

1826--B

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CUSICK, THIELE, MARKEY, MALLIOTAKIS, LAVINE, ESPINAL, ROBINSON, GOLDFEDER, SIMANOWITZ, SCARBOROUGH, BROOK-KRASNY, BENEDETTO, CAMARA, KEARNS, STEVENSON, HEVESI, PERRY, BARRETT, BORELLI, CURRAN, WEPRIN, ROZIC, BRINDISI, CLARK, RAMOS, SKOUFIS, RODRIGUEZ, RUSSELL, DenDEKKER, ZEBROWSKI, GJONAJ, MILLER, SKARTADOS, MOSLEY, GANTT -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BLANKENBUSH, BOYLAND, BRAUNSTEIN, BUTLER, COLTON, COOK, CORWIN, CRESPO, CROUCH, CYMBROWITZ, DIPIETRO, ENGLEBRIGHT, FINCH, FITZPATRICK, FRIEND, GABRYS-ZAK, GARBARINO, GIBSON, GIGLIO, GOODELL, GRAF, HAWLEY, HEASTIE, HENNESSEY, HIKIND, HOOPER, JACOBS, JORDAN, KATZ, KIM, KOLB, LALOR, LENTOL, P. LOPEZ, LUPARDO, MAGEE, MAISEL, McDONALD, McDONOUGH, McLAUGHLIN, MOYA, NOJAY, OAKS, ORTIZ, OTIS, PALMESANO, PEOPLES-STOKES, PRETLOW, RA, REILICH, RIVERA, ROSA, SCHIMEL, SCHIMMINGER, SEPULVEDA, SIMOTAS, SOLAGES, STEC, SWEENEY, TENNEY, TITONE, TITUS, WALTER, WEINSTEIN, WEISENBERG, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the education law, in relation to enacting the "education investment tax credit act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "education investment tax credit act".

3 S 2. Legislative findings and intent. The legislature hereby finds and
4 declares that:

5 a. The education of the children of this state is one of the founda-
6 tions of a strong society that requires an academically robust and
7 financially sound school system, both public and non-public;

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

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1 b. At a time when the state is considering ways of reducing the tax
2 burden for New York state residents and educators are seeking an expan-
3 sion of financial resources, charitable giving for educational purposes
4 should be encouraged;

5 c. Permitting public education entities such as school districts and
6 individual public schools to accept and receive voluntary cash contrib-
7 utions will be beneficial to taxpayers and educators;

8 d. Encouraging voluntary support for education, without prejudice for
9 or against any state-sanctioned educational enterprise, promotes the
10 state's interest in providing the highest quality education to all chil-
11 dren in the state;

12 e. The tax credit provided in this act is merely one of many credits
13 available to New York taxpayers;

14 f. The intended beneficiaries of the tax credits provided in this act
15 are the students who attend public schools, students who further their
16 educations using tuition scholarships from educational scholarship
17 organizations, and teachers who purchase with personal funds to supply
18 their students and classrooms, and who seek charitable donations for
19 classroom projects and initiatives;

20 g. Permitting educators to claim a credit for the purchase of class-
21 room instructional materials and supplies will insure a wider availabil-
22 ity of such materials and supplies for all students.

23 S 3. The tax law is amended by adding a new section 39 to read as
24 follows:

25 S 39. EDUCATION INVESTMENT TAX CREDIT. (A) DEFINITIONS. FOR THE
26 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
27 MEANINGS:

28 1. "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT THAT IS
29 LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO THE
30 TAXPAYER.

31 2. "CONTRIBUTION" MEANS A DONATION PAID BY CASH, CHECK, ELECTRONIC
32 FUNDS TRANSFER, DEBIT CARD OR CREDIT CARD THAT IS MADE BY THE TAXPAYER
33 DURING THE TAXABLE YEAR.

34 3. "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC OR SIMILAR PROGRAM OF A
35 PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM OR ACADEMIC PROGRAM OF THE
36 PUBLIC SCHOOL, OR PROVIDES A PRE-KINDERGARTEN PROGRAM TO THE PUBLIC
37 SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS,
38 PROGRAMS AND OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL
39 PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (I)
40 INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMI-
41 LY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATH-
42 EMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (II)
43 INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK
44 STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUN-
45 SELING; (III) INSTRUCTION OR PROGRAMMING BEFORE OR AFTER PUBLIC SCHOOL
46 HOURS, OR ON WEEKENDS THAT IMPROVES STUDENT ACADEMIC ACHIEVEMENT INCLUD-
47 ING PREPARATION FOR COLLEGE OR A CAREER; OR (IV) THE USE OF SPECIALIZED
48 INSTRUCTIONAL MATERIALS, INSTRUCTORS OR INSTRUCTION NOT PROVIDED BY A
49 PUBLIC SCHOOL.

50 4. "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTI-
51 TY THAT (I) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION
52 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) USES
53 AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING
54 THE LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST
55 ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM SUCH
56 QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS FOR SCHOLARSHIPS, (III)

1 PROVIDES SCHOLARSHIPS WITHOUT LIMITING AVAILABILITY TO ONLY ELIGIBLE
2 PUPILS OF ONE QUALIFIED SCHOOL, (IV) DEPOSITS AND HOLDS QUALIFIED
3 CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN
4 ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER
5 FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR
6 USE, AND (V) IS APPROVED TO RECEIVE AUTHORIZED CONTRIBUTIONS AND ISSUE
7 CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION
8 LAW.

9 5. "ELIGIBLE PUPIL" MEANS A CHILD WHO IS (I) A RESIDENT OF THIS STATE,
10 (II) OF SCHOOL AGE IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION THIR-
11 TY-TWO HUNDRED TWO OF THE EDUCATION LAW OR WHO IS FOUR YEARS OF AGE ON
12 OR BEFORE DECEMBER FIRST OF THE YEAR IN WHICH SUCH CHILD IS ENROLLED IN
13 A PRE-KINDERGARTEN PROGRAM, AND (III) ATTENDS OR IS ABOUT TO ATTEND A
14 QUALIFIED SCHOOL.

15 6. "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY WHICH (I) IS
16 EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION
17 FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) IS ESTABLISHED FOR
18 THE PURPOSE OF SUPPORTING AT LEAST ONE PUBLIC SCHOOL OR A PUBLIC SCHOOL
19 DISTRICT LOCATED IN THIS STATE, (III) USES AT LEAST NINETY PERCENT OF
20 THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST MONTH OF THE IMME-
21 DIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN MONTHS OF THE
22 CALENDAR YEAR AND ANY INCOME DERIVED FROM SUCH QUALIFIED CONTRIBUTIONS
23 DURING SUCH MONTHS TO SUPPORT THE PUBLIC SCHOOL OR SCHOOLS OR PUBLIC
24 SCHOOL DISTRICT OR DISTRICTS THAT SUCH FUND HAS BEEN ESTABLISHED TO
25 SUPPORT, (IV) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME
26 DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM
27 THE FUND'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS
28 OR INCOME ARE WITHDRAWN FOR USE, AND (V) IS APPROVED TO RECEIVE AUTHOR-
29 IZED CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE
30 TWENTY-FIVE OF THE EDUCATION LAW.

31 7. "NON-PUBLIC SCHOOL" MEANS ANY NOT-FOR-PROFIT PRE-KINDERGARTEN
32 PROGRAM OR ELEMENTARY OR SECONDARY SECTARIAN OR NONSECTARIAN SCHOOL IN
33 THIS STATE, OTHER THAN A PUBLIC SCHOOL, THAT PROVIDES INSTRUCTION AT ONE
34 OR MORE LOCATIONS TO ELIGIBLE PUPILS IN ACCORDANCE WITH SUBDIVISION TWO
35 OF SECTION THIRTY-TWO HUNDRED FOUR OF THE EDUCATION LAW.

36 8. "PUBLIC EDUCATION ENTITY" MEANS (I) A SCHOOL DISTRICT IN THIS
37 STATE, (II) A PUBLIC SCHOOL IN THIS STATE, OR (III) A SCHOOL IMPROVEMENT
38 ORGANIZATION, PROVIDED THAT SUCH SCHOOL DISTRICT, PUBLIC SCHOOL OR
39 SCHOOL IMPROVEMENT ORGANIZATION DEPOSITS AND HOLDS QUALIFIED CONTRIB-
40 UCTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT
41 THAT IS SEPARATE FROM THE PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT'S
42 OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME
43 ARE WITHDRAWN FOR USE FROM OPERATING OR OTHER FUNDS AND IS APPROVED TO
44 RECEIVE AUTHORIZED CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT
45 PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW.

46 9. "PUBLIC SCHOOL" MEANS ANY FREE ELEMENTARY OR SECONDARY SCHOOL IN
47 THIS STATE PURSUANT TO ARTICLE ELEVEN OF THE CONSTITUTION, BUT SHALL NOT
48 INCLUDE A CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THE EDUCA-
49 TION LAW.

50 10. "QUALIFIED CONTRIBUTION" MEANS THE AUTHORIZED CONTRIBUTION MADE BY
51 A TAXPAYER TO A PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCA-
52 TIONAL SCHOLARSHIP ORGANIZATION LISTED IN THE CONTRIBUTION AUTHORIZATION
53 CERTIFICATE ISSUED TO THE TAXPAYER FOR WHICH THE TAXPAYER HAS RECEIVED A
54 CERTIFICATE OF RECEIPT FROM SUCH ENTITY, FUND OR ORGANIZATION.

1 11. "QUALIFIED EDUCATOR" MEANS AN INDIVIDUAL WHO IS A TEACHER,
2 INSTRUCTOR, COUNSELOR, PRINCIPAL, OR AIDE IN A QUALIFIED SCHOOL FOR AT
3 LEAST NINE HUNDRED HOURS DURING A SCHOOL YEAR.

4 12. "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR NON-PUBLIC SCHOOL
5 LOCATED IN THIS STATE.

