



Data Brief

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

JANUARY 2022

NOT YET FOR ALL

How the Next Administration Can Make Preschool Truly Universal

The expansion of early childhood education was a defining achievement of New York City Mayor Bill de Blasio's time in office. Between 2013 and 2015, the number of 4-year-olds enrolled in free, full-day pre-K more than tripled as the Mayor fulfilled a campaign promise to bring "universal pre-K" to the largest school district in the country. This success was followed by the launch of 3-K, which now provides an additional year of preschool education to 3-year-olds across the five boroughs.

At the same time, preschoolers with disabilities are too often still left behind. Thousands of young children continue to go without the special education services they have a legal right to receive, while the massive growth in the number of public pre-K seats has done little to expand inclusive learning opportunities for preschoolers with disabilities, 43% of whom continue to learn in segregated settings where all students in their class have disabilities.

As part of the federal Individuals with Disabilities Education Act (IDEA), the New York City Department of Education (DOE) has an obligation to provide preschool special education services, free of charge, to children between the ages of three and five who have disabilities or developmental delays that affect their ability to

- » Relative to overall enrollment in 3-K and Pre-K for All, children of color are under-represented among preschoolers with IEPs, while White children are over-represented.
- » New York City relies heavily on self-contained special education classes to serve preschoolers with IEPs, with notable disparities by race. Over half of all Black and Latinx preschool students with IEPs are recommended for a special education class.
- » At the end of the 2019-20 school year, 1,222 students were still waiting for a seat in a preschool special education class; the shortage of seats was particularly acute in the Bronx and southern Queens.
- » The services recommended for children vary dramatically based on where they live; more than 40% of preschoolers with IEPs in parts of Brooklyn were recommended for special education itinerant teacher services, compared to 4.1% of those in the Bronx.
- » Roughly a third of all preschoolers with disabilities—a total 10,300 students—did not receive all their mandated services in 2019-20. Children needing bilingual services and those experiencing homelessness were less likely than their peers to be fully served.

KEY FINDINGS

learn. The first five years of life are a period of rapid brain development, making it all the more critical that children receive intervention and support at the earliest opportunity, when services can have the greatest impact. Families who are able to navigate the preschool special education process and secure services for their children speak proudly of the progress they see as a result: the meaningful impact of hearing their child speak their first words, identify letters, or engage with their peers.

But parents of preschoolers with disabilities often run into roadblocks at every turn. The obstacles are even greater for Black and Brown families, those who speak a language other than English, and parents who do not have the time, information, and resources they need to contend with a byzantine bureaucracy. Since Pre-K for All was rolled out Citywide in fall 2015, Advocates for Children has assisted more than 1,000 families struggling to navigate the preschool special education process and obtain services for their young children with disabilities.

After years of outcry from advocates, parents, and providers about persistent problems in the system, the City recently allocated federal COVID-19 relief funding for new preschool special education initiatives. This year, the City is working to promote inclusion for more preschoolers with disabilities by opening new integrated 3-K classes, in which children with disabilities learn alongside their typically developing peers, and hiring inclusion specialists to help support preschoolers with disabilities in 3-K and pre-K general education classes. Starting in the 2022-23 school year, the City is planning to offer a “contract enhancement” to preschool special education programs run by community-based organizations (CBOs) to bring these programs into the 3-K and Pre-K for All system and provide them with much-needed fiscal and programmatic support. Through the contract enhancement, the City plans to have CBOs add 800 preschool special education class seats to help address the significant shortage, which has led to preschoolers with disabilities sitting at home waiting for the class they need.

However, major questions remain, and the task of successfully implementing these initiatives—and identifying sustainable funding—will be left to the new Administration. Mayor Adams must also go further and fill in the gaps that continue to plague the system. This brief explores data on preschool special education during the 2019-20 school year—the first year for which such data was publicly available pursuant to Local Law 21 of 2020¹—and seeks to identify some of those gaps and areas where Mayor Adams has an opportunity to make change.

Ethan, who was diagnosed with autism shortly after his third birthday, has significant delays in his language skills and was placed in a preschool special education class following an initial IEP meeting in early 2021. However, his preschool special education program was unable to provide his mandated speech therapy—two 30-minute sessions per week—due to staff shortages. The CBO assured Ethan’s mother that they were working to find a new speech therapist, but in the meantime, the lack of a provider meant that Ethan received just two sessions of speech therapy total before the school year ended. Then, shortly after the start of the new school year in September, Ethan’s preschool special education teacher resigned and the program was unable to identify a replacement, leaving Ethan and the other children in his class with a substitute and teachers’ assistants instead of a certified special educator.*

** All names have been changed to protect student privacy.*



As described in more detail below, the incoming Administration should:

- 1 • **Ensure successful implementation of recently announced initiatives to integrate preschool special education into 3-K and pre-K and add integrated and self-contained classrooms.** The Administration must ensure the contract enhancement for preschool special education programs addresses disparities in teacher and staff compensation—these programs have struggled to recruit and retain educators, who can earn significantly higher salaries working in other settings—and must ensure there is a preschool special education class seat for every child who needs one so that no preschooler with a disability is stuck waiting at home for needed intervention.
- 2 • **Center the needs of children with developmental delays and disabilities in further expansions of child care and early childhood education.** Mayor Adams has promised to expand early childhood education and child care. As part of such an expansion, the City must ensure that all programs are prepared to serve young children with a range of disabilities from day one and that staff understand how to support families through the referral, evaluation, and service delivery processes, so that children with disabilities are not turned away from early childhood programs.
- 3 • **Ensure all preschoolers receive the timely evaluations and services they need and address racial disparities,** including by increasing access to screenings; bolstering support to families in navigating the preschool special education process; training preschool special education staff in anti-racist, strengths-based approaches; hiring additional evaluators and staff, including bilingual providers; and launching a new data system to help ensure children do not slip through the cracks.
- 4 • **Support preschoolers with disabilities in inclusive settings,** including by ensuring children with disabilities receive their mandated services at their 3-K and pre-K programs.

FINDINGS

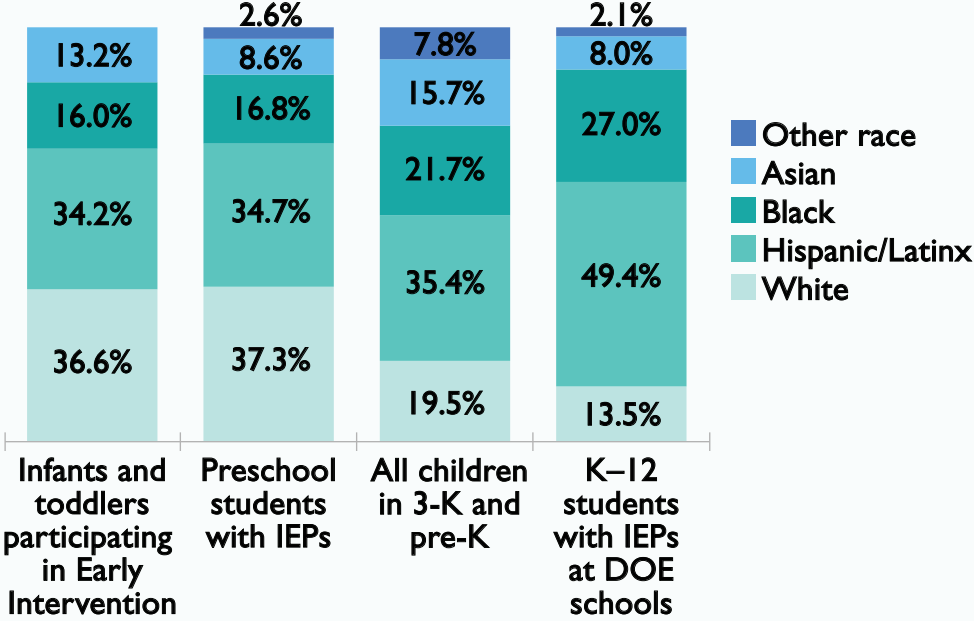
Who has a preschool IEP?

