

### Advocates for Children of New York

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#### Testimony to be delivered to the New York City Council Committee on Finance

Re: FY 24 Executive Budget

May 24, 2023

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am the Policy Director at Advocates for Children of New York. For 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of families navigate the New York City school system. We focus on students whose needs are often overlooked, such as students with disabilities, English Language Learners, students who are homeless or in foster care, students with mental health needs, and students with involvement in the juvenile or criminal legal systems.

At a time when there are significant unmet needs for students, we are very concerned that the Executive Budget would cut hundreds of millions of dollars in city funding from the New York City Public Schools' budget—including through a PEG of \$305 million described as a re-estimate of fringe benefits but which reflects a pot of funding the DOE has been using for a variety of purposes.

We are particularly concerned that the following three programs included as priorities in the City Council's response to the preliminary budget are on the chopping block with funding that will expire in June unless extended in the FY 24 adopted budget:

- \$5 million for the Mental Health Continuum (DOE, H+H, DOHMH), the first-ever cross-agency partnership to help students with significant mental health needs access expedited mental healthcare.
- \$4 million to help immigrant families get needed school-related information (DOE) through strategies such as sending paper notices, calling and texting families, and collaborating with immigrant-facing CBOs on information campaigns.
- \$20 million for Promise NYC (ACS) so children who are undocumented can continue to access the City's early learning programs.

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With the youth mental health crisis and the increase in newly arrived immigrant students, the need for these programs has only grown. The City Council played an instrumental role last year in securing funding for these programs; we need to ensure they are not eliminated.

Instead of cutting funding from the New York City Public Schools budget, the City should be investing to address pressing needs. We recommend the City invest at least:

- \$3 million to bolster the six new English Language Leaner transfer school programs, ensuring they have the services needed to support recently arrived older ELLs.
- \$85 million to expand schoolwide restorative justice practices to 500 schools to reduce the use of suspensions, address students' underlying needs, and keep them in school.
- \$5 million to guarantee appropriate transportation for students in foster care so students are not forced to transfer schools when they are removed from their homes and families.
- \$50 million to provide legally mandated services to preschoolers with disabilities given that nearly 10,000 preschoolers went the entire year without receiving at least one of their mandated services like speech therapy.

Our written testimony has more information about each of these priorities. We look forward to working with you. Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.

Cutting funding for programs and services that support students and school communities should be completely off the table at a time when New York City is receiving an increase in education funding from New York State and continues to have unspent federal COVID-19 relief.

Yet the Executive Budget would cut hundreds of millions of dollars from the New York City Public Schools budget—including funding for several key initiatives that were launched with city funding that will expire in June.

Instead of cutting funding, the City should be investing to address unmet needs; for example, to ensure preschoolers with disabilities receive their mandated services, help more schools support newcomer immigrant youth, provide prompt transportation to students in the foster system, and expand restorative practices to keep students in the classroom.

#### The City should:

- 1. Extend and baseline key programs funded with city funding scheduled to expire in June 2023:
  - A. Mental Health Continuum (\$5M)
  - B. Multi-faceted immigrant family communication and outreach (\$4M)
  - C. Early childhood education and care for children who are undocumented (Promise NYC) (\$10M in FY 23 for 6 months; \$20M needed in FY 24 to maintain current capacity)
- 2. Make additional investments to build upon progress being made and take advantage of opportunity for change:
  - A. Bolster English Language Learner transfer school programs (\$3M)
  - B. Expand schoolwide restorative justice practices to 500 high schools (\$85M)
  - C. Guarantee bus service for students in foster care (\$5M)
  - D. Provide preschoolers with disabilities with evaluations and mandated services (\$50M)
- 3. Plan now to sustain long-term education initiatives funded with federal COVID-19 relief funding that expires in the fall of 2024.

### Extend and baseline key programs funded with city funding scheduled to expire in June 2023.

We are deeply concerned that the Mayor's Executive Budget does not extend funding for a number of programs that provide critical support to students and families. The City launched these initiatives with city funding that will expire in June, unless extended in the FY 24 budget.

