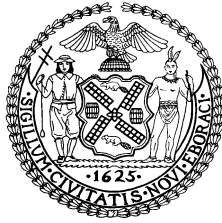


**Alida Camp**  
**Chair**

**Will Brightbill**  
**District Manager**



**505 Park Avenue**  
**Suite 620**  
**New York, N.Y. 10022**  
**(212) 758-4340**  
**(212) 758-4616 (Fax)**  
**www.cb8m.com Website**  
**info@cb8m.com - E-Mail**

**The City of New York**  
**Community Board 8 Manhattan**  
**Youth, Education and Libraries Committee**  
Ramaz School  
Monday, January 28, 2019 at 6:30 PM

**Minutes**

CB8 Committee Attendees: Debbie Teitelbaum (Co-Chair), Alida Camp, Sophia James, Ed Hartzog, Dori Newman, Cece King, Peter Patch (Co-Chair), Leonard Silverman

- Guest Speakers: Jennifer Frankola, Esq. and Kim Susser, Esq., attorneys of counsel to the Law Office of Elisa Hymen, who jointly practice law with a focus on Special Education

1. Presentation: Special Education in NYC and the Individuals with Disabilities Act (IDEA)

The purpose of the meeting was to understand what the law provides with regard to the rights and responsibilities of parents, students and the NYC school system for students with special needs.

- The Law: IDEA: The Individuals with Disabilities Act (IDEA)

IDEA is a federal law. There is also NY State law and case law governing special education. Under this act, the NYC Department of Education (DOE) is required to accommodate each student's individual needs. Under the act, the student's disability must impact his/her functional or academic progress. The act may require services that take place in a classroom, and/or any services the student requires to participate in school.

The following are among the requirements of IDEA:

- IDEA requires free appropriate education, not necessarily the 'best' education.
- The associated services should be provided under 'LRE,' the 'Least Restrictive Environment' for the student, along with appropriate evaluations of their needs.
- The services may involve speech therapy, occupational therapy, physical therapy, assistive technology and paraprofessional support, as well as special education transport.

There are multiple disability classifications under IDEA:

- There are a set of classifications regarding the nature of the disability, including intellectual disability, orthopedic impairment, autism, emotional disability, speech and language impairment, learning disability, deafness, deaf-blindness, hearing impairment and traumatic brain injury.

## The Individual Educational Plan [IEP] – The Key to the Process

A key step in serving each student is the formulation and approval of the Individual Educational Plan, or IEP. The IEP for each student is presented at a meeting; this is an important element of the process, both in developing a program of support for each child, along with a required review – at least annually – thereafter.

Attorneys Frankola and Susser explained that it is critically important for the student's parent(s) or guardian to attend this meeting. The meeting is supposed to occur annually at the student's public school, or at the local DOE Committee on Special Education. The DOE is expected to have specific representation at the meeting, including a district representative, a general education teacher, and a special education teacher, along with current teachers and therapists at the meeting. At the meeting, the DOE will recommend a program based on its array of available services.

The attorneys described the conduct of the IEP meeting. During the course of the IEP meeting, the DOE will present available information and recommendations with regard to current levels of student performance, goals, accommodations, assessment and promotion criteria, along with the proposed classroom ratio, related services and transportation requirements.

The attorneys had specific recommendations for parents regarding the IEP meeting:

- Parents should attend the meeting, with a clear understanding of what they want for their child. Child evaluations should be prepared in advance and shared with the District;
- The child's teachers, therapists, and evaluators should attend and participate;
- Parents should take notes and ask for minutes of the meeting;
- Parents should be open to a DOE recommendation with regard to an appropriate public school;
- Parents are encouraged to raise any disagreements or concerns they may have, in particular with regard to what the DOE may determine regarding 'appropriateness.'
- The attorneys propose that while expressing their appreciation for the proposal of the DOE, the parents indicate that they will 'consider the recommendation' of the DOE.

In order to best represent the interests of their child, parents should take the following actions, before, during and after the IEP meeting:

- (1) Document everything;
- (2) Take notes & draft a response by letter or email, summarizing key points from the meeting in a 'matter of fact' way;
- (3) Send their meeting summary by email, fax or certified mail, so they have evidence of submission to the DOE, specifically including the date of submission.

### 2. New Business: A Student presentation and proposal with regard to mental health services in NYC Schools

A team of students who had attended East Side Middle School presented a resolution in support of the provision of mental health services at all city schools. The participating students were Julia Wischnevsky, Amani Khan, Neve Diaz-Carr, Jenny Lin, and Morris Raskin. The students were accompanied by the principal from East Side Middle School, Ed Getz.

The students expressed concern that all students, and especially students from lower income families, have access to mental health counseling from an accredited counselor – which generally would indicate a professional with a background in social work, or an equivalent credential.

Among the specific points raised by the students were the following;

- Students experience a range of mental health issues including anxiety, depression, obsessive-compulsive disorder and eating disorders;
- They reported that as many as 8% of NYC students may have considered or attempted suicide, and reportedly 13,000 students have experienced depression;
- Many students do not have consistent access to mental health support or clear understanding of mental health issues;
- Mental health significantly impacts a student's academic, social and emotional development; and
- For many students there is a stigma attached to mental illness making it less likely those suffering will share with adults or peers.

Based in part on these observations, the students proposed the following for adoption by the Community Board:

- CB8M urges the NYC Department of Education (DOE) to implement a mental health curriculum;
- CB8M urges the DOE to provide dedicated funding toward one full time social worker per 100 students;
- CB8M urges the DOE to implement a mental health curriculum that recognizes the impact of mental health stigma and provides training to school-based staff on identifying and referring cases of mental illness.

A member of the Community Board commented on the potential cost of the proposal. He observed that if there are one million students in the NYC public school system, and if one mental health professional is assigned per one hundred students as proposed, that would require ten thousand mental health professionals. At an annual cost -- salary plus benefits -- of (at least) \$50,000, that would imply an annual budget of (at least) \$500 million.

In response, the students indicated they would be open to considering an amendment to their proposal that might provide more flexibility about staffing levels for mental Health services. The students also proposed that a mental health curriculum be developed to raise visibility and awareness of the issues regarding mental health in city public schools.

Following an active discussion of these issues among those present at the meeting, the students agreed that they would like to return to a future meeting of the CB8 Youth and Education Committee within the spring at which their resolution could be formally proposed and voted on by members of Community Board 8 Manhattan.

**Peter Patch and Debra Teitelbaum, Co-Chairs**