

## Putting Special Education in the NYCDOE into context: 5

- Included within these percentages are students who are educated in District 75.
- While many District 75 students are integrated within regular buildings, and some in regular classrooms, their education is run and overseen by a separate administration and a separate set of teachers and service providers.
- District 75 students comprise 13% of all the students with disabilities in NYC
- They comprise 8% of the students with disabilities who are educated in regular buildings
- They comprise over 50% of the students with disabilities who are educated outside of regular buildings.
  - » Hehir Report

## Putting NYCDOE into some context: 6

- During the 2003-2004 year, NYC employed 11,810 special education teachers, translating to an approximate ratio of 12.7 students with a disability per teacher.
- They also employed 12,156 teacher assistants or aides, equaling a ratio of 12 students with a disability per aide.
- These ratios are equivalent to, or lower than, averages for Chicago, Los Angeles, New York State and the nation as a whole -- indicating a sufficiently staffed special education program.

## Putting Special Education in the NYCDOE into context: 7

- The total budget for special education in 2003-04 was \$3,406,942,546, approximately 25% of the overall school budget in New York City.
- Chicago -- comprised 14.9%
- Los Angeles -- comprised 9.6% in 2003-04
- The largest portion of this budget is paid for related service providers (33%),
- Followed closely by costs related to the employment of special education teachers (26%).

## Putting NYCDOE into some context: 8

- 1170 school psychologists
- 2640 counselors
- 2015 speech-language therapists
- 1151 occupational therapists

## Hehir Report: Some intrinsic factors impacting on the complexity of Medicaid claiming:

- Community school districts & District 75
- Data entry
- Data systems
- Staff training
- Principals in community school districts
- Administrative turn-over
- Staff turn-over
- Technology and hardware
- Internal communication
- Documentation collection and archiving
- Reorganization impact (more on that later)

## Some extrinsic factors impacting claiming on the complexity of Medicaid claiming:



- Staff buy-in
- ASHA requirements
- ROI
- Staff movement within the system
- Student transience: into, out of, within the system
- Immigration and documentation
- Finding qualified staff
- Licensure and certifications

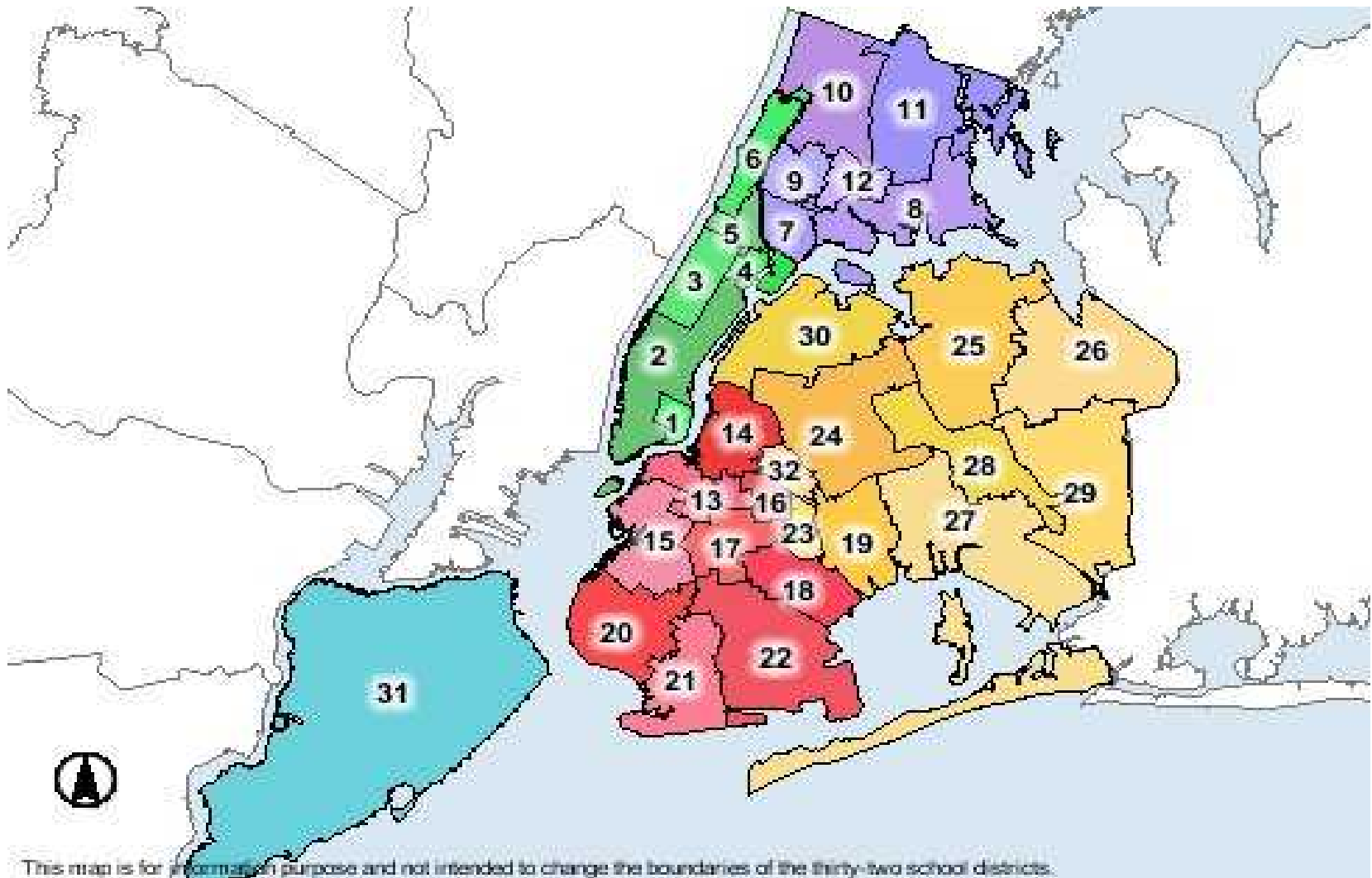
- The unions:
  - Paperwork reduction
  - Additional work responsibilities beyond contract
  - Concerns about legal exposure



