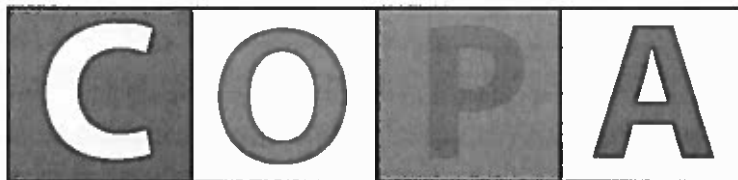


Testimony before the New York State Legislature Joint Budget  
Hearing on the Governor's Executive Education Budget

Submitted by  
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On behalf of the Coalition of Provider Associations

January 31, 2018



*Coalition Of Provider Associations*

## Testimony

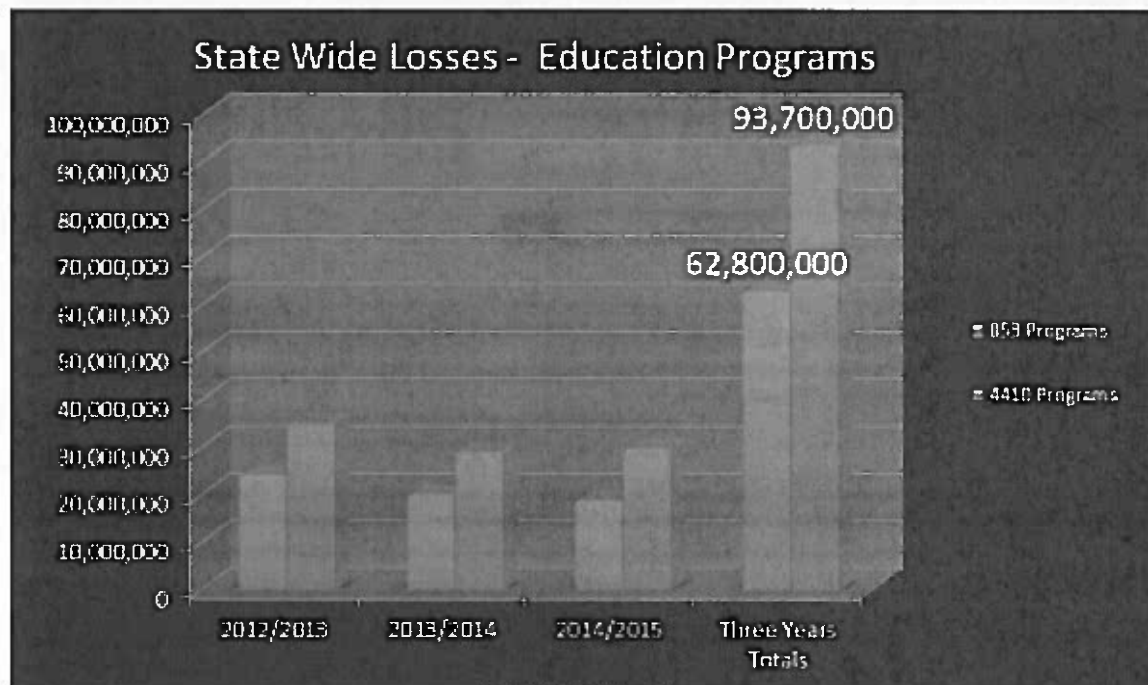
Good afternoon my name is Christopher Treiber and I am the Associate Executive Director of Children's Services for The Interagency Council of Developmental Disabilities Agencies, Inc. IAC is a member of The Coalition of Provider Associations or COPA, is a Statewide group of five associations - the Alliance of Long Island Agencies, Inc. (ALIA), Cerebral Palsy Associations of New York State (CP of NYS), the Developmental Disabilities Alliance of Western New York (DDAWNY), the InterAgency Council of Developmental Disabilities Agencies, Inc. (IAC), and the New York Association of Emerging and Multicultural Providers (NYAEMP). We have unified our effort to maintain and improve services and supports for children and adults with developmental disabilities and their families through over 250 not-for-profit providers serving hundreds of thousands of New Yorkers with I/DD, educating over 15,000 special education students and employing more than 120,000 dedicated professionals with combined annual operating budgets of nearly \$5.2 billion.