### A. Mental Health Continuum · \$5M (DOE: \$787K, H+H: \$3.74M, DOHMH: \$472K)

This innovative model, recently highlighted in the Mayor's Mental Health Plan, is the first-ever crossagency partnership (DOE, H+H, DOHMH) to help students with significant mental health needs access expedited mental healthcare in person and via video. It supports students at 50 high-needs schools through school partnerships with H+H mental health clinics, dedicated staff to provide students with timely access to mental health services, NYC Well hotline to advise school staff with mental health inquiries, Children's Mobile Crisis Teams to respond to students in crisis, school-based mental health managers, Collaborative Problem Solving training to build school staff capacity to better address student behavioral and mental health needs, and culturally-responsive family engagement. At a time when we have a youth mental health crisis, this model is urgently needed.

#### B. Multi-faceted immigrant family communication and outreach · \$4M

This initiative strengthens the DOE's communication with immigrant families, many of whom would otherwise be left without important information, by using local ethnic media to share school-related updates, sending paper notices to families' homes, reaching families via phone calls and text messages, and collaborating with immigrant-facing community-based organizations to create and launch information campaigns. Given that more than 329,000 public school students do not have a parent who speaks English fluently and more than 61,000 children of Limited English Proficient parents live in households without broadband internet access, it is critical for this initiative to continue, especially given the recent increase in the number of newly arrived immigrant families in New York City.

### C. Early childhood education and care for children who are undocumented (Promise NYC) · \$10M in FY 23; \$20M requested in FY 24

No child should be turned away from an early childhood education program due to their immigration status. The City should continue to be a leader in providing early learning opportunities to children, including those who are undocumented, by extending ACS funding for <a href="Promise NYC">Promise NYC</a>. In FY 23, the City allocated \$10M for the program, which launched in January. To continue serving the same number of children, the City would need \$20M for the full year in FY 24.

### Make additional investments to build upon progress being made and take advantage of opportunity for change.

### A. Bolster English Language Learner (ELL) transfer school programs · \$3M

ELLs who arrive in the U.S. as teenagers have some of the greatest needs of any student population. In addition to having to learn a new language and meet graduation requirements before they turn 21, many of these students also have gaps in their education and require specialized academic support to access the curriculum; are juggling jobs and family obligations in addition to their schoolwork; and have complex social-emotional needs in part due to traumatic migration experiences.

The DOE's "ELL transfer schools" provide a supportive learning environment for older immigrant students, but there are only five such schools, four of which are located in Manhattan. The City has an additional 40 transfer schools serving over-age and under-credited youth, but these schools do not focus on the needs of ELLs. This year, the DOE launched new programs aimed at serving ELLs at six existing non-ELL transfer schools in Brooklyn, the Bronx, and Queens. However, these programs did not receive sufficient resources to provide the intensive support that recently arrived immigrant students typically need.

The City should invest and baseline \$3 million to add comprehensive services at the six new ELL Transfer School Programs in Queens, the Bronx, and Brooklyn. This funding would provide bilingual social workers, robust training for school-based staff, and community-based wrap-around supports, bringing these new programs in line with best practices for newcomers ages 16-21 and enabling them to serve more students at a time when the need is greater than ever.

#### B. Expand schoolwide restorative justice practices to 500 high schools · \$85M

Over the past decade, the DOE has worked to reduce the use of punitive, exclusionary discipline practices like suspensions—which disproportionately harm students of color and students with disabilities and do not make schools safer—and instead adopt restorative approaches that address students' underlying needs, teach positive behaviors, and keep students in the classroom where they belong. However, most NYC schools still do not have the staff, training, and resources needed to implement restorative practices, and many instead resort to suspensions. During the 2021–22 school year, the DOE reported removing and suspending students 31,738 times from 1 to 180 days of school each time. Ample studies conclude that exclusionary discipline leads to an increased likelihood of future behavioral incidents, school dropout, and involvement in the juvenile legal system.

Restorative practices hold students accountable for their actions, help address the root causes of behavior, and build and heal relationships; their adoption is correlated with improved academic outcomes, school climate, and staff-student relationships.

The City must commit to supporting students by investing in the citywide expansion and implementation of school-wide restorative justice practices, which includes hiring a restorative justice coordinator for each school; training all staff and interested members of school communities; and providing young people with training and stipends to lead restorative practices. For FY 2024, the City should invest and baseline \$85 million to bring this model to 500 schools.

