



Public Advocate for the City of New York

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**Left in the Dark:  
Citywide Council on Special Education  
Survey Finds DOE Not Informing Parents of  
Educational Opportunities for  
Children with Disabilities**

**A REPORT BY PUBLIC ADVOCATE BETSY GOTBAUM  
BASED UPON THE RESULTS OF THE  
CITYWIDE COUNCIL ON SPECIAL EDUCATION  
PARENT SURVEY**

**JUNE 2007**

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# Office of the New York City Public Advocate

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**SPECIAL THANKS TO:**

**The Citywide Council on Special Education**

## **EXECUTIVE SUMMARY**

In October 2006, the Citywide Council on Special Education (CCSE)—New York City’s education council<sup>1</sup> for District 75, the full-time special education district—decided to measure parent engagement and identify problems with the Department of Education’s delivery of special education services. In response to a request from a parent at a monthly public meeting, the CCSE designed and implemented the first comprehensive survey in New York City created by parents of children with special needs for parents of children with special needs.

The survey found that many parents of students in District 75 were largely uninformed about special education services and options available to their children through the Department of Education. Parents of students in District 75 also cited problems related to busing and the Office of Pupil Transportation, overcrowded special education classrooms, a lack of after-school activities for their children, and a lack of adequate assessment and graduation planning for children with special needs.

Since taking office in January 2002, Public Advocate Betsy Gotbaum has received numerous complaints from parents of children with special needs who are frustrated because services for their child have been delayed, denied, or reduced by the DOE. 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 DOE to keep down referral rates for special education placements.<sup>2</sup> In May 2006, she reintroduced legislation in the New York City Council that, if enacted, would require the DOE to publicly report more comprehensive and timely statistics on the delivery of special education services.<sup>3</sup>

In October 2006, the Public Advocate’s Office learned that nearly 2,500 students with disabilities were crowded into 241 classrooms in violation of New York State law and their Individual Education Plans (IEPs), which mandate teacher-to-student ratios. Most recently, in March 2007, Public Advocate investigators, posing as parents of children with disabilities, found that both the regional Committees on Special Education and parent coordinators failed to respond to more than half of nearly 400 requests for assistance.

Between October 1, 2006 and November 30, 2006, the Citywide Council on Special Education surveyed 2,026 parents of students in District 75. The Office of the Public Advocate then analyzed the results of the survey. Among the findings of the Office of the Public Advocate are the following:

## **FINDINGS**

### **The Department of Education often fails to properly inform parents of children in District 75 about their child’s education plan.**

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<sup>1</sup> In the New York City school system, the interests of parents and the public are represented by education councils. Each one of the city’s 34 school districts—the 32 community school districts, the citywide high school district, and District 75—has an education council. The education council that oversees the delivery of special education in District 75 is known as the Citywide Council on Special Education (CCSE).

<sup>2</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.

<sup>3</sup> New York City Council Int. No. 344-2006.

### *DOE Communication*

- 31 percent of parents indicated that they have never received information on community resources that may help them with their child's education needs;
- 10 percent of parents indicated that they never receive communications from the DOE informing them of special education initiatives.

### *Classroom Environment*

- 20 percent of parents indicated that they did not know if their child was in a self-contained classroom<sup>4</sup> all day;
- 33 percent of parents indicated that they did not know if their child was in an inclusion program;<sup>5</sup>
- 22 percent of parents indicated that they did not know if their child was in a general education classroom during the day.

### *Safety*

- 30 percent of parents indicated that they did not know if their child's school had an adequate safety plan.

### *Alternative Placements/Activities*

- 39 percent of parents indicated that they did not know if after-school programs were available at their child's school.

