S T A T E O F N E W Y O R K

5215

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. DeFRANCISCO, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the apportionment of state assistance to school districts for school years commencing on or after July 1, 2009

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

Section 1. The education law is amended by adding a new section 3602-a to read as follows:

S 3602-A. APPORTIONMENT OF PUBLIC MONIES TO SCHOOL DISTRICTS EMPLOYING EIGHT OR MORE TEACHERS FOR SCHOOL YEARS BEGINNING ON AND AFTER JULY FIRST, TWO THOUSAND NINE. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER OR ANY OTHER PROVISIONS OF LAW, EACH SCHOOL DISTRICT OF THE STATE EMPLOYING EIGHT OR MORE TEACHERS SHALL RECEIVE ITS APPORTIONMENT OF PUBLIC MONEY PAYABLE DURING THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND NINE AND DURING ALL SUBSEQUENT SCHOOL YEARS PURSUANT TO THE PROVISIONS OF THIS SECTION AND IN LIEU OF ANY APPORTIONMENTS PAYABLE UNDER ANY OTHER SECTION OF LAW OTHER THAN ANY SUCH APPORTIONMENTS THAT MAY BE PAYABLE TO SUCH DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR SCHOOL LUNCHES, CONSTRUCTION AND REHABILITATION OF BUILDINGS, UNIVERSAL PRE-KINDERGARTEN PROGRAMS, SERVICES OR PROGRAMS PROVIDED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SHARED SERVICES OR PROGRAMS OF ELIGIBLE DISTRICTS THAT ARE NOT COMPONENTS OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, EDUCATION OF INDIAN CHILDREN OF A RESERVATION UNDER A CONTRACT WITH THE STATE, EDUCATION OF PUPILS FROM THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, EDUCATION OF INCARCERATED YOUTH, EDUCATION OF HOMELESS AND RUNAWAY PUPILS, EDUCATION OF PUPILS IN APPROVED PRIVATE SCHOOL PLACEMENTS OR IN STATE OPERATED SCHOOLS, THE SUMMER COMPONENT OF TWELVE MONTH PROGRAMS FOR STUDENTS WITH DISABILITIES, OR MATERIALS AND SERVICES PROVIDED TO PUPILS

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

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ATTENDING BOTH PUBLIC AND PRIVATE SCHOOLS TO THE EXTENT THAT THE STATE PROVIDES AID FOR SUCH MATERIALS OR SERVICES ON A COST REIMBURSEMENT BASIS.

2. AS USED IN THIS SECTION, ANY TERM DEFINED IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE AND THE COMPUTATION OF WHICH IS PROVIDED FOR IN SUBDIVISION TWO OF SUCH SECTION SHALL HAVE THE SAME MEANING GIVEN TO IT BY SUCH SUBDIVISION ONE AND SHALL BE COMPUTED AS PROVIDED FOR IN SUCH SUBDIVISION TWO. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL BE DEFINED AS FOLLOWS:

A. "SOUND BASIC EDUCATION" SHALL MEAN AN EDUCATIONAL PROGRAM THAT ADEQUATELY PREPARES STUDENTS FOR THE WORKFORCE AND FOR THEIR RESPONSIBILITIES AS CITIZENS. SUCH AN EDUCATIONAL PROGRAM SHALL CONSIST OF (1) A BASIC OPERATIONS COMPONENT AND (2) AN EXTRAORDINARY NEEDS COMPONENT.

B. "STATEWIDE COST PER PUPIL OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION", FOR ANY PARTICULAR SCHOOL YEAR, SHALL MEAN AN AMOUNT EQUAL TO NINE THOUSAND DOLLARS TIMES THE NUMBER DETERMINED BY DIVIDING THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE CALENDAR YEAR PRECEDING THE COMMENCEMENT OF SUCH SCHOOL YEAR BY THE CONSUMER PRICE INDEX FOR THE TWO THOUSAND EIGHT CALENDAR YEAR, UNLESS THE COMMISSIONER HAS DETERMINED THAT THE STATEWIDE AVERAGE AMOUNT PER PUPIL THAT IS NECESSARY TO PROVIDE THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION FOR ANY SCHOOL YEAR COMMENCING SIX MONTHS OR MORE AFTER THE MAKING OF SUCH A DETERMINATION IS A GREATER AMOUNT, IN WHICH CASE, THE STATEWIDE COST PER PUPIL OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION FOR SUCH SCHOOL YEAR SHALL BE SUCH GREATER AMOUNT.

