



Testimony before the New York City Council Education  
Committee Oversight Hearing on  
“Implementation of UPK and 3K Expansion and the Transition to  
EarlyLearn NYC to DOE”

Submitted by  
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On behalf of  
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**IAC Testimony before the New York City Council Education Committee  
Hearing on “Implementation of UPK and Expansion of EarlyLearn”**

Good afternoon, my name is Christopher Treiber and I am the Associate Executive Director of Children’s Services for The Interagency Council of Developmental Disabilities Agencies, Inc. The (IAC) was formed in 1977 as a not-for-profit membership organization. Comprised of voluntary service providers supporting children and adults with developmental disabilities in the greater metro-New York area, IAC currently represents over 160 member agencies and organizations helping more than 100,000 individuals and their families in New York City, Nassau, Suffolk, Westchester, Rockland, Putnam and Orange counties. Support programs and services offered by IAC member agencies include early intervention, Pre-K for All, special education preschool and school-age programs, as well as residential services, job training and employment programs, day habilitation programs, home and community based supports, recreation, clinical and health services, and an array of supports to families. The IAC has a long history of working in partnership with the New York City Department of Education to improve the quality of services and programs for young children and families.

On behalf of the IAC and our preschool special education provider’s I would like to thank the New York City Council Education Committee for holding this public hearing and for the opportunity to provide testimony here today. First, I would like to state that the IAC supports City Council Resolution 0358-2018 calling upon New York City to eliminate the compensation disparity paid to teachers, staff, and directors at community-based EarlyLearn NYC Center as compared to the DOE instructors for similar employment. I am also here today to urge you to remember that there is also another group of early childhood educators that face a similar salary disparity with the New York City Department of Education and the consequences of this are having a dire impact on

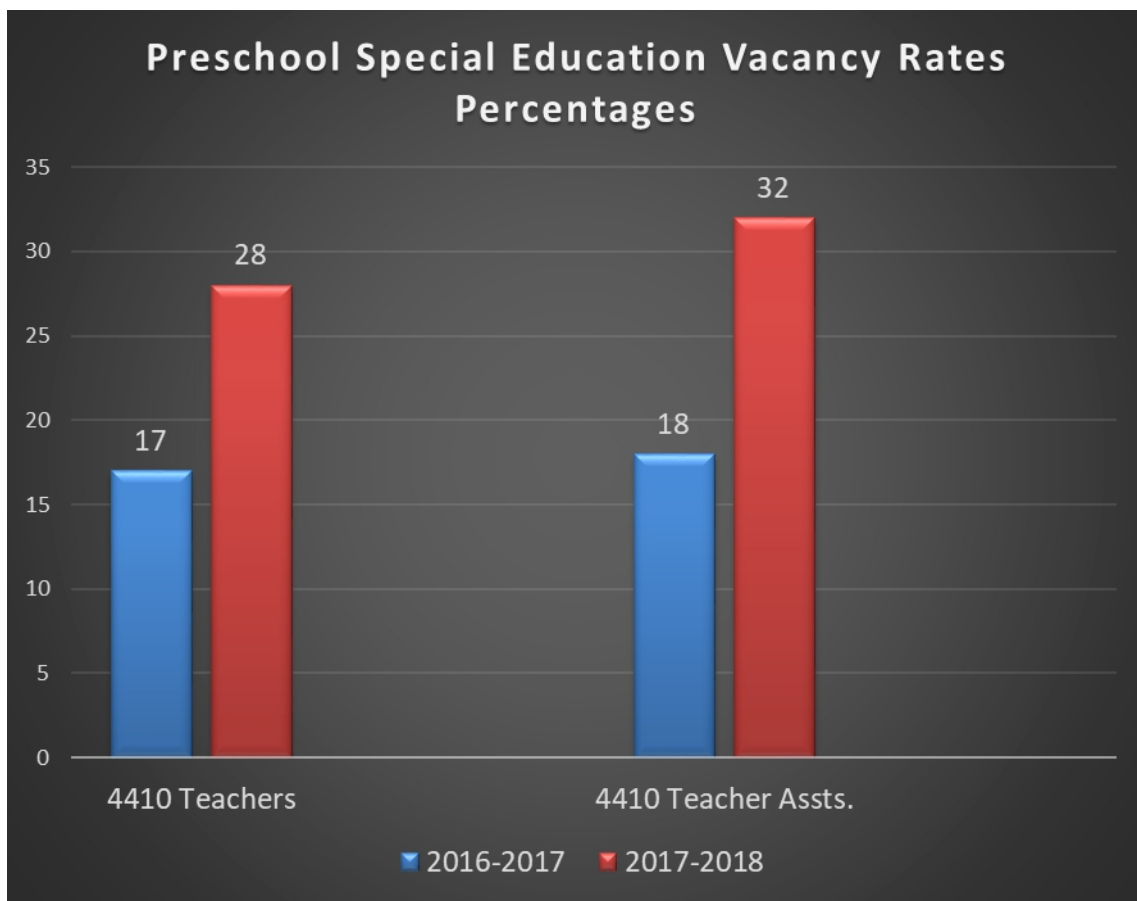
preschool children in New York City with the most significant needs. Based on data that we have received from the New York State Education Department Preschool special education teachers working in 4410 programs in New York City are paid on average between 25,000 and 30,000 dollars less than teachers with the same credentials, certifications and experience who work for the New York City Department of Education. The difference is that the preschool special education teachers in our schools work 12 months a year and the DOE teachers work 10 months, yet they are paid considerably more and have a benefits package, which far exceeds any our schools, can provide. This huge disparity when combined with the fringe benefit package offered by the public schools has made recruitment and retention of certified teachers and certified teacher assistants almost impossible for our schools. As a result, children with the highest levels of educational need in New York City are being taught by new and inexperienced teachers. The administrators that were been hired to provide support and mentor the new teachers are instead teaching in classrooms! Our preschool special education programs are experiencing an unprecedented staffing crisis that is impacting the children and families they serve.