### *IEP Development*

- 23 percent of parents indicated that they did not know if their child's IEP included a Behavior Management Plan;
- 44 percent of parents indicated that they did not know if their child's IEP had a transition plan.<sup>6</sup>

### *School Environment*

- 34 percent of parents indicated that they did not know if their child's school was a barrier-free/handicap accessible site;
- 33 percent of parents indicated that they did not know if their child's school was air-conditioned.<sup>7</sup>

### **The Department of Education fails to provide many children with special needs with reliable transportation.**

- 91 percent of respondents indicated that their child takes the bus to/from school;
- 19 percent of respondents indicated that the DOE's Office of Pupil Transportation or their child's bus company were not responsive to their concerns;
- 12 percent of respondents indicated that their child's bus does not pick him or her up on time on a regular basis;
- 19 percent of respondents indicated that their child's bus driver did not have his or her correct information<sup>8</sup> on the first day of school;
- 10 percent of respondents indicated they believed their child's busing was unsafe.

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<sup>4</sup> A self-contained classroom is a school setting in which special education services are provided to students with disabilities in a classroom without non-disabled students.

<sup>5</sup> An inclusion program is a school setting in which students with disabilities are educated, using special education supports and services, in classrooms with non-disabled students.

<sup>6</sup> Pursuant to the federal Individuals with Disabilities Education Act (IDEA), a transition plan is a results-oriented plan to facilitate the child's movement from school to post-school activities. Under IDEA, a transition plan must be in place by a child's 16<sup>th</sup> birthday.

<sup>7</sup> Many children with special needs require air conditioning to avoid seizures. It is a common supplement included in IEPs.

<sup>8</sup> Such as correct home address, school address or special needs while riding the bus.

**The Department of Education provides District 75 students with too few after-school activities.**

- 30 percent of parents indicated that their child's school did not have after-school programs;
- 39 percent of parents indicated that they did not know of after-school programs at their child's school;
- 44 percent of parents indicated that their child is not in a work/study program.<sup>9</sup>

**Some children with special needs are placed in overcrowded classrooms in violation of their IEP and state law.**

- 8 percent of parents reported their child's self-contained class was overcrowded.

**The DOE has failed to explain to many parents their child's assessment tools, and many children in District 75 lack post-school transition plans.**

- 18 percent of parents reported their child lacked a transition plan in their IEP;
- 45 percent of parents indicated that the DOE never explained the differences between alternate assessment<sup>10</sup> and standard assessment.

## **RECOMMENDATIONS**

**The Department of Education must:**

*Improve its Communication with Parents of Children Receiving Special Education*

- The DOE must work to improve communication with parents about the services and options that are available in their child's school and throughout the system.

*Ensure that Children with Special Needs Receive Reliable Busing*

- The DOE must improve OPT's operations to ensure that bus drivers and matrons always have correct pick-up/drop-off information for children with special needs;
- The DOE should concentrate on busing problems at the beginning of the school year.

*Increase Capacity of After-School Programs for District 75 Students and Improve Communication Regarding Those Programs*

- The DOE must inform all parents of students in District 75 of available after-school programs at their child's school;
- The DOE must create after-school programs in District 75 schools that lack them.

*Reduce Overcrowding by Improving the Process of Projecting District 75 Enrollment*

- The DOE must improve its system of projecting the number of special education students from year to year to avoid overcrowding;
- The DOE should create a plan based on projections of special education enrollment over five years, using current enrollment numbers for the Department of Health and

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<sup>9</sup> Some District 75 schools have work/study programs that help students with special needs obtain work experience at job sites throughout the city while in school.

<sup>10</sup> Alternate Assessment is the use of non-traditional methods to judge the performance of students with severe cognitive disabilities. In New York State, performance of those receiving alternate assessment is determined through direct observation and documentation and may include other information such as work products, photographs, audio and videotapes. The student with an alternate assessment plan will graduate with an IEP diploma.

Mental Hygiene’s Early Intervention Program and the DOE’s Preschool Special Education program.

*Ensure that All Students in District 75 Have Adequate Post-School Transition Plans*

- The DOE must ensure that special education students have transition plans and that they are making progress towards achieving the goals set out in those plans;
- The DOE must ensure that all parents understand their child’s transition plan.

