

8886

2009-2010 Regular Sessions

I N A S S E M B L Y

June 12, 2009

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

AN ACT to amend the education law and the general municipal law, in
relation to BOCES contracts with certain schools

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

1 Section 1. Paragraph h of subdivision 4 of section 1950 of the educa-
2 tion law is amended by adding a new subparagraph 8 to read as follows:

3 (8) TO ENTER INTO CONTRACTS WITH PRIVATE RESIDENTIAL AND NONRESIDEN-
4 TIAL SCHOOLS FOR STUDENTS WITH DISABILITIES OF SCHOOL AGE WHICH ARE
5 APPROVED PURSUANT TO PARAGRAPH E OR G OF SUBDIVISION TWO OF SECTION
6 FORTY-FOUR HUNDRED ONE OF THIS CHAPTER TO PROVIDE SERVICES TO SUCH
7 SCHOOLS, INCLUDING PROCUREMENT OF GOODS AND SERVICES, AND TO STUDENTS
8 ENROLLED IN SUCH SCHOOLS RELATING TO THE PROGRAM OF THE BOARD OF COOPER-
9 ATIVE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO TRANSPORTATION
10 SERVICES TO AND FROM ANY SITES AT WHICH SUCH STUDENTS ARE RECEIVING
11 SPECIAL EDUCATION PROGRAMS AND SERVICES OR ARE RECEIVING ANY SERVICES
12 FROM THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH CONTRACT OR
13 CONTRACTS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE COMMISSIONER
14 AND SHALL BE FOR A TERM NOT TO EXCEED FIVE YEARS. SUCH CONTRACTS SHALL
15 PROVIDE FOR PAYMENT OF THE ACTUAL COSTS OF SUCH SERVICES BY SUCH
16 SCHOOLS. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT CHARGE
17 ANY PORTION OF THE ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS
18 SUBPARAGRAPH TO ITS COMPONENT SCHOOL DISTRICTS.

19 S 2. Subdivision a of section 119-n of the general municipal law, as
20 amended by chapter 413 of the laws of 1991, is amended to read as
21 follows:

22 a. The term "municipal corporation" means a county outside the city of
23 New York, a city, a town, a village, a board of cooperative educational
24 services, fire district or a school district. SUCH TERM SHALL ALSO
25 INCLUDE A PRIVATE RESIDENTIAL OR NON-RESIDENTIAL SCHOOL FOR STUDENTS

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

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1 WITH DISABILITIES OF SCHOOL AGE WHICH IS APPROVED PURSUANT TO PARAGRAPH
2 E OR G OF SUBDIVISION TWO OF SECTION FORTY-FOUR HUNDRED ONE OF THE
3 EDUCATION LAW, SOLELY FOR THE PURPOSE OF PARTICIPATION IN A SHARING
4 AGREEMENT FOR THE PROCUREMENT OF GOODS OR SERVICES.

5 S 3. This act shall take effect immediately.