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

5309

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

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

AN ACT to amend the education law, in relation to the recovery of certain costs by school districts and to amend chapter 352 of the laws of 2005, amending the education law relating to implementation of the federal individuals with disabilities education improvement act of 2004, in relation to making such provisions permanent

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

Section 1. Subdivision 7 of section 3602-c of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

7. a. Boards of education of districts providing career education and gifted education services to non-resident students shall be entitled to recover tuition from the district of residence of such students in accordance with a formula promulgated by the commissioner by regulation.

b. In the case of the education for students with disabilities who are residents of New York, a school district of location providing services to non-resident students shall be entitled to recover costs of services, costs of evaluation, and costs of committee on special education administration directly from the district of residence of the student if consent of the parent or person in parental relation is obtained to release of personally identifiable information concerning their child. If such consent is not obtained, the school district of location shall submit to the commissioner, in a form prescribed by the commissioner, a claim for costs of services, evaluation costs, [and] AND/OR committee on special education administrative costs that includes the address of the student's permanent residence, including the school district of residence, and a certification by officials of the nonpublic school attended by the student that such address is the address of record of such student. Upon certification by the commissioner of the amount of such

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

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claim, the state comptroller shall deduct such amount from any state funds which become due to such school district of residence.

c. The amount charged by the school district of location for services, evaluation, [eligible due process costs] and committee on special education administrative costs shall not exceed the actual cost to the school district of location, after deducting any costs paid with federal or state funds, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, AND SUCH AMOUNT SHALL BE ADJUSTED SO THAT IT DOES NOT EXCEED ANY REGIONAL RATES ESTABLISHED PURSUANT TO THIS PARAGRAPH. The commissioner shall [adopt regulations prescribing a dispute resolution mechanism that will be available to a school district of residence where such district disagrees with the amount of tuition or costs charged by the school district of location] ESTABLISH REGIONAL RATES FOR SPECIAL EDUCATION SERVICES, EVALUATIONS, AND COMMITTEE ON SPECIAL EDUCATION ADMINISTRATION, AND THE AMOUNT CHARGED BY THE SCHOOL DISTRICT OF LOCATION PURSUANT TO THIS SUBDIVISION FOR COSTS FOR WHICH A REGIONAL RATE IS ESTABLISHED SHALL NOT EXCEED SUCH REGIONAL RATE.

S 2. Section 22 of chapter 352 of the laws of 2005, amending the education law, relating to implementation of the federal individuals with disabilities education improvement act of 2004, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

S 22. This act shall take effect July 1, 2005, provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2005[; and provided further, however, that sections one through four and six through twenty-one of this act shall expire and be deemed repealed June 30, 2009, and section five of this act shall expire and be deemed repealed June 30, 2009].

S 3. This act shall take effect immediately, provided that the amendments to subdivision 7 of section 3602-c of the education law made by section one of this act shall first apply to charges for costs of services, evaluation and committee on special education administration that relate to the provision of special education programs and services to students attending nonpublic schools for the 2009-2010 school year.