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

203

Third Extraordinary Session

I N S E N A T E

June 24, 2009

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to state reimbursement of municipalities for services provided and other technical changes

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

Section 1. Subparagraph (iii) of paragraph b of subdivision 11 of section 4410 of the education law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(iii) (A) Notwithstanding the provisions of this paragraph, any monies due municipalities pursuant to this paragraph FOR SERVICES PROVIDED DURING THE TWO THOUSAND EIGHT--TWO THOUSAND NINE AND PRIOR SCHOOL YEARS shall be reduced by an amount equal to the product of the percentage of the approved costs reimbursed by the state pursuant to subparagraph [i] (I) of this paragraph and any federal participation, pursuant to title XIX of the social security act, in special education programs provided pursuant to this section. The commissioner shall deduct such amount, as certified by the commissioner of [social services] HEALTH as the authorized fiscal agent of the state education department. Such deductions shall be made in accordance with a plan developed by the commissioner and approved by the director of the budget. To the extent that such deductions exceed moneys owed to the municipality pursuant to this paragraph, such excess shall be deducted from any other payments due the municipality.

(B) ANY MONEYS DUE MUNICIPALITIES PURSUANT TO THIS PARAGRAPH FOR SERVICES PROVIDED DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER SHALL, IN THE FIRST INSTANCE, BE DESIGNATED AS THE STATE SHARE OF MONEYS DUE A MUNICIPALITY PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT, ON ACCOUNT OF SCHOOL SUPPORTIVE HEALTH SERVICES PROVIDED TO PRESCHOOL STUDENTS WITH DISABILITIES PURSUANT TO THIS

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

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SECTION. SUCH STATE SHARE SHALL BE ASSIGNED ON BEHALF OF MUNICIPALITIES TO THE DEPARTMENT OF HEALTH, AS PROVIDED HEREIN; THE AMOUNT DESIGNATED AS SUCH NONFEDERAL SHARE SHALL BE TRANSFERRED BY THE COMMISSIONER TO THE DEPARTMENT OF HEALTH BASED ON THE MONTHLY REPORT OF THE COMMISSIONER OF HEALTH TO THE COMMISSIONER; AND ANY REMAINING MONEYS TO BE APPORTIONED TO A MUNICIPALITY PURSUANT TO THIS SECTION SHALL BE PAID IN ACCORDANCE WITH THIS SECTION. THE AMOUNT TO BE ASSIGNED TO THE DEPARTMENT OF HEALTH, AS DETERMINED BY THE COMMISSIONER OF HEALTH, FOR ANY MUNICIPALITY SHALL NOT EXCEED THE FEDERAL SHARE OF ANY MONEYS DUE SUCH MUNICIPALITY PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT. MONEYS DESIGNATED AS STATE SHARE MONEYS SHALL BE PAID TO SUCH MUNICIPALITY BY THE DEPARTMENT OF HEALTH BASED ON THE SUBMISSION AND APPROVAL OF CLAIMS RELATED TO SUCH SCHOOL SUPPORTIVE HEALTH SERVICES, IN THE MANNER PROVIDED BY LAW.

S 2. Subparagraph (ii) of paragraph c of subdivision 11 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(ii) Payments made pursuant to this section by a municipality shall, upon conclusion of the July first to June thirtieth school year for which such payment was made, be subject to audit against the actual difference between such audited expenditures and revenues. The municipality shall submit the results of any such audit to the commissioner and the commissioner of social services, if appropriate, for review and, if warranted, adjustment of the tuition and/or maintenance rates. The municipality is authorized to recover overpayments made to a provider of special services or programs pursuant to this section as determined by the commissioner or the commissioner of [social services] HEALTH based upon their adjustment of a tuition and/or maintenance rate. Such recovery may be accomplished by withholding such amount from any moneys due the provider in the current year, or by direct reimbursement.

S 3. This act shall take effect July 1, 2009.