

Data Brief

Advocates for Children of New York
Protecting every child's right to learn

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Waiting for a Seat

THE SHORTAGE OF PRESCHOOL SPECIAL EDUCATION CLASS SEATS IN NEW YORK CITY

Elijah was diagnosed with autism as a toddler. His parent arranged for him to receive speech, occupational, and behavioral therapy through the Early Intervention Program, which supports infants and toddlers with developmental delays and disabilities, and he responded well, finally beginning to communicate his needs and to sit and focus on an activity—instead of engaging in constant tantrums. Elijah's parent was encouraged to see his progress, and as his third birthday approached, she referred him to the NYC Department of Education (DOE) so that he could receive preschool special education services once he aged out of Early Intervention at the end of December 2019. Following evaluations, the DOE found Elijah eligible for services and developed an Individualized Education Program (IEP) documenting that he needed a small, specialized preschool special education class where he would receive instruction from a special education teacher along with speech, occupational, and physical therapy. Although the DOE has a legal obligation to place preschoolers with disabilities in the special education classes they need, Elijah's parent soon discovered that there were no seats available for Elijah until July 2020, meaning he would have to go six months without the class he needed, against the recommendations of the specialists who evaluated him and in violation of his legal rights. When Elijah aged out of Early Intervention services on January 1st, he went from receiving five hours per day of Early Intervention services to no services at all, jeopardizing the progress he had made.

Elijah's situation is not unique. Over the past year, Advocates for Children of New York has received dozens of calls from parents whose preschoolers had a legal right to a preschool special education class but were sitting at home due to a shortage of available seats. Some of these children sat at home for months without any of their mandated instruction or services. Some of these children lost the skills they had gained through the Early Intervention program due to the gap in services. Other children were being identified as having a disability for the first time but could not get the help they needed.

Now, New York City is projecting a significant shortfall in the seats needed for this spring. Based on estimates recently issued by the DOE, we have calculated that New York City will need **between 1,028 and 1,932 new preschool special education class seats*** (for classes conducted entirely in English), as well as hundreds of additional seats in bilingual preschool special education classes, this spring in order to serve the City's preschoolers with disabilities and uphold their legal rights. In this brief, we provide further analysis of the types of classes needed and the geographical distribution of seats needed to serve these children.

New York State and New York City have legal obligations for ensuring that preschoolers with disabilities get the classes they need. The State approves the opening of preschool special education classes, sets their payment rates, and determines whether or not to increase these rates each year. The New York City Department of Education is responsible for providing a preschool special class seat for every child in the City whose IEP requires one. The DOE can place children in DOE-administered classes or in classes run by community-based organizations that are approved by the State and have contracts with the City to operate preschool special classes. Over the past two years, the DOE has opened more than 1,000 additional preschool special class seats in public schools and DOE-run Pre-K Centers. While the new classes have made a difference in the lives of preschoolers, a significant gap remains.

Need by Class Ratio

New York City needs seats in each of the three most common types of preschool special education classes—6:1:2 (six students, one teacher, two paraprofessionals), 8:1:2, and 12:1:2. The City needs between 108 and 276 6:1:2 preschool special class seats, between 512 and 768 8:1:2 preschool special class seats, and between 408 and 888 12:1:2 preschool special class seats. On top of the need for these monolingual English classes, the City needs additional 6:1:2 bilingual Spanish classes, 8:1:2 bilingual Spanish and bilingual Yiddish classes, and 12:1:2 bilingual Spanish, bilingual Yiddish, and bilingual Mandarin classes.