### C. Guarantee busing for students in foster care · \$5M

When students are removed from their homes and families and placed into foster care, school is often the only source of stability in their lives. Federal and state law require school districts to provide transportation to students in foster care so they can stay in their original school, unless it is in their best interest to transfer to a new school. However, the DOE currently does not guarantee bus service or a comparable mode of door-to-door transportation to students in foster care. Even when students do receive busing, delays in routing can be hugely destabilizing to students who are already in crisis.

As a result, students who cannot travel on their own may be forced to transfer schools or even foster homes. Students in the foster system who transfer schools during the year are less likely to be proficient in reading and math than their peers in care who do not change schools.

The DOE has taken an important step by launching its first-ever team focused on students in foster care. Now, the DOE should ensure children can get to school without delay when they are placed in foster care or change foster care placements. The DOE already guarantees yellow bus service to the thousands of kindergarten through sixth grade students living in shelter. The City should invest and

baseline \$5 million to provide bus service—or alternative, comparable door-to-door transportation—to the relatively small number of students in foster care, so that no student in the foster system is forced to change schools due to lack of prompt, workable transportation.

#### D. Provide preschoolers with disabilities with evaluations and services • \$50M

During the 2021–22 school year, the most recent year for which data are publicly available, 37% of preschoolers with disabilities—more than 9,800 children—did not receive all their mandated services. These children finished the school year without receiving a single session of at least one of the special education services they had a legal right to receive, such as speech therapy or part-time special education teacher services. This year, we have heard from numerous families whose preschoolers are waiting for their services to begin—months into the school year—as well as families unable to get an appointment for a preschool evaluation. The City must address these legal violations and ensure young children with disabilities are not left waiting for the help they need. The City should invest and baseline funding to provide preschoolers with evaluations and mandated services by taking steps such as launching more DOE evaluation teams; hiring more DOE service providers and teachers; increasing payment rates to ensure children needing bilingual services and children in underserved communities receive their services; and allocating funding to DOE Pre-K Centers and schools with pre-K and 3-K programs so that young children receive their special education services where they go to preschool.

### Plan now to sustain long-term education initiatives funded with federal COVID-19 relief funding that expires in the fall of 2024.

Over the last two years, the DOE received an unprecedented infusion of more than \$7 billion in federal stimulus funding, allowing the City to invest in a number of critical education priorities. While some of this funding has been used for short-term expenses directly stemming from the pandemic—such as costs associated with reopening school buildings and accounting for the impact of lost instructional time—the DOE is also using these stimulus dollars to address student needs that existed long before the pandemic, many of which have historically been underfunded.

Although the federal COVID-19 relief funds will run dry in October 2024, these ongoing needs will remain. Among other things, stimulus funding is currently being used to:

- Double 3-K enrollment and open new preschool special education classes to help address a longstanding shortage of legally mandated seats for preschoolers with disabilities;
- Increase the number of community schools and expand access to summer enrichment programming;
- Hire 500 new school social workers, expand restorative justice practices, and enable every school building to have a nurse;
- Bolster supports for students with dyslexia, students with intensive sensory needs, and students living in homeless shelters; and
- Open new bilingual programs for English Language Learners and improve access to translation and interpretation services for immigrant families.

It will take more than \$700 million per year to sustain these new and expanded education initiatives that are making a difference for some of New York City's most marginalized students. Elected officials at the local, state, and federal levels need to start planning right away to identify funding to avoid taking a massive step backwards and losing the progress the stimulus funding has enabled. More information about the programs at risk is available at <a href="https://www.advocatesforchildren.org/sustaining\_progress\_call\_to\_action">https://www.advocatesforchildren.org/sustaining\_progress\_call\_to\_action</a>.



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## EXTEND & BASELINE FUNDING FOR THE MENTAL HEALTH CONTINUUM

As highlighted in recent advisories by the U.S. Surgeon General, the American Academy of Pediatrics, and others, the country is grappling with a national youth mental health crisis spurred in part by the pandemic. Schools play a crucial role in connecting young people struggling with mental health challenges with the services they need: past research has found that students are more likely to seek support for mental health issues at school than in community-based settings and that school-based services can help reduce racial disparities in access to care.