**INTRODUCTION**

In the fall of 2006, the Citywide Council on Special Education (CCSE)<sup>11</sup> designed and implemented a survey for parents of children receiving special education services in New York City. The goal of the survey was to measure parent engagement and identify problems with the DOE’s delivery of special education services.

***District 75 Parent Comment:***  
*During the previous year, I was misinformed, misguided, and disregarded. I don’t feel that my questions regarding my son were answered and adequately addressed. I have still not received a current IEP.*

The CCSE survey was distributed to parents by District 75 (D75) Parent or Parent Teacher Association (PA/PTA) members and parent coordinators.<sup>12</sup> The survey was designed and implemented at minimal cost. The response from parents was overwhelming. In all, 2,026 parents responded to the survey over a two-month period. The results of the CCSE Parent Survey were distributed in March of 2007 to Department of Education officials and select local elected officials.

On April 30, 2007 the Department of Education unveiled plans to implement its own surveys. The Learning Environment Surveys, designed and distributed at a cost of \$3.3 million,<sup>13</sup> were hailed as the most comprehensive effort by the DOE to date to measure the concerns of parents, teachers, and students involved in the public education system.<sup>14</sup> According to the DOE, the surveys were designed to concentrate on four categories related to public education: school safety, academic expectations, student and parent engagement, and communication. The DOE announced that *all* parents and teachers, as well as students in grades 6 through 12 would be given the opportunity to participate in the survey.<sup>15</sup>

It was revealed later, however, that one important segment of New York’s public education system was excluded from the survey process—parents of students receiving special education services in District 75.<sup>16</sup> According to published reports, DOE officials described the situation of District 75 parents as “too unusual” to be included in the survey

<sup>11</sup> See 8. Description of District 75 included in Background section, pg. 7.

<sup>12</sup> In 2003, the DOE 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>13</sup> Einhorn, E., “Schools Put to Test. \$3.3M Plan Will Quiz All PS Teachers, Students, and Parents for Overall Grade,” *The New York Daily News*, May 1, 2007.

<sup>14</sup> Bosman, J., “Views of Parents, Students and Teachers Sought,” *The New York Times*, May 1, 2007.

<sup>15</sup> New York City Department of Education (DOE), *Learning Environment Survey*, [http://schools.nyc.gov/NR/rdonlyres/7DE9AF04-E28E-4747-B721-821AB066F1B4/21122/Learning\\_Environment\\_Survey\\_Fact\\_Sheet\\_English.pdf](http://schools.nyc.gov/NR/rdonlyres/7DE9AF04-E28E-4747-B721-821AB066F1B4/21122/Learning_Environment_Survey_Fact_Sheet_English.pdf).

<sup>16</sup> Einhorn, E., “Disabled in Survey Snub,” *The New York Daily News*, May 15, 2007.

and announced that a separate survey would be designed for parents of students in District 75 a full year later.<sup>17</sup>

In response to the DOE's lack of initiative in obtaining the input and opinions of District 75 parents, the Public Advocate's Office decided to publish the results of the CCSE's parent survey. This report is based on the findings of that survey.

## **BACKGROUND**

In the United States, all school-age children are guaranteed, through the federal Individuals with Disabilities Education Act (IDEA), "a free and appropriate public education" regardless of disabilities.<sup>18</sup> Pursuant to IDEA, students with disabilities—including physical, emotional, developmental, and learning disabilities—often receive supplemental services to aid in their education.<sup>19</sup> These supplemental services are known as special education.

Special education services consist of specially designed instruction, related services, supplemental aids and supports, and transition services to aid students with disabilities. Special education services are provided at no additional cost to the student or the family, regardless of income level. Each student with a disability is evaluated and is given an Individualized Education Program (IEP). An IEP is a legally binding agreement designed by the parent(s) of a student with a disability and the local education district that dictates the specific set of services a student with a disability will receive to aid in his/her education.

