



THE 4201 SCHOOLS ASSOCIATION

TESTIMONY

Presented to

Fiscal Committees of the New York State Legislature

Hearing On
The FY 2013-2014 Executive Budget

Tuesday, January 29, 2013

Albany, New York

New York's "4201 Schools" • <http://4201schoolsassociation.wordpress.com/>

Cleary School for the Deaf (Nesconset)	Mill Neck Manor School for the Deaf (Mill Neck)	Rochester School for the Deaf (Rochester)
Henry Viscardi School (Albertson)	New York Institute for Special Education (Bronx)	St. Francis de Sales School for the Deaf (Brooklyn)
Lavelle School for the Blind (Bronx)	New York School for the Deaf (White Plains)	St. Joseph's School for the Deaf (Bronx)
Lexington School for the Deaf (Queens)		St. Mary's School for the Deaf (Buffalo)

Chairman Farrell, Chairman DeFrancisco, Senator Flanagan, Assemblymember Nolan and distinguished members of the Legislature thank you for the opportunity to be with you today.

I am Timothy M. Kelly, the grateful and proud Chairman of the *4201 Schools Association* serving the **Deaf, Blind and Physically Disabled** children throughout New York State. I also am Superintendent at *St. Mary's School for the Deaf* in Buffalo.

With me today is Dr. Bernadette Kappen, Vice Chair of the Association and Executive Director of the New York Institute for Special Education in the Bronx. In addition to our two schools, the nine other 4201 Schools are located on Long Island and in Brooklyn, Queens, Bronx, Westchester and Rochester.

We come here during what we know is in a difficult time fiscally, and recognize that all schools must be part of the budget solution. The 4201 schools are committed to being part of this solution and in working cooperatively with you again.

We do ask that the schools serving some of the most vulnerable populations of children be given your help with our budgetary concerns. It's important on occasions like this to remind us all of the history of education in our great State. The Board of Regents was established in 1784; the first school for the deaf in New York was founded in 1817; and the first school for the blind in New York admitted students for the first time in 1831. The education for deaf and blind students has been part of the New York State Constitution since 1894. Support for these children and our 4201 schools from the Legislature all those years have been without question.

While you grapple with the issues put forth in the proposed Executive Budget, we ask you to reflect on the wisdom of our forebears, so you can be confident about your decisions involving the most vulnerable children in New York State during these difficult economic times.

You should also be aware of two significant activities on the federal level recently:

1. Last Friday, United States Department of Education Secretary Arne Duncan issued guidelines that would assure participation by children with disabilities in athletics and extracurricular activities; and
2. Already introduced or soon to be introduced to the U. S. Congress will be two bills; the "Alice Cogswell Act of 2013" and the "Anne Sullivan Macy Act of 2013." Both bills are intended to ensure the delivery of high quality special

education and related services to children who have hearing impairments and children who have visual impairments.

These initiatives not only underscore the needs of and the expectations for our most vulnerable children but also remind us that children with incontrovertible disabilities are capable of success in life.

2012-2013 Executive Budget - The Executive Budget proposes changes that are of great concern to us. We ask that:

- 1) Costs for our Summer School programs continue to be funded by the State, rather than shifted to local school districts.
 - 2) That the state-supported schools for the Deaf, Blind and Physically Disabled receive the same assistance in mitigating pension cost spikes as may be enacted to help local governments and school districts. .
 - 3) That our schools receive similar aid for school security as was recently approved for public schools.
1. **§4408 - Summer Program Cost Shift** – Under current law, our summer school costs are paid through an appropriation from the overall §4408 allocation. The Executive Budget proposes shifting the cost of educating children at our schools during the summer to local school districts with only partial reimbursement.

