

Warren County Board of Supervisors

RESOLUTION NO. 723 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, HOGAN, BRAYMER, LEGGETT AND DRISCOLL

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO GRADUALLY ELIMINATE THE COUNTY FISCAL RESPONSIBILITY FOR PRESCHOOL SPECIAL EDUCATION AND SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS

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

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

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

WHEREAS, the State has enacted legislation to provide universal pre-kindergarten for all age eligible children in New York State to be financed 100 percent with state resources, and

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

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

WHEREAS, Warren County estimates the financial cost borne by counties for this rate increase is approximately \$50 million dollars annually, and

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

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

RESOLVED, that the Warren County Board of Supervisors calls on Governor Kathy Hochul and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs, and be it further

RESOLVED, that in the first phase, New York State must cap the annual county share growth for state fiscal year 2023 at no more than two percent to mirror the allowable growth in the property tax cap or the average of the last three years of an individual county's costs, whichever is less, and be it further

RESOLUTION No. 723 OF 2022

PAGE 2 OF 2

RESOLVED, that the second phase should include capping county fiscal liability at a zero percent increase for preschool special education and then implementing a multi-year plan to incrementally reduce the county fiscal liability for this program to no more than 25 percent as intended at the inception of the program to help reduce pressure on property taxes, and be it further

RESOLVED, that the third phase should gradually reduce the county fiscal responsibility to zero for both preschool and summer school special education costs, and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this resolution to the Governor of the State of New York, the New York State Legislature and all others deemed necessary and proper.