

# STATE OF NEW YORK

---

7120--A

2019-2020 Regular Sessions

## IN ASSEMBLY

April 9, 2019

---

Introduced by M. of A. BENEDETTO, COLTON, LUPARDO, DiPIETRO, BARRON, WALLACE, M. L. MILLER -- read once and referred to the Committee on Education -- reported and referred to the Committee on Ways and Means -- 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:

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

5 a. The commissioner [~~of education~~] and the commissioner of social  
6 services shall develop reimbursement methodologies for the tuition and  
7 maintenance components of approved private schools and special act  
8 school districts. The commissioner [~~of education~~], in consultation with  
9 the appropriate state agencies and departments, shall have responsibility  
10 for developing a reimbursement methodology for tuition which shall  
11 be based upon appropriate educational standards promulgated pursuant to  
12 regulations of the commissioner [~~of education~~]. Notwithstanding any  
13 other provision of law, rule or regulation to the contrary, the commis-  
14 sioner shall, as part of the reimbursement methodology for the tuition  
15 approval process, recommend that, when interim rates are issued, such  
16 rates include the approved tuition reimbursement growth rate for each  
17 year, starting with the year used to form the basis of the interim rate  
18 and compounded at the approved growth rate for each subsequent year. The  
19 commissioner of social services, in consultation with appropriate state  
20 agencies and departments, shall have responsibility for developing a  
21 reimbursement methodology for maintenance, pursuant to section three

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

LBD06019-02-9

1 hundred ninety-eight-a of the social services law and the regulations  
2 promulgated thereunder.

3 c. The director of the budget, in consultation with the commissioner  
4 [~~of education~~], the commissioner of social services, and any other state  
5 agency or other source the director may deem appropriate, shall approve  
6 reimbursement methodologies for tuition and for maintenance. Any modifi-  
7 cation in the approved reimbursement methodologies shall be subject to  
8 the approval of the director of the budget. Notwithstanding any other  
9 provision of law, rule or regulation to the contrary, tuition rates  
10 established for the nineteen hundred ninety-five--ninety-six school year  
11 shall exclude the two percent cost of living adjustment authorized in  
12 rates established for the nineteen hundred ninety-four--ninety-five  
13 school year. Notwithstanding any other provision of law, rule or regu-  
14 lation to the contrary, the director of the budget shall, as part of the  
15 reimbursement methodology for the tuition approval process, approve  
16 that, when interim rates are issued, such rates include the approved  
17 tuition reimbursement growth rate for each year, starting with the year  
18 used to form the basis of the interim rate and compounded at the  
19 approved growth rate for each subsequent year.

20 § 2. This act shall take effect immediately.