



**Public Advocate for the City of New York**

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**WAITING FOR HELP:  
Parents of Students with Disabilities Find  
Little Assistance Navigating New York City's  
Special Education System**

**A REPORT BY PUBLIC ADVOCATE BETSY GOTBAUM  
MARCH 2007**

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# Office of the New York City Public Advocate

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**Betsy Gotbaum**  
Public Advocate for the City of New York

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## **EXECUTIVE SUMMARY**

In 2003, as part of its reform of New York City's special education system, the New York City Department of Education (DOE) consolidated the number of administrative bodies responsible for processing and maintaining special education cases from thirty-seven district- and high-school-level committees to ten.<sup>1</sup> The consolidated Committees on Special Education (CSE) were redesigned to correspond with the city's ten instructional regions.<sup>2</sup>

Immediately following the reforms, a number of problems with the special education system were discovered and documented by the Public Advocate's Office. Most notably, there was a dramatic decrease in the number of evaluations and re-evaluations processed by the newly consolidated Committees on Special Education.<sup>3</sup> In other words, regionally-based Committees could not handle the demand for special education evaluations and re-evaluations. Some CSE staff and special education administrators reported to the Public Advocate that they were under pressure from the DOE administration to keep evaluations down.

In response to intense public pressure, the DOE vowed to correct the problems with delayed evaluations and services. Since that time, the number of evaluations and re-evaluations throughout the city has returned to historically "normal" levels, but the Public Advocate's Office has identified other problems that persist nearly three years after the consolidation.

As the ombudswoman for the city, Public Advocate Betsy Gotbaum has received numerous complaints from parents of children with disabilities and special education advocates indicating that the regionally-based Committees are consistently inaccessible and unresponsive to their needs. Parents and advocates report that calls placed to Committees often go unreturned and that reaching an appropriate CSE staff member is next to impossible. Compounding the problem, parents and advocates report that they are often unable to leave messages for CSE staff because voicemail systems are full, contact information which is made available to them is wrong or out-of-date, and CSE receptionists rarely answer the phone.

In October 2006, the Public Advocate's Office conducted a survey to measure the responsiveness and accessibility of the regionally-based Committees. Public Advocate staff called CSE offices and their satellite offices, posing as parents of children in the special education system or inquiring about special education services.

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<sup>1</sup> The 37 committees were associated with the 32 school districts and 5 borough-wide high school districts.

<sup>2</sup> Mayor Bloomberg announced that the Regional Offices his administration created in 2002 will be dissolved and the 32 districts will be resurrected. At the time of this report it is uncertain what will happen to the ten regional Committees on Special Education.

<sup>3</sup> Public Advocate for the City of New York, *Crisis in Special Education: Gotbaum Charges DOE Created Backlog of Evaluations*, February 9, 2004, [www.pubadvocate.nyc.gov/news/releases\\_2\\_9\\_04.html](http://www.pubadvocate.nyc.gov/news/releases_2_9_04.html).

In preparation for the survey, staff of the Public Advocate's Office made several calls to 311,<sup>4</sup> posing as parents seeking information about special education services. Staff discovered that parents are systematically referred to their school's Parent Coordinators—personnel whom the Public Advocate's Office has determined in two separate investigations to have been largely unresponsive and inaccessible to parents in the past.<sup>5</sup> Based on the referrals by 311, the Public Advocate's Office decided to implement a survey to measure the accessibility and responsiveness of Parent Coordinators to parents inquiring specifically about special education services.

Over the course of three weeks, the Public Advocate's Office conducted another investigation of parent coordinators. Public Advocate staff posed as parents interested in having their child evaluated for special education services. They surveyed 30 randomly selected Parent Coordinators in each of the ten regions, a total of 300 calls.

## **FINDINGS**

### ***Committees on Special Education are largely difficult to reach and unresponsive to parents of students with disabilities.***

Ninety-eight (98) calls were placed to Committees on Special Education (CSE).

- In only 46 of the calls (47 percent) did investigators reach an appropriate person or receive a return call from an appropriate person;
  - In only 37 of the calls (38 percent) were investigators able to reach an appropriate person on the original call;
  - In 9 additional calls, investigators received a return call from the CSE within one week of leaving a message;
- Zero (0) calls were returned by the Committees after the one-week deadline set by the Public Advocate's Office.

