

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:

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

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

19 (B) ANY MONEYS DUE MUNICIPALITIES PURSUANT TO THIS PARAGRAPH FOR  
20 SERVICES PROVIDED DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL  
21 YEAR AND THEREAFTER SHALL, IN THE FIRST INSTANCE, BE DESIGNATED AS THE  
22 STATE SHARE OF MONEYS DUE A MUNICIPALITY PURSUANT TO TITLE XIX OF THE  
23 SOCIAL SECURITY ACT, ON ACCOUNT OF SCHOOL SUPPORTIVE HEALTH SERVICES  
24 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.

1 SECTION. SUCH STATE SHARE SHALL BE ASSIGNED ON BEHALF OF MUNICIPALITIES  
2 TO THE DEPARTMENT OF HEALTH, AS PROVIDED HEREIN; THE AMOUNT DESIGNATED  
3 AS SUCH NONFEDERAL SHARE SHALL BE TRANSFERRED BY THE COMMISSIONER TO THE  
4 DEPARTMENT OF HEALTH BASED ON THE MONTHLY REPORT OF THE COMMISSIONER OF  
5 HEALTH TO THE COMMISSIONER; AND ANY REMAINING MONEYS TO BE APPORTIONED  
6 TO A MUNICIPALITY PURSUANT TO THIS SECTION SHALL BE PAID IN ACCORDANCE  
7 WITH THIS SECTION. THE AMOUNT TO BE ASSIGNED TO THE DEPARTMENT OF  
8 HEALTH, AS DETERMINED BY THE COMMISSIONER OF HEALTH, FOR ANY MUNICI-  
9 PALITY SHALL NOT EXCEED THE FEDERAL SHARE OF ANY MONEYS DUE SUCH MUNICI-  
10 PALITY PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT. MONEYS DESIG-  
11 NATED AS STATE SHARE MONEYS SHALL BE PAID TO SUCH MUNICIPALITY BY THE  
12 DEPARTMENT OF HEALTH BASED ON THE SUBMISSION AND APPROVAL OF CLAIMS  
13 RELATED TO SUCH SCHOOL SUPPORTIVE HEALTH SERVICES, IN THE MANNER  
14 PROVIDED BY LAW.

15 S 2. Subparagraph (ii) of paragraph c of subdivision 11 of section  
16 4410 of the education law, as amended by chapter 474 of the laws of  
17 1996, is amended to read as follows:

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

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