## NYCDOE in dynamic flux

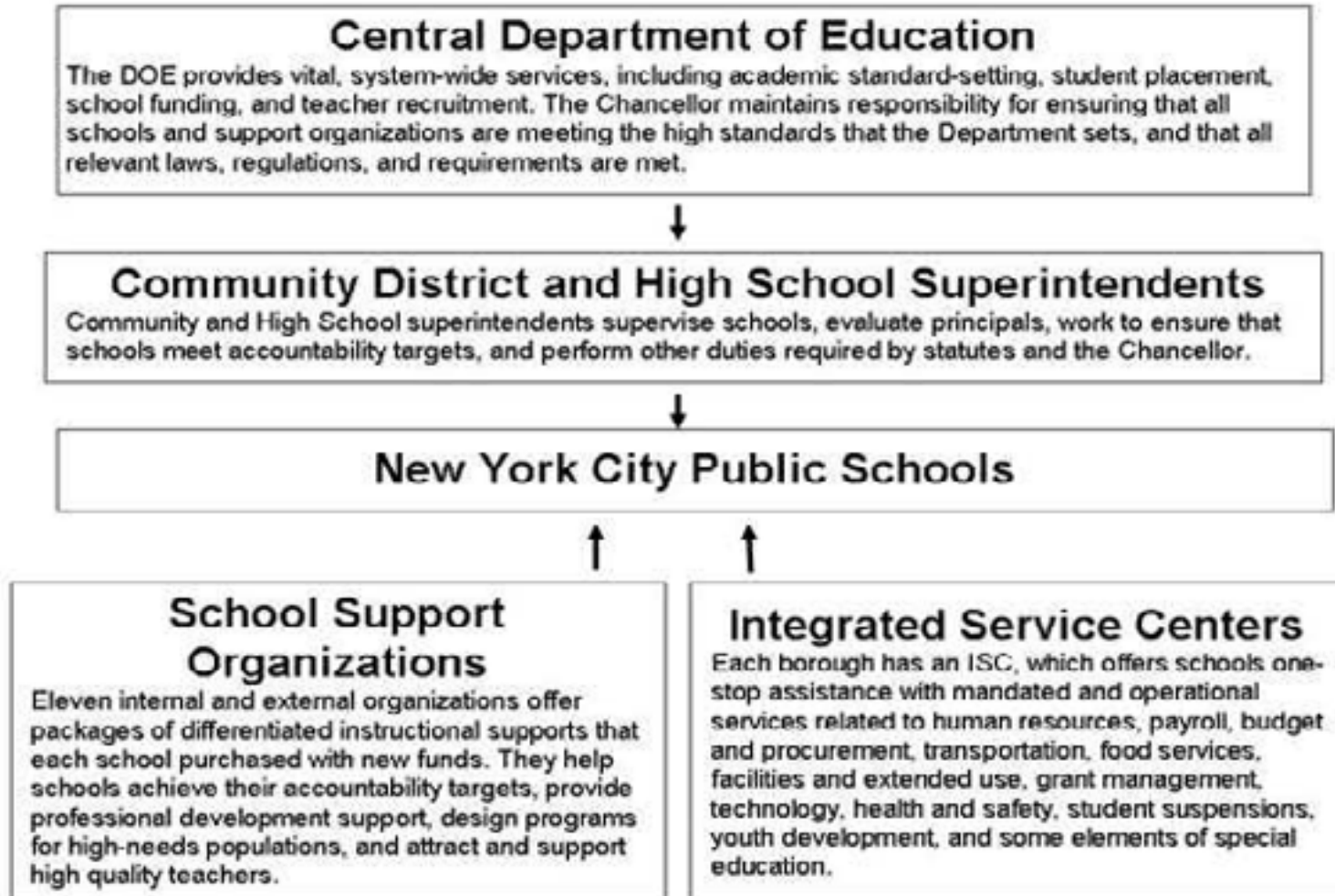
- From the late 1960s through 2003, schools were grouped into districts. Elementary schools and middle schools were grouped into 30 geographic districts, and high schools were grouped into 5 geographically larger districts (one each for Manhattan, the Bronx, and Queens, one for most of Brooklyn, and one, BASIS, for the rest of Brooklyn and all of Staten Island).
- In addition there were several special districts for alternative schools and schools serving severely disabled students.
- In 2003 the districts were replaced by ten regions. Each region encompassed several elementary/middle school districts, and part of a high school district.
- In 2005 several schools joined the Autonomous Zone (later, Empowerment Zone) and were allowed to use part of their budgets to directly purchase support services. These schools were released from their regions.
- In 2007 the Mayor and Chancellor announced the dissolution of the regions, effective June 2007. The plans are to keep the empowerment zone, and four large Learning Support Organizations.

## Districts and regions





# Present school structure



# Considering “Under the Direction” documentation for speech services

## Can we talk?

- 60,000 students receiving speech services
- 2,015 professionals providing speech services
- 30 speech supervisors in CSD
- 10 speech supervisors in D.75



So, let's consider some of the implications....  
E.g.: IDEAR 2004 requirements for parental consent to claim



- Students Receiving DOE Special Education Services (includes Pre-School and Non-Public Schools): 145,655

That translates into how many additional forms and outreach efforts and meetings?

Montevideo, MN. And New York, NY:  
All things great and small....

