

8639

2015-2016 Regular Sessions

I N   A S S E M B L Y

December 23, 2015

---

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

AN ACT to amend the education law, in relation to the education of a  
preschool child with a handicapping condition

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

1     Section 1. Paragraphs d, e and g of subdivision 1 of section 4410-a  
2 of the education law, as amended by chapter 705 of the laws of 1992, are  
3 amended and a new paragraph i is added to read as follows:  
4     d. "Municipality of current location" FOR A CHILD IN FOSTER CARE OR A  
5 CHILD IN RESIDENTIAL CARE shall mean a municipality in which a child  
6 lives which is different from the municipality in which a child or such  
7 child's family lived at the time a social services district assumed  
8 responsibility for the placement of such child or family, or at the time  
9 such child was admitted for care and/or treatment in a facility licensed  
10 or operated by another state agency. PROVIDED, HOWEVER, THAT FOR A  
11 CHILD WHO IS HOMELESS "MUNICIPALITY OF CURRENT LOCATION" SHALL MEAN THE  
12 MUNICIPALITY IN WHICH THE HOTEL, MOTEL, SHELTER, OR OTHER TEMPORARY  
13 HOUSING ARRANGEMENT OF A HOMELESS CHILD IS LOCATED, WHICH IS DIFFERENT  
14 FROM THE MUNICIPALITY OF RESIDENCE.  
15     e. "Municipality of residence" FOR A CHILD IN FOSTER CARE OR A CHILD  
16 IN RESIDENTIAL CARE shall mean the municipality in which a child or such  
17 child's family lived at the time the local social services district  
18 assumed responsibility for the placement of such child or family, or at  
19 the time such child was admitted for care and/or treatment in a facility  
20 licensed or operated by another state agency. PROVIDED, HOWEVER, THAT  
21 FOR A CHILD WHO IS HOMELESS "MUNICIPALITY OF RESIDENCE" SHALL MEAN THE  
22 MUNICIPALITY IN WHICH A CHILD OR SUCH CHILD'S FAMILY LIVED WHEN CIRCUM-  
23 STANCES AROSE WHICH CAUSED SUCH CHILD TO BECOME HOMELESS.  
24     g. "School district of current location" FOR A CHILD IN FOSTER CARE OR  
25 A CHILD IN RESIDENTIAL CARE shall mean a school district in which a

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

LBD13018-02-5

1 child lives which is different from the school district in which a child  
2 or such child's family lived at the time a social services district  
3 assumed responsibility for the placement of such child or family, or at  
4 the time such child was admitted for care and/or treatment in a facility  
5 licensed or operated by another state agency. PROVIDED, HOWEVER, THAT  
6 FOR A CHILD WHO IS HOMELESS "SCHOOL DISTRICT OF CURRENT LOCATION" SHALL  
7 MEAN THE SCHOOL DISTRICT IN WHICH THE HOTEL, MOTEL, SHELTER, OR OTHER  
8 TEMPORARY HOUSING ARRANGEMENT OF A HOMELESS CHILD IS LOCATED, WHICH IS  
9 DIFFERENT FROM THE SCHOOL DISTRICT OF RESIDENCE.

10 I. "SCHOOL DISTRICT OF RESIDENCE" FOR A CHILD IN FOSTER CARE OR A  
11 CHILD IN RESIDENTIAL CARE SHALL MEAN THE SCHOOL DISTRICT IN WHICH A  
12 CHILD OR SUCH CHILD'S FAMILY LIVED AT THE TIME THE LOCAL SOCIAL SERVICES  
13 DISTRICT ASSUMED RESPONSIBILITY FOR THE PLACEMENT OF SUCH CHILD OR FAMI-  
14 LY, OR AT THE TIME SUCH CHILD WAS ADMITTED FOR CARE AND/OR TREATMENT IN  
15 A FACILITY LICENSED OR OPERATED BY ANOTHER STATE AGENCY, WHICH IS  
16 DIFFERENT FROM THE SCHOOL DISTRICT OF CURRENT LOCATION. PROVIDED, HOWEV-  
17 ER, THAT FOR A CHILD WHO IS HOMELESS "SCHOOL DISTRICT OF RESIDENCE"  
18 SHALL MEAN THE SCHOOL DISTRICT IN WHICH A CHILD OR SUCH CHILD'S FAMILY  
19 LIVED WHEN CIRCUMSTANCES AROSE WHICH CAUSED SUCH CHILD TO BECOME HOME-  
20 LESS, WHICH IS DIFFERENT FROM THE SCHOOL DISTRICT OF CURRENT LOCATION.

