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

7697

I N S E N A T E

June 14, 2012

Introduced by Sen. O'MARA -- 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 the timely payment of apportioned state monies for the reimbursement of certain nonpublic schools for their expenses in complying with certain state requirements for the reporting of basic education date and for the reimbursement of mandated services

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

Section 1. The education law is amended by adding a new section 3603 to read as follows:

S 3603. MONIES APPORTIONED, PAYMENTS TO NONPUBLIC SCHOOLS. 1. TIMELY PAYMENT OF STATE REIMBURSEMENT. THE COMMISSIONER SHALL MAKE, ON AN ANNUAL BASIS, A SINGLE PAYMENT OF APPORTIONED MONIES TO QUALIFYING SCHOOLS PURSUANT TO CHAPTER 507 OF THE LAWS OF 1974 NO LATER THAN THE LAST TUESDAY OF JANUARY IN THE YEAR SUBSEQUENT TO THE YEAR IN WHICH SUCH COSTS WERE INCURRED.

2. ADJUSTMENTS IN APPORTIONMENT OF STATE REIMBURSEMENT. A. WHENEVER A QUALIFYING SCHOOL'S REIMBURSEMENT IS LESS THAN THAT TO WHICH IT IS ENTITLED, THE COMMISSIONER SHALL NOTIFY SUCH SCHOOL OF THE AMOUNT OR PROPORTION OF REIMBURSEMENT DUE SUCH SCHOOL AND SHALL DRAW UPON THE NEXT APPROPRIATION MADE AVAILABLE PURSUANT TO CHAPTER 507 OF THE LAWS OF 1974 TO PROVIDE THE BALANCE DUE SUCH SCHOOL.

B. WHENEVER A SCHOOL HAS BEEN APPORTIONED MORE THAN THAT TO WHICH IT IS ENTITLED, THE COMMISSIONER SHALL NOTIFY SUCH SCHOOL OF SUCH OVERPAYMENT AND MAY DEDUCT SUCH OVERPAYMENT FROM A SUBSEQUENT PAYMENT OR PAYMENTS, AS DETERMINED BY THE COMMISSIONER, MADE FOR SUCH PURPOSE PROVIDED, HOWEVER, SUCH EXCESS PAYMENT MAY BE RECOVERED BEGINNING NO SOONER THAN THE JANUARY PAYMENT DUE SUCH SCHOOL IN THE SCHOOL YEAR FOLLOWING THE YEAR IN WHICH SUCH NOTIFICATION WAS RECEIVED. IF THE COMMISSIONER FINDS DEDUCTING FROM A SUBSEQUENT PAYMENT OR PAYMENTS IS NOT FEASIBLE AS A MEANS TO RECOVER AN OVERPAYMENT FROM A QUALIFIED SCHOOL, THE COMMISSIONER MAY DIRECT SUCH SCHOOL TO PROVIDE PAYMENT TO

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

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THE STATE TO BE CREDITED BACK TO THE FUND FOR STATE REIMBURSEMENT TO QUALIFYING SCHOOLS AS ESTABLISHED FOR THIS PURPOSE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that timely payments required pursuant to this act shall commence in the year following the year in which this act shall take effect.