6 13. "SCHOLARSHIP" MEANS AN EDUCATIONAL SCHOLARSHIP OR TUITION GRANT
7 AWARDED TO AN ELIGIBLE PUPIL TO ATTEND A QUALIFIED SCHOOL IN AN AMOUNT
8 NOT TO EXCEED THE TUITION NECESSARY TO ATTEND SUCH SCHOOL; PROVIDED,
9 HOWEVER, IN THE CASE OF AN ELIGIBLE PUPIL ATTENDING A PUBLIC SCHOOL IN A
10 DISTRICT OF WHICH SUCH PUPIL IS NOT A RESIDENT, THE AMOUNT OF THE EDUCA-
11 TIONAL SCHOLARSHIP OR TUITION GRANT AWARDED MAY NOT EXCEED THE TUITION
12 CHARGED BY THE PUBLIC SCHOOL PURSUANT TO PARAGRAPH D OF SUBDIVISION FOUR
13 OF SECTION THIRTY-TWO HUNDRED TWO OF THE EDUCATION LAW, BUT ONLY IF THE
14 SCHOOL DISTRICT OF WHICH SUCH PUPIL IS A RESIDENT IS NOT REQUIRED TO PAY
15 FOR SUCH TUITION.

16 14. "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY
17 WHICH (I) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION
18 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) USES
19 AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING
20 THE LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST
21 ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED
22 CONTRIBUTIONS DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC
23 SCHOOL DISTRICTS LOCATED IN THIS STATE IN THEIR PROVISION OF EDUCATIONAL
24 PROGRAMS, EITHER BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS
25 OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE OR PROVIDING EDUCA-
26 TIONAL PROGRAMS TO, OR IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS
27 OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE, (III) DEPOSITS AND
28 HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED
29 CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S
30 OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME
31 ARE WITHDRAWN FOR USE, AND (IV) IS APPROVED TO RECEIVE AUTHORIZED
32 CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE
33 TWENTY-FIVE OF THE EDUCATION LAW. SUCH TERM INCLUDES A PRE-KINDERGARTEN
34 PROGRAM OR NOT-FOR-PROFIT ENTITY THAT ALLOWS THE TAXPAYER TO CHOOSE TO
35 DONATE TO A PROGRAM, PROJECT OR INITIATIVE IDENTIFIED BY A QUALIFIED
36 EDUCATOR FOR USE IN A PUBLIC SCHOOL.

37 (B) ALLOWANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE
38 NINE-A, TWENTY-TWO, THIRTY-TWO, OR THIRTY-THREE OF THIS CHAPTER SHALL BE
39 ALLOWED AN EDUCATION INVESTMENT TAX CREDIT AGAINST SUCH TAX, PURSUANT TO
40 THE PROVISIONS REFERENCED IN SUBDIVISION (M) OF THIS SECTION, WITH
41 RESPECT TO QUALIFIED CONTRIBUTIONS FOR WHICH THE APPLICATION REQUIRE-
42 MENTS OF SUBDIVISION (F) AND THE CERTIFICATION REQUIREMENTS OF SUBDIVI-
43 SIONS (G) AND (H) OF THIS SECTION HAVE BEEN MET; PROVIDED, HOWEVER, THAT
44 IF THE TAXPAYER ELECTS TO CLAIM AN ITEMIZED DEDUCTION PURSUANT TO
45 SECTION SIX HUNDRED FIFTEEN OF THIS CHAPTER FOR CHARITABLE CONTRIBUTIONS
46 UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE, OR A
47 DEDUCTION PURSUANT TO ARTICLES NINE-A, THIRTY-TWO OR THIRTY-THREE OF
48 THIS CHAPTER FOR SUCH QUALIFIED CONTRIBUTIONS, THE TAXPAYER SHALL NOT BE
49 ALLOWED TO CLAIM BOTH AN EDUCATION INVESTMENT TAX CREDIT AND A DEDUCTION
50 FOR SUCH QUALIFIED CONTRIBUTIONS. THE COMMISSIONER SHALL MAINTAIN A
51 LIST OF THE PUBLIC EDUCATION ENTITIES, LOCAL EDUCATION FUNDS AND EDUCA-
52 TIONAL SCHOLARSHIP ORGANIZATIONS THAT ARE AUTHORIZED TO ISSUE CERTIF-
53 ICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW.

54 (C) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL EQUAL THE SUM OF
55 THE CREDIT COMPONENTS SPECIFIED IN PARAGRAPHS ONE, TWO AND THREE OF
56 SUBDIVISION (D) OF THIS SECTION FOR THE TAXABLE YEAR; PROVIDED, HOWEVER,

1 THAT THE AMOUNT OF CREDIT FOR QUALIFIED CONTRIBUTIONS SHALL NOT EXCEED
2 THE LESSER OF (I) THE SUM OF SUCH CREDIT COMPONENTS, OR (II) THE CREDIT
3 LIMITATION PRESCRIBED BY SUBDIVISIONS (I) AND (J) OF THIS SECTION. WHEN
4 A QUALIFIED CONTRIBUTION IS MADE BY A PARTNERSHIP, ANY DIRECT OR INDI-
5 RECT PARTNER IN SUCH PARTNERSHIP WHO OR WHICH IS TAXABLE UNDER ARTICLE
6 NINE-A, TWENTY-TWO, THIRTY-TWO OR THIRTY-THREE OF THIS CHAPTER SHALL BE
7 A TAXPAYER UNDER THIS PARAGRAPH AND ALLOWED A PRO RATA SHARE OF THE
8 CREDIT AGAINST SUCH TAX. WHEN A QUALIFIED CONTRIBUTION IS MADE BY A NEW
9 YORK S CORPORATION, ANY SHAREHOLDER IN SUCH NEW YORK S CORPORATION WHO
10 IS TAXABLE UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER SHALL BE A TAXPAYER
11 UNDER THIS PARAGRAPH AND ALLOWED A PRO RATA SHARE OF THE CREDIT AGAINST
12 SUCH TAX.

13 (D) CREDIT COMPONENTS. 1. PUBLIC EDUCATION ENTITY CREDIT COMPONENT.
14 THE PUBLIC EDUCATION ENTITY CREDIT COMPONENT SHALL EQUAL THE SUM OF THE
15 QUALIFIED CONTRIBUTIONS MADE TO A PUBLIC EDUCATION ENTITY OR ENTITIES BY
16 THE TAXPAYER DURING THE TAXABLE YEAR, AS LISTED ON THE CERTIFICATE OR
17 CERTIFICATES OF RECEIPT PROVIDED TO THE TAXPAYER, FOR WHICH THE TAXPAYER
18 HAS RECEIVED A CONTRIBUTION AUTHORIZATION CERTIFICATE; PROVIDED, HOWEV-
19 ER, THAT A TAXPAYER SHALL NOT BE ALLOWED CREDIT FOR ANY QUALIFIED
20 CONTRIBUTIONS IF THE TAXPAYER DESIGNATES THE CONTRIBUTIONS FOR THE
21 DIRECT BENEFIT OF ANY PARTICULAR STUDENT; AND, PROVIDED FURTHER THAT THE
22 TAXPAYER SHALL NOT BE ALLOWED CREDIT FOR QUALIFIED CONTRIBUTIONS FOR
23 WHICH THE TAXPAYER CLAIMED A FEDERAL ITEMIZED DEDUCTION UNLESS THE
24 TAXPAYER ADDS BACK THE AMOUNT OF THE ITEMIZED DEDUCTION PURSUANT TO
25 SECTION TWO HUNDRED EIGHT, SIX HUNDRED TWELVE, FOURTEEN HUNDRED
26 FIFTY-THREE OR FIFTEEN HUNDRED THREE OF THIS CHAPTER.

27 2. LOCAL EDUCATION FUND CREDIT COMPONENT. THE LOCAL EDUCATION FUND
28 CREDIT COMPONENT SHALL EQUAL THE SUM OF THE QUALIFIED CONTRIBUTIONS MADE
29 TO A LOCAL EDUCATION FUND OR FUNDS BY THE TAXPAYER DURING THE TAXABLE
30 YEAR, AS LISTED ON THE CERTIFICATE OR CERTIFICATES OF RECEIPT PROVIDED
31 TO THE TAXPAYER, FOR WHICH THE TAXPAYER HAS RECEIVED A CONTRIBUTION
32 AUTHORIZATION CERTIFICATE; PROVIDED, HOWEVER, THAT A TAXPAYER SHALL NOT
33 BE ALLOWED CREDIT FOR ANY QUALIFIED CONTRIBUTIONS IF THE TAXPAYER DESIG-
34 NATES THE CONTRIBUTIONS FOR THE DIRECT BENEFIT OF ANY PARTICULAR
35 STUDENT; AND, PROVIDED FURTHER THAT THE TAXPAYER SHALL NOT BE ALLOWED
36 CREDIT FOR QUALIFIED CONTRIBUTIONS FOR WHICH THE TAXPAYER CLAIMED A
37 FEDERAL ITEMIZED DEDUCTION UNLESS THE TAXPAYER ADDS BACK THE AMOUNT OF
38 THE ITEMIZED DEDUCTION PURSUANT TO SECTION TWO HUNDRED EIGHT, SIX
39 HUNDRED TWELVE, FOURTEEN HUNDRED FIFTY-THREE OR FIFTEEN HUNDRED THREE OF
40 THIS CHAPTER.

41 3. EDUCATIONAL SCHOLARSHIP ORGANIZATION CREDIT COMPONENT. THE EDUCA-
42 TIONAL SCHOLARSHIP ORGANIZATION CREDIT COMPONENT SHALL BE THE SUM OF
43 QUALIFIED CONTRIBUTIONS MADE TO AN EDUCATIONAL SCHOLARSHIP ORGANIZATION
44 OR ORGANIZATIONS BY THE TAXPAYER DURING THE TAXABLE YEAR, AS LISTED ON
45 THE CERTIFICATE OR CERTIFICATES OF RECEIPT PROVIDED TO THE TAXPAYER, FOR
46 WHICH THE TAXPAYER HAS RECEIVED A CONTRIBUTION AUTHORIZATION CERTIF-
47 ICATE; PROVIDED, HOWEVER, THAT A TAXPAYER SHALL NOT BE ALLOWED CREDIT
48 FOR ANY QUALIFIED CONTRIBUTIONS THAT ARE FOR THE DIRECT BENEFIT OF ANY
49 PARTICULAR STUDENT; AND, PROVIDED FURTHER THAT THE TAXPAYER SHALL NOT BE
50 ALLOWED A CREDIT FOR QUALIFIED CONTRIBUTIONS FOR WHICH THE TAXPAYER
51 CLAIMED A FEDERAL ITEMIZED DEDUCTION UNLESS THE TAXPAYER ADDS BACK THE
52 AMOUNT OF THE ITEMIZED DEDUCTION PURSUANT TO SECTION TWO HUNDRED EIGHT,
53 SIX HUNDRED TWELVE, FOURTEEN HUNDRED FIFTY-THREE OR FIFTEEN HUNDRED
54 THREE OF THIS CHAPTER.

