STATE OF NEW YORK

2559

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

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 Assembly, do enact as follows:

Section 1. Paragraphs d, e and g of subdivision 1 of section 4410-a of the education law, as amended by chapter 705 of the laws of 1992, are amended and a new paragraph i is added to read as follows:

d. "Municipality of current location" **for a child in foster care or a child in residential care** shall mean a municipality in which a child lives which is different from the municipality in which a child or such child's family lived at the time a social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. **Provided, however, that for a child who is homeless "municipality of current location" shall mean the municipality in which the hotel, motel, shelter, or other temporary housing arrangement of a homeless child is located, which is different from the municipality of residence.**

e. "Municipality of residence" **for a child in foster care or a child in residential care** shall mean the municipality in which a child or such child's family lived at the time the local social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. **Provided, however, that for a child who is homeless "municipality of residence" shall mean the municipality in which a child or such child's family lived when circumstances arose which caused such child to become homeless.**

g. "School district of current location" **for a child in foster care or 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.

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child lives which is different from the school district in which a child or such child's family lived at the time a social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. **Provided, however, that for a child who is homeless "school district of current location" shall mean the school district in which the hotel, motel, shelter, or other temporary housing arrangement of a homeless child is located, which is different from the school district of residence.**

i. "School district of residence" for a child in foster care or a child in residential care shall mean the school district in which a child or such child's family lived at the time the local social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency, which is different from the school district of current location. Provided, however, that for a child who is homeless "school district of residence" shall mean the school district in which a child or such child's family lived when circumstances arose which caused such child to become homeless, which is different from the school district of current location.

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

2. School district evaluation and placement responsibility. **a. Child in residential care.** The school district of current location of a [~~foster care or homeless child or~~] child in residential care shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition **or for a preschool child with a disability** pursuant to section forty-four hundred ten of this chapter.

b. Child in foster care. For a child in foster care, the school district of residence shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition or for a preschool child with a disability pursuant to section forty-four hundred ten of this chapter, unless the child welfare agency determines that it is in the child's best interests to transfer such responsibilities to the school district of current location.

c. Child who is homeless. For a child who is homeless, the parent or the person in parental relation to the homeless child shall designate either the school district of residence or the school district of current location and such designated district shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition or for a preschool child with a disability pursuant to section forty-four hundred ten of this chapter.

d. In issuing its written notice of determination of services, the board of education of [~~such~~] **the** school district **with evaluation and placement responsibility as determined in paragraphs a, b, and c of this subdivision** shall identify the municipality of residence **and the municipality of current location** of a preschool child with a handicapping condition who is a foster care or homeless child or child in residential care. Such notice of determination shall be transmitted to both the municipality of residence and the municipality of current location.

3. Contract and payment responsibility. The municipality [~~of current location~~] **in which the school district that has evaluation and placement**

responsibility is located shall be the municipality of record for a preschool child with a handicapping condition who is a foster care or homeless child or child in residential care for the purposes of section forty-four hundred ten of this chapter provided, however, that, notwithstanding the provision of paragraph b of subdivision eleven of such section, the state shall reimburse one hundred percent of the approved costs paid by such municipality which shall be offset by the local contribution due pursuant to subdivision four of this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.