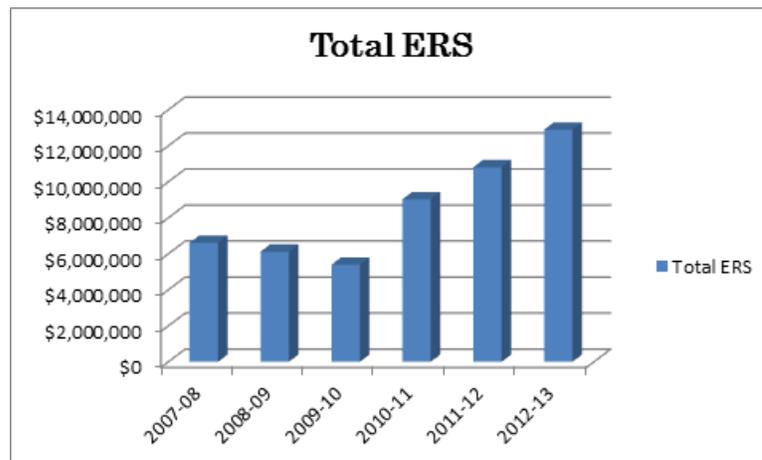
We ask that this proposal be rejected, and that our schools be allowed to work in the next year toward an appropriate resolution for our children. Summer school is a vital part of educating our students. We do not think this cost shifting will assist in legal compliance with our students' Individualized Education Program (IEP's) or a smooth transition during the year. The Governor supports lengthening the school day and many of our children do go to school year round now. To undercut these programs through this new system disregards the benefits of a longer school year and ignores the complexities of our programs.

Our schools have shifted over to an entirely new funding process for our 10-month program - moving from a direct appropriation to one in which our schools now bill individual school districts (2011), and after a statutory change last year (2012) to clarify that the student's district of residence is responsible for these payments, later reimbursed by the State. The changes enacted in the last two years been dramatic in their impact, and we are still working to make this new process

work. For a number of our schools, timeliness of payments has become a key concern.

2. **Retirement System Costs** – Like many schools and local governments testifying to your committees, the 4201 Schools are suffering from large annual increases in retirement system employer contributions. These unanticipated cost spikes represent real threats to the educational program at our schools, in that these take needed hundreds of thousands of dollars from our budgets. And remember, our budgets are currently capped; our schools have no ability to make these payments other than to cut programs and staff.

Overall, our eleven schools' total payments to the New York State Employees Retirement System have nearly doubled since 2007-2008, increasing from \$6,618,870.00 to a projected \$12,897,894.00 (see below):



Measures were advanced in the Executive Budget to assist local governments in moderating the impacts of retirement system costs. The 2013-14 Executive budget recommends establishing a bridge to the long-term savings of Tier VI, as well as greater predictability, through a Stable Rate Pension Contribution Option. As drafted, our schools would not be eligible to participate (even though we're NYSERS participants and contributors). **The 4201 Schools ask for your help to expand eligibility to include our schools.**

3. **Building Aid for Security Devices** - Chapter 1 of 2013 recently passed by the Legislature includes changes to allow school districts that purchase various security devices to receive state building aid reimbursement. 4201 Schools get funding for capital and building needs through a different process, but our schools have the same (or greater) need for these devices and improvements. Many of the children at our schools are vulnerable - especially those with physical disabilities who

cannot “run or hide” - and need whatever help might be available to ensure their safety and security too.

Other Cost Challenges Facing Our Schools - Deliberations on a new state budget this year come at a very challenging time for our schools, in which we ask the Legislature’s consideration and understanding. You should be aware of the following:

Hurricane Sandy – A number of our schools have been affected by Hurricane Sandy. Several schools suffered physical damage, and long-term power and telephone outages. Many students’ homes - and their specialty rehabilitation equipment - were lost, resulting in new residencies being established. Bus service was not functional, and many instructional days were lost as well. Tremendous costs are associated with the work needed to get schools open again.

New York City Bus Strike – The bus strike that began earlier this month in New York City has affected all of the 4201 Schools in that region. Depending on their level of disability, our students travel to school by several different means (e.g., yellow school bus, vans, ambulettes, etc.); all of these have been affected by the strike. We have a number of students who have not attended school since the strike began; particularly children who are multi-handicapped and/or non-ambulatory and cannot take public transportation.

Students have missed Regents exams, lost hours of instruction and failed to receive related services they are mandated to have – e.g., occupational therapy, physical therapy, orientation and mobility, counseling and speech. In some cases, our schools have been able to engage other transportation – at our schools’ costs – to get kids to and from school. And we’ve engaged interpreters and aides to help students to and from school safely.

