

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

4867--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- 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:

1 Section 1. Subdivision 10 of section 3602-e of the education law is
2 amended by adding a new paragraph d to read as follows:
3 D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY IN THE
4 EVENT A SCHOOL DISTRICT WHICH IS ELIGIBLE TO RECEIVE A GRANT UNDER THIS
5 SECTION IS UNABLE TO EXPAND PRE-KINDERGARTEN PROGRAMS AS DETERMINED BY
6 THE COMMISSIONER THEN SUCH DISTRICT SHALL BE PERMITTED TO UTILIZE THE
7 EQUIVALENT OF SUCH UNUSED PRE-KINDERGARTEN GRANT FUNDS FOR LOCAL
8 PRE-KINDERGARTEN INITIATIVES, FULL-DAY PRE-KINDERGARTEN PROGRAMS AND/OR
9 TRANSPORTATION SERVICES FOR PRE-KINDERGARTEN PUPILS AS APPROVED BY THE
10 COMMISSIONER, PROVIDED, HOWEVER, THAT SUCH EXCESS MAY NOT BE GENERATED
11 THROUGH A REDUCTION IN PRE-KINDERGARTEN STUDENTS SERVED FROM THOSE
12 SERVED IN THE BASE YEAR.
13 S 2. Subdivision 11 of section 3602-e of the education law, as amended
14 by section 10-b of part A of chapter 57 of the laws of 2012, is amended
15 to read as follows:
16 11. Notwithstanding the provisions of subdivision ten of this section,
17 where the district serves fewer children during the current year than
18 PROVIDED FOR BY THE GRANT the lesser of the children served in the two
19 thousand ten--two thousand eleven school year or its base aidable [prek-
20 indergarten] PRE-KINDERGARTEN pupils computed for the two thousand
21 seven--two thousand eight school year, the school district shall have
22 its apportionment reduced in an amount proportional to such deficiency

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

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1 in the current year or in the succeeding school year, as determined by
2 the commissioner, except such reduction shall not apply to school
3 districts which have fully implemented a universal pre-kindergarten
4 program by making such program available to all eligible children. SUCH
5 REDUCTION SHALL NOT APPLY TO DISTRICTS THAT REDUCE THE NUMBER OF AVAIL-
6 ABLE PRE-KINDERGARTEN STUDENTS SERVED SO LONG AS THE DISTRICT CONTINUES
7 TO SERVE THE NUMBER OF CHILDREN PROVIDED FOR IN THE BASE YEAR. Expenses
8 incurred by the school district in implementing a pre-kindergarten
9 program plan pursuant to this subdivision shall be deemed ordinary
10 contingent expenses.
11 S 3. This act shall take effect July 1, 2015.