***District 75 Parent Comment:***  
*OPT (Office of Pupil Transportation) needs to vastly improve its system of assigning children to special education [bus] routes...OPT is decidedly sub-par in its dealings with parents...I'd love to have someone from OPT explain the logic of having my 8 year old autistic son spending 1.5 hours each way to travel to a school that is 15 minutes away from our home by car.*

In New York City, there are more than 140,000 children with disabilities receiving special education services in the public schools.<sup>20</sup> The vast majority of these students receive their services in general education schools, alongside students without disabilities. Approximately 23,000 students, however—those with the most profound disabilities—attend full-time special schools in a citywide special education district, District 75.<sup>21</sup>

District 75 provides educational, vocational, and behavioral support programs and related services<sup>22</sup> for students with moderate to severe disabilities. The district consists of 56 school organizations and also provides home and hospital instruction and vision and

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<sup>17</sup> *Ibid.*

<sup>18</sup> 20 USC §1400.

<sup>19</sup> *Ibid.*

<sup>20</sup> New York City Mayor's Office of Operations, *Preliminary Fiscal 2007 Mayor's Management Report*, [www.nyc.gov/html/ops/html/mmr/mmr\\_sub.shtml](http://www.nyc.gov/html/ops/html/mmr/mmr_sub.shtml).

<sup>21</sup> DOE, *District 75: Mission and Goals*, <http://schools.nycenet.edu/d75/district/default.htm>.

<sup>22</sup> Related services are transportation and any developmental corrective and supported services that are necessary to allow the student to benefit from special education. Examples of related services include busing, counseling, speech, occupational therapy, physical therapy, paraprofessional care, and nursing care. 20 USC §1401(22).

hearing services. D75 schools are located at more than 350 school sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York.<sup>23</sup>

### **The Citywide Council on Special Education**

In the New York City school system, the interests of parents and the public are represented by education councils. Each one of the city's 34 school districts—the 32 community school districts, the citywide high school district, and District 75—has an education council. These education councils were created to continue public participation in the New York City public school system after the school boards were dissolved to facilitate mayoral control. The education council that oversees the delivery of special education in District 75 is known as the Citywide Council on Special Education (CCSE). The CCSE is charged with the responsibility of advising the Department of Education and commenting on citywide special education services (District 75).<sup>24</sup>

***District 75 Parent Comment:***  
*My child desperately needs OT [Occupational Therapy] and speech. But she did not receive OT most of last academic year. None this year. Speech [Therapy] is not adequate.*

The CCSE receives information on matters affecting the provision of city special education services from the DOE.<sup>25</sup> Its members consult with a wider community of parents and comment on special education policy. The CCSE holds monthly meetings, open to the public, and allows members of the community to be heard on educational issues affecting students in District 75. Additionally, the CCSE issues an annual report on the effectiveness of special education services and includes

recommendations for improvement.

The CCSE consists of 12 members (11 voting, 1 non-voting).<sup>26</sup> Pursuant to state law, nine of the eleven voting members of the CCSE are parents of students receiving special education services in District 75. Two of the eleven voting members of the CCSE are appointed by the Public Advocate and are required to have extensive experience and knowledge in educating, training, or employing individuals with disabilities. The twelfth member of the council is a student representative—a senior in District 75—appointed by the superintendent of District 75.<sup>27</sup>

The parent members of the CCSE are elected, through a majority vote, by the President, Secretary, and Treasurer of the PAs/PTAs of every school in District 75.<sup>28</sup> The parent members of the CCSE are elected for a term of two years.<sup>29</sup> Public Advocate appointees also serve two years. The student representative serves a term of one year.

<sup>23</sup> DOE, *District 75: Mission and Goals*, <http://schools.nycenet.edu/d75/district/default.htm>

<sup>24</sup> NY CLS Educ §2590(b).

