

Ideas....Policies....Programs.....Solutions

David Rubel Associates

I am pleased to post on my website a second issue of my newsletter. It describes new up and running projects from 2012 and into the first half of 2013. Over the past seven years, much of my work has focused on two areas: 1) helping New York City children receive the education services they are entitled to under the law so that they can reach their potential and become productive adults 2) developing workforce programs that help adults achieve economic self-sufficiency. In 2012, our work lead to the launching of two new projects for children receiving special education services.

The overall goal of my practice remains the same: how to transform ideas into programs that work. The programs begin as well researched concept papers. The concept papers usually have bipartisan appeal; they are well received no matter who is Mayor, Governor or President. They also include recommendations based on better utilization of available dollars instead of having to undertake the burden of raising new dollars. The challenge is to figure out what is possible and what isn't given the existing resources available within the context of public and private institutional relationships.

My approach is rooted in the convergence of social policy and muckraking. Finally, all activity must stand up to a measurable test of usefulness and effect. The *ideas policies programs solutions* projects described here have been designed so that practitioners in schools, community development and human services organizations can plug them into their day to day work.

Sincerely,

David Rubel

1. Launching the High School Academic Resource Center Project

<p>Problem</p>	<p>In New York State, the entitlement to special education services is basically the same for children attending public or private schools. However, in both the public and private schools, the promise of these services will only be realized when parents are well informed and feel confident to advocate on behalf of their child. According to student utilization data obtained in 2010 from the New York City Department of Education (NYC-DOE), only 2.7% of youth attending yeshivas and day schools for grades 9 to 12 are receiving publicly funded special education services. This is a sharp drop from the 10% for grades K to 8 (these figures do not include the Williamsburg community) for the same group of yeshivas and day schools. <i>This pattern of under-utilization high schools can be found across the yeshiva community including Sephardic, modern Orthodox, and Haredi.</i> The reality is that high school is a time when students with learning differences, such as dyslexia and ADHD, need even more help managing the same academic challenges as mainstream students. The amount of reading and writing increases almost three times. Also, students need help figuring out their career aptitude, post-secondary school goals, and opportunities for pursuing a college education or a vocational career track.</p>
<p>Solution</p>	<p>On behalf of two clients, Sephardic Community Federation and Teach NYS, DRA conducted research and prepared a program design. The program design was discussed with teachers, principals, parents, the Jewish Education Project, and the New York City Department of Education. The result was a recommendation to create a High School Academic Resource Center. The Center will be based on the research and best practices including the Yale Center for Dyslexia and Creativity, the University of Chicago Academic Resource Center, the Heath Center for Transition Planning at George Washington University, and the National Secondary Transition Technical Assistance Center. Working closely with SCF president Sam Sutton, the project proposal was presented to several potential sources of funding. In 2011, a private foundation agreed to fund the creation of the High School Academic Resource Center (HSARC) project. It is targeted to the roughly 27,000 students attending Jewish high schools in New York City (since the main special education laws are statewide, schools in Long Island and Westchester County can also participate for a total population of around 30,000 high school students).</p> <p>The overall goal of the Center is to ensure that private parochial school students fully benefit from the services they are entitled to under the law. The Center offers four areas of service: 1) provide advice and workshops on academic support and transitional planning services to parents and children (including how to better manage academic strengths and weaknesses in the high school years, goal-setting, college and career planning, test taking, note taking, time management, organization skills, homework strategies, accommodations, self-advocacy). 2) work closely with the NYC-DOE to ensure that private schools students receive transitional planning they are entitled to under Federal and State law 3) encourage parents to use NYC-Department of Education (DOE) publicly funded support services 4) provide training and support to NYC-DOE special education consultant teachers (known as P3's) in academic support and transitional planning services. 5) help parents become strong and confident advocates for the needs of their children.</p>
<p>Status and Results</p>	<p>A full time director was hired and began employment in September of 2012. DRA was retained as project consultant. In the first nine months of operation, 24 yeshivas have sought and received help from the HSARC. 26 workshops have been provided with over 350 people attending. 22 Special Education teachers (also known as DOE SETSS teachers) attended 10 hour professional development training workshops so that they can offer an enhanced menu of services to high school students with IEPs. The Center is also a direct resource for families that are considering accessing services from the NYC-DOE.</p>



