

STATE OF NEW YORK

1877

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sen. AVELLA -- 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 the education of a preschool child with a handicapping condition

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs d, e and g of subdivision 1 of section 4410-a
2 of the education law, as amended by chapter 705 of the laws of 1992, are
3 amended and a new paragraph i is added to read as follows:

4 d. "Municipality of current location" for a child in foster care or a
5 child in residential care shall mean a municipality in which a child
6 lives which is different from the municipality in which a child or such
7 child's family lived at the time a social services district assumed
8 responsibility for the placement of such child or family, or at the time
9 such child was admitted for care and/or treatment in a facility licensed
10 or operated by another state agency. Provided, however, that for a
11 child who is homeless "municipality of current location" shall mean the
12 municipality in which the hotel, motel, shelter, or other temporary
13 housing arrangement of a homeless child is located, which is different
14 from the municipality of residence.

15 e. "Municipality of residence" for a child in foster care or a child
16 in residential care shall mean the municipality in which a child or such
17 child's family lived at the time the local social services district
18 assumed responsibility for the placement of such child or family, or at
19 the time such child was admitted for care and/or treatment in a facility
20 licensed or operated by another state agency. Provided, however, that
21 for a child who is homeless "municipality of residence" shall mean the
22 municipality in which a child or such child's family lived when circum-
23 stances arose which caused such child to become homeless.

24 g. "School district of current location" for a child in foster care or
25 a child in residential care shall mean a school district in which a

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

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child lives which is different from the school district in which a child or such child's family lived at the time a social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. Provided, however, that for a child who is homeless "school district of current location" shall mean the school district in which the hotel, motel, shelter, or other temporary housing arrangement of a homeless child is located, which is different from the school district of residence.

i. "School district of residence" for a child in foster care or a child in residential care shall mean the school district in which a child or such child's family lived at the time the local social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency, which is different from the school district of current location. Provided, however, that for a child who is homeless "school district of residence" shall mean the school district in which a child or such child's family lived when circumstances arose which caused such child to become homeless, which is different from the school district of current location.

§ 2. Subdivisions 2 and 3 of section 4410-a of the education law, as amended by chapter 280 of the laws of 1994, are amended to read as follows:

2. School district evaluation and placement responsibility. a. Child in residential care. The school district of current location of a ~~[foster care or homeless child or]~~ child in residential care shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition or for a preschool child with a disability pursuant to section forty-four hundred ten of this chapter.

b. Child in foster care. For a child in foster care, the school district of residence shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition or for a preschool child with a disability pursuant to section forty-four hundred ten of this chapter, unless the child welfare agency determines that it is in the child's best interests to transfer such responsibilities to the school district of current location.

c. Child who is homeless. For a child who is homeless, the parent or the person in parental relation to the homeless child shall designate either the school district of residence or the school district of current location and such designated district shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition or for a preschool child with a disability pursuant to section forty-four hundred ten of this chapter.

d. In issuing its written notice of determination of services, the board of education of [such] the school district with evaluation and placement responsibility as determined in paragraphs a, b, and c of this subdivision shall identify the municipality of residence and the municipality of current location of a preschool child with a handicapping condition who is a foster care or homeless child or child in residential care. Such notice of determination shall be transmitted to both the municipality of residence and the municipality of current location.

3. Contract and payment responsibility. The municipality ~~[of current location]~~ in which the school district that has evaluation and placement

1 responsibility is located shall be the municipality of record for a
2 preschool child with a handicapping condition who is a foster care or
3 homeless child or child in residential care for the purposes of section
4 forty-four hundred ten of this chapter provided, however, that, notwith-
5 standing the provision of paragraph b of subdivision eleven of such
6 section, the state shall reimburse one hundred percent of the approved
7 costs paid by such municipality which shall be offset by the local
8 contribution due pursuant to subdivision four of this section.
9 § 3. This act shall take effect on the ninetieth day after it shall
10 have become a law.