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To: Preschool Special Education Task Force

From: The preschool administration at Summit Educational Resources

We are writing to provide input to the Preschool Task Force to assist with their charge to review the current preschool system and explore opportunities to more effectively serve young children with disabilities. This paper outlines the concerns and suggestions of Summit's preschool administration team and follows the format for discussion at the roundtable meetings.

Public Options for 3 and 4 year olds:

What works: Some districts offer Universal Pre-Kindergarten programs (UPK) for 4 year olds and accept a certain percentage of students with disabilities. Some are receptive to receiving consulting services from agencies that serve children with disabilities. Many Head Start programs are open to collaborations with agencies

What needs revision: Options for UPK are not consistent across school districts. Public (non private school) options for 3 year olds are limited to Head Start programs. The limited availability of preschool settings make it difficult for parents and service providers to locate appropriate placements. Many UPK enrollments are done on a lottery system with last minute notification, which makes service planning difficult.

Use of consultants in typical (non-special education) settings:

What works: More school districts seem to be receptive to the use of specialized consultants within a typical setting, than in the past.

What needs revision: A child must already be eligible for CPSE, in many cases, for the districts to consider using a consultant. There does not seem to be many preventative measures in place to prevent referrals to special education.

What doesn't work: Restrictions on service delivery (e.g., service frequencies and locations) make it difficult to provide appropriate consulting services. Reimbursement rates do not cover consultant costs. Many typical settings are resistant to consulting and are under no obligation to implement recommendations. Often, instead, the child is removed from the typical setting.

EI vs. preschool model comparisons:

What works: The NYS Early Intervention Program (EI) encourages significant family input into service levels and goals. The NYS Preschool system encourages higher accountability by requiring that the CPSE identify measurable goals.

Rate setting methodology:

What doesn't work: Agencies running tuition-based programs have little ability to control for naturally occurring variability in census and/or revenue. In one year there is enough money to operate appropriately but a change in census levels can quickly result in substantial losses in revenue in the next year. Reimbursement rates can be drastically reduced when an agency introduces more efficient systems, but cannot increase beyond the minimal cost screen when legitimate costs increase. Although agencies can appeal rates, it often takes several years to receive approval (or disapproval). This requires that Board's of Directors make tough choices about spending while an appeal is in process, and with considerable long-term risk. Also, cost screens often do not keep up with regional inflation rates. In some cases, newly approved programs are given much higher regional rates than existing programs that may have higher expenses (e.g., SEIT).

SEIT regional rates:

What works: Reimbursement for excused absences helps maintain consistency in funding and assists in retaining staff.

What doesn't work: SEIT rates are not comparable across the state. It is not clear how rates are determined, or why SEIT rates are so much lower than RSO rates when both require the same level of provider certification and the SEIT may be assigned additional program coordination activities. Reimbursement rates can be drastically and immediately cut due to cost saving activities taken by an agency, but cannot increase with increasing agency expenses beyond the minimal cost screen. Cost screens do not keep up with inflation rates. Newly approved programs are given much higher regional rates than existing programs that likely have higher expenses.

Tuition vs fee-for-service:

What needs revision: There should be more flexibility in service delivery models and associated funding. A tuition-based model should be implemented for students with intensive service levels (such as students with autism receiving intensive ABA).

What doesn't work: Neither model is set up in a manner that allows agencies to recoup actual costs of running the programs. Neither model allows for adequate reimbursement of supervision/indirect costs.

Use of Medicaid:

What doesn't work: Medicaid appears to be a highly bureaucratic system. This system has added much additional documentation and substantially increased supervision requirements to all children, even though it only benefits a small number.

Seamless 0-5 or 0-21:

What works: A seamless system makes the most sense and should encourage greater consistency of services and make it much easier for parents to navigate.

What doesn't work: The current systems do not allow for a seamless transition of services. Different philosophies (e.g., EI to Preschool) in the systems complicate the matters. Parents move from a medically-based system that is very much family – driven (EI), to an educational system that is not family-driven (CPSE). Children entering the system near their third birthday become caught between both systems and often the process is delayed. Then there is another transition from preschool to school-age. In our opinion, if a single system birth – 21 is not possible, at least a system that merges 3 – 21 should be developed. This should include removing counties from funding and managing preschool education.

