

74256

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

DATE: January 23, 2020

RE: Authorization for the County of Westchester to Enter into Agreements with New York State Education Department Approved Providers of Special Education Preschool Services, Pursuant to Section 4410, Part 200 of the New York State Education Law, for the Period July 1, 2020 through June 30, 2025, in the total aggregate amount not to exceed \$329,743,129 with each Provider to be reimbursed at Rates established by the New York State Education Department

Under Section 4410, Part 200 of the New York State Education Law, and its subsequent amendments, counties are required to enter into agreements with New York State Education Department (“NYSED”) approved providers for Special Education Preschool Services, including evaluations, for children with disabilities ages 3-5 years. Each of these providers would be reimbursed for services at the rates established by the NYSED.

Agreements with these qualified and approved providers of Special Education preschool services, which include agencies and individuals, are exempt from the Westchester County Procurement Policy under Sections 3(a) viii, 3 (a) ix and 3(a) xvii.

The Westchester County Department of Health has been advised by the NYSED that the “subject to County appropriations” language and the New York State budget language are “impermissible” in these New York State Education Law Section 4410 agreements. As stated by the New York State Education Department, “...Education Law Section 4410 (5)(f) mandates that the counties contract and pay for preschool special education services in the first instance with reimbursements by the State.”

Authority is hereby requested for the County of Westchester to enter into agreements with these providers of Special Education preschool services, as listed on the Attachment, pursuant to Section 4410, Part 200 of the New York State Education Law, and its subsequent amendments, for the period from July 1, 2020 through June 30, 2025, in the total aggregate amount not to exceed \$329,743,129, with each provider to be reimbursed at rates established by the NYSED. The first period’s annualized not-to-exceed amount is approximately \$61,986,865, subject to increases in subsequent annual funding periods.

These agreements will promote the public health, safety and welfare of Westchester County's children with special needs by enabling their daily participation in special needs programs and other community settings that typically developing children attend. On an annual basis, approximately 1,314 children are served by the 4410 Special Education preschool programs. In 2019 approximately 1,300 children were served.

The goals and objectives of these programs are to:

- Provide appropriate educational services to children from three to five with developmental disabilities in accordance with their approved Individualized Education Plan.
- Provide these services in the child's least restrictive setting.

Providers will be monitored, as per their contract requirements and the Health Department's performance measurement indicators, for the provision of services through program site visits and review of their clinical session and progress notes, and accuracy of billing by monthly reviews of submitted documentation.

An appropriate resolution has been attached herewith for your Board's consideration and approval.

SA/MY/dc

Attachments

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/27/2019 LISA MARIJAJ, SECRETARY

RESOLUTION

Upon communication from the Commissioner of Health, be it hereby

- RESOLVED,** that the County of Westchester is authorized to enter into agreements with New York State Education Department (“NYSED”) approved providers of Special Education preschool services, including evaluations, as listed on the Attachment, pursuant to Section 4410, Part 200 of the New York State Education Law, for the period from July 1, 2020 through June 30, 2025, with each provider to be reimbursed at rates established by the NYSED; and, be it further
- RESOLVED,** that the total aggregate amount of these Agreements shall not exceed \$329,743,129; and, be it further
- RESOLVED,** that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute and deliver all instruments and to take all actions necessary or appropriate to accomplish the purpose of this resolutions.

Department of Health
County of Westchester
10 County Center Road, 2nd Floor
White Plains, New York 10607
January 23, 2020

Original Agreement \$
 First Amendment \$
This Amendment \$ _____
 TOTAL \$

Agreement #
 Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub- object	Trust Account	Dollars	Budget Year	Period
101	27	2700	4538		22,365,058	2020	07/01/20-12/31/20
101	27	2700	4534		3,736,826	2020	07/01/20-12/31/20
101	27	2700	4533		1,400,000	2020	07/01/20-12/31/20
101	27	2700	4538		26,975,378	2021	01/01/21-06/30/21
101	27	2700	4534		6,081,603	2021	01/01/21-06/30/21
101	27	2700	4533		1,428,000	2021	01/01/21-06/30/21
101	27	2700	4538		23,036,010	2021	07/01/21-12/31/21
101	27	2700	4534		3,848,931	2021	07/01/21-12/31/21
101	27	2700	4533		1,442,000	2021	07/01/21-12/31/21
101	27	2700	4538		27,784,639	2022	01/01/22-06/30/22
101	27	2700	4534		6,264,051	2022	01/01/22-06/30/22
101	27	2700	4533		1,470,840	2022	01/01/22-06/30/22
101	27	2700	4538		23,727,090	2022	07/01/22-12/31/22
101	27	2700	4534		3,964,399	2022	07/01/22-12/31/22
101	27	2700	4533		1,485,260	2022	07/01/22-12/31/22
101	27	2700	4538		28,618,178	2023	01/01/23-06/30/23
101	27	2700	4534		6,451,973	2023	01/01/23-06/30/23
101	27	2700	4533		1,514,965	2023	01/01/23-06/30/23
101	27	2700	4538		24,438,903	2023	07/01/23-12/31/23
101	27	2700	4534		4,083,331	2023	07/01/23-12/31/23
101	27	2700	4533		1,529,818	2023	07/01/23-12/31/23
101	27	2700	4538		29,476,723	2024	01/01/24-06/30/24
101	27	2700	4534		6,645,532	2024	01/01/24-06/30/24
101	27	2700	4533		1,560,414	2024	01/01/24-06/30/24
101	27	2700	4538		25,416,459	2024	07/01/24-12/31/24
101	27	2700	4534		4,246,664	2024	07/01/24-12/31/24
101	27	2700	4533		1,575,713	2024	07/01/24-12/31/24
101	27	2700	4538		30,655,792	2025	01/01/25-06/30/25
101	27	2700	4534		6,911,353	2025	01/01/25-06/30/25
101	27	2700	4533		1,607,226	2025	01/01/25-06/30/25