### ***Callers to Committees on Special Education are often unable to leave messages for CSE staff.***

- In 32 of the calls (33 percent), investigators were unable to leave messages because there was no voicemail option (19), the CSE's voicemail system was full (4), CSE staff hung up on investigators (4), or investigators were told to call back later (5);
- Of all of the offices called, it was most difficult to leave messages for staff at the Region 5 CSE. In five of the seven calls, investigators found that the CSE's voicemail was full. In one call, the investigator was hung up on. Investigators were able to reach an appropriate staff member in only one of seven calls.

### ***Messages left for the Committees on Special Education are often not returned.***

- Of the 29 calls in which investigators were able to leave messages, 20 (nearly 70 percent) were not returned.

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<sup>4</sup> New York City's telephone hotline for information on city services.

<sup>5</sup> Public Advocate for the City of New York, *Waiting for Your Call: A Survey of the Department of Education Parent Coordinators*, November 2003; Public Advocate for the City of New York, *Still Waiting for Your Call: A Follow-up Survey of NYC Department of Education Parents*, July 12, 2004.

***The Committees on Special Education are largely inaccessible to non-English speakers.***

- In only 7 (50 percent) of the 14 calls made in Spanish were investigators able to reach an appropriate person or called back by an appropriate person;
- Of the 7 calls in which investigators were able to leave messages in Spanish, 5 (71 percent) were not returned;
- In only 4 (29 percent) of the 14 calls made in Mandarin Chinese were investigators able to reach an appropriate person or called back by an appropriate person;
- In 8 (57 percent) of the calls made in Mandarin Chinese, investigators were told to call back at a later time (5) or hung up on by CSE staff (3).

***Parent Coordinators are difficult to reach and unresponsive to inquiries about special education services.***

- Investigators were unable to make contact with 151 (or more than 50 percent) of the Parent Coordinators selected for the survey;
- Only 98 (or approximately 33 percent) of the calls placed to Parent Coordinators selected for the survey were answered. Parent Coordinators who answered provided inconsistent information about special education;
- 29 (or approximately 10 percent) of the Parent Coordinators selected for the survey had no contact information listed on the DOE website and therefore could not be contacted;
- Seven Parent Coordinators selected for the survey had phones with full or non-working voicemail systems.

***Parent Coordinators do not return phone calls from those seeking information about special education services.***

- Of the 166 calls resulting in messages left for Parent Coordinators, 115 (or nearly 70 percent) were not returned.

## **RECOMMENDATIONS**

***The Department of Education must:***

***Improve the Responsiveness of New York City's Committees on Special Education:***

- Ensure that the committees return parents' phone calls within five business days;
- Ensure that live operators or receptionists answer phones during regular business hours;

***Improve the Accessibility of New York City's Committees on Special Education:***

- Ensure that all CSE phone numbers are working properly and that all CSE employees have working voicemail boxes that are checked frequently.

*Improve the Accessibility of the Committees on Special Education to Non-English-Speakers:*

- Contract with a telephone-based translation service to ensure that all Committees can effectively communicate with non-English-speaking parents.
- Post on DOE's website an organizational chart of each Committee on Special Education indicating chain of command and including all personnel, phone numbers, and email addresses.

*Improve the Responsiveness and Accessibility of Parent Coordinators:*

- Ensure that each Parent Coordinator has a working phone and voicemail system;
- Ensure that every Parent Coordinator returns parents' phone calls;
- Ensure that the DOE website features contact information for every Parent Coordinator, including cellular phone number, school-based phone number, and email address;
- Update Parent Coordinator contact information regularly.

*Ensure Parent Coordinators are Familiar with the Special Education System:*

- Increase training of Parent Coordinators to ensure they know the correct procedures and contacts for processing special education cases and requests.

## **INTRODUCTION**

Since taking office in January 2002, Public Advocate Betsy Gotbaum has received numerous complaints from parents trying to access or maintain legally mandated special education services for their children. Typically, these parents call the Public Advocate's Office because their attempts to navigate New York's complex special education system have been frustrated.

