

June 10, 2019

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 by at least five percent.** 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, hundreds of children with disabilities are unable to receive the preschool special education they need. In fact, while the New York City Department of Education opened some new classes this year, the State Education Department's "regional need" memo notes that, as of May 29, 2019, New York City alone still needs an additional 422

preschool special class seats, as well as hundreds of additional seats in preschool special classes in integrated settings. Meanwhile, multiple NYC community-based organizations have announced that they are closing their preschool special education programs at the end of June, exacerbating the problem. 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.

The State has consistently failed to provide sufficient increases in reimbursement rates for preschool special education programs. 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 public education overall in the State budget.

Providing these children with the 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 provide every child with a seat in the class recommended on their Individualized Education Program. Without an adequate reimbursement rate, we worry 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 shortage, and meet the needs of preschoolers with disabilities, we urge you to increase the reimbursement rates for preschool special education programs by at least five percent.

Respectfully,

Adaptive Design Association, Inc.

Adirondack Birth to Three Alliance, a project of Adirondack Foundation

Advocates for Children of New York

Association to Benefit Children

Birch Family Services

Capital District Child Care Council

Capital Region Alliance for Children with Special Needs

Center for Children’s Initiatives

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 Defense Fund–New York

Children's Institute

Citizens' Committee for Children of New York

Citywide Council on Special Education (NYC)

Committee for Hispanic Children & Families

Cooke School and Institute

Day Care Council of New York

Docs for Tots

Early Care & Learning Council

Early Childhood Alliance Onondaga

Early Childhood Development Initiative Advocacy Committee

Early Childhood Direction Center / New York Presbyterian Hospital

Easter Seals New York

Empire Justice Center

Everyone Reading

Family of Woodstock, Inc.

Generations Child Care, Inc

Harlem Children's Zone

Healthi Kids, an Initiative of Common Ground Health

Hudson Alliance for Children with Special Needs

INCLUDEnyc

Ithaca Community Childcare Center

JCC Mid Westchester Nursery School

Kennedy Children's Center

Kew Gardens SEP Inc. (KGSEP)

The Law Office of Steven Alizio, PLLC

The Legal Aid Society

Long Island Coalition for Children with Special Needs

The Long Island Pre-K Initiative

The Lorge School

Mobilization for Justice, Inc.

New Alternatives for Children, Inc.

New York Immigration Coalition

New York Center for Child Development

New York City Coalition for Children with Special Needs

New York Lawyers for the Public Interest (NYLPI)

New York State Alliance for Children with Special Needs

New York State Network for Youth Success

New York Zero-to-Three Network

Parents for Inclusive Education (PIE)

Prevent Child Abuse New York

QSAC (Quality Services for the Autism Community)

Rising Ground, Inc.

Rochester Childfirst Network

Schuyler Center for Analysis and Advocacy

Sesame Sprout Preschool

Southern Tier Kids on Track

TCICP (the Teachers College Inclusive Classrooms Project)

UJA-Federation of New York

United Way of the Southern Tier

United We Stand of NY

Western-Central New York Coalition for Children with Special Needs

William T. Dillon Child Study Center @ St. Joseph's College

Winning Beginning New York