# 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:**

Section 1. Subdivision 2 of section 4003 of the education law, as amended by chapter 947 of the laws of 1981, is amended to read as follows:

2. The director of the budget, in consultation with the commissioner [~~of education~~], the commissioner of social services, the commissioner of health, the commissioner of mental health, and any other state agency or other source he **or she** may deem appropriate, shall approve reimbursement methodologies for tuition and maintenance. Any modification in any such methodology which has previously been approved shall be subject to the approval of the director of the budget. **Tuition and/or fee for service rates approved for the two thousand twenty-four--two thousand twenty-five school year and thereafter for special services or programs provided to school-age students by approved private residential or nonresidential schools for the education of students with disabilities that are located within the state, by special act school districts, and by July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this title, and for special services or programs provided to preschool students by programs serving preschool students with disabilities approved pursuant to section forty-four hundred ten of this title including, but not limited to, special class and special class in an integrated setting programs, multi-disciplinary evaluation programs, special education itinerant services, and preschool transportation services for which tuition and/or 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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to the greater of: (i) the difference of the quotient arrived at when dividing the statewide apportionments for general support for public schools, as defined in subdivision one of section thirty-six hundred nine-a of this chapter, for the current year by such apportionments for the base year, as such terms are defined in subdivision one of section thirty-six hundred two of this chapter, as is computed based on an electronic filing data file used to produce the school aid computer for the current year, less one; or (ii) zero.

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

c. The director of the budget, in consultation with the commissioner [~~of education~~], the commissioner of social services, and any other state agency or other source the director may deem appropriate, shall approve reimbursement methodologies for tuition and for maintenance. Any modification in the approved reimbursement methodologies shall be subject to the approval of the director of the budget. [~~Notwithstanding any other provision of law, rule or regulation to the contrary, tuition rates established for the nineteen hundred ninety-five--ninety-six school year shall exclude the two percent cost of living adjustment authorized in rates established for the nineteen hundred ninety-four--ninety-five school year.~~] Tuition and/or fee for service rates approved for the two thousand twenty-four--two thousand twenty-five school year and thereafter for special services or programs provided to school-age students by approved private residential or nonresidential schools for the education of students with disabilities that are located within the state, by special act school districts, and by July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this article, and for special services or programs provided to preschool students by programs serving preschool students with disabilities approved pursuant to section forty-four hundred ten of this article including, but not limited to, special class and special class in an integrated setting programs, multi-disciplinary evaluation programs, special education itinerant services, and preschool transportation services for which tuition and/or fee for service rates are determined, shall grow by a percentage equal to the greater of: (i) the difference of the quotient arrived at when dividing the statewide apportionments for general support for public schools, as defined in subdivision one of section thirty-six hundred nine-a of this chapter, for the current year by such apportionments for the base year, as such terms are defined in subdivision one of section thirty-six hundred two of this chapter, as is computed based on an electronic filing data file used to produce the school aid computer for the current year, less one; or (ii) zero.

§ 3. This act shall take effect immediately.