Children who are evaluated and found eligible for preschool special education have an Individualized Education Program (IEP) that describes their needs and the services that the DOE is required to provide in order to meet those needs. All children receiving preschool special education services have an IEP with the eligibility classification “preschool student with a disability;” unlike in school-age special education—which serves students from ages 5 to 21—preschoolers are not classified with a specific label like autism, speech-language impairment, or intellectual disability.

More than 30,600 preschoolers in New York City had an IEP during the 2019-20 school year. Relative to overall enrollment in 3-K and Pre-K for All, children of color are under-represented among preschoolers with IEPs, while White children are significantly over-represented. For example, in 2019-20, the preschool special education population was 37.3% White and 16.8% Black, while only 19.5% of all students in 3-K and pre-K in New York City were White and 21.7% were

FIGURE 1

Black and Asian children were under-represented—and White children over-represented—in preschool special education in 2019-20, as compared to overall 3-K and pre-K enrollment. Relative to school-age students with disabilities, Black and Hispanic/Latinx children were under-represented among those receiving preschool special education services.



Black (see Figure 1).² Students whose families speak a language other than English at home also appear to be under-represented in preschool special education: one in four (25.1%) preschoolers with an IEP has a home language other than English, compared to 32.1% of kindergarten students with IEPs and 34.7% of all kindergarteners.³

These demographics—while starkly different from those of school-age students with disabilities, who are disproportionately Black and Latinx⁴—closely resemble those of infants and toddlers receiving Early Intervention (EI) services to address a developmental delay or disability.⁵ They are also in line with past research indicating that children of color and children whose families speak a language other than English at home are less likely to be identified or receive services for a developmental delay or disability in early childhood.⁶ Nationally, Black and Asian children between the ages of 3 and 5 are less likely than preschoolers of all other racial groups combined to receive special education services, while White children are more likely than others to be served under IDEA while preschool-age.⁷

Finally, children experiencing homelessness are likely being under-identified for preschool special education services in New York City: in 2019-20, only 3.1% of preschoolers with IEPs were students in temporary housing, compared to approximately 6.9% of all pre-K students⁸ and 10% of all DOE students with disabilities.⁹ A 2016 analysis by the Institute for Children, Poverty & Homelessness found that New York City students who are homeless receive IEPs later in their

elementary school careers than their peers in permanent housing, thus missing out on services at a time when they can have a significant impact: of students with disabilities in temporary housing, those who *did* get an IEP by the end of kindergarten were less likely to be retained a grade and more likely to reach proficiency on third-grade reading and math exams than those who only began receiving special education services in first or second grade.¹⁰

How long does it take to get a preschool IEP?

Families of young children with developmental delays or disabilities experience barriers and delays at every step of the preschool special education process, starting from the initial referral for evaluation.

- » Roughly one out of every seven children (14.4%) referred for preschool special education evaluation for the first time in 2019-20 had their case closed without an IEP meeting being held to determine their eligibility for services, with notably higher rates for children of color: 17.5% of Asian students, 15.3% of Hispanic/Latinx students, and 14.4% of Black students had their case closed without an IEP meeting, compared to 7.6% of White students.¹¹
- » A third (34.5%) of all students who were referred and found eligible for preschool special education for the first time in 2019-20—a total 3,830 children—had to wait longer than the legal deadline of 60 calendar days for an IEP meeting following a parent’s consent for evaluation at their first evaluation appointment. Some school districts did an especially poor job holding IEP meetings in a timely manner; in Districts 13, 14, 16, and 23 in Brooklyn, over 60% of preschoolers waited more than 60 days for an initial IEP meeting. Since families often have difficulty finding an evaluation agency with availability to evaluate their child, and consent for evaluation does not happen until the first evaluation appointment, these delays are particularly troubling.
- » Students experiencing homelessness saw their cases closed without an IEP meeting at a higher rate (23.3%) than permanently housed students (14.0%), and when an IEP meeting did take place, it was less likely to happen by the legal deadline: 41.2% of all preschoolers in temporary housing who were found eligible for preschool special education services waited more than 60 days for their first IEP meeting, compared to 34.2% of permanently housed preschool students.

In March 2021, a social worker in a pediatrician’s office helped a parent in Inwood email Committee on Preschool Special Education (CPSE) staff to request evaluations for a 3-year-old with a speech delay. The boy’s mother and pediatrician were concerned that the child might have autism and wanted him to be evaluated right away for preschool special education services. Despite a follow-up email from the pediatrician’s office, the DOE did not reply to the family until August, when the CPSE administrator finally acknowledged the request and sent the parent a list of approved evaluation agencies and the required packet of information about their rights. Five months after the child was first referred to the CPSE, the family was finally able to begin the process of arranging evaluations.

What classes and services do preschoolers' IEPs recommend?

Following an evaluation, the DOE convenes an IEP meeting to determine if a child who has been referred to the preschool special education program is eligible for services and, if so, to determine which services the child needs. Federal law requires that these services be provided in the least restrictive environment, which means a student should be educated alongside preschoolers who do not have disabilities to the greatest extent possible. Preschoolers with IEPs can receive services at home, at their preschool or child care program, in a separate special education setting, or in a combination of settings. In 2019-20:

- » Of the 30,668 preschoolers who had an IEP, roughly one in four (26.6%) needed only related services, such as speech, occupational, or physical therapies.
- » 22.3% of preschoolers with disabilities were recommended for special education itinerant teacher services, in which a certified special education teacher, known as a “SEIT,” comes to a child’s preschool, 3-K or pre-K program, child care center, or home to work with them one-on-one or in a small group for a certain number of hours each week.
- » Only about 2,500 children (8.1% of all preschoolers with IEPs) were recommended for a special class in an integrated setting—a class comprised of a mix of students with and without IEPs.
- » All other preschoolers with IEPs in New York City (13,182 students, or 43.0%) were recommended for small, structured classes comprised entirely of students with IEPs and taught by special education teachers.
- » Of the students with a preschool special class recommendation, over half were recommended for a 12:1:2 ratio, meaning a class with 12 students, a special education teacher, and two paraprofessionals; just 680 children (2.2% of all preschoolers with IEPs) were supposed to be placed in a six-student class, the smallest class setting.

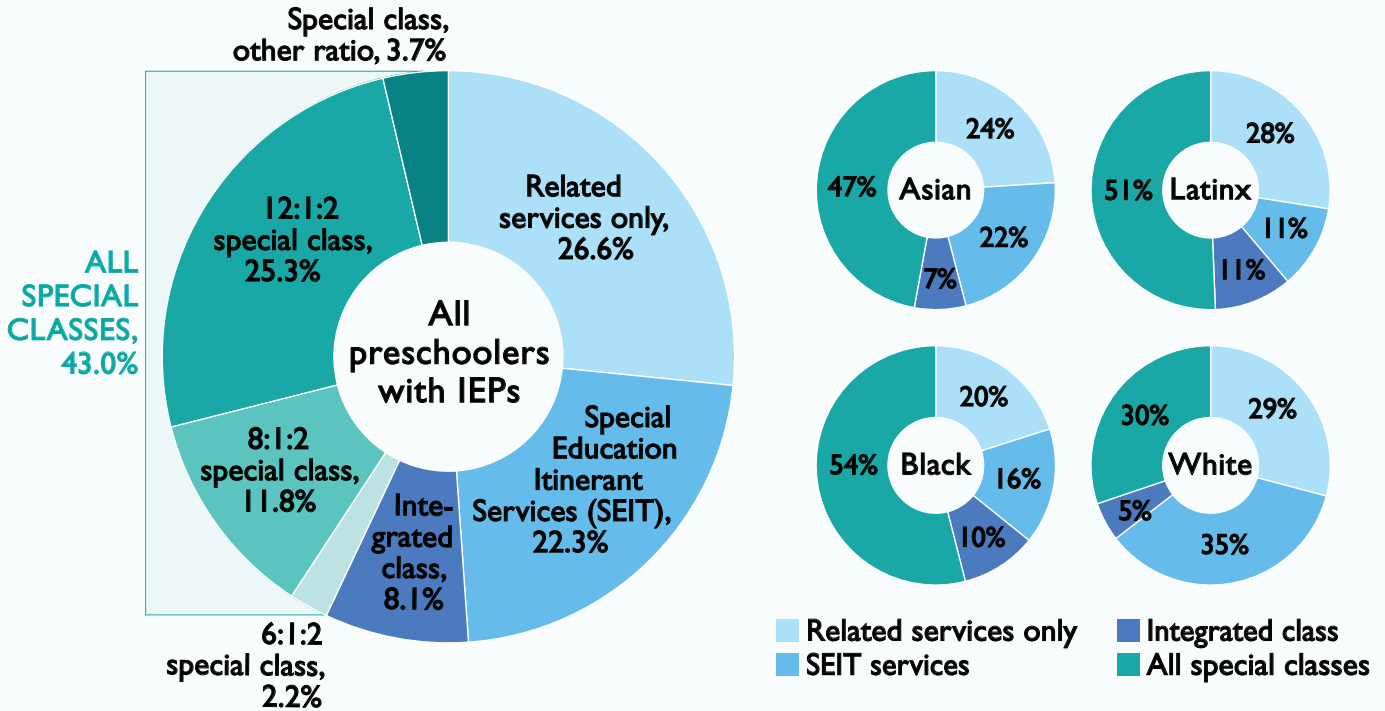
These overall percentages conceal significant differences in IEP recommendations between student subgroups (see Figure 2). In 2019-20:

