

1 **NYSAC 2023 Legislative Conference**
2 **Standing Committee on Children with Special Health Care Needs**
3 **Resolution #2**

4
5 **Resolution Urging the Governor and State Legislature to Move the**
6 **Administrative Responsibility for Preschool Special Education**
7 **Transportation Services to Local School Districts**
8

9 **WHEREAS**, Section 200.16(e)(5) of the Regulations of the Commissioner of Education
10 requires the municipality in which a Preschool Special Education Program (Pre-K SEP)
11 student resides to provide suitable transportation, as determined by the board of
12 education, to services developed in an Individual Education Plans (IEP), as needed; and
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14 **WHEREAS**, municipalities contract with third-party transportation vendors to provide
15 transportation services to children in the Pre-K SEP to and from necessary services; and
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17 **WHEREAS**, these third-party transportation vendors have varying health and safety
18 procedures; and
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20 **WHEREAS**, school districts are experts on transporting children and should have the
21 burden of transporting these children as well; and
22

23 **WHEREAS**, coordinating with bus companies is a significant administrative burden on
24 municipalities, particularly on already overburdened local health departments; and
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26 **WHEREAS**, Section 4401(4) of the New York State Education Law requires all school
27 districts to provide transportation for all pupils, defined as children enrolled in any
28 public or nonpublic elementary, middle, or secondary school, with disabilities residing
29 in the district for whom such services are specified in their IEP; and
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31 **WHEREAS**, local school districts own, operate, and maintain buses or have systems in
32 place to contract with bus companies to transport pupils with disabilities to and from
33 special classes; and
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35 **WHEREAS**, local school districts have existing systems in place to ensure that bus
36 drivers, monitors, and attendants are properly trained and qualified to transport pupils,
37 including those in Pre-K and with disabilities, safely to and from school; and
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39 **WHEREAS**, local school districts have experience and processes in place to coordinate
40 frequently changing bus routes.
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42 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
43 Counties (NYSAC) calls upon the Governor and the New York State Legislature to shift
44 the responsibility for the administration of Pre-K-SEP transportation services to local
45 school districts, commensurate with their experience transporting other pupils with
46 disabilities residing in their districts to and from special services; and

1 **BE IT FURTHER RESOLVED**, that an inter-agency task force involving both the
2 New York State Department of Health and the New York State Education Department
3 be convened to evaluate the current structure of the Pre-K SEP and consider best
4 practices and cost-saving mechanisms for Pre-K SEP transportation services moving
5 forward; and
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7 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
8 of New York encouraging member counties to enact similar resolutions; and
9

10 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
11 Governor Kathy Hochul, the New York State Legislature and all others deemed
12 necessary and proper.