February 18, 2020

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

Dear Governor Cuomo:

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

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

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

Due to the shortage of programs, children with disabilities around the State are unable to receive the preschool special education they need. For example, even after the New York City Department of Education (NYC DOE) opened new classes last year and this year, New York City continues to have a significant shortfall and is projecting that it needs between 1,028 and 1,932 additional seats in preschool special education classes, plus hundreds more in bilingual preschool special education classes and preschool special classes in integrated settings, in order to serve all of the preschoolers who need seats for Spring 2020. In addition, Rochester’s
preschool special class seats are entirely full, with no seats available for children identified as needing them over the rest of the school year. Without sufficient seats available, preschoolers have been sitting at home or in inappropriate preschool settings waiting for months to receive a seat in a preschool special education program, and families have watched their children’s academic and social-emotional development regress.

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

The State has consistently failed to provide sufficient increases in reimbursement rates for preschool special education programs and evaluations. Prior to the 2015-2016 school year, the State did not provide any increase in reimbursement rates for preschool special classes or preschool special classes in integrated settings for six years, keeping the rate stagnant with no cost of living adjustments. Since that time, the State has approved only a two percent increase each year—far less than the increase provided for school-age special education programs or for public education overall.

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

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

Sincerely,

Adaptive Design Association, Inc.

Adirondack Foundation, Birth to Three Alliance

Advocates for Children of New York

Agencies for Children’s Therapy Services (ACTS)
AHRC New York City
Alliance for Quality Education
The ARISE Coalition (Action for Reform in Special Education)
Birch Family Services
Block Institute Preschool
The Bronx Defenders
Capital Region Alliance for Children with Special Needs
Center for Children’s Initiatives
Cerebral Palsy Associations of New York State, Inc.
Child Care Council, Inc.
Child Care Council of Dutchess and Putnam, Inc.
Child Care Council of Nassau, Inc.
Child Care Council of Orange County, Inc.
Child Care Council of Suffolk, Inc.
Child Care Resources of Rockland, Inc.
Child Care Solutions, Inc.
The Children's Agenda
Children’s Aid
Children’s Defense Fund – New York
Children’s Institute
Chinese-American Planning Council, Inc.
CIDNY-Center for Independence of the Disabled, NY
Citizens’ Committee for Children of New York
Citywide Council on Special Education (NYC)
Clinical Associates of the Finger Lakes
Committee for Hispanic Children & Families
Cooke School and Institute
Day Care Council of New York
Dillon Child Study Center
Docs for Tots
Early Care & Learning Council
The Eden II Programs
The Education Trust–New York
Empire Justice Center
Family Enrichment Network, Inc.
Family of Woodstock, Inc.
Generations Child Care, Inc.
The Guild for Exceptional Children
Harlem Children’s Zone
Hudson Alliance for Children with Special Needs
INCLUDEnye
JCC of Mid Westchester Nursery School
The Jewish Board of Family & Children’s Services
Kennedy Children’s Center
KGSEP Inc. (Kew Gardens Special Ed. Program Inc.)
Kids Can’t Wait Campaign
The Law Office of Steven Alizio, PLLC
The Legal Aid Society
Long Island Coalition for Children with Special Needs
The Lorge School
New Alternatives for Children, Inc.
New York Association of School Psychologists
New York Association for the Education of Young Children (NYAEYC)
New York Center for Child Development
New York City Coalition for Children with Special Needs
New York Immigration Coalition
New York Lawyers for the Public Interest (NYLPI)
New York State Alliance for Children with Special Needs
New York State Occupational Therapy Association
New York State Speech-Language-Hearing Association
New York Zero-to-Three Network
NY Performance Standards Consortium
NYPTA (New York Physical Therapy Association)
Parents for Inclusive Education (PIE)
Parents Helping Parents Coalition of Monroe County
Prevent Child Abuse New York
Queens Centers for Progress
QSAC, Inc. (Quality Services for the Autism Community)
Rising Ground, Inc.
Rivendell School
Rochester Childfirst Network
Schuyler Center for Analysis and Advocacy
Sesame Sprout Inc.
The Shield Institute
St. Mary’s Hospital for Children
Staten Island Developmental Disabilities Council Education Committee
The Staten Island Disabilities Council
Step by Step Developmental Services
SteppingStone Day School
Teach for America New York
Therapy and Learning Center, Inc.
These Our Treasures, Inc.
UJA-Federation of New York
United Way of the Southern Tier
United We Stand of NY
Western-Central Coalition for Children with Special Needs
Winning Beginning New York