55 (E) CONTRIBUTION AUTHORIZATION CERTIFICATE; REQUIREMENT. A TAXPAYER
56 SHALL NOT BE ALLOWED A CREDIT PURSUANT TO THIS SECTION FOR ANY CONTRIB-

UTION MADE BY THE TAXPAYER TO A PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT WAS MADE PRIOR TO THE DEPARTMENT'S ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. A TAXPAYER MAY BE ISSUED MULTIPLE CONTRIBUTION AUTHORIZATION CERTIFICATES BY THE DEPARTMENT, PROVIDED THAT THE TAXPAYER MAKES AN APPLICATION FOR EACH SUCH CERTIFICATE.

(F) APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES. PRIOR TO MAKING A CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION, THE TAXPAYER SHALL APPLY FOR A CONTRIBUTION AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. TAXPAYERS THAT WANT TO MAKE MORE THAN ONE CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION OR CONTRIBUTE TO MORE THAN ONE PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION, MUST MAKE A SEPARATE APPLICATION FOR EACH SUCH CONTRIBUTION AUTHORIZATION CERTIFICATE. SUCH APPLICATION SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, PROVIDED THAT SUCH APPLICATION INCLUDES (I) THE TAXPAYER'S NAME AND ADDRESS, (II) THE NAME AND ADDRESS OF EACH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT WILL RECEIVE A CONTRIBUTION FROM THE TAXPAYER, (III) THE AMOUNT THAT THE TAXPAYER WILL CONTRIBUTE TO SUCH ENTITY, FUND OR ORGANIZATION, AND (IV) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY; PROVIDED, HOWEVER, THAT THE AGGREGATE AMOUNT OF CREDIT FOR WHICH A TAXPAYER MAY APPLY CANNOT EXCEED FIVE PERCENT OF ONE HALF OF THE CREDIT CAP SET FORTH IN SUBDIVISION (J) OF THIS SECTION. THE DEPARTMENT MAY ALLOW TAXPAYERS TO MAKE MULTIPLE APPLICATIONS ON THE SAME FORM, PROVIDED THAT EACH APPLICATION SHALL BE TREATED AS A SEPARATE APPLICATION.

(G) CONTRIBUTION AUTHORIZATION CERTIFICATES. 1. ISSUANCE OF CERTIFICATES. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES IN TWO PHASES IN ACCORDANCE WITH THE CREDIT LIMITATIONS AND CAP SET FORTH IN SUBDIVISIONS (I) AND (J) OF THIS SECTION. IN PHASE ONE, THE APPLICATION PROCESS BEGINS ON THE FIRST DAY OF JANUARY AND ENDS ON THE FOURTEENTH DAY OF JANUARY. DURING THIS APPLICATION PERIOD THE COMMISSIONER SHALL NOT ISSUE ANY CONTRIBUTION AUTHORIZATION CERTIFICATES. ON THE FIFTEENTH DAY OF JANUARY, THE COMMISSIONER SHALL ISSUE CREDIT AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING THE PHASE ONE APPLICATION PERIOD ON A FIRST-COME, FIRST-SERVE BASIS, BASED UPON THE DATE THAT THE DEPARTMENT RECEIVED THE CONTRIBUTION APPLICATION IN ACCORDANCE WITH THE CREDIT LIMITATIONS AND CAP SET FORTH IN SUBDIVISIONS (I) AND (J) OF THIS SECTION, PROVIDED THAT IF THE AGGREGATE TOTAL OF THE CONTRIBUTIONS FOR WHICH APPLICATIONS HAVE BEEN FILED DURING THE PHASE ONE APPLICATION PERIOD EXCEEDS THE CREDIT GAP FOR QUALIFIED CONTRIBUTIONS AVAILABLE IN ACCORDANCE WITH THE CREDIT LIMITATIONS AND CAP SET FORTH IN SUBDIVISIONS (I) AND (J) OF THIS SECTION, THE AUTHORIZED CONTRIBUTION AMOUNT LISTED IN EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL EQUAL THE PRO-RATA SHARE OF THE AVAILABLE CREDIT. IN PHASE TWO, THE APPLICATION PROCESS BEGINS ON THE FIFTEENTH DAY OF JANUARY AND ENDS ON THE THIRTY-FIRST DAY OF DECEMBER. DURING THIS PHASE TWO APPLICATION PERIOD, THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES ON A FIRST-COME, FIRST-SERVE BASIS, BASED UPON THE DATE THAT THE DEPARTMENT RECEIVED THE CONTRIBUTOR'S APPLICATION FOR SUCH CONTRIBUTION AUTHORIZATION CERTIFICATE; PROVIDED, HOWEVER, THAT IF ON ANY DAY THE DEPARTMENT RECEIVES APPLICATIONS FOR WHICH THE AGGREGATE TOTAL OF CONTRIBUTIONS FOR WHICH APPLICATIONS HAVE BEEN MADE EXCEEDS THE CREDIT CAP FOR QUALIFIED CONTRIBUTIONS AVAILABLE TO ALL TAXPAYERS AS SET

FORTH IN SUBDIVISION (J) OF THIS SECTION, THE AUTHORIZED CONTRIBUTION AMOUNT LISTED IN EACH CONTRIBUTION AUTHORIZATION CERTIFICATE ON SUCH DAY SHALL EQUAL THE PRO-RATA SHARE OF THE AVAILABLE CREDIT. FOR PURPOSES OF DETERMINING A TAXPAYER'S PRO-RATA SHARE OF AVAILABLE CREDIT, THE COMMISSIONER SHALL MULTIPLY THE AMOUNT OF AVAILABLE CREDIT BY A FRACTION, THE NUMERATOR OF WHICH EQUALS THE AUTHORIZED CREDIT AMOUNT LISTED ON THE TAXPAYER'S APPLICATION AND THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE AMOUNT OF AUTHORIZED CREDIT SOUGHT IN ALL OF THE AFFECTED APPLICATIONS.

2. CONTRIBUTION AUTHORIZATION CERTIFICATE LIMITS. A TAXPAYER'S AGGREGATE AUTHORIZED CONTRIBUTION AMOUNT AS LISTED ON ONE OR MORE AUTHORIZED CONTRIBUTION CERTIFICATES ISSUED TO THE TAXPAYER, SHALL NOT EXCEED THE LESSER OF (I) FIVE PERCENT OF ONE HALF OF THE CREDIT CAP SET FORTH IN SUBDIVISION (J) OF THIS SECTION FOR THE CALENDAR YEAR, OR (II) THE AGGREGATE OF THE AMOUNTS LISTED ON THE TAXPAYER'S APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBDIVISION (F) OF THIS SECTION.

3. CONTRIBUTION AUTHORIZATION CERTIFICATE CONTENTS. EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL STATE (I) THE DATE SUCH CERTIFICATE WAS ISSUED, (II) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTIONS LISTED IN THE CERTIFICATE MUST BE MADE, WHICH SHALL BE SIXTY DAYS FROM THE DATE OF THE ISSUANCE OF CREDIT AUTHORIZATION CERTIFICATE, (III) THE FIRST TAXABLE YEAR FOR WHICH CREDIT MAY BE CLAIMED BY THE TAXPAYER, (IV) THE TOTAL AMOUNT OF AUTHORIZED CONTRIBUTIONS, (V) THE NAME AND ADDRESS OF THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, PUBLIC EDUCATION ENTITY OR LOCAL EDUCATION FUND TO WHICH THE TAXPAYER MAY MAKE AN AUTHORIZED CONTRIBUTION AND THE AMOUNT OF SUCH AUTHORIZED CONTRIBUTION, AND (VI) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY. ISSUED CREDIT AUTHORIZATION CERTIFICATES SHALL BE MAILED TO THE APPROPRIATE TAXPAYERS WITHIN THREE BUSINESS DAYS OF THEIR ISSUANCE.

4. NOTIFICATION OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE. WITHIN FIFTEEN DAYS OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE, THE COMMISSIONER SHALL NOTIFY THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, PUBLIC EDUCATION ENTITY, OR LOCAL EDUCATION FUND OF THE ISSUANCE OF THE CONTRIBUTION AUTHORIZATION CERTIFICATE TO THE TAXPAYER. SUCH NOTIFICATION SHALL INCLUDE (I) THE TAXPAYER'S NAME AND ADDRESS, (II) THE DATE SUCH CERTIFICATE WAS ISSUED, (III) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN THE NOTIFICATION MUST BE CONTRIBUTED, (IV) THE AMOUNT OF THE AUTHORIZED CONTRIBUTION, AND (V) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY.

5. DISCLOSURE OF CREDIT AVAILABLE. THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S WEBSITE A RUNNING TOTAL OF THE AMOUNT OF CREDITS FOR WHICH TAXPAYERS MAY MAKE APPLICATION FOR CONTRIBUTION AUTHORIZATION CERTIFICATION. SUCH RUNNING TOTAL SHALL BE UPDATED ON A DAILY BASIS.

(H) CERTIFICATE OF RECEIPT. 1. IN GENERAL. NO PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR ANY CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS BEEN APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. NO PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR A CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS RECEIVED NOTICE FROM THE DEPARTMENT THAT THE DEPARTMENT ISSUED A CREDIT AUTHORIZATION CERTIFICATE TO THE TAXPAYER FOR SUCH CONTRIBUTION.

