

**85385**

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.  
Commissioner

DATE: June 4, 2021

RE: Authorization to Enter into Agreements with Westchester County School Districts listed on the Attachment to Accept the Federal IDEA Flow-through Funds for Part B, Section 611 and 619 for the contract periods as specified by the school districts (7/1/21 to 8/31/22 or 9/1/21 to 8/31/22 or 7/1/21 to 8/31/24), in amounts to be determined by the respective school districts' October 1<sup>st</sup> 2020 Federal Count.

Authority is requested by the County of Westchester, acting by and through its Department of Health ("WCDH"), to enter into agreements with Westchester County School Districts listed on the Attachment to accept federal Individuals with Disabilities Education Act ("IDEA") Flow-through Funds for Part B, Section 611 and 619 for the contract periods as specified by the School Districts (7/1/21 to 8/31/22 or 9/1/21 to 8/31/22 or 7/1/21 to 8/31/24), in amounts to be determined by the school districts' October 1<sup>st</sup> 2020 Federal Count. These amounts are being determined by the New York State Education Department depending on federal allocation.

The WCDH is an approved special education program provider under Section 4410 of the Education Laws of 1989 and its subsequent amendments. As an approved New York State special education program provider, the WCDH may access the federal IDEA Flow-through Funds for Part B, Section 611 & 619 for the said period, as specified by the school districts as listed on the Attachment. The purpose of these federal IDEA funds is to provide funding for activities that supplement, not supplant, preschool special education services under New York State Education Law and to relieve the County of expenditures over and above prior year costs. This use of the funds is both cost efficient and a federal mandate.

The agreements with these school districts will require that the County indemnify, defend and hold harmless the school districts for claims arising out of the services provided by the County.

The Agreements are exempt from the Westchester County Procurement Policy pursuant to Sections 3(a)viii, 3(a)ix, 3(a)xii and 3(a)xvii thereof.

Use of the funds from these agreements will promote the public health and welfare of Westchester County's children with special needs by enabling daily participation in special needs programs and other community settings that typically developing children attend. Over 4,500 children are served by the 4410 Preschool Program.

The goals and objectives of these programs are to:

- Provide appropriate educational services to children three to five years old with developmental disabilities and/or delays in accordance with their approved Individualized Education Program ("IEP").
- Provide these services in the child's least restrictive setting.

Since this is federal funding and the County is accepting funding from New York State, there are certain reporting requirements mandated by the state with which we must comply. The use of these funds is monitored, both by the WCDH and respective school districts through monthly productivity reports.

Approval of the attached resolution is respectfully requested.

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/01/2021 - LISA MRIJAJ, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Health, be it hereby

- RESOLVED,** that the County of Westchester, acting by and through its Department of Health, is authorized to enter into agreements with Westchester County School Districts listed on the Attachment to accept federal IDEA Flow-through Funds for Part B, Section 611 and 619 for the periods as specified by the School Districts (7/1/21 to 8/31/22 or 9/1/21 to 8/31/22 or 7/1/21 to 8/31/24), in amounts to be determined by the respective school districts' October 1<sup>st</sup> 2020 Federal Count; and, be it further
- RESOLVED,** that the agreements with these school districts will require that the County indemnify, defend and hold harmless the school districts for claims arising out of the services provided by the County; and, be it further
- RESOLVED,** that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this Resolution in the manner prescribed by law.

Department of Health  
 County of Westchester  
 10 County Center Road, 2<sup>nd</sup> Floor  
 White Plains, New York 10607

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	2700	9221		To be determined

Budget Funding Year(s)  
 (must match resolution) 2021-2024 Start Date July 1, 2021 End Date August 31, 2024

Funding Source	Tax Dollars	<hr/>
	State Aid	<hr/>
<b>To be determined</b>	Federal Aid	<u>100% federal revenue</u>
(must match resolution)	Other	<hr/>

