

8--A

Third Extraordinary Session

I N S E N A T E

November 29, 2010

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 53 of the laws of 2010, enacting the education, labor and family assistance budget, making appropriations for the support of government

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

1 Section 1. Section 1 of chapter 53 of the laws of 2010, enacting the
2 education, labor and family assistance budget, is amended by repealing
3 the items hereinbelow set forth in brackets and by adding to such
4 section the other items underscored in this section.

5 EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET

6 EDUCATION DEPARTMENT

7 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

8 ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION
9 PROGRAM

10 General Fund / Aid to Localities
11 Local Assistance Account - 001

12 For general support for public schools,
13 provided, however, that notwithstanding
14 any provision of law to the contrary, the
15 commissioner shall reduce payments due to
16 each district for the 2010-11 state fiscal

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

LBD12330-04-0

1 year pursuant to section 3609 -a of the
2 education law by an amount based on the
3 gap elimination adjustment for 2010-2011
4 school year computed for such district,
5 where the positive difference, if any, of
6 such amount less any other gap elimination
7 adjustment enacted pursuant to a chapter
8 of the laws of 2010 shall be deducted from
9 moneys apportioned for the purposes of
10 payments made for the 2010-11 school year
11 pursuant to section 3609 -a of the educa-
12 tion law, and provided further that the
13 commissioner shall compute such gap elimi-
14 nation adjustment and shall provide a
15 schedule of such reduction in payments to
16 the state comptroller, the director of the
17 budget, the chair of the senate finance
18 committee and the chair of the assembly
19 ways and means committee, where the gap
20 elimination adjustment for 2010-11 school
21 year shall be based on data used by the
22 commissioner for the purposes of producing
23 a school aid computer listing in support
24 of the executive budget proposal for the
25 2010-11 school year and entitled
26 "BT101-1", and the gap elimination adjust-
27 ment for a district shall equal (A) the
28 district's percentage reduction, provided,
29 however, that in the case of a district
30 with a tax effort ratio greater than three
31 and five-tenths percent (0.035) and a
32 combined wealth ratio for total foundation
33 aid that is less than four (4.0), the gap
34 elimination adjustment for a district
35 shall equal the lesser of the percentage
36 reduction and the tax effort reduction,
37 and further provided, (B) in the case of a
38 district determined to be a high need
39 school district pursuant to clause (c) of
40 subparagraph 2 of paragraph c of subdivi-
41 sion 6 of section 3602 of the education
42 law for the school aid computer listing
43 produced by the commissioner in support of
44 the enacted budget for the 2007-08 school
45 year and entitled "SA0708", the gap elimi-
46 nation adjustment for a district shall
47 equal the lesser of the TGFE check and the
48 gap elimination adjustment selected pursu-
49 ant to subclause (A) of this appropri-
50 ation, and further provided that in the
51 case of a school district, other than a
52 city school district of a city having a
53 population in excess of 125,000, with an
54 administrative efficiency ratio of less
55 than two percent (0.02), the gap elimi-
56 nation adjustment shall be reduced by an

1 amount equal to the administrative effi-
2 ciency offset, where (i) the percentage
3 reduction shall be the sum of (A) the
4 product of the total aid for adjustment,
5 multiplied by five and five-tenths percent
6 (0.055), and (B) the product of \$3,121.00
7 multiplied by the reduction factor, multi-
8 plied by the public school district
9 enrollment for the base year computed
10 pursuant to subparagraph 2 of paragraph n
11 of subdivision 1 of section 3602 of the
12 education law, provided, however, that
13 such percentage reduction shall not be
14 less than the product of eight percent
15 (0.08) multiplied by such total aid for
16 adjustment, and not more than the product
17 of twenty-one percent (0.21) multiplied by
18 such total aid for adjustment, and (ii)
19 the tax effort reduction shall be the
20 product of the total aid for adjustment,
21 multiplied by the quotient of twenty-one
22 percent (0.21) divided by the quotient of
23 the tax effort ratio divided by three and
24 five-tenths percent (0.035), provided,
25 however, that such tax effort reduction
26 shall not be less than the product of ten
27 percent (0.10) multiplied by such total
28 aid for adjustment, and not more than the
29 product of twenty-one percent (0.21)
30 multiplied by such total aid for adjust-
31 ment, and (iii) the TGFE check shall be
32 the product of the TGFE percentage and the
33 total general fund expenditures of such
34 district in the base year, and (iv) the
35 administrative efficiency offset shall be
36 the product of \$80.00, multiplied by the
37 state sharing ratio, multiplied by the
38 total aidable foundation pupil units, and
39 the net gap elimination adjustment for a
40 district shall equal the product of the
41 gap elimination adjustment computed pursu-
42 ant to this appropriation, multiplied by
43 sixty-six and four hundred seventy-nine
44 ten-thousandths percent (0.660479), and
45 provided further that, (v) for the
46 purposes of such computation, (A) "total
47 aid for adjustment" shall mean the sum of
48 the amounts set forth for each school
49 district as "FOUNDATION AID", "FULL DAY K
50 CONVERSION", "BOCES + SPECIAL SERVICES",
51 "PUBLIC HIGH COST SPECIAL EDN", "PRIVATE
52 SPECIAL EDUCATION", "HARDWARE & TECHNOLO-
53 GY", "SOFTWARE, LIBRARY, TEXTBOOK",
54 "TRANSPORTATION INCL SUMMER", "OPERATING
55 REORG INCENTIVE", "CHARTER SCHOOL TRANSI-
56 TIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX

AID" AND "SUPPLEMENTAL PUB SPECIAL EDN" under the heading "2010-11 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget proposal for the 2010-11 school year and entitled "BT101-1", and (B) "three-year average free and reduced price lunch percent" shall mean the quotient of (1) the sum of the number of pupils in kindergarten through grade six attending the public schools of the district who have applications on file or who are listed on a direct certification letter confirming their eligibility for participation in the state and federally funded free and reduced price lunch program on the date enrollment was counted in accordance with this subdivision for the year prior to the base year, plus such number of eligible applicants for the free and reduced price lunch program computed for the year two years prior to the base year, plus such number of eligible applicants for the free and reduced price lunch program computed for the year three years prior to the base year, divided by (2) the sum of the number of pupils in kindergarten through grade six on a regular enrollment register of a public school district on the date enrollment was counted in accordance with this subdivision for the year prior to the base year, plus such number of pupils in kindergarten through grade six on a regular enrollment register of a public school district computed for the year two years prior to the base year, plus such number of pupils in kindergarten through grade six on a regular enrollment register of a public school district computed for the year three years prior to the base year, and (C) "total aidable foundation pupil units" shall mean the total aidable foundation pupil units computed pursuant to paragraph g of subdivision 2 of section 3602 of the education law, and (D) "combined wealth ratio for total foundation aid" shall mean the combined wealth ratio for total foundation aid computed pursuant to subparagraph 2 of paragraph c of subdivision 3 of section 3602 of the education law, and (E) "the state sharing ratio" shall mean the state sharing ratio computed for total foundation aid computed pursuant to paragraph g of subdivision 3 of section 3602 of the education law, but

not less than ten percent (0.10), and (F) "tax effort ratio" shall mean the tax effort ratio computed pursuant to subparagraph 3 of paragraph a of subdivision 16 of section 3602 of the education law, and (G) "reduction factor" shall mean the product of the positive remainder of one less the three-year average free and reduced price lunch percent, multiplied by the combined wealth ratio for total foundation aid, and (H) "administrative efficiency ratio" shall mean the quotient of the sum of the expenditures related to the board of education, including expenditures for the board of education, the district clerk's office, the district meeting, auditing service, the treasurer's office, the tax collector's office, legal services and the school census, plus expenditures for central administration, including expenditures for the chief school officer, the business office, the purchasing office, the personnel office, the records management officer, public information and services and fees for fiscal agents, divided by the total expenditures charged by a district to the general, debt service, and special aid funds, excluding transfers from the general fund to the debt service and special aid funds, based on expenditures reported by the district for the school year two years prior to the base year, based on data on file for an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request, and (I) "TGFE percentage" shall mean, for a school district which has a three-year average free and reduced price lunch percent greater than seventy-five percent (0.75) and which has an administrative efficiency ratio less than one and one-half percent (0.015), three and six-tenths percent (0.036) and for all other school districts, five percent (0.05) and provided further that, notwithstanding any inconsistent provision of law, subject to the approval of the director of the budget, funds appropriated herein may be interchanged with any other item of appropriation for general support for public schools within the general fund local assistance account elementary, middle, secondary and continuing education program.