2. TIMELY CONTRIBUTION. IF A TAXPAYER MAKES A CONTRIBUTION TO THE PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLAR-

SHIP ORGANIZATION SET FORTH ON THE CREDIT AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER BY THE DEPARTMENT PRIOR TO THE DATE BY WHICH SUCH AUTHORIZED CONTRIBUTION SHALL BE MADE, SUCH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY DAYS OF RECEIPT OF THE AUTHORIZED CONTRIBUTION, ISSUE TO THE TAXPAYER A WRITTEN CERTIFICATE OF RECEIPT; PROVIDED, HOWEVER, THAT THE AMOUNT OF THE QUALIFIED CONTRIBUTION LISTED ON SUCH CERTIFICATE OF RECEIPT SHALL NOT EXCEED THE LESSER OF THE AUTHORIZED CONTRIBUTION AMOUNT OR THE AMOUNT OF THE CONTRIBUTION; AND PROVIDED, FURTHER, THAT IF THE TAXPAYER HAS BEEN ISSUED MORE THAN ONE CREDIT AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTIONS, THE AMOUNT OF THE QUALIFIED CONTRIBUTION LISTED ON SUCH CERTIFICATE OF RECEIPT SHALL NOT EXCEED THE LESSER OF THE AGGREGATE OF THE AMOUNT OF THE AUTHORIZED CONTRIBUTIONS OR THE AMOUNT OF CONTRIBUTIONS.

3. UNTIMELY CONTRIBUTION. IF A TAXPAYER FAILS TO MAKE A CONTRIBUTION TO THE PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION LISTED IN THE AUTHORIZED CONTRIBUTION CERTIFICATE ISSUED TO THE TAXPAYER IN AN AMOUNT EQUAL TO THE AUTHORIZED CONTRIBUTION AMOUNT LISTED IN SUCH CERTIFICATE PRIOR TO THE DATE BY WHICH SUCH AUTHORIZED CONTRIBUTION IS REQUIRED TO BE MADE, THE TAXPAYER SHALL NOT BE ENTITLED TO A CERTIFICATE OF RECEIPT.

4. CERTIFICATE OF RECEIPT CONTENTS. EACH CERTIFICATE OF RECEIPT SHALL STATE (I) THE NAME AND ADDRESS OF THE ISSUING PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION, (II) THE TAXPAYER'S NAME AND ADDRESS, (III) THE DATE FOR EACH QUALIFIED CONTRIBUTION, (IV) THE AMOUNT OF EACH QUALIFIED CONTRIBUTION, (V) THE TOTAL QUALIFIED CONTRIBUTION AMOUNT, AND (VI) ANY OTHER INFORMATION THAT THE COMMISSIONER MAY DEEM NECESSARY.

5. NOTIFICATION TO THE DEPARTMENT FOR THE ISSUANCE OF A CERTIFICATE OF RECEIPT. UPON THE ISSUANCE OF A CERTIFICATE OF RECEIPT, THE ISSUING PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY DAYS OF ISSUING THE CERTIFICATE OF RECEIPT, PROVIDE THE DEPARTMENT WITH NOTIFICATION OF THE ISSUANCE OF SUCH CERTIFICATE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, PROVIDED THAT SUCH NOTIFICATION SHALL INCLUDE (I) THE TAXPAYER'S NAME AND ADDRESS, (II) THE DATE OF THE ISSUANCE OF A CERTIFICATE OF RECEIPT, (III) THE QUALIFIED CONTRIBUTION DATE OR DATES AND THE AMOUNTS CONTRIBUTED ON SUCH DATES, (IV) THE TOTAL QUALIFIED CONTRIBUTION LISTED ON SUCH CERTIFICATE, (V) THE ISSUING PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION'S NAME AND ADDRESS, AND (VI) ANY OTHER INFORMATION THAT THE COMMISSIONER MAY DEEM NECESSARY.

6. NOTIFICATION TO THE DEPARTMENT OF THE NON-ISSUANCE OF A CERTIFICATE OF RECEIPT. EACH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT RECEIVED NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SUBDIVISION (G) OF THIS SECTION REGARDING THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE TO A TAXPAYER SHALL, WITHIN THIRTY DAYS OF THE EXPIRATION DATE FOR SUCH AUTHORIZED CONTRIBUTION, PROVIDE NOTIFICATION TO THE DEPARTMENT FOR EACH TAXPAYER THAT FAILED, IN WHOLE OR IN PART, TO MAKE THE AUTHORIZED CONTRIBUTION TO SUCH PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT; PROVIDED THAT SUCH NOTIFICATION SHALL INCLUDE (I) THE TAXPAYER'S NAME AND ADDRESS, (II) THE DATE THAT THE CONTRIBUTION AUTHORIZATION CERTIFICATE WAS ISSUED, (III) THE AUTHORIZED CONTRIBUTION AMOUNT SET FORTH ON SUCH CERTIFICATE, (IV) THE AMOUNT OF ANY QUALIFIED CONTRIBUTION MADE BY THE TAXPAYER, (V) THE AMOUNT OF THE AUTHORIZED CONTRIBUTION FOR

1 WHICH THE TAXPAYER DID NOT MAKE A CONTRIBUTION, (VI) THE PUBLIC EDUCA-
2 TION ENTITY, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZA-
3 TION'S NAME AND ADDRESS, AND (VII) ANY OTHER INFORMATION THAT THE
4 COMMISSIONER MAY DEEM NECESSARY.

5 7. ANY AMOUNTS FOR WHICH THE DEPARTMENT RECEIVES NOTIFICATION OF NON-
6 ISSUANCE OF A CERTIFICATE OF RECEIPT SHALL BE ADDED TO THE CAP
7 PRESCRIBED IN SUBDIVISION (J) OF THIS SECTION FOR THE IMMEDIATELY
8 FOLLOWING YEAR.

9 (I) CREDIT LIMITATION. THE MAXIMUM AMOUNT OF CREDIT THAT A TAXPAYER
10 MAY CLAIM FOR A TAXABLE YEAR SHALL NOT EXCEED THE LESSER OF (I) SEVEN-
11 TY-FIVE PERCENT OF THE TAXPAYER'S TAX DUE FOR THE TAXABLE YEAR, AFTER
12 APPLICATION OF ANY OTHER ALLOWABLE CREDITS BY THE TAXPAYER, (II) FIVE
13 PERCENT OF ONE HALF OF THE CREDIT CAP SET FORTH IN SUBDIVISION (J) OF
14 THIS SECTION FOR THE CALENDAR YEAR, OR (III) THE AGGREGATE AMOUNT OF THE
15 TAXPAYER'S AUTHORIZED CONTRIBUTIONS THAT ARE LISTED ON THE CONTRIBUTION
16 AUTHORIZATION CERTIFICATES ISSUED TO THE TAXPAYER FOR THE TAXABLE YEAR
17 PLUS ANY AMOUNT OF CREDIT CARRIED FROM A PRECEDING TAXABLE YEAR.
18 PROVIDED, HOWEVER, THE COMMISSIONER SHALL DISALLOW THE PORTION OF THE
19 CREDIT EQUAL TO THE AMOUNT SAVED FROM THE FEDERAL TAX LIABILITY OF THE
20 TAXPAYER FROM THE CHARITABLE CONTRIBUTION TO A QUALIFIED ORGANIZATION
21 UNDER SECTION FIVE HUNDRED ONE (C)(3) OF THE INTERNAL REVENUE CODE. ANY
22 CREDIT IN EXCESS OF THIS LIMITATION MAY BE CARRIED OVER TO THE FOLLOWING
23 YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR
24 OR YEARS.

25 (J) CREDIT CAP. THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION
26 AVAILABLE TO ALL TAXPAYERS FOR QUALIFIED CONTRIBUTIONS TO PUBLIC EDUCA-
27 TION ENTITIES, LOCAL EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGAN-
28 IZATIONS FOR CALENDAR YEAR TWO THOUSAND FOURTEEN SHALL BE TWO HUNDRED
29 FIFTY MILLION DOLLARS. IN CALENDAR YEAR TWO THOUSAND FIFTEEN AND THERE-
30 AFTER, THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION AVAILABLE TO ALL
31 TAXPAYERS SHALL BE THREE HUNDRED MILLION, PLUS ANY AMOUNTS THAT ARE
32 REQUIRED TO BE ADDED TO THE CAP PURSUANT TO THIS SUBDIVISION. THE MAXI-
33 MUM PERMITTED CREDITS UNDER THIS SECTION FOR QUALIFIED CONTRIBUTIONS
34 SHALL BE ALLOCATED FIFTY PERCENT TO PUBLIC EDUCATION ENTITIES AND LOCAL
35 EDUCATION FUNDS AND FIFTY PERCENT TO EDUCATIONAL SCHOLARSHIP ORGANIZA-
36 TIONS.

37 (K) OTHER REQUIREMENTS; MISCELLANEOUS. 1. RECORD KEEPING. EACH TAXPAY-
38 ER SHALL, FOR EACH TAXABLE YEAR FOR WHICH THE EDUCATION INVESTMENT TAX
39 CREDIT PROVIDED FOR UNDER THIS SECTION IS CLAIMED, MAINTAIN RECORDS OF
40 THE FOLLOWING INFORMATION: (I) CONTRIBUTION AUTHORIZATION CERTIFICATES
41 OBTAINED PURSUANT TO SUBDIVISION (G) OF THIS SECTION, AND (II) CERTIF-
42 ICATES OF RECEIPT OBTAINED PURSUANT TO SUBDIVISION (H) OF THIS SECTION.

43 2. REGULATIONS. THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE
44 AND ADOPT ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMEN-
45 TATION OF THIS SECTION. SUCH REGULATIONS SHALL CONSTRUCT THE PROVISIONS
46 OF THIS SECTION IN SUCH A MANNER AS TO ENCOURAGE QUALIFIED CONTRIB-
47 UTIONS, PROVIDED THAT SUCH REGULATIONS SHALL NOT IMPOSE ANY NEW REQUIRE-
48 MENT OR BURDEN ON THE EDUCATIONAL PROGRAM, INSTRUCTION, OR ACTIVITIES OF
49 A PUBLIC OR NON-PUBLIC SCHOOL.

