



Coalition Of Provider Associations

September 21, 2018

MaryEllen Elia
Commissioner of Education and
New York State Education Building
89 Washington Avenue
Albany, NY 12234

Dear Commisioner Elia:

We are writing to you to call your attention to a crisis in nonprofit special education schools in New York State. It is only a matter of time before our school providers can no longer survive due to the shortage of certified teachers. This alarming scarcity has recently exploded due to the lack of adequate tuition, crippling these schools' ability to attract and retain certified teachers. Our provider members have asked us to reach out to you and the education leadership of this State, to address a crisis that has been in the making for many years, as the underfunding of schools has caused many classrooms and entire schools to close. 4410 pre-schools and 853 school-age programs cannot provide the education services our vulnerable children are entitled to without the financial resources needed to operate and successfully deliver a free and appropriate education (FAPE).

Our statewide advocacy organization, the Coalition of Provider Associations (COPA) is a group of nonprofit service organizations which supports children and adults with developmental disabilities in New York State. COPA currently represents over 150 member agencies with 4410 and 853 schools, educating more than 5,000 children across the State.

The children who attend our members' pre-school and school-age programs are public school children. Many of these children have been diagnosed with autism spectrum disorder, cerebral palsy or other physical and developmental disabilities. They are placed in our education programs only after a determination has been made by a local Committee on Special Education or 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 won't survive much longer.

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Representing More Than 250 Provider Agencies in New York State

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On September 6, 2018, we met with the Executive Directors of our education programs to discuss this critical issue. They have expressed their fears of closing and are truly concerned that New York State public school districts will not be able to adequately educate these children, who have already been determined to need the specialization and experience that is present in the 853 and 4410 approved schools' mission and structure.

In unanimity, these schools identified the primary concern as their inability to recruit and retain certified teaching staff. Many have shared with us the unfortunate reality that uncertified teachers have had to lead classrooms in both pre-school and school age special education programs. This disturbing fact threatens the viability of these programs and the opportunity for a meaningful education for students with special education needs.

We know that based on recent membership survey data that vacancy rates for teacher and teacher assistant positions in our schools have sky rocketed. In the past year and a half, the vacancy rate has increased to 28% from 17%. This represents an increase of more than 65% for School-SA special education teachers and 75% for school-age teachers. These schools have been constantly advertising for vacant certified teacher and certified teacher assistant positions to no avail. Most of our schools report that they are not receiving any resumes or applications despite significant recruitment efforts. Local school districts are aggressively recruiting any remaining experienced certified teachers and teacher assistants. Our education programs now operate with the insecurity that on any given day, their teachers will tearfully hand in a resignation letter on a Friday to start at a public school the very next Monday--for a raise of 40% or more in salary and benefits. Often, the local districts allow them no opportunity to give notice. If the schools are lucky, they are able to hire brand new or inexperienced teachers charged with educating children with the highest levels of need in New York State. When our children lose their teachers, their parents tell us the extremely negative effects of that loss.

Many years of inadequate funding of 4410 and 853 programs has resulted in significant salary disparities between what our schools can pay certified special education teachers and what the public schools can pay. Public schools can pay their certified teachers \$25,000 to \$45,000 dollars more than our schools can, for the same certification and qualifications and with a school year of 10 months instead of 12, with a far superior benefits and pension package (based on data provided by NYSED). Teacher turnover rates in our schools are now at 31% for school-age programs and 26% for pre-school special education programs.

For our New York City preschool special education providers, the issue of uncertified teachers has reached a crisis level. They are facing fines and citations from the NYC Department of Health and Mental Hygiene (DOHMH) Bureau of Daycare. Recently, some of our providers had NYC DOHMH site visits and were cited for failing to have certified teachers based on provisions in Article 47 of the NYC Childcare Regulations (*§ 47.13 Teaching staff qualifications and coverage in child care programs*).

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Inspectors are notifying pre-school directors that without certified teachers they must close classrooms. These children will have no other place to go. Most 4410 programs are full at this time and the children may be forced to sit at home.

It is past time to act. Our education directors are grappling with the conflict between their mission and dedication to serving families who have come to trust their children to these experienced schools and knowing that they cannot continue to operate classrooms without certified special education teachers.

We are reaching out to the New York State Education Department to implore you to take action to correct this situation and to seek your guidance on how we should advise our education providers to deal with classrooms led by uncertified teachers. We welcome the opportunity to meet with NYSED to discuss this issue further and to explore any potential recommendations. Please contact Tom McAlvanah at the InterAgency Council, 212-645-6360 for any additional information and further discussion.

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