

The New York State
Coalition of 853 Schools



TESTIMONY

By

New York State Coalition of **853** Schools

Submitted to

Fiscal Committees of the New York State Legislature
Hearing On
The FY 2019-20 Executive Budget

On

Wednesday, February 6, 2019
Albany, New York

The New York State Coalition of 853 Schools (Coalition) appreciates the opportunity to submit testimony to the Fiscal Committees of the State Legislature regarding the 2019-20 Executive Budget as it relates to primary and secondary education, especially education policy and investments that impact students with disabilities.

Overview

853 schools provide therapeutic and educational programs to approximately 15,000 school age students unable to be served by public school districts because of significant emotional, behavioral, or developmental challenges that require specialized related services and academic support. Our member schools provide residential and day programs principally located on the grounds of agencies that provide various child welfare, juvenile justice, and family/community support services. Schools largely serve school aged children involved in the foster care, juvenile justice and special education systems and therefore are placed with us by local Committee on Special Education (CSE), local county social services and the court system. However, some of our members are approved providers of preschool special education as well.

The New York State Coalition of 853 Schools deeply appreciates the Legislature’s support of the students within our schools. We know that it is only with your vocal and active support during the budget process that the tuition rate methodology has been provided a growth factor on par with public school districts - post budget – by the New York State Education Department with approval of the Division of the Budget in each of the past five years. Last year, the growth factor was again approved at 3.4%.

Annual Tuition Rate Growth Factor							
2011-12	2012-13	2013-14*	2014-15	2015-16	2016-17	2017-18	2018-19
0%	0%	3.00%	3.80%	4.00%	4.00%	4.00%	3.4%

* Growth applied only to direct care costs - capital is non-direct

The New York State Coalition of 853 Schools will be seeking your support for another year of growth to the tuition rate methodology through the administrative rate setting process. **The Coalition encourages support of a 2019-20 growth factor on par with the percentage increase afforded to public school districts.**

Supporting Teachers

The staffs at our schools are amazing. Similar to public school districts our teachers are required to be appropriately certified or licensed. As you know, many of our students have been impacted by trauma and our staffs need to be trained in educational strategies specific to this

population. We cannot repurpose general education curriculum and expect our students to be successful.

The 853 schools have experienced a dramatic increase in teacher turnover and vacancies. Our staff are committed to working with youth placed at 853 schools but challenging behaviors, and low compensation results in many leaving for positions in other settings that provide enhanced compensation and benefits.

The Coalition appreciates the additional funding provided to the Excessive Teacher Turnover Prevention Grant program, and recommends an increase of \$4 million (for total funding of \$12 million). This program provides funding to preschool and school age special education providers to support their teachers.

Supporting Related Service Clinical Professionals

Turnover and high vacancy rates impacts not only the teaching staff, but our clinical professional staff as well. Vacancies in clinical staffing positions – such as speech language pathologists, counselors, or physical therapists, can impact a school’s ability to accept students into their program. Vacancies impacts our compliance with state regulations as we are required to have specific staffing ratios and meet students’ IEP services. Our schools find that they are unable to offer clinical professional staff a competitive salary. These individuals have far more options for employment as they may work in a variety of clinical settings – hospitals, clinics, long term care – or in private practice. Finding clinical staff with expertise in pediatrics or youth care is also a challenge.

The Coalition recommends the creation of a Clinical Professional Staff Prevention grant funded at \$2 million to help school age special education schools recruit and retain the staff necessary to meet the IEP needs of our students.

School Age Tuition Rate Methodology – Interim Plus Rates

The tuition rate methodology that calculates the funding for school age special education schools, such as 853 schools, also needs significant modifications. The methodology continues to be inflexible to the inconsistency and unpredictability of our enrollments. While we are encouraged by our partnership with the New York State Education Department’s and the Division of the Budget’s willingness to make modest changes to the methodology a few years ago, additional reforms are needed to make the methodology truly work. **The Coalition recommend the following short and long term proposals:**

- **Authorize NYSED to issue Interim Plus Rates that will capture the growth/trend factor provided for that school year; and**
- **NYS Education Department gather stakeholders to develop comprehensive reforms to the school age tuition rate methodology.**

Minimum Wage Support

The New York State Coalition of 853 Schools appreciates the \$17 million provided in the 2019-20 Executive budget. We are encouraged that the Executive has included funding each year since the enactment of the minimum wage law for our sector. In addition, we are pleased that the New York State Education Department and the Division of the Budget are working together to process the funds that will support our schools meet the requirements of the minimum wage law.

Capital Investment Grant

The Coalition recommends an investment of \$25 million to support the facilities of not-for-profit school-age special education providers. Many of our schools are part of a larger family and child caring agency. While we appreciate the pass support by the Legislature of the Nonprofit Infrastructure Capital Investment Program continues, it did not apply to the school facilities. Rather, this program funds construction projects that include renovation or expansion of program space, accessibility renovations, energy efficiency modifications, and other technology projects of the agency buildings only.

We recommend investing \$25 million for the following types of projects:

- Deferred maintenance, repairs, renovation, and upgrades
- New purchases of energy efficient equipment, generators, HVAC
- Class room furniture/Lab equipment
- Security, Cameras, Safety
- Debt Reductions (*reimburses for recent facility repairs*)

The needs of each of our schools vary greatly and much is dependent on the needs of the students we serve. The tuition rate methodology does not support investments in infrastructure well. Schools are required to make the upfront investment, an anticipation of reimbursement 2 years subsequent. Unfortunately, reimbursement is not guaranteed. Factors such as cost screens or limits on growth prevents the investment from being reimbursed leaving the school holding the liability or having to reduce programmatic expenses to absorb the investment. In lieu of reforms to the tuition rate methodology, an investment of \$25 million would allow schools to make enhancements to facilities without consequence to the tuition rate that support academic programs.

Education of Raise the Age

Thirteen voluntary foster care agencies are currently approved residential providers for youth placed through Raise the Age. These agencies have engaged in a regular learning collaborative with Office of Children and Family Services (OCFS) throughout the past year to work through programmatic questions and to learn from one another as they build the best possible programs for youth placed through Raise the Age.

The Raise the Age program has a “hold harmless” period for the residential beds so that the rate paid to these providers does not depend upon meeting their approved utilization. However, no such provision was extended to the on-site tuition rate base schools – 853s schools and Special Act School Districts for the “desks” held open for raise the age youth. It is our understanding that to completely hold harmless the tuition rates of these schools would require an investment of up to \$5.8 million.

Finally, there are differences in the educational array of services that schools are able to offer. For example, 853 schools that are not registered high schools are not able to offer credit recovery. In addition, 853 schools are not authorized to contract with BOCES for services. Finally, 853 schools are not currently able to provide High School Equivalency preparatory programs for those students wanting to pursue a TASC.

We believe that meeting a student’s individual educational needs is vitally important to preventing young people from future engagement with the criminal justice system. Our agencies’ staff are well-trained and well-equipped to support students in building up their confidence to pursue educational and career goals. We ask for the Legislature’s support in removing some of the existing educational barriers noted above.

Conclusion

Thank you for the opportunity to present the priorities of the New York State Coalition of 853 Schools. We look forward to working with you to ensure that the students who face enormous challenges in their young lives are afforded the same opportunity to succeed as those who are served in our community public schools.