Budget Funding Years	2020-2025	Start date	7/1/20	End date	6/30/25
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Funding Source	Tax dollars	39%	\$128,599,820				
	State aid	58%	\$191,251,015				
\$329,743,129	Insurance						
(must match resolution)	Medicaid	3%	\$9,892,294				

4410 PreSchool Attachment

ACDS, Inc.
Alcott School
Applied Behavior Analysis Corp. d/b/a Fred S. Keller School
ARC of Rockland, Inc. d/b/a Prime Time for Kids
Association for Mentally Ill Children of Westchester, Inc. (AMIC)/Clearview
Behavior Analysts of New York, LLC
Bilinguals, Inc. d/b/a Achieve Beyond
Birch Family Services, Inc.
Center for Autism and Related Disorders, LLC
Cerebral Palsy of Westchester, Inc.
City School District of New Rochelle
Clarke School for the Deaf d/b/a Clarke School - New York
Developmental Delay Rehabilitation Services, Inc.
Easter Seals New York, Inc.
Family Services of Westchester/A.K.A. Prime Time
Greenburgh Central School District #7
Guidance Center of Westchester, Inc., The
Hawthorne Foundation, Inc.
Hebrew Academy for Special Children, Inc.
HTA of New York, Inc.
Jawonio Inc.
JCC of Mid-Westchester Nursery School
John A. Coleman School
John A. Coleman School d/b/a Elizabeth Seton Children's School
Kinderwise Learning Associates, LLC
Life-Skills Home Training Tutorial Program for Preschoolers, Inc.
Los Niños Early Childhood Services, LLC
Mamaroneck Union Free School District
Mid Island Therapy Associates, LLC d/b/a All About Kids
Mount Vernon Public Schools
Mt. Pleasant-Blythedale UFSD
New York League for Early Learning, Inc.
NYSARC, Inc., NY City Chapter (AHRC)
NYSARC, Inc., Putnam County Chapter d/b/a Putnam Associated Resource Centers (PARC)
NYSARC, Inc., Rockland County Chapter d/b/a Prime Time for Kids
NYSARC, Inc., Ulster, Greene, Putnam Counties Chapter, dba The ARC Mid-Hudson
NYSARC, Inc., Westchester County Chapter
Programs for Little Learners, LLC
Rising Ground, Inc.
Sunshine RN, OT, PT, SLP & Psychology, PLLC
TheraCare Preschool Services, Inc.
Union Child Day Care Center, Inc. d/b/a Lois Bronz Children's Center
United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc.
Westchester Community Opportunity Program, Inc. (Port Chester Therapeutic Nursery)
Westchester Community Opportunity Program, Inc. (WESTCOP Therapeutic Nursery)
Westchester School for Special Children

SCHOOL DISTRICTS

Ardley UFSD
Bedford Central School District
Blindbrook-Rye UFSD
Briarcliff Manor UFSD
Bronxville UFSD
Byram Hills Central School District
Chappaqua Central School District
Croton Harmon School District
Dobbs Ferry UFSD
Eastchester UFSD
Edgemont UFSD
Elmsford UFSD
Harrison Central School District
Hastings-On-Hudson UFSD
Hendrick Hudson School District
Irvington UFSD
Katonah-Lewisboro UFSD
Lakeland Central School District
Mt. Pleasant Central School District
North Salem Central School District
Ossining UFSD
Peekskill City School District
Pelham UFSD
Pleasantville UFSD
Pocantico Hills Central S.D.
Port Chester-Rye UFSD
Putnam Valley Central School District
Rye City School District
Rye Neck UFSD
Scarsdale UFSD
Somers Central School District
Tarrytown UFSD
Tuckahoe UFSD
Valhalla UFSD
White Plains City School District
Yonkers Public Schools
Yorktown Central School District