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

3502

2009-2010 Regular Sessions

I N  S E N A T E

March 20, 2009

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

AN ACT to amend the education law and the state finance law, in relation to creating the New York state for science program and fund which provides private or nonpublic elementary and secondary schools with assistance in obtaining essential scientific equipment, tools and/or resources; and making an appropriation therefor

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

Section 1. Legislative findings and declaration. The legislature hereby finds and declares it necessary to provide certain private or nonpublic elementary and secondary schools with financial assistance in obtaining scientific equipment, tools and/or resources necessary to provide students with a proper education in the study of science regardless of their financial or social status.

S 2. The education law is amended by adding a new article 78 to read as follows:

ARTICLE 78
NEW YORK STATE FOR SCIENCE PROGRAM

SECTION 3817. NEW YORK STATE FOR SCIENCE PROGRAM.
3818. ELIGIBILITY.
3819. ALLOCATION AND DETERMINATION OF STATE AID.

S 3817. NEW YORK STATE FOR SCIENCE PROGRAM. 1. THERE IS HEREBY ESTABLISHED A SPECIAL PROGRAM CALLED THE NEW YORK STATE FOR SCIENCE PROGRAM.

2. EACH QUALIFYING SCHOOL DISTRICT SHALL BE ENTITLED TO RECEIVE AN ANNUAL GRANT IN STATE AID EQUAL TO AN AMOUNT OF FIVE DOLLARS PER CHILD ENROLLED IN A PRIVATE OR NONPUBLIC SCHOOL MAINTAINED WITHIN SUCH SCHOOL DISTRICT. SUCH AID SHALL BE SUPPLIED TOWARDS THE LOAN, LEASE, PURCHASE

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

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AND USE OF ANY SCIENTIFIC EQUIPMENT, TOOLS AND/OR RESOURCES. EACH QUALIFYING SCHOOL DISTRICT SHALL APPROPRIATE MONIES TO ANY ELIGIBLE PRIVATE OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL REGISTERED TO PARTICIPATE IN THIS PROGRAM PRIOR TO THE UPCOMING SCHOOL YEAR. SUCH PARTICIPATING SCHOOLS SHALL HAVE SOLE DISCRETION IN SELECTING THE EQUIPMENT, TOOLS AND/OR RESOURCES TO BE LOANED, LEASED OR PURCHASED. SUCH SCHOOL SHALL MAINTAIN RECORDS OF SUCH LOAN AGREEMENTS AND/OR PURCHASES.

S 3818. ELIGIBILITY. 1. ANY SCHOOL DISTRICT HAVING A POPULATION WHERE AT LEAST FIVE PERCENT OF THE POPULATION FALLS WITHIN THE POVERTY INCOME LEVEL SHALL QUALIFY TO RECEIVE AN APPROPRIATION IN STATE AID EQUAL TO FIVE DOLLARS PER STUDENT ENROLLED IN A PRIVATE OR NONPUBLIC SCHOOL IN SUCH DISTRICT.

2. ANY PRIVATE OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL MAINTAINED WITHIN A QUALIFYING SCHOOL DISTRICT AND HAVING A STUDENT POPULATION WHERE AT LEAST TEN PER CENTUM OF SUCH POPULATION FALLS BELOW THE POVERTY INCOME LEVEL SHALL BE ELIGIBLE FOR THE PROGRAM. ANY SUCH PRIVATE OR NONPUBLIC SCHOOL SHALL REGISTER FOR THIS PROGRAM PRIOR TO COMMENCEMENT OF THE UPCOMING SCHOOL YEAR AND SHALL RE-REGISTER ON AN ANNUAL BASIS. UPON REGISTRATION, THE DEPARTMENT SHALL DETERMINE WHETHER SUCH PRIVATE OR NONPUBLIC SCHOOL IS ELIGIBLE AND UPON THE RE-REGISTRATION, SHALL REDETERMINE ELIGIBILITY AND SHALL REQUIRE AN ACCOUNTING OF THE EQUIPMENT, TOOLS AND/OR RESOURCES LOANED, LEASED OR PURCHASED BY SUCH PRIVATE OR NONPUBLIC SCHOOL.

S 3819. ALLOCATION AND DETERMINATION OF STATE AID. 1. NO SCHOOL DISTRICT SHALL ALLOCATE STATE AID TO ANY PRIVATE OR NONPUBLIC SCHOOL NOT MEETING THE ELIGIBILITY REQUIREMENTS ESTABLISHED WITHIN SECTION THIRTY-EIGHT HUNDRED EIGHTEEN OF THIS ARTICLE. THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR THE ALLOCATION OF SUCH AID TO PRIVATE OR NONPUBLIC SCHOOLS ON A PRO RATED BASIS. THE PERCENTAGE OF AID GRANTED TO EACH PRIVATE OR NONPUBLIC SCHOOL SHALL BE BASED ON THE PERCENTAGE OF STUDENTS FALLING BELOW THE POVERTY LEVEL.

2. NO SUCH PRIVATE OR NONPUBLIC SCHOOL SHALL BE GRANTED STATE AID EXCEEDING AN AMOUNT OF TEN THOUSAND DOLLARS PER YEAR, OR AS OTHERWISE DETERMINED BY THE COMMISSIONER. ANY SUPERFLUOUS MONEY RESULTING FROM THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF STATE AID APPROPRIATED BY THE COMMISSIONER TO THE SCHOOL DISTRICT AND THE TOTAL STATE AID ALLOCATED BY SUCH SCHOOL DISTRICT TO ITS ELIGIBLE SCHOOLS SHALL BE TRANSFERRED BACK TO THE COMMISSIONER FOR FURTHER APPROPRIATION, IF NECESSARY, OR SHALL BE TRANSFERRED INTO THE NEW YORK STATE FOR SCIENCE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SIX-A OF THE STATE FINANCE LAW.

S 3. The state finance law is amended by adding a new section 96-a to read as follows:

S 96-A. NEW YORK STATE FOR SCIENCE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE SOLE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FOR SCIENCE FUND.

2. THE FUND SHALL CONSIST OF MONIES TRANSFERRED FROM THE GENERAL FUND AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE SHALL BE EXPENDED ONLY FOR THE PURPOSES OF PROVIDING FUNDING FOR THE NEW YORK STATE FOR SCIENCE PROGRAM SET FORTH IN ARTICLE SEVENTY-EIGHT OF THE EDUCATION LAW FOR THE PURPOSE OF PROVIDING ASSISTANCE TO PRIVATE OR NONPUBLIC SCHOOLS FOR THE LOAN, LEASE AND/OR PURCHASE OF SCIENTIFIC

EQUIPMENT, TOOLS AND/OR RESOURCES. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCATION. THE COMMISSIONER OF EDUCATION SHALL BE SOLELY RESPONSIBLE FOR ALLOCATING MONIES TO EACH PARTICIPATING SCHOOL DISTRICT.

S 4. The sum of one million dollars ($1,000,000.00), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the New York state for science fund established under section 96-a of the state finance law, not otherwise appropriated, and made immediately available for the sole purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law.

S 5. This act shall take effect on the one hundred eightieth day after it shall become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.