- » More than a third (35.4%) of all White preschoolers with IEPs had a SEIT recommendation, compared to only 11.3% of Hispanic/Latinx students, 15.7% of Black students, and 22.0% of Asian students.
- » More than half of all Black and Latinx preschoolers with disabilities (54.0% and 50.6%, respectively) and 47.1% of Asian preschoolers with disabilities had an IEP recommending a special class, compared to 30.2% of White preschoolers.

As the overall number of Asian, Black, and (to a lesser extent) Latinx children receiving preschool special education services is disproportionately low, relative to the population, it is possible that children of color who *are* identified before kindergarten have more significant disabilities and thus need more intensive supports. However, it may also be the case that preschoolers of color are in some instances placed in more segregated special education settings than their White peers with similar needs, as has been observed in school-age special education.¹²

FIGURE 2

White preschoolers with disabilities are recommended for SEIT services at three times the rate of Hispanic/Latinx preschoolers and more than twice the rate of Black preschoolers, while children of color are more likely to have an IEP recommending a preschool special class.



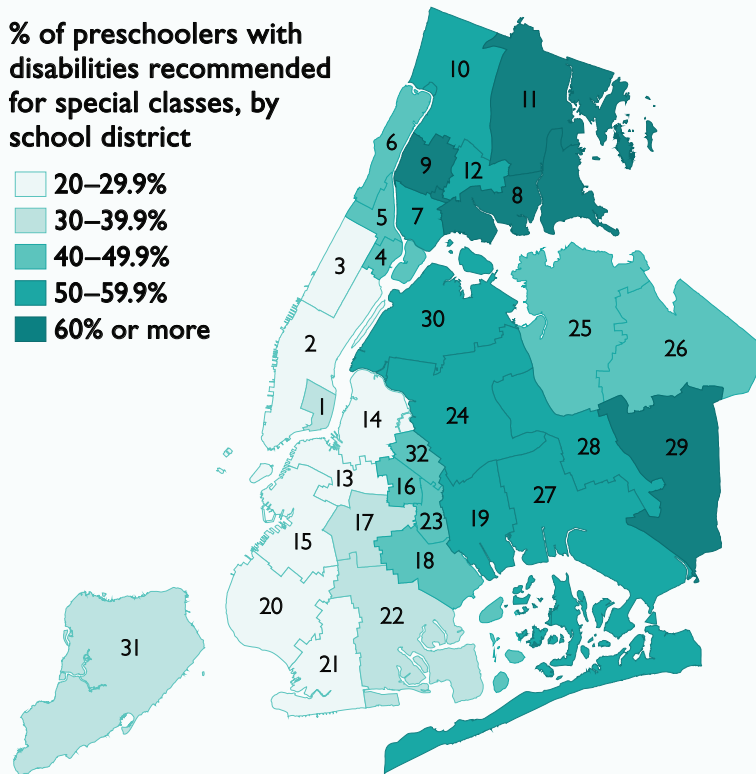
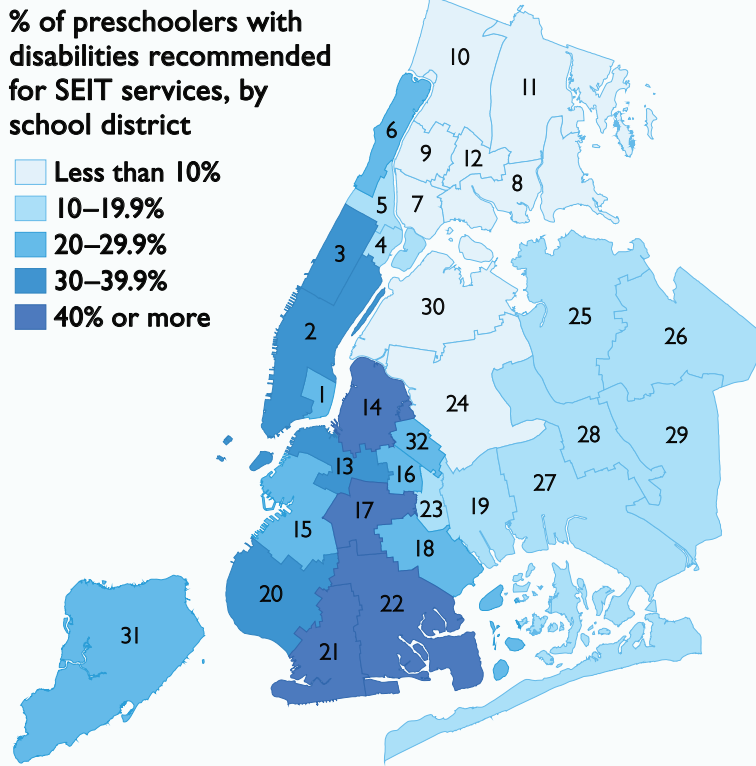
There is also wide variation in IEP recommendations across the five boroughs (see Figure 3):

- » Overall, only about 4.1% of Bronx preschoolers with disabilities were recommended for special education itinerant teacher (SEIT) services, compared to approximately 12.2% of preschoolers living in Queens, 26.7% in Manhattan, 27.8% on Staten Island, and 37.2% in Brooklyn.¹³ Differences were even more extreme at the district level; for example, only 2.5% of preschoolers with disabilities in District 9 (Grand Concourse, Morrisania, and Tremont in the Bronx) were recommended for SEIT services, compared to over half (54.4%) of all preschoolers with IEPs in District 21 (Coney Island and Brighton Beach in Brooklyn).
- » Conversely, approximately 60.2% of all preschoolers with disabilities in the Bronx and 52.4% of preschoolers with disabilities in Queens had an IEP recommending a special class, compared to around a third of Manhattan, Brooklyn, and Staten Island preschoolers (an estimated 33.9%, 30.5%, and 37.5%, respectively). In Districts 2 and 3 in Manhattan, as well as in Brooklyn’s District 14 and District 21, fewer than one in four preschoolers had a special class recommendation.

FIGURE 3

Districts in Brooklyn recommend a higher-than-average percentage of their preschoolers with disabilities for SEIT services, while districts in the Bronx and Queens rely more heavily on preschool special classes than other boroughs.

Staten Island not shown to scale.



Are preschoolers with disabilities receiving their mandated services?

At the end of the 2019-20 school year, only 66.3% of all preschoolers with disabilities were receiving their special education program and services in full compliance with their IEP, while 10,328 children were not fully served.¹⁴ Compliance rates were even lower for students experiencing homelessness and students needing bilingual instruction or services:

- » 61.0% of preschoolers in temporary housing were receiving instruction and services in full compliance by the end of the year, 5.5 percentage points lower than the rate for permanently housed students.
- » While 69.7% of preschool students whose IEPs recommended English-only instruction were receiving instruction and services in full compliance, the same was true for only 58.7% of students recommended for instruction or services in Spanish, 57.3% of preschoolers needing Chinese services, and 43.7% of those recommended for another language of instruction.