50 (L) REPORTS. 1. REPORTS TO THE COMMISSIONER. ON OR BEFORE THE LAST DAY
51 OF FEBRUARY FOR EACH CALENDAR YEAR, EACH PUBLIC EDUCATION ENTITY, LOCAL
52 EDUCATION FUND, AND EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT ISSUED ONE
53 OR MORE CERTIFICATES OF RECEIPT SHALL REPORT TO THE COMMISSIONER THE
54 NUMBER OF SUCH CERTIFICATES ISSUED AND THE AGGREGATE AMOUNT OF QUALIFIED
55 CONTRIBUTIONS MADE TO SUCH ENTITY, FUND, OR ORGANIZATION DURING THE
56 IMMEDIATELY PRECEDING CALENDAR YEAR.

2. JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH CALENDAR YEAR, FOR THE IMMEDIATELY PRECEDING YEAR, THE COMMISSIONER AND THE COMMISSIONER OF EDUCATION SHALL JOINTLY SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE REGARDING THE EDUCATION INVESTMENT TAX CREDIT. SUCH REPORT SHALL CONTAIN STATISTICAL INFORMATION, BY TAX TYPE, REGARDING THE NUMBER OF APPLICATIONS RECEIVED, THE NUMBER OF CONTRIBUTION AUTHORIZATION CERTIFICATES ISSUED FOR CONTRIBUTIONS TO PUBLIC EDUCATION ENTITIES AND QUALIFIED LOCAL EDUCATION FUNDS, THE NUMBER OF CONTRIBUTION AUTHORIZATION CERTIFICATES ISSUED FOR AUTHORIZED CONTRIBUTIONS TO QUALIFIED SCHOLARSHIP ORGANIZATIONS, THE AGGREGATE AMOUNT OF AUTHORIZED CONTRIBUTIONS FOR PUBLIC EDUCATION ENTITIES AND QUALIFIED LOCAL EDUCATION FUNDS, THE AGGREGATE AMOUNT OF AUTHORIZED CONTRIBUTIONS FOR EDUCATIONAL SCHOLARSHIP ORGANIZATIONS, THE GEOGRAPHICAL DISTRIBUTION BY COUNTY OF THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES, THE GEOGRAPHICAL DISTRIBUTION BY COUNTY OF PUBLIC EDUCATION ENTITIES, LOCAL EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS FOR WHICH CONTRIBUTION AUTHORIZATION CERTIFICATES WERE ISSUED; INFORMATION, INCLUDING GEOGRAPHICAL DISTRIBUTION BY COUNTY, OF THE NUMBER OF ELIGIBLE PUPILS THAT RECEIVED SCHOLARSHIPS, THE NUMBER OF QUALIFIED SCHOOLS ATTENDED BY ELIGIBLE PUPILS THAT RECEIVED SUCH SCHOLARSHIPS, AND THE AVERAGE VALUE OF SCHOLARSHIPS RECEIVED BY SUCH ELIGIBLE PUPILS. THE COMMISSIONER AND DESIGNATED EMPLOYEES OF THE DEPARTMENT, THE BOARD OF REGENTS AND ALL MEMBERS OF THE BOARD OF REGENTS, INCLUDING THE COMMISSIONER OF EDUCATION AND DESIGNATED EMPLOYEES OF THE DEPARTMENT OF EDUCATION, SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE INFORMATION REGARDING THE CREDITS APPLIED FOR, ALLOWED OR CLAIMED PURSUANT TO THIS SECTION; THE TAXPAYERS WHO ARE APPLYING FOR CREDITS OR WHO ARE CLAIMING CREDITS, INCLUDING INFORMATION CONTAINED IN OR DERIVED FROM CREDIT CLAIM FORMS SUBMITTED TO THE DEPARTMENT; AND THE PUBLIC EDUCATION ENTITIES, LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS THAT APPLIED FOR APPROVAL TO BE AUTHORIZED TO RECEIVE QUALIFIED CONTRIBUTIONS AND WHO WERE APPROVED TO BE AUTHORIZED TO ISSUE CERTIFICATES OF RECEIPT, INCLUDING INFORMATION CONTAINED IN OR DERIVED FROM APPLICATION FORMS SUBMITTED TO THE DEPARTMENT OF EDUCATION OR BOARD OF REGENTS.

(M) CROSS REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

(1) ARTICLE 9-14: SECTION 210; SUBDIVISION 47;

(2) ARTICLE 22: SECTION 606; SUBSECTIONS (I) AND (W); AND SECTION 615; SUBSECTION (G);

(3) ARTICLE 32: SECTION 1456; SUBSECTION (AA);

(4) ARTICLE 33: SECTION 1511; SUBDIVISION (DD).

S 4. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 21 to read as follows:

(21) THE AMOUNT OF ANY DEDUCTION ALLOWED PURSUANT TO SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE FOR WHICH CREDIT IS CLAIMED PURSUANT TO SUBDIVISION FORTY-SEVEN OF SECTION TWO HUNDRED TEN OF THIS CHAPTER.

S 5. Section 210 of the tax law is amended by adding a new subdivision 47 to read as follows:

47. EDUCATION INVESTMENT TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-NINE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) OR (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR QUALIFIED CONTRIBUTIONS FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 6. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xxxvi) to read as follows:

(XXXVI) EDUCATION INVESTMENT	AMOUNT OF CREDIT UNDER SUBDIVISION
TAX CREDIT UNDER SUBSECTION (WW)	FORTY-SEVEN OF SECTION TWO HUNDRED
	TEN OR SUBSECTION (AA) OF SECTION
	FOURTEEN HUNDRED FIFTY-SIX

S 7. Section 606 of the tax law is amended by adding a new subsection (w) to read as follows:

(W) INSTRUCTIONAL MATERIALS AND SUPPLIES CREDIT. FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, A TAXPAYER SHALL BE ALLOWED A CREDIT IN THE AMOUNT PAID BY THE TAXPAYER DURING THE TAXABLE YEAR FOR INSTRUCTIONAL MATERIALS AND SUPPLIES WITH RESPECT TO CLASSROOM BASED INSTRUCTION IN A QUALIFIED SCHOOL, OR ONE HUNDRED DOLLARS, WHICHEVER IS LESS; PROVIDED THAT THE TAXPAYER IS A TEACHER, INSTRUCTOR, COUNSELOR, PRINCIPAL, OR AIDE IN A QUALIFIED SCHOOL, AS DEFINED IN SECTION THIRTY-NINE OF THIS CHAPTER, FOR AT LEAST NINE HUNDRED HOURS DURING A SCHOOL YEAR. FOR PURPOSES OF THIS SUBSECTION, THE TERM "MATERIALS AND SUPPLIES" MEANS AMOUNTS PAID FOR INSTRUCTIONAL MATERIALS OR SUPPLIES THAT ARE DESIGNATED FOR CLASSROOM USE IN ANY QUALIFIED SCHOOL.

S 8. Section 606 of the tax law is amended by adding a new subsection (ww) to read as follows:

(WW) EDUCATION INVESTMENT TAX CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-NINE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY QUALIFIED CONTRIBUTIONS FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 9. Subsection (g) of section 615 of the tax law is amended by adding a new paragraph 3 to read as follows:

(3) WITH RESPECT TO AN INDIVIDUAL WHO HAS CLAIMED THE EDUCATION INVESTMENT TAX CREDIT FOR QUALIFIED CONTRIBUTIONS PURSUANT TO SUBDIVISION (WW) OF SECTION SIX HUNDRED SIX OF THIS ARTICLE, THE TAXPAYER'S NEW YORK ITEMIZED DEDUCTION SHALL BE REDUCED BY ANY CHARITABLE CONTRIBUTION DEDUCTION ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE WITH RESPECT TO SUCH QUALIFIED CONTRIBUTIONS.

S 10. Section 1456 of the tax law is amended by adding a new subsection (aa) to read as follows:

(AA) EDUCATION INVESTMENT TAX CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-NINE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. IN NO EVENT SHALL THE CREDIT ALLOWED UNDER THIS SECTION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION (B) OF SECTION FOURTEEN HUNDRED

FIFTY-FIVE OF THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT FOR ANY QUALIFIED CONTRIBUTIONS FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THE EXCESS MAY BE CARRIED OVER TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 11. Subsection (b) of section 1453 of the tax law is amended by adding a new paragraph 16 to read as follows:

(16) THE AMOUNT OF ANY DEDUCTION ALLOWED PURSUANT TO SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE FOR WHICH CREDIT IS CLAIMED PURSUANT TO SECTION FOURTEEN HUNDRED FIFTY-SIX OF THIS ARTICLE.

S 12. Paragraph 2 of subdivision (b) of section 1503 of the tax law is amended by adding a new subparagraph (W) to read as follows:

(W) THE AMOUNT OF ANY DEDUCTION ALLOWED PURSUANT TO SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE FOR WHICH CREDIT IS CLAIMED PURSUANT TO SECTION FIFTEEN HUNDRED ELEVEN OF THIS ARTICLE.

S 13. Section 1511 of the tax law is amended by adding a new subdivision (dd) to read as follows:

(DD) EDUCATION INVESTMENT TAX CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-NINE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY QUALIFIED CONTRIBUTIONS FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THE EXCESS MAY BE CARRIED OVER TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 14. The education law is amended by adding a new article 25 to read as follows:

ARTICLE 25

EDUCATION INVESTMENT TAX CREDIT PROGRAM

SECTION 1209. SHORT TITLE.

1210. DEFINITIONS.

1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1213. APPLICATION APPROVAL.

1214. ANNUAL REVIEW.

1215. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1216. REPORTING AND RECORDKEEPING.

1217. COMMISSIONER; POWERS.

S 1209. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EDUCATION INVESTMENT TAX CREDIT PROGRAM".

S 1210. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO A TAXPAYER.

2. "CONTRIBUTION" MEANS A DONATION PAID BY CASH, CHECK, ELECTRONIC FUNDS TRANSFER, DEBIT CARD OR CREDIT CARD MADE BY THE TAXPAYER DURING THE TAX YEAR.

