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I N   A S S E M B L Y

January 19, 2016

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Introduced by M. of A. THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to payments by school districts to charter schools relating to the expense per pupil of the school district

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

1     Section 1. This act shall be known and may be cited as the "New York  
2 Charter Schools Financial Renewal Act".

3     S 2. Paragraph (a) of subdivision 1 of section 2856 of the education  
4 law, as amended by section 3 of part BB of chapter 56 of the laws of  
5 2014, is amended to read as follows:

6     (a) The enrollment of students attending charter schools shall be  
7 included in the enrollment, attendance, membership and, if applicable,  
8 count of students with disabilities of the school district in which the  
9 pupil resides. The charter school shall report all such data to the  
10 school districts of residence in a timely manner. Each school district  
11 shall report such enrollment, attendance and count of students with  
12 disabilities to the department. The school district of residence shall  
13 pay directly to the charter school for each student enrolled in the  
14 charter school who resides in the school district the charter school  
15 basic tuition, which shall be:

16     (i) for school years prior to the two thousand nine--two thousand ten  
17 school year and for school years following the two thousand sixteen--two  
18 thousand seventeen school year, an amount equal to one hundred percent  
19 of the amount calculated pursuant to paragraph f of subdivision one of  
20 section thirty-six hundred two of this chapter for the school district  
21 for the year prior to the base year increased by the percentage change  
22 in the state total approved operating expense calculated pursuant to  
23 paragraph t of subdivision one of section thirty-six hundred two of this  
24 chapter from two years prior to the base year to the base year; THE  
25 AMOUNT OF THE APPROVED OPERATING EXPENSE USED IN THE CREATION OF ALL  
26 SUCH CALCULATIONS SHALL BE EQUAL TO THE ACTUAL APPROVED OPERATING  
27 EXPENSE OF THE SCHOOL DISTRICT OF RESIDENCE FOR EACH PUPIL DETERMINED IN

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

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1 ACCORDANCE WITH THE GRADE LEVEL (OR OTHER EDUCATIONAL LEVEL CLASSIFICA-  
2 TION USED BY THE DEPARTMENT AND APPROVED BY THE COMMISSIONER) OF THE  
3 PUPIL INsofar AS THE DEPARTMENT CONSIDERS THE GRADE LEVEL (OR OTHER  
4 EDUCATIONAL LEVEL CLASSIFICATION USED BY THE DEPARTMENT AND APPROVED BY  
5 THE COMMISSIONER) OF THE PUPIL IN THE DETERMINATION OF APPROVED OPERAT-  
6 ING EXPENSE;

7 (ii) for the two thousand nine--two thousand ten school year, the  
8 charter school basic tuition shall be the amount payable by such  
9 district as charter school basic tuition for the two thousand eight--two  
10 thousand nine school year;

11 (iii) for the two thousand ten--two thousand eleven through two thou-  
12 sand thirteen--two thousand fourteen school years, the charter school  
13 basic tuition shall be the basic tuition computed for the two thousand  
14 ten--two thousand eleven school year pursuant to the provisions of  
15 subparagraph (i) of this paragraph;

16 (iv) for the two thousand fourteen--two thousand fifteen, two thousand  
17 fifteen--two thousand sixteen and two thousand sixteen--two thousand  
18 seventeen school years, the charter school basic tuition shall be the  
19 sum of the lesser of the charter school basic tuition computed for the  
20 two thousand ten--two thousand eleven school year pursuant to the  
21 provisions of subparagraph (i) of this paragraph or the charter school  
22 basic tuition computed for the current year pursuant to the provisions  
23 of subparagraph (i) of this paragraph plus the supplemental basic  
24 tuition.

25 S 3. Paragraph (b) of subdivision 2 of section 2854 of the education  
26 law, as amended by section 3 of subpart A of part B of chapter 20 of the  
27 laws of 2015, is amended to read as follows:

28 (b) Any child who is qualified under the laws of this state for admis-  
29 sion to a public school is qualified for admission to a charter school.  
30 Applications for admission to a charter school shall be submitted on a  
31 uniform application form created by the department and shall be made  
32 available by a charter school in languages predominately spoken in the  
33 community in which such charter school is located. The school shall  
34 enroll each eligible student who submits a timely application by the  
35 first day of April each year, unless the number of applications exceeds  
36 the capacity of the grade level or building. In such cases, students  
37 shall be accepted from among applicants by a random selection process,  
38 provided, however, that an enrollment preference shall be provided to  
39 pupils returning to the charter school in the second or any subsequent  
40 year of operation and pupils residing in the school district in which  
41 the charter school is located, and siblings of pupils already enrolled  
42 in the charter school. A CHARTER SCHOOL MAY ESTABLISH AN ENROLLMENT  
43 PREFERENCE FOR PUPILS RESIDING IN SCHOOL DISTRICTS CONTIGUOUS TO THE  
44 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED, BUT SUCH PREFER-  
45 ENCE SHALL NOT EXCEED THAT ESTABLISHED FOR STUDENTS RESIDING IN THE  
46 DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED. A CHARTER SCHOOL  
47 LOCATED IN A SCHOOL DISTRICT WITH A POPULATION OF ONE MILLION OR MORE  
48 ALSO MAY ESTABLISH AN ENROLLMENT PREFERENCE FOR PUPILS RESIDING IN THE  
49 COMMUNITY SCHOOL DISTRICT, AS REFERENCED IN SUBDIVISION TWO OF SECTION  
50 TWENTY-FIVE HUNDRED NINETY-A OF THIS TITLE, OR FOR THE BOROUGH IN WHICH  
51 THE CHARTER SCHOOL IS LOCATED, OR BOTH. Preference may also be provided  
52 to children of employees of the charter school or charter management  
53 organization, provided that such children of employees may constitute no  
54 more than fifteen percent of the charter school's total enrollment. The  
55 commissioner shall establish regulations to require that the random  
56 selection process conducted pursuant to this paragraph be performed in a

1 transparent and equitable manner and to require that the time and place  
2 of the random selection process be publicized in a manner consistent  
3 with the requirements of section one hundred four of the public officers  
4 law and be open to the public. For the purposes of this paragraph and  
5 paragraph (a) of this subdivision, the school district in which the  
6 charter school is located shall mean, for the city school district of  
7 the city of New York, the community district in which the charter school  
8 is located.

9 S 4. This act shall take effect on the first of July next succeeding  
10 the date on which it shall have become a law; provided that the amend-  
11 ments to paragraph (a) of subdivision 1 of section 2856 of the education  
12 law made by section two of this act shall not affect the expiration of  
13 such subdivision and shall be deemed to expire therewith.