In 2003, Department of Education Chancellor Joel Klein moved to reform New York City's special education system. In an effort to cut administrative costs, Chancellor Klein reduced the number of Committees on Special Education (CSE), the administrative bodies responsible for processing special education cases, from 37 to 10; reassigned all 969 special education evaluators to classrooms; and shifted the responsibility for conducting evaluations to overburdened school psychologists. As a result, the number of special education cases processed by the DOE plummeted. The number of evaluations processed by the DOE fell by more than a third, while the number of reevaluations dropped by nearly half.<sup>6</sup>

In March 2004, Public Advocate Gotbaum released the results of a survey of nearly 300 school psychologists and administrators that revealed they were under pressure from the administration to keep down referral rates for special education placements.<sup>7</sup> The DOE denied the charge, but ultimately acknowledged the backlog of students awaiting special education services and pledged to address the problem.<sup>8</sup>

Since that time, referrals and evaluations for special education have returned to historically "normal" levels, but parents continue to report that the DOE is inaccessible and unresponsive to their needs. Parents who have contacted the Office of the Public Advocate indicate that information on where to go and who to talk to regarding their child's special education needs is hard to come by and often inaccurate. Furthermore, they indicate that DOE personnel dealing with special education are difficult to reach and often do not return phone calls. For many parents of children with special needs, accessing and maintaining special education services from the DOE becomes a de facto full-time job.

In May 2006, in response to these concerns, Public Advocate Gotbaum reintroduced legislation in the New York City Council that, if passed, would require the DOE to publicly report more comprehensive and timely statistics on the special education system.<sup>9</sup> If passed, this bill would give both the public and elected officials the ability to more closely monitor the DOE's administration of special education.

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<sup>6</sup> Public Advocate for the City of New York, *Crisis in Special Education: Gotbaum Charges DOE Created Backlog of Evaluations*, February 9, 2004, [www.pubadvocate.nyc.gov/news/releases\\_2\\_9\\_04.html](http://www.pubadvocate.nyc.gov/news/releases_2_9_04.html).

<sup>7</sup> Public Advocate for the City of New York, *Gotbaum to Klein: Stop Stonewalling and Fix Special Ed; 87% of those Surveyed Confirm Scandal*, March 3, 2004, [www.pubadvocate.nyc.gov/news/releases\\_3\\_18\\_04.html](http://www.pubadvocate.nyc.gov/news/releases_3_18_04.html).

<sup>8</sup> The New York Times, *City Retools Special Education but Pupils Slip Through Cracks*, July 4, 2004.

<sup>9</sup> New York City Council Int. No. 344-2006.

In October 2006, the Office of the Public Advocate learned that special education classrooms throughout the city were overbooked. In all, nearly 2,500 students with disabilities were packed into 241 classrooms in violation of New York State law and their Individual Educational Programs (IEP), which mandate teacher-to-student ratios. The DOE pledged to fix the problem.

In October 2006, the Public Advocate's Office undertook a project to measure the special education system's accessibility and responsiveness to parents. Guided by complaints from parents and special education advocates concerning their dealings with New York City's Committees on Special Education, the Public Advocate's Office designed and implemented a survey to determine what happens when individuals call Committees with questions about special education.

In order to determine where and to whom the Administration directs parents seeking help navigating the special education system, the Office of the Public Advocate placed preliminary calls to 311, which the administration promotes as a point of entry for New Yorkers seeking access to government services. Public Advocate staff posing as parents discovered that callers are systematically referred to their school's Parent Coordinators—personnel whom the Public Advocate's Office has determined in two separate investigations to have been unresponsive and inaccessible to parents in the past.<sup>10</sup> As a result of the 311 calls, the Public Advocate's Office also designed and conducted a survey to measure the accessibility and responsiveness of Parent Coordinators to parents inquiring about special education services.

This report is based on the findings of the surveys described above.

## **BACKGROUND**

### **Committees on Special Education**

Pursuant to New York State law, each local school district is responsible for identifying, locating, evaluating, and placing all students with disabilities within their district in a timely manner.<sup>11</sup> To carry out these mandates, school districts are required to establish a Committee on Special Education.<sup>12</sup> New York City currently has ten such Committees, one CSE for each of the city's ten instructional regions. Each CSE in the city is responsible for processing all special education cases of students ages 5-21 located within the geographical boundaries of its region, including all students attending public, private, charter, and parochial schools and any other non-public state-approved school.<sup>13</sup> Each regional CSE is headed by a chairperson appointed by their regional superintendent. Committees are also responsible for the oversight of timely compliance of special education cases, as well as conducting conflict resolution and impartial hearings for disagreements between parents and the Department of Education.<sup>14</sup> In fiscal year 2006,

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<sup>10</sup> See 5 and 6.

<sup>11</sup> NY CLS Educ §4402.

<sup>12</sup> *Ibid.*

<sup>13</sup> Department of Education Memorandum from Linda Wernikoff, Deputy Superintendent of Special Education Initiatives, *Changes in the Evaluation Process*, December 12, 2003.

<sup>14</sup> *Ibid.*



New York City's ten Committees were responsible for the oversight of 180,890 special education cases<sup>15</sup> and 132,221<sup>16</sup> special education assessments.<sup>17</sup>

The ability of parents to communicate effectively with Committees is critical to the delivery of appropriate special education services to their children, as well as to the overall effectiveness of the special education system. Parents of children with disabilities must have frequent contact with CSEs to discuss issues including but not limited to:

- Referring their child for special education services;
- Inquiring about the process for getting their child evaluated or re-evaluated for special education services;
- Scheduling an Individualized Education Program meeting;
- Ensuring that their child's placement includes the services mandated by his or her IEP;
- Changing special education services for their child;
- Locating Related Services Providers;
- Troubleshooting problems with their child's special education services;
- Initiating conflict resolution or impartial hearings.

### **Parent Coordinators**

In 2003, Chancellor Joel Klein created a new, school-based "Parent Coordinator" position as part of the DOE's *Children First* Initiative. Parent Coordinators were given the role of creating a welcoming environment for parents in the schools and assisting parents and children in navigating the school system. The position was designed to be the school system's initial point of access for parents with questions or concerns.<sup>18</sup> The DOE trained Parent Coordinators and placed one in every one of the city's 1,200 schools at a cost of \$43 million annually. The DOE also equipped each Parent Coordinator with a cellular phone to facilitate communication with parents.

Almost immediately after the start of the 2003-2004 school year, the Office of the Public Advocate began receiving complaints that many of the newly placed Parent Coordinators were inaccessible or unresponsive to the needs of parents. In November 2003 and again in July 2004, the Office of the Public Advocate randomly surveyed 100 Parent Coordinators to measure their responsiveness and accessibility. On both occasions, the Public Advocate's Office found that most Parent Coordinators could not be reached after school hours or on weekends and that they did not return phone calls.

### **METHODOLOGY**

Between October 16 and November 17, 2006, the Office of the Public Advocate conducted two separate telephone surveys. Both surveys were designed to measure the responsiveness of the DOE to parents' questions and concerns on issues pertaining to

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<sup>15</sup> Mayor's Office of Operations, *The Mayor's Management Report: Fiscal 2006*, Department of Education.

<sup>16</sup> Mayor's Office of Operations, *The Mayor's Management Report: Fiscal 2006*, Department of Education, Supplementary Indicator Tables.

<sup>17</sup> The 132,221 assessments for FY2006 included 34,677 initial referrals, 48,356 reevaluations, 36,171 mandated three-year reviews, and 13,017 cases in process.

<sup>18</sup> The New York Times, *In Gamble, New York Parents to Get Involved*, August 30, 2006.

special education services. In one survey, staff posing as New York City public school parents placed calls to each CSE; in the other, staff posing as New York City public school parents called Parent Coordinators. When necessary, staff left messages for DOE employees. If DOE staff did not return the investigator's phone call within one week, the DOE was marked as unresponsive to that call. It is important to note that this survey did not evaluate the quality of the answers provided by the Committees or the Parent Coordinators, only whether they were accessible and responsive to parents.

