

Members of the Senate Finance Committee and the Assembly Ways and Means Committee:

My name is John R. Drexelius, Jr, and I am the Government Relations Counsel for the Developmental Disability Alliance of Western New York (DDAWNY).

DDAWNY is a collaborative group of member voluntary agencies that provide services and supports, including educational services to people with developmental disabilities in the Western and Finger Lakes regions of Western New York. DDAWNY member agencies employ over 22,400 individuals in the seventeen Western and Finger Lakes counties of New York State providing supports and services to over 33,000 individuals with developmental disabilities and their families.

A number of our member agencies provide special education for school age students from three to twenty-one, as well as early intervention services for children birth to three. In addition, our agencies provide vocational & employment services, including career development and assistance in finding competitive work in integrated settings.

DDAWNY is pleased to provide comment to the Joint Fiscal Committees on the 2014-15 Executive budget and in particular the Education portions of the budget.

Education of Students with Disabilities

In order to compete in a highly competitive global economy, New York needs to take a close look at our current educational structure and come up with a blueprint for our students' future success.

An effective educational system will ensure that our students are properly educated and trained to enter the workforce.

Unfortunately, the current educational system all too often fails to deliver this result for students with disabilities, particularly developmental disabilities, including autism.

According to New York State Developmental Disabilities Planning Council (DDPC), for the 2009-2010 School Year, only 1 in 4 students with disabilities graduated from high school in 4 years.

DDAWNY Comments on 2014-15 Executive Budget

Education

January 28, 2014

The DDPC noted that in 2004 the graduation rate was 74% for all students, however, the graduation rate for students with disabilities was less than 44%.

The New York Education Department Information and Reporting Service reports that for the 2009-2010 school year, there were 183,578 high school completers and 36,216 non-completers, of which 17,293 completers and 9,528 non completers were students with disabilities. While this data suggests a little over 16% of all students identified failed to complete high school in 2009-10 over 35% of students with disabilities failed to complete high school that year. (Unfortunately there is no reliable way to make the distinction between students with disabilities and those with developmental disabilities)

Of these students with disabilities:

- 9,300 (54%) received a diploma, 5,566 received an IEP diploma, and 1,924(1%) entered a GED program;
- 12,807 (56%) went on to some kind of post-secondary program, 445 (1%) to the military 3,592 (16%) to employment

Students Receiving an Individualized Education Diploma (IEP)

2008-09	5842
2009-10	5600
2010-11	5465
2011-12	5112

According to the State Education Department 5112 students received an Individualized Education Diploma in 2012. An IEP diploma may be awarded to a student with a disability at the end of the school year in which a student turns age 21 or at any time after a student has attended school or has received a substantially equivalent education elsewhere for at

least twelve years.

Students Taking New York State Alternative Assessments (Secondary Level)

NYS	Students Taking New York State Alternative Assessments (Secondary Level)			
	ELA	Math	Soc St	Science
2008-09	2682	2683	2672	2679
2009-10	2875	2873	2862	2869
2010-11	2958	2952	2953	2955
2011-12	2999	2991	2987	2995

Source: SED BEDS Data 2008-2012

Employers, the military, institutions of higher education, business/trade schools or apprenticeship programs, do not accept an IEP diploma because it is not based on standardized criteria (successful completion of required courses and achievement on State assessments). Beginning with the 2013-14

school year the New York State IEP diploma has been replaced with a Skills and Achievement Commencement Credential for students with severe disabilities who are eligible to take the New York State Alternative Assessment.

In 2012, 2999 students took the New York State Alternative Assessment in secondary ELA. This assessment may only be given to students with a severe cognitive disability and significant deficits in communication/language and adaptive behavior.

***Based upon
June 2012 New
York State
graduation rates
less than 5% of
students with
disabilities
graduated with
grades
indicating either
college or career
readiness***

Also in 2012, the State Education Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR), indicated that individuals with disabilities in New York State have an employment rate of 33.8 percent, compared with 76.3 percent for individuals without disabilities.

The American Community Survey (ACS) found similar results looking at the employment rate of individuals with disabilities in New York State in 2007. The ACS found that of the 1,402,603 individuals ages 16-64 "living in the community" about 463,867 (or 33.1%) were employed.

According to New York Commissioner of Education Dr. John B. King, Jr., as of June of 2012, New York's 4-year high school graduation rate was 74% for all students. Unfortunately, the 4-year high school graduation rate for students with disabilities was only 45%. Even more alarming is that while 35% of all students graduating had graduation test scores correlating with success in first-year college courses and suggest career readiness, less than 5% of students with disabilities graduated with grades that indicate they were either college or career ready.

Transition services for youth with I/DD

DDAWNY remains concerned New York's current educational system fails to properly educate students with disabilities and fails to adequately train these students to enter the work force. In addition, the transition from school based programming to adult services is uneven and poorly coordinated. DDAWNY also believes the state needs to improve transition planning between the education community and adult services.

