



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 30, 2026

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Contract with Batavia School District**

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into contract, as required by New York State Education Department (NYSED), with the Batavia School District to place an Alden student in a Preschool Special Education program due to the unavailability of classroom placements in any Erie County Special Education programs.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/jah  
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Health  
**Re:** Contract with Batavia School District  
**Date:** January 30, 2026

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### **SUMMARY**

ECDOH's Children with Special Needs Division contracts with many Preschool Special Education Programs to provide classroom-based services to children, but currently all classrooms are full. New York State Education Department requires that if a school district within Erie County places a student in a NYSED approved special needs program, Erie County must contract with that program. In this case, an Alden resident is being placed in a program at the Batavia School District.

### **FISCAL IMPLICATIONS**

Funding was budgeted for and is currently available for the contract in account 528000 Services to Handicapped Children to cover the costs incurred and the tuition rates for Special Needs Programs are set by NYSED.

### **REASONS FOR RECOMMENDATION**

The contract is required by NYSED Part 200 of the Regulations of the Commissioner of Education pursuant to special education programs and services for students with disabilities, funding is available, and ensures an Erie County resident is able to attend a classroom-based service for Preschool Special Education.

### **CONSEQUENCES OF NEGATIVE ACTION**

Erie County would not be in compliance with NSYED part 200 and could jeopardize the resident's access to a classroom-based Preschool Special Education program.

### **STEPS FOLLOWING APPROVAL**

ECDOH will work with Budget and Management and County Attorney's Office on executing all terms of the contract.

RESOLUTION SUBMITTED BY:  
DEPARTMENT OF HEALTH

Re: Contract with Batavia School District

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Alden School District Committee on Preschool Special Education has placed a preschool student from Erie County with the Batavia School District program; and

WHEREAS, the Batavia School District program is an approved NYS Education Department Preschool Special Education Program.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with the Batavia School District for the placement of a preschool student from Erie County; and be it further

RESOLVED, that funds are available within the Health Department's Division of Children with Special Needs (Fund 110, Funds Center 12750) Account 528000 – Services to Handicapped Children to cover the costs incurred; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Department of Health and Division of Budget and Management.