

The New York State
Coalition of 853 Schools



TESTIMONY

By

NEW YORK STATE COALITION OF **853** SCHOOLS

DELIVERED TO

FISCAL COMMITTEES OF THE NEW YORK STATE LEGISLATURE
HEARING ON
THE FY 2018-19 EXECUTIVE BUDGET

ON

WEDNESDAY, JANUARY 31, 2018
ALBANY, NEW YORK

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The New York State Coalition of 853 Schools (Coalition) appreciates the opportunity to submit testimony to the Fiscal Committees of the State Legislature regarding the 2018-19 Executive Budget as it relates to primary and secondary education, especially education policy and investments that impact students with disabilities.

Overview

853 schools provide therapeutic and educational programs to approximately 15,000 school age students unable to be served by public school districts because of significant emotional, behavioral, or developmental challenges that require specialized related services and academic support. Our member schools provide residential and day programs principally located on the grounds of agencies that provide various child welfare, juvenile justice, and family/community support services. Schools largely serve school aged children involved in the foster care, juvenile justice and special education systems and therefore are placed with us by local Committee on Special Education (CSE), local county social services and the court system. However, some of our members are approved providers of preschool special education as well.

The New York State Coalition of 853 Schools deeply appreciates the Legislature’s support of the students within our schools. We know that it is only with your vocal and active support during the budget process that the tuition rate methodology has been provided a growth factor on par with public school districts - post budget – by the New York State Education Department with approval of the Division of the Budget in each of the past five years. Last year, the growth factor was again approved at 4%.

Annual Tuition Rate Growth Factor							
2010-11	2011-12	2012-13	2013-14*	2014-15	2015-16	2016-17	2017-18
0%	0%	0%	3.00%	3.80%	4.00%	4.00%	4.00%

* Growth applied only to direct care costs - capital is non-direct

The New York State Coalition of 853 Schools will be seeking your support for another year of growth to the tuition rate methodology through the administrative rate setting process. **The Coalition encourages support of a 2018-19 growth factor on par with the percentage increase afforded to public school districts.**

Supporting Teachers & Professional Staff

The staff members at our schools are amazing. Similar to public school districts our teachers are required to be appropriately certified or licensed. As you know, many of our students have been impacted by trauma and our staff need to be trained in educational strategies specific to this

population. We cannot repurpose general education curriculum and expect our students to be successful.

The 853 schools have experienced a dramatic increase in teacher and professional staff turnover. Our staff are committed to working with youth placed at 853 schools but challenging behaviors and low compensation results in many leaving for positions in other settings that provide enhanced compensation and benefits.

Turnover impacts not only the teaching and professional staff, but it also can impact a school's ability to accept students into their program. Turnover impacts our compliance with state regulations as we are required to have specific staffing ratios. Turnover impacts our budgets, as we need to retrain new staff entering our programs. Most importantly, it impacts our students. Relationships are the necessary foundation from which our students begin to see the relevance in their education. We lose progress with our students each time we ask them to build a new relationship.

We recommend an increase to the Excessive Teacher Turnover Prevention Grant program by \$4 million. This program provides funding to preschool and school age special education providers to support their teachers. **We further recommend that the program be modified to provide flexibility should the school wish to use the funding to support therapeutic staff – such as social workers, counselors, OT, PT, and Speech therapists – in addition to certified teachers.**

While we support the investment and ongoing support provided by the Excess Teacher Turnover Prevention Grant program, the disparity in compensation between those employed in the public school sector and by our programs is too great to be addressed by this program. **We recommend that the New York State Education Department, in collaboration with the Division of the Budget, study this issue and make recommendations to the tuition rate methodology that would address more comprehensively the impacts on the wage gap.**

School Age Tuition Rate Methodology

The Coalition looks forward to the recommendations submitted by the New York State Education Department regarding a new tuition rate methodology for preschool special class in an integrated setting. There are unique challenges with the reimbursement of integrated programs that are not reflected in the current methodology and we are hopeful that a new methodology will adequately support those programs.