<sup>25</sup> DOE, *Community & Citywide Education Councils: Giving Parents a Voice in New York City's Public Schools – Frequently Asked Question*, [http://schools.nyc.gov/NR/rdonlyres/33265BDB-EF0B-4D85-B41C-B939D7C13CD6/14136/FAQs\\_CEC2007.pdf](http://schools.nyc.gov/NR/rdonlyres/33265BDB-EF0B-4D85-B41C-B939D7C13CD6/14136/FAQs_CEC2007.pdf).

<sup>26</sup> See 24.

<sup>27</sup> *Ibid.*

<sup>28</sup> See 21.

<sup>29</sup> See 24.



The CCSE was first formed in July 2004; however, in the last three years, a student member has only served for no more than five months. In fact, to date, the Department of Education has not appointed a student member to the CCSE for the 2005-2007 term.<sup>30</sup>

### **Citywide Council on Special Education's Past Work**

***District 75 Parent Comment:***  
*My daughter has been harassed and assaulted on the bus since 9/05. I've put numerous complaints to OPT with no response.*

Despite vacancies and limited powers, the CCSE has achieved a great deal since its inception. The CCSE has worked closely with the Office of Pupil Transportation (OPT) to improve the current transportation system for children with special needs. The CCSE, in collaboration with the DOE, created a new training module for bus drivers and escorts who transport children with disabilities, as

well as a school transportation guide for parents of children with special needs. The manual is currently awaiting approval by the New York State Education Department.

Since 2004, the CCSE has identified several issues as priorities for reform within District 75 including: providing more suitable instructional programs and benchmarks for multiply disabled students receiving Alternate Assessment;<sup>31</sup> correcting the DOE's and the School Construction Authority's space allocation formula to more accurately reflect the future physical needs of District 75 schools in order to avoid overcrowding; and providing more after-school programs for students within District 75.

***District 75 Parent Comment:***  
*The IEP team is making decisions without my consent. They are also cutting services without an evaluation...*

### **METHODOLOGY**

Between October 1, 2006 and November 30, 2006, the Citywide Council on Special Education surveyed parents of students in District 75. The survey was designed to assess the involvement of parents in their child's education and identify problems with the DOE's delivery of special education services. The survey concentrated on seven areas, identified by the CCSE, of interest to parents of students in District 75. The areas were:

- School Environment
- Transportation
- Classroom Environment
- DOE Communications
- DOE Staff
- IEP Development
- Assessment/Graduation Requirements

The survey was designed after the CCSE received a request from a parent of a District 75 student to comprehensively measure the issues of most importance to District 75 families.<sup>32</sup> Over the next two months, the CCSE drafted the survey and revised it in

<sup>30</sup> Conversation between John Englert, Current CCSE President and Mark Woltman, Public Advocate's Office, April 17, 2007.

<sup>31</sup> See 7.

<sup>32</sup> Request to conduct the survey came from the June 2006 CCSE Public Meeting on Staten Island. See 4.

response to District 75 parent input. The CCSE released an electronic test version of the survey via the web to a small sample of parents in all five boroughs in September 2006.

***District 75 Parent Comment:***  
*Parents need better information on the progress of the IEP because if the parent doesn't ask the question about certain progress, the school staff does not offer any information.*

In October 2006, after a successful test release of the survey, the instrument was mailed to every District 75 school and site in the city. It was addressed to parents and PTA presidents of the schools. Copies were provided in both English and Spanish. According to the CCSE, some parent coordinators were instrumental in distributing the survey to, and collecting it from, parents.

**CCSE SURVEY RESPONDENTS BY BOROUGH**

Bronx	439	21.7%
Brooklyn	427	21.1%
Manhattan	87	4.3%
Queens	803	39.6%
Staten Island	270	13.3%
<b>Citywide Total</b>	<b>2,026</b>	<b>100.0%</b>

**FINDINGS**

**The Department of Education often fails to properly inform parents of children in District 75 about their child's education plan.**

*DOE Communication*

- 31 percent of parents indicated that they have never received information on community resources that may help them with their child's education needs;
- 10 percent of parents indicated that they never receive communications from the DOE informing them of special education initiatives.

