

# STATE OF NEW YORK

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579

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. MAYER, GAUGHRAN, HARCKHAM, SKOUFIS -- 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

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

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1 of nineteen hundred seventy-six provided that interim plus tuition rates  
2 shall only be issued where the corresponding program or school is in  
3 compliance with the fiscal reporting requirements promulgated by the  
4 commissioner. The commissioner of social services, in consultation with  
5 appropriate state agencies and departments, shall have responsibility  
6 for developing a reimbursement methodology for maintenance, pursuant to  
7 section three hundred ninety-eight-a of the social services law and the  
8 regulations promulgated thereunder.

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

34 § 2. This act shall take effect immediately.