

THE SENATE
STATE OF NEW YORK



SENATOR JOHN W. MANNION
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April 14, 2021

Dr. Betty Rosa
Commissioner
New York State Department of Education
New York State Education Building
89 Washington Avenue
Albany, NY 1223

Mr. Robert Mujica
Director of the Budget
New York State Division of the Budget
State Capitol Building
Albany, NY 12210

Dear Commissioner Rosa & Director Mujica:

I write to you today to urge your support for immediate fiscal relief and redesign of the tuition rate setting methodology for 4410 and 853 schools, which provide a free and appropriate public education for New York's children with significant disabilities.

As you know, between the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2020 and the American Rescue Plan Act of 2021, New York has received over \$12 billion in COVID relief funds directed at education. **I strongly believe this funding provides the opportunity to reimburse 4410 and 853 schools for costs and lost revenue due to COVID-19 and to support the redesign of the rate setting methodology.** New York must ensure that special education schools also receive some of this much needed assistance.

853 and 4410 schools were the first to reopen for in-person learning this past July. Numerous and costly Health and Education Department requirements for ensuring health and safety were implemented without any reimbursement, including PPE, sanitizing machines, Plexiglass dividers, additional staffing and supplies, etc. In addition to these unreimbursed expenses, enrollment declines have resulted in reduced revenue, leaving schools unable to cover fixed costs.

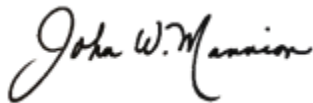
It is also critical to redesign the rate setting methodology for 4410 and 853 schools, as requested by the State Education Department. The current funding methodology is quite complex and is based on previous years' direct and indirect costs with little flexibility to support students currently enrolled. The process for obtaining tuition waivers is restrictive and onerous for schools, the State Education Department and the Division of Budget.

Furthermore, **it is critical that the 2021-22 tuition rate setting methodology for 4410 and 853 schools include an 11% trend factor.** Providing an increase commensurate with the historic investment in our public schools, as reflected in the Adopted State Budget for FY 2021-22, would ensure that children with the most complex disabilities have equal access to a free and appropriate public education. Local school districts place students in these schools which are publicly-funded, adhere to the same standards as, and augment the services of public school districts for students with disabilities who cannot be appropriately served by their local districts. A funding increase for these schools is crucial, as the costs have far exceeded the funding they receive.

Due to inadequate funding and the constraints of the current rate setting methodology, 4410 and 853 schools have increasingly struggled to keep their doors open -- more than 60 schools have closed in recent years. In the 50th Senate district, AccessCNY runs a 4410 school that is closing on June 30, 2021 due to a lack of state funding. **This is bound to happen even more frequently without substantial increases in tuition for the 2021-22 and future school years, leaving thousands of children with intellectual and developmental disabilities without access to the free and appropriate public education, required by law, that they also deserve.**

Thank you for your consideration of this most urgent request for immediate fiscal relief and a redesign of the tuition rate setting methodology for 4410 and 853 schools.

Sincerely,

A handwritten signature in black ink that reads "John W. Mannion". The signature is written in a cursive, flowing style.

John W. Mannion
50th Senatorial District