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Written Statement to Accompany Video Testimony

City Council Committee on Education Hearing Thursday 11/18/2021

Committee Chair Treyger, Distinguished Council Members, I truly appreciate the resolution you have introduced requiring a remote schooling option in cities with populations of 1M or more during a high case-load of Covid. And thank you for your vigorous efforts to support Special Needs students.

Today, I speak toward the epic and chronic failures of the Office of Pupil Transportation. Ask any family with a Special Needs child and they will tell you: busing in NYC has been a nightmare for years. It's a dirty, open secret. I am fully aware of the nationwide bus driver shortage. However, according to Mayor De Blasio, "This is NY!" And, as Chair Treyger explained-the city is awash in education funding like never before. So, why is reliable pupil transportation STILL a huge problem? Covid didn't create these problems, it exacerbated them. And now, there is no hiding them any longer. **The wheels have completely fallen off the bus.**

My video testimony can be found HERE:

<https://council.nyc.gov/livestream/>

Virtual Room 1. Timestamp: 2:42:23

VIOLATION OF CHILDREN'S CIVIL & DISABILITY RIGHTS:

The DOE has approved our children's school placements. The DOE has approved their IEP's and related services. But these approvals and the development of Restorative Special Education Services DON'T MATTER if our kids can't get to the schools to receive their mandated academic/social/emotional/physical supports.

By failing to provide reliable transportation, the DOE & OPT violate our children's civil rights by denying them equal access to their education. DOE & OPT consistently violate Chancellor's Regulations, City, State and Federal Disability protections by failing to treat our children as equals under the law. If we can't take care of the most vulnerable among us, OUR CHILDREN, our future, what does it say about us as a society?

MY CHILD:

While I can only speak to my family's experiences, my testimony is meant to amplify the voices of all families struggling to secure basic transportation for our Special Needs children. My son, almost 11, is a 2E learner and 6th grader attending a DOE-approved, non-public school in Queens. For the past 2 academic years, he has endured 7:00 am pickups, excessive 2+ hr ride times, routes with stops in disparate neighborhoods. Recent changes to his route, Jofaz P829, have been myopic, benefiting one child while negatively impacting three others. A proverbial game of "whack a mole." The route has since been combined with another, extending ride times

even further. These changes completely negated our Assistant Principal's efforts to reduce ride times by moving P829 to the front of the dismissal queue.

SQUEAKY WHEEL GETS THE GREASE:

Like last year, I have documented problems with my son's route for weeks on end. I've reported incidents to the OPT hotline and obtained case numbers. I've copied higher-ups within DOE & OPT, CCSE, Jumaane Williams' office, and of course our school administrators. I spoke with a member of the Public Advocate's team last week to provide the full synopsis of our difficulties.

Our school OPT rep (Jon-Erik Arenas) is non-communicative and provides myopic "solutions" He has informed parents and school administrators of his request for a splitting of routes P829/P833. But he is waiting for a different transportation provider to pick up the assignments. To date, neither our school nor parents have received a status update. School administrators advised parents that scheduled meetings with OPT meant to discuss these routes have been cancelled on two occasions. Where's the follow-up? Where is the accountability? Has Jon-Erik engaged his supervisors or asked for help? Has there been any escalation?

LATEST "SOLUTION" IS NO SOLUTION AT ALL:

At 5:00 pm on Fri 11/5 I received a surprise call from OPT rep, Gerald Conquest. He explained as of Mon, 11/8, Sam would be transported to school by Uber/Lyft or car service through LimoSys. Isn't this NYC's Access-A-Ride program meant for non-emergency medical and wheelchair transports? I was told I must accompany him and that cars would be ordered to take me home and pick me up again in the afternoon. This is not a sustainable solution for my family for a myriad of reasons:

- 1) **SAFETY:** Unless a private car service is assigned the job by OPT, this process relies on an Uber/Lyft driver accepting the job. There have been several no-shows because drivers refuse to travel from Brooklyn to Queens. I had a driver that didn't wear a mask. I had a reckless driver with a filthy car who picked me up extra early because he was taking another couple to Queens. Taking these cars also puts my child and I at greater risk of exposure to Covid and other pathogens.

Furthermore, who is responsible if something unsafe happens in an Uber/Lyft or car service vehicle? Would you want your child in a different Uber every day? Is it really the SAFEST way to transport children to school? My only recourse if there's a problem is to call the main LimoSys number and more often than not, hold for an excruciating amount of time.

- 2) **WASTE OF TIME, MONEY & HUMAN RESOURCES:** Last wednesday morning, one of many snafus, there was no reservation for a return car to Brooklyn. Thankfully, I have the means to pay for an Uber. The ride cost \$60 (without a tip). \$60 x's four runs per day = \$240/day. \$240/day x's 180/school days = \$43,200 per academic year. \$43,200 to

transport ONE student in private cars to and from school. Is that the best use of taxpayer dollars? Doesn't shunting OPT transportation responsibilities to overburden the City's Access-A-Ride program?