3. "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC OR SIMILAR PROGRAM OF A PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM OR ACADEMIC PROGRAM OF THE PUBLIC SCHOOL, OR PROVIDES A PRE-KINDERGARTEN PROGRAM TO THE PUBLIC SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS, PROGRAMS OR OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL

1 PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (A)
2 INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMI-
3 LY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATH-
4 EMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (B)
5 INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK
6 STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUN-
7 SELING; (C) INSTRUCTION OR PROGRAMMING BEFORE OR AFTER PUBLIC SCHOOL
8 HOURS, OR ON WEEKENDS THAT IMPROVES STUDENT ACADEMIC ACHIEVEMENT INCLUD-
9 ING PREPARATION FOR COLLEGE OR A CAREER; OR (D) USE OF SPECIALIZED
10 INSTRUCTIONAL MATERIALS, INSTRUCTORS OR INSTRUCTION NOT PROVIDED BY A
11 PUBLIC SCHOOL.

12 4. "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTI-
13 TY WHICH (I) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION
14 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) USES
15 AT LEAST NINETY PERCENT OF THE REVENUE FROM QUALIFIED CONTRIBUTIONS
16 RECEIVED DURING THE LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR
17 YEAR AND THE FIRST ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME
18 DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS FOR SCHOLAR-
19 SHIPS, (III) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME
20 DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM
21 THE ORGANIZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED
22 CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, (IV) PROVIDES SCHOLAR-
23 SHIPS WITHOUT LIMITING AVAILABILITY TO ONLY ELIGIBLE PUPILS OF ONE QUAL-
24 IFIED SCHOOL, AND (V) IS APPROVED TO RECEIVE AUTHORIZED CONTRIBUTIONS
25 AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

26 5. "ELIGIBLE PUPIL" MEANS A CHILD WHO (I) IS A RESIDENT OF THIS STATE,
27 (II) IS SCHOOL AGE IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION THIR-
28 TY-TWO HUNDRED TWO OF THIS CHAPTER OR WHO IS FOUR YEARS OF AGE ON OR
29 BEFORE DECEMBER FIRST OF THE YEAR IN WHICH THEY ARE ENROLLED IN A
30 PRE-KINDERGARTEN PROGRAM, AND (III) ATTENDS OR IS ABOUT TO ATTEND A
31 QUALIFIED SCHOOL.

32 6. "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY WHICH (I) IS
33 EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION
34 FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) IS ESTABLISHED FOR
35 THE PURPOSE OF SUPPORTING AT LEAST ONE PUBLIC SCHOOL, OR A PUBLIC SCHOOL
36 DISTRICT LOCATED IN THIS STATE, (III) USES AT LEAST NINETY PERCENT OF
37 THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST MONTH OF THE IMME-
38 DIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN MONTHS OF THE
39 CALENDAR YEAR AND ANY INCOME DERIVED FROM SUCH QUALIFIED CONTRIBUTIONS
40 DURING SUCH MONTHS TO SUPPORT THE PUBLIC SCHOOL OR SCHOOLS OR PUBLIC
41 SCHOOL DISTRICT OR DISTRICTS THAT SUCH FUND HAS BEEN ESTABLISHED TO
42 SUPPORT, (IV) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME
43 DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM
44 THE FUND'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS
45 OR INCOME ARE WITHDRAWN FOR USE, AND (V) IS APPROVED TO RECEIVE AUTHOR-
46 IZED CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS
47 ARTICLE.

48 7. "NONPUBLIC SCHOOL" MEANS ANY NOT-FOR-PROFIT PRE-KINDERGARTEN
49 PROGRAM OR ELEMENTARY, SECONDARY SECTARIAN OR NONSECTARIAN SCHOOL, OTHER
50 THAN A PUBLIC SCHOOL, THAT IS PROVIDING INSTRUCTION TO AN ELIGIBLE PUPIL
51 IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION THIRTY-TWO HUNDRED FOUR OF
52 THIS CHAPTER.

53 8. "PUBLIC EDUCATION ENTITY" MEANS A PUBLIC SCHOOL DISTRICT IN THIS
54 STATE, A PUBLIC SCHOOL IN THIS STATE, OR A SCHOOL IMPROVEMENT ORGANIZA-
55 TION, PROVIDED THAT SUCH PUBLIC SCHOOL DISTRICT, PUBLIC SCHOOL OR SCHOOL
56 IMPROVEMENT ORGANIZATION DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND

1 ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS
2 SEPARATE FROM THE PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT'S OPERATING OR
3 OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN
4 FOR USE FROM OPERATING OR OTHER FUNDS AND IS APPROVED TO RECEIVE AUTHOR-
5 IZED CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS
6 ARTICLE.

7 9. "PUBLIC SCHOOL" MEANS ANY FREE ELEMENTARY OR SECONDARY SCHOOL IN
8 THIS STATE PURSUANT TO ARTICLE ELEVEN OF THE NEW YORK CONSTITUTION, BUT
9 SHALL NOT INCLUDE A CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF
10 THIS CHAPTER.

11 10. "QUALIFIED CONTRIBUTION" MEANS THE AUTHORIZED CONTRIBUTION MADE BY
12 A TAXPAYER TO A PUBLIC EDUCATION ENTITY, LOCAL EDUCATION FUND, OR EDUCA-
13 TIONAL SCHOLARSHIP ORGANIZATION LISTED IN THE CONTRIBUTION AUTHORIZATION
14 CERTIFICATE ISSUED TO THE TAXPAYER FOR WHICH THE TAXPAYER HAS RECEIVED A
15 CERTIFICATE OF RECEIPT FROM SUCH ENTITY, FUND, OR ORGANIZATION.

16 11. "QUALIFIED EDUCATOR" MEANS AN INDIVIDUAL WHO IS A TEACHER,
17 INSTRUCTOR, COUNSELOR, PRINCIPAL, OR AIDE IN A QUALIFIED SCHOOL FOR AT
18 LEAST NINE HUNDRED HOURS DURING A SCHOOL YEAR.

19 12. "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR NONPUBLIC SCHOOL
20 LOCATED IN THIS STATE.

21 13. "SCHOLARSHIP" MEANS AN EDUCATIONAL SCHOLARSHIP OR TUITION GRANT
22 AWARDED TO AN ELIGIBLE PUPIL TO ATTEND A QUALIFIED SCHOOL IN AN AMOUNT
23 NOT TO EXCEED THE TUITION NECESSARY TO ATTEND SUCH SCHOOL; PROVIDED,
24 HOWEVER, IN THE CASE OF AN ELIGIBLE PUPIL ATTENDING A PUBLIC SCHOOL IN A
25 DISTRICT OF WHICH SUCH PUPIL IS NOT A RESIDENT, THE AMOUNT OF THE EDUCA-
26 TIONAL SCHOLARSHIP OR TUITION GRANT AWARDED MAY NOT EXCEED THE TUITION
27 CHARGED BY THE PUBLIC SCHOOL PURSUANT TO PARAGRAPH D OF SUBDIVISION FOUR
28 OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER, BUT ONLY IF THE
29 SCHOOL DISTRICT OF WHICH SUCH PUPIL IS A RESIDENT IS NOT REQUIRED TO PAY
30 FOR SUCH TUITION.

31 14. "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY
32 THAT (I) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C)
33 OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) USES AT
34 LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE
35 LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST
36 ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED
37 CONTRIBUTIONS DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC
38 SCHOOL DISTRICTS LOCATED IN THIS STATE IN THEIR PROVISION OF EDUCATIONAL
39 PROGRAMS, EITHER BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS
40 OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE OR PROVIDING EDUCA-
41 TIONAL PROGRAMS TO, OR IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS
42 OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE, (III) DEPOSITS AND
43 HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED
44 CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S
45 OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME
46 ARE WITHDRAWN FOR USE, AND (IV) IS APPROVED TO RECEIVE AUTHORIZED
47 CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTI-
48 CLE. SUCH TERM INCLUDES A PRE-KINDERGARTEN PROGRAM OR NOT-FOR-PROFIT
49 ENTITY THAT ALLOWS THE TAXPAYER TO CHOOSE TO DONATE TO A PROGRAM,
50 PROJECT OR INITIATIVE IDENTIFIED BY A QUALIFIED EDUCATOR FOR USE IN A
51 PUBLIC SCHOOL.

52 S 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. 1. PUBLIC SCHOOLS
53 AND PUBLIC SCHOOL DISTRICTS. ALL PUBLIC SCHOOLS AND PUBLIC SCHOOL
54 DISTRICTS SHALL BE APPROVED TO ISSUE CERTIFICATES OF RECEIPT FOR QUALI-
55 FIED CONTRIBUTIONS IN ACCORDANCE WITH SECTION THIRTY-NINE OF THE TAX
56 LAW, PROVIDED, THAT SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT SHALL

NOT BE APPROVED IF EITHER (I) SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT FAILS TO DEPOSIT AND HOLD QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE SCHOOL OR SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, OR (II) THE COMMISSIONER HAS NOT REVOKED SUCH APPROVAL FOR SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT PURSUANT TO SECTION TWELVE HUNDRED SIXTEEN OF THIS ARTICLE.

2. SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AND LOCAL EDUCATION FUNDS. NO SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZATION OR LOCAL EDUCATION FUND SHALL ISSUE ANY CERTIFICATES OF RECEIPT WITHOUT FILING AN APPLICATION PURSUANT TO SECTION TWELVE HUNDRED TWELVE AND RECEIVING APPROVAL PURSUANT TO SECTION TWELVE HUNDRED THIRTEEN OF THIS ARTICLE.

S 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. 1. SCHOOL IMPROVEMENT ORGANIZATIONS. A SCHOOL IMPROVEMENT ORGANIZATION SHALL SUBMIT AN APPLICATION FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION SHALL INCLUDE (I) SUBMISSION OF DOCUMENTARY EVIDENCE THAT SUCH SCHOOL IMPROVEMENT ORGANIZATION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) CERTIFICATION THAT ALL QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS ARE DEPOSITED AND HELD IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, (III) CERTIFICATION THAT SUCH SCHOOL IMPROVEMENT ORGANIZATION WILL USE AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS IN THIS STATE IN THE PROVISION OF THEIR EDUCATIONAL PROGRAMS BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS, OR PROVIDING EDUCATIONAL PROGRAMS TO, OR IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE, AND (IV) A LIST OF THE NAMES AND ADDRESSES OF ALL MEMBERS OF THE GOVERNING BOARD OF THE SCHOOL IMPROVEMENT ORGANIZATION.