Between October 16 and November 1, 2006, the Public Advocate's Office called all CSE regional and satellite offices (14 offices total) using the contact information available on the DOE's website (See Appendix A).<sup>19</sup> Seven calls were placed to each of the CSE offices, for a total of 98 calls. Each office was asked seven different questions related to special education, with one question asked per call. In order to measure the language accessibility of each CSE office, two of the seven questions were asked in languages other than English (Spanish and Mandarin Chinese). The office collaborated with special education advocates and parents of special needs children to design the survey questions. The seven questions were:

1. My child goes to (*randomly selected school within the region*). He/she has been evaluated for special education services and recently received an IEP. He/she is supposed to receive occupational therapy. How do I set up these services now?
2. My child goes to (*randomly selected school within the region*). He/she is having problems with his/her bus route. My child arrives late to school almost every day and often gets home nearly two hours after school ends. How do I change the bus route?
3. My child has an IEP and is transitioning from elementary school to middle school next year. What is the process to continue services in middle school? What information do I need to know?
4. My child is in a school in the empowerment zone.<sup>20</sup> I suspect my child may need special education services. Who do I talk to in order to get an evaluation for my child?
5. My child is in 3<sup>rd</sup> grade at (*randomly selected school within the region*) and his/her pediatrician recently suggested that I get him/her evaluated for special education. What is the process and how do I get started?
6. (*In Spanish*) My child is in 3<sup>rd</sup> grade at (*randomly selected school within the region*) and his/her pediatrician recently suggested that I get him/her evaluated for special education. What is the process and how do I get started?

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<sup>19</sup> DOE, *Regional Contact Information, CSE Regional Chairpersons*, <http://schools.nyc.gov/Parents/Essentials/Special+Education/contacts.htm>.

<sup>20</sup> In June 2006, 330 public schools were invited to join the Department of Education's Empowerment Zone. The principals of empowerment schools are given more discretion over their schools budgets in exchange for greater accountability for student performance. Information available at <http://schools.nyc.gov/Offices/ChildrenFirst/Empowerment/default.htm>.

7. *(In Mandarin Chinese)* My child is in 3<sup>rd</sup> grade at *(randomly selected school within the region)* and his/her pediatrician recently suggested that I get him/her evaluated for special education. What is the process and how do I get started?

The Parent Coordinator Survey included a random sample of three hundred, or approximately one-quarter, of all Parent Coordinators. The Office of the Public Advocate used a random number generator<sup>21</sup> to select 30 unique Parent Coordinators from each of the city's ten regions. The Office of the Public Advocate used the Parent Coordinator contact information available on the DOE's website. Calls were placed to Parent Coordinators between November 1 and November 17, 2006, during business hours (9 am – 5 pm, Monday-Friday). The investigators asked or, if necessary, left a message asking:

- My child is in the 3<sup>rd</sup> grade at *(the school of the randomly selected Parent Coordinator)*. His/her pediatrician recently suggested that my son/daughter be evaluated for special education. What is the process and how do I get started?

## **FINDINGS**

### ***Committees on Special Education are largely difficult to reach and unresponsive to parents of students with disabilities.***

Ninety-eight (98) calls were placed to Committees on Special Education (CSE).

- In only 46 of the calls (47 percent) did investigators reach an appropriate person or receive a return call from an appropriate person;
  - In only 37 of the calls (38 percent) were investigators able to reach an appropriate person on the original call;
  - In 9 additional calls, investigators received a return call from the CSE within one week of leaving a message;
- Zero (0) calls were returned by the Committees after the one-week deadline set by the Public Advocate's Office.

### ***Callers to Committees on Special Education are often unable to leave messages for CSE staff.***

- In 32 of the calls (33 percent), investigators were unable to leave messages because there was no voicemail option (19), the CSE's voicemail system was full (4), CSE staff hung up on investigators (4), or investigators were told to call back later (5);
- Of all of the offices called, it was most difficult to leave messages for staff at the Region 5 CSE. In five of the seven calls, investigators found that the CSE's voicemail was full. In one call, the investigator was hung up on. Investigators were able to reach an appropriate staff member in only one of seven calls.

