

February 18, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

On behalf of organizations across New York State concerned about the development of children, ***we ask that you increase the reimbursement rates for preschool special education programs and evaluations by ten percent in the Fiscal Year 2021 New York State budget.*** We are concerned about the growing number of preschoolers with disabilities who have a legal right to a preschool special education program, but who are going without the class they need because inadequate reimbursement rates have created a shortage of these vital programs.

Many preschoolers with disabilities participate in universal prekindergarten classes or other non-specialized early childhood education programs where they receive supplemental services. However, preschoolers with more significant disabilities may need a preschool special education class because the school district has determined that a universal prekindergarten class or similar early childhood setting cannot meet their educational needs. Preschool special education classes offer smaller class sizes and have teachers trained to educate students with disabilities. Research shows that educational services have the greatest impact for children with disabilities when they are young, saving money for the State in the long run. Thus, preschool special education classes provide children with the intervention, instruction, and services they need during the window of time when these services can have the greatest impact.

Despite the importance of these preschool special education classes, inadequate reimbursement rates have led to a shortage of preschool special education programs and hindered these programs' ability to open additional classes. Over the past several years, more than 60 preschool special education programs around the State have closed, including more than 30 in New York City. Many of these programs have pointed to the State's insufficient reimbursement rate, making it hard for them to recruit and retain special education teachers and run high-quality programs. Not only are inadequate reimbursement rates forcing programs to close, these low rates are also inhibiting programs' ability to open the additional classes needed. Therefore, increasing the reimbursement rate is necessary not only to stop more programs from closing, but to help support programs so that they can open more classes for children who are still waiting for a seat in a preschool special education program.

Due to the shortage of programs, children with disabilities around the State are unable to receive the preschool special education they need. For example, even after the New York City Department of Education (NYC DOE) opened new classes last year and this year, New York City continues to have a significant shortfall and is projecting that it needs between 1,028 and 1,932 additional seats in preschool special education classes, plus hundreds more in bilingual preschool special education classes and preschool special classes in integrated settings, in order to serve all of the preschoolers who need seats for Spring 2020. In addition, Rochester's

preschool special class seats are entirely full, with no seats available for children identified as needing them over the rest of the school year. Without sufficient seats available, preschoolers have been sitting at home or in inappropriate preschool settings waiting for months to receive a seat in a preschool special education program, and families have watched their children's academic and social-emotional development regress.

In addition to the lack of seats in appropriate classes, more than one in ten preschoolers with disabilities (12%) do not receive timely evaluations, often due to a shortage of providers. The most recent data available show that in a number of districts around the State, such as New York City and Poughkeepsie, more than 30% of preschoolers were not evaluated within the legally mandated timeframe during the 2017-18 school year—delays that meant children went without the critical services they needed. Children are waiting for evaluations because inadequate State funding has made it difficult for evaluation agencies to continue operating.

The State has consistently failed to provide sufficient increases in reimbursement rates for preschool special education programs and evaluations. Prior to the 2015-2016 school year, the State did not provide any increase in reimbursement rates for preschool special classes or preschool special classes in integrated settings 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 school-age special education programs or for public education overall.

Providing these children with the evaluations and classes they need is not only an important policy matter, but also a legal requirement. Under federal and state law, the State is obligated to conduct timely evaluations, determine the special education services a child will receive, and provide every child with a seat in the class recommended on their Individualized Education Program. The timeline is critical for ensuring children have access to services during this crucial stage in development, when their brains are developing rapidly. Without an adequate reimbursement rate, we are deeply concerned that the shortage of preschool special education programs will only grow and that the State will continue violating the civil rights of preschoolers with disabilities.

To stop additional programs from closing, address the delays in timely evaluations and the shortage of seats in preschool special classes, and meet the needs of preschoolers with disabilities, we urge you to increase the reimbursement rates for preschool special education programs and evaluation sites by ten percent.

Sincerely,

Adaptive Design Association, Inc.

Adirondack Foundation, Birth to Three Alliance

Advocates for Children of New York

Agencies for Children's Therapy Services (ACTS)

AHRC New York City

Alliance for Quality Education

The ARISE Coalition (Action for Reform in Special Education)

Birch Family Services

Block Institute Preschool

The Bronx Defenders

Capital Region Alliance for Children with Special Needs

Center for Children's Initiatives

Cerebral Palsy Associations of New York State, Inc.

Child Care Council, Inc.

Child Care Council of Dutchess and Putnam, Inc.

Child Care Council of Nassau, Inc.

Child Care Council of Orange County, Inc.

Child Care Council of Suffolk, Inc.

Child Care Resources of Rockland, Inc.

Child Care Solutions, Inc.

The Children's Agenda

Children's Aid

Children's Defense Fund – New York

Children's Institute

Chinese-American Planning Council, Inc.

CIDNY-Center for Independence of the Disabled, NY

Citizens' Committee for Children of New York

Citywide Council on Special Education (NYC)

Clinical Associates of the Finger Lakes

Committee for Hispanic Children & Families

Cooke School and Institute

Day Care Council of New York

Dillon Child Study Center

Docs for Tots

Early Care & Learning Council

The Eden II Programs

The Education Trust–New York

Empire Justice Center

Family Enrichment Network, Inc.

Family of Woodstock, Inc.

Generations Child Care, Inc.

The Guild for Exceptional Children

Harlem Children’s Zone

Hudson Alliance for Children with Special Needs

INCLUDEnyc

JCC of Mid Westchester Nursery School

The Jewish Board of Family & Children’s Services

Kennedy Children’s Center

KGSEP Inc. (Kew Gardens Special Ed. Program Inc.)

Kids Can’t Wait Campaign

The Law Office of Steven Alizio, PLLC

The Legal Aid Society

Long Island Coalition for Children with Special Needs

The Lorge School

New Alternatives for Children, Inc.

New York Association of School Psychologists

New York Association for the Education of Young Children (NYAEYC)

New York Center for Child Development

New York City Coalition for Children with Special Needs

New York Immigration Coalition

New York Lawyers for the Public Interest (NYLPI)

New York State Alliance for Children with Special Needs

New York State Occupational Therapy Association

New York State Speech-Language-Hearing Association

New York Zero-to-Three Network

NY Performance Standards Consortium

NYPTA (New York Physical Therapy Association)

Parents for Inclusive Education (PIE)

Parents Helping Parents Coalition of Monroe County

Prevent Child Abuse New York

Queens Centers for Progress

QSAC, Inc. (Quality Services for the Autism Community)

Rising Ground, Inc.

Rivendell School

Rochester Childfirst Network

Schuyler Center for Analysis and Advocacy

Sesame Sprout Inc.

The Shield Institute

St. Mary's Hospital for Children

Staten Island Developmental Disabilities Council Education Committee

The Staten Island Disabilities Council

Step by Step Developmental Services

SteppingStone Day School

Teach for America New York

Therapy and Learning Center, Inc.

These Our Treasures, Inc.

UJA-Federation of New York

United Way of the Southern Tier

United We Stand of NY

Western-Central Coalition for Children with Special Needs

Winning Beginning New York