

10232

I N A S S E M B L Y

March 11, 2010

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

AN ACT to amend the education law, in relation to alternative institutional support programs

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

1 Section 1. Section 3641 of the education law is amended by adding a
2 new subdivision 5 to read as follows:

3 5. ALTERNATIVE INSTITUTIONAL SUPPORT AID. A. BOARDS OF EDUCATION OF
4 CITY, COMMON, UNION FREE, AND CENTRAL SCHOOL DISTRICTS SHALL BE AUTHORIZED
5 TO CONTRACT WITH APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT
6 SERVICES PROGRAMS TO PROVIDE INSTRUCTIONAL AND SUPPORT SERVICES TO
7 SPECIAL EDUCATION AND/OR NON-SPECIAL EDUCATION STUDENTS WHO ARE DEEMED
8 BY THE DISTRICT TO BE AT-RISK.

9 B. PAYMENT PURSUANT TO SUCH CONTRACT SHALL BE FROM THE DISTRICT TO THE
10 APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM FOR THE
11 ACTUAL COST OF THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES
12 PROGRAM'S PROVISION OF SERVICES AND INCLUDE COSTS FOR ADMINISTRATIVE,
13 INSTRUCTIONAL, OPERATING AND SUPPORT SERVICES EXPENSES PROPORTIONATE TO
14 THE STUDENT'S ATTENDANCE IN THE PROGRAM. STUDENTS WHO ATTEND THE
15 APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SHALL
16 CONTINUE TO BE COUNTED BY THE DISTRICT OF RESIDENCE FOR PURPOSES OF
17 DETERMINING FEDERAL AND STATE AID TO THE DISTRICT RELATIVE TO STUDENTS
18 WITH AND WITHOUT DISABILITIES.

19 C. DISTRICTS MAY ALSO CONTRACT WITH AN APPROVED ALTERNATIVE INSTITUTIONAL
20 SUPPORT SERVICES PROGRAM TO SERVE AS AN INTERIM ALTERNATIVE
21 EDUCATIONAL SETTING, AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILITIES
22 EDUCATION IMPROVEMENT ACT AND CONCURRENT NEW YORK STATE LAW. A
23 DISTRICT MAY CONTRACT WITH THE APPROVED ALTERNATIVE INSTITUTIONAL
24 SUPPORT SERVICES PROGRAM FOR SERVICES AS AN INTERIM ALTERNATIVE EDUCATIONAL
25 SETTING WHENEVER A STUDENT IS ELIGIBLE FOR SUCH PLACEMENT IN
26 ACCORDANCE WITH LAW, SUCH AS IN CERTAIN DISCIPLINARY CONTEXTS.

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

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1 D. THE DISTRICT SHALL COMPENSATE AN APPROVED ALTERNATIVE INSTITUTIONAL
2 SUPPORT SERVICES PROGRAM SERVING AS AN INTERIM ALTERNATIVE EDUCATION
3 SETTING ON AN ACTUAL COST BASIS.

4 E. THE COMMISSIONER SHALL PROCESS APPLICATIONS FOR AND MAINTAIN A LIST
5 OF APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAMS. AN
6 ALTERNATIVE INSTRUCTIONAL SUPPORT SERVICES PROGRAM SHALL BE APPROVED IF
7 IT IS A NOT-FOR-PROFIT, NON-SECTARIAN EDUCATIONAL PROGRAM THAT UTILIZES
8 CERTIFIED PERSONNEL AND HAS DEMONSTRATED A MINIMUM OF TEN YEARS OF
9 IMPROVED STUDENT PERFORMANCE FOR AT-RISK STUDENTS.

10 S 2. This act shall take effect immediately.