On behalf of the IAC and COPA special education providers, I would like to thank the New York State Legislature for holding this public hearing and for the opportunity to provide testimony here today. The COPA membership includes more than 100 preschool special education 853 state approved non-public schools. Our schools serve more than 15,000 children each day. The children who attend our member preschool and school-age programs are public school children. They are the children of your constituents. Many of these children have been diagnosed with autism spectrum disorder, cerebral palsy or other developmental disabilities. They are placed in our education programs only after a determination has been made by a local Committee on Special Education or Committee on Preschool Special Education that there is no other appropriate educational setting available in a local public school. Therefore, there is no other educational option for these students. Our schools serve many of New York States most vulnerable children, yet these schools have not been provided with funding necessary to meet this challenge. Our schools have suffered for many years without any tuition increase and only in the last few years have they received very small increases. The Governor's executive budget highlights his administrations strong commitment to education and indicates that since 2012 state aid for education has

increased by 35%. However, during the same time period, our preschool special education providers have received a 6% increase in tuition and our 853 programs have received 18%.

The impact of the growth freeze, and the limited tuition increases have left these programs on the brink of financial collapse. Based on CFR data from fiscal year 2014/2015 preschool special education providers state-wide lost more than 30 million dollars and school-age 853 providers lost more than 25 million dollars. The total fiscal losses for these programs state-wide is more than 62 million dollars for 853 programs and more than 93 million for preschool special education providers over the past three years.

## CFR Data- State-Wide Fiscal Losses



Financial losses of this magnitude are unsustainable for non-profit providers. **We are requesting that 853 and 4410 programs receive minimum tuition increases that are comparable to the increases provided in the FY 2019 enacted budget.**

The lack of adequate funding is having a significant impact on our preschool and school-age provider's ability to hire and retain certified teachers and teacher assistants. Our schools are facing a dire staffing crisis that is having a significant impact on special education providers in New York State and the children they serve.

In order to document the impact this staffing crisis is having on our children IAC surveyed our membership to determine an annual turnover rate for our preschool and school-age providers.

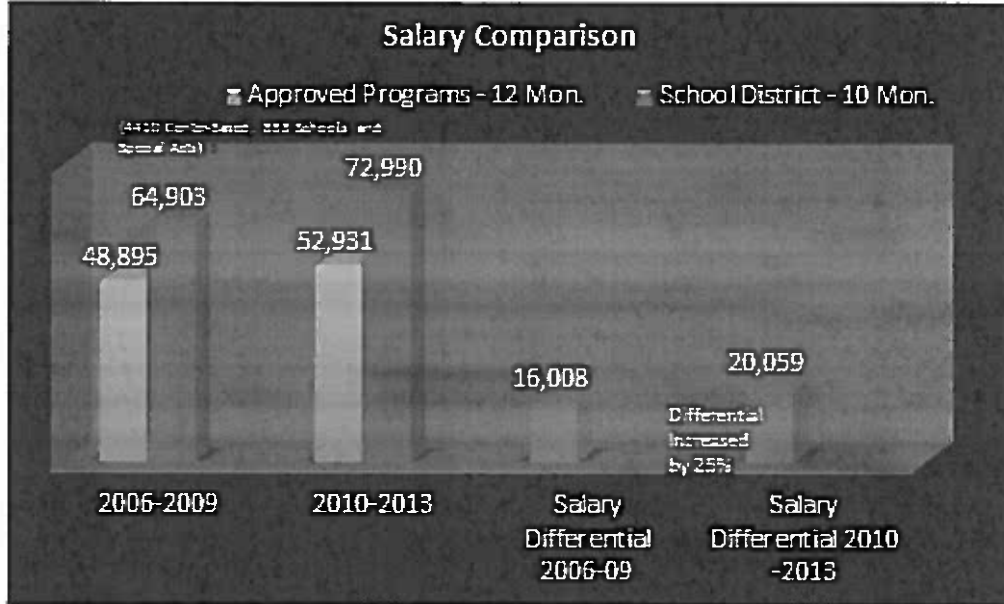
In our 853 schools the teacher turnover rate was 28%. There were eight 853 Schools with teacher turnover rates above 30% and three above 40%. One school had a teacher turnover rate of as high as 57%. This school lost 16 out of their 28 teachers in less than one year. The turnover rate for teacher assistants was 29%. There were seven 853 Schools with teacher assistant turnover rates above 30% and three above 40%. One school had a teacher assistant turnover rate of 60%. This 853 School lost 73 of their 122 teacher assistants in less than one year.

