

STATE OF NEW YORK

8294

IN SENATE

April 26, 2018

Introduced by Sen. MARCELLINO -- 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 interim rates to reimburse special education schools

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

1 Section 1. Paragraphs a and c of subdivision 4 of section 4405 of the
2 education law, paragraph a as amended by chapter 53 of the laws of 1990
3 and paragraph c as amended by chapter 82 of the laws of 1995, are
4 amended to read as follows:

5 a. The commissioner of education and the commissioner of social
6 services shall develop reimbursement methodologies for the tuition and
7 maintenance components of approved private schools and special act
8 school districts. The commissioner of education, in consultation with
9 the appropriate state agencies and departments, shall have responsibility
10 for developing a reimbursement methodology for tuition which shall
11 be based upon appropriate educational standards promulgated pursuant to
12 regulations of the commissioner of education. Notwithstanding any other
13 provision of law, rule or regulation to the contrary, the commissioner
14 of education shall, as part of the reimbursement methodology for the
15 tuition approval process, include the use of interim plus rates consist-
16 ing of a carryforward of the prior certified rate plus approved growth
17 for any approved private school and special act school district for
18 which the commissioner has failed to provide an approved tuition rate
19 due to tuition waiver requests, audits of special education providers,
20 capital project applications or other departmental responsibilities
21 which prevent the timely approval of tuition rates. The commissioner of
22 social services, in consultation with appropriate state agencies and
23 departments, shall have responsibility for developing a reimbursement
24 methodology for maintenance, pursuant to section three hundred ninety-
25 eight-a of the social services law and the regulations promulgated there-
26 under.

27 c. The director of the budget, in consultation with the commissioner
28 of education, the commissioner of social services, and any other state

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

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1 agency or other source the director may deem appropriate, shall approve
2 reimbursement methodologies for tuition and for maintenance. Any modifi-
3 cation in the approved reimbursement methodologies shall be subject to
4 the approval of the director of the budget. Notwithstanding any other
5 provision of law, rule or regulation to the contrary, tuition rates
6 established for the nineteen hundred ninety-five--ninety-six school year
7 shall exclude the two percent cost of living adjustment authorized in
8 rates established for the nineteen hundred ninety-four--ninety-five
9 school year. Notwithstanding any other provision of law, rule or regu-
10 lation to the contrary, the director of the budget shall, as part of the
11 reimbursement methodology for the tuition approval process, include the
12 use of interim plus rates consisting of a carryforward of the prior
13 certified rate plus approved growth for any approved private school and
14 special act school district for which the commissioner of education has
15 failed to provide an approved tuition rate due to tuition waiver
16 requests, audits of special education providers, capital project appli-
17 cations or other departmental responsibilities which prevent the timely
18 approval of tuition rates.

19 § 2. This act shall take effect immediately.