Medicaid – 4201 Schools no longer receive Medicaid funding, but continue to bear the cost and administrative burdens of compliance reporting requirements. The Medicaid reimbursement process has become increasingly cumbersome, and we believe that our students and the State should have the benefit of federal reimbursement. We get no direct benefit. Consideration should be given to supporting the costs of compliance for those schools which do not otherwise receive Medicaid reimbursement.

In closing, we do also want to thank the Senate and the Assembly for your remarkable support of our schools, especially during budget discussions over the last two.

With you by our side we reinforced the message that for children with low-incidence disabilities (deafness, blindness or severe physical disability) -- special education services, and their core communication components are a fundamental educational right – not an indulgence. The schools for the deaf, blind and severely disabled have been partners with the State for almost 200 years. This partnership is stronger than ever because of the support you showed our students.

We invite you all to visit our schools and to learn more about our efforts to enable children with low-incidence disabilities to be successful students and citizens. And we stand ready to “be part of the solution.”

Respectfully submitted,

Timothy M. Kelly
Chair, 4201 Schools Association
Superintendent, St. Mary’s School for the Deaf

Bernadette M. Kappen, Ph.D.
Vice-Chair, 4201 Schools Association
Executive Director, New York Institute for Special Education

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Background Information

For more than 200 years, the people of New York have relied on the expertise of the 4201 Schools to provide educational services to children who are deaf, blind and physically disabled. There are eleven “4201” schools located throughout the state, both upstate and downstate.

Each school is governed by its own Board of Directors, receives financial support for operating expenses from the State, and depends on private donations for program enhancements and innovations. The 4201 Schools have established a long tradition of excellence in education and in providing innovative educational services to our students and their families. The 4201 Schools and their locations are as follows:

- Cleary School for the Deaf - Nesconset
- Henry Viscardi School- Albertson
- Lavelle School for the Blind - Bronx
- Lexington School for the Deaf - Queens
- Mill Neck Manor School for the Deaf - Mill Neck
- New York Institute for Special Education – Bronx
- New York School for the Deaf - White Plains
- Rochester School for the Deaf - Rochester
- St. Francis de Sales School for the Deaf - Brooklyn
- St. Joseph's School for the Deaf - Bronx
- St. Mary's School for the Deaf - Buffalo

Under Section 4201 of the Education Law, the State has designated and authorized certain private schools to serve the special education needs of deaf or blind or physically disabled students. Students come to 4201 Schools upon application by their parents or school districts, and with the approval of the State Education Commissioner. Several 4201 Schools maintain residential programs, which are also funded through lump sum budget appropriations.

Only students who are profoundly deaf, legally blind, severely physically disabled, or severely emotionally disabled are referred to the 4201 Schools by local school districts, parents, physicians, clinics and other interested parties. An intake evaluation by the 4201 School is completed, and placement is made upon the recommendation of and approval by the student's home school district and the Commissioner of Education. Approval is based on the availability of an appropriate education program. There are no charges or fees to parents for educational costs, transportation, room or board.

Our students benefit from the academic programs, vocational programs, life skills programs and other specially designed programs at the 4201 Schools. They also take part in the interscholastic sports and other extra-curricular and co-curricular activities at their school.

Those students requiring a 24-hour structured environment as noted in their Individualized Education Plan (IEP) or whose homes are too far to commute back and forth to school each day live on campus for five days a week at some of the 4201 Schools. There are comprehensive learning and recreational programs for students residing in school dormitories.

The 4201 Schools provide quality education services to children with low incidence disabilities. Our schools are working constantly to support the academic progress and success of the students we serve. A few facts and observations on our recent work follow:

- Between 1998-99 and 2004-05, the number of children with multiple disabilities has increased from **28.4% to 36.8%**. Please note: A “low incident disability” (e.g., deafness, blindness and severe physical disability) remains the primary disability confronting each of our students, and requiring the unique programs offered by our schools.
- Enrollment has remained **stable** over this seven-year period, declining just 2.6%.
- Over **70%** of the students enrolled in 4201 Schools are students of color.
- **65%** of students live in poverty, as measured by eligibility for Federal Lunch subsidies.
- Almost **50%** of High School graduates went on to 2- and 4-year colleges.
- Over **95%** of parent survey respondents indicated that they were satisfied overall with the special education services provided to his/her child by the 4201 Schools
- **97%** of parent survey respondents indicated that they are given opportunities to participate in decisions regarding their child’s education.

