



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 3, 2026

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

RE: Authorization to Contract with Therapy Resources Speech Language Pathology, Physical Therapy and Occupational Therapy

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with Therapy Resources Speech Language Pathology, Physical Therapy and Occupational Therapy (DBA Children's Creative Therapies) to address current capacity issues in securing mandated related services for children in the New York State Special Education Preschool Services Program.

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 black ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/et
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to Contract with Therapy Resources Speech Language Pathology, Physical Therapy and Occupational Therapy
Date: September 3, 2026

SUMMARY

Erie County Department of Health (ECDOH) Children with Special Needs Division contracts with many Preschool Special Education Programs to provide related services to children, but are currently experiencing capacity issues. Children are on waiting lists to receive mandated services listed in their Individualized Education Plans. New York State Education Department (NYSED) requires that if a school district within Erie County mandates therapy services for children, Erie County must contract with agencies to provide those services. ECDOH is looking to increase the number of contracted agencies available to meet these mandates. This resolution seeks waiver of the procedures in Section 26.08 of the Erie County Administrative Code because rates paid to providers are non-negotiable and are listed in the New York State Special Education Database.

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. There is one rate listed in the New York State Special Education Database for all Related Services and providers are reimbursed per completed therapy session.

REASONS FOR RECOMMENDATION

NYSED Part 200 of the Regulations of the Commissioner of Education pursuant to special education programs and services for students with disabilities requires that counties contract with agencies to provide related services authorized by District Committee's on Special Education, funding is available, and Erie County is looking to increase the number of contracted agencies to address present capacity issues.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would not be in compliance with NYSED Part 200 and children would remain on waiting lists for mandated services.

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: Authorization to Contract with Authorization to Contract with Therapy Resources
Speech Language Pathology, Physical Therapy and Occupational Therapy

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with many Special Education programs providing Related Services; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education mandates Related Services, the county must contract with agencies who can provide those services; and

WHEREAS, the ECDOH is experiencing capacity issues and children are waiting to receive mandated services; and

WHEREAS, Authorization to Contract with Therapy Resources Speech Language Pathology, Physical Therapy and Occupational Therapy (DBA Children's Creative Therapies) is able to provide Related Services to some children on waiting lists; and

WHEREAS, funds are available in Account 528000 Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with Therapy Resources Speech Language Pathology, Physical Therapy and Occupational Therapy (DBA Children's Creative Therapies), waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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