### ***Messages left for the Committees on Special Education are often not returned.***

- Of the 29 calls in which investigators were able to leave messages, 20 (nearly 70 percent) were not returned.

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<sup>21</sup> Random Number Generator available online at [www.random.org](http://www.random.org).

***The Committees on Special Education are largely inaccessible to non-English speakers***

- In only 7 (50 percent) of the 14 calls made in Spanish were investigators able to reach an appropriate person or called back by an appropriate person;
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- Seven Parent Coordinators selected for the survey had phones with full or non-working voicemail systems.

***Parent Coordinators do not return phone calls from those seeking information about special education services.***

- Of the 166 calls resulting in messages left for Parent Coordinators, 115 (or nearly 70 percent) were not returned.

**RECOMMENDATIONS**

***The Department of Education must:***

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- Ensure that the committees return parents' phone calls within five business days;
- Ensure that live operators or receptionists answer phones during regular business hours;

***Improve the Accessibility of New York City's Committees on Special Education:***

- Ensure that all CSE phone numbers are working properly and that all CSE employees have working voicemail boxes that are checked frequently.

***Improve the Accessibility of the Committees on Special Education to Non-English-Speakers:***

- Contract with a telephone-based translation service to ensure that all Committees can effectively communicate with non-English-speaking parents.

- Post on DOE's website an organizational chart of each Committee on Special Education indicating chain of command and including all personnel, phone numbers, and email addresses.

*Improve the Responsiveness and Accessibility of Parent Coordinators:*

- Ensure that each Parent Coordinator has a working phone and voicemail system;
- Ensure that every Parent Coordinator returns parents' phone calls;
- Ensure that the DOE website features contact information for every Parent Coordinator, including cellular phone number, school-based phone number, and email address;
- Update Parent Coordinator contact information regularly.

*Ensure Parent Coordinators are Familiar with the Special Education System:*

- Increase training of Parent Coordinators to ensure they know the correct procedures and contacts for processing special education cases and requests.

Appendix A – CSE Contact List

NEW YORK CITY DEPARTMENT OF EDUCATION  
CONTACT INFORMATION FOR

REGIONAL COMMITTEES ON SPECIAL EDUCATION CHAIRPERSONS

<http://schools.nyc.gov/Parents/Essentials/Special+Education/contacts.htm>

REGION	DISTRICTS	ADDRESS	PHONE NUMBER	REGIONAL CSE CHAIRPERSON
1	9, 10	One Fordham Plaza Bronx, New York 10458	(718) 329-8074	Silene Nazario
2	8, 11, 12	3450 East Tremont Ave., 2 <sup>nd</sup> Floor Bronx, New York 10465	(718) 794-7428 or (718) 794-7429	Michele Beatty
3	25, 26	30-48 Linden Place Flushing, New York 11354	(718) 281-3520	Claudia Block
	28, 29	90-27 Sutphin Boulevard Jamaica, New York 11435	(718) 557-2500	
4	24, 30, 32	28-11 Queens Plaza North, 5 <sup>th</sup> Floor Long Island City, New York 11101	(718) 391-8405	Esther Morell
5	19, 23, 27	82-01 Rockaway Boulevard Ozone Park, New York 11416	(718) 642-5836	Ivy Linder, I.A.
6	17, 18, 22	5619 Flatlands Avenue Brooklyn, New York 11234	(718) 968-6200	Arlene Rosenstock, I.A.
		1780 Ocean Avenue Brooklyn, New York 11230	(718) 758-7600	
7	20, 21	415 89 <sup>th</sup> Street Brooklyn, New York 11209	D20 (718) 759-4965 D21 (718) 759-4966	Claire Donnellan
	31	715 Ocean Terrace, Building A Staten Island, New York 10301	(718) 420-5752	
8	13, 14, 15, 16	131 Livingston Street Brooklyn, New York 11201	(718) 935-4900	Deborah Cuffey-Jackson
9	1, 2, 4, 7	333 7th Ave, 4th Floor New York, New York 10001	(917) 339-1600	Gerry Donegan
10	3, 5, 6	388 West 125 <sup>th</sup> Street New York, New York 10027	(212) 342-8300	Marilyn Sprecher