

STATE OF NEW YORK

5137

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. BENEDETTO, COLTON, LUPARDO, DiPIETRO, BARRON, WALLACE, AUBRY, GRIFFIN -- read once and referred 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, 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
22 hundred ninety-eight-a of the social services law and the regulations
23 promulgated thereunder.

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

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

18 § 2. This act shall take effect immediately.