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

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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- 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 authorizing school districts to establish reserve funds for the payment of the costs and expenses of programs of special education

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

Section 1. Section 3651 of the education law is amended by adding two new subdivisions 1-c and 3-b to read as follows:

1-C. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, ANY SCHOOL DISTRICT MAY ESTABLISH A RESERVE FUND FOR THE PAYMENTS OF THE COSTS AND EXPENSES OF PROVIDING PROGRAMS OF SPECIAL EDUCATION PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER, WITHOUT APPROVAL BY THE QUALIFIED VOTERS OF THE DISTRICT, PROVIDED, HOWEVER, THAT THE TOTAL OF THE MONIES HELD IN SUCH RESERVE FUND SHALL NOT EXCEED THAT AMOUNT WHICH MIGHT REASONABLY BE DEEMED NECESSARY TO MEET ANTICIPATED COSTS AND EXPENSES OF PROVIDING PROGRAMS OF SPECIAL EDUCATION FOR WHICH THE STATE HAS NOT PROVIDED FINANCIAL ASSISTANCE. ANY MONIES DEPOSITED TO SUCH RESERVE FUND WHICH ARE NOT EXPENDED FOR THE PAYMENT OF THE COSTS AND EXPENSES OF PROVIDING PROGRAMS OF SPECIAL EDUCATION DURING THE SCHOOL YEAR AND/OR WHICH WILL NOT REASONABLY BE REQUIRED TO PAY ANY SUCH COSTS AND EXPENSES SHALL BE RETURNED TO THE GENERAL FUND.

3-B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, ANY SCHOOL DISTRICT WHICH ESTABLISHES A RESERVE FUND IN ACCORDANCE WITH SUBDIVISION ONE-C OF THIS SECTION MAY MAKE EXPENDITURES FROM SUCH FUND FOR THE PURPOSES SPECIFIED IN SUCH SUBDIVISION WITHOUT AUTHORIZATION OF THE VOTERS.

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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