*Classroom Environment*

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*Safety*

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- 39 percent of parents indicated that they did not know if after-school programs were available at their child's school.

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### **The Department of Education fails to provide many children with special needs with reliable transportation.**

- 91 percent of respondents indicated that their child takes the bus to/from school;
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- 10 percent of respondents indicated they believed their child's busing was unsafe.

### **The Department of Education provides District 75 students with too few after-school activities.**

- 30 percent of parents indicated that their child's school did not have after-school programs;
- 39 percent of parents indicated that they did not know of after-school programs at their child's school;
- 44 percent of parents indicated that their child is not in a work/study program.<sup>38</sup>

### **Some children with special needs are placed in overcrowded classrooms in violation of their IEP and state law.**

- 8 percent of parents reported their child's self-contained class was overcrowded.

### **The DOE has failed to explain to many parents their child's assessment tools, and many children in District 75 lack post-school transition plans.**

- 18 percent of parents reported their child lacked a transition plan in their IEP;
- 45 percent of parents indicated that the DOE never explained the differences between alternate assessment<sup>39</sup> and standard assessment.

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<sup>35</sup> Pursuant to the federal Individuals with Disabilities Education Act (IDEA), a transition plan is a results-oriented plan to facilitate the child's movement from school to post-school activities. Under IDEA, a transition plan must be in place by a child's 16<sup>th</sup> birthday.

<sup>36</sup> See 7.

<sup>37</sup> Such as correct home address, school address or special needs while riding the bus.

<sup>38</sup> Some District 75 schools have work/study programs that help students with special needs obtain work experience at job sites throughout the city while in school.

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## **RECOMMENDATIONS**

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

#### *Improve its Communication with Parents of Children Receiving Special Education*

- The DOE must work to improve communication with parents about the services and options that are available in their child's school and throughout the system.

#### *Ensure that Children with Special Needs Receive Reliable Busing*

- The DOE must improve OPT's operations to ensure that bus drivers and matrons always have correct pick-up/drop-off information for children with special needs;
- The DOE should concentrate on busing problems at the beginning of the school year.

#### *Increase Capacity of After-School Programs for District 75 Students and Improve Communication Regarding Those Programs*

- The DOE must inform all parents of students in District 75 of available after-school programs at their child's school;
- The DOE must create after-school programs in District 75 schools that lack them.

#### *Reduce Overcrowding by Improving the Process of Projecting District 75 Enrollment*

- The DOE must improve its system of projecting the number of special education students from year to year to avoid overcrowding;
- The DOE should create a plan based on projections of special education enrollment over five years, using current enrollment numbers for the Department of Health and Mental Hygiene's Early Intervention Program and the DOE's Preschool Special Education program.

#### *Ensure that All Students in District 75 Have Adequate Post-School Transition Plans*

- The DOE must ensure that special education students have transition plans and that they are making progress towards achieving the goals set out in those plans;
- The DOE must ensure that all parents understand their child's transition plan.

## **APPENDIX I – CCSE Members**

Current CCSE members include:

John Englert - CCSE President  
Thomas F. Ryan, Jr. - Vice President  
Charlene Carroll Hall - Treasurer  
Charles Henderson - Secretary  
Diana Marenfeld  
Maria Garcia – Public Advocate Appointee  
Ellen McHugh – Public Advocate Appointee

For more information about the CCSE including the dates, times and locations of public meetings, please go to <http://schools.nycenet.edu/D75/parent/ccse.htm> on the web or contact the CCSE administrative office at:

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**APPENDIX II – CCSE PARENT SURVEY**

*(See Link)*