

**Department of Health**  
145 Huguenot Street – 8<sup>th</sup> Floor  
New Rochelle, N.Y. 10801

TO: Board of Acquisition and Contract

FROM: Cheryl Archbald, M.D., M.P.H.  
Acting Commissioner of Health

DATE: April 16, 2010

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, 2010 through June 30, 2015, in the total aggregate amount not to exceed \$273,889,432, 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, 2010 through June 30, 2015, in the total aggregate amount not to exceed \$273,889,432, with each provider to be reimbursed at rates established by the NYSED. The first period’s annualized not-to-exceed amount is approximately \$50,567,415, subject to increases in subsequent 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 5,000 children are served by the 4410 Special Education preschool programs. Last year approximately 4,950 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. If this resolution is not approved, children enrolled in these programs will not receive services, their developmental and educational needs will substantially regress and the County will be out of compliance with the respective state regulations.

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

CA/LC

Attachments

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-13-2018 - JONATHAN VETTER, SECRETARY

## RESOLUTION

Upon communication from the Acting 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, 2010 through June 30, 2015, 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 \$273,889,432; 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  
145 Huguenot Street, 8th Floor  
New Rochelle, New York 10801  
April 16, 2010

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-13-2010 - JOMAR V. MERA, SECRETARY

Agreement #

Account to be Charged/Credited

<u>Fund</u>	<u>Dept</u>	<u>Major Program, Program &amp; Phase or Unit</u>	<u>Object/Su b-object</u>	<u>Trust Account</u>	<u>Dollars</u>	<u>Budget Year</u>
101	27	2700	4538		\$16,148,584	2010
101	27	2700	4534		\$5,134,345	2010
101	27	2700	4533		\$875,000	2010
101	27	2700	4538		\$20,517,203	2011
101	27	2700	4534		\$6,982,283	2011
101	27	2700	4533		\$910,000	2011
101	27	2700	4538		\$16,794,527	2011
101	27	2700	4534		\$5,339,719	2011
101	27	2700	4533		\$910,000	2011
101	27	2700	4538		\$21,337,891	2012
101	27	2700	4534		\$7,261,575	2012
101	27	2700	4533		\$946,400	2012
101	27	2700	4538		\$17,466,308	2012
101	27	2700	4534		\$5,553,308	2012
101	27	2700	4533		\$946,400	2012
101	27	2700	4538		\$22,191,407	2013
101	27	2700	4534		\$7,552,038	2013
101	27	2700	4533		\$984,256	2013
101	27	2700	4538		\$18,164,961	2013
101	27	2700	4534		\$5,775,440	2013
101	27	2700	4533		\$984,256	2013
101	27	2700	4538		\$23,079,063	2014
101	27	2700	4534		\$7,854,119	2014
101	27	2700	4533		\$1,023,626	2014
101	27	2700	4538		\$18,891,559	2014
101	27	2700	4534		\$6,006,457	2014
101	27	2700	4533		\$1,023,626	2014
101	27	2700	4538		\$24,002,226	2015
101	27	2700	4534		\$8,168,284	2015
101	27	2700	4533		\$1,064,571	2015

Budget Funding Years	2010-2015	Start date	7/1/10	End date	6/30/15
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Funding Source	Tax dollars	40.5%	\$110,925,220			
	State aid	59.5%	\$162,964,212			
<b>\$273,889,432</b>	Insurance	0%				
(must match resolution)	Medicaid					

Attachment

Advanced Therapeutic Concepts, Inc.  
 Alcott School  
 Applied Behavior Analysis Corp.

ARC of Rockland, Inc. d/b/a Prime Time for Kids  
Association for Mentally Ill Children of Westchester, Inc. (AMIC)/Clearview  
Bedford Central School District  
Behavior Analysts of New York, LLC  
Bilinguals, Inc.  
Birch Family Services, Inc.  
Bright Beginnings Family Services, Inc.  
Center for Autism and Related Disorders, Inc.  
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.  
Diane Slonim & Associates, Inc.  
Easter Seals New York, Inc.  
Family Services of Westchester/A.K.A. Prime Time  
Greenburgh Central School District #7  
Guidance Center, Inc., The  
Hawthorne Foundation, Inc.  
Hebrew Academy for Special Children, Inc.  
HTA of New York, Inc.  
J.G.B. Education Services  
JCC of Mid-Westchester Nursery School  
John A. Coleman School  
Kinderwise Learning Associates, LLC  
Leake and Watts Services, Inc.  
Los Ninos Early Childhood Services, LLC  
Mamaroneck Union Free School District  
Mid Island Therapy Associates/All About Kids  
Mount Vernon Public Schools  
Mt. Pleasant-Blythedale UFSD  
New York League for Early Learning  
NYSARC, INC., NY City Chapter (AHRC)  
Programs for Little Learners, LLC  
Putnam County Chapter NYSARC, Inc. d.b.a. Putnam Associated Resource Centers (PARC)  
St. Mary's Hospital for Children, Inc.  
TheraCare Preschool Services, Inc.  
Tri-State Learning Center, 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 County Chapter NYSARC, Inc.  
Westchester School for Special Children

## **SCHOOL DISTRICTS**

Ardasley UFSD

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-13-2010 - JOMARY VIEIRA, SECRETARY