

9024

I N A S S E M B L Y

January 19, 2016

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 ASSEM-
BLY, 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.