The IAC membership includes 45 preschool special education providers many of them provide services throughout the five boroughs. The children who attend our member preschool are public school children. They are the children of your constituents. Many of these children have been diagnosed with autism spectrum disorder, cerebral palsy or other developmental disabilities. They are placed in our education programs only after a determination has been made by a local Committee on Preschool Special Education that there is no other appropriate educational setting available in a local public school. Therefore, there is no other educational option for these students. Our schools serve many of New York City's most vulnerable children, yet these schools have not been provided with funding necessary to meet this challenge. They have suffered for many years without any tuition increases and only in the last few years have they received very small increases. The impact of the growth freeze, and the limited tuition increases have left these programs on the brink of financial collapse.

In the fall of 2014, our education providers starting expressed concerns regarding the numbers of staff they had lost in a very limited timeframe. These concerns have been increasing each year. In order to determine the extent of staff losses and the impact that it had on programs the IAC has been conducting surveys of our preschool special education providers in the past few years. The two key indicators that we have been concerned about are the turnover rates for certified teacher and teacher assistants and vacancy rates. In order to determine the turnover rates our survey asked our preschool special education providers to identify how many certified special education teachers and certified teacher assistants they should have based on the number of classes in operation as of June 1, 2018. Then we asked from how many certified special education teachers and teacher assistants have left their school from July 1, 2017- June 1, 2018. Based on the data we determined that the average turnover rates for certified special education teachers in our 4410 Preschool Special Education Programs was 26%. We had four 4410 programs in New York City that had turnover rate over 50%. All three programs lost half their teachers in less than one year. The turnover rates for certified teacher assistants was 23%. Three 4410 programs had a teacher assistant turnover rate above 40%. One preschool program lost 17 of their 28 teacher assistants in less than one year. All three of these programs were also New York City preschool special education providers. Our New York City Education Directors have told us that the majority of teaching staff that have left their schools have gone to work for the NYC Department of Education. The staff leave not because they want to or that they are unhappy but because economically it offers a better life to their families. New York City DOE has been aggressively recruiting staff who work for our 4410 programs in the past few years. These preschools are provided with less than 72 hours notice by the certified special education teacher because NYC DOE informs the teaching candidate that if she/he wants the position they need to report immediately. If a teacher requests time to give notice the DOE recruiter informs the teaching candidate that if they fail to report immediately the position will be offered to the next candidate on the list. It is extremely difficult for any young child when their teacher leaves in the middle of the school year but for children with developmental disabilities this lack of appropriate transition can be

heartbreaking and detrimental to their social and emotional well-being. It is very important to remember that our schools are required by New York State Education Regulations to have a certified special education teacher in every class and to have certified teacher assistants to maintain New York State and IEP mandated classroom ratios. In addition to the Education Regulations, our preschool special education programs are required to comply with Article 47 of the New York City Health Code. New York City Department of Health and Mental Hygiene enforces these regulations and have been citing our programs for failing to have certified special education teachers and threatening to close preschool special education classrooms. To determine the preschool special education programs vacancy rate the survey asked our schools to identify how many current positions for certified special education teachers and certified teaching assistants are vacant as of June 1, 2018. The data in the following chart illustrates the increasing vacancy rates in our schools over the past two and a half

years.



As concerned as we are about the turnover rates the increasing vacancy rates for certified special education teachers and certified teacher assistants threatens the future viability of these preschool special education programs. It is important to keep in mind that this data represents current vacant positions after an entire year of a preschool

program attempting to recruit to fill vacant positions. Typically, by June of every year a preschool should have the majority of their vacant positions filled but our preschool Directors have been telling us that they are not even getting any applicants for any of the vacant positions. A major challenge for our preschool programs in recruiting and retaining their certified teaching staff is the salary disparity. Certified Teacher Assistants in our schools are not minimum wage workers! They need to pass a state certification exam and take specialized courses before they can work in our preschool classroom. They are responsible for the lives of young children with significant developmental delays and fragile medical conditions yet many are paid minimum wage while teacher assistants in DOE classrooms are paid considerably more. In September of the past two years, we have had preschool special education providers that were in danger of not being able to open their schools due to a lack of certified preschool special education teachers. The situation has become increasingly critical for some programs that have had to close classrooms and are unable to respond to increased needs due to a lack of certified teachers. Many of our programs are currently operating classrooms utilizing program administrators and supervising teachers who have teaching certifications but should be performing administrative roles at the schools.

