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

5884--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. PEOPLES-STOKES, McENENY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to charter school tuition

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

Section 1. Paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 12 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

(a) The enrollment of students attending charter schools shall be included in the enrollment, attendance, membership and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year; provided, however, that for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION FOR A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF MORE THAN TWO HUNDRED

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

LBD08895-03-1

FIFTY THOUSAND INHABITANTS BUT LESS THAN THREE HUNDRED THOUSAND INHABITANTS, DETERMINED IN ACCORDANCE WITH THE LATEST FEDERAL DECENNIAL CENSUS, SHALL BE THE AMOUNT PAYABLE BY SUCH DISTRICT AS CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR.

S 2. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 2856 of the education law, as added by section 21 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

(iii) for the two thousand ten--two thousand eleven through two thousand twelve--two thousand thirteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(IV) NOTWITHSTANDING THE FOREGOING, FOR A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF MORE THAN TWO HUNDRED FIFTY THOUSAND INHABITANTS BUT LESS THAN THREE HUNDRED THOUSAND INHABITANTS, DETERMINED IN ACCORDANCE WITH THE LATEST FEDERAL DECENNIAL CENSUS, FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL BASIC TUITION SHALL BE AN AMOUNT EQUAL TO THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR HAD IT BEEN COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.

S 3. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 22 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

(iii) for the two thousand ten--two thousand eleven through two thousand twelve--two thousand thirteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(IV) NOTWITHSTANDING THE FOREGOING, FOR A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF MORE THAN TWO HUNDRED FIFTY THOUSAND INHABITANTS BUT LESS THAN THREE HUNDRED THOUSAND INHABITANTS, DETERMINED IN ACCORDANCE WITH THE LATEST FEDERAL DECENNIAL CENSUS, FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL BASIC TUITION SHALL BE AN AMOUNT EQUAL TO THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR HAD IT BEEN COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.

S 4. This act shall take effect immediately; provided that section one of this act shall be deemed to have been in full force and effect on and after July 1, 2010; provided that sections two and three of this act shall take effect on the same date as sections 21 and 22, respectively, of part A of chapter 58 of the laws of 2011 take effect; and provided further that the amendments to subdivision 1 of section 2856 of the education law made by sections one and two of this act shall not affect the expiration of such subdivision as provided in chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section three of this act shall take effect.