2. Establishing a Special Education Services Accountability System for Parentally Placed Children in Private Schools

<p><i>Problem</i></p>	<p>In New York City, close to 13,000 children receiving special education services from the New York City Department of Education (NYC-DOE) belong to the group known as parentally placed in private schools. All of these children have an Individual Education Services Plan (IESP) and receive services from providers under contract with the NYC-DOE. For this group of students, even a minimal student annual performance tracking system does not exist (for public school children, all schools student NYS English and Math scores with a breakdown showing general and special education students scores are posted on NYSED website). While the DOE is spending an estimated \$150 million annually on services to parentally placed children in private school, the vendors and teachers providing these services have little outside accountability for showing proven results.</p> <p>In discussions with school administrators and advocates in Flatbush, Midwood, Williamsburg and Boro Park, the same disturbing problem pops up again and again: while children are receiving DOE funded services they are not showing significant gains each year. What this means is that a child's lack of progress isn't even flagged until the triennial review since many annual reviews never even take place with a parent present. For the stakeholders most concerned with seeing children make annual progress, beginning with parents, schools and advocates, one big piece of objective information should be readily available: how much progress children are making on a school, district and citywide basis.</p>
<p><i>Solution</i></p>	<p>In 2010, the NYC-DOE launched its new \$70 million software tracking system known as SESIS or Special Education Student Information System. It is an online software program for entering and tracking student information. The entire paper IEP has been converted to a computer program and is now entered, maintained and tracked through SESIS. For the 150,000 public school children receiving services, the paper IEP is no longer used. Teachers, therapists and psychologists are able to communicate with each other through SESIS.</p> <p>SEGIS is of particular interest for parentally placed private school children. SESIS could be used to establish an accountability system for the 13,000 parentally placed private school children receiving DOE services. SESIS could tell us the following: how many children actually made progress and by how much on their annual goals; how often parents and general education school teachers attended the annual and triennial review meetings; and what kinds (if any) of transition planning activities high school students are receiving. For children whose first language is not English, it can tell us how many are receiving transitional bilingual instruction. All of this information is currently in the SESIS computer based system program. It would take very little in SESIS functionality to tabulate the data. This information could be provided by total citywide participants and school district both on an annual and triennial basis. If this information was available in a public format, parents, school administrators, general education teachers and other stakeholders would have a much better understanding of how effective the current system of delivery of services is for parentally placed private school children. This same recommendation could also be used for the 150,000 New York City public school students receiving special education services.</p>
<p><i>Status And Results</i></p>	<p>On behalf of Sephardic Community Federation and Teach NYS, DRA has formally submitted a written request to the NYC-DOE urging it to calibrate SESIS so that it will now track performance indicators and make this information available to the representatives of the nonpublic schools. The NYC-DOE has responded that the request can be accommodated after other SESIS functionality improvements are first completed.</p>



3. Yiddish Native Language Struggling Readers Program

<p>Problem</p>	<p>In a typical elementary school classroom, somewhere between 15 to 25% of children will be struggling readers. Recent academic research has shown that struggling reader children should receive the intervention instruction in their native language especially if the community they live in uses the native language as the dominant everyday language. The other option is for the child to receive the intervention help in the second language (English) only. For many years, Jewish parochial schools (yeshivas) in New York have asked if an instructional services program could be added to the menu of No Child Left Behind (NCLB) <i>Title III Part A Language Instruction for Limited English Proficiency (LEP) and Immigrant Students</i> Program funded services. The request came from the schools with large numbers of LEP students whose native language is Yiddish. In 2010-2011 there were close to 27,000 Yiddish native language speakers attending parochial schools for grades K to 12 in New York City (and another estimated 15,000 Yiddish native language students attending parochial schools in Orange and Rockland Counties). As a linguistic minority, Yiddish native language speakers are the second largest group for all New York City students (Spanish is first and Chinese is third); Yiddish is also the second largest linguistic minority for school age children in New York State.</p>																								
<p>Solution</p>	<p>On behalf of a consortium of yeshivas in Williamsburg, DRA undertook first the research and then working with the New York City Department of Education-Division of Non-Public Schools helped launch a pilot program in 2011. The Title III Yiddish Native Language Struggling Readers Program (YNLSRP) is very similar to programs offered in other states with large numbers of students whose native language is not English (Texas, New Mexico, Arizona, Illinois and California). Various models already in use in these states and funded through the NCLB Title III, local funds (or Title I) were reviewed for applicability. The YNLSRP is also based on the three tier model of the Response to Intervention (RTI) program and the New York State Education Department Transitional Bilingual Education program. Consistent with the NCLB Title III law, the purpose of Yiddish language instruction is to improve native language skills only as needed for successful acquisition of English language skills. A full description of the program can be at found on this website on the publications webpage.</p> <table border="1" data-bbox="992 919 1424 1270"> <tr> <td>ע (ayen)</td> <td>ט (tes)</td> <td>א (alef)</td> </tr> <tr> <td>פ (pey)</td> <td>י (yud)</td> <td>ב (beys)</td> </tr> <tr> <td>צ (tsadek)</td> <td>כ (khof)</td> <td>ג (giml)</td> </tr> <tr> <td>ק (kuf)</td> <td>ל (lamed)</td> <td>ד (daled)</td> </tr> <tr> <td>ר (reysh)</td> <td>מ (mem)</td> <td>ה (hey)</td> </tr> <tr> <td>ש (shin)</td> <td>נ (nun)</td> <td>ו (vov)</td> </tr> <tr> <td>ס (sof)</td> <td>ז (samekh)</td> <td>ז (zayen)</td> </tr> <tr> <td></td> <td></td> <td>ח (khes)</td> </tr> </table>	ע (ayen)	ט (tes)	א (alef)	פ (pey)	י (yud)	ב (beys)	צ (tsadek)	כ (khof)	ג (giml)	ק (kuf)	ל (lamed)	ד (daled)	ר (reysh)	מ (mem)	ה (hey)	ש (shin)	נ (nun)	ו (vov)	ס (sof)	ז (samekh)	ז (zayen)			ח (khes)
ע (ayen)	ט (tes)	א (alef)																							
פ (pey)	י (yud)	ב (beys)																							
צ (tsadek)	כ (khof)	ג (giml)																							
ק (kuf)	ל (lamed)	ד (daled)																							
ר (reysh)	מ (mem)	ה (hey)																							
ש (shin)	נ (nun)	ו (vov)																							
ס (sof)	ז (samekh)	ז (zayen)																							
		ח (khes)																							
<p>Status and results</p>	<p>Now in its third year, the program is run through a contract with the Catapult Learning company. A curriculum, teacher's and student workbooks for grades K to 6 was developed by Catapult in partnership with reading and language development experts. For school year 2012-2013, eight yeshiva schools in Williamsburg and Boro Park are participating and over 1,000 students are receiving instructional services. The model is also being developed in upstate Yiddish speaking communities in Monroe and Monsey New York.</p>																								