21 S 2. Subdivisions 2 and 3 of section 4410-a of the education law, as  
22 amended by chapter 280 of the laws of 1994, are amended to read as  
23 follows:

24 2. School district evaluation and placement responsibility. A. CHILD  
25 IN RESIDENTIAL CARE. The school district of current location of a  
26 [foster care or homeless child or] child in residential care shall be  
27 responsible for the evaluation and placement procedures prescribed for a  
28 preschool child suspected of having a handicapping condition OR FOR A  
29 PRESCHOOL CHILD WITH A DISABILITY pursuant to section forty-four hundred  
30 ten of this chapter.

31 B. CHILD IN FOSTER CARE. FOR A CHILD IN FOSTER CARE, THE SCHOOL  
32 DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR THE EVALUATION AND PLACE-  
33 MENT PROCEDURES PRESCRIBED FOR A PRESCHOOL CHILD SUSPECTED OF HAVING A  
34 HANDICAPPING CONDITION OR FOR A PRESCHOOL CHILD WITH A DISABILITY PURSU-  
35 ANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER, UNLESS THE CHILD  
36 WELFARE AGENCY DETERMINES THAT IT IS IN THE CHILD'S BEST INTERESTS TO  
37 TRANSFER SUCH RESPONSIBILITIES TO THE SCHOOL DISTRICT OF CURRENT  
38 LOCATION.

39 C. CHILD WHO IS HOMELESS. FOR A CHILD WHO IS HOMELESS, THE PARENT OR  
40 THE PERSON IN PARENTAL RELATION TO THE HOMELESS CHILD SHALL DESIGNATE  
41 EITHER THE SCHOOL DISTRICT OF RESIDENCE OR THE SCHOOL DISTRICT OF  
42 CURRENT LOCATION AND SUCH DESIGNATED DISTRICT SHALL BE RESPONSIBLE FOR  
43 THE EVALUATION AND PLACEMENT PROCEDURES PRESCRIBED FOR A PRESCHOOL CHILD  
44 SUSPECTED OF HAVING A HANDICAPPING CONDITION OR FOR A PRESCHOOL CHILD  
45 WITH A DISABILITY PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS  
46 CHAPTER.

47 D. In issuing its written notice of determination of services, the  
48 board of education of [such] THE school district WITH EVALUATION AND  
49 PLACEMENT RESPONSIBILITY AS DETERMINED IN PARAGRAPHS A, B, AND C OF THIS  
50 SUBDIVISION shall identify the municipality of residence AND THE MUNICI-  
51 PALITY OF CURRENT LOCATION of a preschool child with a handicapping  
52 condition who is a foster care or homeless child or child in residential  
53 care. Such notice of determination shall be transmitted to both the  
54 municipality of residence and the municipality of current location.

55 3. Contract and payment responsibility. The municipality [of current  
56 location] IN WHICH THE SCHOOL DISTRICT THAT HAS EVALUATION AND PLACEMENT

1 RESPONSIBILITY IS LOCATED shall be the municipality of record for a  
2 preschool child with a handicapping condition who is a foster care or  
3 homeless child or child in residential care for the purposes of section  
4 forty-four hundred ten of this chapter provided, however, that, notwith-  
5 standing the provision of paragraph b of subdivision eleven of such  
6 section, the state shall reimburse one hundred percent of the approved  
7 costs paid by such municipality which shall be offset by the local  
8 contribution due pursuant to subdivision four of this section.  
9 S 3. This act shall take effect on the ninetieth day after it shall  
10 have become a law.