- 3) **PREVENTS ME FROM WORKING:** Is my time not valuable? I had hoped to begin working again once my son could be fully vaccinated. Yet, I spend 4 or 5 hours in the car going back and forth from Brooklyn to Queens twice a day. It is virtually impossible for me to pursue my chosen livelihood. The Brookings Institute reported 1.3M women were forced to leave the workforce because the demands of home-schooling and child care during the pandemic prevented them from performing their jobs, even remotely. I am now one of them.
- 4) **STRESS & AGGRAVATION:** Children, especially neuro-diverse children, need consistency. There is nothing consistent about this arrangement. The ongoing stress is not sustainable or healthy for me or my family. Each morning I call LimoSys to ensure the car is on its way. I hold. Their explanation is always, "the system is waiting to assign a car." Nine times out of ten, I receive confirmation of a car immediately AFTER I've hung up with LimoSys.

More than that, there is too much room for human error. There is no attention to detail or consequences for making mistakes. Gerald Conquest has occasionally forgotten to enter all four runs for any given day-either forcing me to drive my son to or from school at the last minute or stranding me in Queens. He has neglected to answer direct questions I've asked multiple times. But the most egregious example is this: Gerald mistakenly truncated the school address on the first week or so of LimoSys reservations. He entered 183 Union Turnpike instead of 183-02 Union Turnpike. This seemingly insignificant typo sent cars 12 blocks away from the school, because Queens! The -02 matters. Did you know drivers won't get paid if they start their jobs at an address other than what is programmed into the system? Did you know neither me nor the drivers can correct a reservation? I can't even charge a tip to my own credit card. (These drivers deserve to be tipped if the passenger chooses to do so).

My emails asking Gerald to fix this error remained unanswered for at least 5 days. I finally called Jon-Erik Arenas to ask if he would please ask Gerald to fix the problem. Without really listening, Jon-Erik offered knee-jerk excuses-it's not his fault, not his job, etc. I literally had to beg him to get up from his desk, walk across the office and close the loop with Gerald. This is why I described Jon-Erik as feckless.

- 5) **SCHOOL ADMINISTRATORS' TIME IS VALUABLE TOO:** Summit's Assistant Principal, Dennis Moeller is a skilled Special Needs Educator & Administrator. Dennis spends a preposterous amount of time each day attempting to resolve OPT's chronic failures. Dennis has many responsibilities. He SHOULD be able to fully focus on the academic and social/emotional needs of Summit's students.

- 6) **THREAT OF RETALIATION:** Most disturbing, based on my experience and observations, and that of friends', it has become crystal clear the administrations of non-public schools are hesitant to put a public face on their institutions' transportation problems. Nor can they band together to advocate as a group. Lest, they be viewed as biting the hand that feeds them. Mayor DeBlasio sent Child Protective Services to the homes of families who opted to keep their children home due to the lack of a remote schooling option for the 2021-2022 academic year. To wit, it would not be out of character or out of the question for The Mayor to "punish" non-public schools by withholding funding.

SHORT TERM CHANGES:

- 1) NYC is awash in Covid relief funding. FILL ALL VACANT TRANSPORTATION JOBS ASAP! Mayor Adams must make it a PRIORITY to fill the Director of OPT position which has been vacant under COO School Operations, Kevin Moran. Hire more qualified bus drivers, matrons and Paras. Give them a competitive living wage and health benefits.
- 2) Re-Assign Jofaz P829 to another bus company and split the route into two buses. Reassign P833 to another transportation vendor, assess the route-does it need to be split as well? Assess and correct all transportation issues for Summit Lower and Upper School.
- 3) RECTIFY all outstanding special education transportation issues for public, non-public and private. Busing for children in foster and temporary housing must be a priority.
- 4) Immediately reimburse families for outstanding tuition, travel expenses, legal fees, etc!

MEDIUM & LONG TERM CHANGES:

- 1) Eric Adams must prioritize both cultural and procedural reforms within the DOE. The agency is in dire need of an in-depth assessment from an independent consulting firm. Ask any parent of any child within the parameters of the DOE. The agency is a siloed that does not promote clear, open and timely communication neither internally nor with the public. The DOE does not foster interdepartmental cooperation nor is there creative thinking or holistic problem solving. The DOE is re-active, never proactive. The DOE does not make changes unless they are forced by constant pressure from parents, advocates and/or elected officials. And the culture of fear and intimidation prevents parents, teachers, administrators, etc from effectively advocating for their students. (I know this all too well from my experience in D13). Mayoral Control is the root of these problems.
- 2) Who has ultimate oversight over OPT? The Office of Public Advocate must embark on a full audit of all DOE/OPT approved transportation vendors and all their business dealings with NYC. What are their contracts with NYC DOE/OPT? Have they fulfilled their

contracts? What are the consequences for companies that have not fulfilled their contracts? Do transportation companies pay their employees a living wage and provide benefits? How much Covid relief money have they received? Was that relief money allocated properly or mishandled? How many complaints have been lodged against each company? Has any transportation company's contracts ever been revoked? Are transportation employees protected by a union? What role do vaccine mandates play in hiring more drivers at DOE contracted transportation providers? What incentives can be offered to achieve 100% vaccination rates among transportation workers?