Related services

More than one out of five (21.6%) preschoolers whose IEPs mandated speech therapy—a total 6,002 students—did not receive a single session of this service before the end of the school year. Rates were particularly low for students needing bilingual speech therapy (70.5% receiving) as compared to their peers recommended for monolingual therapy (80.6% of whom received speech services). In addition, 4,048 preschoolers went without mandated occupational therapy (20.9% of all students with this IEP recommendation) and 1,562 children (18.5%) did not receive physical therapy. Importantly, the roughly four out of five preschoolers who *did* receive their speech, occupational, or physical therapy did not necessarily get *all* of the service sessions to which they were entitled; the DOE's report considers a student to be receiving services in full compliance with their IEP if they met *one* time with a service provider by year's end.

Special education itinerant teacher services

Overall, more than a third (38.9%) of all preschoolers whose IEPs recommended special education itinerant teacher services—approximately 2,661 children—never received this service in 2019-20.

Layla, who attends a 3-K program in the Bronx, has an IEP mandating occupational and physical therapies and Special Education Itinerant Teacher (SEIT) services. Although it is the Committee on Preschool Special Education (CPSE)'s responsibility to arrange services, Layla's 3-K program was able to identify a physical therapist and a SEIT who could work with Layla, and she began receiving these services early in the school year. However, as of the beginning of November—two months after services should have started—Layla had yet to receive a single session of her mandated occupational therapy and the DOE had not provided her family with any updates as to when this service would be provided. Layla's mother had reached out to the CPSE, the director of the 3-K program, and even her daughter's former Early Intervention providers for help finding an occupational therapist, all to no avail.

At an IEP meeting in March 2020, the DOE recommended that Malik—a nonverbal child with autism—be placed in a preschool special class and receive speech and occupational therapies starting in September 2020, when he would age out of the Early Intervention (EI) program. However, the DOE failed to offer a placement, leaving Malik with no special education support when his EI services ended.

In October 2020, when the DOE still had no class available for Malik, the DOE developed a “partial service plan” to provide Malik with some remote services while waiting for a class seat to open up, but even those minimal services ended in January 2021 when the agency working with Malik stopped providing remote sessions and placed him on a waitlist for in-person services. Malik then did not receive any special education services for the next seven months; in addition to not offering a seat in a special class, as mandated by his IEP, the DOE did not identify any service providers until August. Malik finally started attending a preschool special education class in September 2021, a full year later than the start date on his IEP and at which point he was already four-and-a-half years old.

- » As with speech therapy, compliance rates were lower for bilingual SEIT services (56.7% receiving) than for monolingual SEIT services (62.3% receiving).
- » In 15 of the City’s 32 school districts, over half of all preschoolers recommended for SEIT services did not receive those services by the end of the school year.
- » Not only were White preschoolers more likely to have a SEIT recommendation in the first place, they also received such services at higher rates than their Black and Latinx peers: 63.2% of White preschoolers received mandated SEIT services, compared to 56.4% of Black students and 57.5% of Latinx students with the same IEP recommendation.
- » There were also disparities in service receipt by housing status: 61.3% of permanently housed preschoolers received recommended SEIT services, while only 53.2% of preschoolers in temporary housing did.

Preschool special classes & classes in integrated settings

At the end of the 2019-20 school year, a total 334 preschoolers whose IEPs recommended a special class in an integrated setting (SCIS) were still waiting for a seat in such a class. In addition, at least 1,222 students who needed a seat in a self-contained class did not have such a placement; of these students, 79 needed a 6:1:2 special class, 443 needed an 8:1:2 class, 613 needed a 12:1:2 class, and 87 needed a special class with some other staffing ratio.

- » Compliance rates were consistently lower for bilingual classes than for English-only classes. For example, 89.1% of preschoolers whose IEPs recommended a monolingual full-day integrated class were properly placed, compared to 73.6% of preschoolers with a bilingual full-day integrated class recommendation. The compliance rate for 6:1:2 bilingual classes was more than 20 percentage points lower than that for 6:1:2 monolingual classes (68.6% versus 90.0%), while the gap for 8:1:2 classes was more than 10 percentage points (78.1% receiving for bilingual versus 88.9% for monolingual).
- » There was again notable variation across school districts, with particularly high unmet need in the Bronx. At least 133 of the children (39.8%) who needed a seat in an integrated class but did not have one lived in the Bronx, more than in any other borough. In District 10 alone, about 105 preschoolers were waiting for a seat in a preschool special class at the end of the school year; another 81 students who needed a special class went unserved in District 9 (see Figure 4).

TABLE 1

At the end of the 2019-20 school year, 1,222 students were still waiting for a seat in a preschool special class; another 334 preschoolers needed a seat in a special class in an integrated setting.

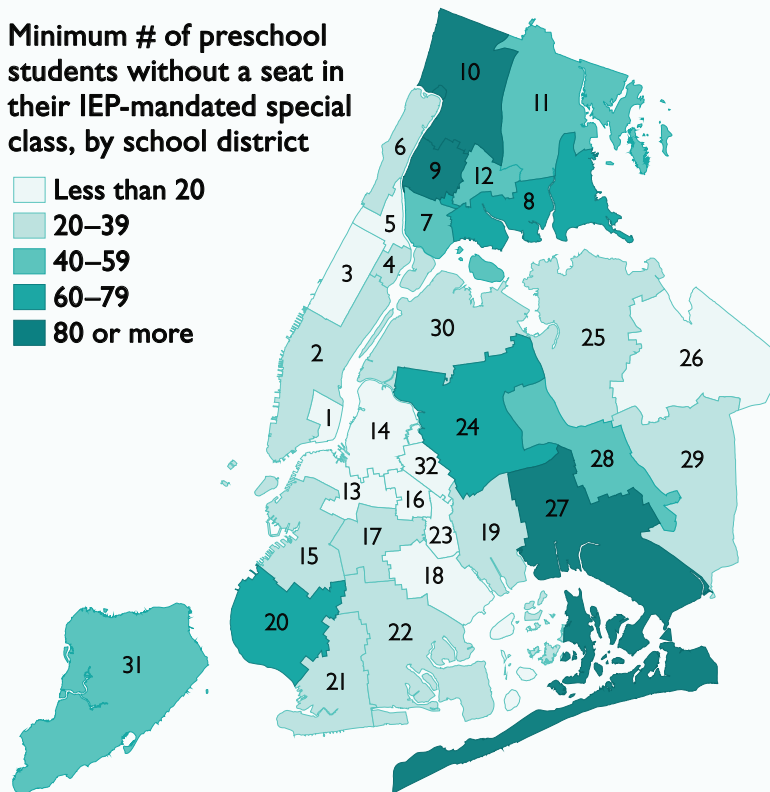
	# Needing a seat in a monolingual class	# Needing a seat in a bilingual class	Total # children without seats
Integrated class (SCIS)	227	107	334
6:1:2 special class	63	16	79
8:1:2 special class	360	83	443
12:1:2 special class	367	246	613
Special class, other ratio*	64	23	87
ALL SCIS & SPECIAL CLASS	1,081	475	1,556

* Indicates the *minimum* # of seats needed; data on half-day classes was redacted.

FIGURE 4

There were particularly large numbers of children who did not have a preschool special education class placement in the Bronx and southern Queens.

Includes all special class ratios and both monolingual and bilingual recommendations; given redactions in district-level data, some school districts may have greater need than is indicated here. Staten Island not shown to scale.



CHILDREN WITH DISABILITIES IN 3-K AND PRE-K FOR ALL

Less than a third of preschoolers with IEPs were enrolled in 3-K or Pre-K for All in June 2020.¹⁵ While there were a limited number of seats available in 3-K programs in 2019-20, every child in New York City has the right to attend pre-K the year they turn four; yet even looking only at preschoolers with disabilities born in 2015—those who would have been guaranteed a seat regardless of their disability status—only 41.5% were enrolled in Pre-K for All.