DDAWNY believes successful transition planning requires a much more collaborative approach and participation by the various state and local agencies, particularly ACCES-VR, OPWDD, NYS DOL, Municipal Workforce Development agencies, and a partnership with the business, community based providers and the K-12 education community in this transition planning process.

DDAWNY believes the State needs to develop clearer pathways for high school students with disabilities and these pathways must have an "Employment First" focus. These pathways will support more special needs individuals entering the world of work and lead to economic self-sufficiency.

Students who are involved in career exploration and part time employment are 80% more likely to enter supportive work programs, for example, SEMP, and obtain employment after school.

State policy-makers need to provide appropriate vocational training, career exploration, job readiness activities and work tryout for individuals with disabilities. Individuals engaged in group and at-home day habilitation, prevocational and center-based sheltered employment services ought to have an opportunity to participate in these inclusive workforce initiatives.

An inclusive workforce requires a greater focus on information sharing and benefit advisement. State support for critical transitional and employment supports such as initial benefits screenings and analysis, long-term benefits management support as well as asset development and financial literacy services, duties and responsibilities need to be provided and made a funding priority.

DDAWNY is concerned that the Executive Budget proposals fail to provide the necessary resources to ensure students with disabilities, particularly students with Intellectual and Developmental Disabilities (I/DD) graduate high school with the skill set necessary to live fully integrated lives in the community. Moreover, the failure of the state to adequately fund and coordinate transition services for these students may well violate Title II of the American's with Disabilities Act ("ADA").

The ADA establishes a broad mandate, including that citizens with disabilities have the right to live integrated lives. Title II is part of the ADA's, "clear and comprehensive national mandate" to end the segregation of persons with disabilities in virtually all aspects of American life, including employment, public accommodations, and transportation. See, e.g., 42 U.S.C Sections 1210(a)(2), (b)(1)-(2).

Many youth with I/DD throughout New York can and want to work and

experience full and meaningful participation in their communities after exiting school. They desire the employment and day services necessary to allow them to opportunity to work in integrated settings and to participate in activities of their choosing when they are not working.

Yet, in New York only 13% of the 69,163 individuals with I/DD supported by the adult DD system worked in an integrated employment setting in 2011.

DDAWNY remains concerned that current state funding levels and the state's current system of providing educational supports and services, including many school -based transition plans which fail to include the type of person centered planning processes and outreach to appropriate non-education resources necessary to adequately prepare students with disabilities for post secondary education or employment, act as a barrier to integration and unnecessarily place youth with disabilities at serious risk of entering segregated employment and day program settings.

Basic transition planning requires that schools:

- Counsel every student, along with his or her family, to think about goals for life after high school and to develop a plan to get there;
- Design the high school experience to ensure that the student gains the skills and competencies needed to achieve his or her desired post-school goals; and
- Identify and link students and families to any needed post-school services, supports and programs before the student exits the school system

DDAWNY believes the state budget must appropriately structure and fund adequate employment-related transition services, for example, site visits, job shadowing, soft skill and job skill development, internships, part-time employment, summer employment, youth development and leadership, peer and adult mentoring, and benefits planning to allow students' access to post-secondary integrated employment. Current funding levels fail to present students with disabilities with meaningful choice to participate in integrated work placements and work-based learning experiences.

DDAWNY believes the state budget needs to provide sufficient funds to develop additional capacity for current integrated employment-related transition services for youth who will transition from schools into the adult system, and who are at risk of unnecessary segregation. The failure of New York to devote sufficient resources to transition services may well lead to federal enforcement activity similar to the recent Rhode Island experience.

853 School Rate Reform

DDAWNY also believes comprehensive reform of the current rate setting structure of Approved Private Schools Serving Students with Disabilities (853 Schools) ought to be included in the agreed FY15 Enacted Budget. Following four years of no growth in tuition reimbursement, the 2013-14 rate methodology included a three percent trend factor for direct care cost of school age providers. DDAWNY is pleased with this action, but this short-term relief does not address many of the shortcomings of the current system.

DDAWNY strongly supports the recommendations of the State Board of Regents to establish an annual tuition rate growth factor based upon an average of state personal income tax growth. For the 2014-15 school year this enactment of this legislative proposal would result in a \$20 million increase in critically needed resources for School aged special education providers. The budgetary impact of this change would occur as part of the FY16 State budget.

DDAWNY also believes 853 schools should be treated equitably with respect to other education funding initiatives, for example 853 schools should be able to participate in the capital program for information technology and teacher bonus programs available to other public schools.

On behalf of DDAWNY, I would like to thank the members for their time and assure you DDAWNY is prepared to help the Legislature as it develops the final 2014-15 State Budget.

Respectfully Submitted

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