- 3) The Office of Public Advocate must examine the 9M+ technology contract granted to OPT at the November PEP meeting for the purposes of overhauling their Help Desk. Will OPT engage the public to determine the best User Experience (UX)? Will the new Help Desk have an online interface that enables individuals to file detailed, keyword searchable complaints? Will the system cross reference those complaints? Can reports be pulled to compare route number, school, student, etc so that data can be mined to demonstrate patterns of success and failures? OR, is OPT only planning on "beefing up" the current, antiquated system where parents call in, hold for excessive amounts of time and verbally report their complaints into a vacuum?
- 4) Streamline the hiring process for Transportation workers: Create a database of eligible drivers, matrons, paras, etc. Make this a database available ONLY to DOE approved transportation providers with contracts in good standing. Candidates should be vetted by the DOE/OPT to ensure each applicant possesses all the necessary skills and certifications to fulfill their duties.
- 5) I echo and agree wholeheartedly with Chair Treyger, Ms. Choi, Mr. Mulgrew, Paulette Healy, & the numerous advocates who testified: SPECIAL EDUCATION NEEDS AN OMBUDSMAN! The structure of the DOE is inscrutable. It is impossible for families to parse out which key DOE/OPT stakeholders possess oversight and decision-making powers over their child's education-particularly if they attend non-public or private schools.
 - a) When the IEP is established, families should be provided an org chart of the Special Education Department along with their specific team applicable to their child's placement & services. Who are all the stakeholders? Their advocates? Is it a District CEC? Is it D75? CPSE, CCSE or some other entity? The document should include DOE & OPT office addresses, email addresses and phone numbers.
 - b) The F.A.C.E, Special Education, CEC's and CPSE and CCSE should hold regular Community Forums to gain direct contact from families of children with Special Needs.

- 6) One in five children struggle with a learning challenge. And, the IEP process, (just like application processes for G&T programs, specialized middle & high school testing, etc) benefit the privileged. Those that can afford to test prep their children have an advantage. Those that can afford private evaluations can expedite their children's IEP, school placements, etc. There is no "achievement gap," there is only an "equity & accessibility gap." The DOE must institute the following:
- a) Every school, in every District in every Borough should be funded at 100% by NYS.
 - b) Early reading interventions. Early screenings and interventions for ADD/ADHD, Dyslexia, Dysgraphia, non-verbal learning disabilities, sensory issues etc, especially in Title 1 and chronically under-funded schools in chronically under-served neighborhoods.
 - c) Every single school under the DOE's purview should have a dedicated School Psychologist, Social Worker and/or Guidance Counselor.
 - d) Smaller class sizes in every school, in every District in every Borough. PERIOD. Study after study has shown all children benefit from smaller class sizes.
 - e) Make it easier for teachers, support staff & Administrators to identify and recommend evaluations for children struggling with potentially undiagnosed conditions. Currently, teachers and school fear retribution from both the DOE and parents.
 - f) Create MORE public school programs that serve 2E learners. D75 and Horizon programs are dedicated to the needs of children with significant challenges. Yet, there are very few for gifted students. NEST is a wonderful program, but there are not enough seats to meet demand. ICT is a beautiful model, but a large class with up to 12 kids with different needs does not work for every child-even with two teachers.
 - g) Identify gaps in DOE offerings and approve MORE non-public schools that meet those needs. Summit was the ONLY non-public option appropriate for my child in ALL of NYC.
 - h) AUTHORIZE MORE PsyD providers to perform neuropsych evaluations. There are long waits for appointments with DOE approved practitioners. Evaluations ground to a halt during the pandemic, stranding families without a diagnosis for their child. Those that CAN afford a private evaluation benefit by expediting their child's diagnosis and implementation of an IEP.
 - i) Revise the Carter & Connor's Funding process. Eliminate the need for parents to SUE THE DOE ANNUALLY! Take the money spent on litigation and put it to work in an investment vehicle that is earmarked for non-public and private school tuition. Only families with significant resources can front tuition to a private school and/or hire an attorney to seek reimbursement. The financial strain families feel as they are waiting for reimbursement, or from the cost of retaining an attorney, is made worse by the enormous backlog of cases. Prior to Covid it took 18 months to receive reimbursement via Carter Funding. The backlog has only been made worse by Covid because cases ground to a halt.

In my son's case, there were only TWO schools recommended to us that met his 2E learner needs, Summit School and Quad. Quad is a fully private school and costs \$68,000 a year. Meeting that cost is not feasible or sustainable for our family. And so, Summit remains the ONLY and BEST place for our child. We were fortunate to have legal representation to assist us in obtaining a deferment via Connor's Funding for Sam. It is not lost on me that most NYC families do not have the resources of time or money to follow this path.

I am not an Education expert. I am one Mom with one child who is fortunate enough to dedicate much of my time toward learning the system and advocating for my son. As I stated in my video testimony, I was a Squeaky Wheel in D13. I will be a Squeaky Wheel and advocate for the improvement of Special Education and Pupil Transportation for ALL children, not just my own.

Thank you.

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