- Shortage of appropriately licensed service providers
- Volume of paperwork
- Lack of uniformity of documentation formatting
- Best methods of reimbursement allocation
- Challenges of coordination of efforts



# Putting things into perspective

Largest 200 U.S. School Districts (based on Census 2000 Total Population)					
Rank	District Name	State	Type	Code	Population
1	<b>New York City</b>	<b>NY</b>	<b>Unified</b>	<b>20580</b>	<b>8,008,278</b>
2	Los Angeles Unified	CA	Unified	22710	4,444,560
3	City of Chicago School District	IL	Unified	09930	2,896,016
4	Dade County School District	FL	Unified	00390	2,253,362
5	Broward County School District	FL	Unified	00180	1,623,018
6	Philadelphia City School District	PA	Unified	18990	1,517,550
7	Clark County School District	NV	Unified	00060	1,375,765
8	Houston Independent School District	TX	Unified	23640	1,259,617
9	Hawaii Department of Education	HI	Unified	00030	1,211,537
10	Palm Beach County School District	FL	Unified	01500	1,131,184
11	Hillsborough County School District	FL	Unified	00870	998,948
12	San Diego City Unified	CA	Unified	34320	986,131
13	<b>Dallas Independent School District</b>	<b>TX</b>	<b>Unified</b>	<b>16230</b>	<b>986,021</b>
14	Fairfax County Public Schools	VA	Unified	01260	969,749
15	<b>Detroit City School District</b>	<b>MI</b>	<b>Unified</b>	<b>12000</b>	<b>951,267</b>
16	Pinellas County School District	FL	Unified	01560	921,482
17	Orange County School District	FL	Unified	01440	896,344
18	Montgomery County Public Schools	MD	Unified	00480	873,341
19	Prince George's County Public Schools	MD	Unified	00510	801,515
20	Duval County School District	FL	Unified	00480	778,879
21	San Francisco Unified	CA	Unified	34410	776,733
22	Baltimore County Public Schools	MD	Unified	00120	754,292

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## CMS sets its sights .... And a pattern begins to emerge.

- NEW YORK: The OIG estimated that \$96,110,877 in Federal Medicaid funding was unallowable for transportation services claimed by the New York City Department of Education. The OIG found that virtually none of the sampled transportation claims met all Federal and State requirements.
- MICHIGAN: The GAO reported that Michigan claimed \$30 million in questionable administrative expenditures for school-based administrative activities that were not related to Medicaid. Among other issues, school staff revealed that activities were performed pertaining to family communications and staff training that had no Medicaid component or benefit.
- TEXAS: The OIG found that Houston's system of calculating its school-based administrative claims was not reliable and that unallowable costs were included in the calculations. The supporting cost documentation, the allocation methodologies, and the time studies used by Houston did not support Federal reimbursement of \$2,792,575.

## Some solutions: 1

Find methods for providing better public relations....



Get the word out and begin changing the public perception of the place of Medicaid in schools and how funding is actually used .....



For example, Dennis Smith observes....

“Improper billing by school districts for administrative costs and transportation services under the shared Federal/State Medicaid program is a long-standing concern of the Department of Health and Human Services (HHS). Both HHS’ Office of the Inspector General (OIG) and the Government Accountability Office (GAO) have identified these categories of expenses as susceptible to waste and abuse.”

“For example, in certain states, school-based administrative claims represent upwards of 50 percent of total Medicaid administrative claiming in a given year. There have been documented cases where money was paid to school districts for luxury suites, theatre tickets, and tickets to professional sporting events; transportation of children to school and back despite the fact the child received no medical services; instances where school officials salaries and fringe benefits were double counted; and, examples where services billed to Medicaid overlapped with the services that were predominately educational activities.”

“Under the Individuals with Disabilities Education Act (IDEA), schools deliver a broad range of educational and related services (e.g., educational, social and medical) to students with disabilities that address their diverse needs. The Social Security Act specifies that states can receive federal Medicaid funding for certain services provided to children under the IDEA. The proposal seeks to eliminate fraud, waste and abuse in the Medicaid program and also ensures that school-based administrative expenditures are recognized and claimed properly, consistent with Federal law.”



## Some Solutions: 2

### Reposition the original intent of MA in schools



“Gifts wax poor when givers prove unkind.”  
- Hamlet

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## Some solutions: 3 Let's work together

- Intra-state dialogue
- Inter-state dialogue
- CMS regional offices and state education departments
- Bringing together state-wide agencies and organizations with shared interests.
- Bringing together national agencies and organizations with shared interests.
- ...&, of course, D.C.
- Etc., etc., and this is where you come in.



## Some solutions 4: Let us reason together

- “...some of the requirements...help...others are unduly burdensome, and we ask for your help in restoring some common sense aspects of this critical program.”
- “While states received an initial round of specific feedback on April 30<sup>th</sup>, many questions remain and state will be hard pressed to meet the ACF’s June 30<sup>th</sup> deadline for submission of amended plans. The slow pace of feedback and the scope of the required changes make it practically impossible for states to come into full compliance by September 2007.”

--Jon S. Corzine  
(speaking about TANF)



Some solutions: 5  
Rethinking the future role of Medicaid in schools.



- SCHIP reauthorized
- NCLB reauthorized
- IDEA reauthorized
- Emerging IT in the service of claiming
  - Etc.

And the future of school-based Medicaid claiming?

Movement towards a better alignment of intent and execution?



Aspirations for a greater claiming potential!

