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

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:

Section 1. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph j to read as follows:

J. THE TUITION RATE METHODOLOGY ESTABLISHED PURSUANT TO THIS SUBDIVISION FOR SPECIAL ACT SCHOOL DISTRICTS AND APPROVED PRIVATE SCHOOLS FOR STUDENTS OF SCHOOL AGE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE TUITION RATE YEAR AND THEREAFTER MAY INCLUDE A SURPLUS FACTOR, AT THE DISCRETION OF THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, WHICH SHALL EQUAL THE LESSER OF: (I) THE SUM OF: (A) THE EXCESS, IF ANY, OF THE TUITION REVENUE COMPUTED FOR THE BASE YEAR AND USED IN DETERMINING THE TUITION RATE FOR THE TUITION RATE YEAR OVER THE ALLOWABLE AND REIMBURSABLE COSTS INCURRED BY THE SCHOOL DISTRICT OR PRIVATE SCHOOL IN THE BASE YEAR, NET OF ANY DISALLOWANCES, PLUS (B) ANY UNEXPENDED SURPLUS AUTHORIZED PURSUANT TO THIS PARAGRAPH FOR THE SCHOOL YEAR PRIOR TO THE BASE YEAR, AND (II) FOUR PERCENT OF THE TOTAL GENERAL FUND EXPENDITURES UNDER THE BUDGET OF THE SCHOOL DISTRICT OR APPROVED PRIVATE SCHOOL FOR THE BASE YEAR. AS USED IN THIS SUBDIVISION, "TUITION RATE YEAR" SHALL MEAN THE SCHOOL YEAR FOR WHICH A TUITION RATE IS COMPUTED AND "BASE YEAR" SHALL MEAN THE SCHOOL YEAR TWO YEARS PRIOR TO THE TUITION RATE YEAR. THE SPECIAL ACT SCHOOL DISTRICT OR APPROVED PRIVATE SCHOOL MAY RETAIN ANY SURPLUS COMPUTED PURSUANT TO THIS SUBDIVISION AS AN UNRESERVED FUND BALANCE.

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