
InterAgency Council of Developmental Disabilities Agencies, Inc. Annual Conference 2019

New York State Education Department
Program and Fiscal Update



New York State
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Preschool Special Education Resources

- A Resource Guide to Special Education Support Services:
<http://www.p12.nysed.gov/earlylearning/documents/AResourceToSpecialEducationSupportServices.pdf>
- Board of Regents Early Childhood Workgroup's Blue Ribbon Committee Report:
<http://www.p12.nysed.gov/earlylearning/documents/ECBRCFinalReport2018.pdf>
- SCIS Methodology Workgroup:
<http://www.oms.nysed.gov/rsu/Announcements/SCIS/SCISInformation.html>



Preschool Special Education Stakeholder Round Tables

- Quarterly Meetings, two Regionally Based
- February 7th, 2019 meeting to discuss teacher retention and teacher turnover
- May 2nd, 2019 meeting with Hudson Valley providers
- June 13th, 2019 meeting with the Office of Children and Family Services
- Anticipated meeting in New York City in Fall 2019 with DOHMH

Office of Special Education

Preschool Policy Initiatives

- Promote Preschool Inclusion
 - Board of Regents Early Childhood Workgroup’s Blue Ribbon request for \$6 million for preschool inclusion pilot funding
 - Expand the preschool continuum in regulations through offering additional program models
 - Develop Inclusion Best Practices Materials
 - Issue Updated Guidance on the interaction between 4410 and School District PreK Programs
- Revise/Streamline Program Applications
- Study Multidisciplinary Evaluation components, activities, and professional staff time necessary to ensuring timely preschool evaluations

Preschool Inclusion Program Objectives

1	Expand and preserve opportunities for preschool students with disabilities to be enrolled in early childhood programs with their typically developing peers
2	Promote early childhood program inclusion principles - bring the support services to the child rather than moving the child to the services
3	Enable programs to be fiscally viable with enrollment of preschool students with disabilities at between 1/3 to 1/2 of the total classroom student population
4	Maintain program quality standards among all providers
5	Provide transparency and predictability in funding at levels adequate to achieve the above objectives

Expanding the Preschool Continuum

- Expanding the continuum will enable more students with disabilities to receive specially designed instruction and related services in more settings with their typically developing peers.
- The Office of Special Education is working with the Office of Early Learning to develop new program models and staffing standards to benchmark and quantify the number of Early Childhood and Special Education staff required to operate inclusion programs.
- Conversations will continue for how a different reimbursement methodology could work in the future to incentivize the inclusion program models.

Promoting Preschool Inclusion in State Administrative PreK

- The Department is seeking to affirmatively clarify in guidance that any preschool student with a disability identified to receive special education and related services in settings with typically developing peers must have equal access to enroll and be funded by any school district PreK program.
- Students with disabilities may be “dually enrolled” (counting as enrolled in both programs) and “dually funded” (receiving funding under both programs) in special education (4410) and PreK to offer same opportunities afforded to other resident students.

Recruiting & Retaining Qualified Staff

- NYSED has heard from the field significant challenges in recruiting and retaining appropriately qualified staff.
- NYSED has provided salary comparison data to IAC illustrating the significant gap between public and private teacher salaries.
- NYSED is aware of enforcement actions taken by DOHMH relating to lack of qualified staff:
 - An exemption from DOHMH requirements would not reduce applicable standards because NYSED Part 200 and Part 80 would still apply.
 - DOHMH, NYSED, and NYCDOE have discussed the issue and will work collaboratively on approaches to monitoring and enforcement.

Recruiting & Retaining Qualified Staff

- NYSED is collecting the following teacher turnover and retention data on Excessive Teacher Turnover Prevention usage forms due September 16th, 2019:
 - How many teachers were employed by each program on Sept. 1st, 2018?
 - How many of those same individuals returned to their teaching position as of Sept. 1st, 2019?
 - Of all teachers employed on Sept. 1st, 2019: How many teachers have 5 or less total years of teaching experience?
 - How many teachers have more than 5 years of total teaching experience?