2. EDUCATIONAL SCHOLARSHIP ORGANIZATIONS. AN EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL SUBMIT AN APPLICATION FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION SHALL INCLUDE (I) SUBMISSION OF DOCUMENTARY EVIDENCE THAT SUCH EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) CERTIFICATION THAT ALL QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS ARE DEPOSITED AND HELD IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, (III) CERTIFICATION THAT SUCH ORGANIZATION WILL USE AT LEAST NINETY PERCENT OF ITS ANNUAL REVENUE FROM QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS FOR SCHOLARSHIPS, (IV) CERTIFICATION THAT SUCH ORGANIZATION WILL PROVIDE SCHOLARSHIPS TO ELIGIBLE PUPILS WITHOUT LIMITING AVAILABILITY TO ONLY ELIGIBLE PUPILS OF ONE QUALIFIED SCHOOL, AND (V) A LIST OF

1 THE NAMES AND ADDRESSES OF ALL MEMBERS OF THE GOVERNING BOARD OF SUCH
2 EDUCATIONAL SCHOLARSHIP ORGANIZATION.

3 3. LOCAL EDUCATION FUNDS. A LOCAL EDUCATION FUND SHALL SUBMIT AN
4 APPLICATION FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM
5 AND MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICA-
6 TION SHALL INCLUDE (I) SUBMISSION OF DOCUMENTARY EVIDENCE THAT SUCH
7 LOCAL EDUCATIONAL FUND HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER
8 PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE
9 INTERNAL REVENUE CODE, (II) DOCUMENTATION THAT SUCH LOCAL EDUCATION FUND
10 HAS BEEN ESTABLISHED TO SUPPORT AT LEAST ONE PUBLIC SCHOOL OR PUBLIC
11 SCHOOL DISTRICT, (III) THE NAME OF EACH PUBLIC SCHOOL OR PUBLIC SCHOOL
12 DISTRICT THAT IS EITHER SUPPORTED BY OR WILL BE SUPPORTED BY SUCH LOCAL
13 EDUCATION FUND, (IV) CERTIFICATION THAT SUCH FUND WILL USE AT LEAST
14 NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST
15 MONTH OF THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN
16 MONTHS OF THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED
17 CONTRIBUTIONS DURING SUCH MONTHS TO SUPPORT THE PUBLIC SCHOOL OR SCHOOLS
18 OR PUBLIC SCHOOL DISTRICT OR DISTRICTS THAT SUCH FUND HAS BEEN ESTAB-
19 LISHED TO SUPPORT, (V) CERTIFICATION THAT SUCH FUND WILL DEPOSIT AND
20 HOLD QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED
21 CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING
22 OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITH-
23 DRAWN FOR USE, AND (VI) A LIST OF THE NAMES AND ADDRESSES OF ALL MEMBERS
24 OF THE GOVERNING BOARD OF SUCH LOCAL EDUCATION FUND.

25 S 1213. APPLICATION APPROVAL. 1. IN GENERAL. THE BOARD OF REGENTS
26 SHALL REVIEW EACH APPLICATION TO DETERMINE WHETHER THE APPLICANT SHALL
27 BE ENTITLED TO APPROVAL TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO
28 THIS ARTICLE. APPROVAL OR DENIAL OF AN APPLICATION SHALL BE MADE AT THE
29 NEXT SCHEDULED MEETING OF THE BOARD OF REGENTS, PROVIDED, HOWEVER THAT
30 IF IT IS NOT PRACTICABLE FOR THE BOARD TO REVIEW AN APPLICATION THAT IS
31 RECEIVED FEWER THAN THREE DAYS BEFORE A SCHEDULED MEETING, THE BOARD MAY
32 REVIEW SUCH AN APPLICATION AT THE IMMEDIATELY FOLLOWING SCHEDULED MEET-
33 ING.

34 2. NOTIFICATION. APPLICANTS SHALL BE NOTIFIED OF THE BOARD OF REGENTS'
35 DETERMINATION WITHIN THREE BUSINESS DAYS OF THE BOARD'S DETERMINATION.

36 S 1214. ANNUAL REVIEW. 1. SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCA-
37 TIONAL SCHOLARSHIP ORGANIZATIONS, AND LOCAL EDUCATION FUNDS. (A) EACH
38 SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZATION OR
39 LOCAL EDUCATION FUND THAT RECEIVED APPROVAL BY THE BOARD OF REGENTS TO
40 ISSUE CERTIFICATES OF RECEIPT SHALL FILE AN APPLICATION FOR RECERTIF-
41 ICATION BY THE COMMISSIONER ON AN ANNUAL BASIS. SUCH APPLICATION FOR
42 RECERTIFICATION SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE
43 DEPARTMENT AND SHALL INCLUDE: (I) CERTIFICATION FROM THE DIRECTOR OR
44 CHIEF EXECUTIVE OFFICER OF THE ORGANIZATION OR ENTITY THAT SUCH ORGAN-
45 IZATION OR ENTITY HAS COMPLIED WITH THE APPLICABLE REPORTING REQUIRE-
46 MENTS OF SECTION TWELVE HUNDRED SIXTEEN OF THIS ARTICLE AND SUBDIVISION
47 (L) OF SECTION THIRTY-NINE OF THE TAX LAW, (II) A COPY OF THE ORGANIZA-
48 TION OR FUND'S FEDERAL FORM 990 OR OTHER FEDERAL FORM INDICATING TAX
49 STATUS OF THE ORGANIZATION OR FUND FOR FEDERAL TAX PURPOSES, (III)
50 CERTIFICATION THAT SUCH ORGANIZATION OR FUND USED AT LEAST NINETY
51 PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE LAST MONTH OF
52 THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE FIRST ELEVEN MONTHS OF
53 THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS
54 DURING SUCH MONTHS TO, IN THE CASE OF A SCHOOL IMPROVEMENT ORGANIZATION,
55 ASSIST IN THE PROVISION OF EDUCATIONAL PROGRAMS IN AT LEAST ONE PUBLIC
56 SCHOOL OR PUBLIC SCHOOL DISTRICT, OR IN THE CASE OF AN EDUCATIONAL SCHO-

1 LARSHIP ORGANIZATION, PROVIDE SCHOLARSHIPS TO ELIGIBLE STUDENTS, OR IN
2 THE CASE OF A LOCAL EDUCATION FUND, SUPPORT AT LEAST ONE PUBLIC SCHOOL
3 OR PUBLIC SCHOOL DISTRICT, (IV) CERTIFICATION THAT SUCH ORGANIZATION OR
4 FUND DEPOSITED AND HELD ALL QUALIFIED CONTRIBUTIONS AND ANY INCOME
5 DERIVED FROM QUALIFIED CONTRIBUTIONS ARE DEPOSITED AND HELD IN AN
6 ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION OR FUND'S OPERATING OR
7 OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN
8 FOR USE, AND (V) A COPY OF THE ORGANIZATION'S CURRENT FINANCIAL STATE-
9 MENTS.

10 (B) A SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP FUND OR
11 LOCAL EDUCATION FUND, WITHIN THIRTY DAYS OF RECEIPT BY THE DEPARTMENT OF
12 AN APPLICATION FOR RECERTIFICATION BY SUCH SCHOOL IMPROVEMENT ORGANIZA-
13 TION, EDUCATIONAL SCHOLARSHIP FUND OR LOCAL EDUCATION FUND, SHALL BE
14 DEEMED RECERTIFIED BY THE COMMISSIONER TO ISSUE CERTIFICATES OF RECEIPT
15 UNLESS THE COMMISSIONER MAKES A DETERMINATION IN WRITING THAT THE APPLI-
16 CATION FAILS TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION.

17 2. PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS. (A) EACH PUBLIC SCHOOL
18 OR PUBLIC SCHOOL DISTRICT SHALL FILE AN ANNUAL CERTIFICATION WITH THE
19 COMMISSIONER IN THE FORM AND MANNER PRESCRIBED BY THE BOARD. SUCH ANNUAL
20 CERTIFICATION SHALL INCLUDE (I) CERTIFICATION THAT SUCH PUBLIC SCHOOL OR
21 PUBLIC SCHOOL DISTRICT HAS COMPLIED WITH THE APPLICABLE REPORTING
22 REQUIREMENTS OF SECTION TWELVE HUNDRED SIXTEEN OF THIS ARTICLE AND
23 SUBDIVISION (L) OF SECTION THIRTY-NINE OF THE TAX LAW, AND (II) CERTIF-
24 ICATION THAT SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT DEPOSITS AND
25 HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED
26 CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE PUBLIC SCHOOL OR
27 PUBLIC SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED
28 CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE.

29 (B) A PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT, WITHIN THIRTY DAYS OF
30 RECEIPT BY THE DEPARTMENT OF AN APPLICATION FOR RECERTIFICATION BY SUCH
31 PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT, SHALL BE DEEMED RECERTIFIED BY
32 THE COMMISSIONER TO ISSUE CERTIFICATES OF RECEIPT UNLESS THE COMMISSION-
33 ER MAKES A DETERMINATION IN WRITING THAT THE APPLICATION FAILS TO COMPLY
34 WITH THE PROVISIONS OF THIS SUBDIVISION.

35 S 1215. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. THE
36 BOARD OF REGENTS, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND
37 FINANCE, MAY REVOKE THE APPROVAL OF A SCHOOL IMPROVEMENT ORGANIZATION,
38 EDUCATIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC
39 SCHOOL OR PUBLIC SCHOOL DISTRICT TO ISSUE CERTIFICATES OF RECEIPT UPON A
40 FINDING THAT SUCH ORGANIZATION, FUND, SCHOOL OR SCHOOL DISTRICT HAS
41 VIOLATED THIS ARTICLE OR SECTION THIRTY-NINE OF THE TAX LAW. THESE
42 VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING:
43 (1) FAILURE TO MEET THE REQUIREMENTS OF THIS ARTICLE, (2) THE FAILURE TO
44 MAINTAIN FULL AND ADEQUATE RECORDS WITH RESPECT TO THE RECEIPT OF QUALI-
45 FIED CONTRIBUTIONS, (3) THE FAILURE TO SUPPLY SUCH RECORDS TO THE
46 DEPARTMENT OR THE BOARD OF REGENTS, OR (4) THE FAILURE TO PROVIDE NOTICE
47 TO THE DEPARTMENT OF TAXATION AND FINANCE OF THE ISSUANCE OF CERTIF-
48 ICATES OF RECEIPT PURSUANT TO SECTION THIRTY-NINE OF THE TAX LAW. WITH-
49 IN FIVE DAYS OF THE DETERMINATION REVOKING APPROVAL, THE COMMISSIONER
50 SHALL PROVIDE NOTICE OF SUCH REVOCATION TO THE EDUCATIONAL SCHOLARSHIP
51 ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND,
52 PUBLIC SCHOOL, OR PUBLIC SCHOOL DISTRICT.

