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I N   A S S E M B L Y

March 11, 2010

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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.