



Kids Can't Wait New York State 2022-23 Priorities

In Fiscal Year 2023, New York State must devote more resources to strengthening the Early Intervention (EI) and Preschool Special Education (PSE) systems, with a particular focus on two priorities: eliminating inequities and expanding timely access to a full range of effective supports for young children. Children from birth to 5 years old with developmental delays or disabilities and their families have a right to Early Intervention and Preschool Special Education services that is established in federal law through the Individuals with Disabilities Education Act (IDEA) – Part B and Part C. Federal law requires these services to be delivered in a timely manner according to a plan developed by developmental and educational experts along with the family. However, families across New York routinely face illegal waitlists and delays for services.

We urge the Governor and Legislators to:

1. Increase rates for all Early Intervention providers and evaluators by 10% to move New York State closer to meeting the needs of young children in New York with developmental delays or disabilities. To help achieve this goal, the State can use the new Covered Lives assessment, signed into law in December 2021, which requires private health insurance companies to contribute \$40 million to the Early Intervention program. At a time when EI providers are paid less than they were in the 1990s and children are going without needed services, the State should use this funding to increase EI provider rates instead of merely using it to save money for the State and counties. Unfortunately, the Executive Budget does not include any rate increase for EI providers.
2. Provide an 11% increase for preschool special education programs and school-age classrooms serving children with significant disabilities (4410 and 853 classrooms) for the 2022-23 school year, as Governor Hochul has committed to doing through administrative action.
3. Ensure sufficient long-term resources for EI and PSE and reduce disparities in both programs by:
 - a. Allocating \$1.72 million to design a new preschool special education tuition rate-setting methodology and discontinuing the annual reconciliation process to provide interim relief while the rate-setting methodology is redesigned, allowing providers the flexibility to manage resources across a five-year period, as recommended by the Board of Regents; and
 - b. Conducting a comprehensive assessment of the methodology used to determine payment for all Early Intervention evaluations, services and service coordination and re-setting rates accordingly (S.5676/A.6579).
4. Ensure that expansions in New York's child care assistance provide equal access and needed support for families with children with disabilities with enhanced rates and supports for providers serving children with disabilities so that children with disabilities are not turned away from child care programs.
5. Require that the Bureau of Early Intervention publish an annual report with data by county, disaggregated by race/ethnicity, about referrals, assessments, enrollment, and timely receipt of services.
6. Include \$250,000 in the SFY23 budget for implementation of the health care workforce data legislation passed by the legislature and signed by Governor Hochul (A.3050/S.3543). This should be an annual appropriation to fund regular collection and release of health workforce data, including EI providers, to inform and approve health planning and access and emergency preparedness.