

Urging The Governor And State Legislature To Remove Counties From The Fiscal And Programmatic Responsibility Of The Pre-School Special Education Program

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

WHEREAS, Chapter 23 of the Laws of 1989 established the Pre-School 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, counties bear the financial burden for programmatic decisions made by school districts, and

WHEREAS, the Governor and State Legislature last year recognized the need to reform the Pre-School Special Education Program and established the Temporary Task Force on Pre-School Special Education to make recommendation for the same, and

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

RESOLVED, that the Ulster County Legislature believes that counties should be removed by 2013 from the fiscal, contractual and programmatic responsibilities of 4410 Pre-School Special Education Program, and

Resolution No. 383 December 10, 2008

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FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Dean G. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Thomas Kirwan, and the New York State Association of Counties,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello, Felicello and Kraft)

FINANCIAL IMPACT:

\$182,250.00 – BUDGETED COUNTY DOLLARS

(TO BE ELIMINATED BY YEAR 2013)

\$267,750.00 – STATE REVENUE DOLLARS

(TO BE INCREASED BY \$450,000.00 BY YEAR 2013)

\$450,000.00 – TOTAL PROGRAM COSTS YEAR 2008