The turnover rate for 4410 Preschool Programs was even higher for teachers it was 30%. There were twelve 4410 Preschools with teacher turnover rates above 30% and five above 40%. One Preschool had a teacher turnover rate of as high as 60%. This preschool lost six out of their 10 teachers in less than one year. The turnover rate for teacher assistants in our preschool programs was 26%. There were eight 4410 Preschools with teacher assistant turnover rates above 30% and seven above 40%. One Preschool had a teacher assistant turnover rate of 64%. This preschool lost 23 of their 36 teacher assistants in less than one year. We know that these turnover rates are reflective of 4410 and 853 programs statewide and reveal a system in crisis. The situation has become increasing critical for some programs that have had to close classrooms and are unable to respond to increased needs due to a lack of certified

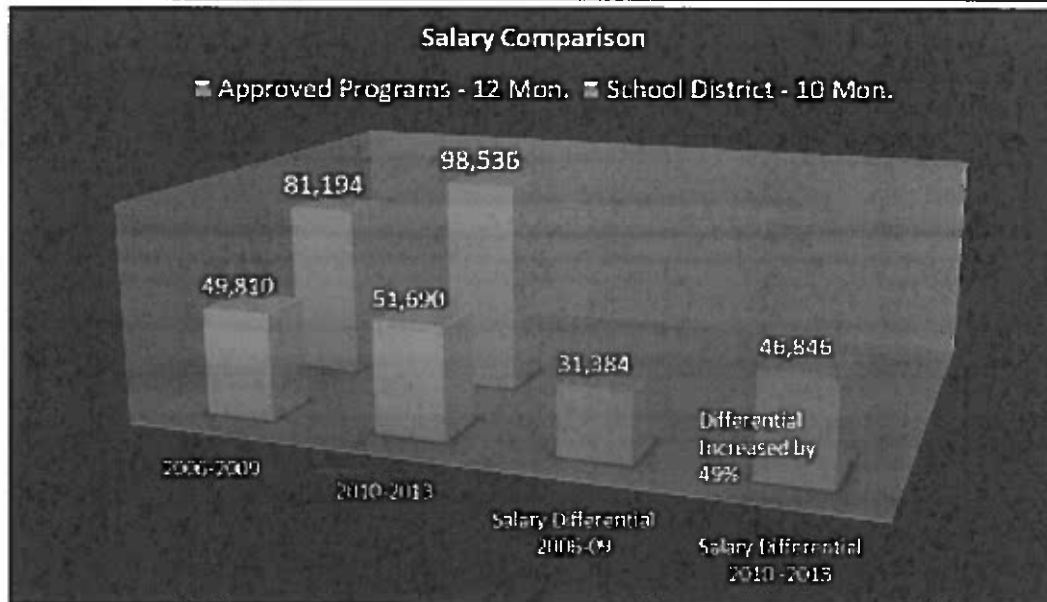
teachers. Many of our programs are currently operating classrooms utilizing program administrators and supervising teachers who have teaching certifications but should be performing administrative roles at the schools. Education Directors have told us that the majority of teaching staff that have left their schools have gone to work for local school districts many of whom have been aggressively recruiting staff who works for our 4410 and 853 programs. It is extremely difficult for any young child when their teacher leaves in the middle of the school year but for children with developmental disabilities this lack of appropriate transition can be heartbreaking and detrimental to their social and emotional well-being.

