

1 **2006 Fall Seminar**
2 **Standing Committee on Children with Special Needs**
3 **Resolution #05**

4
5 **RESOLUTION CALLING FOR AMENDMENTS TO STATE LAW TO PROVIDE**
6 **COUNTIES WITH MORE TIMELY REIMBURSEMENT FOR THE**
7 **PRESCHOOL SPECIAL EDUCATION PROGRAM AND THE EARLY**
8 **INTERVENTION PROGRAM**
9

10 **WHEREAS**, counties are payors in the first instance for services provided to
11 children, ages birth to five, served by the Preschool Special Education and the Early
12 Intervention Program; and

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14 **WHEREAS**, while counties are required to pay providers in a timely manner,
15 current Education Law and Health Law requires that counties are reimbursed by the state
16 on a lag basis; and

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18 **WHEREAS**, counties must wait until after the beginning of the state fiscal year
19 to claim for all expenses incurred from July 1st forward; and

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21 **WHEREAS**, this lag in reimbursement creates substantial cash flow problems
22 and further exacerbates the financial burden these programs place on local taxpayers; and

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24 **WHEREAS**, the System for Tracking and Accounting for Children (STAC),
25 Automated Voucher Listings (AVL) and rate setting processes for the Preschool Special
26 Education Program are acknowledged to be inefficient and are more often than not to
27 blame for counties receiving prior years' approvals which result in pended claims for
28 which funds may not be available in the current state fiscal year; and

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30 **WHEREAS**, annual appropriation language included in the state budget restricts
31 the state from releasing funds to counties on a timely basis for pended claims, regardless
32 of the school year in which costs were incurred and at what point in the year the claims
33 received approval for payment; and

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35 **WHEREAS**, counties are mandated to pay their providers at least quarterly while
36 they are frequently paid several years later for costly Preschool Special Education
37 Program services; and

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39 **WHEREAS**, counties are mandated to pay 100% of the costs of these services
40 and transportation in the first instance, only to wait months (and more often, years) for
41 59.5% reimbursement from the state; and

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43 **WHEREAS**, on an annual basis counties experience pended claims in the tens of
44 millions of dollars adding an additional burden on local taxpayers:
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1 **NOW, THERFORE, BE IT RESOLVED**, that the New York State Association
2 of Counties (NYSAC) calls for amendments to state law to provide counties with more
3 timely reimbursement for the Preschool Special Education Program and the Early
4 Intervention Program; and

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6 **BE IT FURTHER RESOLVED**, that NYSAC calls for a repeal of the statutory
7 lag in reimbursement for the state’s share of the Preschool Special Education Program
8 and the Early Intervention Program; and

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10 **BE IT FURTHER RESOLVED**, that those counties who have followed
11 established claiming procedures for the Preschool Special Education Program should not
12 be fiscally penalized by the state through budget language that restricts the payment of
13 pended local claims for reimbursement; and

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15 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this
16 Resolution to the Governor, the New York State Legislature and all others deemed
17 necessary and proper.