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

5324

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the education law, in relation to providing for an additional annual apportionment of building aid for certain school facilities

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

Section 1. Section 3602 of the education law is amended by adding a new subdivision 6-g to read as follows:

6-G. ADDITIONAL APPORTIONMENT OF BUILDING AID FOR INSTRUCTIONAL FACILITIES HOUSING SIGNIFICANT NUMBERS OF NONRESIDENT SECONDARY PUPILS FROM AN ADJACENT SCHOOL DISTRICT. A. DEFINITIONS. FOR THE PURPOSES OF THIS SUBDIVISION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "EDUCATING SCHOOL DISTRICT" SHALL MEAN A SCHOOL DISTRICT WITHIN THE STATE THAT OPERATES A KINDERGARTEN THROUGH TWELVE PROGRAM AND ACCEPTS INTO THE SECONDARY GRADES OF SUCH PROGRAM A SIGNIFICANT NUMBER OF NONRESIDENT PUPILS FROM AN ADJACENT SCHOOL DISTRICT UNDER A CONTRACT ENTERED INTO WITH SUCH ADJACENT SCHOOL DISTRICT AS AUTHORIZED BY PARAGRAPH D OF SUBDIVISION ONE OF SECTION TWO THOUSAND FORTY OF THIS CHAPTER.

(2) "ADJACENT SCHOOL DISTRICT" SHALL MEAN A SCHOOL DISTRICT WITHIN THE STATE THAT SHARES A COMMON BOUNDARY WITH THE EDUCATING SCHOOL DISTRICT, THAT DOES NOT OPERATE A KINDERGARTEN THROUGH TWELVE PROGRAM AND THAT PAYS TUITION TO THE EDUCATING SCHOOL DISTRICT FOR THE EDUCATION OF SOME OR ALL OF ITS SECONDARY PUPILS UNDER A CONTRACT ENTERED INTO WITH THE EDUCATING SCHOOL DISTRICT AS AUTHORIZED BY PARAGRAPH D OF SUBDIVISION ONE OF SECTION TWO THOUSAND FORTY OF THIS CHAPTER.

(3) "SIGNIFICANT NUMBER OF NONRESIDENT PUPILS" SHALL MEAN ANY TOTAL OF NONRESIDENT SECONDARY PUPILS FROM AN ADJACENT SCHOOL DISTRICT ENROLLED IN THE EDUCATING SCHOOL DISTRICT IN THE CURRENT SCHOOL YEAR UNDER A CONTRACT ENTERED INTO BY SUCH DISTRICTS AS AUTHORIZED BY PARAGRAPH D OF

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

LBD11528-01-9

SUBDIVISION ONE OF SECTION TWO THOUSAND FORTY OF THIS CHAPTER THAT SHALL EQUAL OR EXCEED FIFTY PERCENT OF THE TOTAL PUBLIC SECONDARY SCHOOL ENROLLMENT OF THE EDUCATING SCHOOL DISTRICT DURING THE CURRENT SCHOOL YEAR.

(4) "PROPORTION OF NONRESIDENT PUPILS" SHALL MEAN THE QUOTIENT OF THE SIGNIFICANT NUMBER OF NONRESIDENT PUPILS DIVIDED BY THE TOTAL PUBLIC SECONDARY SCHOOL ENROLLMENT OF THE EDUCATING SCHOOL DISTRICT DURING THE CURRENT SCHOOL YEAR, EXPRESSED AS A DECIMAL TO FOUR PLACES WITHOUT ROUNDING.

(5) "ELIGIBLE APPROVED BUILDING COSTS" SHALL MEAN THE APPROVED EXPENDITURES AS DEFINED IN SUBDIVISION SIX OF THIS SECTION FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT BY THE EDUCATING SCHOOL DISTRICT OF ANY SCHOOL FACILITIES REQUIRED FOR THE INSTRUCTION OF THE SECONDARY SCHOOL PUPILS OF BOTH THE EDUCATING SCHOOL DISTRICT AND THE ADJACENT SCHOOL DISTRICT BASED ON A CONTRACT ENTERED INTO BETWEEN THE EDUCATING SCHOOL DISTRICT AND THE ADJACENT SCHOOL DISTRICT AS AUTHORIZED BY PARAGRAPH D OF SUBDIVISION ONE OF SECTION TWO THOUSAND FORTY OF THIS CHAPTER, PROVIDED THAT SUCH CONTRACT AND ANY PROJECTED BASIC CONTRIBUTIONS OF THE ADJACENT SCHOOL DISTRICT THAT MAY BE REQUIRED PURSUANT TO THIS SUBDIVISION SHALL FIRST BE APPROVED BY THE ELIGIBLE VOTERS OF SUCH ADJACENT SCHOOL DISTRICT.

(6) "AID RATIO" SHALL MEAN THE BUILDING AID RATIO USED IN THE COMPUTATION OF BUILDING AID PAYABLE DURING THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

(7) "BASIC CONTRIBUTION OF THE ADJACENT SCHOOL DISTRICT" SHALL MEAN THE PRODUCT OF: (I) THE ELIGIBLE APPROVED BUILDING COSTS, (II) THE PROPORTION OF NONRESIDENT PUPILS, AND (III) THE POSITIVE DIFFERENCE, IF ANY, OF NINE-TENTHS MINUS THE AID RATIO OF THE ADJACENT SCHOOL DISTRICT.

B. ADDITIONAL APPORTIONMENT. IN ADDITION TO ANY OTHER AID PAYABLE UNDER THIS SECTION, AN EDUCATING SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN ADDITIONAL APPORTIONMENT OF BUILDING AID IN THE CURRENT SCHOOL YEAR EQUAL TO THE PRODUCT OF: (1) THE ELIGIBLE APPROVED BUILDING COSTS, (2) THE PROPORTION OF NONRESIDENT PUPILS, AND (3) THE POSITIVE DIFFERENCE, IF ANY, OF THE AID RATIO OF THE ADJACENT SCHOOL DISTRICT MINUS THE AID RATIO OF THE EDUCATING SCHOOL DISTRICT, PROVIDED HOWEVER, THAT IN NO EVENT MAY THE SUM OF THE BUILDING AID APPORTIONMENT UNDER THIS PARAGRAPH PLUS THE APPORTIONMENTS UNDER SUBDIVISION SIX OF THIS SECTION FOR SUCH ELIGIBLE APPROVED BUILDING COSTS EXCEED NINETY-FIVE PERCENT OF THE ELIGIBLE APPROVED BUILDING COSTS.

C. AMOUNT PAYABLE. THE ADJACENT SCHOOL DISTRICT SHALL PAY TO THE EDUCATING SCHOOL DISTRICT ON OR BEFORE JUNE THIRTIETH OF EACH SCHOOL YEAR IN WHICH AN APPORTIONMENT IS PAYABLE PURSUANT TO THIS SUBDIVISION AN AMOUNT EQUAL TO THE BASIC CONTRIBUTION OF THE ADJACENT SCHOOL DISTRICT.

S 2. This act shall take effect immediately.