Board of Regents 2019-20 Budget Requests to Address Teacher Shortages in Approved Programs

- The Regents recommended adding \$4 million to the existing \$8 million in funding for Excessive Teacher Turnover Prevention
- The Regents also recommended \$2 million in new Teacher Preparation funding to create incentives needed to expand the number of qualified individuals for essential teaching positions
<http://www.regents.nysed.gov/common/regents/files/1218bra5revised.pdf>
- The 2019-20 enacted NYS budget did not include funding for these recommendations

2019-20 Methodology

- 3.6% growth for school-age programs
- 2% growth for preschool Special Class, Special Class in an Integrated Setting tuition rates and Special Education Itinerant Teacher regional rates
- “Higher-Of” tuition rate calculation flexibility is continued for all 853, Special Class and Special Class in an Integrated Setting tuition rates
- Special Class in an Integrated Setting Revenue Offset will continue to be only the revenue earned for students without disabilities

Excessive Teacher Turnover Prevention Program Funding

- 2019-20 Funding for Excessive Teacher Turnover Prevention has not yet been determined
- In 2018-19, \$8 million in Excessive Teacher Turnover Prevention funding was redistributed with both school-age and preschool programs sharing equitably under the same formula
- Historical program data is used for teacher salaries (three-year average) and compared to the public school teacher salaries in the region to calculate a weighted teacher FTE
 - Three levels of weighting: 1 (less than 100%); 1.5 (less than 75%); and 2 (less than 50%)
- Funds are directly added to prospective rates. Upon reconciliation, any total cost screen is waived up to amount of ETTPP award
- To keep funds on reconciliation, usage forms are required – submission date is September 16th, 2019

Discontinuation of Reconciliation Rates

- The Department will be engaging with stakeholders and the Division of the Budget over the next year to determine whether to recommend a prospective-only rate methodology that discontinues the establishment of reconciliation rates for special class programs, effective with the 2020-2021 school year.

Minimum Wage Funding

- A Minimum Wage survey was issued in 2018 which captured 2015-16 base year data. This data was the basis for 2016-17 reconciliation rate adjustments for Minimum Wage funding increases.
- A survey will be issued in the near future to account for Minimum Wage compliance funding requests for subsequent years.

Reimbursable Cost Manual

- The July 2017 edition of the RCM is effective for both the 2017-18 and the 2018-19 tuition rate years.

Special Education Services and Program Data System

- The 2017-18 Enacted State Budget provided funding to NYSED to pursue the development of a Provider Data Management System.
- Improve our ability to collect, use and disseminate programmatic and fiscal information relating to the provision of special education by approved special education providers in New York State.
- Special Education Services and Program Data System: \$3.46M for 2019-20 and 2020-21.
- Stakeholders involvement and support is key.

Special Education Services and Program Data System

- School District Portal – communicate data regarding student needs and placement services recommendations. Information would be used, among other data factors, to develop regional need. Linked to STAC reimbursement.
- Provider Portal – communicate information needed for SED requests (applications, tuition waivers, variances, capital projects) and report current enrollment. Information would be used to identify program availability, streamline communication, and improve SED processing timelines.
- County Portal – linked to STAC reimbursement.
- Public Portal – better information for parents and students about the availability of approved programs and services.

Instructional Lunch

- Approved programs must provide the minimum hours of instruction, including related services, but excluding transportation and lunch
- Stakeholders have requested that NYSED consider allowing “instructional lunch” to count toward the hours of instruction
- Instructional lunch would include, but is not limited to, the following requirements:
 - Staff-to-student ratios are maintained with at least one certified teacher present
 - Measurable annual goals and objectives are implemented for mealtime
 - Students’ learning experiences are incorporated and align with the NYS Prekindergarten Learning Standards
 - Lesson plans reflect the instruction provided during mealtime

Reports of Child Abuse in an Educational Setting

Chapter 363 of the Laws of 2018

- Educational setting (school) was expanded to include approved preschool special education programs (4410s), state-operated and state-supported schools (4201s), 853 schools, and Special Act School Districts.
- The responsibility to report allegations of child abuse by an employee or volunteer in an educational setting includes the following positions: teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member or other school personnel required to hold a teaching or administrative license or certificate, licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer, school bus drivers and their supervisors.

Reports of Child Abuse in an Educational Setting

Chapter 363 of the Laws of 2018

- Programs must implement training as to the duties of employees, when and how a report must be made, and what other actions the employee is mandated or authorized to take.
- All teachers and administrators and all school bus drivers employed on or after July 1, 2019 must complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment.
- A Notice of the Proposed Rule Making will be published in the State Register on June 26, 2019
<http://www.regents.nysed.gov/common/regents/files/619p12d1.pdf>

Questions?



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