

STATE OF NEW YORK

5192

2019-2020 Regular Sessions

IN SENATE

April 15, 2019

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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, include the use of interim plus rates consisting of a
16 carryforward of the most recent certified rate issued for the two thou-
17 sand thirteen--two thousand fourteen school year or thereafter, plus an
18 amount representing approved growth for special act school districts as
19 defined in section four thousand one of this title, approved preschool
20 special education programs pursuant to section forty-four hundred ten of
21 this article and approved private residential or non-residential schools
22 for the education of students with disabilities including private
23 schools established under chapter eight hundred fifty-three of the laws
24 of nineteen hundred seventy-six provided that interim plus tuition rates
25 shall only be issued where the corresponding program or school is in

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

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1 compliance with the fiscal reporting requirements promulgated by the
2 commissioner. The commissioner of social services, in consultation with
3 appropriate state agencies and departments, shall have responsibility
4 for developing a reimbursement methodology for maintenance, pursuant to
5 section three hundred ninety-eight-a of the social services law and the
6 regulations promulgated thereunder.

7 c. The director of the budget, in consultation with the commissioner
8 [~~of education~~], the commissioner of social services, and any other state
9 agency or other source the director may deem appropriate, shall approve
10 reimbursement methodologies for tuition and for maintenance. Any modifi-
11 cation in the approved reimbursement methodologies shall be subject to
12 the approval of the director of the budget. Notwithstanding any other
13 provision of law, rule or regulation to the contrary, tuition rates
14 established for the nineteen hundred ninety-five--ninety-six school year
15 shall exclude the two percent cost of living adjustment authorized in
16 rates established for the nineteen hundred ninety-four--ninety-five
17 school year. Notwithstanding any other provision of law, rule or regu-
18 lation to the contrary, the director of the budget shall, as part of the
19 reimbursement methodology for the tuition approval process, include the
20 use of interim plus rates consisting of a carryforward of the most
21 recent certified rate issued for the two thousand thirteen--two thousand
22 fourteen school year or thereafter, plus an amount representing approved
23 growth for special act school districts as defined in section four thou-
24 sand one of this title, approved preschool special education programs
25 pursuant to section forty-four hundred ten of this article and approved
26 private residential or non-residential schools for the education of
27 students with disabilities including private schools established under
28 chapter eight hundred fifty-three of the laws of nineteen hundred seven-
29 ty-six provided that interim plus tuition rates shall only be issued
30 where the corresponding program or school is in compliance with the
31 fiscal reporting requirements promulgated by the commissioner.

32 § 2. This act shall take effect immediately.