§ 4407. Special provisions relating to instruction of certain children with disabilities. 1. When it shall appear to the satisfaction of the department that a child with a disability is not receiving instruction because there are no appropriate public or private facilities for instruction of such a child within this state because of the unusual type of the disability or combination of disabilities as certified by the commissioner, the school district of which each such pupil is a resident is authorized to contract with an educational facility located outside the state, which, in the judgment of the department, can meet the needs of such child for instruction. Contracts, rates, payments and reimbursements pursuant to this section shall be in accordance with section forty-four hundred five of this article.

2. The state education department shall maintain a register of such educational facilities which are outside of the state which, after inspection, it deems qualified to meet the needs of certain children for instruction pursuant to subdivision one of this section.

3. Notwithstanding the location of the educational facility, if a child meets the eligibility requirements of subdivision one of this section and has, prior to July first, nineteen hundred seventy-six received support under this section of law by attending an educational facility within the state, such child shall be allowed to continue such attendance. The provisions of subdivision one of this section shall apply to such child as though such child was in attendance at an out-of-state educational facility.

4. The school district of which such a child is a resident at the time of admission to such an educational facility shall be required to reimburse the state on account of any expenditure made by the state for such child pursuant to subdivision one or three of this section. For the school year commencing July first, nineteen hundred seventy-seven and continuing through the nineteen hundred eighty-eight -- eighty-nine school year, such reimbursement shall be an amount equal to the school district basic contribution defined in subdivision eight of section forty-four hundred one of this article. After the close of the school year for which such reimbursement is due, the comptroller may deduct

from any state funds which become due to a school district an amount equal to the reimbursement required to be made by such school district in accordance with this subdivision, and the amount so deducted shall not be included in the operating expense of such district for the purposes of computing the apportionment for operating expense pursuant to subdivision eleven of section thirty-six hundred two of this chapter.

5. The commissioner shall prescribe the form for the contracts between the school districts and the educational facilities which contracts shall include a unified statewide payment schedule. For the nineteen hundred eighty-nine--ninety school year, such contracts shall be deemed to be in effect as of July first, nineteen hundred eighty-nine.