We have always recognized that there would never be parity with the school districts and 4410 and 853 programs in terms of teacher salaries but at one time, the salary differential was at least manageable and allowed providers to maintain staff. This situation has now drastically changed and it is very clear that the school districts across New York State are able to pay teachers significantly more than our 4410 and 853 providers. Based on salary data that we received from the New York State Education Department we confirmed that school districts can pay their teachers on average \$20,000 dollars to \$40,000 dollars more than our approved preschool and school-age providers do. The school districts teacher salary is based on a 10-month school year while our 4410 and 853 schools are paying their teachers on average \$20,000 to \$40,000 dollars less based on a 12-month school year. The new salary data documents our belief that the teacher salary differential increased significantly as a result of the tuition freeze for both 4410 and 853. In fact the salary differential increased by 25% in NYC, 40% in Long Island and up to 60 % in the Mid-Hudson region when comparing average teacher salary data from 2006-2009 and 2010-2013. The charts below illustrate the significant salary disparities between our schools and the public schools.

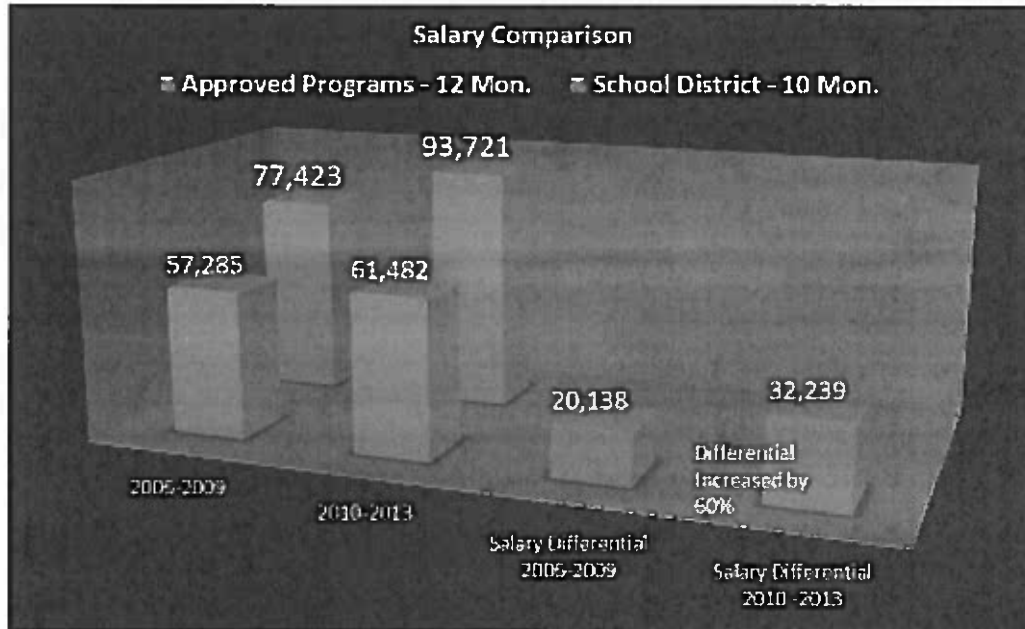
## New York City 3 Year Average Teacher Salary BEDS Data – 50%tile



## Long Island – Nassau and Suffolk 3 Year Average Teacher Salary BEDS Data – 50%tile



**Mid-Hudson** — (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster Westchester)  
**3 Year Average Teacher Salary**  
**BEDS Data – 50%tile**



