

5061--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 11, 2015

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Introduced by M. of A. NOLAN, MAYER, FAHY, McDONALD, BRONSON, LIFTON, CAHILL, JAFFEE -- (at request of the State Education Department) -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing a fiscal stabilization reserve fund as part of the tuition reimbursement methodology for school age programs and providing an annual growth amount for the tuition reimbursement for school age programs operated by in-state approved private schools for the education of students with disabilities and special act school districts

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

1     Section 1. Paragraph c of subdivision 4 of section 4405 of the educa-  
2     tion law, as amended by chapter 82 of the laws of 1995, is amended to  
3     read as follows:  
4     c. The director of the budget, in consultation with the commissioner  
5     [of education], the commissioner of social services, and any other state  
6     agency or other source the director may deem appropriate, shall approve  
7     reimbursement methodologies for tuition and for maintenance. Any modifi-  
8     cation in the approved reimbursement methodologies shall be subject to  
9     the approval of the director of the budget. [Notwithstanding any other  
10    provision of law, rule or regulation to the contrary, tuition rates  
11    established for the nineteen hundred ninety-five--ninety-six school year  
12    shall exclude the two percent cost of living adjustment authorized in  
13    rates established for the nineteen hundred ninety-four--ninety-five  
14    school year.] TUITION RATES APPROVED FOR THE TWO THOUSAND SIXTEEN--TWO  
15    THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER FOR SPECIAL SERVICES OR  
16    PROGRAMS PROVIDED TO SCHOOL-AGE STUDENTS BY APPROVED PRIVATE RESIDENTIAL  
17    OR NON-RESIDENTIAL SCHOOLS FOR THE EDUCATION OF STUDENTS WITH DISABILI-

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

LBD08391-03-6

1 TIES THAT ARE LOCATED WITHIN THE STATE, AND BY SPECIAL ACT SCHOOL  
2 DISTRICTS SHALL GROW BY A PERCENTAGE EQUAL TO THE GREATER OF: (I) THE  
3 AVERAGE, ROUNDED TO THREE DECIMAL PLACES, OF THE QUOTIENTS OF THE TOTAL  
4 PERSONAL INCOME OF TAXPAYERS IN THE STATE FOR EACH STATE FISCAL YEAR IN  
5 THE THREE-YEAR PERIOD FINISHING WITH THE STATE FISCAL YEAR ONE YEAR  
6 PRIOR TO THE STATE FISCAL YEAR IN WHICH THE BASE YEAR COMMENCED DIVIDED  
7 BY THE TOTAL PERSONAL INCOME OF TAXPAYERS OF THE STATE FOR EACH IMME-  
8 DIATELY PRECEDING STATE FISCAL YEAR, ROUNDED TO THREE DECIMAL PLACES  
9 MINUS ONE, OR (II) ZERO.

10 S 2. Section 4004 of the education law is amended by adding a new  
11 subdivision 5 to read as follows:

12 5. THE BOARD OF EDUCATION OF A SPECIAL ACT SCHOOL DISTRICT SHALL BE  
13 AUTHORIZED TO ESTABLISH A FISCAL STABILIZATION RESERVE FUND. THERE MAY  
14 BE PAID INTO SUCH FUND AN AMOUNT AS MAY BE PROVIDED PURSUANT TO THE  
15 REQUIREMENTS OF PARAGRAPH K OF SUBDIVISION FOUR OF SECTION FORTY-FOUR  
16 HUNDRED FIVE OF THIS TITLE.

17 S 3. Subdivision 4 of section 4405 of the education law is amended by  
18 adding a new paragraph k to read as follows:

19 K. THE TUITION METHODOLOGY ESTABLISHED PURSUANT TO THIS SUBDIVISION  
20 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND  
21 THEREAFTER SHALL AUTHORIZE APPROVED PRIVATE RESIDENTIAL OR NON-RESIDEN-  
22 TIAL SCHOOLS FOR THE EDUCATION OF STUDENTS WITH DISABILITIES THAT ARE  
23 LOCATED WITHIN THE STATE, AND SPECIAL ACT SCHOOL DISTRICTS, TO RETAIN  
24 FUNDS IN EXCESS OF THEIR ALLOWABLE AND REIMBURSABLE COSTS INCURRED FOR  
25 SERVICES AND PROGRAMS PROVIDED TO SCHOOL-AGE STUDENTS. THE AMOUNT OF  
26 FUNDS THAT MAY BE ANNUALLY RETAINED SHALL NOT EXCEED ONE PERCENT OF THE  
27 SCHOOL'S OR SCHOOL DISTRICT'S TOTAL ALLOWABLE AND REIMBURSABLE COSTS FOR  
28 SERVICES AND PROGRAMS PROVIDED TO SCHOOL-AGE STUDENTS FOR THE SCHOOL  
29 YEAR FROM WHICH THE FUNDS ARE TO BE RETAINED; PROVIDED THAT THE TOTAL  
30 ACCUMULATED BALANCE THAT MAY BE RETAINED SHALL NOT EXCEED FOUR PERCENT  
31 OF SUCH TOTAL COSTS FOR SUCH SCHOOL YEAR. FUNDS MAY BE EXPENDED ONLY  
32 PURSUANT TO AN AUTHORIZATION OF THE GOVERNING BOARD OF THE SCHOOL OR  
33 SCHOOL DISTRICT, FOR A PURPOSE EXPRESSLY AUTHORIZED AS PART OF THE  
34 APPROVED TUITION METHODOLOGY FOR THE YEAR IN WHICH THE FUNDS ARE TO BE  
35 EXPENDED. THE DIRECTOR OF THE BUDGET, IN CONSULTATION WITH THE COMMIS-  
36 SIONER, SHALL ESTABLISH THE AUTHORIZED USES FOR THE EXPENDITURES OF SUCH  
37 FUNDS AS PART OF THE APPROVED TUITION METHODOLOGY. ANY SCHOOL OR SCHOOL  
38 DISTRICT THAT RETAINS FUNDS PURSUANT TO THIS PARAGRAPH SHALL BE REQUIRED  
39 TO ANNUALLY REPORT A STATEMENT OF THE TOTAL BALANCE OF ANY SUCH RETAINED  
40 FUNDS, THE AMOUNT, IF ANY, RETAINED IN THE PRIOR SCHOOL YEAR, AN AMOUNT,  
41 IF ANY, DISPERSED IN THE PRIOR SCHOOL YEAR, AND ANY ADDITIONAL INFORMA-  
42 TION REQUESTED BY THE DEPARTMENT AS PART OF THE FINANCIAL REPORTS THAT  
43 ARE REQUIRED TO BE ANNUALLY SUBMITTED TO THE DEPARTMENT.

44 S 4. This act shall take effect immediately.