

# STATE OF NEW YORK

4156

2023-2024 Regular Sessions

## IN ASSEMBLY

February 10, 2023

Introduced by M. of A. RA -- read once and referred to the Committee on Education

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. Subdivision 2 of section 4003 of the education law, as  
2 amended by chapter 947 of the laws of 1981, is amended to read as  
3 follows:  
4 2. The director of the budget, in consultation with the commissioner  
5 [~~of education~~], the commissioner of social services, the commissioner of  
6 health, the commissioner of mental health, and any other state agency or  
7 other source he or she may deem appropriate, shall approve reimbursement  
8 methodologies for tuition and maintenance. Any modification in any such  
9 methodology which has previously been approved shall be subject to the  
10 approval of the director of the budget. Tuition and/or fee for service  
11 rates approved for the two thousand twenty-four--two thousand twenty-  
12 five school year and thereafter for special services or programs  
13 provided to school-age students by approved private residential or  
14 nonresidential schools for the education of students with disabilities  
15 that are located within the state, by special act school districts, and  
16 by July and August programs for students with disabilities approved  
17 pursuant to section forty-four hundred eight of this title, and for  
18 special services or programs provided to preschool students by programs  
19 servicing preschool students with disabilities approved pursuant to  
20 section forty-four hundred ten of this title including, but not limited  
21 to, special class and special class in an integrated setting programs,  
22 multi-disciplinary evaluation programs, special education itinerant  
23 services, and preschool transportation services for which tuition and/or  
24 fee for service rates are determined, shall grow by a percentage equal

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

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1 to the greater of: (i) the difference of the quotient arrived at when  
2 dividing the statewide apportionments for general support for public  
3 schools, as defined in subdivision one of section thirty-six hundred  
4 nine-a of this chapter, for the current year by such apportionments for  
5 the base year, as such terms are defined in subdivision one of section  
6 thirty-six hundred two of this chapter, as is computed based on an elec-  
7 tronic filing data file used to produce the school aid computer for the  
8 current year, less one; or (ii) zero.

9 § 2. Paragraph c of subdivision 4 of section 4405 of the education  
10 law, as amended by chapter 82 of the laws of 1995, is amended to read as  
11 follows:

12 c. The director of the budget, in consultation with the commissioner  
13 [~~of education~~], the commissioner of social services, and any other state  
14 agency or other source the director may deem appropriate, shall approve  
15 reimbursement methodologies for tuition and for maintenance. Any modifi-  
16 cation in the approved reimbursement methodologies shall be subject to  
17 the approval of the director of the budget. [~~Notwithstanding any other~~  
18 ~~provision of law, rule or regulation to the contrary, tuition rates~~  
19 ~~established for the nineteen hundred ninety-five--ninety-six school year~~  
20 ~~shall exclude the two percent cost of living adjustment authorized in~~  
21 ~~rates established for the nineteen hundred ninety-four--ninety-five~~  
22 ~~school year.] Tuition and/or fee for service rates approved for the two  
23 thousand twenty-four--two thousand twenty-five school year and thereaft-  
24 er for special services or programs provided to school-age students by  
25 approved private residential or nonresidential schools for the education  
26 of students with disabilities that are located within the state, by  
27 special act school districts, and by July and August programs for  
28 students with disabilities approved pursuant to section forty-four  
29 hundred eight of this article, and for special services or programs  
30 provided to preschool students by programs serving preschool students  
31 with disabilities approved pursuant to section forty-four hundred ten of  
32 this article including, but not limited to, special class and special  
33 class in an integrated setting programs, multi-disciplinary evaluation  
34 programs, special education itinerant services, and preschool transpor-  
35 tation services for which tuition and/or fee for service rates are  
36 determined, shall grow by a percentage equal to the greater of: (i) the  
37 difference of the quotient arrived at when dividing the statewide appor-  
38 tionments for general support for public schools, as defined in subdivi-  
39 sion one of section thirty-six hundred nine-a of this chapter, for the  
40 current year by such apportionments for the base year, as such terms are  
41 defined in subdivision one of section thirty-six hundred two of this  
42 chapter, as is computed based on an electronic filing data file used to  
43 produce the school aid computer for the current year, less one; or (ii)  
44 zero.~~

45 § 3. This act shall take effect immediately.