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

9876

I N A S S E M B L Y

April 19, 2012

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

AN ACT to amend the education law, in relation to children with handicapping conditions attending an educational facility located outside the state

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

Section 1. Section 4407 of the education law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, UPON A DETERMINATION THAT AN EDUCATIONAL FACILITY LOCATED OUTSIDE THE STATE IS APPROPRIATELY MEETING THE NEEDS OF A CHILD WITH A HANDICAPPING CONDITION ATTENDING SUCH FACILITY PURSUANT TO THIS SECTION, WHICH DETERMINATION SHALL BE MADE AS PART OF THE ANNUAL REVIEW OF THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM, SUCH CHILD NEED NOT BE REFERRED TO AN APPROPRIATE IN-STATE PROGRAM UNLESS THE PARENT OR GUARDIAN OF SUCH CHILD SO ELECTS. UPON REAPPLICATION FOR STATE REIMBURSEMENT BY THE SCHOOL DISTRICT OF WHICH SUCH CHILD IS A RESIDENT, NO DOCUMENTATION SHALL BE REQUIRED TO ESTABLISH THAT THERE ARE NO APPROPRIATE PUBLIC OR APPROVED PRIVATE FACILITIES FOR INSTRUCTION AVAILABLE WITHIN THE STATE OR THAT ANY EFFORTS WERE MADE TO OBTAIN PLACEMENT OF THE STUDENT IN SUCH AN IN-STATE FACILITY.

S 2. This act shall take effect on the first of July after it shall have become a law; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

LBD14813-01-2