

6775

I N S E N A T E

February 4, 2010

Introduced by Sen. OPPENHEIMER -- 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 defining "tuition" for
the 2011-2012 school year

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

1 Section 1. Subdivision 4 of section 4405 of the education law is
2 amended by adding a new paragraph j to read as follows:
3 J. THE TUITION RATE METHODOLOGY ESTABLISHED PURSUANT TO THIS SUBDIVI-
4 SION FOR SPECIAL ACT SCHOOL DISTRICTS AND APPROVED PRIVATE SCHOOLS FOR
5 STUDENTS OF SCHOOL AGE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
6 TUITION RATE YEAR AND THEREAFTER MAY INCLUDE A SURPLUS FACTOR, AT THE
7 DISCRETION OF THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDG-
8 ET, WHICH SHALL EQUAL THE LESSER OF: (I) THE SUM OF: (A) THE EXCESS, IF
9 ANY, OF THE TUITION REVENUE COMPUTED FOR THE BASE YEAR AND USED IN
10 DETERMINING THE TUITION RATE FOR THE TUITION RATE YEAR OVER THE ALLOW-
11 ABLE AND REIMBURSABLE COSTS INCURRED BY THE SCHOOL DISTRICT OR PRIVATE
12 SCHOOL IN THE BASE YEAR, NET OF ANY DISALLOWANCES, PLUS (B) ANY UNEX-
13 PENDED SURPLUS AUTHORIZED PURSUANT TO THIS PARAGRAPH FOR THE SCHOOL YEAR
14 PRIOR TO THE BASE YEAR, AND (II) FOUR PERCENT OF THE TOTAL GENERAL FUND
15 EXPENDITURES UNDER THE BUDGET OF THE SCHOOL DISTRICT OR APPROVED PRIVATE
16 SCHOOL FOR THE BASE YEAR. AS USED IN THIS SUBDIVISION, "TUITION RATE
17 YEAR" SHALL MEAN THE SCHOOL YEAR FOR WHICH A TUITION RATE IS COMPUTED
18 AND "BASE YEAR" SHALL MEAN THE SCHOOL YEAR TWO YEARS PRIOR TO THE
19 TUITION RATE YEAR. THE SPECIAL ACT SCHOOL DISTRICT OR APPROVED PRIVATE
20 SCHOOL MAY RETAIN ANY SURPLUS COMPUTED PURSUANT TO THIS SUBDIVISION AS
21 AN UNRESERVED FUND BALANCE.
22 S 2. This act shall take effect immediately.

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

LBD11648-04-0