

1 **2023 NYSAC 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

13
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

16
17 **WHEREAS**, coordinating with bus companies is a significant administrative burden on
18 municipalities, particularly on already overburdened local health departments; and

19
20 **WHEREAS**, according to a survey of 51 county local health departments, county Pre-K
21 SEP transportation costs from utilizing third-party transportation vendors have been
22 increasing for years, with overall statewide costs being 90% higher in 2022 than they
23 were in 2020; and

24
25 **WHEREAS**, Pre-K SEP transportation costs per child are consistently highest for
26 small, rural counties due to limited choices for transportation vendors; and

27
28 **WHEREAS**, Section 4401(4) of the New York State Education Law requires all school
29 districts to provide transportation for all pupils, defined as children enrolled in any
30 public or nonpublic elementary, middle or secondary school, with disabilities residing in
31 the district for whom such services are specified in their IEP; and

32
33 **WHEREAS**, local school districts either own, operate, and maintain buses or have
34 systems in place to contract with bus companies to transport pupils with disabilities to
35 and from special classes; and

36
37 **WHEREAS**, local school districts have existing systems in place to ensure that bus
38 drivers, monitors, and attendants are properly trained and qualified to transport pupils,
39 including those in Pre-K and with disabilities, safely to and from school; and

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41 **WHEREAS**, local school districts have experience and processes in place to coordinate
42 frequently changing bus routes and receive State aid for the costs of transportation
43 services; and

1 **WHEREAS**, Pre-K SEP transportation costs for localities contracting with local school
2 districts to provide transportation to and from services are significantly lower than costs
3 incurred from utilizing third-party transportation vendors; and
4

5 **WHEREAS**; localities utilizing school districts to provide transportation to Pre-K SEP
6 services spent 78% less on transportation costs per child in 2022 compared to localities
7 utilizing third-party transportation vendors, equaling millions of dollars in cost savings
8 for localities annually; and
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10 **WHEREAS**, the disparity in cost for Pre-K SEP transportation per child from utilizing
11 third-party vendors versus school districts has been getting wider since 2019, especially
12 in small counties; and
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14 **WHEREAS**, county taxpayer dollars are utilized to pay for Pre-K SEP transportation
15 services regardless of who administers such services; and
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17 **WHEREAS**, this action could also allow counties and school districts to take advantage
18 of the countywide shared services initiative (CWSSI) further providing localities with
19 cost savings; and
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21 **WHEREAS**, both school districts and municipal government have the fiduciary
22 responsibility to be good stewards of local taxpayer money.
23

24 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
25 Counties calls upon the Governor and the New York State Legislature to shift the
26 responsibility for the administration of Pre-K-SEP transportation services to local
27 school districts, commensurate with their experience transporting other pupils with
28 disabilities residing in their districts to and from special services and the cost savings for
29 localities associated with school districts providing these services versus third-party
30 vendors; and
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32 **BE IT FURTHER RESOLVED**, that localities maintain the fiscal responsibility for
33 providing these services; and
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35 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
36 of New York encouraging member counties to enact similar resolutions; and
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38 **BE IT FURTHER RESOLVED**, that the New York State Association of Counties shall
39 forward copies of this resolution to Governor Kathy Hochul, the New York State
40 Legislature and all others deemed necessary and proper.