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

8--A

Third Extraordinary Session

I N S E N A T E

November 29, 2010

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 53 of the laws of 2010, enacting the education, labor and family assistance budget, making appropriations for the support of government

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

Section 1. Section 1 of chapter 53 of the laws of 2010, enacting the education, labor and family assistance budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section.

EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET

EDUCATION DEPARTMENT

STATE OPERATIONS AND AID TO LOCALITIES 2010-11

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM

General Fund / Aid to Localities
Local Assistance Account - 001

For general support for public schools, provided, however, that notwithstanding any provision of law to the contrary, the commissioner shall reduce payments due to each district for the 2010-11 state fiscal

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

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year pursuant to section 3609 -a of the education law by an amount based on the gap elimination adjustment for 2010-2011 school year computed for such district, where the positive difference, if any, of such amount less any other gap elimination adjustment enacted pursuant to a chapter of the laws of 2010 shall be deducted from moneys apportioned for the purposes of payments made for the 2010-11 school year pursuant to section 3609 -a of the education law, and provided further that the commissioner shall compute such gap elimination adjustment and shall provide a schedule of such reduction in payments to the state comptroller, the director of the budget, the chair of the senate finance committee and the chair of the assembly ways and means committee, where the gap elimination adjustment for 2010-11 school year shall be based on data used by the commissioner for the purposes of producing a school aid computer listing in support of the executive budget proposal for the 2010-11 school year and entitled "BT101-1", and the gap elimination adjustment for a district shall equal (A) the district's percentage reduction, provided, however, that in the case of a district with a tax effort ratio greater than three and five-tenths percent (0.035) and a combined wealth ratio for total foundation aid that is less than four (4.0), the gap elimination adjustment for a district shall equal the lesser of the percentage reduction and the tax effort reduction, and further provided, (B) in the case of a district determined to be a high need school district pursuant to clause (c) of subparagraph 2 of paragraph c of subdivision 6 of section 3602 of the education law for the school aid computer listing produced by the commissioner in support of the enacted budget for the 2007-08 school year and entitled "SA0708", the gap elimination adjustment for a district shall equal the lesser of the TGFE check and the gap elimination adjustment selected pursuant to subclause (A) of this appropriation, and further provided that in the case of a school district, other than a city school district of a city having a population in excess of 125,000, with an administrative efficiency ratio of less than two percent (0.02), the gap elimination adjustment shall be reduced by an

amount equal to the administrative efficiency offset, where (i) the percentage reduction shall be the sum of (A) the product of the total aid for adjustment, multiplied by five and five-tenths percent (0.055), and (B) the product of $3,121.00 multiplied by the reduction factor, multiplied by the public school district enrollment for the base year computed pursuant to subparagraph 2 of paragraph n of subdivision 1 of section 3602 of the education law, provided, however, that such percentage reduction shall not be less than the product of eight percent (0.08) multiplied by such total aid for adjustment, and not more than the product of twenty-one percent (0.21) multiplied by such total aid for adjustment, and (ii) the tax effort reduction shall be the product of the total aid for adjustment, multiplied by the quotient of twenty-one percent (0.21) divided by the quotient of the tax effort ratio divided by three and five-tenths percent (0.035), provided, however, that such tax effort reduction shall not be less than the product of ten percent (0.10) multiplied by such total aid for adjustment, and not more than the product of twenty-one percent (0.21) multiplied by such total aid for adjustment, and (iii) the TGFE check shall be the product of the TGFE percentage and the total general fund expenditures of such district in the base year, and (iv) the administrative efficiency offset shall be the product of $80.00, multiplied by the state sharing ratio, multiplied by the total aidable foundation pupil units, and the net gap elimination adjustment for a district shall equal the product of the gap elimination adjustment computed pursuant to this appropriation, multiplied by sixty-six and four hundred seventy-nine ten-thousandths percent (0.660479), and provided further that, (v) for the purposes of such computation, (A) "total aid for adjustment" shall mean the sum of the amounts set forth for each school district as "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES + SPECIAL SERVICES", "PUBLIC HIGH COST SPECIAL EDN", "PRIVATE SPECIAL EDUCATION", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX

AID" AND "SUPPLEMENTAL PUB SPECIAL EDN" under the heading "2010-11 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget proposal for the 2010-11 school year and entitled "BT101-1", and (B) "three-year average free and reduced price lunch percent" shall mean the quotient of (1) the sum of the number of pupils in kindergarten through grade six attending the public schools of the district who have applications on file or who are listed on a direct certification letter confirming their eligibility for participation in the state and federally funded free and reduced price lunch program on the date enrollment was counted in accordance with this subdivision for the year prior to the base year, plus such number of eligible applicants for the free and reduced price lunch program computed for the year two years prior to the base year, plus such number of eligible applicants for the free and reduced price lunch program computed for the year three years prior to the base year, divided by (2) the sum of the number of pupils in kindergarten through grade six on a regular enrollment register of a public school district on the date enrollment was counted in accordance with this subdivision for the year prior to the base year, plus such number of pupils in kindergarten through grade six on a regular enrollment register of a public school district computed for the year two years prior to the base year, plus such number of pupils in kindergarten through grade six on a regular enrollment register of a public school district computed for the year three years prior to the base year, and (C) "total aidable foundation pupil units" shall mean the total aidable foundation pupil units computed pursuant to paragraph g of subdivision 2 of section 3602 of the education law, and (D) "combined wealth ratio for total foundation aid" shall mean the combined wealth ratio for total foundation aid computed pursuant to subparagraph 2 of paragraph c of subdivision 3 of section 3602 of the education law, and (E) "the state sharing ratio" shall mean the state sharing ratio computed for total foundation aid computed pursuant to paragraph g of subdivision 3 of section 3602 of the education law, but