C. "STATEWIDE COST PER EXTRAORDINARY NEEDS PUPIL UNIT OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION", FOR ANY PARTICULAR SCHOOL YEAR, SHALL MEAN AN AMOUNT EQUAL TO THREE THOUSAND ONE HUNDRED FIFTY DOLLARS TIMES THE NUMBER DETERMINED BY DIVIDING THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE CALENDAR YEAR PRECEDING THE COMMENCEMENT OF SUCH SCHOOL YEAR BY THE CONSUMER PRICE INDEX FOR THE TWO THOUSAND EIGHT CALENDAR YEAR, UNLESS THE COMMISSIONER HAS DETERMINED THAT THE STATEWIDE AVERAGE AMOUNT PER EXTRAORDINARY NEEDS PUPIL UNIT, THAT IS NECESSARY TO PROVIDE THE ADDITIONAL EDUCATIONAL SERVICES NECESSARY TO ENSURE THAT SUCH EXTRAORDINARY NEEDS PUPILS RECEIVE A SOUND BASIC EDUCATION FOR ANY SCHOOL YEAR COMMENCING SIX MONTHS OR MORE AFTER THE MAKING OF SUCH A DETERMINATION IS A GREATER AMOUNT, IN WHICH CASE THE STATEWIDE COST PER EXTRAORDINARY NEEDS PUPIL UNIT OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION FOR SUCH SCHOOL YEAR SHALL BE SUCH GREATER AMOUNT.

D. "ADJUSTED AVERAGE DAILY MEMBERSHIP" SHALL MEAN THE AVERAGE NUMBER OF STUDENTS RECEIVING THEIR EDUCATIONAL PROGRAM AT A DISTRICT EXPENSE WITH HALF-DAY KINDERGARTEN WEIGHTED AT 0.50.

E. "AIDABLE PUPIL COUNT" SHALL BE (1) ONE-HALF THE SUM OF (I) ADJUSTED AVERAGE DAILY ATTENDANCE AS COMPUTED PURSUANT TO PARAGRAPH B OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE AND (II) ADJUSTED AVERAGE DAILY MEMBERSHIP, PLUS (2) TWELVE PERCENT OF THE NUMBER OF SUMMER SESSION PUPILS, AS DEFINED IN PARAGRAPH G OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE.

F. "COST ADJUSTMENT FACTOR" FOR A SCHOOL DISTRICT SHALL MEAN (1) THE IMPLICIT GEOGRAPHIC COST OF EDUCATION INDEX AS CALCULATED BY THE AMERICAN INSTITUTES OF RESEARCH AND MANAGEMENT ANALYSIS AND PLANNING, INC., FOR USE IN "THE NEW YORK ADEQUACY STUDY: DETERMINING THE COST OF PROVIDING ALL CHILDREN IN NEW YORK AN ADEQUATE EDUCATION," WITH THOSE INDEX NUMBERS DIVIDED BY (2) THE WEIGHTED AVERAGE INDEX NUMBER FOR ALL SCHOOL DISTRICTS IN THE STATE. THE WEIGHTED AVERAGE INDEX NUMBER FOR ALL SCHOOL

DISTRICTS IN THE STATE SHALL BE DETERMINED BY DIVIDING (A) THE SUM OF THE NUMBERS DETERMINED BY MULTIPLYING (I) EACH DISTRICT'S IMPLICIT INDEX NUMBER BY (II) SUCH DISTRICTS AIDABLE PUPIL COUNT DIVIDED BY (B) THE SUM OF THE AIDABLE PUPIL COUNTS FOR ALL DISTRICTS IN THE STATE.

G. "DISTRICT'S COST OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION" SHALL BE DETERMINED BY MULTIPLYING (1) THE STATEWIDE COST PER PUPIL OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION BY (2) THE DISTRICT'S COST ADJUSTMENT FACTOR BY (3) THE DISTRICT'S AIDABLE PUPIL COUNT.

H. "DISTRICT'S COST OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION" SHALL BE DETERMINED BY MULTIPLYING (1) THE STATEWIDE COST PER EXTRAORDINARY NEEDS PUPIL UNIT OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION BY (2) THE DISTRICT'S COST ADJUSTMENT FACTOR BY (3) THE DISTRICT'S EXTRAORDINARY NEEDS PUPIL COUNT AS DEFINED IN PARAGRAPH S OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE DIVIDED BY THE DISTRICT'S COMBINED WEALTH RATIO.

