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

8245

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to defining "tuition" for the 2010-2011 school year

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

Section 1. Subdivision 9 of section 4001 of the education law, as added by chapter 563 of the laws of 1980 and as renumbered by chapter 947 of the laws of 1981, is amended to read as follows:

9. "Tuition" shall mean the per pupil cost of all instructional services, supplies and equipment, and the operation of instructional facilities as determined by the commissioner. *FOR THE TWO THOUSAND TEN -- TWO THOUSAND ELEVEN SCHOOL YEAR AND THEREAFTER, TUITION RATES FOR A PARTICULAR SCHOOL YEAR THAT ARE CALCULATED BASED ON THAT SCHOOL YEAR'S ACTUAL COSTS AND REVENUES MAY INCLUDE A SURPLUS FACTOR, AT THE DISCRETION OF THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE DIVISION OF THE BUDGET, OF NOT MORE THAN FOUR PERCENT OF THAT SCHOOL YEAR'S ALLOWABLE AND REIMBURSABLE COSTS, TO THE EXTENT THAT TUITION REVENUES EXCEED ALLOWABLE AND REIMBURSABLE COSTS.* Approved tuition shall be computed from expenditures for which no revenue has been received from the following sources:

a. Receipts from the federal government;

b. Any cash receipts which reduce the cost of an item applied against the item therefor, except gifts, donations and earned interest; and

c. Any refunds made or any apportionment or payment received from the state for experimental or special programs as approved by the commissioner.

S 2. Subdivision 5 of section 4401 of the education law, as amended by chapter 470 of the laws of 1977, is amended to read as follows:

5. "Tuition" shall mean the per pupil cost of all instructional services, supplies and equipment, the operation of instructional facili-

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

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ties and allocable debt service for the instructional facilities, as determined by the commissioner. FOR THE TWO THOUSAND TEN -- TWO THOUSAND ELEVEN SCHOOL YEAR AND THEREAFTER, TUITION RATES FOR A PARTICULAR SCHOOL YEAR THAT ARE CALCULATED BASED ON THAT SCHOOL YEAR'S ACTUAL COSTS AND REVENUES MAY INCLUDE A SURPLUS FACTOR, AT THE DISCRETION OF THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE DIVISION OF THE BUDGET, OF NOT MORE THAN FOUR PERCENT OF THAT SCHOOL YEAR'S ALLOWABLE AND REIMBURSABLE COSTS, TO THE EXTENT THAT TUITION REVENUES EXCEED ALLOWABLE AND REIMBURSABLE COSTS. Approved tuition shall be computed from expenditures from which no revenue has been received from the following sources:

(a) receipts from the federal government;

(b) any cash receipts which reduce the cost of an item applied against the item therefor, except gifts, donations and earned interest, and

(c) any refunds made or any apportionment or payment received from the state for experimental or special programs as approved by the commissioner.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the commissioner of education shall promulgate rules and regulations necessary to effectuate the implementation of the provisions of this act on its effective date.