not less than ten percent (0.10), and (F) "tax effort ratio" shall mean the tax effort ratio computed pursuant to subparagraph 3 of paragraph a of subdivision 16 of section 3602 of the education law, and (G) "reduction factor" shall mean the product of the positive remainder of one less the three-year average free and reduced price lunch percent, multiplied by the combined wealth ratio for total foundation aid, and (H) "administrative efficiency ratio" shall mean the quotient of the sum of the expenditures related to the board of education, including expenditures for the board of education, the district clerk's office, the district meeting, auditing service, the treasurer's office, the tax collector's office, legal services and the school census, plus expenditures for central administration, including expenditures for the chief school officer, the business office, the purchasing office, the personnel office, the records management officer, public information and services and fees for fiscal agents, divided by the total expenditures charged by a district to the general, debt service, and special aid funds, excluding transfers from the general fund to the debt service and special aid funds, based on expenditures reported by the district for the school year two years prior to the base year, based on data on file for an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request, and (I) "TGFE percentage" shall mean, for a school district which has a three-year average free and reduced price lunch percent greater than seventy-five percent (0.75) and which has an administrative efficiency ratio less than one and one-half percent (0.015), three and six-tenths percent (0.036) and for all other school districts, five percent (0.05) and provided further that, notwithstanding any inconsistent provision of law, subject to the approval of the director of the budget, funds appropriated herein may be interchanged with any other item of appropriation for general support for public schools within the general fund local assistance account elementary, middle, secondary and continuing education program.

Notwithstanding any other law, rule or regulation to the contrary, funds appropriated herein shall be available for payment of financial assistance net of any disallowances, refunds, reimbursement and credits, and may be suballocated to other departments and agencies to accomplish the intent of this appropriation subject to the approval of the director of the budget. Notwithstanding any provision of law to the contrary, funds appropriated herein shall be available for payment of liabilities hereafter to accrue .... [10,920,666,000] 10,620,666,000

Special Revenue Funds - Federal / Aid to Localities
Federal Department of Education Fund - 267

FOR SUPPORT OF ELEMENTARY, AND SECONDARY EDUCATION FROM THE EDUCATION JOBS FUND AS FUNDED BY THE FEDERAL EDUCATION JOBS FUND PROGRAM AS AUTHORIZED BY PUBLIC LAW NUMBER 111-226. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FUNDS SHALL BE AVAILABLE TO EACH SCHOOL DISTRICT ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO SUBDIVISION 4 OF SECTION 3602 OF THE EDUCATION LAW IN AN AMOUNT EQUAL TO THE PRODUCT OF THE NET GAP ELIMINATION ADJUSTMENT COMPUTED PURSUANT TO THIS CHAPTER, MULTIPLIED BY FORTY-THREE AND TWENTY-FIVE THOUSAND NINE HUNDRED EIGHTY-NINE ONE-MILLIONTHS PERCENT (0.43025989). SUCH APPORTIONMENT SHALL BE AVAILABLE TO EACH SCHOOL DISTRICT FOR THE 2010-11 SCHOOL YEAR AND THEREAFTER, PROVIDED THAT PRIOR TO APRIL 1, 2011, EACH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN AMOUNT UP TO THE PRODUCT OF SEVENTY PERCENT (0.70) MULTIPLIED BY THE APPORTIONMENT. FUNDS APPROPRIATED HEREIN SHALL BE SUBJECT TO ALL APPLICABLE REPORTING AND ACCOUNTABILITY REQUIREMENTS IMPOSED BY SUCH ACT 607,592,000

Special Revenue Funds - Federal / Aid to Localities
State Fiscal Stabilization Fund - 267

For the purposes of the state fiscal stabilization fund-other governmental services fund as funded by the American recovery and reinvestment act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act.

Funds appropriated herein shall be available for services and expenses [of the] associated with THE math and science high school PROGRAM for the 2010-11 school year in the amount of $1,382,000, provided that such funds shall be allocated equally among [the same] THOSE entities that received [such] program funding for the [2008-09] 2007-08 school year AND PARTICIPATE IN THE PROGRAM IN 2010-11 1,382,000

Special Revenue Funds - Other / Aid to Localities
State Lottery Fund - 160

For general support for public schools for the 2010-11 school year, for grants awarded pursuant to subparagraph 2-a of paragraph b of subdivision 4 of section 92-c of the state finance law ..... [562,000,000] 862,000,000

EDUCATION DEPARTMENT

STATE OPERATIONS AND AID TO LOCALITIES - REAPPROPRIATIONS 2010-11

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM

Special Revenue Funds - Federal / Aid to Localities
State Fiscal Stabilization Fund - 267

The appropriation made by chapter 53, section 1, of the laws of 2009, is hereby amended and reappropriated to read:

For the purposes of the state fiscal stabilization fund-other governmental services fund as funded by the American recovery and reinvestment act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act.

Funds appropriated herein shall be available for services and expenses [of the] associated with THE math and science high school PROGRAM for the 2009-10 school year IN THE AMOUNT OF $1,382,000, PROVIDED THAT SUCH FUNDS SHALL BE ALLOCATED EQUALLY AMONG THOSE ENTITIES THAT RECEIVED PROGRAM FUNDING FOR THE 2007-08 SCHOOL YEAR ..... 1,382,000 ..... (re. $1,382,000)

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.