§ 3609-b. Moneys apportioned for students with disabilities, when and how payable. Moneys apportioned to school districts for the excess cost aid setaside pursuant to subdivision four of section thirty-six hundred two of this article and the apportionments for students with disabilities due in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, shall be paid to or on behalf of school districts in accordance with the provisions of this section, provided, however, that payments made to or on behalf of any school district pursuant to this section shall be adjusted subsequent to the filing, in an acceptable manner, of aid claim forms prescribed by the commissioner.

For aid payable in the two thousand seven--two thousand eight school year and thereafter, "moneys apportioned" shall mean the sum of; (i) the lesser of (A) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year, as defined in the opening paragraph of section thirty-six hundred nine-a of this article, or (B) the apportionment calculated by the commissioner for the current year based on data on file at the time the payment is processed plus (ii) the excess cost aid setaside computed pursuant to subdivision four of section thirty-six hundred two of this article, based on data utilized in producing such school aid listing for the current year. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this article shall apply to this section.

1. Assignment of certain moneys. a. Any moneys to be apportioned by the commissioner to school districts during the school year pursuant to this section for services provided on or before June thirtieth, two thousand nine that were reimbursed by the state on or before April first, two thousand eleven shall, in the first instance, be designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to students with disabilities in special education programs pursuant to article eighty-nine of this chapter and to those

pupils who are qualified handicapped persons as defined in the federal rehabilitation act of nineteen hundred seventy-three, as amended. Some or all of such state share may be assigned on behalf of school districts to the department of health, as provided herein; any remaining state share moneys shall be paid to school districts on the same schedule as the federal share of such title XIX payments and shall be based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a school district pursuant to this section shall be paid in accordance with the provisions of subdivision two of this section. The amount to be assigned to the department of health, as determined by the commissioner of health, for any school district shall not exceed the federal share of any moneys due such school district pursuant to title XIX. Moneys designated as state share moneys shall be paid to such school districts based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

a-1. Any moneys to be apportioned by the commissioner to school districts during the school year pursuant to this section for services provided during the two thousand nine--two thousand ten school year and thereafter, or for services provided in a prior school year that were not reimbursed by the state on or before April first, two thousand eleven, shall, in the first instance, be designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to students with disabilities in special education programs pursuant to article eighty-nine of this chapter and to those pupils who are qualified handicapped persons as defined in the federal rehabilitation act of nineteen hundred seventy-three, as amended. Such state share shall be assigned on behalf of school districts to the department of health, as provided herein; the amount designated as such nonfederal share shall be transferred by the commissioner to the department of health based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a school district pursuant to this section shall be paid in accordance with the provisions of subdivision two of this section. The amount to be assigned to the department of health, as determined by the commissioner of

health, for any school district shall not exceed the federal share of any moneys due such school district pursuant to title XIX. Moneys designated as state share moneys shall be paid to such school districts by the department of health based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

b. Any moneys remaining to be apportioned to a school district pursuant to this section shall, in the second instance, be used to reimburse the commissioner for any moneys due from a school district found to be financially responsible, in accordance with the provisions of paragraph e of subdivision four of section thirty-two hundred two of this chapter, for the cost of instruction of a student with a disability placed by a local social services district or other state department or agency in a family home at board that receives program support from a child care institution affiliated with a special act school district which is located in another school district which contracts for the education of such student, upon the recommendation of its committee on special education, for the instruction of such student pursuant to paragraph c, d, e or f of subdivision two of section forty-four hundred one of this chapter or for a nonresidential placement pursuant to paragraph one of such subdivision. In the event that a district owes more than the moneys remaining to be apportioned to the district pursuant to this section, the commissioner shall withhold such excess from any other moneys due the district.

2. Payments to school districts. a. The moneys apportioned by the commissioner to school districts in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this article and section forty-four hundred five of this chapter and the moneys apportioned to school districts for the excess cost aid setaside pursuant to subdivision four of section thirty-six hundred two of this article, during the school year and remaining due after deductions are made for the purposes of subdivision one of this section, shall be payable, for the two thousand seven--two thousand eight school year and thereafter in accordance with the following schedule:

(1) December payment. On or before December fifteenth, a portion shall

be paid equal to the positive remainder of twenty-five percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section for the current year.

(2) March payment. On or before March fifteenth, a portion shall be paid equal to the positive remainder of seventy percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section and subparagraph one of this paragraph for the current year.

(3) June payment. On or before June fifteenth, a portion shall be paid equal to the positive remainder of eighty-five percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section and subparagraphs one and two of this paragraph for the current year.

(4) August payment. To the extent that any moneys are owed to a school district pursuant to this section, a portion shall be paid on or before August fifteenth equal to the positive remainder of one hundred percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section and subparagraphs one, two and three of this paragraph for the current year.

(5) Deferred September payment. Any amount payable to a school district pursuant to this section which exceeded one hundred percent of the respective amount set forth for such district as payable pursuant to this section in the school aid computer listing for the current school year shall be designated for payment for the month of September next following the close of the current school year. Such payments shall be made on the first state business day of the month of September, based on data on file as of August first; provided however, that for the September two thousand six payment such calculation shall be based on the computer listing for the current year using data on file as of August first.

b. Such moneys shall be payable to the treasurer of each city school district, and the treasurer of each union free school district and of each central school district and of each other school district, if there be a treasurer, otherwise to the collector or other disbursing officer of such district or board of cooperative educational services, who shall apply for and receive the same as soon as payable. In the case of city

school districts of cities with one hundred twenty-five thousand inhabitants or more, any payment which pursuant to this section is required to be made to the treasurer of the city school district, shall be made to the city treasurer or chamberlain.

3. Due minimum supplemental apportionment. Notwithstanding any inconsistent provisions of subdivisions five and five-a of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, for the two thousand seven--two thousand eight school year and thereafter, the due minimum supplemental apportionment shall equal the positive remainder resulting when the sum of the apportionments due a school district pursuant to such subdivisions five and five-a and such section forty-four hundred five for any school year and, the moneys apportioned for the excess cost aid setaside pursuant to subdivision four of section thirty-six hundred two of this article, is subtracted from the amount designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to pupils with disabilities in special education programs pursuant to article eighty-nine of this chapter as determined in accordance with the provisions of subdivision one of this section. Any additional apportionment pursuant to this subdivision shall be computed and recomputed by the commissioner in the normal course of auditing school district claims for aid.

4. In addition to any other payments due a district pursuant to this section, the commissioner shall also reimburse districts for any amounts due in accordance with the provisions of paragraph e of subdivision four of section thirty-two hundred two of this chapter as follows:

a. thirty-five percent of any amounts due shall be payable on or before December fifteenth;

b. seventy percent of any amounts due, minus any payment made pursuant to paragraph a of this subdivision, shall be payable on or before March fifteenth; and

c. any remaining amount due shall be payable on or before June fifteenth.