I. "FEDERAL AID FOR BASIC OPERATIONS" SHALL MEAN THE SUM OF THE ASSISTANCE PROVIDED BY THE FEDERAL GOVERNMENT TO A SCHOOL DISTRICT DURING THE BASE YEAR PURSUANT TO THE SCHOOLS IN FEDERALLY AFFECTED AREAS PROGRAM AND THE INDIVIDUALS WITH DISABILITIES ACT AND SUCH OTHER FEDERAL PROGRAMS AS SHALL BE DETERMINED BY THE COMMISSIONER TO SUPPORT THE PROVISION OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION.

J. "COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT" SHALL MEAN THE SUM OF ALL AID APPORTIONED TO SUCH DISTRICT FOR SUCH SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBDIVISIONS TWELVE, THIRTEEN, FIFTEEN, AND SIXTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE AND SUBDIVISIONS ONE, TWO, THREE, EIGHT AND NINE OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

K. "DISTRICT MINIMUM REQUIRED CONTRIBUTION" SHALL BE THE LESSER OF (1) THIRTEEN DOLLARS FOR EACH ONE THOUSAND OF THE DISTRICT'S ACTUAL VALUATION AS DEFINED IN PARAGRAPH C OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE OR (2) THE AMOUNT COMPUTED BY SUBTRACTING (I) THE SUM OF (A) THE DISTRICT'S COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT AND (B) THE FEDERAL AID RECEIVED BY SUCH SCHOOL DISTRICT FOR BASIC OPERATIONS FROM (II) THE SUM OF (A) THE DISTRICT'S COST OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION AND (B) THE DISTRICT'S COST OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION.

3. A. THE APPORTIONMENT OF PUBLIC MONEY PAYABLE TO EACH SCHOOL DISTRICT FOR COMPREHENSIVE OPERATING AID SHALL BE THE GREATER OF (A) THE AMOUNT COMPUTED BY SUBTRACTING (1) THE SUM OF (I) THE DISTRICT'S MINIMUM REQUIRED CONTRIBUTION AND (II) THE DISTRICT'S FEDERAL AID FOR BASIC OPERATIONS FROM (2) THE SUM OF (I) THE DISTRICT'S COST OF THE BASIC OPERATIONS COMPONENT OF A SOUND BASIC EDUCATION AND (II) THE DISTRICT'S COST OF THE EXTRAORDINARY NEEDS COMPONENT OF A SOUND BASIC EDUCATION, OR (B) AN AMOUNT EQUAL TO THE DISTRICT'S COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT, PROVIDED, HOWEVER, THAT FOR THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND NINE, JULY FIRST, TWO THOUSAND TEN, AND JULY FIRST, TWO THOUSAND ELEVEN, THE FOLLOWING TRANSITION ADJUSTMENTS SHALL APPLY:

A. THE AID PAYABLE TO A DISTRICT IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND NINE SHALL NOT EXCEED THE SUM OF THAT DISTRICT'S COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT PLUS TWENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN THAT AMOUNT AND THE APPORTIONMENT THAT WOULD BE PAYABLE TO SUCH DISTRICT

IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND NINE IF IT WERE NOT FOR THIS TRANSITION ADJUSTMENT.

B. THE AID PAYABLE TO A DISTRICT IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND TEN SHALL NOT EXCEED THE SUM OF THAT DISTRICT'S COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT PLUS FIFTY PERCENT OF THE DIFFERENCE BETWEEN THAT AMOUNT AND THE APPORTIONMENT THAT WOULD BE PAYABLE TO SUCH DISTRICT IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND TEN IF IT WERE NOT FOR THIS TRANSITION ADJUSTMENT.

C. THE AID PAYABLE TO A DISTRICT IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN SHALL NOT EXCEED THE SUM OF THAT DISTRICT'S COMPREHENSIVE OPERATING AID FOR THE SCHOOL YEAR COMMENCING JULY FIRST, TWO THOUSAND EIGHT PLUS SEVENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN THAT AMOUNT AND THE APPORTIONMENT THAT WOULD BE PAYABLE TO SUCH DISTRICT IN THE SCHOOL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN IF IT WERE NOT FOR THIS TRANSITION ADJUSTMENT.

B. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, ALL AID PAYABLE TO SCHOOL DISTRICTS ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND NINE SHALL BE PAYABLE PURSUANT TO THE PROVISIONS OF LAW IN EFFECT ON OR BEFORE SUCH DATE.

S 2. This act shall take effect July 1, 2009.