

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

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

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

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

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

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

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

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

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

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

27 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC calls on Governor Kathy  
28 Hochul and the New York State Legislature to implement a plan to gradually remove  
29 counties from the fiscal responsibility of paying for preschool and summer school  
30 special education programs; and

31 **BE IT FURTHER RESOLVED**, in the first phase, the State must cap the annual  
32 county share growth for state fiscal year 2023 at no more than two percent to mirror the  
33 allowable growth in the property tax cap or the average of the last three years of an  
34 individual county's costs, whichever is less; and

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

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

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

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