The Mental Health Continuum—an innovative cross-agency partnership between the NYC Department of Education (DOE), the NYC Department of Health and Mental Hygiene (DOHMH), and NYC Health + Hospitals (H+H)—is one promising solution. The model, which was recently highlighted in the Mayor's Mental Health Plan, is an integrated system of targeted, intensive supports for students with significant mental health needs at 50 high-needs schools. It includes:

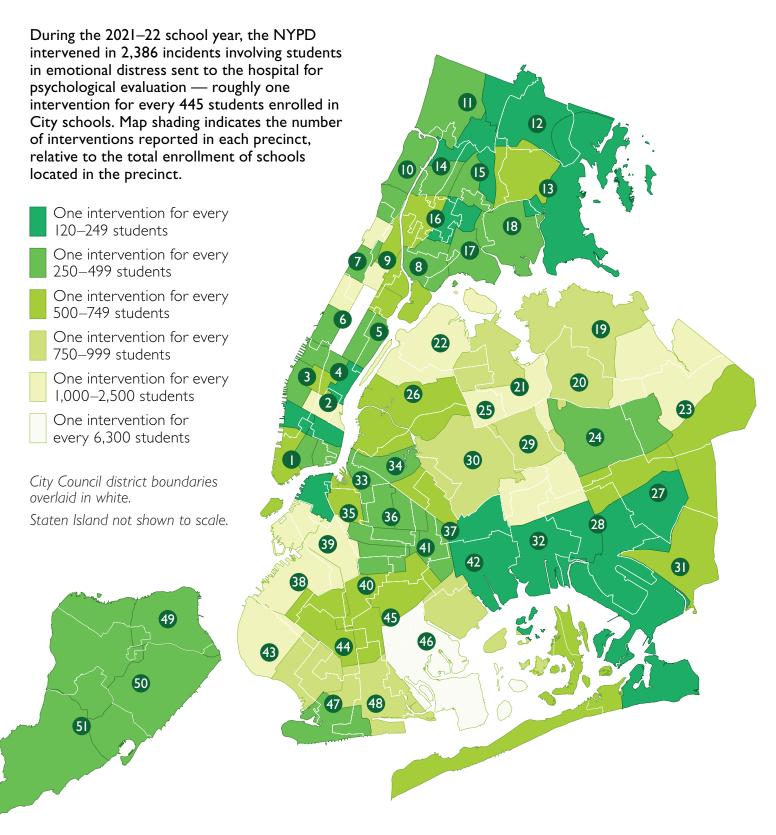
- » School partnerships with H+H mental health clinics;
- » Expedited access to evaluation and mental healthcare for students in need:
- » Mobile response teams to respond to students in crisis:
- » A hotline to advise school staff with mental health inquiries;
- » Training for school staff in Collaborative Problem Solving to build their capacity to better address student behavior; and
- » Culturally responsive family engagement.

The City allocated \$5 million for the Mental Health Continuum in both FY 2022 and FY 2023, but the FY 2024 Executive Budget does not include any funding to extend this initiative—despite the fact that the City has already hired dedicated clinicians as well as an Associate Director for the program, and students have already begun receiving critically-needed mental health services.

The City should extend and baseline \$5 million (DOE: \$787K, H+H: \$3.74M, DOHMH: \$472K) for the Mental Health Continuum in the FY 2024 budget.

Funding for the Mental Health Continuum will expire in June 2023—just as the initiative is getting off the ground—unless it is extended in the FY 2024 budget. At a time when we have a youth mental health crisis, it is vital to sustain this model so that students can continue to receive the timely support and mental healthcare they need to be successful in the classroom.

### ESTIMATED CHILD IN CRISIS INTERVENTION RATE BY POLICE PRECINCT (2021–22 SCHOOL YEAR)





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## ENSURE IMMIGRANT PARENTS CAN PARTICIPATE IN THEIR CHILDREN'S EDUCATION

Even before the recent arrival of thousands of newcomers seeking asylum in the U.S., more than 329,000 school-age children and youth in New York City—roughly 30% of all students—did not have a parent who speaks English fluently. Many of these families face additional barriers when it comes to accessing information about their children's schools. For example, most of the New York City Department of Education (DOE)'s communication with families currently occurs online and via email, but an estimated 61,000 students of Limited English Proficient parents live in households without broadband internet access.

