

1 **2022 NYSAC Fall Seminar**
2 **NYSAC Board of Directors**
3 **Resolution #3**

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5 **Resolution Urging the Governor and State Legislature to Gradually**
6 **Eliminate the County Fiscal Responsibility for Preschool Special Education**
7 **and Summer School Special Education Programs**

8
9 **WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for
10 Children with Handicapping Conditions as 4410 of the Education Law; and

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12 **WHEREAS**, the original law included a provision to limit the county fiscal
13 responsibility to 25 percent by the 1993-94 school year; and

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15 **WHEREAS**, a gubernatorial statewide task force on reforming preschool special
16 education determined that counties should be removed completely from financing the
17 state's preschool special education program; and

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19 **WHEREAS**, the State has enacted legislation to provide universal prekindergarten for
20 all age eligible children in New York State to be financed 100 percent with state
21 resources; and

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23 **WHEREAS**, the State also requires counties to support 10 percent of summer school
24 special education 4408 program costs for all children; and

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26 **WHEREAS**, Governor Hochul has approved a 15 percent provider rate increase,
27 amounting to more than \$240 million in additional funding; and

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29 **WHEREAS**, NYSAC estimates the financial cost borne by counties for this rate
30 increase is approximately \$50 million annually; and

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32 **WHEREAS**, the adopted SFY 2023 Budget did not include any funding to offset this
33 new rate increase, thus expanding an already underfunded county mandated cost; and

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35 **WHEREAS**, the fact that other states do not require county government to pay for
36 these special education expenses and the failure of New York State to fully fund its
37 promised share of preschool special education program costs contributes directly to
38 New York's highest in the nation property tax burden.

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40 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
41 Counties (NYSAC) calls on Governor Kathy Hochul and the New York State Legislature
42 to implement a plan to gradually remove counties from the fiscal responsibility of
43 paying for preschool and summer school special education programs; and

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45 **BE IT FURTHER RESOLVED**, in the first phase, the State must cap the annual
46 county share growth for state fiscal year 2023 at no more than two percent to mirror the

1 allowable growth in the property tax cap or the average of the last three years of an
2 individual county's costs, whichever is less; and

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4 **BE IT FURTHER RESOLVED**, the second phase should include capping county
5 fiscal liability at a zero percent increase for preschool special education and then
6 implementing a multi-year plan to incrementally reduce the county fiscal liability for
7 this program to no more than 25 percent as intended at the inception of the program to
8 help reduce pressure on property taxes; and

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10 **BE IT FURTHER RESOLVED**, the third phase should gradually reduce the county
11 fiscal responsibility to zero for both preschool and summer school special education
12 costs; and

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14 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
15 of New York encouraging member counties to enact similar resolutions; and

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

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