S T A T E  O F  N E W  Y O R K

1013

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, WALKER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, MOLINARO, RAIA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to compensation for national board certification for school nurses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 20 to read as follows:

ARTICLE 20

STATE BOARD FOR CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM

SECTION 950. STATE BOARD FOR NATIONAL CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM.

S 950. STATE BOARD FOR NATIONAL CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE COMMISSIONER SHALL ESTABLISH THE STATE BOARD FOR NATIONAL CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM, TO BE USED BY THE DEPARTMENT TO DEFRAY ANY COSTS INCURRED BY AN ELIGIBLE REGISTERED SCHOOL NURSE, AS THAT TERM IS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION AND HIS OR HER SPONSORING SCHOOL DISTRICT, WHERE SUCH ELIGIBLE NURSE SEEKS NATIONAL BOARD CERTIFICATION FROM THE NATIONAL BOARD FOR CERTIFICATION OF SCHOOL NURSES.

2. AS USED IN THIS SECTION, "ELIGIBLE SCHOOL NURSE" SHALL MEAN A NEW YORK STATE REGISTERED SCHOOL NURSE WHO:

(A) IS CURRENTLY EMPLOYED IN A NEW YORK STATE PUBLIC SCHOOL; AND

(B) HOLDS A VALID NEW YORK STATE LICENSE AS A REGISTERED PROFESSIONAL NURSE PURSUANT TO SECTION SIXTY-NINE HUNDRED FIVE OF THIS CHAPTER.

3. UNDER THE PROVISIONS OF THIS SECTION AND SUBJECT TO THE FILING REQUIREMENT DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, A GRANT IN AN AMOUNT OF UP TO THREE HUNDRED DOLLARS SHALL BE MADE AVAILABLE FROM THE

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

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STATE BOARD FOR NATIONAL CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM TO EACH ELIGIBLE SCHOOL NURSE TO DEFRAY THE EXPENSES OF CERTIFICATION BY THE NATIONAL BOARD FOR CERTIFICATION OF SCHOOL NURSES. SUCH SUM MAY INCLUDE THE DIRECT REIMBURSEMENT BY THE DEPARTMENT TO THE ELIGIBLE NURSES' SPONSORING SCHOOL DISTRICT FROM THE TOTAL GRANT AWARD TO COVER THE COST OF HIRING A SUBSTITUTE SCHOOL NURSE FOR UP TO THREE DAYS OR THE DURATION OF SUCH ELIGIBLE NURSE'S APPROVED LEAVE, WHICHEVER IS LESS.

4. THE COMMISSIONER SHALL BE RESPONSIBLE FOR PROMULGATING ANY REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION, INCLUDING:

(A) ESTABLISHING WITHIN THE DEPARTMENT AN APPLICATION FORM AND FILING DEADLINE REQUIREMENTS TO BE UTILIZED BY ELIGIBLE SCHOOL NURSES APPLYING FOR A GRANT FROM THE STATE BOARD FOR NATIONAL CERTIFICATION OF SCHOOL NURSE GRANT PROGRAM;

(B) ESTABLISHING A MECHANISM FOR PROCESSING AND APPROVING APPLICATIONS WITHIN THE DEPARTMENT;

(C) ESTABLISHING A MECHANISM TO ALLOCATE GRANT AWARDS TO APPROVED ELIGIBLE SCHOOL NURSES; AND

(D) ESTABLISHING A MECHANISM TO REIMBURSE SPONSORING SCHOOL DISTRICTS FOR UP TO THREE DAYS OF APPROVED LEAVE AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION.

5. AN ELIGIBLE SCHOOL NURSE FOR WHOM THE STATE PAYS A PARTICIPATION FEE SHALL BE LIABLE FOR REPAYMENT OF THE GRANT TO THE DEPARTMENT IF SUCH ELIGIBLE SCHOOL NURSE:

(A) DOES NOT COMPLETE THE PROCESS; OR

(B) COMPLETES THE PROCESS, BUT DOES NOT WORK IN A NEW YORK STATE PUBLIC SCHOOL FOR AT LEAST ONE FULL YEAR AFTER ACHIEVING NATIONAL BOARD CERTIFICATION.

6. REPAYMENT OF THE GRANT IS NOT REQUIRED:

(A) IF THE CERTIFICATION PROCESS IS NOT COMPLETED OR IF THE ELIGIBLE SCHOOL NURSE FAILS TO WORK FOR ONE FULL YEAR AFTER COMPLETION DUE TO HIS OR HER DEATH OR DISABILITY OR SOME OTHER EXTENUATING CIRCUMSTANCES AS MAY BE RECOGNIZED BY THE BOARD OF REGENTS; OR

(B) IF THE ELIGIBLE SCHOOL NURSE COMPLETES THE PROCESS BUT DOES NOT ACHIEVE CERTIFICATION.

S 2. This act shall take effect immediately.