



Testimony of

Alice Bufkin
Director of Policy for Child and Adolescent Health
Citizens' Committee for Children

Before the

New York City Council
Committee on Education

Oversight Hearing: DOE's Provision of Special Education Services

Int. No. 0559-2018, Int. No. 0900-2018, Int. No.1380-2019, Int. No. 1406-2019

February 25, 2019

Good afternoon. My name is Alice Bufkin and I am the Director of Policy for Child and Adolescent Health at Citizens' Committee for Children of New York, Inc. (CCC). CCC is an independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

CCC thanks Chair Treyger and all the members of this committee for holding this important hearing on issues impacting the Department of Education's (DOE) provision of special education services. Over 224,000 students in New York City have a disability, representing roughly 20 percent of the city's students. According to the DOE's data, nearly a quarter of these students did not receive mandated services last year.¹ We would like to thank the authors and co-sponsors of today's bills, which collectively take important, much-needed steps towards improving data and reporting on how well students with special needs are being served in our city.

Before turning to the specific bills being heard today, I would like to highlight a couple of items that broadly impact children with disabilities in New York.

First, we want to underscore the damaging impact that early care salary disparities have on the ability of the city to serve children who need preschool special education services. As you know, early education teachers and staff in community-based organizations (CBOs) are paid substantially less than their counterparts at DOE schools. Teachers and staff in CBOs often work into evenings and through summer months when most DOE classrooms are closed or teachers are on vacation. Despite this, CBO early educators with a bachelor's degree can expect to earn \$16,000 less than their counterparts at DOE schools. Pay disparities only widen with time and increased education.

Pre-school special education classrooms (both integrated and stand-alone) for three-year olds and four-year-olds are located in both DOE schools and in community-based organizations, but the majority of stand-alone specialized classrooms are in CBOs. As a result, there are significant salary disparities between DOE and CBO schools, making it increasingly challenging for CBOs to attract and retain certified special education teachers.

In some parts of the city, a shortage of pre-school special education classrooms has left the city and state unable to meet its legal mandate to provide needed services to children with special needs. This has resulted in children with disabilities forced to stay home as they wait for services to open, while their peers receive developmentally appropriate education. **Achieving salary parity is an important step towards addressing shortages in preschool special education classes.**

Second, CCC would like to draw attention to the state's recent decision to close the state's Early Childhood Direction Centers (ECDCs) and Special Education Parent Centers in June 2019 and replace them with Early Childhood and School-Aged Family and Community Engagement Centers.

¹ NYC Department of Education. *NYC Department of Education Annual Special Education Data Report: School Year 2017-2018*. November 1, 2018.

The state's current network of 14 ECDCs and 14 parent centers provide vital, coordinated information and referral services for families of children with diagnosed or suspected delays and/or disabilities. Navigating Early Intervention, preschool special education, and school-age special education services is enormously difficult for parents, and can be overwhelming without outside assistance.

ECDCs offer information and referral services for children with disabilities ages birth to five, as well as trainings and technical assistance for families and preschool providers. ECDCs address parents' concerns, assist parents with obtaining services, and provide one-on-one support as children move through the Early Intervention and special education systems.

Parent centers help parents with children age 3-21 with disabilities navigate the special education system. These centers support parents in understanding their child's disability; promote meaningful involvement in their children's education programs; help parents understand their due process rights; and support parents in advocating for their children.

The State's plan is to replace ECDCs and parent centers with Early Childhood and School-Aged Family and Community Engagement Centers. The RFP for these centers reduces the number of required staff to two per center, compared to the current requirement of three per ECDC and 2.5 per parent center. This will result in a substantial reduction in the number of specialists available throughout the state.

The RFP also shifts the focus of the centers from directly supporting families to "system change work" and "build[ing] the capacity" to "promote meaningful involvement with the educational system." While capacity building and systems change work are extremely important, they should not come at the expense of critical one-on-one support currently available for families in need. Like other advocates, we are deeply concerned that the reduction in staffing will result in new obstacles for parents, and gaps in services for children.

As the city enhances its data collection and reporting on services for children with disabilities, we urge you to monitor the impact of any changes to ECDCs and parent centers. **If state changes to ECDCs and Parent Centers negatively impact the ability of families to access services, we urge the city to take steps to address these challenges.**

Early Intervention and Preschool Special Education

Decades of research have shown that children's earliest experiences play a critical role in brain development. Intervening in the first few years of life can change a child's developmental trajectory, leading to positive outcomes across health, language and communication, cognition, and social/emotional domains.²

² "The Importance of Early Intervention for Infants and Toddlers with Disabilities and Their Families." The National Early Childhood Technical Assistance Center. July 2011.
<http://www.nectac.org/~pdfs/pubs/importanceofearlyintervention.pdf>

Early Intervention provides evaluations and services to children age birth to three with developmental delays or disabilities. Professionals work as a team with families to address the unique needs of each child. These services can be provided in the home, in a child care setting, or in whatever setting is natural for the child.

Despite the critical role that Early Intervention plays in the lives of young children, New York State cut the EI service rate for home and community-based services by 10% in 2010, and cut the reimbursement rate for all EI services by an additional 5% in 2011. The rate has remained unchanged since then, and is actually lower than it was when the program began more than 20 years ago.

In addition to reducing rates, the State implemented a new process for seeking reimbursement that placed additional administrative burdens on EI service coordinators, providers, and agencies. As a result of these changes, experienced, high-quality EI providers have shut their doors or stopped taking EI cases, making it difficult for children in certain areas to access much-needed high-quality services in a timely manner.