In both FY 2022 and FY 2023, the City allocated \$4 million in one-year funding for immigrant family communication so that the DOE could provide targeted outreach and support to these students' families, taking into account their varying levels of literacy and access to digital media. This funding has helped strengthen the DOE's ability to communicate with immigrant families by, for example, using local ethnic media to share school-related updates, sending paper notices to families' homes, reaching families via phone calls and text messages, and collaborating with immigrant-facing community-based organizations to create and launch information campaigns.

Though the recent increase in the number of newly arrived immigrant families in New York City has made such a multi-faceted approach to communication and outreach more critical than ever, funding for this initiative will expire in June 2023 and was not included in the Mayor's Executive Budget for Fiscal Year 2024.

The City should extend and baseline \$4 million in Fiscal Year 2024 for multi-faceted immigrant family communication and outreach.

Unless extended in the FY 2024 budget, funding for this important initiative will expire in June, leaving thousands of immigrant parents without timely access to information and unable to meaningfully participate in their children's education.



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# PROVIDE EARLY LEARNING OPPORTUNITIES TO CHILDREN WHO ARE UNDOCUMENTED

No child should be turned away from an early learning program because of their immigration status, and in January, the City launched Promise NYC to increase access to subsidized childcare for children who would otherwise be ineligible for existing programs due to federal restrictions. This first-of-its-kind initiative is expected to serve approximately 600 children from low-income immigrant families during the final six months of Fiscal Year 2023.

Given the recent increase in the number of immigrant families arriving in New York City—many of whom are living in shelter and seeking asylum in the United States—the number of children who stand to benefit from Promise NYC has only grown larger since the program was first announced. **About 40% of the thousands of newly arrived immigrant children are ages zero to five**; access to early care and education will be critical to helping prepare them for success in elementary school and beyond, while also enabling their parents to work, connect with resources, find permanent housing, and settle in their new communities.

Funding for Promise NYC will expire in June 2023 unless extended in the Fiscal Year 2024 budget. Though the need is greater than ever, funding to sustain this key initiative was left out of the Mayor's Executive Budget.

New York City should baseline \$20 million in the Fiscal Year 2024 budget for early childhood education and care for children who are undocumented.

The City should continue to be a leader in providing early learning opportunities to children, regardless of immigration status, by extending Administration for Children's Services (ACS) funding for Promise NYC. In FY 2023, the City allocated \$10 million for six months; to continue serving the same number of children in FY 2024, the City would need \$20 million for the full year.



