

4662

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. FOLEY -- 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 permitting municipalities to recover costs associated with audits of preschool providers

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

1 Section 1. Paragraph c of subdivision 11 of section 4410 of the educa-  
2 tion law, as added by chapter 243 of the laws of 1989, subparagraph (i)  
3 as amended by chapter 82 of the laws of 1995, subparagraph (ii) as  
4 amended by chapter 474 of the laws of 1996, is amended to read as  
5 follows:  
6 c. (i) Each municipality, or, in addition, in the case of a city of  
7 one million or more persons, the board, may perform a fiscal audit of  
8 such services or programs for which it bears fiscal responsibility in  
9 accordance with audit standards established by the commissioner, which  
10 may include site visitation. Prior to commencing a fiscal audit pursuant  
11 to this subparagraph, a municipality shall ascertain that neither the  
12 state nor any other municipality has performed a fiscal audit of the  
13 same services or programs within the current fiscal year for such  
14 program. If it is determined that no such audit has been performed, the  
15 municipality shall inquire with the department to determine which other  
16 municipalities, if any, bear financial responsibility for the services  
17 or programs to be audited and shall afford such other municipalities an  
18 opportunity to recommend issues to be examined through the audit. Muni-  
19 cipalities completing audits pursuant to this subparagraph shall provide  
20 copies to the department, the provider of the services and programs and  
21 all other municipalities previously determined to bear financial respon-  
22 sibility for the audited services and programs. No other municipality  
23 may conduct an additional fiscal audit of the same services or programs  
24 during such current fiscal year for such program.

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

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1 (ii) Payments made pursuant to this section by a municipality shall,  
2 upon conclusion of the July first to June thirtieth school year for  
3 which such payment was made, be subject to audit against the actual  
4 difference between such audited expenditures and revenues. The munici-  
5 pality shall submit the results of any such audit to the commissioner  
6 and the commissioner of social services, if appropriate, for review and,  
7 if warranted, adjustment of the tuition and/or maintenance rates. The  
8 municipality is authorized to recover overpayments made to a provider of  
9 special services or programs pursuant to this section as determined by  
10 the commissioner or the commissioner of social services based upon their  
11 adjustment of a tuition and/or maintenance rate. Such recovery may be  
12 accomplished by withholding such amount from any moneys due the provider  
13 in the current year, or by direct reimbursement. WHERE ANY OVERPAYMENTS  
14 ARE RECOVERED AS A RESULT OF AN AUDIT PERFORMED BY A MUNICIPALITY, THE  
15 TOTAL COSTS ASSOCIATED WITH CONDUCTING SUCH AUDIT SHALL BE ASSESSED  
16 AGAINST THE STATE SHARE OF THE RECOVERED MONEYS.  
17 S 2. This act shall take effect immediately.