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I N   S E N A T E

February 4, 2010

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Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and  
when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to defining "tuition" for  
the 2011-2012 school year

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 4405 of the education law is  
2     amended by adding a new paragraph j to read as follows:  
3     J. THE TUITION RATE METHODOLOGY ESTABLISHED PURSUANT TO THIS SUBDIVI-  
4     SION FOR SPECIAL ACT SCHOOL DISTRICTS AND APPROVED PRIVATE SCHOOLS FOR  
5     STUDENTS OF SCHOOL AGE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE  
6     TUITION RATE YEAR AND THEREAFTER MAY INCLUDE A SURPLUS FACTOR, AT THE  
7     DISCRETION OF THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDG-  
8     ET, WHICH SHALL EQUAL THE LESSER OF: (I) THE SUM OF: (A) THE EXCESS, IF  
9     ANY, OF THE TUITION REVENUE COMPUTED FOR THE BASE YEAR AND USED IN  
10    DETERMINING THE TUITION RATE FOR THE TUITION RATE YEAR OVER THE ALLOW-  
11    ABLE AND REIMBURSABLE COSTS INCURRED BY THE SCHOOL DISTRICT OR PRIVATE  
12    SCHOOL IN THE BASE YEAR, NET OF ANY DISALLOWANCES, PLUS (B) ANY UNEX-  
13    PENDED SURPLUS AUTHORIZED PURSUANT TO THIS PARAGRAPH FOR THE SCHOOL YEAR  
14    PRIOR TO THE BASE YEAR, AND (II) FOUR PERCENT OF THE TOTAL GENERAL FUND  
15    EXPENDITURES UNDER THE BUDGET OF THE SCHOOL DISTRICT OR APPROVED PRIVATE  
16    SCHOOL FOR THE BASE YEAR. AS USED IN THIS SUBDIVISION, "TUITION RATE  
17    YEAR" SHALL MEAN THE SCHOOL YEAR FOR WHICH A TUITION RATE IS COMPUTED  
18    AND "BASE YEAR" SHALL MEAN THE SCHOOL YEAR TWO YEARS PRIOR TO THE  
19    TUITION RATE YEAR. THE SPECIAL ACT SCHOOL DISTRICT OR APPROVED PRIVATE  
20    SCHOOL MAY RETAIN ANY SURPLUS COMPUTED PURSUANT TO THIS SUBDIVISION AS  
21    AN UNRESERVED FUND BALANCE.  
22    S 2. This act shall take effect immediately.

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

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