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**VIA HAND DELIVERY**

Elizabeth R. Berlin  
Executive Deputy Commissioner  
New York State Education Department  
89 Washington Avenue  
Room 125  
Albany, New York 12234

Dear Deputy Commissioner Berlin:

On behalf of the New York State Alliance for Children with Special Needs - - School Age, representing approximately 20 "day-only" school age programs throughout the State, we welcome this opportunity to continue our dialogue of concerns around the funding of New York's non-public special education system - - a conversation which began more than a decade ago with the PSRU Special Education Workgroup, continued through the Governor's Task Force on Special Education, and most recently, through meetings with the New York State Association of Counties, the Division of the Budget, Legislators, NYSED consultants and staff at almost every level within the Department.

On several occasions, the Alliance has partnered with our colleague advocacy groups Interagency Council of Developmental Disabilities Agencies (IAC), Cerebral Palsy Association of New York State (CP of NY) and the New York State Association of Retarded Children (NYSARC) to develop informational white papers proposing general schematics together with detailed recommendations. One such document developed in 2005 (attached) remains the most comprehensive framework for reform. It is noteworthy, that with minor adjustment, the recommendations advanced in 2005 remain relevant nearly a decade later. Accordingly, the Alliance continues to advocate for:

- The elimination of "reconciliation";
- The development of a multi-year rate with an annual growth factor aligned with "like" service delivery systems and the capacity to retain cost savings without penalty;
- The elimination of the direct/indirect cost parameters;
- Reimbursement based upon a fixed enrollment (i.e. 98% of experience enrollment, similar to OCFS);

- The “pass through” of certain fixed costs; and
- Reimbursement of real and actual costs in “current” time.

We attach for your consideration a number of legislative proposals advanced in the spirit of meaningful reform throughout the past several years:

**S.5672/A.8337** (2007) - - relating to retention of a fund balance and development of a multi-year rate schematic;

**A.11830** (2006) - - relating to aligning non-public salaries with public sector compensation;

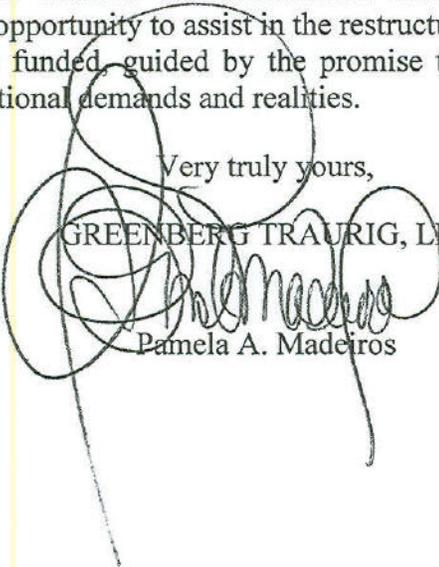
**S.5112-A** (2005) - - relating to allowing non-public personnel access to public retirement systems; and

Proposal - - relating to allowing the “pass-through” of certain fixed costs.

The list of legislative proposals designed to remedy one or more “facets” of the existing methodology far exceeds the illustrations referenced above. The Alliance welcomes, therefore, the opportunity to assist in the restructuring of the system by which our school age programs are funded, guided by the promise that the new design will reflect actual program and operational demands and realities.

Very truly yours,

GREENBERG TRAUERIG, LLP

  
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PAM/kac  
Enclosures

cc: Suzanne Bolling  
Joe Conroy

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