



Advocates for Children of New York  
Protecting every child's right to learn

December 13, 2012

# **Punish the Crooks, Not the Kids**

## **Recommendations in Support of Preschool Special Education Programs**

- New York State should put an end to fraud or abuse through vigorous auditing and prosecution.
- The state should not shift costs to cash-strapped school districts.
- The state should examine the patchwork system of preschool special education financing and create a coherent methodology for funding certain services efficiently.
- The state should reject misguided proposals to prohibit the same agency from evaluating and providing services to a child.
- The state should maximize other sources of payment for preschool special education, such as health insurance reimbursement.
- The state should expand Universal Prekindergarten for three- and four-year-olds so that more preschoolers can receive their services in integrated settings.

## **Background:**

The New York State preschool special education program provides services for children ages three to five who are experiencing a delay in their development or have a disability that impacts their ability to learn. The services vary depending on children's needs and are determined by a team of professionals, including a school district representative, teachers, a professional who can interpret evaluations, and the child's parents. Some eligible children receive a single service such as speech therapy to help improve their communication skills, while other children have a special education teacher work with them for a set number of hours per week to enable them to participate in a general education preschool setting. Some children participate in an integrated preschool class where preschoolers with delays learn alongside typically developing peers, while children with the most significant needs may participate in a small, structured preschool special education class where professionals provide intensive instruction focused on helping children prepare for kindergarten.

## **Impact:**

The preschool special education program gets results, preparing New York's children for kindergarten and putting them on a path toward college and career readiness. According to the New York State Education Department (NYSED), 89% of children who entered the preschool special education program below age expectations in early literacy and language substantially increased their rate of growth in this area by the time they entered kindergarten. In the area of social relationships and social-emotional skills, 87.5% of children who entered the program below age expectations substantially increased their growth. More than half of the children who participated in the program were functioning within age expectations in the areas of early literacy and language, social relationships, and use of appropriate behavior by the time they entered kindergarten. Research shows that intervening early when a child's brain has the most elasticity can maximize the results of intervention, reducing costs and saving taxpayers money in the long run. Recent news articles have focused on fraud committed by a small group of preschool special education contracted agencies, but have not questioned the positive impact of preschool special education for the vast majority of children served.

## Guiding Principles for Reform:

The state should punish crooks and should revisit some of its funding practices, but should not make young children with delayed development pay life-long consequences for the actions of a small group of adults. Below are the detailed recommendations.

- **New York State should not tolerate fraud or abuse.** The state should regularly and vigorously audit preschool special education contractors and work to identify and punish anyone who is stealing from preschoolers. The state should provide training and technical assistance to ensure that well-intentioned providers who have expertise in teaching preschoolers have the knowledge to meet their financial reporting obligations.
- **The state should not shift costs to school districts.** Federal law requires the state to identify and provide appropriate services to help preschoolers with delays acquire fundamental skills needed for kindergarten, and these services are cost-effective. Currently, the state and counties pay the cost. Passing on the cost to school districts would force school districts to choose between this mandated program and other vital programs for students.
- **The state should examine the patchwork system of preschool special education financing.** For example, the state pays highly varying rates within the same region for special education itinerant teachers (SEITs) who work with preschoolers in their homes or their preschool, Head Start, or child care centers. Such a system is unsound and leaves room for abuse by basing rates on costs reported by agencies. The state should establish a coherent methodology for setting SEIT rates based on regional differentials and should include an annual cost of living adjustment to ensure that New York can recruit and retain qualified preschool teachers who get results for children. The state should also examine practices around coordinating and assigning SEITs. For example, the state may waste money by sending three teachers to work with three preschoolers in the same class when those children could have been better-served by working together with one SEIT.
- **The state should reject misguided proposals to prohibit the same agency from evaluating and providing services to a child.** Agencies often specialize in evaluating and serving children with specific needs or who speak certain languages. To maximize the efficacy of preschool special education services, young children who are hearing impaired, vision impaired, or on the autism spectrum should have access to agencies with expertise in these areas to evaluate them and provide services to them. There are safeguards in place to ensure that an evaluator cannot reap financial benefit by recommending services for which a child is ineligible. Under the New York State

regulations, the *parent* chooses the evaluator, and the *board of education* selects the service providers. The evaluator has *nothing* to do with selecting the service providers and, thus, does not have an incentive to recommend additional services for financial gain. Nor does the evaluator decide on the types or levels of services that the child will receive. Rather the IEP team, consisting of at least seven individuals, chaired by a representative of the school district, decides on the child's service authorizations. Prohibiting agencies from evaluating and providing services to the same child would make it harder for preschoolers to get appropriate, individualized services, while doing nothing to stop the financial abuse brought to light by recent newspaper articles.

- **The state should expand Universal Prekindergarten (UPK) for three- and four-year-olds to increase the availability of integrated settings in which preschoolers with delays can learn alongside typically developing peers.** The New York State Temporary Task Force on Preschool Special Education made this recommendation because such integrated settings produce improved outcomes for children and would help children receive special education services in an efficient manner.
- **The state should maximize other sources of payment for preschool special education services,** such as health insurance reimbursement for the costs of services that impact children's education and health while refraining from giving health insurance companies a role in determining appropriate educational services for preschoolers with delays or disabilities.

Preschool special education services play a critical role in helping the children who are farthest behind prepare for kindergarten. The state should crack down on fraud. However, the state should not use fraud as a justification for proposing changes that make it harder for young children with delays to access the services they need at the time when these services have the greatest impact.

# Preschool Special Education Program

## Recommendations Endorsed By:



Advocates for Children of New York  
Protecting every child's right to learn

Advocates for Children of New York



Alliance for Quality Education



Bronx Independent Living Services



Center for Children's Initiatives  
*Building Bright Futures for Children*

Center for Children's Initiatives



"La Esquinita" / Li'l Corner  
Special Education Advocacy Topics for Parents of Children and Youth with Disabilities

Metropolitan Parent Center at Sinergia



New York Lawyers for the Public Interest



Parent to Parent NY, Inc.



Resources for Children with Special Needs



United We Stand of New York



Rochester Childfirst Network