**We are requesting that the legislature help address the recruitment and retention crisis that our 4410 and 853 schools are experiencing by increasing the current Teacher Recruitment and Retention Funds.**

**4410 Preschools**

The past two years the New York State Education Department has recommended 4% tuition increases for these schools but only 2% was approved. One of the reasons that DOB was not able to approve SED's recommended increases is the funding methodology itself. 4410 preschool services are reimbursed 40.5% by the counties, with the state picking up the balance of the cost. With the counties' tax cap equivalent to CPI growth (.6 and .8% for the past two years), approving 4% increases on 4410 tuition rates would have constituted nearly the entire allowable spending growth. We believe that New York State should re-evaluate the current funding methodology

structure that requires the counties to pay 40.5% of preschool costs and consider capping the counties at current costs.

### **Special Class Integrated Setting (SCIS)**

The New York State Legislature in 2017 passed a law that required NYSED to develop an alternative reimbursement methodology for preschool special education integrated settings. (SCIS). These classes offer preschool children with disabilities the opportunity to be educated alongside their typically developing peers in regular early childhood settings. Based on this legislation, NYSED invited a number of stakeholder groups to participate in a series of meeting regarding the SCIS program. SED has been working to explore changes to existing regulations and funding that would better support the SCIS model and provide integrated early education opportunities across New York State. Preschool providers that are currently operating SCIS classes are facing two immense challenges that affected their programs: The significant financial losses their programs are experiencing operating their SCIS classes and the challenge their programs have attracting typical children to attend their SCIS programs to maintain the required class ratios. It is our hope that SED will recommend a new tuition methodology that will provide sufficient financial support to enable providers to continue to provide this valuable service. This implementation will take time and it will not provide current SCIS provider with the immediate financial relief they need to maintain these programs. **We are recommending that the legislature create an SCIS Emergency Fund Pool that will help providers continue to operate these integrated classes while they wait for the new methodology and rates that are being developed and finalized.** Without some immediate financial assistance, many more 4410 programs will be forced to close their SCIS programs leaving NYS in danger of failing to meet its federal mandate of providing inclusive educational opportunities to preschool students with disabilities.



We are submitting this testimony to alert the New York State to the serious impending crisis facing our special education providers and the significant impact it could have on the children and families of New York State. The consequence of governments inadequate funding of 4410 and 853 schools is very clear:

- Our schools no longer have the ability to attract and retain certified special education teacher and teacher assistants.
- Children with the highest levels of special education needs are being taught by inexperienced and brand new special education teachers. Any remaining experienced special educators are being aggressively recruited by the local school districts.
- Our 4410 and 853 programs now operate with a sense of insecurity fearing that on any given day they may lose more teachers or teacher assistants. They are faced with the possibility of continued high teacher and teacher assistant vacancy rates and no viable options to fill those positions.
- Many of our programs are currently operating classrooms utilizing program administrators and supervising teachers who have teaching certifications but should be performing administrative roles at the schools. This means that there are no experienced educators to supervise and mentor the new teachers.

Our Education Directors are struggling with many challenging questions:

- How much longer do they continue to operate classrooms without certified special education teachers?
- Do they accept children for their summer program or next school year knowing that they do not have enough certified special education teachers for their classes?
- Should they close down some classrooms due to the lack of certified special education teachers and teacher assistants?

The ultimate question that each of our Education providers must soon confront is how much longer can they sustain their education programs given the significant fiscal losses and their inability to recruit and retain certified teacher and teacher assistants. COPA currently has a number of large preschool special education providers who serve more than 500 children who are debating the answer to this question. What would happen if one of these large providers made a decision to close their program? Is New York City or New York State's local school districts prepared to find preschool special education seats for all of these children?

Government has a moral responsibility to act and prevent a crisis before it occurs. The choices that are made regarding funding for the 4410 and 853 programs in the next few months will have a profound impact on preschool special education services in New York State and the children and families who depend on the critical services these schools provide.