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I N   S E N A T E

August 18, 2010

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Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to charter school tuition

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

1     Section 1. Paragraph (a) of subdivision 1 of section 2856 of the  
2     education law, as amended by section 12 of part A of chapter 57 of the  
3     laws of 2009, is amended to read as follows:  
4     (a) The enrollment of students attending charter schools shall be  
5     included in the enrollment, attendance, membership and, if applicable,  
6     count of students with disabilities of the school district in which the  
7     pupil resides. The charter school shall report all such data to the  
8     school districts of residence in a timely manner. Each school district  
9     shall report such enrollment, attendance and count of students with  
10    disabilities to the department. The school district of residence shall  
11    pay directly to the charter school for each student enrolled in the  
12    charter school who resides in the school district the charter school  
13    basic tuition, which shall be an amount equal to one hundred percent of  
14    the amount calculated pursuant to paragraph f of subdivision one of  
15    section thirty-six hundred two of this chapter for the school district  
16    for the year prior to the base year increased by the percentage change  
17    in the state total approved operating expense calculated pursuant to  
18    paragraph t of subdivision one of section thirty-six hundred two of this  
19    chapter from two years prior to the base year to the base year;  
20    provided, however, that for the two thousand nine--two thousand ten  
21    school year, the charter school basic tuition shall be the amount paya-  
22    ble by such district as charter school basic tuition for the two thou-  
23    sand eight--two thousand nine school year. FOR THE TWO THOUSAND TEN--TWO  
24    THOUSAND ELEVEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION FOR A CITY  
25    SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF MORE THAN NINETY THOU-  
26    SAND INHABITANTS BUT LESS THAN ONE HUNDRED THOUSAND INHABITANTS, DETER-  
27    MINED IN ACCORDANCE WITH THE LATEST FEDERAL DECENNIAL CENSUS, SHALL BE  
28    THE AMOUNT PAYABLE BY SUCH DISTRICT AS CHARTER SCHOOL BASIC TUITION FOR  
29    THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR.

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

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1 S 2. Subdivision 1 of section 2856 of the education law, as separately  
2 amended by chapter 4 of the laws of 1998 and section 12 of part A of  
3 chapter 57 of the laws of 2009, is amended to read as follows:

4 1. The enrollment of students attending charter schools shall be  
5 included in the enrollment, attendance and, if applicable, count of  
6 students with disabilities of the school district in which the pupil  
7 resides. The charter school shall report all such data to the school  
8 districts of residence in a timely manner. Each school district shall  
9 report such enrollment, attendance and count of students with disabili-  
10 ties to the department. The school district of residence shall pay  
11 directly to the charter school for each student enrolled in the charter  
12 school who resides in the school district an amount equal to one hundred  
13 percent of the amount calculated pursuant to paragraph f of subdivision  
14 one of section [thirty six] THIRTY-SIX hundred two of this chapter for  
15 the school district for the year prior to the base year increased by the  
16 percentage change in the state total approved operating expense calcu-  
17 lated pursuant to FORMER subdivision eleven of section [thirty six]  
18 THIRTY-SIX hundred two of this chapter from two years prior to the base  
19 year to the base year; provided, however, that for the two thousand  
20 nine--two thousand ten school year, the charter school basic tuition  
21 shall be the amount payable by such district as charter school basic  
22 tuition for the two thousand eight--two thousand nine school year. FOR  
23 THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, THE CHARTER  
24 SCHOOL BASIC TUITION FOR A CITY SCHOOL DISTRICT IN A CITY HAVING A POPU-  
25 LATION OF MORE THAN NINETY THOUSAND INHABITANTS BUT LESS THAN ONE  
26 HUNDRED THOUSAND INHABITANTS, DETERMINED IN ACCORDANCE WITH THE LATEST  
27 FEDERAL DECENNIAL CENSUS, SHALL BE THE AMOUNT PAYABLE BY SUCH DISTRICT  
28 AS CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND  
29 NINE SCHOOL YEAR. The school district shall also pay directly to the  
30 charter school any federal or state aid attributable to a student with a  
31 disability attending charter school in proportion to the level of  
32 services for such student with a disability that the charter school  
33 provides directly or indirectly. Notwithstanding anything in this  
34 section to the contrary, amounts payable pursuant to this subdivision  
35 may be reduced pursuant to an agreement between the school and the char-  
36 ter entity set forth in the charter. Payments made pursuant to this  
37 subdivision shall be made by the school district in six substantially  
38 equal installments each year beginning on the first business day of July  
39 and every two months thereafter. Amounts payable under this subdivision  
40 shall be determined by the commissioner. Amounts payable to a charter  
41 school in its first year of operation shall be based on the projections  
42 of initial-year enrollment set forth in the charter. Such projections  
43 shall be reconciled with the actual enrollment at the end of the  
44 school's first year of operation, and any necessary adjustments shall be  
45 made to payments during the school's second year of operation.

46 S 3. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on and after July 1, 2010; and  
48 provided, further, that the amendments to subdivision 1 of section 2856  
49 of the education law made by section one of this act shall not affect  
50 the expiration of such subdivision as provided in chapter 378 of the  
51 laws of 2007, as amended, when upon such date the provisions of section  
52 two of this act shall take effect.