The shortages have impacted children in urban, suburban, and rural communities throughout the state. For instance, an agency in New York City that was providing EI service coordination to 2,400 children ended its 24-year EI program in June 2017 because the program was not financially viable.

In Brooklyn and Manhattan, only 70% of children referred to EI services received services on time. In the Bronx, only 63.4% of children received timely services.³ Moreover, in the first few months of 2018, 15% of Black and Hispanic children in the Bronx found eligible for EI services did not receive any of their mandated services.

These city- and state-level challenges underscore the need for detailed, timely data on the provision of EI services to children in NYC. **CCC therefore strongly supports Int. No 1406-2019 by Council Members Dromm, Treyger, Levin, Rosenthal, Brannan and Chin which would amend the administrative code of the city of New York, in relation to requiring reports on preschool special education and early intervention services.**

There is a serious lack of comprehensive, detailed, publicly-available data on Early Intervention in New York City. Int. No 1406 will require greater examination of key referral sources for EI services, allowing the city and stakeholders to determine where additional outreach is needed to strengthen connections between different sectors and EI services.

This bill will also allow greater examination of the number of children who receive their IFSP meetings and initiation of services in a timely manner, as well as the breakdown of children who receive full or partial services in compliance with their IFSP, and those who do not receive needed

³ Unpublished analysis of State Department of Health data. Includes discountable delays.

services at all. The bill will also require greater reporting on the types of services children are recommended to receive, aiding the city in identifying areas of greatest need and potential areas of shortage. These and other data points required in the bill will be invaluable for identifying and addressing barriers to children receiving high-quality, timely Early Intervention services.

Importantly, each of these data points would be disaggregated by zip code, race/ethnicity, status as a student in temporary housing, and gender. This breakdown in data is crucial for determining where infants and toddlers are experiencing disparities in timely initiation and receipt of the services they are entitled to. Reporting on this data will enable the city and other stakeholders to initiate targeted interventions to eliminate gaps in services, reduce disparities, and ensure more children are receiving critical, on-time developmental services.

In addition to the categories included in the bill, CCC recommends that the bill require that data be disaggregated by recommended language of instruction and home language.

Shortages in bilingual EI providers remain a serious challenge across the city. It is critical that we know how language impacts the provision of timely services to young children with disabilities and developmental delays.

CCC also recommends requiring that information be disaggregated by type of health coverage. Children in Early Intervention are covered through an array of health options, including Medicaid, Child Health Plus, and private insurance. Rates of claims denials for private insurance are particularly high, which can impact the overall provision of service. If children are receiving a different quality of services as a result of their health coverage, this should be identified and addressed.

CCC also strongly supports the inclusion in Int. No 1406 of reporting requirements related to the city's preschool special education services. Currently, the city does not report IEP compliance data for students with disabilities in pre-K.

In recent years, preschool programs for special needs children have closed across the state, leading to insufficient classroom space and too few certified teachers. This has led to hundreds of 3-to-5-year-olds with disabilities being forced to wait at home until spaces become available. These children are not receiving the services they are legally entitled to, and are being denied fundamental educational opportunities that their peers are being provided.

Int No 1406 will allow for more accurate and detailed public data on areas including timeliness of evaluations and services; the number of preschoolers who receive full, partial, and no services in compliance with their IEPs; which services children are recommended to receive; the number of children with disabilities enrolled in Pre-K for all and 3K-for all; the number of preschool integrated special class programs administered by DOE; and student-to-teacher-aid ratios.

This bill takes the important step of disaggregating all data by district, eligibility for free/reduced price lunch program, race/ethnicity, gender, recommended language of instruction, home language,

and status as student in temporary housing. Providing this information is a critical step towards addressing disparities in the provision of quality, timely services.

Improving Data and Reporting on Special Education

Over 200,000 students with disabilities in New York City receive special education services. Unfortunately, too many students with disabilities are going without the full array of special education services they need and are entitled to by law. According to the DOE's report on the 2017-2018 school year, approximately 40,000 children are not receiving required special education services. Though the city has made important improvements in recent years, almost a quarter of special education students only received a portion of the services they needed.⁴

With more detailed reporting, the city can better address areas of greatest need, and better help families navigate barriers to accessing services. CCC therefore strongly supports the array of bills proposed today to help improve data collection and reporting on special education services.

Int. No 559-2018 by Council Members Treyger and Levin would require the Department of Education to disaggregate by school its report on individualized education program compliance rates. This bill is critical for helping the city identify schools that are not currently meeting the needs of students with disabilities, and working with DOE to identify what resources are needed to help schools address and ameliorate barriers to providing services. Providing this information publicly is also important for informing parents about potential challenges their children may face when seeking appropriate and timely special education services.

CCC also supports Int. No. 0900-2018 by Council Members Kallos and Levin, which would require DOE to report on its provision of special education services to students tri-annually, and would also require DOE to report on assistive technology services and special transportation services. More frequent data reporting is essential to enable DOE to intervene earlier when problems arise, rather than waiting until an end-of-year report is released. This bill will also help the city better identify and address barriers to the receipt of assistive technology and transportation services.

Finally, CCC supports Int. No 1380-2019 by Council Members Rosenthal, Treyger, Dromm, Levine, Ampry-Saumel, Brannan, Levin, Rose, Adams, King, and Kallos which would amend the administrative code of the city of New York in relation to requiring the department of education to annually report on claims for payment for tuition or services for students with disabilities.

Thank you for your time and consideration today.

Respectfully,

Alice Bufkin

⁴ NYC Department of Education. *NYC Department of Education Annual Special Education Data Report: School Year 2017-2018*. November 1, 2018.