



Testimony  
Joint Legislative Budget Hearing – Elementary and Secondary  
Education

Submitted by  
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On behalf of  
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**The Inter Agency Council of Developmental Disabilities Agencies, Inc. (IAC)** is a non-profit membership organization serving the New York City metropolitan area, Long Island, the Hudson Valley, and regions throughout New York State. We represent a diverse coalition of over 200 member agencies, including voluntary providers, specialized 4410 and 853 special education schools, early intervention programs, family groups, and independent practitioners dedicated to supporting children and adults with intellectual and developmental disabilities (I/DD). Our mission is to ensure that people with I/DD have the resources, services, and opportunities they need to live full and productive lives. IAC appreciates the many years of support and partnership with the Legislature, without which we would not be able to create better futures for the children with disabilities in our care.

#### **4410 and 853 Schools Educate New York’s Most Vulnerable Children**

IAC represents state-approved, private, non-profit “4410” preschool programs for children ages 3-5, and “853” school-age special education programs, for children, youth and young adults, ages 5-22. Our schools serve public school students with developmental disabilities such as autism, cerebral palsy, Down Syndrome, and other emotional and intellectual disabilities, who are placed by a CPSE or CSE IEP administrator from their local school districts. These referrals occur when, due to the nature and severity of the disability, the academic, social-emotional, physical, and behavioral needs of the student cannot be appropriately and safely supported within a public school program.

We are grateful to the Governor’s Office, the New York State Education Department, and the Legislature for their historic support, and for the recent investments and modifications to the current rate setting methodology that have kept our doors open and began to alleviate a severe staffing crisis created by years of low and no investment in 4410 and 853 schools. But significant issues with recruitment and retention remain for our workforce.

4410 and 853 teachers, teacher assistants, therapists, and aides are paid tens of thousands of dollars less—and excluded from the New York State Teachers Retirement

System—while working a 12-month school year, as their public school counterparts work only 10 months. Students attending 4410s and 853s are public school students, but they receive substantially less funding from New York State than children with disabilities in district schools, even though they have the highest support needs.

### **4410 and 853 Schools Educate New York’s Most Vulnerable Children**

Since 2021, State Aid to school districts for education has increased by 34% and Foundation Aid has increased by 37%. However, during the same time period, 853 and 4410 programs received only 28.45%. This is despite the fact that 853 programs operate throughout the summer months—because children with disabilities require full-time academic, social, and behavioral supports. The children who attend 4410 and 853 schools are public school children who require a specialized placement to meet higher support needs. Their dedicated teachers, therapists, teacher assistants and all related school staff have a right to receive equitable funding with the public schools. We shouldn’t pay teachers who are asked to do more, less. While tuition increases for our schools are not part of the budget process per se, our schools need a minimum tuition increase in line with the Consumer Price Index to keep up with rising costs. After more than a decade of neglect, we were grateful to Governor Hochul for recognizing that our schools’ teacher’s salaries were the lowest in the state and that our schools could barely keep up with physical plant health and safety issues. Her inclusion of long-overdue tuition growth factors, and her support for the development of a new rate methodology for 4410 and 853 schools was a critical first step. But in order for our schools to continue to educate New York’s most vulnerable students and open our currently closed classrooms, which would eliminate waiting lists of students who are now sitting at home, continued investments must be made.

### **FAPE 22**

We strongly urge the Legislature to codify and fully fund the provision of a Free Appropriate Public Education (FAPE) for students with disabilities through the end of the school year in which they turn 22. As clarified by the State Education Department’s [Formal Opinion of](#)

[Counsel No. 242](#) and reaffirmed in [recent guidance](#) from October 2025, federal law—as interpreted by the Second Circuit in [A.R. v. Connecticut Board of Education](#)—school districts are required to provide services until a student’s 22nd birthday. However, a significant gap remains between this federal mandate and New York’s current Education Law, which only provides state funding through the end of the school year in which a student turns 21. This misalignment creates a staggering financial burden for local school districts, estimated by NYSED to cost upwards of \$65 million. It also puts students, families, and 853 schools, particularly those that serve students with complex health and medical needs, in an extremely precarious position. Last year, in the absence of a clear statute and funding, NYC CSE administrators made independent determinations about student exit dates, creating disparities from one student and family to another, even within the same classroom. School administrators could not anticipate staffing and support needs, and families could not plan transition services and appropriate programming, not knowing if they would need to leave a job or pay for in-home support at a moment’s notice. Without a dedicated funding stream and legislative amendments to New York State Education Law, districts and 853 schools face an impossible choice between their duty to students with disabilities, fiscal stability and legal compliance. By including this funding in the FY 2027 budget, the State can ensure that our most vulnerable students receive the critical transition services and specialized instruction they are entitled to—providing them the necessary time to meet their IEP goals and transition successfully to adult life without placing an undue burden on their families, educators and local taxpayers.

## **Capital Funding**

The current tuition rate methodology does not allow for appropriate and timely reimbursement for the costs of substantial maintenance and renovation for our schools. Essential and urgent repairs like installing a new roof or HVAC system, resurfacing a parking lot, or updating a playground with accessible adaptive equipment are either impossible dreams or require local fundraising to accomplish. While the methodology for 853 schools does accommodate funding for projects over \$100,000, there are many needs



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that can't be covered by tuition that are not permitted by the current guidelines. For our 4410 preschools, there is no funding mechanism to accommodate these essential requests. We understand that SED recognizes this need and is working towards a solution which we hope will include both the needs of our 4410 preschools and our 853 school age programs.

### **In Conclusion**

Our schools educate public school children but are funded at levels far below schools operated by local districts. We are optimistic that through continued partnership between 4410 and 853 school operators and state government, we can continue to provide FAPE to New York's children with the highest needs.

If you have any questions about the testimony or our recommendations, please feel free to email Kate Hoy, Vice President of Children's Services: [kate@iacny.org](mailto:kate@iacny.org).