The tuition rate methodology that calculates the funding for school age special education schools, such as 853 schools, also needs significant modifications. The methodology continues to be inflexible to the inconsistency and unpredictability of our enrollments. While we are encouraged by our partnership with the New York State Education Department and the Division of the Budget and their willingness to make modest changes to the methodology a few years ago, additional reforms are needed to make the methodology truly work. **The Coalition recommends that the NYS**

Education Department is similarly encouraged to gather stakeholders to develop comprehensive reforms to the school age tuition rate methodology.

Minimum Wage Support

The New York State Coalition of 853 Schools appreciates the \$17 million provided in the 2018-19 Executive budget to cover costs associated with the state's increased minimum wage. We are encouraged that the Executive has included funding each year since the enactment of the minimum wage law for our sector. However, none of the funds attributed to this issue have yet been expended to our schools. It is our understanding that NYSED and the NYS Division of the Budget have not been able to develop a methodology for distributing these funds. The Coalition recommends the development of an efficient transparent method for expending the funds to provide the fiscal relief intended by this appropriation.

Capital Investment Grant

The Coalition appreciates newly being included in the State and Municipal Grant program last year, but access to the funds have been difficult since the needs amongst those eligible are so great. Therefore, the Coalition recommends an investment of \$25 million to support the facilities of not-for-profit school-age special education providers. Many of our schools are part of a larger family and child caring agency. While support of the Nonprofit Infrastructure Capital Investment Program continues, it does not apply to the school facilities. Rather, this program funds construction projects that include renovation or expansion of program space, accessibility renovations, energy efficiency modifications, and other technology projects of the agency buildings only.

We recommend investing \$25 million for the following types of projects:

- Deferred maintenance, repairs, renovation, and upgrades
- New purchases of energy efficient equipment, generators, HVAC
- Class room furniture/Lab equipment
- Security, Cameras, Safety
- Physical modifications needed to optimize care and enhance the learning environment
- Debt Reductions (*reimburses for recent facility repairs*)

The needs of each of our schools vary greatly and much is dependent on the needs of the students we serve. The tuition rate methodology does not support investments in infrastructure well. Schools are required to make the upfront investment, with anticipation of reimbursement 2 years subsequent. Unfortunately, reimbursement is not guaranteed. Factors such as cost screens or limits on growth prevents the investment from being reimbursed leaving the school holding the liability or having to reduce programmatic expenses to absorb the investment. In lieu of reforms to the tuition rate methodology, an investment of \$25 million would allow schools to make

enhancements to facilities without consequence to the tuition rate that support academic programs.

Education and Raise the Age

Last year's budget raised the age of criminal responsibility. Phased in, on October 1, 2018 sixteen (16) year olds under certain circumstances may not be placed in the adult criminal justice system. Rather, these youth will be provided comprehensive diversion, probation, and programming services. The 2018-19 Executive budget appropriates \$100 million for State and local costs related to Raise the Age. These reforms are intended to provide juveniles with the opportunity to find success while ensuring public safety. Some youth will find themselves referred to NYS's not-for-profit family and child caring agencies for services. The original law requires probation and programs to enhance educational offerings as many of these youth may be over aged and under credited and eligible for a free and appropriate education until the age of 21 or graduation. The Executive budget, however, lacks appropriate resources to assist 853 schools in providing programming to support this new population of students. **The Coalition recommends that the Governor include funding to cover the total costs of Raise the Age, including educational supports and programs needed to provide juveniles the opportunity for success.**

Conclusion

Thank you for the opportunity to present the priorities of the New York State Coalition of 853 Schools. We look forward to working with you to ensure that the students who face enormous challenges in their young lives are afforded the same opportunity to succeed as those who are served in our community public schools.

NYS Coalition of 853 Schools

The Coalition of 853 Schools was formed in 1991 by a group of Chapter 853 residential and day schools principally located on the grounds of agencies that provide various child welfare, juvenile justice, and family/community support services. These educational programs are dedicated to improving the opportunities and outcomes for students enrolled in our schools. Schools largely serve school aged children involved in the foster care, juvenile justice and special education systems. The Coalition speaks on behalf of a broad spectrum of special education students enrolled in our member agency schools – from those with emotional/behavioral issues to those with developmental challenges – by advocating, assisting and representing the schools which support and educate them.

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