

STATE OF NEW YORK

1398

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the education of persons in youth shelters

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

1 Section 1. Paragraphs b and f of subdivision 7 of section 3202 of the
2 education law, paragraph b as amended by section 27 of part B of chapter
3 57 of the laws of 2007 and paragraph f as added by chapter 564 of the
4 laws of 2001, are amended to read as follows:
5 b. Except as otherwise provided in this paragraph, the school district
6 in which the child resided at the time of the child's commitment to the
7 custody of the sheriff or local commissioner of corrections or remanded
8 to a youth shelter shall reimburse the [~~education~~] department for its
9 expenditure for the full time equivalent attendance of such child pursuant
10 to subdivision thirteen of section thirty-six hundred two of this
11 chapter on behalf of such child, in an amount equal to the product of
12 such full time equivalent attendance and the school district basic
13 contribution, as such term is defined in subdivision eight of section
14 forty-four hundred one of this chapter, provided, however, that such
15 basic contribution shall be multiplied by the full time equivalent
16 attendance multiplied by one hundred twenty per centum for such children
17 attending programs which operate between July first and June thirtieth.
18 If at the applicable time specified in this paragraph a school district
19 other than the school district in which the child resides is responsible
20 for the cost of instruction of the child or for reimbursement of the
21 state for its expenditure on behalf of the child pursuant to any
22 provision of this chapter, then such other school district shall be
23 responsible for reimbursement of the [~~education~~] department in accordance
24 with this paragraph. Upon certification by the commissioner, the
25 comptroller shall deduct from any state funds which become due to a

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

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1 school district an amount equal to the reimbursement required to be made
2 by such school district in accordance with this paragraph, and the
3 amount so deducted shall not be included in the operating expense of
4 such district for the purpose of computing the approved operating
5 expense pursuant to paragraph t of subdivision one of section thirty-six
6 hundred two of this chapter.

7 f. As used in this subdivision, "youth shelter" shall mean an alterna-
8 tive residential facility for the incarceration of youths between the
9 ages of sixteen and twenty-one who are remanded by the criminal courts,
10 provided that such term shall not include residential programs estab-
11 lished pursuant to article nineteen-G or nineteen-H of the executive
12 law, a residential facility or group home operated, licensed or certi-
13 fied by the office of children and family services or its successor
14 pursuant to such articles nineteen-G and nineteen-H, or a child care
15 institution as defined in subdivision two of section four thousand one
16 of this chapter.

17 § 2. This act shall take effect immediately.