Role of counties & districts:

What doesn't work: The dual role of county and district in preschool services complicates the entire process. At times the requirements that counties have for agencies contradict requirements that districts make. The role of the county in preschool is not always made clear to parents. At times, county representatives will make service recommendations about which they have limited professional knowledge, or will veto service options presented by CPSE committee. Professional evaluators and service providers are generally given full authority to write goals and objectives for students (without any discussion at CPSE meetings), but then are given little or no authority to make service recommendations.

Many districts and counties interpret the same federal and state regulations in a different manner, and require differ practices and paperwork for the agencies. At times counties and districts fail to comply with required laws/regulations however providers are in an awkward situation to make system complaints.

State representatives are not always helpful and consistent in clarifying regulatory/practice issues.

Very rarely is the CPSE viewed as a true committee, but rather as under control of district Chairs who are often thought to have made most of their decisions before the meetings even begin. The process of referring to specific providers appears to be highly subjective and sometimes even biased.

Evaluations and eligibility:

What works: Many parents report satisfaction with the initial evaluation process.

What needs revision: State performance plan indicators, in theory, are a good attempt at measuring progress, but the process has been poorly designed and is still highly subjective. Additionally, it is an additional cost to districts and agencies without sufficient funding.

What doesn't work: Determinations made solely on eligibility criteria often neglect the critical causes of the child's problems and can often greatly delay the provision of appropriate services. An appropriate diagnostic evaluation for a developmental, psychological or medical condition should be mandated to bring additional concerns to light and appropriately direct the focus of treatment. These diagnostic evaluations cannot possibly occur within the current evaluation regulations and poor evaluation funding. Requirements for eligibility evaluations constantly increase the workload for evaluators (SPP plan documents, evaluation summaries, FBAs) without any increase in reimbursement. Reimbursement rates do not cover agency evaluation costs. Mandated time frames for completion of evaluations are unrealistic for many agencies.

Indirect (consultation) related services:

What doesn't work: Agencies presently cannot bill for indirect services even though they may be very appropriate for certain students. Many districts/ parents are very reluctant to give up individualized, direct services at the preschool level. Co-treatments and team meetings also cannot be billed for, although may be highly critical to appropriate service provision.

Staff recruitment and retention:

What needs revision: The certification requirements for teachers and related service staff may benefit the quality and effectiveness of services that students receive (although we are not aware of any true measures that are being taken on quality or effectiveness of services), but they also limit the availability of staff and may not always be directly necessary. Consideration should be given to the use of non-certified individuals, for the provision of some services (such as ABA services for students with autism) as long as non-professional staff receive training and are highly supervised. Additionally, agencies should be able to seek reimbursement for the supervision needed for effective programming and service delivery (e.g., mandated supervision of TSHHs by SLPs, supervision for ABA programs).

What doesn't work: It is difficult to hire/retain salaried staff because of the unreasonable requirements for productivity (for SEIT services -especially when travel is taken into account), the challenges of making up missed sessions, and the multitude of regulations dictating when and where sessions can be made up. These issues influence the ability of agencies to pay staff a competitive wage, cover mileage costs and keep up with annual inflation.

It is difficult to hire/retain per diem staff (RSO) due to the lack of adequate revenue. Reimbursement rates for RSO have not changed in over a decade. Agencies cannot keep up with inflation, mileage costs, etc. Staff shortages in particular disciplines or geographical areas lead to long waitlists for appropriate services (even though these lists are not supposed to exist).

Other Areas:

Functional Behavior Assessments:

What needs revision: While we applaud SED for adopting evidence-based procedures in the special education field, we are concerned that a highly technical procedure from the field of Applied Behavior Analysis has simply been taken in its simplest form and mandated that it be applied to a large number of special education students. The procedures are often applied in their most basic form by untrained staff (especially since FBAs are not appropriately funded). When FBAs are done by unqualified individuals and underfunded, the results may be meaningless and create the potential for harm to students.

Quality/appropriateness of services:

What doesn't work: The preschool system does not seem to have a strong focus on quality or objective, measurable outcomes for children. There appears to be little attention paid to research or best practices in professional disciplines or in areas of specific disability (e.g., the disregard for the NYSDOH Clinical Practice Guidelines for autism). The failure of the CPSE to discuss specific methodologies limits the numbers of children receiving the most appropriate and scientifically validated services.

Thank you for your consideration of the above matters. We would be happy to provide any additional input and suggestions on ways to revise and modify the present preschool system. Please feel free to contact me at any time, at 716-629-3447.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Amy L. Jablonski', written in black ink.

Amy L. Jablonski, Psy.D.
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Summit Educational Resources