Moreover, these programs struggled to appropriately serve the children with IEPs who *did* enroll: 33.8% of all preschoolers with disabilities attending 3-K or Pre-K for All programs (2,870 students) were not fully receiving their mandated services by the end of the school year. There was also significant variation across the City's 32 school districts, as well as disparities by race, housing status, and language of instruction. For example:¹⁶

- In Districts 23 (Ocean Hill, Brownsville, and East New York) and 32 (Bushwick), less than half of preschoolers with IEPs in 3-K or Pre-K for All (42.5% and 48.0%, respectively) were fully served, while 81.4% of their peers on Staten Island received all of their preschool special education services.
- White preschoolers were more likely than children of color to be fully receiving their mandated services (68.8% of White students in 3-K or pre-K, as compared to 64.8% of Black students and 65.2% of Hispanic/Latinx students). The same was true of permanently housed preschoolers (66.7% fully served) compared to their peers experiencing homelessness (59.9%).
- Less than half of children in 3-K or Pre-K for All who needed services in Spanish or Chinese were fully receiving those services (47.8% and 49.6%, respectively), compared to 69.2% of students needing preschool special education services in English only.

RECOMMENDATIONS

While access to high-quality early childhood education has grown significantly in recent years with the establishment and expansion of 3-K and Pre-K for All, the data show that preschool students with disabilities are being underserved by these programs and are being denied access to special education programs and services to which they have a legal right.

The New York State Education Department and New York City Department of Education are responsible for ensuring the rights of preschoolers with disabilities are upheld and that children receive timely and appropriate services in this critical early stage of development. While the State has a key role to play and must be a partner in strengthening the preschool special education system, including by increasing payment rates for special education providers and programs,¹⁷ our recommendations focus on next steps that the City should take to address the immediate needs outlined in this report in light of the transition to a new Mayor.

As New York City continues to invest in early childhood education, it can no longer leave preschool students with disabilities behind. The City must ensure that all preschoolers with disabilities have access to the evaluations and services they need, that 3-K and pre-K programs have the capacity and resources necessary to serve preschool students with disabilities in their classrooms, and that the City has programs available to support students who require more intensive and supportive settings because of their significant needs.

Based on our decades of experience helping families navigate the preschool special education system, our analysis of city data, and conversations with parents of preschoolers with disabilities and early childhood education providers, we recommend that Mayor Adams, Chancellor Banks, and the incoming Administration take the following steps:

- 1 • Ensure successful implementation of recently announced initiatives to strengthen preschool special education and identify long-term sustainable funding.
- 2 • Center the needs of children with developmental delays and disabilities in further expansions of child care and early childhood education.
- 3 • Ensure all preschoolers receive the timely evaluations and services they need and address disparities.
- 4 • Support preschoolers with disabilities in inclusive settings.

Ensure successful implementation of recently announced initiatives to strengthen preschool special education and identify long-term sustainable funding.

After years of failing to invest adequately in preschool special education, we are pleased that the City allocated \$22 million in Fiscal Year 2022, increasing to \$88 million in Fiscal Year 2023, to strengthen preschool special education using federal COVID-19 relief funding.

In Fiscal Year 2022, the City is using this new funding to help promote opportunities for preschoolers with disabilities to learn alongside typically developing peers and address current backlogs, including by:

- » Opening new 3-K integrated classes (“special class in an integrated setting”) where three-year-old children with and without disabilities can learn alongside each other. The DOE added 330 3-K SCIS seats this year and plans to add another 800 seats over the next two years.
- » Hiring 30 inclusion specialists, a new position within the DOE to provide coaching and professional development on pre-referral and inclusion strategies for 3-K and pre-K programs.
- » Hiring 48 additional Committee on Preschool Special Education (CPSE) administrators and 25 additional community coordinators to help with the preschool evaluation and Individualized Education Program (IEP) development process.
- » Hiring 4 additional Early Intervention transition coordinators to help support families as they navigate the process of transitioning from the Early Intervention program (for children from birth to age three with developmental delays and disabilities) to preschool special education.

The City should move forward with these initiatives, assess their impact, and consider whether additional expansions are warranted. For example, while hiring 30 inclusion specialists is a very positive step, it may be insufficient to serve the tens of thousands of children attending more than 1,000 different 3-K and pre-K programs throughout the City. As more children with disabilities are included in the City’s 3-K and pre-K programs—especially as 3-K further expands—programs will require intensive support to provide an excellent education to children with and without disabilities.

In Fiscal Year 2023, the City plans to offer a “contract enhancement” to preschool special education programs run by community-based organizations (CBOs) that would bring them into the 3-K and Pre-K for All system. Preschool special education programs run by CBOs, which serve the majority of children who need a special class placement in New York City, can choose to apply to the DOE for the contract enhancement, which would:

- » Provide financial support to preschool special education programs—which have been closing due to financial difficulties—to help them keep their doors open and provide high-quality programming.
- » Extend comparable programmatic support to preschool special education programs that the DOE currently provides to 3-K and pre-K general education programs at CBOs. For example, currently, the DOE has a cadre of social workers who assist 3-K and pre-K general education classes at CBOs, but who are not available to preschool special education classes at CBOs.
- » Align certain policies between 3-K and pre-K general education and special education programs. For example, currently, children in preschool special education classes have a shorter school day than children in 3-K and pre-K general education classes.
- » Work with CBOs to open new preschool special education classes, creating an additional 800 seats, in order to address the significant shortage.

For years, we have been calling on the City to address the shortage of preschool special education classes—a shortage that has left preschoolers who have significant disabilities sitting at home for weeks or months waiting for a seat, in violation of their legal rights—and to better support the CBOs that run these classes to ensure more programs do not shut their doors. Since the DOE released the data analyzed in this report, it has posted a new memo showing that, even in a year when preschool special education referrals are down and enrollment in preschool has fallen due to COVID-19, the City will be short more than 900 preschool special education class seats this spring.¹⁸ It is critical for the Administration to ensure that the contract enhancement moves forward and is implemented successfully. To do so, the City must:

Commit to salary parity to support teachers and staff at community-based preschool special education programs.

Preschool special education programs at CBOs have seen their teachers, teacher assistants, and staff members leave for other jobs due to disparities in salaries and benefits. However, the City has merely stated that it “hope[s] to create a pathway to higher salaries”¹⁹ for staff through the contract enhancement and has not committed to providing salaries on par with those of DOE teachers and staff. Two years ago, the City announced a “salary parity” agreement to provide teachers in 3-K and pre-K general education classes at CBOs with the same salary as first-year teachers in DOE schools by October 2021. However, teachers of preschool special education classes were excluded from

this agreement, even though they have some of the most challenging early childhood jobs—working over the 12-month school year and serving the preschoolers with the most intensive needs in the City. Committing to salaries that will compensate these employees on par with their 12-month counterparts in the DOE is critical to the success of the DOE’s preschool special education initiative. The DOE will not be able to address the shortage of preschool special education classes through the contract enhancement unless it provides salaries that will allow programs to recruit and retain certified special education teachers for their current classes, as well as for new classes.

Fully compensate programs for added responsibilities.

While a goal of the contract enhancement is to provide financial support to preschool special education programs, programs do not yet know how much funding they will receive and whether the added funding will be sufficient to cover the increased responsibilities that would be expected of them under the contract enhancement. For example, programs will need funding in order to operate the longer school day required of them. For the contract enhancement to succeed, the City needs to ensure there are adequate resources to incentivize preschool special education programs to choose to participate in the new program, a necessary step in order to address inequities and add the new classes the DOE plans to open through this initiative.

Address the preschool special class shortage.

While the City must work to increase the number of children with disabilities who are learning alongside typically developing peers, the City must also ensure there is a preschool special education class seat available for every child whose IEP requires one—either in a DOE school or at a CBO. The City must ensure that the contract enhancement includes sufficient resources for CBOs to open new classes to fully address the need, and, if the DOE is not able to open new classes at CBOs, the DOE must open these classes itself. The DOE must pay particular attention to the Bronx and other high-need areas where the shortage of classes has been particularly acute.

