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

5661--A

2013-2014 Regular Sessions

I N S E N A T E

May 31, 2013

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:

Section 1. Subdivision 4 of section 4405 of the education law is amended by adding two new paragraphs j and k to read as follows:

J. THE TUITION RATES ESTABLISHED FOR SPECIAL ACT SCHOOL DISTRICTS, APPROVED PRIVATE SCHOOLS FOR STUDENTS OF SCHOOL AGE, AND APPROVED PROVIDERS OF SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS ARTICLE FOR THE TWO THOUSAND FOURTEEN - FIFTEEN TUITION RATE YEAR AND ALL SUBSEQUENT YEARS THEREAFTER SHALL EQUAL THE PRODUCT OF THE TUITION RATE FOR THE BASE YEAR AND PERSONAL INCOME GROWTH INDEX AS DEFINED BY PARAGRAPH BB OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

K. ALL RECONCILIATION RATES FILED AFTER JULY FIRST, TWO THOUSAND FOURTEEN IN ACCORDANCE WITH SECTION 200.9 OF THE DEPARTMENT'S RULES AND REGULATIONS SHALL BE ACTED UPON BY THE DIRECTOR OF THE BUDGET WITHIN ONE HUNDRED TWENTY DAYS OF SUBMISSION TO THE DEPARTMENT. SUCH RATES SHALL BE DEEMED APPROVED BY THE DIRECTOR OF THE BUDGET IN THE EVENT THAT NO FINAL ACTION IS TAKEN BY THE DIRECTOR OF THE BUDGET WITHIN ONE HUNDRED TWENTY DAYS FROM THE SUBMISSION OF THE RECONCILIATION RATE TO THE DEPARTMENT.

S 2. The state finance law is amended by adding a new section 97-oooo to read as follows:

S 97-OOOO. SPECIAL EDUCATION PROVIDER REVOLVING LOAN FUND. 1. THERE 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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COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE SPECIAL EDUCATION PROVIDER REVOLVING LOAN FUND. SUCH FUND SHALL CONSIST OF MONEYS MADE AVAILABLE PURSUANT TO APPROPRIATION AND ANY OTHER SOURCES IN ORDER TO PROVIDE SUPPORT SPECIAL ACT SCHOOL DISTRICTS, STATE EDUCATION DEPARTMENT APPROVED PRIVATE SCHOOLS FOR SPECIAL EDUCATION STUDENTS OF SCHOOL AGE, AND APPROVED PROVIDERS OF SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THE EDUCATION LAW. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT TO SUCH SECTION.

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

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

S 3. This act shall take effect immediately.