under 30 to well over 300 students and our special education staff size from 8 to over 65. At Achievement First we reduced pull-outs from general education settings and began to develop integrated co-teaching classrooms, essentially pairing a general education and special education teacher together, to ensure that students of a variety of disabilities and needs could learn from each other and typically developing peers. We gave these 300 students with disabilities access to a higher quality education than they would have received from their





neighborhood zoned schools. This work was a result of a deliberate reprioritization of the AF network, principals, teachers and families.

Let's focus on another network, Uncommon Schools. In 2011 15% of students with IEPs were declassified and are no longer considered "SPED" students. While up to a third of the incoming students with IEPs are from more restrictive settings, Uncommon finds that the strong general education instruction, supplemental academic support and school-wide behavior structure coupled with behavior interventions help students be successful. In fact, the senior class president of Uncommon Charter High School's 1st graduating class started with Uncommon in the 5th grade having been in a small class (12:1:1) since 2nd grade. The student was declassified from all services within 2 years and although he required ongoing support, he is now the first person in his family to attend college.

While these two examples highlight small success, there is strong evidence that NYC charters help students move toward less restrictive settings or avoid being designated for special education in the first place.² I understand the DOE's intent in special education reform was to allow more schools to make these gains by increasing autonomy.

While we see bright spots in schools, we also know that IEP designations can reflect patterns of bias. With the passage of amendments to the NYS Charter School Act³, I set out to ensure that schools I worked with were meeting the standards of the Act. In 2010 one of my schools moved from CSD 16 to CSD 13 and we noticed our District comparison numbers dropped from 23% to 13%. Simply moving our school site less than a mile away we saw the average district special education rate drop by 10%. There is no scientific rationale for the drop, yet demographics of the neighborhoods tell a different story. You see CSD 16 is Bed-Stuy and CSD 13 is Ft. Greene.

3. Practical problems can be solved with practical solutions (and most problems are practical).

NYC has 183 charter schools, at over 200 campuses. In some schools over 40% of their enrolled students have a disability; some schools have less than 5%. As a whole, based on preliminary 2012-13 data, 14% of charter school students have a disability with over 71% of charter schools having at least 12% of students with disabilities.

No doubt about it— charters serve lower proportions of special education students, especially in more intensive service categories. Research on NYC charters says that this

² See Winters, Marcus. Why the Gap: Special Education and New York City Charter Schools. Center on Reinventing Public Education and Manhattan Institute. September 2013.

<http://www.crpe.org/publications/why-gap-special-education-and-new-york-city-charter-schools>

³ In 2010, the charter sector helped ensure passage of state legislation that requires charter schools to enroll and retain special population students at rates comparable to local district schools





difference exists from Day One⁴. For schools to establish robust programs, they need to overcome practical obstacles of being small schools. The NYC Special Education Collaborative was founded to help do just that.

The DOE should review its own systems with a practical mindset. Several practical recommendations include: overhauling how related services are distributed and assigned, ensuring accountable tracking of special education issues to report what is out of compliance, reimbursement rate changes for the least restrictive students to encourage schools to hire their own service providers rather than rely on the DOE, and front load additional CSE staff and resources at the beginning of the year to ensure that another October 25th doesn't pass and students still do not have their special education services.

4. Practice and training are essential.

The Collaborative believes that training is critical when building and supporting world-class special education programs. To reach this end, we've organized three special education conferences reaching over 600 special education teachers across charter and district schools, connected over 2,500 teachers with charter school recruiters at four recruitment fairs, trained over 150 new special education administrators for roles at their schools, and designed and piloted a shared staffing model for special education supports.

The reform of special education does imply systemic reforms of supports and structures, it also has to do with the reforms of the adults that interact with students with disabilities but that may be a conversation for another day.

In my work with schools I've realized that there is no secret formula for world-class special education supports, just great all-around supports for students. While the special education reforms from the city inform charter school models, we don't stop there. We want our students with disabilities to fare better in our structures of schooling, at lower costs, and we also know what district outcomes are for students with disabilities. We believe in the City's special education reforms but we are also grateful for the blank special education slate we've been given.

One student not receiving related services is one too many. One student given an IEP diploma because of the lack of high-quality instruction and interventions is one too many. One out-of-compliance IEP is one too many. We're a City that has a vast amount of resources, knowledge, information and a willingness to serve our most needy student populations. It's time to leverage great ideas from the first year teacher, the master teacher, the union representative, the charter school leader, the public, the professor and our parents to ensure that our students with disabilities have the greatest opportunity to excel at their highest potential. Let's not be a roadblock to their success.

⁴ See Winters, Marcus. Why the Gap: Special Education and New York City Charter Schools. Center on Reinventing Public Education and Manhattan Institute. September 2013.
<http://www.crpe.org/publications/why-gap-special-education-and-new-york-city-charter-schools>





On behalf of the many charter school special educators who have pledged, through their work and commitments with the NYC Special Education Collaborative, to prioritize equity and access in their special education programs, I encourage you to focus on creating policies that support district and charter school collaboration on the continued development of the City's special education reform. This will ensure that all students with disabilities have access to evidence-based interventions, supports and high-quality post-graduation outcomes.

It's with pleasure that I introduce three of my colleagues in this work: Eve Colavito, Principal at DREAM Charter School in CSD 4, Brett Gallini, Principal at the Neighborhood Charter School of Harlem in CSD 5, and Penny Marzulli, Deputy Executive Director and Director of Institutional Advancement at Brooklyn Prospect Charter School in CSD 15. They will explore their school models and their work as it relates to students with disabilities.

At the conclusion of their testimony I would be happy to answer any of your questions. Thank you.

