

# STATE OF NEW YORK

6516--A

2021-2022 Regular Sessions

## IN SENATE

May 4, 2021

Introduced by Sens. MANNION, REICHLIN-MELNICK -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing an annual growth amount for tuition and regional rate reimbursement for approved school-age and preschool special education programs

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

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

4 c. The director of the budget, in consultation with the commissioner  
5 [~~of education~~], the commissioner of social services, and any other state  
6 agency or other source the director may deem appropriate, shall approve  
7 reimbursement methodologies for tuition and for maintenance. Any modifi-  
8 cation in the approved reimbursement methodologies shall be subject to  
9 the approval of the director of the budget. [~~Notwithstanding any other~~

10 ~~provision of law, rule or regulation to the contrary, tuition rates~~  
11 ~~established for the nineteen hundred ninety-five--ninety-six school year~~  
12 ~~shall exclude the two percent cost of living adjustment authorized in~~  
13 ~~rates established for the nineteen hundred ninety four--ninety five~~  
14 ~~school year.] Tuition and/or regional rates approved for the two thou-~~

15 sand twenty-one--two thousand twenty-two school year and thereafter for  
16 special services or programs provided to school-age students by approved  
17 private residential or non-residential schools for the education of  
18 students with disabilities that are located within the state, by special  
19 act school districts, and by July and August programs for students with  
20 disabilities approved pursuant to section forty-four hundred eight of  
21 this article, and for special services or programs provided to preschool

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

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1 students by programs serving preschool students with disabilities  
2 approved pursuant to section forty-four hundred ten of this article  
3 including, but not limited to, special class and special class in an  
4 integrated setting programs, multi-disciplinary evaluation programs,  
5 special education itinerant services, and preschool transportation  
6 services for which tuition and/or regional rates are determined, shall  
7 grow by a percentage equal to the greater of: (i) the difference of the  
8 quotient arrived at when dividing the statewide apportionments for  
9 general support for public schools, as defined in subdivision one of  
10 section thirty-six hundred nine-a of this chapter, for the current year  
11 by such apportionments for the base year, as such terms are defined in  
12 subdivision one of section thirty-six hundred two of this chapter, as  
13 computed based on an electronic data file used to produce the school aid  
14 computer listing produced by the commissioner in support of the enacted  
15 budget for the current year, less one; or (ii) zero.

16 § 2. This act shall take effect immediately.