STATE OF NEW YORK

10439--A

IN ASSEMBLY

April 23, 2018

Introduced by M. of A. NOLAN -- 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 interim rates to reimburse special education schools

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

Section 1. Paragraphs a and c of subdivision 4 of section 4405 of the education law, paragraph a as amended by chapter 53 of the laws of 1990 and paragraph c as amended by chapter 82 of the laws of 1995, are amended to read as follows:

a. The commissioner [~~of education~~] and the commissioner of social services shall develop reimbursement methodologies for the tuition and maintenance components of approved private schools and special act school districts. The commissioner [~~of education~~], in consultation with the appropriate state agencies and departments, shall have responsibility for developing a reimbursement methodology for tuition which shall be based upon appropriate educational standards promulgated pursuant to regulations of the commissioner [~~of education~~]. **Notwithstanding any other provision of law, rule or regulation to the contrary, the commissioner shall, as part of the reimbursement methodology for the tuition approval process, include the use of interim plus rates consisting of a carryforward of the most recent certified rate issued for the two thousand thirteen--two thousand fourteen school year or thereafter, plus an amount representing approved growth for special act school districts as defined in section four thousand one of this article, approved preschool special education programs pursuant to section forty-four hundred ten of this article and approved private residential or non-residential schools for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six provided that interim plus tuition rates shall only be issued where the corresponding program or school is in compliance with the fiscal reporting requirements promulgated by the commissioner.** The commissioner of social services, in consultation with

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

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appropriate state agencies and departments, shall have responsibility for developing a reimbursement methodology for maintenance, pursuant to section three hundred ninety-eight-a of the social services law and the regulations promulgated thereunder.

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. **Notwithstanding any other provision of law, rule or regulation to the contrary, the director of the budget shall, as part of the reimbursement methodology for the tuition approval process, include the use of interim plus rates consisting of a carryforward of the most recent certified rate issued for the two thousand thirteen--two thousand fourteen school year or thereafter, plus an amount representing approved growth for special act school districts as defined in section four thousand one of this article, approved preschool special education programs pursuant to section forty-four hundred ten of this article and approved private residential or non-residential schools for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six provided that interim plus tuition rates shall only be issued where the corresponding program or school is in compliance with the fiscal reporting requirements promulgated by the commissioner.**

§ 2. This act shall take effect immediately.