STATE OF NEW YORK

10315

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Shimsky) -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to reserved funds for special educational services for certain children with disabilities

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

Section 1. Subparagraph (iv) of paragraph k of subdivision 4 of section 4405 of the education law, as amended by section 19-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

(iv) Funds authorized to be retained under this paragraph may be expended only pursuant to an authorization of the governing board of the school, school district or program approved pursuant to section forty-four hundred ten of this article, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any school, school district, or program approved pursuant to section forty-four hundred ten of this article that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and any additional information requested by the department as part of the financial reports that are required to be annually submitted to the department**, and provided further that such reserved funds, including any accrued interest or investments of such funds, of special act school districts shall only supplement and not supplant any funds provided by tuition methodology once reserved**.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021.

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

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