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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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September 27, 2019

Richard Carranza, Chancellor
Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Chancellor Richard Carranza:

At its Full Board meeting September 19, 2019, Community Board #2, adopted the following resolutions:

Dyslexia Education: A Critical Equity Issue for NYC Students

Resolution In Support of Implementation of Early Screening, Curriculum Development, Teacher Training, Programs and Schools To Support and Teach Children with Dyslexia in NYC Public Schools and

The Creation of a DOE Public School Program for Dyslexic Students at the Bleecker School Site

Whereas:

- 1. The NYC Department of Education has failed to develop comprehensive early screening, curriculum, teacher training, programs and schools to support and teach children with dyslexia, creating a deeply inequitable system that is out of reach for the vast majority of New York City families;***
- Dyslexia affects as many as 5-20% of the population, regardless of primary language or background, and represents 80 to 90% of all those with learning disabilities¹;
- Dyslexia is a learning disability, characterized by difficulties with specific language skills, particularly reading, but also spelling, writing and pronouncing words and is often unexpected in relation to other cognitive abilities;
- Left untreated, dyslexia increases the risk of anxiety, depression, low self-esteem, peer rejection,² and absenteeism,³ and as a result, children with undiagnosed dyslexia are more likely to drop out of school

¹ <https://dyslexiaida.org/dyslexia-basics/> and <http://dyslexia.yale.edu/dyslexia/what-is-dyslexia/>.

² Haft, S. L., Myers, C. A., & Hoefft, F., (2016). *Preventing bullying through science, policy, and practice*. Washington, DC: The National Academies Press. doi: 10.17226/23482 and Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/dyslexia/symptoms-causes/syc-20353552>.

³ U.S. Department of Education (2016, October 27). *Chronic absenteeism in the nation's schools: An unprecedented look at a hidden educational crisis*.

and as adults have higher rates of unemployment, anxiety and depression⁴ and become involved with the criminal justice system⁵;

5. The achievement gap between typical and dyslexic readers impacts students as early as first grade and persists and often worsens over time making addressing the needs of dyslexic students a critical education and equity issue;
 - a. NYC DOE observes that students who are not reading at grade level by the end of third grade are likely to have very poor reading outcomes after, and while academic recovery can still occur at any grade or age, the chances are lowered if grade-level reading has not occurred at this point⁶;
 - b. In NYC, only 19% and 18% of NYC Students with Disabilities⁷ (SWD) passed 4th grade state math and ELA exams, respectively, one of the lowest performing demographic groups, dropping to 10% and 12%, respectively, by 7th grade⁸;
6. Currently, the DOE has few and inconsistent systems to address the needs of students with dyslexia and other language-based learning disabilities, including:
 - a. Screening in grades K-2⁹ allowing dyslexic children to be identified sooner and receive interventions and accommodations needed to succeed in school;
 - b. Curricula based on the Orton-Gillingham (OG) Approach to teaching literacy that is multisensory, structured, sequential, cumulative, cognitive and flexible,¹⁰ examples of OG programs for reading include Preventing Academic Failure, Barton, Lindamood Bell, Recipe for Reading, Alphabetic Phonics, Wilson Foundations and Wilson Reading System, SPIRE for reading and for writing include Judith Hochman's Teaching Basic Writing Skills, The Writing Revolution and Self-Regulated Strategy Development;
 - c. Teacher training to recognize early signs for dyslexia, screen students and effectively teach OG-based curricula; and,
 - d. Programs designed for dyslexic students that combine OG-trained staff and curricula with low student-teacher ratios;
7. The Individuals with Disabilities Education Act (IDEA) is a federal law that gives students with disabilities the right to receive a Free and Appropriate Education (FAPE) as outlined in a student's Individualized Education Plan (IEP);
8. However, it remains difficult for parents to include the terms dyslexia, dyscalculia, and dysgraphia in their child's IEP in NYC public schools even though New York State amended Section 305 of the Education Law in 2017 and the Commissioner of Education issued guidance in 2018 to clarify that school districts may use these terms in "evaluations, eligibility determinations, or in developing an individualized education program (IEP)",¹¹ because:

⁴ Al-Lamki L. (2012). [Dyslexia: Its impact on the Individual, Parents and Society](#). *Sultan Qaboos University medical journal*, 12(3), 269–272.