53 S 1216. REPORTING AND RECORDKEEPING. 1. REPORTING. (A) EDUCATIONAL
54 SCHOLARSHIP ORGANIZATIONS, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL
55 EDUCATION FUNDS, PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS.

1 (I) AN EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT RECEIVES QUALIFIED
2 CONTRIBUTIONS SHALL REPORT TO THE BOARD OF REGENTS, ON A FORM PRESCRIBED
3 BY THE COMMISSIONER BY JANUARY THIRTY-FIRST OF EACH CALENDAR YEAR. SUCH
4 REPORT SHALL INCLUDE: (A) THE NAME AND ADDRESS OF THE MEMBERS AND THE
5 CHAIRPERSON OF THE GOVERNING BOARD OF THE ORGANIZATION, (B) THE TOTAL
6 NUMBER OF CERTIFICATES OF RECEIPT ISSUED DURING THE IMMEDIATELY PRECED-
7 ING CALENDAR YEAR, (C) THE TOTAL DOLLAR AMOUNT OF QUALIFIED CONTRIB-
8 UTIONS RECEIVED, AS SET FORTH IN CERTIFICATES OF RECEIPT ISSUED DURING
9 THE IMMEDIATELY PRECEDING CALENDAR YEAR, (D) THE TOTAL NUMBER OF ELIGI-
10 BLE PUPILS UTILIZING SCHOLARSHIPS FOR THE IMMEDIATELY PRECEDING CALENDAR
11 YEAR AND THE SCHOOL YEAR IN PROGRESS AND THE TOTAL DOLLAR VALUE OF THE
12 SCHOLARSHIPS, (E) THE NAME AND ADDRESS OF EACH QUALIFIED SCHOOL AT WHICH
13 SCHOLARSHIPS ARE CURRENTLY BEING UTILIZED, DETAILING THE NUMBER OF
14 ELIGIBLE PUPILS AND THE TOTAL DOLLAR VALUE OF SCHOLARSHIPS BEING
15 UTILIZED AT EACH QUALIFIED SCHOOL, AND (F) ANY ADDITIONAL RELATED INFOR-
16 MATION REQUESTED BY THE COMMISSIONER.

17 (II) A SCHOOL IMPROVEMENT ORGANIZATION THAT RECEIVES QUALIFIED
18 CONTRIBUTIONS SHALL REPORT TO THE DEPARTMENT OR BOARD OF REGENTS, ON A
19 FORM PRESCRIBED BY THE COMMISSIONER BY JANUARY THIRTY-FIRST OF EACH
20 CALENDAR YEAR. SUCH REPORT SHALL INCLUDE: (A) THE NAME AND ADDRESS OF
21 THE MEMBERS AND THE CHAIRPERSON OF THE GOVERNING BOARD OF THE ORGANIZA-
22 TION, (B) THE TOTAL NUMBER OF CERTIFICATES OF RECEIPT ISSUED DURING THE
23 IMMEDIATELY PRECEDING CALENDAR YEAR, (C) THE TOTAL DOLLAR AMOUNT OF
24 QUALIFIED CONTRIBUTIONS RECEIVED, AS SET FORTH IN THE CERTIFICATES OF
25 RECEIPT ISSUED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR, (D) A
26 LIST OF THE EDUCATIONAL PROGRAMS THAT WERE PROVIDED TO PUBLIC SCHOOLS OR
27 PUBLIC SCHOOL DISTRICTS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR
28 THROUGH QUALIFIED CONTRIBUTIONS, INCLUDING THE GEOGRAPHIC LOCATION OF
29 SUCH PROGRAMS BY COUNTY, AND (E) ANY ADDITIONAL RELATED INFORMATION
30 REQUESTED BY THE COMMISSIONER.

31 (III) A LOCAL EDUCATION FUND THAT RECEIVES QUALIFIED CONTRIBUTIONS
32 PURSUANT TO THIS ARTICLE SHALL REPORT TO THE DEPARTMENT OR THE BOARD OF
33 REGENTS, ON A FORM PRESCRIBED BY THE COMMISSIONER BY JANUARY
34 THIRTY-FIRST OF EACH CALENDAR YEAR. SUCH REPORT SHALL INCLUDE: (A) THE
35 NAME AND ADDRESS OF THE MEMBERS AND THE CHAIRPERSON OF THE GOVERNING
36 BOARD OF THE ORGANIZATION, (B) THE TOTAL NUMBER OF CERTIFICATES OF
37 RECEIPT ISSUED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR, (C) THE
38 TOTAL DOLLAR AMOUNT OF QUALIFIED CONTRIBUTIONS RECEIVED AS SET FORTH IN
39 THE CERTIFICATES OF RECEIPT ISSUED DURING THE IMMEDIATELY PRECEDING
40 CALENDAR YEAR, (D) THE NAME AND ADDRESS OF THE PUBLIC SCHOOLS OR PUBLIC
41 SCHOOL DISTRICTS THAT THE LOCAL EDUCATION FUND SUPPORTED DURING THE
42 IMMEDIATELY PRECEDING CALENDAR YEAR, AND (E) ANY ADDITIONAL RELATED
43 INFORMATION REQUESTED BY THE COMMISSIONER.

44 (IV) A PUBLIC SCHOOL DISTRICT OR PUBLIC SCHOOL THAT RECEIVES QUALIFIED
45 CONTRIBUTIONS SHALL REPORT TO THE COMMISSIONER OR BOARD OF REGENTS, ON A
46 FORM PRESCRIBED BY THE COMMISSIONER BY JANUARY THIRTY-FIRST OF EACH
47 CALENDAR YEAR. SUCH REPORT SHALL INCLUDE: (A) THE TOTAL NUMBER OF
48 CERTIFICATES OF RECEIPT ISSUED DURING THE IMMEDIATELY PRECEDING CALENDAR
49 YEAR, (B) THE TOTAL DOLLAR AMOUNT OF QUALIFIED CONTRIBUTIONS RECEIVED AS
50 SET FORTH IN THE CERTIFICATES OF RECEIPT ISSUED DURING THE PREVIOUS
51 CALENDAR YEAR, AND (C) ANY ADDITIONAL RELATED INFORMATION REQUESTED BY
52 THE COMMISSIONER.

53 (B) JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH
54 CALENDAR YEAR, THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMMIS-
55 SIONER, JOINTLY, SHALL SUBMIT A WRITTEN REPORT AS PROVIDED IN PARAGRAPH
56 TWO OF SUBDIVISION (1) OF SECTION THIRTY-NINE OF THE TAX LAW.

2. RECORDKEEPING. EACH EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND PUBLIC SCHOOL DISTRICT THAT IS AUTHORIZED TO ISSUE CERTIFICATES OF RECEIPT SHALL MAINTAIN FULL AND ADEQUATE RECORDS OF THE FOLLOWING INFORMATION: (A) CREDIT AUTHORIZATION CERTIFICATES RECEIVED IN ACCORDANCE WITH SECTION THIRTY-NINE OF THE TAX LAW, (B) THE CERTIFICATES OF RECEIPT ISSUED TO TAXPAYERS IN ACCORDANCE WITH SECTION THIRTY-NINE OF THE TAX LAW, AND (C) ANY INFORMATION AS THE COMMISSIONER OR THE BOARD OF REGENTS MAY PRESCRIBE.

S 1217. COMMISSIONER; POWERS. THE COMMISSIONER SHALL PROMULGATE ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. SUCH REGULATIONS SHALL CONSTRUER THE PROVISIONS OF THIS SECTION IN SUCH A MANNER AS TO ENCOURAGE QUALIFIED CONTRIBUTIONS; PROVIDED, HOWEVER, THAT SUCH REGULATIONS SHALL NOT IMPOSE ANY NEW REQUIREMENT OR BURDEN ON THE EDUCATIONAL PROGRAM, INSTRUCTION OR ACTIVITIES OF A PUBLIC OR NON-PUBLIC SCHOOL; AND PROVIDED, FURTHER, THAT THE COMMISSIONER SHALL MAKE ANY APPLICATION REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE AVAILABLE TO APPLICANTS WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 15. The education law is amended by adding a new section 1503-a to read as follows:

S 1503-A. POWER TO ACCEPT AND SOLICIT GIFTS AND DONATIONS. 1. ALL SCHOOL DISTRICTS ORGANIZED BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW ARE HEREBY AUTHORIZED AND EMPOWERED TO ACCEPT GIFTS, DONATIONS, AND CONTRIBUTIONS TO THE DISTRICT AND TO SOLICIT THE SAME.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY OTHER GENERAL OR SPECIAL LAW TO THE CONTRARY, THE RECEIPT OF SUCH GIFTS, DONATIONS, CONTRIBUTIONS AND OTHER FUNDS, AND ANY INCOME DERIVED THEREFROM, SHALL BE DISREGARDED FOR THE PURPOSES OF ALL APPORTIONMENTS, COMPUTATIONS, AND DETERMINATIONS OF STATE AID.

S 16. This act shall not be construed to authorize the commissioner of education or the commissioner of taxation and finance to impose any regulation or requirement on the educational program, instruction or activities of a public education entity that receives charitable contributions pursuant to this act, or a non-public school with an eligible pupil who receives funding from an educational scholarship organization pursuant to this act, unless specifically authorized by this act.

S 17. Severability. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

S 18. This act shall take effect immediately and shall apply to taxable years beginning after December 31, 2013.