

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:

1 Section 1. Section 4407 of the education law is amended by adding a
2 new subdivision 6 to read as follows:
3 6. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, UPON A
4 DETERMINATION THAT AN EDUCATIONAL FACILITY LOCATED OUTSIDE THE STATE IS
5 APPROPRIATELY MEETING THE NEEDS OF A CHILD WITH A HANDICAPPING CONDITION
6 ATTENDING SUCH FACILITY PURSUANT TO THIS SECTION, WHICH DETERMINATION
7 SHALL BE MADE AS PART OF THE ANNUAL REVIEW OF THE STUDENT'S INDIVIDUAL-
8 IZED EDUCATION PROGRAM, SUCH CHILD NEED NOT BE REFERRED TO AN APPROPRI-
9 ATE IN-STATE PROGRAM UNLESS THE PARENT OR GUARDIAN OF SUCH CHILD SO
10 ELECTS. UPON REAPPLICATION FOR STATE REIMBURSEMENT BY THE SCHOOL
11 DISTRICT OF WHICH SUCH CHILD IS A RESIDENT, NO DOCUMENTATION SHALL BE
12 REQUIRED TO ESTABLISH THAT THERE ARE NO APPROPRIATE PUBLIC OR APPROVED
13 PRIVATE FACILITIES FOR INSTRUCTION AVAILABLE WITHIN THE STATE OR THAT
14 ANY EFFORTS WERE MADE TO OBTAIN PLACEMENT OF THE STUDENT IN SUCH AN
15 IN-STATE FACILITY.
16 S 2. This act shall take effect on the first of July after it shall
17 have become a law; provided, however, that effective immediately, the
18 addition, amendment, and/or repeal of any rule or regulation necessary
19 for the timely implementation of this act on its effective date are
20 authorized and directed to be made and completed on or before such
21 effective date.

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

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