

STATE OF NEW YORK

9366

IN ASSEMBLY

February 23, 2022

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

AN ACT to amend the education law, in relation to the financing of charter schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 1 of section 2856 of the
2 education law, as amended by section 36-c of part A of chapter 56 of the
3 laws of 2021, is amended to read as follows:

4 (d) School districts shall be eligible for an annual apportionment
5 equal to the amount of the supplemental basic tuition for the charter
6 school in the base year for the expenses incurred in the two thousand
7 fourteen--two thousand fifteen, two thousand fifteen--two thousand
8 sixteen, two thousand sixteen--two thousand seventeen school years and
9 thereafter, provided however, that for any school district having a
10 population of less than one million, such payment shall be made in the
11 current year for expenses incurred in the two thousand twenty-two--two
12 thousand twenty-three school year and thereafter. Provided further,
13 that for expenses incurred in the two thousand twenty--two thousand
14 twenty-one school year, for a city school district in a city having a
15 population of one million or more, the annual apportionment shall be
16 reduced by thirty-five million dollars (\$35,000,000) upon certification
17 by the director of the budget of the availability of a grant in the same
18 amount from the elementary and secondary school emergency relief funds
19 provided through the American rescue plan act of 2021.

20 § 2. Paragraph (c) of subdivision 1 of section 2856 of the education
21 law, as amended by section 36-d of part A of chapter 56 of the laws of
22 2021, is amended to read as follows:

23 (c) School districts shall be eligible for an annual apportionment
24 equal to the amount of the supplemental basic tuition for the charter
25 school in the base year for the expenses incurred in the two thousand
26 fourteen--two thousand fifteen, two thousand fifteen--two thousand
27 sixteen, two thousand sixteen--two thousand seventeen school years and
28 thereafter, provided however, that for any school district having a

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

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1 population of less than one million, such payment shall be made in the
2 current year for expenses incurred in the two thousand twenty-two--two
3 thousand twenty-three school year and thereafter. Provided further,
4 that for expenses incurred in the two thousand twenty--two thousand
5 twenty-one school year, for a city school district in a city having a
6 population of one million or more, the annual apportionment shall be
7 reduced by thirty-five million dollars (\$35,000,000) upon certification
8 by the director of the budget of the availability of a grant in the same
9 amount from the elementary and secondary school emergency relief funds
10 provided through the American rescue plan act of 2021.

11 § 3. Section 3602 of the education law is amended by adding a new
12 subdivision 42 to read as follows:

13 42. Aid for charter tuition payments. (a) Any school district that is
14 required to pay tuition to charter schools pursuant to section twenty-
15 eight hundred fifty-six of this chapter in the two thousand twenty-two-
16 -two thousand twenty-three school year and thereafter shall be eligible
17 for an apportionment under this subdivision.

18 (b) Each school year, any such eligible school district shall submit
19 the total amount of charter school tuition paid by the district in the
20 base year on a form prescribed by the commissioner.

21 (c) The apportionment herein for each school district shall equal the
22 positive result of total charter school basic tuition paid in the
23 current year minus the total charter school basic tuition paid in the
24 two thousand twenty--two thousand twenty-one school year.

25 § 4. This act shall take effect immediately; provided that the amend-
26 ments to subdivision 1 of section 2856 of the education law made by
27 section one of this act shall be subject to the expiration and reversion
28 of such subdivision pursuant to subdivision d of section 27 of chapter
29 378 of the laws of 2007, as amended, when upon such date the provisions
30 of section two of this act shall take effect.