Citywide Need by Class Ratio (monolingual English classes only)

Class ratio	# Classes Needed	# Seats Needed
6:1:2	18-46	108-276
8:1:2	64-96	512-768
12:1:2	34-74	408-888
All ratios	116-216	1,028-1,932

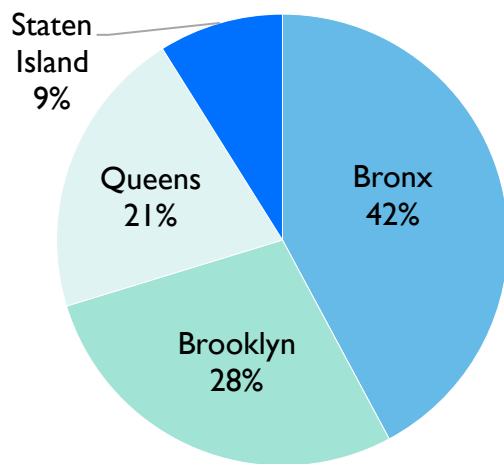
* Calculated using the DOE's December 2019 regional need maps, available at <https://infohub.nyced.org/working-with-the-doe/early-childhood/regional-need-for-preschool-special-education>. The DOE posted these maps to inform providers interested in offering or expanding such programs of the need within the City. The DOE reported a range for the projected number of additional classes needed in each school district, by class ratio for the spring. For example, District 22 needs to add at least four and as many as eight 6:1:2 classes (between 24 and 48 seats), as well as between one and three 8:1:2 classes (8 to 24 seats), for a district-wide total of 32 to 72 seats.

Need by Borough

All five boroughs have a need for additional preschool special class seats this spring. While the DOE's estimates indicate that Manhattan only needs additional *bilingual* Spanish classes—and just in District 6—the four other boroughs need additional monolingual English and bilingual preschool special classes this spring. The Bronx has the greatest need for seats, with a projected need of at least 450 and up to as many as 798 seats in monolingual English classes, as well as additional seats in bilingual Spanish classes.

Borough breakdown of additional seats needed

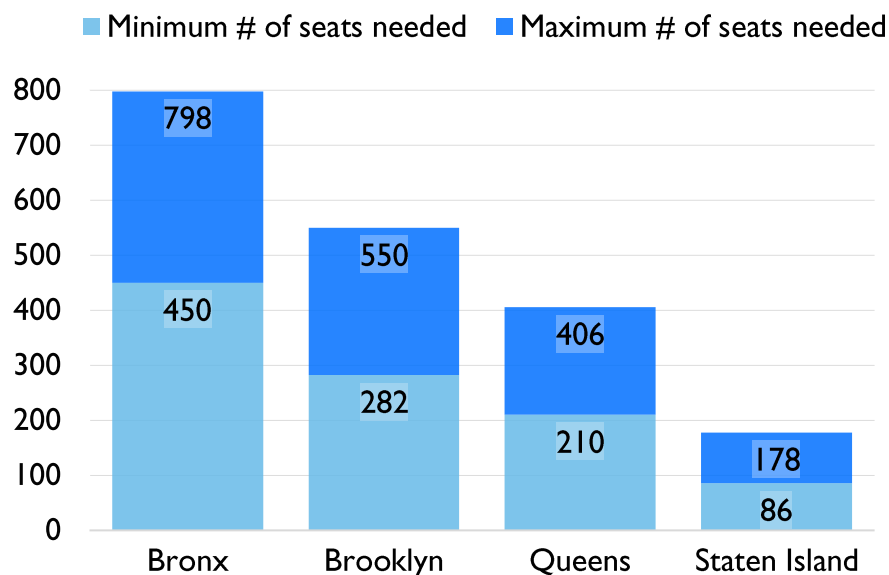
(all class ratios, monolingual English classes only)



Percentages calculated using the midpoint of each district's range (e.g., the midpoint for District 22, which needs 32-72 seats, is 52).

Projected number of additional seats needed, by borough

(all class ratios, monolingual English classes only)



Need by Community School District

Two-thirds of the City's community school districts do not have special education seats for all the preschoolers who will need them this spring.

- 22 of the City's 32 school districts need additional preschool special education classes.
- 18 of the City's 32 school districts need additional monolingual English preschool special education classes.
- 16 of the City's 32 school districts need additional bilingual preschool special education classes.