Identify long-term sustainable funding.

Because the City is currently funding these initiatives through one-time federal COVID-19 relief funding, the incoming Administration must identify sustainable funding to ensure their continuity and long-term effectiveness.

Center the needs of children with developmental delays and disabilities in further expansions of child care and early childhood education.

We appreciate that Mayor Adams has promised to expand early childhood education and child care. As the incoming Administration considers these expansions, it must keep the needs of children with developmental delays and disabilities front and center. In a recent poll of New York City parents of young children, one in three parents indicated their child had been turned away from a center- or home-based child care program because the provider could not offer enough support for a child with a disability.²⁰ All programs have a legal and moral obligation to serve children with disabilities. The incoming Administration must ensure that all early childhood programs, including center-based

and family child care programs, are prepared to serve young children with a range of disabilities and that staff understand how to support families through the referral, evaluation, and service delivery processes.

Ensure all preschoolers receive the timely evaluations and services they need and address disparities.

The data in this report show that the DOE is falling far short of meeting its legal obligation to preschoolers with developmental delays and disabilities. The DOE must ensure that all children receive the evaluations and services they need within the legally required timelines and must focus particular attention on low-income communities of color, families who speak a language other than English, and children who are homeless or in foster care.

Increase access to screenings.

While the DOE conducts developmental screenings for children enrolled in 3-K and pre-K programs, 3-K is not yet universally available in New York City, and children who are homeless are disproportionately likely to miss out on early childhood education. As the City works to expand early childhood opportunities, the City should also increase access to screenings for young children, including ensuring that screenings take place in the City's homeless shelters and that shelter staff, pediatricians, and other professionals have the information needed to help support families with the referral and evaluation process.

Bolster support for families.

Too often, families are left to navigate the complex preschool special education process with inadequate support. While families whose zero-to-three-year-old children are referred to Early Intervention are assigned a service coordinator to help arrange evaluations and get services in place, there is no service coordinator role for preschool special education. Although it is the DOE's obligation to ensure preschool special education evaluations take place, the burden of finding an evaluation agency with an available appointment falls on families, who are merely provided a long list of agencies. This task is particularly challenging for children who need bilingual evaluations. Furthermore, while the DOE has an obligation to find service providers and placements for preschoolers with disabilities, we frequently hear from families whose children do not have services in place and have not been able to get needed help from the DOE—and often get no response at all. The City should:

In fall 2021, when Emma was still not speaking in her pre-K class, her teacher recommended that she be evaluated for speech therapy. Emma's parent requested evaluations and began contacting evaluation agencies on the DOE's list but had difficulty getting an appointment. After being turned away by several agencies with no availability whatsoever, finally one said that it could conduct Emma's evaluation and would get back to her family with a date and time to meet. More than a month later, however, the evaluation agency still had no available appointments and suggested Emma's parent look for a different agency. Throughout this time, Emma's family never heard from the DOE—even though the DOE is responsible for ensuring evaluations take place. Because of these delays, Emma will likely go most of the school year without any speech therapy.

- » **Proactively assist families.** With the increase in CPSE administrators and community coordinators, the DOE should proactively reach out to families to offer assistance in scheduling evaluations and making sure services are in place. The DOE should prioritize providing outreach to children whose families speak a language other than English and children who are homeless or in foster care. The DOE should monitor the case progression of every child and ensure that no child slips through the cracks.
- » **Provide training to DOE staff.** The DOE should provide all preschool special education administrators and community coordinators with training in culturally responsive, anti-racist, strengths-based approaches to working with families.
- » **Strengthen customer service.** In addition to providing training to CPSE staff, the DOE should ensure families know whom to contact when they are having difficulty getting evaluations and services in place. The DOE should list the contact information for CPSE administrators online and should ensure that families who are not getting answers from their CPSE administrators have a central point of contact where they can turn for help.
- » **Launch family trainings.** Building on the DOE's Beyond Access family training special education series, the DOE should offer workshops, including virtual workshops, for families of preschoolers with developmental delays or disabilities to help them support their children at home during this critical period in their children's development and to ensure they know their rights and how to get help with the preschool special education process. The DOE should survey families to see which topics would be most helpful to them.

Ensure there is adequate staff to serve all preschoolers with disabilities.

The DOE must ensure there are adequate numbers of preschool special education evaluators, SEITs, service providers, and classes to provide all children with the evaluations and services they need, with a particular focus on underserved communities. Furthermore, the DOE must ensure there are sufficient numbers of CPSE administrators, community coordinators, and support staff to ensure that IEPs are developed, services are arranged, and families can get needed support in a timely manner. Given the current backlogs in children getting timely evaluations, IEP meetings, and services, as well as the likelihood that the DOE will identify more children with developmental delays or disabilities as 3-K expands and children enroll in school earlier, the City must plan for a potential increase in the number of preschoolers referred for special education evaluations and services. The DOE must examine its capacity and develop and fund a plan to address all staffing shortages. The DOE should also examine compensation policies, including whether higher payment rates or other incentives are needed to ensure services are available to children in underserved communities.

Increase the number of bilingual preschool special education evaluators and providers and develop protocols for bilingual evaluations.

While the data show the need to increase timely evaluations and service provision across the board, compliance rates are consistently lower for children needing bilingual services. The data reflect what we see on the ground; families who speak a language other than English are turned away from preschool special education evaluation agencies over periods of months as they seek evaluations for their children, with the explanation that these agencies cannot provide bilingual evaluations, and children needing bilingual services are stuck waiting because the DOE does not have bilingual providers available. The DOE must ensure that there are enough bilingual evaluators, SEITs, service

providers, and special education classes to serve all children who need this support. In addition, the DOE must develop and disseminate protocols to ensure that evaluation agencies know how to assist families looking for bilingual evaluations, so that families are not simply turned away, and when needed, arrange timely evaluations using qualified interpreters.

Expand and increase outreach on phone interpretation service.

After years of providing a phone interpretation service to community-based organizations running general education 3-K and pre-K classes, but not to CBOs running special education classes, the DOE extended access to preschool special education evaluation agencies and programs to support them in communicating directly with families who speak languages other than English during the pandemic. While the DOE has indicated that it will extend access to preschool special education programs and evaluation agencies beyond the pandemic, it should also extend the phone interpretation service to all SEITs and related service providers so that individual providers can communicate with the families of the children they are serving. The DOE should conduct outreach to make sure evaluators, service providers, and programs know the service is available, and should include this information in the preschool special education referral packet sent to families so that families know that phone interpretation is available.

A parent called AFC in August 2021 because he was unable to find an agency that could evaluate his 4-year-old daughter, Ava. Ava needed a bilingual Korean evaluation, but there was only one evaluation site listed in the DOE's referral packet as able to conduct Korean evaluations—and that agency did not answer the phone or provide a way for Ava's father to leave a message when he called. When AFC brought the case to the DOE's attention, an appointment was scheduled with the DOE's preschool evaluation team, but then further delayed when the DOE was unable to find a bilingual evaluator or Korean interpreter in time for the appointment.

Increase training and guidance for preschool special education administrators, community coordinators, evaluation agencies, and providers.

The data show that preschool special education recommendations vary significantly depending on where a child happens to live. Particularly at a time when the DOE is hiring additional CPSE administrators and community coordinators, the DOE should promote best practices by providing intensive training to all DOE preschool special education staff, as well as contracted evaluation agencies, programs, and providers. In addition, the DOE's Standard Operating Procedures Manual (SOPM) for preschool special education has not been updated since 2001. The SOPM and related forms should be updated and expanded so that preschool special education staff throughout the City are looking to the same guidance and providing families with uniform information.

Increase accountability, including through a new data system.

