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I N   A S S E M B L Y

February 9, 2010

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

AN ACT to amend the education law, in relation to the expenditure of pre-kindergarten program grant funds

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

1     Section 1. Subdivision 10 of section 3602-e of the education law is  
2     amended by adding a new paragraph d to read as follows:

3     D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY IN THE  
4     EVENT A SCHOOL DISTRICT WHICH IS ELIGIBLE TO RECEIVE A GRANT UNDER THIS  
5     SECTION IS UNABLE TO EXPAND PRE-KINDERGARTEN PROGRAMS AS DETERMINED BY  
6     THE COMMISSIONER THEN SUCH DISTRICT SHALL BE PERMITTED TO UTILIZE THE  
7     EQUIVALENT OF SUCH UNUSED PRE-KINDERGARTEN GRANT FUNDS FOR LOCAL  
8     PRE-KINDERGARTEN INITIATIVES, FULL-DAY PRE-KINDERGARTEN PROGRAMS AND/OR  
9     TRANSPORTATION SERVICES FOR PRE-KINDERGARTEN PUPILS AS APPROVED BY THE  
10    COMMISSIONER, PROVIDED, HOWEVER, THAT SUCH EXCESS MAY NOT BE GENERATED  
11    THROUGH A REDUCTION IN PRE-KINDERGARTEN STUDENTS SERVED FROM THOSE  
12    SERVED IN THE BASE YEAR.

13    S 2. Subdivision 11 of section 3602-e of the education law, as amended  
14    by section 19 of part B of chapter 57 of the laws of 2007, is amended to  
15    read as follows:

16    11. Notwithstanding the provisions of subdivision ten of this section,  
17    where the district serves fewer children during the current year than  
18    PROVIDED FOR BY THE GRANT in the base year, the school district shall  
19    have its apportionment reduced in an amount proportional to such defi-  
20    ciency in the current year or in the succeeding school year, as deter-  
21    mined by the commissioner, except such reduction shall not apply to  
22    school districts which have fully implemented a universal pre-kindergar-  
23    ten program by making such program available to all eligible children.  
24    SUCH REDUCTION SHALL NOT APPLY TO DISTRICTS THAT REDUCE THE NUMBER OF  
25    AVAILABLE PRE-KINDERGARTEN STUDENTS SERVED SO LONG AS THE DISTRICT  
26    CONTINUES TO SERVE THE NUMBER OF CHILDREN PROVIDED FOR IN THE BASE YEAR.  
27    Expenses incurred by the school district in implementing a pre-kinder-  
28    garten program plan pursuant to this subdivision shall be deemed ordi-  
29    nary contingent expenses.

30    S 3. This act shall take effect July 1, 2010.

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

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