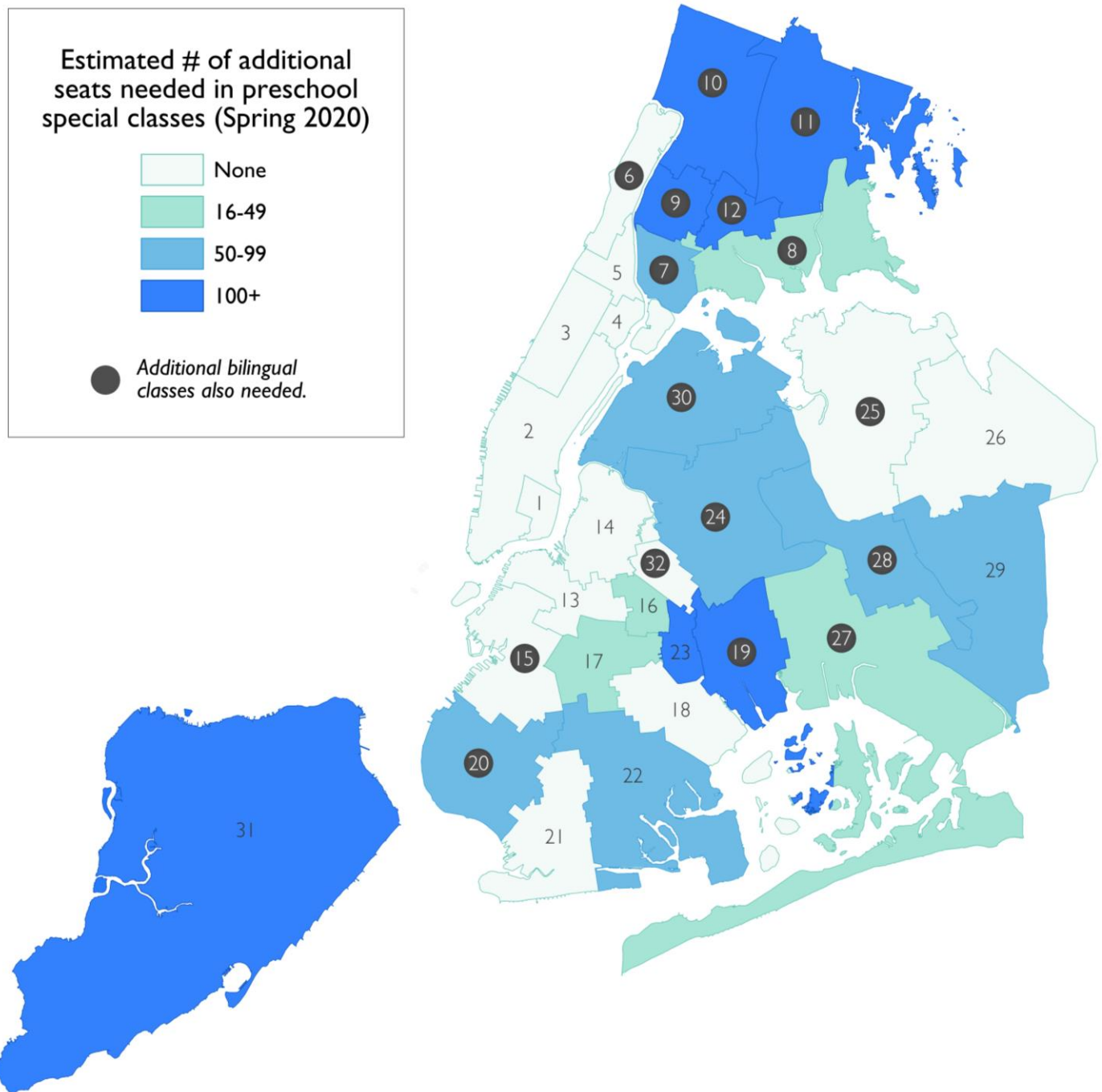
Of the 18 districts that need additional monolingual English preschool special education classes this spring:

- Seven districts need classes in all three of the most common class ratios:
 - » Bronx: 7, 12
 - » Brooklyn: 19, 23
 - » Queens: 28, 30
 - » Staten Island: 31
- An additional seven districts need two of the three class ratios:
 - » Bronx: 8, 9, 10, 11
 - » Brooklyn: 20, 22
 - » Queens: 29
- An additional four districts need one class type:
 - » Brooklyn: 16, 17 (both need 12:1:2 only)
 - » Queens: 24, 27 (both need 8:1:2 only)

Projected number of additional seats needed, by school district

★ Bilingual classes also needed.

