Testimony of
Paola Martínez Boone, Senior Advocate at the Disability Justice Program
On behalf of
New York Lawyers for the Public Interest
Before
The Council of the City of New York
Committee on Education

Good morning. My name is Paola Martínez Boone and I am a senior advocate and social worker at the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI). While school closures were necessary to slow the spread of the COVID-19, an emergency remote learning plan was put in place. This plan adversely affects both students with disabilities, particularly low-income students classified with emotional disturbance (ED), who rely on behavioral supports, as well as their parents who had to become instant teachers.

NYLPI shares the following testimony, and also, as a member of ARISE, a coalition-based education advocacy organization, fully supports ARISE’s testimony:

Special attention must be paid to students with disabilities classified with Emotional Disturbance who require behavioral supports.

Students with disabilities classified with emotional disturbance are likely to spend a lot of time receiving behavioral supports from staff. Therefore, remote learning has presented a great challenge for, and disproportionately impacted, these students who already face many barriers to getting a quality education. Here are some of the problems that these students face that must be addressed immediately:

a. The New York City Department of Education (DOE) fails to provide students with a consistent remote learning experience. Some students are receiving paper packets, while others are receiving instruction online only.
b. Students who need behavioral supports are having a difficult time concentrating and following remote learning. The accommodations they need (e.g., re-direction) are often not provided during instruction time, leading to student disengagement and loss of instructional time.
c. Some of the related services are not being provided or DOE has given families a paper guide to provide the services themselves.
d. Families have received no guidance regarding evaluations. This is especially problematic for students who currently are placed in an inappropriate school with inappropriate programs and services and believe they will start in September with the same inappropriate programs and services.

We urge implementation of the following solutions to the above-enumerated problems:

a. Create a remote learning system that is consistent. At the very least, all students must receive paper packets alongside their online instruction.
b. Ensure that all students whose IEPs mandate related services are provided those services during remote learning.

c. Improve/update technologies to allow families to have their students evaluated during remote learning.
d. Promptly schedule evaluations to ensure timely and appropriate services in the Fall.
e. Develop a system to fully support students with behavioral needs during remote learning and ensure that all students whose IEPs mandate behavioral supports are provided those supports during remote learning.

f. Simplify the process for parents seeking students’ records.

Conclusion

Thank you for your efforts to improve remote learning for students with disabilities, especially those classified with emotional disturbance. I can be reached at (212) 244-4664 or pmartinez-boone@NYLPI.org, and I look forward to additional opportunities to work with you to improve remote learning for students with disabilities. Further, I want to offer a link to NYLPI’s remote learning resources, which were created to streamline services for families: https://nylpi.org/resource/special-education-remote-learning-information-contacts-resources-links/. Please feel free to share these resources with your constituents.

About New York Lawyers for the Public Interest-www.nylpi.org
For over 40 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual legal services, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

About NYLPI’s Disability Justice Program

NYLPI’s Disability Justice Program works to advance civil rights and ensure independence of New Yorkers with disabilities. NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers. We have long fought for the rights of students with disabilities, especially those classified as emotional disturbance, to obtain an appropriate public education.

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