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

1580--A

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sens. OPPENHEIMER, ADAMS, ADDABBO, KRUEGER, MONTGOMERY, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the expenditure of pre-kindergarten program grant funds

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

Section 1. Subdivision 10 of section 3602-e of the education law is amended by adding a new paragraph d to read as follows:

D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY IN THE EVENT A SCHOOL DISTRICT WHICH IS ELIGIBLE TO RECEIVE A GRANT UNDER THIS SECTION IS UNABLE TO EXPAND PRE-KINDERGARTEN PROGRAMS AS DETERMINED BY THE COMMISSIONER THEN SUCH DISTRICT SHALL BE PERMITTED TO UTILIZE THE EQUIVALENT OF SUCH UNUSED PRE-KINDERGARTEN GRANT FUNDS FOR LOCAL PRE-KINDERGARTEN INITIATIVES, FULL-DAY PRE-KINDERGARTEN PROGRAMS AND/OR TRANSPORTATION SERVICES FOR PRE-KINDERGARTEN PUPILS AS APPROVED BY THE COMMISSIONER, PROVIDED, HOWEVER, THAT SUCH EXCESS MAY NOT BE GENERATED THROUGH A REDUCTION IN PRE-KINDERGARTEN STUDENTS SERVED FROM THOSE SERVED IN THE BASE YEAR.

S 2. Subdivision 11 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

11. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer children during the current year than PROVIDED FOR BY THE GRANT in the base year, the school district shall have its apportionment reduced in an amount proportional to such deficiency in the current year or in the succeeding school year, as determined by the commissioner, except such reduction shall not apply to

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

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school districts which have fully implemented a universal pre-kindergarten program by making such program available to all eligible children. SUCH REDUCTION SHALL NOT APPLY TO DISTRICTS THAT REDUCE THE NUMBER OF AVAILABLE PRE-KINDERGARTEN STUDENTS SERVED SO LONG AS THE DISTRICT CONTINUES TO SERVE THE NUMBER OF CHILDREN PROVIDED FOR IN THE BASE YEAR. Expenses incurred by the school district in implementing a pre-kindergarten program plan pursuant to this subdivision shall be deemed ordinary contingent expenses.

S 3. This act shall take effect July 1, 2013.