

# STATE OF NEW YORK

6514--A

2017-2018 Regular Sessions

## IN ASSEMBLY

March 8, 2017

Introduced by M. of A. NOLAN, BRINDISI, SEAWRIGHT, THIELE -- (at request of the State Education Department) -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing a fiscal stabilization reserve fund as part of the tuition reimbursement methodology for school age programs and providing an annual growth amount for the tuition reimbursement for school age programs operated by in-state approved private schools for the education of students with disabilities and special act school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph c of subdivision 4 of section 4405 of the education law, as amended by chapter 82 of the laws of 1995, is amended to read as follows:

c. The director of the budget, in consultation with the commissioner ~~[of education]~~, the commissioner of social services, and any other state agency or other source the director may deem appropriate, shall approve reimbursement methodologies for tuition and for maintenance. Any modification in the approved reimbursement methodologies shall be subject to the approval of the director of the budget. ~~[Notwithstanding any other provision of law, rule or regulation to the contrary, tuition rates established for the nineteen hundred ninety five ninety six school year shall exclude the two percent cost of living adjustment authorized in rates established for the nineteen hundred ninety four--ninety five school year.]~~ Tuition rates approved for the two thousand seventeen--two thousand eighteen school year and thereafter for special services or programs provided to school-age students by approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and by special act school districts shall grow by a percentage equal to the greater of: (i) the

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

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1 average, rounded to three decimal places, of the quotients of the total  
2 personal income of taxpayers in the state for each state fiscal year in  
3 the three-year period finishing with the state fiscal year one year  
4 prior to the state fiscal year in which the base year commenced divided  
5 by the total personal income of taxpayers of the state for each imme-  
6 diately preceding state fiscal year, rounded to three decimal places  
7 minus one, (ii) a percentage recommended by the commissioner and  
8 approved by the director of the budget, or (iii) zero.

9 § 2. Section 4004 of the education law is amended by adding a new  
10 subdivision 5 to read as follows:

11 5. The board of education of a special act school district shall be  
12 authorized to establish a fiscal stabilization reserve fund. There may  
13 be paid into such fund an amount as may be provided pursuant to the  
14 requirements of paragraph k of subdivision four of section forty-four  
15 hundred five of this title.

16 § 3. Subdivision 4 of section 4405 of the education law is amended by  
17 adding a new paragraph k to read as follows:

18 k. The tuition methodology established pursuant to this subdivision  
19 for the two thousand seventeen--two thousand eighteen school year and  
20 thereafter shall authorize approved private residential or non-residen-  
21 tial schools for the education of students with disabilities that are  
22 located within the state, and special act school districts, to retain  
23 funds in excess of their allowable and reimbursable costs incurred for  
24 services and programs provided to school-age students. The amount of  
25 funds that may be annually retained shall not exceed one percent of the  
26 school's or school district's total allowable and reimbursable costs for  
27 services and programs provided to school-age students for the school  
28 year from which the funds are to be retained; provided that the total  
29 accumulated balance that may be retained shall not exceed four percent  
30 of such total costs for such school year. Funds may be expended only  
31 pursuant to an authorization of the governing board of the school or  
32 school district, for a purpose expressly authorized as part of the  
33 approved tuition methodology for the year in which the funds are to be  
34 expended. The director of the budget, in consultation with the commis-  
35 sioner, shall establish the authorized uses for the expenditures of such  
36 funds as part of the approved tuition methodology. Any school or school  
37 district that retains funds pursuant to this paragraph shall be required  
38 to annually report a statement of the total balance of any such retained  
39 funds, the amount, if any, retained in the prior school year, an amount,  
40 if any, dispersed in the prior school year, and any additional informa-  
41 tion requested by the department as part of the financial reports that  
42 are required to be annually submitted to the department.

43 § 4. This act shall take effect immediately.