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

5259

2009-2010 Regular Sessions

I N  S E N A T E

April 27, 2009

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to state aid for special education services for students with handicapping conditions

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 section 4411 to read as follows:

S 4411. STATE AID FOR SPECIAL EDUCATION SERVICES FOR STUDENTS WITH HANDICAPPING CONDITIONS. 1. ON AND AFTER JULY FIRST, TWO THOUSAND NINE, THE COMMISSIONER SHALL MAKE PAYMENTS, WITHOUT APPORTIONMENT, TO SCHOOL DISTRICTS AND MUNICIPALITIES FOR SPECIAL EDUCATION SERVICES FOR STUDENTS WITH HANDICAPPING CONDITIONS. THE FULL AMOUNT OF COST DIRECTLY RELATED TO THE SPECIAL EDUCATION SERVICES RENDERED TO SUCH STUDENTS SHALL BE REIMBURSED, PROVIDED THAT ANY PLACEMENT OF SUCH STUDENTS WAS APPROVED BY THE COMMISSIONER.

2. ANY MONEYS DUE TO A MUNICIPALITY OR SCHOOL DISTRICT SHALL BE REDUCED BY THE AMOUNT OF ANY FEDERAL PARTICIPATION, PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT, IN SPECIAL EDUCATION PROGRAMS PROVIDED PURSUANT TO THIS ARTICLE.

3. WHENEVER THE STATE AID PROVIDED PURSUANT TO THIS SECTION CREATES A BUDGETARY SURPLUS FOR A SCHOOL DISTRICT OR MUNICIPALITY, SUCH SURPLUS SHALL BE UTILIZED SOLELY TO REDUCE TAXES FOR THE FOLLOWING FISCAL YEAR.

S 2. This act shall take effect immediately.

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

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