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# BOLSTER ENGLISH LANGUAGE LEARNER TRANSFER SCHOOL PROGRAMS

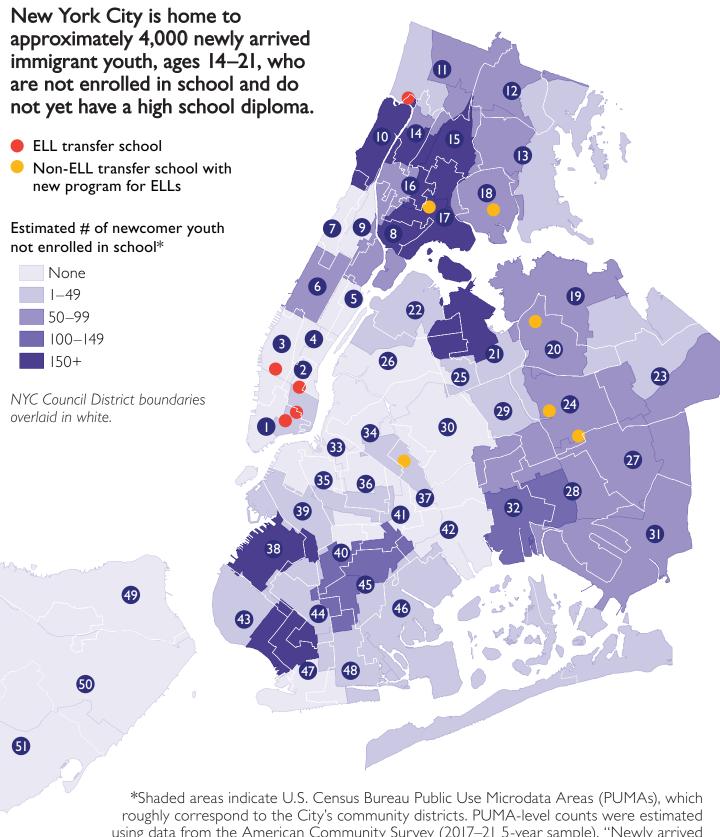
English Language Learners (ELLs) who arrive in the U.S. as teenagers have some of the greatest needs of any student population. In addition to having to learn a new language and meet graduation requirements before they turn 21, many of these students also have gaps in their education and require specialized academic support to access the curriculum; are juggling jobs and family obligations in addition to their schoolwork; and have complex social-emotional needs in part due to traumatic migration experiences. Unfortunately, there are few schools able to provide the support these students need to be successful. We routinely work with older immigrant youth seeking help with enrollment who were turned away by high schools, and others who were not aware that enrolling in high school was an option for them.

The DOE's "ELL transfer schools" provide a supportive learning environment for older immigrant students, including intensive English as a New Language (ENL) instruction, bilingual social workers, and partnerships with community-based organizations to help address immigration, housing, and other needs. However, there are only five such schools, four of which are located in Manhattan—far from the neighborhoods where many immigrant youth live and work, making it difficult for them to attend. The City has an additional 40 transfer schools serving over-age and under-credited youth, but these schools do not focus on ELLs and are not equipped to meet their needs.

To begin to address this gap, this year the DOE launched new programs aimed at serving recently arrived immigrant ELLs, ages 16–21, at six existing non-ELL transfer schools in Brooklyn, the Bronx, and Queens. However, these programs did not receive sufficient resources to provide the intensive support that newcomer youth typically need. With the recent increase in the number of newly arrived immigrant families, the need for programs that can appropriately serve older immigrant youth has only grown more urgent.

The City should invest and baseline \$3 million in Fiscal Year 2024 to add comprehensive services at the six new ELL transfer school programs.

This funding would provide bilingual social workers, robust training for school-based staff, and community-based wrap-around supports—bringing these new programs in line with best practices for newcomers ages 16–21 and enabling them to serve more students at a time when the need is greater than ever.



roughly correspond to the City's community districts. PUMA-level counts were estimated using data from the American Community Survey (2017–21 5-year sample). "Newly arrived immigrant youth" are defined as young people between the ages of 14 and 21 who were foreign-born, did not have a high school diploma or equivalent, and had lived in the U.S. for 0–3 years at the time of the survey. Citywide total was adjusted upward to account for the significant increase in the number of newly arrived immigrants in NYC in 2022.



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## EXPAND SCHOOLWIDE RESTORATIVE JUSTICE PRACTICES TO 500 HIGH SCHOOLS

Over the past decade, the Department of Education (DOE) has worked to reduce the use of suspensions and instead adopt restorative approaches to school discipline that keep students in the classroom where they belong. Punitive, exclusionary discipline practices—which disproportionately impact students of color, students with disabilities, and youth in the foster system—do not make schools safer. On the contrary, they cause harm: research has consistently shown that students who are suspended from school perform worse on standardized tests, are less likely to graduate from high school, and have higher odds of future contact with the juvenile or criminal legal system.

All students deserve schools where they feel safe and supported, but without sufficient resources and appropriate alternatives for addressing behavior and helping students navigate conflict, City schools continue to resort to suspensions. During the 2021–22 school year:

- » The DOE issued over 25,000 suspensions and reported an additional 6,600 classroom removals.
- » 40% of all suspensions went to students with disabilities, who were 21% of the population.
- » Black students received over half of superintendent's suspensions (suspensions lasting 6–180 days), despite making up only 21% of DOE enrollment.

With each exclusion from school, students lose days, weeks, or even months of instructional time and may disengage from school entirely, alienated from the place that should be a haven for learning.