⁵ A 2016 study indicates that more than a third or more of incarcerated youth have learning disabilities and a 2000 study of Texas prisoners found that nearly half were dyslexic. See Mizrahi, J. L., Jeffers, J., Ellis, E. B., & Pauli, P. (2016). [Disability and criminal justice reform: Keys to Success](#). Rockville, MD: Respectability and Moody KC, Holzer CE 3rd, Roman MJ, Paulsen KA, Freeman DH, Haynes M, James TN. (2000). [Prevalence of Dyslexia Among Texas Prison Inmates](#). *Tex Med*.

⁶ Friedman, Ester Klein, Ph.D., Executive Director, Literacy and AIS Division of Teaching and Learning. (2014.) [Indicators for Successful Reading Acquisition](#). NYC Department of Education.

⁷ Students with Disabilities (SWD) are 20% of the NYC public school population and are defined as those students who have an Individualized Education Plan (IEP).

⁸ 2018 ELA and Math results for 4th grade students in NYC, in aggregate and by race, sex, disability, economic status and English language learner status, available at infocenter.nyc.gov/reports-and-policies/citywide-information-and-data/test-results.

⁹ Low cost screening tests include the [Shaywitz Dyslexia Screen](#), developed by Dr. Sally Shaywitz with the Yale Center for Dyslexia & Creativity, the [Colorado Learning Disabilities Questionnaire-Reading Subscale School Age Screener](#) and [others](#).

¹⁰ <https://en.wikipedia.org/wiki/Orton-Gillingham> and <https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/orton-gillingham-what-you-need-to-know>.

¹¹ See [paragraph 56 of Section 305 of NY State Education Law](#) and a summary of the New York State Education Department guidance related to students with dyslexia, dysgraphia, and dyscalculia at <https://www.jdsupra.com/legalnews/new-york-state-education-department-98330/>.

- a. The DOE conducts a psychoeducational evaluation not a neuropsychological evaluation¹²; and,
 - b. Dyslexia, dyscalculia and dysgraphia are not a classification in the DOE's IEP process and instead fall under the umbrella term "Learning Disability"¹³;
9. Families of students with dyslexia and other language-based learning disabilities face a steep and costly learning curve and only those families with significant time and/or financial resources are able to navigate the complex system to fund:
 - a. Private neuropsychological evaluations to secure a dyslexia diagnosis;
 - b. Private tutoring;
 - c. Tuition for private special education, in excess of \$60,000 annually¹⁴; and,
 - d. Annual retainers for special education lawyers to sue the DOE to recover the cost of tuition;
10. Private and charter schools that serve dyslexic students continue to expand and provide models for the DOE, such as The Windward School that opened a Manhattan campus in Fall 2015 for 100 students in grades 3-6 and now serves 350 students in grades 1-8¹⁵ and Bridge Preparatory Charter School that opened in Staten Island in Fall 2019 and serves 90 students in grades 1-2 with plans to expand through grade 5¹⁶; and,
11. Currently the NYC DOE and School Construction Authority (SCA) do not fund or build new schools or classroom space based on learning type or system-wide criteria¹⁷.

Therefore, be it resolved that Community Board 2:

1. Urges the NYC DOE to:
 - a. Implement universal dyslexia screening for all students;
 - b. Develop curriculum and programs to support and teach children with dyslexia *within* current schools and develop and maintain stand-alone schools and or programs as necessary to best serve dyslexic students within the public-school system;
 - c. Fund and implement teacher training to recognize the early signs of dyslexia, screen students and effectively teach curriculum and programs for dyslexic students; and,
 - d. Conduct training and actively engage with school psychologists, special education teachers and related staff who implement the psychoeducational evaluations to ensure that they are aware of Section 305 of the Education Law regarding the use of dyslexia classifications in IEPs;
2. Urges the NYC DOE and SCA to fund the Bleecker School in its Five-Year Capital Plan and explore the possibility of creating a DOE public school program for dyslexic students, based on the population size of identified students.