	MIN	MID	MAX
1	.	.	.
2	.	.	.
3	.	.	.
4	.	.	.
5	.	.	.
6 ★	.	.	.
7 ★	50	84	118
8 ★	18	36	54
9 ★	96	108	120
10 ★	80	120	160
11 ★	80	120	160
12 ★	126	156	186
13	.	.	.
14	.	.	.
15 ★	.	.	.
16	12	24	36
17	12	24	36
18	.	.	.
19 ★	86	132	178
20 ★	78	84	90
21	.	.	.
22	32	52	72
23	62	100	138
24 ★	72	72	72
25 ★	.	.	.
26	.	.	.
27 ★	8	16	24
28 ★	26	52	78
29	54	84	114
30 ★	50	84	118
31	86	132	178
32 ★	.	.	.
ALL ★	1,028	1,480	1,932



The DOE reported a range for the number of additional classes needed in each school district; the map classifies each district by the midpoint of its range (e.g., the midpoint for District 22, which needs an additional 32-72 seats, is 52). No district has a midpoint greater than zero but lower than 16.

Challenges for Preschool Special Class Providers

Contributing to the shortage of preschool special education class seats has been the closure of classes by community-based organizations (CBOs), which run the majority of preschool special classes. These CBOs apply to the State to open preschool special classes, and the State sets their payment rates and determines whether or not to increase these rates over time. In recent years, more than 30 of these CBOs in New York City and more than 30 in the rest of New York State have closed their preschool special education classes. We have heard from additional programs that are worried that they may be forced to close their preschool special education classes due to inadequate funding. Prior to the 2015-2016 school year, the State did not provide any increase in reimbursement rates for preschool special classes for six years, keeping the rate stagnant with no cost of living adjustments. Since that time, the State has approved only a two percent increase each year—far less than the increase provided for public education overall in the State budget. As recently as last year, as the DOE opened new classes, CBOs closed their preschool special education classes, setting back the progress that the DOE made.

Among other challenges, CBOs report that they are struggling to recruit and retain special education teachers who are leaving for universal prekindergarten jobs where they can earn higher salaries than CBOs can pay under the payment rate for preschool special education classes set by New York State. While New York City recently announced well-deserved salary increases for most teachers at DOE-contracted early childhood education programs at CBOs, the agreement currently excludes teachers of preschool special education classes, meaning that many preschool special class teachers working at CBOs will be the lowest paid teachers in the City—with most earning less than DOE teachers and less than other early childhood teachers working at CBOs. Preschool special education teachers working in the same CBO—or even the same integrated classroom—as general education teachers will be paid significantly lower salaries. Unless preschool special education programs receive additional funding to close this gap, this salary disparity will make it even more challenging for CBOs to recruit and retain teachers for preschool special education classes and may result in additional closures at a time when the City already needs more than 1,000 additional preschool special class seats this spring.

Recommendations

The State and the City must work together to resolve this crisis:

1. New York State must increase the payment rate for preschool special classes by ten percent this year to help provide programs with the resources they need to recruit and retain teachers and run high-quality programs. A rate increase is necessary to make up for under-investment in prior years and to prevent more CBOs from closing their preschool special classes and encourage them to open new classes to meet the outstanding need.
2. New York City must ensure there is a preschool special class seat available for every child who needs one by opening new DOE classes or facilitating the opening of new classes at CBOs. While the State needs to increase the payment rate for these classes, the City still has a legal obligation and must take steps to support the CBOs that the DOE is relying upon to provide preschool special classes including by extending the recently announced salary raises for early childhood education teachers to preschool special class teachers at CBOs.