Schoolwide restorative practices, in contrast, hold young people accountable for their actions, address the root causes of behavior, and help students build and heal relationships; their adoption is correlated with improved academic outcomes, school climate, and staff-student relationships. However, most New York City schools still do not have the staff, training, and resources needed to implement schoolwide restorative practices successfully.

The City should invest and baseline \$85 million in Fiscal Year 2024 to bring schoolwide restorative practices to 500 high schools.

The expansion and full implementation of this model requires hiring a restorative justice coordinator for each school (\$75M), as well as training all school staff, students, and families in restorative justice; funding restorative justice electives or clubs; and providing young people with stipends and training to lead restorative practices (\$10M).



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### GUARANTEE BUSING FOR STUDENTS IN FOSTER CARE

More than 7,000 New York City students spend time in foster care each year; they are disproportionately Black and from the City's poorest communities. When children are removed from their homes and families and placed into foster care, school is often the only source of stability in their lives. And the data show that school stability matters: students in foster care who transfer schools during the year are even less likely to score proficient on the grades 3–8 state math and reading tests than their peers in care who do not change schools.

While federal and state law require school districts to provide transportation to students in foster care so they can stay in their original school, unless it is in their best interest to transfer, New York City currently does not guarantee bus service or a comparable mode of door-to-door transportation to students in the foster system. The Department of Education (DOE) provides busing to students in care who require special education transportation and those who can be added to existing routes—though delays in the approval and routing process are common, with students left waiting for weeks or even months for bus service to begin. As a result, students who cannot travel on their own may be forced to transfer schools mid-year, meaning they must adjust to unfamiliar peers, teachers, routines, and curriculum at the same time as they are experiencing the trauma of being separated from their parents.

This year, the DOE took an important step by launching its first-ever team focused on students in the foster system. Now, the City should ensure children can get to school without delay when they are placed in foster care or change foster placements. The DOE already guarantees yellow bus service to the thousands of kindergarten through sixth grade students living in shelter; this guarantee should be extended to include the relatively small number of students in foster care so they can continue to attend school without interruption.

The Fiscal Year 2024 budget should include and baseline \$5 million to guarantee door-to-door transportation—busing or a comparable alternative—for students in the foster system.

No student in foster care should be forced to change schools due to a lack of prompt, reliable transportation.



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## PROVIDE PRESCHOOLERS WITH DISABILITIES WITH EVALUATIONS & MANDATED SERVICES

The first five years of life are a period of rapid brain development, making it all the more critical that children with developmental delays or disabilities receive intervention and support at the earliest opportunity, when services can have the greatest impact. Yet even as New York City has expanded access to early childhood education, thousands of preschoolers with disabilities have gone without the evaluations and special education services they have a legal right to receive. During the 2021–22 school year, 37% of preschoolers with disabilities—a total 9,800 children—did not receive all their mandated services. For example:

- » More than 6,500 preschoolers who needed speech therapy did not have a single session of this service before the end of the year, including 33% of all children needing bilingual speech therapy.
- » More than one in four preschoolers (26%) recommended for physical therapy never received it.
- » Almost 1,300 children never received their mandated part-time special education teacher (SEIT) services, representing 19% of all preschoolers with this recommendation.

This year, we have heard from parents who have been unable to even start the process of obtaining services for their children because they cannot get an appointment for a preschool special education evaluation. We have also heard from many families whose preschoolers are still waiting—months into the school year—for their mandated services to begin because the DOE has been unable to find providers. The City must ensure that young children with disabilities are not left waiting for the help they need and have a legal right to receive.

"My child is currently regressing, academically and socially, because he is not getting the appropriate support... [Services] need to start ASAP. The only one suffering is my son."

 Parent of a preschooler not receiving occupational or speech therapy at his school, February 2023

New York City should invest and baseline \$50 million in Fiscal Year 2024 for preschool special education evaluations and related services.

The City should take steps such as launching more DOE evaluation teams; hiring more DOE service providers and teachers, rather than relying on outside agencies; and increasing payment rates for contracted providers to ensure children, including those who need bilingual services and those in underserved communities, receive their services where they go to preschool.