The DOE should consistently monitor data to ensure children are getting their required evaluations and services and should identify and address barriers on both the individual and systemic levels, including addressing disparities. While school-aged special education information is currently recorded and monitored through a computer system called SESIS, there is no comparable data system for preschool special education information. The DOE should move forward with its plan to

create a data system that contains preschool special education information, including a case management system to track deadlines and store electronic records, and provides access to families. Until this new data system launches, the DOE should create workarounds to ensure it is using data to address staffing shortages, identify and address systemic barriers to evaluations and service delivery, address disparities, and conduct oversight on central and regional levels to ensure all children receive their needed evaluations and services.

Support preschoolers with disabilities in inclusive settings.

Federal law requires children with disabilities to be educated in the least restrictive environment appropriate to meet their needs where they have the most opportunity possible to learn alongside typically developing peers. With 43% of preschoolers with IEPs, including a disproportionate number of Black and Latinx preschoolers with IEPs, being recommended for self-contained preschool special education classes, the City must ensure that more children have the opportunity to learn in inclusive settings. The City is taking important steps this year by launching new preschool special classes in integrated settings and, for the first time, hiring 30 inclusion specialists. The DOE should monitor implementation and evaluate the need for additional integrated classes, including bilingual integrated settings, and inclusion specialists, especially as 3-K continues to expand. The City should also:

Ensure that all children with disabilities receive their mandated services on site at their 3-K, pre-K, or early childhood program.

Special education services should generally be provided to students in their school setting to help them in school. However, the DOE frequently tells parents that there are no service providers available to go to 3-K and pre-K programs, especially in low-income communities of color, and that they must bring their child to an outside agency in order to get services. The DOE must ensure there are adequate numbers of SEITs and related service providers to provide services at 3-K and pre-K programs, especially as 3-K expands. The DOE should examine practices around recruiting, retaining, and compensating providers. The DOE should consider steps such as hiring more itinerant teachers and service providers directly, instead of relying on outside agencies, especially in underserved communities; better coordinating provision of services

At an IEP meeting in June 2021, the DOE recommended that 3-year-old Youssef be placed in a 10:1:2 preschool special class and receive speech and occupational therapies. However, despite repeated follow-ups by both Youssef's mother and his Early Intervention Service Coordinator over the summer, the CPSE failed to provide such a placement. Anxious about the rapidly approaching start of the school year and with no preschool seat for Youssef, his mother enrolled him in a 3-K program and the DOE said it would provide Youssef with his related services there. But the DOE then failed to identify providers to work with Youssef at his 3-K program; instead, the parent was told she would need to take Youssef to an outside agency on Saturdays, meaning that he would have to go without this needed support during the school day. In addition to being logistically challenging to arrange, given her responsibilities to her other children on weekends, the agency the DOE identified could only provide speech therapy, as they did not have an occupational therapist with availability.

(for example, ensuring that when a child is identified as needing speech therapy at a pre-K program, the DOE checks to see if there is already a speech therapist traveling to that pre-K program who can work with another child); and exploring higher payment rates or other incentives to ensure services are available to children attending 3-K or pre-K programs in underserved communities.²¹ Furthermore, just as schools employ special education providers for their students, the DOE should hire designated SEIT and related service providers for DOE Pre-K Centers (centers run by the DOE that provide only 3-K and pre-K classes) that can serve all the students with disabilities in those programs. Similarly, the DOE should hire related service providers to serve the sites where it is operating preschool special classes in integrated settings.

Explore new service provision models that will help support children in 3-K and pre-K general education classes.

For example, the DOE should consider recommendations for group SEIT services, when appropriate. Although SEIT services are intended to help include children with disabilities in an early childhood setting and help them learn alongside typically developing peers, the DOE overwhelmingly mandates one-to-one SEIT services (where a teacher works with only one student at a time). While there are some children who need individual SEIT services, other children would benefit from a SEIT assigned to help integrate multiple children into the preschool class. Assigning one SEIT provider to multiple students in the same class, where appropriate, would help ensure more children are receiving SEIT services in a timely manner, reduce the number of individual providers that need to travel to a site, and allow students with disabilities to have more interaction with peers and the classroom teacher.

Provide training to staff at all 3-K and pre-K programs.

Many 3-K and pre-K programs do not have any special education teachers onsite or staff with experience working with students with disabilities or familiar with the preschool special education process. In addition to the consulting services that the new inclusion specialists will offer, the DOE should conduct trainings for 3-K and pre-K program staff on the preschool special education process, how to support families of students with disabilities, strategies for supporting students within their classrooms (for example, techniques for soothing a child who displays challenging behaviors), and how to get additional support when needed. While the DOE currently offers some training to 3-K and pre-K programs regarding students with disabilities, it is primarily voluntary to attend.

Provide individualized coaching to 3-K and pre-K staff.

While general training is helpful, some teachers may need additional training and support to meet the individualized needs of some children with disabilities. In addition to hiring the 30 inclusion specialists, the DOE should train and provide guidance to CPSE, 3-K, and pre-K staff about the recommendation and use of “indirect SEIT services,” a very underutilized IEP service defined in state regulations as “consultation provided by a certified special education teacher to assist the child's teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program.”²² Indirect SEIT services can provide 3-K and pre-K teachers with the support they need to help a preschooler with a disability remain in the general education setting. Such training and guidance on this recommendation should include strategies for determining a feasible plan that will allow teachers to receive indirect SEIT support while recognizing their schedules and competing demands, and the DOE should consider creative approaches to ensuring teachers get needed time

for such consultation. The DOE should also have a corps of specialists in different areas, such as addressing the needs of children with autism or children with behavioral needs, available to provide training and coaching to 3-K and pre-K staff.

Designate staff at each 3-K and pre-K program to serve as disability coordinators.

While all 3-K and pre-K staff should receive training on preschool special education services and inclusive practices, each program should designate one staff member to receive more intensive ongoing training and updates. The coordinator should be charged with supporting families with the referral and evaluation process, making sure each child at the 3-K or pre-K program is receiving their mandated services, resolving any issues, and helping to connect the program to other available resources to help support children with disabilities in 3-K and pre-K programs. One person at each program should see it as part of their job to ensure every child attending their program is receiving all of their mandated support on site and to help secure any additional needed support.

Expand the model of full-day special classes in integrated settings.

As the data demonstrates, the DOE underutilizes the model of special class in an integrated setting, which can allow preschoolers with disabilities to access the general education curriculum and interact with typically developing peers while having access to a full-time special education teacher. The DOE should ensure there are SCIS seats available for all children with disabilities who need them. The DOE's addition this year of 330 seats in 3-K special classes in integrated settings, with a plan to add around 800 additional seats over the next two years, is an important step forward. As the DOE continues to expand 3-K, the DOE should ensure that a certain percentage of 3-K and pre-K programs have special classes in integrated settings, including bilingual integrated classes, to serve three- and four-year-old children with and without disabilities. As the DOE opens these classes, the DOE must also fund the related service providers necessary to serve all children with disabilities on site; currently, the DOE is opening special classes in integrated settings without funding related service providers. The DOE should also consider expanding successful school-age integrated models, such as the ASD Nest program that helps children with autism learn alongside their typically developing peers, to preschool students, as well as replicating successful specialized classes, such as the ASD Horizon program for children with autism, within 3-K and pre-K programs.

Support CBOs in opening special classes in integrated settings.

The DOE should prioritize providing 3-K and pre-K contracts to CBOs that operate preschool special classes in integrated settings or that have committed to opening new SCIS classes. Over time, once there is a preschool special education class seat available for every child who needs one, the DOE should help preschool special education programs convert self-contained special classes to integrated 3-K or pre-K classes as fewer children are recommended for special education classes and more children are recommended for integrated classes.

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3-K and Pre-K will not truly be “for all” until all preschoolers with disabilities get the support, services, and specialized classes they need. We hope that these recommendations will help guide the incoming Administration as it works on keeping the City’s promise to provide universal early childhood education to every child.

NOTES

¹ While the report itself is dated January 15, 2021, it was not posted online and publicly accessible until June 2021. New York City Department of Education (DOE), Annual Preschool Special Education Data Report, School Year 2019–2020 (January 2021), <https://infohub.nyced.org/reports/government-reports/local-law-21-of-2020---preschool-special-education>.

² Grade-level student demographic data from the New York City Department of Education (DOE) was obtained by AFC via a 2021 Freedom of Information Law (FOIL) request.

