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TESTIMONY TO THE NYC CITY COUNCIL COMMITTEE ON EDUCATION

BY STATE SENATOR BRAD HOYLMAN-SIGAL

January 30, 2025

Good afternoon Chair Joseph and members of the Committee on Education. I am State Senator Brad Hoylman-Sigal, and I represent the West Side of Manhattan from Christopher Street in Greenwich Village to West 103rd Street on the Upper West Side.

Thank you for the opportunity to testify today on the urgent need to reform New York City's special education policies. New York City's special education process is needlessly adversarial and inaccessible. The system expects parents to be legal experts, full-time advocates, and case managers for their children just to obtain basic educational supports. For many families, especially low-income and under-resourced families, these barriers are insurmountable. And, each year, thousands of children fall through the cracks.

This year, New York City Public Schools (NYCPS) drastically changed its protocol for provision of special education services to students in nonpublic schools. NYCPS began enforcing obscure, procedural protocols for special education applications with no meaningful notice to affected families. As a result, thousands of students lost access to special education services for this school year. My colleagues and I heard from countless schools and parents who were blindsided, left scrambling to figure out why their children had suddenly lost critical educational services.

For many students, this disruption was devastating. In one school, Occupational Therapy and Physical Therapy services were not provided until January. A 4th-grade hearing-impaired student was left without a required frequency modulated (FM) unit or mandated therapy services for months, delaying both her academic and developmental progress. A 6th-grade student who lost access to all special education instruction showed no growth in his MAP scores or his formative assessment performance. These are not isolated incidents. Thousands of students who require speech-language therapy, behavioral supports, paraprofessional assistance, and other critical special education services were left without them for months. Some students were forced to stay home

altogether because they could not safely attend school without accommodations. For children with disabilities, prolonged disruptions in services can have lasting, sometimes irreversible, impacts on their development, mental health, and future educational prospects. NYCPS has not implemented any process to make up for months of lost instruction and support through reimbursement and compensatory services. This is an unconscionable outcome and points to a shocking disregard for the well-being of some of our most vulnerable students.

Late last year, NYCPS forced families into an impossible position: either sign a waiver relinquishing their legal right to due process or continue to be denied the services their children desperately needed. While we were relieved to hear that many families who signed the waiver have now begun receiving services, this sets a dangerous precedent for how the city handles special education disputes. Many families who, understandably, refused to sign the waivers remain without services to this day.

Given the lack of meaningful corrective action, I and my colleague, Assemblymember Linda Rosenthal, introduced legislation ([Senate Bill S1325](#)) that offers a targeted remedy for students impacted by this injustice. Our bill would expedite service approvals for this school year, empower parents to seek reimbursement for services paid for out-of-pocket, empower parents to seek compensatory services for harm done while services were denied, and prohibit the conditioning of services on a waiver of their due process rights. This bill is an essential first step to ensure that students who were unfairly denied services can seek basic remedies.

At the same time, we must also commit to long-term reforms that make special education in New York City more accessible, transparent, and student-centered. And like most urgent policy issues, special education reform requires coordinated action at both the City and State levels. I am confident that through continued collaboration between city and state officials, advocates, and affected families, we can build a system that prioritizes students.

Thank you for the opportunity to testify today. I look forward to working with you to ensure every child in New York City receives the education they deserve.

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