

1 **2022 NYSAC Fall Seminar**
2 **Standing Committee on Children with Special Health Care Needs**
3 **Resolution #3**

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5 **Resolution Urging the State of New York to Require School Districts to**
6 **Administer and Fund Pre-School Special Education and Early Intervention**
7 **Services**

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9 **WHEREAS**, as there is no mention of education in the United State Constitution,
10 education is considered a reserved power for the states; and

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12 **WHEREAS**, Article XI, Education in the New York Constitution states in Section 1,
13 “The legislature shall provide for the maintenance and support of a system of free
14 common schools, wherein all the children of this state may be educated.”; and

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16 **WHEREAS**, in the school-funding and educational-rights case Campaign for Fiscal
17 Equity (CFE) v. State of New York, the New York Court of Appeals, the state’s highest
18 court, held that children are entitled to a sound basic education; and

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20 **WHEREAS**, there is substantial understanding that the early years of a child’s life are
21 critical to their social, emotional, behavioral, and academic development in preparation
22 for entry into New York’s free common schools; and

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24 **WHEREAS**, early childhood intervention is essential to mitigating development issues
25 that put children at substantial educational risk before entry into New York’s free
26 common schools; and

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28 **WHEREAS**, early childhood intervention programs result in indisputable, documented
29 social, emotional, behavioral, and academic benefits at the appropriate time for young
30 children; and

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32 **WHEREAS**, New York State’s Early Intervention program has been plagued by a
33 shortage of qualified providers whose pay raises have been few and far between; and

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35 **WHEREAS**, children who are qualified and required to be provided services within
36 thirty (30) days of being identified end up on waiting lists sometimes for months; and

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38 **WHEREAS**, a new approach is needed to provide these services to maximize the
39 benefit to qualified children.

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41 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
42 Counties calls on the Governor and State Legislature to authorize and fully fund local
43 school districts making them responsible for pre-school special education services and
44 early childhood intervention programs; and

1 **BE IT FURTHER RESOLVED**, should local school districts have difficulties housing
2 or providing Early Intervention Services programs, they must engage a Board of
3 Education Cooperative Service (BOCES) to provide cooperative programs, including
4 private providers, to ensure the delivery of EIS programs to all young children in need;
5 and
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7 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
8 New York encouraging member counties to enact similar resolutions; and
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10 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall
11 forward copies of this resolution to the Governor of the State of New York, the New York
12 State Legislature and all others deemed necessary and proper.