

2488

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 15, 2013

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

AN ACT to amend the education law, in relation to alternative institutional support programs

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

1     Section 1. Section 3641 of the education law is amended by adding a  
2 new subdivision 16 to read as follows:

3     16. ALTERNATIVE INSTITUTIONAL SUPPORT AID. A. BOARDS OF EDUCATION OF  
4 CITY, COMMON, UNION FREE AND CENTRAL SCHOOL DISTRICTS SHALL BE AUTHORIZED  
5 TO CONTRACT WITH APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT  
6 SERVICES PROGRAMS TO PROVIDE INSTRUCTIONAL AND SUPPORT SERVICES TO  
7 SPECIAL EDUCATION AND/OR NON-SPECIAL EDUCATION STUDENTS WHO ARE DEEMED  
8 BY THE DISTRICT TO BE AT-RISK.

9     B. PAYMENT PURSUANT TO SUCH CONTRACT SHALL BE FROM THE DISTRICT TO THE  
10 APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM FOR THE  
11 ACTUAL COST OF THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES  
12 PROGRAM'S PROVISION OF SERVICES AND INCLUDE COSTS FOR ADMINISTRATIVE,  
13 INSTRUCTIONAL, OPERATING AND SUPPORT SERVICES EXPENSES PROPORTIONATE TO  
14 THE STUDENT'S ATTENDANCE IN THE PROGRAM. STUDENTS WHO ATTEND THE  
15 APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SHALL  
16 CONTINUE TO BE COUNTED BY THE DISTRICT OF RESIDENCE FOR PURPOSES OF  
17 DETERMINING FEDERAL AND STATE AID TO THE DISTRICT RELATIVE TO STUDENTS  
18 WITH AND WITHOUT DISABILITIES.

19     C. DISTRICTS MAY ALSO CONTRACT WITH AN APPROVED ALTERNATIVE INSTITUTIONAL  
20 SUPPORT SERVICES PROGRAM TO SERVE AS AN INTERIM ALTERNATIVE  
21 EDUCATIONAL SETTING, AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILITIES  
22 EDUCATION IMPROVEMENT ACT AND CONCURRENT STATE LAW. A DISTRICT MAY  
23 CONTRACT WITH THE APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES  
24 PROGRAM FOR SERVICES AS AN INTERIM ALTERNATIVE EDUCATIONAL SETTING WHEN-

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

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1 EVER A STUDENT IS ELIGIBLE FOR SUCH PLACEMENT IN ACCORDANCE WITH LAW,  
2 SUCH AS IN CERTAIN DISCIPLINARY CONTEXTS.

3 D. THE DISTRICT SHALL COMPENSATE AN APPROVED ALTERNATIVE INSTITUTIONAL  
4 SUPPORT SERVICES PROGRAM SERVING AS AN INTERIM ALTERNATIVE EDUCATION  
5 SETTING ON AN ACTUAL COST BASIS.

6 E. THE COMMISSIONER SHALL PROCESS APPLICATIONS FOR AND MAINTAIN A LIST  
7 OF APPROVED ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAMS. AN  
8 ALTERNATIVE INSTITUTIONAL SUPPORT SERVICES PROGRAM SHALL BE APPROVED IF  
9 IT IS A NOT-FOR-PROFIT, NON-SECTARIAN EDUCATIONAL PROGRAM THAT UTILIZES  
10 CERTIFIED PERSONNEL AND HAS DEMONSTRATED A MINIMUM OF TEN YEARS OF  
11 IMPROVED STUDENT PERFORMANCE FOR AT-RISK STUDENTS.

12 S 2. This act shall take effect immediately.