



Advocates for Children of New York

Protecting every child's right to learn

News Release

For Immediate Release

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NYC Preschoolers with Disabilities Left Waiting as Mayor's Promise Falls Short

December 12, 2023 (NEW YORK CITY) — *On the one-year anniversary of Mayor Adams' [press conference](#) announcing he would guarantee that every child who needed a preschool special education class would have one by the spring of 2023, Kim Sweet, Executive Director of Advocates for Children of New York (AFC), issued the following statement:*

One year ago, we stood with Mayor Adams as he announced he was addressing an “historic inequity” for preschoolers with disabilities and guaranteeing that every child who needed a preschool special education class would have one by the spring of 2023. But [data](#) released this week by NYC Public Schools (NYCPS) show that although his administration added new preschool special education classrooms, the additions fell far short of the need. Contrary to the Mayor's promise, more than 1,100 children were still waiting for a seat in a preschool special education class at the end of the 2022-23 school year. Overall, 41% of preschoolers with disabilities (12,300 children) did not fully receive the special education services the City was legally required to provide.

Just a few months into the current school year, the situation appears to be moving in the wrong direction:

- Only five of the City's 32 school districts have *any* seats available in six-student preschool special education classes for children with autism and other intensive needs. For children in the Bronx and Manhattan, there are *no* seats left in these classes. Meanwhile, we have heard from families of children with autism waiting for seats, in violation of their legal rights.
- We have also heard from families of children enrolled in general education 3-K and pre-K classes who are not receiving mandated services like speech therapy because NYCPS does not have any available providers. Some of the families who have contacted us have been waiting a *full year* for their children to receive their mandated services, in violation of their legal rights.

- We have also had calls about preschoolers who cannot get service plans to begin with because the City’s blanket hiring freeze has left the Committee on Preschool Special Education short-staffed and unable to fulfill its legal obligations.

The current shortages are especially troubling given that the need for preschool special education classes and services *increases over the course of the school year* as more children are referred for evaluations and as toddlers receiving services through the Early Intervention (EI) program age out of that system in January and transition to preschool. Yet NYCPS has not released any plan to open more classes or hire more service providers this year.

The situation would be even more dire without the investment announced by the Mayor last December, which has helped some preschool special education programs keep their doors open, recruit and retain teachers, and open new classes. However, this investment relied on temporary federal COVID-19 relief funds that are set to run dry in June, and there is no plan for replacing those federal dollars. If preschool special education programs have to cut teachers’ salaries, we will likely see even more programs close in 2024—precisely the opposite of what needs to happen if the City is to comply with federal civil rights law.

One year ago, the Mayor noted that the City’s systemic failure to serve preschoolers with disabilities was “unfair” and “just wrong.” It is also illegal. We call on Mayor Adams to keep his promise to young children with disabilities and open the classes needed for this winter and spring.

About Advocates for Children of New York (AFC)

Since 1971, Advocates for Children of New York has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds who are at greatest risk for failure or discrimination in school because of their poverty, disability, race, ethnicity, immigrant or English Language Learner status, sexual orientation, gender identity, homelessness, or involvement in the foster care or juvenile justice systems. AFC uses four integrated strategies: free advice and legal representation for families of students; free trainings and workshops for parents, communities, and educators and other professionals to equip them to advocate on behalf of students; policy advocacy to effect change in the education system and improve education outcomes; and impact litigation to protect the right to quality education and compel needed reform.