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

6839

I N S E N A T E

February 12, 2010

Introduced by Sen. BONACIC -- 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 nonresidents of a district for purposes of admission

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

Section 1. Subdivision 2 of section 3202 of the education law is amended to read as follows:

2. A. Nonresidents of a district, if otherwise competent, may be admitted into the school or schools of a district or city, upon the consent of the trustees or the board of education, upon terms prescribed by such trustees or board, WHICH MAY INCLUDE THE PAYMENT OF TUITION. THE TERM "NONRESIDENTS OF A DISTRICT" SHALL INCLUDE, BUT NOT BE LIMITED TO PERSONS OVER FIVE AND UNDER TWENTY-ONE YEARS OF AGE WHO ARE NOT OTHERWISE DESCRIBED IN THIS SECTION, WHO:

(I) DO NOT ACTUALLY RESIDE IN THE DISTRICT; OR

(II) RESIDE ON REAL PROPERTY IN THE DISTRICT WHICH IS:

(1) FIFTY PERCENT OR MORE EXEMPT FROM TAXATION FOR SCHOOL DISTRICT PURPOSES PURSUANT TO THE PROVISIONS OF SECTION FOUR HUNDRED TWENTY-A OR SECTION FOUR HUNDRED TWENTY-B OF THE REAL PROPERTY TAX LAW; AND

(2) THE RESIDENCE OF TEN OR MORE STUDENTS WHO ATTEND A PUBLIC SCHOOL IN THE DISTRICT.

B. PROVIDED, HOWEVER, THAT THE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH A OF THIS SUBDIVISION SHALL NOT AUTHORIZE THE PAYMENT OF TUITION IN AN AMOUNT IN EXCESS OF THE PROPERTY TAXES THAT WOULD HAVE BEEN PAID WERE THE PROPERTY FULLY TAXABLE AND IN ANY EVENT SHALL NOT APPLY TO PROPERTY WHICH:

(I) WAS CONSTRUCTED AND REMAINS OCCUPIED PURSUANT TO THE PROVISIONS OF THE PUBLIC HOUSING LAW OR THE PRIVATE HOUSING FINANCE LAW;

(II) IS OWNED OR OPERATED BY AN AUTHORIZED AGENCY AS DEFINED IN SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW OR PROPERTY DESCRIBED IN SUBDIVISION FIFTEEN, SEVENTEEN OR EIGHTEEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW;

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

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(III) IS OWNED BY THE STATE OR ANY MUNICIPALITY THEREOF WHICH PRIMARILY HOUSES CHILDREN DESCRIBED IN SUBDIVISION TWO, FOUR-A, FOUR-B, FIVE, SIX, SEVEN, EIGHT OR NINE OF SECTION THREE HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW; OR

(IV) PRIMARILY HOUSES DESTITUTE CHILDREN. FOR THE PURPOSES OF THIS SUBPARAGRAPH A CHILD IS DESTITUTE IF THE CHILD, THROUGH NO NEGLECT ON THE PART OF HIS OR HER PARENT, GUARDIAN OR CUSTODIAN IS DESTITUTE OR HOMELESS, OR IN A STATE OF WANT OR SUFFERING DUE TO LACK OF SUFFICIENT FOOD, CLOTHING, OR SHELTER, OR MEDICAL OR SURGICAL CARE, OR IS UNDER THE AGE OF EIGHTEEN AND IS ABSENT FROM HIS OR HER LEGAL RESIDENCE WITHOUT THE CONSENT OF THE PARENT, LEGAL GUARDIAN OR CUSTODIAN, OR IS A PERSON UNDER THE AGE OF EIGHTEEN WHO IS WITHOUT A PLACE OF SHELTER WHERE SUPERVISION AND CARE ARE AVAILABLE. PROVIDED, HOWEVER, THAT A DESTITUTE CHILD SHALL NOT BE ONE WHOSE PARENT OR LEGAL GUARDIAN ARE WITHOUT FINANCIAL MEANS BECAUSE SUCH PERSON OR PERSONS CHOOSE NOT TO ACCEPT MONETARY COMPENSATION FOR WORK THEY DO OR WHO CHOOSES TO GIVE SUCH COMPENSATION AWAY OR ASSIGN IT TO THE BENEFIT OF ANOTHER, INCLUDING ANOTHER PERSON OR OTHER LEGAL ENTITY.

S 2. This act shall take effect on September 1, 2011.