1 Notwithstanding any other law, rule or regu-
2 lation to the contrary, funds appropriated
3 herein shall be available for payment of
4 financial assistance net of any disallow-
5 ances, refunds, reimbursement and credits,
6 and may be suballocated to other depart-
7 ments and agencies to accomplish the
8 intent of this appropriation subject to
9 the approval of the director of the budg-
10 et. Notwithstanding any provision of law
11 to the contrary, funds appropriated herein
12 shall be available for payment of liabil-
13 ities hereafter to accrue
14 [10,920,666,000] 10,620,666,000

15 Special Revenue Funds - Federal / Aid to Localities
16 Federal Department of Education Fund - 267

17 FOR SUPPORT OF ELEMENTARY, AND SECONDARY
18 EDUCATION FROM THE EDUCATION JOBS FUND AS
19 FUNDED BY THE FEDERAL EDUCATION JOBS FUND
20 PROGRAM AS AUTHORIZED BY PUBLIC LAW NUMBER
21 111-226. NOTWITHSTANDING ANY OTHER
22 PROVISION OF LAW TO THE CONTRARY, FUNDS
23 SHALL BE AVAILABLE TO EACH SCHOOL DISTRICT
24 ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO
25 SUBDIVISION 4 OF SECTION 3602 OF THE
26 EDUCATION LAW IN AN AMOUNT EQUAL TO THE
27 PRODUCT OF THE NET GAP ELIMINATION ADJUST-
28 MENT COMPUTED PURSUANT TO THIS CHAPTER,
29 MULTIPLIED BY FORTY-THREE AND TWENTY-FIVE
30 THOUSAND NINE HUNDRED EIGHTY-NINE ONE-MIL-
31 LIONTHS PERCENT (0.43025989). SUCH APPOR-
32 TIONMENT SHALL BE AVAILABLE TO EACH SCHOOL
33 DISTRICT FOR THE 2010-11 SCHOOL YEAR AND
34 THEREAFTER, PROVIDED THAT PRIOR TO APRIL
35 1, 2011, EACH SCHOOL DISTRICT SHALL BE
36 ELIGIBLE FOR AN AMOUNT UP TO THE PRODUCT
37 OF SEVENTY PERCENT (0.70) MULTIPLIED BY
38 THE APPORTIONMENT. FUNDS APPROPRIATED
39 HEREIN SHALL BE SUBJECT TO ALL APPLICABLE
40 REPORTING AND ACCOUNTABILITY REQUIREMENTS
41 IMPOSED BY SUCH ACT 607,592,000

42 Special Revenue Funds - Federal / Aid to Localities
43 State Fiscal Stabilization Fund - 267

44 For the purposes of the state fiscal
45 stabilization fund-other governmental
46 services fund as funded by the American
47 recovery and reinvestment act of 2009.
48 Funds appropriated herein shall be subject
49 to all applicable reporting and account-
50 ability requirements contained in such
51 act.

1 Funds appropriated herein shall be available
 2 for services and expenses [of the] associ-
 3 ated with THE math and science high school
 4 PROGRAM for the 2010-11 school year in the
 5 amount of \$1,382,000, provided that such
 6 funds shall be allocated equally among
 7 [the same] THOSE entities that received
 8 [such] program funding for the [2008-09]
 9 2007-08 school year AND PARTICIPATE IN THE
 10 PROGRAM IN 2010-11 1,382,000
 11 -----

12 Special Revenue Funds - Other / Aid to Localities
 13 State Lottery Fund - 160

14 For general support for public schools for
 15 the 2010-11 school year, for grants
 16 awarded pursuant to subparagraph 2-a of
 17 paragraph b of subdivision 4 of section
 18 92-c of the state finance law
 19 [562,000,000] 862,000,000
 20 -----

21 EDUCATION DEPARTMENT

22 STATE OPERATIONS AND AID TO LOCALITIES - REAPPROPRIATIONS 2010-11

23 ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM

24 Special Revenue Funds - Federal / Aid to Localities
 25 State Fiscal Stabilization Fund - 267

26 The appropriation made by chapter 53, section 1, of the laws of 2009, is
 27 hereby amended and reappropriated to read:
 28 For the purposes of the state fiscal stabilization fund-other govern-
 29 mental services fund as funded by the American recovery and rein-
 30 vestment act of 2009. Funds appropriated herein shall be subject to
 31 all applicable reporting and accountability requirements contained
 32 in such act.

33 Funds appropriated herein shall be available for services and expenses
 34 [of the] associated with THE math and science high school PROGRAM
 35 for the 2009-10 school year IN THE AMOUNT OF \$1,382,000, PROVIDED
 36 THAT SUCH FUNDS SHALL BE ALLOCATED EQUALLY AMONG THOSE ENTITIES THAT
 37 RECEIVED PROGRAM FUNDING FOR THE 2007-08 SCHOOL YEAR
 38 1,382,000 (re. \$1,382,000)

39 S 2. This act shall take effect immediately and shall be deemed to
 40 have been in full force and effect on and after April 1, 2010.