

Urging The New York State Governor And State Legislature To Remove Counties From The Fiscal And Programmatic Responsibility Of The Preschool Special Education Program

The Human Development Committee (Chairman Gregorius and Legislators Loughran, Provenzano, Stoeckeler, Hansut, Noonan and Terrizzi) offers the following:

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions-Educational Program as 4410 of the Education Law, and

WHEREAS, this law included a provision to reduce the county fiscal liability to 25 percent by the 1993-94 school year, and

WHEREAS, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on State statutory assurances of increased State fiscal participation in the program and the State has consistently resorted to balancing the State Budget by decreasing the State's portion of the program costs, and

WHEREAS, this mandated program has grown exponentially in costs, from \$96 million in 1989 to over \$1 billion in 2006-07, of which the county share was \$450 million, and

WHEREAS, the federal and state law places responsibility for the program with the educational system and gives decision-making authority to school districts, and

WHEREAS, the financial burden for programmatic decisions falls on counties rather than on school districts, and

WHEREAS, the New York State Governor and State Legislature last year recognized the need to reform the Preschool Special Education Program and established the Temporary Task Force on Preschool Special Education to make recommendations for the same, and

WHEREAS, the Temporary Task Force on Preschool Special Education, in its final report, recommended that county fiscal participation be capped and county programmatic and administrative involvement be eliminated by 2013, and

WHEREAS, the 2008-09 Executive Budget proposes to limit the growth of county expenditures for the preschool special education program at 4 percent the first year, 3.5 percent the second year and 3 percent the third year and every year thereafter, and

Resolution No. 126 April 9, 2008

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WHEREAS, this proposal imposes a new financial requirement on school districts by requiring them to take over the State responsibility to reimburse counties 59.5 percent of the costs of Committee on Preschool Special Education (CPSE) administration and evaluations, and

WHEREAS, the New York State Governor's proposal excludes the City of New York from the benefits of the proposal, while asking it to assume the State's share of costs for administration and evaluation, and

WHEREAS, NYSAC applauds the New York State Governor for proposing to "cap" county expenses but urges that the "cap" be carefully examined and structured to maximize savings and long-term benefits to counties, and

WHEREAS, the Human Development Committee has met and reviewed this legislative initiative with a majority of members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed this legislative initiative with a majority of members voting approval.

RESOLVED, that NYSAC believes that counties should, ultimately, be removed from the fiscal, contractual and programmatic responsibilities of the 4410 Preschool Special Education Program, and

FURTHER RESOLVED, that NYSAC calls on the New York State Governor and State Legislature to build off of the 2008-09 Executive Budget proposal to "cap" the growth of county Preschool Special Education expenses and ensure that counties statewide benefit from this proposal, and

FURTHER RESOLVED, that NYSAC calls on the New York State Governor and State Legislature to begin, in 2008-09, the process for transitioning programmatic and administrative responsibility from counties in line with the recommendations of the Temporary Task Force on Preschool Education, and

FURTHER RESOLVED, that NYSAC shall forward copies of this Resolution to Governor David Paterson, the New York State Legislature and all others deemed necessary and proper,

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

AYES:

NOES:

FINANCIAL IMPACT:
UNKNOWN

0415

WITHDRAWN BY SPONSOR