IAC recognizes that the New York City Council is not responsible for determining the funding levels for preschool special education programs but the high turnover and vacancy rates in our preschool special education programs and the lack of inadequate state funding is hurting New York City's preschool children who need special education services. In the past three and a half years, 61 preschool special education programs have closed across New York State. Thirty-one of them were located in New York City affecting thousands of children.

On April 17, 2018 the New York State Education Department posted a regional need request for New York City that was for more than 700 preschool special education seats. More than half of them were for class ratios of no more than 6 or 8 students. These are classrooms for preschool children with significant needs who require a very higher teacher to student ratio. Children referred to these classes are typically children

diagnosed with autism spectrum disorder and cerebral palsy or other significant developmental disabilities.

Here is a breakdown of Preschool Special Class Seats needed by each Borough

- ! Brooklyn – 158
- ! Bronx – 116
- ! Queens -254
- ! Manhattan – 84
- ! Staten Island – 116

In addition to the above numbers, in the past few weeks two more preschool special education programs have announced closure since this request increasing the need by more than 200 additional seats. Primarily in Queens and Staten Island. The situation will continue to get worse if more preschool programs close classrooms or are forced to close their programs because they do not have certified special education teachers. IAC believes that there are significant numbers of preschool children waiting for special education services and no one at the NYC DOE will admit that there are children waiting. There seems to no sense of urgency at the NYC DOE to address the lack of available preschool special education seats and we are very concerned that preschool students with significant needs will be without appropriate special education services for extended periods of time. IAC has attempted through a FOIL (Freedom of Information Law) request to get information on the numbers of preschool children not receiving legally mandated special education services from the New York City Department of Education but we have been unsuccessful. Local Law 27 of 2015 Special Education Reporting Law requires that the NYC DOE to produce an annual report that includes a comprehensive set of data points and provides critical information about special education services in New York City. However, the current law requires that NYC DOE to produce this data report on students and the definition of “student” excludes “a prekindergarten student or a preschool child is defined in section 4410 of the education law”.



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- ! We are therefore requesting that the New York City Council consider an amendment to the Local Law 27 of 2015 removing the exclusion in the Special Education reporting Law and require that the NYC DOE include preschool students defined under section 4410 of education law in the Special Education Report that it must produce each year.

IAC is submitting this testimony to alert the New York City Council's Education Committee about the serious crisis facing our special education providers and the significant impact it could have on the children and families of New York City. The consequence of governments inadequate funding of 4410 preschool programs and the salary disparity between our teaching staff and the New York City Department of Education is very clear:

- ! Our 4410 preschool special education schools no longer have the ability to attract and retain certified special education teacher and teacher assistants.
- ! Children with the highest levels of special education needs are being taught by inexperienced and brand new special education teachers. Any remaining experienced special educators are being aggressively recruited by the DOE.
- ! Our 4410 programs now operate with a sense of insecurity fearing that on any given day they may lose more teachers or teacher assistants. They are faced with the possibility of continued high teacher and teacher assistant vacancy rates and no viable options to fill those positions.
- ! Many of our programs are currently operating classrooms utilizing program administrators and supervising teachers who have teaching certifications but should be performing administrative roles at the schools. This means that there are no experienced educators to supervise and mentor the new teachers.

Our Education Directors are struggling with many challenging questions:

- ! How much longer do they continue to operate classrooms without certified special education teachers?
- ! Do they accept children for their summer program or next school year knowing that they do not have enough certified special education teachers for their classes?
- ! Should they close down some classrooms due to the lack of certified special education teachers and teacher assistants?

On Monday of this week, we held a Special Education Town Hall Rally, we had more than 400 angry and frustrated parents, and teachers who wanted to know why teaching staff in our schools were being paid significantly less than teachers in the New York City public schools. We assured the parents and teaching staff who attended the rally that we were fighting to change this therefore:

On behalf of the parents of the special needs children who attend our 4410 special education preschools and the teaching staff we urge the Education Committee of the New York City Council to include 4410 teaching staff in any resolution calling for an elimination of salary disparity between compensation paid to teaching staff and directors in community based early learning programs and the New York City Department of Education.

IAC recommends that New York City authorize additional funds to increase the salaries paid to teaching staff in 4410 preschool special education programs to eliminate the salary disparity that currently exists between teaching staff at our schools and the New York City DOE. If the significant salary disparity between teaching staff in our schools and the NYC DOE is not addressed, many more preschool children with special education needs will be without a certified special education teacher and New York City's preschool children with the most significant need will be denied their right to a free and appropriate public education. The decisions that are made by this committee regarding the salary disparity issue will have a profound impact on preschool special

education services in New York City and the children and families who depend on the critical services these schools provide.