

**93841**

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.  
Commissioner

DATE: June 8, 2022

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 (7/1/22 to 8/31/23 or 9/1/22 to 8/31/23), in amounts to be determined by the respective school districts' October 1<sup>st</sup> 2021 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 (7/1/22 to 8/31/23 or 9/1/22 to 8/31/23), in amounts to be determined by the school districts' October 1<sup>st</sup> 2021 Federal Count. These amounts will be 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 - 06/16/2022 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

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

**RESOLVED,** that the County of Westchester is authorized to enter into agreements with those Westchester County School Districts listed on the Attachment hereto to accept federal IDEA Flow-through Funds for Part B, Section 611 and 619 for the periods as specified by the School Districts (7/1/22 to 8/31/23 or 9/1/22 to 8/31/23), in amounts to be determined by the respective school districts' October 1<sup>st</sup> 2021 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			Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	Fund	Dept				To be determined
	101	27	2700	9221		
Budget Funding Year(s) (must match resolution)	2022-2023	Start Date	July 1, 2022	End Date	August 31, 2023	
Funding Source	Tax Dollars	_____				
	State Aid	_____				
<b>To be determined</b> (must match resolution)	Federal Aid	100% federal revenue				
	Other	_____				