The work of David Rubel Associates has been reported on in The New York Times, New York Daily News, New York Newsday, El Diario-La Prensa, City Limits Magazine, Chronicle of Philanthropy, Hamodia and Tablet Magazine.

<p>718-768-2675</p>	<p>215 17th Street Brooklyn, New York 11215</p>	<p>drubel@nyc.rr.com</p>
----------------------------	---	---

4. Securing “Related Services” for private school low income special needs children through the Medicaid EPSDT Program

<p>Problem</p>	<p>The Medicaid Early Periodic Screening Diagnostic and Treatment (EPSDT) program has been overlooked by private school families as a way to cover the cost of much needed Related Services (physical, occupational, speech and counseling therapies) for children with special needs. In New York and New Jersey, thousands of low income children attend private Catholic, Jewish, Islamic, Greek Orthodox and Lutheran parochial schools on scholarships. Their family income qualifies them for the Federal School Free Lunch Program (130% of the Federal Poverty Level) and Medicaid. As Medicaid recipients, these children are entitled to the full range of benefits under the EPSDT program. Federal Medicaid law requires all states to provide physical, occupational, speech and counseling therapies to children with a medical necessity.</p> <p>New Jersey: According to Federal Individuals with Disabilities Education Act Law, States and municipalities are not required to provide children with special needs attending private schools the same level of services as public school. In New Jersey, the Department of Education does not offer a full range of special education services to parentally placed children in private schools. In fact, the amount of public funds is meager and dependent on the tax revenue of municipal governments. Since there is no legal obligation, many towns do not cover the expense. In order for children to receive medically needed related services including physical therapy, occupational therapy, speech and counseling, parents have to pay out of pocket (New Jersey Chapter 193 program offers some coverage for speech therapy). In many cases, the low income children do not receive the services they need to reach their learning and independent living potential. An estimated 17,000 children attend private schools on scholarship and are either currently covered under Medicaid or are eligible to receive Medicaid.</p> <p>New York: In New York City, close to five thousand special needs children receive a Free and Appropriate Public Education (FAPE) through a placement in a private school. To attend these schools, families must file a complaint with the New York City Department of Education that their child will be better served through a private school placement. If the parent prevails, the DOE will cover the cost of the tuition or provide Related Services from its own pool of contracted providers but not both. Within this citywide group are children from low income families. For low income families, suing the City at an impartial hearing is an expense they cannot afford as well as requiring numerous hours of preparation, appearances and meetings with lawyers and specialists.</p>
<p>Solution</p>	<p>The Federal Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT) program has been law since 1967. EPSDT allows Medicaid to cover the cost for a child with a medical necessity requiring corrective therapy. The research of DRA found that several thousand private school children residing in New Jersey are entitled to receive physical, speech and occupational therapy services through Medicaid. The research was shared with the Federal Center Medicare and Medicaid Services (CMS) for Region II office. The CMS Region II Office confirmed in writing that the research is fully consistent with all applicable Federal law, regulations and administrative policy guidance letters. The research showed that New York City families could also benefit from Medicaid EPSDT. In certain situations where a school district is putting up obstacles to a FAPE based private school placement, families will now have the Medicaid EPSDT option to use for ensuring that their special needs child receives the Related Services they need to develop and thrive in school and life.</p>
<p>Status and Results</p>	<p>In 2012, the Lakewood School District in Lakewood New Jersey hired DRA to determine the feasibility of using Medicaid for the cost of related services for private school students. DRA provided both the research and implementation strategies for the Lakewood Board of Education and District staff. The research was later shared with clients in New York City and several law firms that specialize in education law. DRA is working with Teach NYS to offer the Medicaid option to families that are seeking FAPE tuition reimbursement and related services from the New York City Department of Education.</p>

