

5661--A

2013-2014 Regular Sessions

I N   S E N A T E

May 31, 2013

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Introduced by Sen. CARLUCCI -- 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 certain tuition and reconciliation rates; and to amend the state finance law, in relation to the special education provider revolving loan fund

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

1     Section 1. Subdivision 4 of section 4405 of the education law is  
2     amended by adding two new paragraphs j and k to read as follows:  
3     J. THE TUITION RATES ESTABLISHED FOR SPECIAL ACT SCHOOL DISTRICTS,  
4     APPROVED PRIVATE SCHOOLS FOR STUDENTS OF SCHOOL AGE, AND APPROVED  
5     PROVIDERS OF SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS  
6     ARTICLE FOR THE TWO THOUSAND FOURTEEN - FIFTEEN TUITION RATE YEAR AND  
7     ALL SUBSEQUENT YEARS THEREAFTER SHALL EQUAL THE PRODUCT OF THE TUITION  
8     RATE FOR THE BASE YEAR AND PERSONAL INCOME GROWTH INDEX AS DEFINED BY  
9     PARAGRAPH BB OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF  
10    THIS CHAPTER.  
11    K. ALL RECONCILIATION RATES FILED AFTER JULY FIRST, TWO THOUSAND FOUR-  
12    TEEN IN ACCORDANCE WITH SECTION 200.9 OF THE DEPARTMENT'S RULES AND  
13    REGULATIONS SHALL BE ACTED UPON BY THE DIRECTOR OF THE BUDGET WITHIN ONE  
14    HUNDRED TWENTY DAYS OF SUBMISSION TO THE DEPARTMENT. SUCH RATES SHALL BE  
15    DEEMED APPROVED BY THE DIRECTOR OF THE BUDGET IN THE EVENT THAT NO FINAL  
16    ACTION IS TAKEN BY THE DIRECTOR OF THE BUDGET WITHIN ONE HUNDRED TWENTY  
17    DAYS FROM THE SUBMISSION OF THE RECONCILIATION RATE TO THE DEPARTMENT.  
18    S 2. The state finance law is amended by adding a new section 97-oooo  
19    to read as follows:  
20    S 97-0000. SPECIAL EDUCATION PROVIDER REVOLVING LOAN FUND. 1. THERE  
21    IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE

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

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1 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE SPECIAL  
2 EDUCATION PROVIDER REVOLVING LOAN FUND. SUCH FUND SHALL CONSIST OF  
3 MONEYS MADE AVAILABLE PURSUANT TO APPROPRIATION AND ANY OTHER SOURCES IN  
4 ORDER TO PROVIDE SUPPORT SPECIAL ACT SCHOOL DISTRICTS, STATE EDUCATION  
5 DEPARTMENT APPROVED PRIVATE SCHOOLS FOR SPECIAL EDUCATION STUDENTS OF  
6 SCHOOL AGE, AND APPROVED PROVIDERS OF SERVICES PURSUANT TO SECTION  
7 FORTY-FOUR HUNDRED TEN OF THE EDUCATION LAW. MONEYS SHALL BE PAID OUT  
8 OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT  
9 TO SUCH SECTION.

10 2. THE COMPTROLLER MAY PROVIDE SUCH A LOAN TO A SPECIAL ACT SCHOOL  
11 DISTRICT OR APPROVED SPECIAL EDUCATION PROVIDER DEFINED IN SUBDIVISION  
12 ONE OF THIS SECTION UPON RECEIPT OF A WRITTEN AGREEMENT BETWEEN THE  
13 SCHOOL DISTRICT OR PROVIDER AND THE STATE EDUCATION DEPARTMENT OUTLINING  
14 THE NEED FOR SUCH LOAN AND THE ANTICIPATED TUITION PAYMENT OR TUITION  
15 RECONCILIATION THAT WILL PROVIDE REASONABLE ASSURANCES OF REPAYMENT THAT  
16 IS SATISFACTORY TO THE COMPTROLLER. SUCH LOAN SHALL NOT BEAR INTEREST  
17 AND REPAYMENT OF SUCH LOAN MAY BE MADE UPON RECEIPT OF TUITION PAYMENTS  
18 AND RECONCILIATIONS, PURSUANT TO THE WRITTEN AGREEMENT.

19 3. THE STATE COMPTROLLER SHALL PROMULGATE RULES AND REGULATIONS WITHIN  
20 NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION FOR THE OPERATION OF  
21 THE SPECIAL EDUCATION PROVIDER REVOLVING LOAN FUND WHICH SHALL INCLUDE,  
22 BUT NOT BE LIMITED TO, THE CRITERIA TO BE USED IN DETERMINING HOW AN  
23 ELIGIBLE SPECIAL EDUCATION PROVIDER MAY RECEIVE ASSISTANCE; A PROCEDURE  
24 AND ANY NECESSARY INFORMATION THAT A SPECIAL EDUCATION PROVIDER NEEDS TO  
25 SUBMIT FOR A LOAN FROM THE SPECIAL EDUCATION PROVIDER REVOLVING LOAN  
26 FUND; A SCHEDULE FOR REVIEWING SUCH APPLICATIONS, NOT TO EXCEED THIRTY  
27 DAYS, AND NOTIFICATION TO AN APPLICANT OF APPROVAL OR DISAPPROVAL OF  
28 SUCH APPLICATION FOR A LOAN, AND ANY OTHER REQUIREMENTS DEEMED NECESSARY  
29 BY THE STATE COMPTROLLER.

30 S 3. This act shall take effect immediately.