³ Due to limitations in public reporting, the 1,749 kindergarten students who were enrolled in District 75 in 2019–20 (2.2% of all kindergartners) could not be included in the calculation of these percentages. The percentage of all kindergartners, with and without IEPs, who have a home language other than English is being used for comparison in lieu of the percentage of all 3-K and pre-K students with a home language other than English because the latter data point is not publicly available. New York City Department of Education (DOE), Demographic Snapshot, SY 2019–20, <https://infohub.nyced.org/reports/school-quality/information-and-data-overview#jump-to-heading-2>; Local Law 59 School Diversity Accountability Act Report (February 2021), <https://infohub.nyced.org/reports/government-reports/diversity-reports>.

⁴ New York City Department of Education (DOE), School-Age Special Education Data Report (November 2020), <https://infohub.nyced.org/reports/government-reports/special-education-reports>. The racial demographics of school-age students with IEPs, as shown in Figure 1, only reflect students enrolled in NYC Department of Education schools; students with disabilities attending public charter schools or private schools are not included. However, the general pattern—compared to K–12 students receiving special education services, Black and Latinx children are under-represented in preschool special education, while White children are over-represented—remains the same regardless of comparison group. According to State Education Department data, of all school-aged students with IEPs in New York City—including those attending private school—6.6% are Asian/Pacific Islander, 18.0% are White, 27.1% are Black, and 44.8% are Hispanic/Latinx.

⁵ Federal special education law gives children ages zero to three with developmental delays or disabilities and their families the right to receive evaluations and services, free of charge, to support their cognitive, physical, and social-emotional development; these evaluations and services are provided via the Early Intervention (EI) program, which in New York City is administered by the Department of Health and Mental Hygiene (DOHMH). Data used in Figure 1 come from a DOHMH presentation at the October 16, 2020 meeting of the NYC Local Early Intervention Coordinating Council (LEICC), <https://www1.nyc.gov/assets/doh/downloads/pdf/earlyint/leicc-min-10162020.pdf>.

⁶ See, e.g., Christine E. F. Delgado & Keith G. Scott, “Comparison of Referral Rates for Preschool Children at Risk for Disabilities Using Information Obtained from Birth Certificate Records,” *The Journal of Special Education* 40, no. 1 (May 2006): 28–35, <https://doi.org/10.1177/00224669060400010301>; Paul L. Morgan, George Farkas, Marianne M. Hillemeier, & Steve Maczuga, “Are Minority Children Disproportionately Represented in Early Intervention and Early Childhood Special Education?” *Educational Researcher* 41, no. 9 (December 2012): 339–351, <https://doi.org/10.3102%2F0013189X12459678>; Paul L. Morgan et al., “Who Receives Speech/Language Services by 5 Years of Age in the United States?” *American Journal of Speech-Language Pathology* 25, no. 2 (May 2016): 183–199, https://doi.org/10.1044/2015_AJSLP-14-0201.

⁷ U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, *42nd Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2020* (January 2021), <https://sites.ed.gov/idea/files/42nd-arc-for-idea.pdf>, pgs. 31–32.

⁸ DOE Demographic Snapshot; New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS), Student Information Repository System (SIRS) Data on Student Homelessness in NYS, SY 2019–20 (December 2020), <https://nysteachs.org/topic-resource/data-on-student-homelessness-nys/>.

⁹ Data obtained from the DOE pursuant to a FOIL request.

¹⁰ Institute for Children, Poverty & Homelessness, *Overlooked: The Far-Reaching Consequences of Late Identification of Homeless Students for Special Education Services* (July 2016), <https://www.icphusa.org/reports/overlooked-the-far-reaching-consequences-of-late-identification-of-homeless-students-for-special-education-services/>.

¹¹ As 2019-20 was the first school year for which the preschool special education data report was published, we do not know how these numbers compare to prior school years. However, it is possible that the percentage of cases closed was higher than usual in light of the pandemic and the move to remote evaluations and IEP meetings in the spring of 2020. Though the DOE's legal obligations to hold IEP meetings continued, the proportion of initial school-age referrals that were simply closed without an IEP meeting increased by more than six percentage points from 2018-19 to 2019-20.

¹² See, e.g., Todd Grindal, Laura A. Schifter, Gabriel Schwartz, & Thomas Hehir, "Racial Differences in Special Education Identification and Placement: Evidence Across Three States," *Harvard Educational Review* 89, no. 4 (Winter 2019): 525–553, <https://www.sri.com/wp-content/uploads/2020/09/1943-5045-89.4.525.pdf>; Russell J. Skiba et al., "Disparate Access: The Disproportionality of African American Students with Disabilities across Educational Environments," *Exceptional Children* 72, no. 4 (July 2006): 411–424, <https://doi.org/10.1177/001440290607200402>.

¹³ The DOE did not report at the borough level; borough-wide rates were calculated using district data. In some cases, district-level counts were redacted; redacted values were imputed as the mean of the minimum and maximum possible values, given the known Citywide total (e.g., if the DOE reported that ≤5 students had a particular service recommendation, the imputed value was 3).

¹⁴ These data do not capture the full impact of the COVID-19 pandemic on preschool special education in 2019-20. Many students lost weeks of instructional time while waiting to receive a remote learning device; some special education services simply do not translate online; and preschool-age children require the support of an adult in order to participate in remote instruction or teletherapy, which proved logistically impossible for many working parents. The preschool special education data report, however, considers all such students "fully" served if they were in the appropriate class and receiving their mandated services before school buildings closed in mid-March.

¹⁵ These statistics include all preschoolers with IEPs enrolled in DOE district schools, Pre-K Centers, NYC Early Education Centers (NYCEECs), or District 75 schools (according to the DOE Demographic Snapshot, there were a total 432 3-K and pre-K students enrolled in District 75 in 2019-20). Therefore, while most of these children participated in general education 3-K or pre-K classes, those in self-contained classes run by the DOE are also included.

¹⁶ The DOE reported data on 3-K and pre-K participation by student birth year (2015, 2016, or 2017); given the very small number of children with disabilities born in 2017 who enrolled in 3-K or Pre-K for All programs (66 children total Citywide), the following statistics include only those born in 2015 or 2016.

¹⁷ In December 2021, Governor Kathy Hochul vetoed S.6516-A/A.8013, a bill unanimously passed by the New York State Senate and Assembly that would have provided preschool special education programs with the same annual rate increase as school districts receive, but announced that she would include funding in her Executive Budget for an 11% rate increase for these programs for 2022-23. See <https://www.governor.ny.gov/news/governor-hochul-announces-historic-240-million-increase-investment-schools-serving-children>.

¹⁸ New York City Department of Education, "Regional Need for Preschool Special Education," <https://infohub.nyced.org/working-with-the-doe/early-childhood/regional-need-for-preschool-special-education>.

¹⁹ DOE Division of Early Childhood Education, *Bulletin Special Edition: Preschool Special Education Enhancement Opportunity* (November 22, 2021).

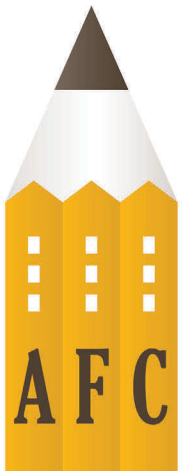
²⁰ See Citizens' Committee for Children of New York, The Education Trust–New York, & New York Early Childhood Professional Development Institute, *Poll: New York City residents overwhelmingly support government investment in early childhood programs* (August 2021), <https://newyork.edtrust.org/press-release/poll-new-york-city-residents-overwhelmingly-support-government-investment-in-early-childhood-programs>.

²¹ While the DOE should focus on providing services at early childhood programs, the DOE has a legal obligation to provide transportation in cases where it is requiring children to get services at an outside agency. In such cases, the DOE should ensure access to door-to-door transportation that does not rely on a parent's ability to transport their child or lay out transportation funding.

²² See 8 N.Y.C.R.R. 200.16(i)(3)(ii).

ABOUT ADVOCATES FOR CHILDREN

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.



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