

# STATE OF NEW YORK

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7755

2021-2022 Regular Sessions

## IN ASSEMBLY

May 21, 2021

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

AN ACT to amend the education law, in relation to authorizing the retention of federal funds for special education programs for preschool children

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

1 Section 1. Paragraph k of subdivision 4 of section 4405 of the educa-  
2 tion law, as added by section 37-f of part A of chapter 56 of the laws  
3 of 2021, is amended to read as follows:

4 k. The tuition methodology established pursuant to this subdivision  
5 for the two thousand twenty-one--two thousand twenty-two school year and  
6 annually thereafter shall authorize approved private residential or  
7 non-residential schools for the education of students with disabilities  
8 that are located within the state, [~~and~~] special act school districts  
9 and programs approved pursuant to section forty-four hundred ten of this  
10 article, to retain funds in excess of their allowable and reimbursable  
11 costs incurred for services and programs provided to school-age and  
12 preschool students. The amount of funds that may be annually retained  
13 shall not exceed one percent of the school's [~~or~~], school district's, or  
14 program approved pursuant to section forty-four hundred ten of this  
15 article's total allowable and reimbursable costs for services and  
16 programs provided to school-age and preschool students for the school  
17 year from which the funds are to be retained; provided that the total  
18 accumulated balance that may be retained shall not exceed four percent  
19 of such total costs for such school year; [~~and~~] provided further that  
20 such funds shall not be recoverable on reconciliation of tuition rates,  
21 shall be carried forward as total reimbursable costs for purposes of  
22 calculating subsequent year prospective and reconciliation tuition  
23 rates, and shall be separate from and in addition to any other authori-  
24 zation to retain surplus funds on reconciliation. Funds may be expended

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

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1 only pursuant to an authorization of the governing board of the school  
2 ~~[e\*]~~, school district, or program approved pursuant to section forty-  
3 four hundred ten of this article, for a purpose expressly authorized as  
4 part of the approved tuition methodology for the year in which the funds  
5 are to be expended, provided that funds may be expended to pay prior  
6 year outstanding debts. Any school ~~[e\*]~~, school district, or program  
7 approved pursuant to section forty-four hundred ten of this article that  
8 retains funds pursuant to this paragraph shall be required to annually  
9 report a statement of the total balance of any such retained funds, the  
10 amount, if any, retained in the prior school year, the amount, if any,  
11 dispersed in the prior school year, and any additional information  
12 requested by the department as part of the financial reports that are  
13 required to be annually submitted to the department.

14 § 2. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after April 1, 2021.