VOTE: Unanimous, with 43 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,

¹² <https://www.schools.nyc.gov/special-education/the-iep-process/evaluation>.

¹³ <https://www.schools.nyc.gov/special-education/the-iep-process/the-iep>.

¹⁴ City spending on private school tuition for learning disabled children has sky-rocketed upwards from \$103.6 million in 2009-2010 to \$244.1 million in 2017-2018, <https://reason.com/video/voucher-special-needs-reimbursement-nyc/>.

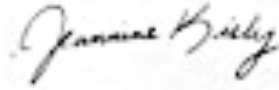
¹⁵ <https://www.thewindwardschool.org/about>.

¹⁶ <https://bridgeprepcharter.org/our-students/> and <https://chalkbeat.org/posts/ny/2019/09/04/a-reading-crisis-why-some-new-york-city-parents-created-a-school-for-dyslexic-students/>.

¹⁷ The NYC DOE and SCA's Five-Year Capital Plan prioritizes new capacity based on overcrowding by school district. See the [DOE and SCA's Proposed FY 2020 - 2024 Five-Year Capital Plan](#), February 2019, page 8 for a list of priorities and page 19 for the funded projects by District and Sub-District. Within District 2, the only programmatic needs the DOE identifies are for Pre-Kindergarten seats, see the [DOE's 2019-2020 District 2 Planning Presentation](#), October 9, 2018, page 28.



Carter Booth, Chair
Community Board #2, Manhattan



Jeannine Kiely, Chair
Schools and Education Committee
Community Board #2, Manhattan

TB/EM

- c: Hon. Jerrold Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velasquez, Congresswoman
Hon. Brian Kavanagh, NYS Senator
Hon. Brad Hoylman, NYS Senator
Hon. Deborah J. Glick, NYS Assembly Member
Hon. Yuh-Line Niou, NYS Assembly Member
Hon. Scott M. Stringer, NYC Comptroller
Hon. Jumaane Williams, NYC Public Advocate
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Carlina Rivera, Council Member
Donalda Chumney, Superintendent, District 2, NYC DOE
Jennifer Greenblatt, District 2 Family Advocate
Robin Broshi, President, Community Education Council District 2

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September 27, 2019

Richard Carranza, Chancellor
Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Chancellor Richard Carranza:

At its Full Board meeting September 19, 2019, Community Board #2, adopted the following resolutions:

Resolution In Support of Comprehensive Lead Testing In and Around NYC Schools

Whereas:

1. Long-term studies on children with even mild-to-moderate lead exposure have found evidence of enduring subclinical deficits in cognitive function or educational performance¹;
2. NYC DOE tests all schools constructed before 1985 three times a year for lead paint, but only tests classrooms, and only classrooms hosting children age six and under;
3. Lead exposure at any age is detrimental² to health, growth, and behavior;
4. The NYC DOE decision to only test classrooms with children age six or younger for lead is arbitrary and not in the best interests of all students;
5. While it is true that hand-to-mouth behavior is highest in children age six and younger, the potential for lead intoxication is highest after *inhalation*², which affects all school children, staff and family members in lead contaminated classrooms and makes the six-year-old age cut off for classroom testing unreasonable;
6. Lead exposure in pregnant teachers³ and incidental exposure of pregnant parents/caregivers is also of concern given that lead and other heavy metals are known to cross the placental barrier and can detrimentally affect a fetus;

¹ Needleman HL, Schell A, Bellinger D, et al. The long-term effects of exposure to low doses of lead in childhood: an 11-year follow-up report. *N Engl J Med.* 1990;322:83–8; Fergusson DM, Horwood LJ, Lynskey MT. Early dentine lead levels and educational outcomes at 18 years. *J Child Psychol Psychiatry.* 1997;38:471–8 Tong S, Baghurst PA, Sawyer MG, et al. Declining blood lead levels and changes in cognitive function during childhood: the Port Pirie cohort study. *JAMA.* 1998;280:1915–9.

