

STATE OF NEW YORK

7096--A

2021-2022 Regular Sessions

IN SENATE

May 28, 2021

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the retention of federal funds for special education programs for preschool children that are subject to tuition rate reconciliation

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 that are subject to tuition rate reconciliation, to retain funds
11 in excess of their allowable and reimbursable costs incurred for
12 services and programs provided to school-age and preschool students. The
13 amount of funds that may be annually retained shall not exceed one
14 percent of the school's [~~or~~], school district's, or programs subject to
15 tuition rate reconciliation that are approved pursuant to section
16 forty-four hundred ten of this article's total allowable and reimbursa-
17 ble costs for services and programs provided to school-age and preschool
18 students for the school year from which the funds are to be retained;
19 provided that the total accumulated balance that may be retained shall
20 not exceed four percent of such total costs for such school year; [~~and~~]
21 provided further that such funds shall not be recoverable on reconcil-
22 iation of tuition rates, shall be carried forward as total reimbursable

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

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1 costs for purposes of calculating subsequent year prospective and recon-
2 ciliation tuition rates, and shall be separate from and in addition to
3 any other authorization to retain surplus funds on reconciliation. Funds
4 may be expended only pursuant to an authorization of the governing board
5 of the school ~~[or]~~, school district, or program approved pursuant to
6 section forty-four hundred ten of this article, for a purpose expressly
7 authorized as part of the approved tuition methodology for the year in
8 which the funds are to be expended, provided that funds may be expended
9 to pay prior year outstanding debts. Any school ~~[or]~~, school district,
10 or program approved pursuant to section forty-four hundred ten of this
11 article that retains funds pursuant to this paragraph shall be required
12 to annually report a statement of the total balance of any such retained
13 funds, the amount, if any, retained in the prior school year, the
14 amount, if any, dispersed in the prior school year, and any additional
15 information requested by the department as part of the financial reports
16 that are required to be annually submitted to the department.
17 § 2. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 1, 2021.