§ 4408. Payment for July and August programs for students with disabilities. 1. State aid. The commissioner shall make payments for approved July and August programs for students with disabilities in accordance with this section in an amount equal to eighty percent of the sum of the approved tuition and maintenance rates and the transportation expense for the current year enrollment of students with disabilities ages five through twenty-one or students eligible for services during July and August pursuant to article eighty-five, eighty-seven or eighty-eight of this chapter, where such costs are determined pursuant to section forty-four hundred five of this article, provided that the placement of such students was approved by the commissioner, if required. Such programs shall operate for six weeks and shall be funded for thirty days of service, provided, however, that the observance of the legal holiday for Independence day may constitute a day of service. Upon certification by the school district in which the student resides, that such services were provided, such payment shall be made to the provider of such services, in accordance with the provisions of subdivision three of this section.

2. Chargeback to a municipality. Ten percent of the approved cost of July and August services provided pursuant to this section for each student shall be a charge against the municipality in which the parent, or person in parental relationship to such student, resided on July first of the school year in which such services were provided. The comptroller shall deduct from any state funds which become due to a municipality an amount equal to such ten percent required in accordance with this subdivision which amount shall be credited to the local assistance account of the state education department as designated by the division of the budget.

3. Payment schedule. For aid payable in the two thousand six--two thousand seven school year, moneys appropriated annually to the department from the general fund - local assistance account under the office of prekindergarten through grade twelve education program for July and August programs for students with disabilities, shall be used as follows: (i) for remaining base year and prior school years obligations, (ii) for the purposes of subdivision four of this section

for schools operated under articles eighty-seven and eighty-eight of this chapter, and (iii) notwithstanding any inconsistent provisions of this chapter, for payments made pursuant to this section for current school year obligations, provided, however, that such payments shall not exceed seventy percent of the state aid due for the sum of the approved tuition and maintenance rates and transportation expense provided for herein; provided, however, that payment of eligible claims shall be payable in the order that such claims have been approved for payment by the commissioner, but in no case shall a single payee draw down more than forty-five percent of the appropriation provided for the purposes of this section, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations provided for this section in future years.

4. Of the amount so appropriated to the department for the July and August programs for schools operated under articles eighty-seven and eighty-eight of this chapter, an amount shall be transferred to the special revenue funds - other, Batavia school for the blind and Rome school for the deaf accounts, pursuant to a plan to be developed by the commissioner and approved by the director of the budget for students with disabilities attending July and August programs pursuant to this section at such schools pursuant to such articles. Such amount shall be determined by the tuition and maintenance rates and the total number of students with disabilities approved by the commissioner for placement for the July and August program. The commissioner shall establish the methodology for computation of such tuition and maintenance rates for each school which shall take into account all pertinent expenditures including administration, direct care staff, nondirect care staff and other than personal service costs.

5. State share. In accordance with the provisions of subparagraph four of paragraph b of subdivision one of section thirty-six hundred nine-a of this chapter for services provided during the two thousand eight--two thousand nine and prior school years, any moneys due the school district shall be reduced by an amount equal to fifty percent of any federal

participation, pursuant to title XIX of the social security act, in special education programs provided 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, such state share shall be designated and transferred pursuant to section thirty-six hundred nine-b of this chapter.

6. Notwithstanding any other provision of law to the contrary, no payments shall be made by the commissioner pursuant to this section on or after July first, nineteen hundred ninety-six based on a claim submitted later than three years after the end of the school year in which services were rendered, provided however that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit.