

2172

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, GALEF, JOHN, ENGLEBRIGHT, CLARK -- read
once and referred to the Committee on Education

AN ACT to amend the education law, in relation to state assistance to
school districts for each school age child receiving special education
programs and services

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

1 Section 1. Legislative findings and purpose. The legislature finds
2 that the costs to school districts and, indirectly, to real property tax
3 payers for providing special education programs and services is increas-
4 ingly a burden making the essential educational mission more difficult
5 to carry out. The legislature further finds that special education is a
6 health based service and should more appropriately be borne by the state
7 government. Therefore, it is the purpose of this act to phase-in over
8 five years the assumption by the state of the costs to school districts
9 for each child receiving special education programs and services and to
10 provide that school property taxes be reduced accordingly.

11 S 2. Section 3602 of the education law is amended by adding a new
12 subdivision 25 to read as follows:

13 25. SPECIAL SUPPLEMENTAL APPORTIONMENT FOR SCHOOL AGE CHILDREN RECEIV-
14 ING SPECIAL EDUCATION PROGRAMS AND SERVICES. A. NOTWITHSTANDING ANY
15 OTHER PROVISION OF LAW TO THE CONTRARY, EACH SCHOOL DISTRICT SHALL
16 RECEIVE A SPECIAL SUPPLEMENTAL APPORTIONMENT FOR SCHOOL AGE CHILDREN
17 RECEIVING SPECIAL EDUCATION PROGRAMS AND SERVICES BEGINNING JULY FIRST,
18 TWO THOUSAND TEN AND THEREAFTER AS PROVIDED HEREIN. AS USED IN THIS
19 SUBDIVISION, THE BASE YEAR APPORTIONMENT SHALL BE THE AMOUNT PAYABLE FOR
20 EACH SCHOOL DISTRICT'S CLAIMS FOR SCHOOL AGE CHILDREN RECEIVING SPECIAL
21 EDUCATION PROGRAMS AND SERVICES FOR THE SCHOOL YEAR BEGINNING JULY
22 FIRST, TWO THOUSAND NINE. FOR THE SCHOOL YEAR BEGINNING JULY FIRST, TWO
23 THOUSAND TEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR BASE YEAR APPOR-
24 TIONMENT PLUS NOT LESS THAN TWENTY PERCENT OF THE DIFFERENCE BETWEEN

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

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1 SUCH APPORTIONMENT AND ITS TOTAL COST FOR SPECIAL EDUCATION PROGRAMS.
2 FOR THE SCHOOL YEAR BEGINNING JULY FIRST, TWO THOUSAND ELEVEN, EACH
3 SCHOOL DISTRICT SHALL RECEIVE THEIR BASE YEAR APPORTIONMENT PLUS NOT
4 LESS THAN FORTY PERCENT OF THE DIFFERENCE BETWEEN SUCH APPORTIONMENT AND
5 ITS TOTAL COST FOR SPECIAL EDUCATION PROGRAMS. FOR THE SCHOOL YEAR
6 BEGINNING JULY FIRST, TWO THOUSAND TWELVE EACH SCHOOL DISTRICT SHALL
7 RECEIVE THEIR BASE YEAR APPORTIONMENT PLUS NOT LESS THAN SIXTY PERCENT
8 OF THE DIFFERENCE BETWEEN SUCH APPORTIONMENT AND ITS TOTAL COST FOR
9 SPECIAL EDUCATION PROGRAMS. FOR THE SCHOOL YEAR BEGINNING JULY FIRST,
10 TWO THOUSAND THIRTEEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR BASE
11 YEAR APPORTIONMENT PLUS NOT LESS THAN EIGHTY PERCENT OF THE DIFFERENCE
12 BETWEEN SUCH APPORTIONMENT AND ITS TOTAL COST FOR SPECIAL EDUCATION
13 PROGRAMS. FOR THE SCHOOL YEAR BEGINNING JULY FIRST, TWO THOUSAND FOUR-
14 TEEN AND THEREAFTER, EACH SCHOOL DISTRICT RECEIVES AN APPORTIONMENT
15 EQUAL TO ITS TOTAL COST FOR SPECIAL EDUCATION PROGRAMS.

16 B. SCHOOL DISTRICTS SHALL APPLY THE INCREMENTS IN APPORTIONMENT
17 RECEIVED PURSUANT TO THIS SUBDIVISION TO REDUCING THEIR TAX LEVY FROM
18 REAL PROPERTY TAXES. FOR EACH TAXABLE YEAR AFTER THE SPECIAL APPORTION-
19 MENTS COMMENCE, EACH SCHOOL DISTRICT SHALL CERTIFY TO THE COMMISSIONER
20 THAT IT HAS MADE THE REDUCTION TO ITS REAL PROPERTY TAX LEVY AS REQUIRED
21 BY THIS PARAGRAPH.

22 C. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE AN AMOUNT WITHIN THE
23 APPROPRIATION FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS SUFFICIENT TO
24 SUPPORT ALL AID PAYMENTS INCURRED PURSUANT TO PARAGRAPH A OF THIS SUBDI-
25 VISION.

26 S 3. This act shall take effect immediately.