² Kosnett, MJ. Lead. Pp 1-30 (2016). *Critical Care Toxicology.*

³ National Center for Education Statistics, *Public School Teacher Autonomy in the Classroom*, 1; Richard Ingersoll and David Perda, *The Mathematics and Science Teacher Shortage: Fact and Myth* (Philadelphia: Consortium for Policy Research in Education, 2009), 32; Richard Ingersoll, "Teacher Turnover and Teacher Shortages: An Organizational Analysis," *American Educational Research Journal* vol. 38, no. 3 (2001).

7. Visible paint chips may appear to contain only a small quantity of lead, but may contain hundreds of milligrams of lead, with increased airborne lead resultant from cracking. The US National Toxicology Program and the CDC decreased⁴ their reference value for blood lead levels at which they are concerned to 5 µg/dL (essentially 1/100th of a grain of rice in a can of coke);
8. Exposure to lead or other heavy metals may occur outside of classrooms in cafeterias, gyms, playgrounds, and neighboring construction sites. Particular attention needs to be paid to screening for lead and mercury and other heavy metals in exterior sites, especially as they contribute to soil and dust exposures, and the resulting exposure to children;
9. Lead-contaminated soil and construction dust is an important source of lead intake for children⁵. Dust can be tracked by shoes into other environments and indirectly increase exposure. Furthermore, urban soil is often heavily contaminated from past use of leaded gasolines and paints. Construction sites adjacent to schools should also be overseen and monitored directly by DOE to minimize risk to children playing or engaging in physical education or sports out of doors;
10. Remediation of lead paint is of primary importance, the worthy objective of protecting confidentiality should not undermine the equally important mandate to notify parents whose children might have been exposed in the past;
11. Drinking fountains and other pipes in older schools are also a significant cause for concern in lead exposure and require more frequent monitoring;
12. For every dollar invested to reduce lead hazards, society benefits by an estimated \$17-221, a cost-benefit ratio that is comparable to childhood vaccines⁶.

Therefore be it resolved that:

1. Community Board 2 urges the DOE to conduct lead testing and implement immediate remediation **in all areas** of all NYC public schools constructed prior to 1985, regardless of student age, and should include testing of cafeterias, gymnasiums, playgrounds, building exteriors, and all sources of potable water for school children; and,
2. Community Board 2 urges the DOE to test for lead in school water more frequently than the current policy of every five years⁷ because pipes continue to erode over time.

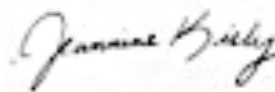
VOTE: Unanimous, with 43 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



Jeannine Kiely, Chair
Schools and Education Committee
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velasquez, Congresswoman
Hon. Brian Kavanagh, NYS Senator

⁴ Hauptman M, Bruccoleri R, Woolf AD. An Update on Childhood Lead Poisoning. Clin Pediatr Emerg Med. 2017;18(3):181–192.

⁵ Overcoming Barriers to Data-Sharing Related to the HIPAA Privacy Rule: A Guide for State and Local Childhood Lead Poisoning Prevention Programs at <https://www.cdc.gov/nceh/lead/policy/HIPAADoc.pdf>.

⁶ AAP COUNCIL ON ENVIRONMENTAL HEALTH. Prevention of Childhood Lead Toxicity. Pediatrics. 2016;138(1):e20161493.

⁷ See the NYC DOE's 2018-2020 Lead in Water Testing Protocol, <https://www.schools.nyc.gov/docs/default-source/default-document-library/lead-testing-and-remediation-protocol-memo>.

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