S T A T E O F N E W Y O R K

2064

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to alternative institutional support programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3641 of the education law is amended by adding a new subdivision 16 to read as follows:

16. ALTERNATIVE INSTITUTIONAL SUPPORT AID. A. BOARDS OF EDUCATION OF CITY, COMMON, UNION FREE AND CENTRAL SCHOOL DISTRICTS SHALL BE AUTHORIZED TO CONTRACT WITH APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAMS TO PROVIDE INSTRUCTIONAL AND SUPPORT SERVICES TO SPECIAL EDUCATION AND/OR NON-SPECIAL EDUCATION STUDENTS WHO ARE DEEMED BY THE DISTRICT TO BE AT-RISK.

B. PAYMENT PURSUANT TO SUCH CONTRACT SHALL BE FROM THE DISTRICT TO THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM FOR THE ACTUAL COST OF THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM'S PROVISION OF SERVICES AND INCLUDE COSTS FOR ADMINISTRATIVE, INSTRUCTIONAL, OPERATING AND SUPPORT SERVICES EXPENSES PROPORTIONATE TO THE STUDENT'S ATTENDANCE IN THE PROGRAM. STUDENTS WHO ATTEND THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SHALL CONTINUE TO BE COUNTED BY THE DISTRICT OF RESIDENCE FOR PURPOSES OF DETERMINING FEDERAL AND STATE AID TO THE DISTRICT RELATIVE TO STUDENTS WITH AND WITHOUT DISABILITIES.

C. DISTRICTS MAY ALSO CONTRACT WITH AN APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM TO SERVE AS AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT AND CONCURRENT STATE LAW. A DISTRICT MAY CONTRACT WITH THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM FOR SERVICES AS AN INTERIM ALTERNATIVE EDUCATIONAL SETTING WHEN-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02632-01-3

EVER A STUDENT IS ELIGIBLE FOR SUCH PLACEMENT IN ACCORDANCE WITH LAW, SUCH AS IN CERTAIN DISCIPLINARY CONTEXTS.

D. THE DISTRICT SHALL COMPENSATE AN APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SERVING AS AN INTERIM ALTERNATIVE EDUCATION SETTING ON AN ACTUAL COST BASIS.

E. THE COMMISSIONER SHALL PROCESS APPLICATIONS FOR AND MAINTAIN A LIST OF APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAMS. AN ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SHALL BE APPROVED IF IT IS A NOT-FOR-PROFIT, NON-SECTARIAN EDUCATIONAL PROGRAM THAT UTILIZES CERTIFIED PERSONNEL AND HAS DEMONSTRATED A MINIMUM OF TEN YEARS OF IMPROVED STUDENT PERFORMANCE FOR AT-RISK STUDENTS.

S 2. This act shall take effect immediately.