

10308

I N A S S E M B L Y

March 17, 2010

Introduced by M. of A. LUPARDO, DESTITO, PAULIN, SKARTADOS, GUNTHER,
McENENY -- Multi-Sponsored by -- M. of A. PARMENT -- read once and
referred to the Committee on Education

AN ACT to amend the education law, in relation to contracts for excellence

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

1 Section 1. Subparagraph (i) of paragraph b of subdivision 2 and subdivision 6 of section 211-d of the education law, as added by section 12 of part A of chapter 57 of the laws of 2007, are amended and a new paragraph d is added to subdivision 2 to read as follows:
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5 (i) The contract shall specify the new or expanded programs for which additional amounts of such total foundation aid, or grant shall be used and shall affirm that such programs SHALL FIRST BENEFIT THOSE AREAS OF STUDENT AND SCHOOL PERFORMANCE THAT RESULTED IN THE SCHOOL OR SCHOOLS BEING IDENTIFIED AS REQUIRING ACADEMIC PROGRESS OR IN NEED OF IMPROVEMENT OR IN CORRECTIVE ACTION OR RESTRUCTURING STATUS, BUT ONLY TO THE EXTENT NEEDED TO RESTORE THAT SCHOOL OR SCHOOLS TO NON-IDENTIFIED STATUS AND THEN SHALL AFFIRM THAT SUCH PROGRAMS shall predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.
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16 D. IN SCHOOL YEAR TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER FOR SUCH DISTRICTS FOR WHICH FOUNDATION AID IS FROZEN AT OR REDUCED FROM THE PRIOR YEAR LEVEL SUCH DISTRICTS MAY BUT SHALL NOT BE REQUIRED TO EXPEND SUMS FOR ANY PROGRAMS ESTABLISHED IN YEARS TWO THOUSAND SEVEN--TWO THOUSAND EIGHT AND TWO THOUSAND EIGHT--TWO THOUSAND NINE PURSUANT TO A CONTRACT FOR EXCELLENCE IN EXCESS OF PRIOR YEAR EXPENDITURES FOR SUCH PROGRAMS REDUCED BY A PERCENTAGE WHICH IS THE SUM OF THE PERCENTAGE REDUCTION IN OVERALL STATE AID AS SHOWN ON STATE AID RUNS PRODUCED IN CONNECTION WITH THE STATE EDUCATION BUDGET IF ANY AND FOUR PERCENT.
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26 6. The school district audit report certified to the commissioner by an independent certified public accountant, an independent accountant,

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

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1 THE STATE COMPTROLLER or the comptroller of the city of New York pursu-
2 ant to section twenty-one hundred sixteen-a of this chapter shall
3 include a certification by such accountant or comptroller in a form
4 prescribed by the commissioner and that the increases in total founda-
5 tion aid and supplemental educational improvement plan grants have been
6 used to supplement, and not supplant funds allocated by the district in
7 the base year for such purposes. USE OF AID AND GRANTS IN ACCORDANCE
8 WITH A CONTRACT APPROVED BY THE COMMISSIONER SHALL BE PRIMA FACIE
9 EVIDENCE THAT THE REQUIREMENT OF THIS SUBDIVISION HAS BEEN SATISFIED.
10 S 2. This act shall take effect on the first of July next succeeding
11 the date on which it shall have become a law.