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I N   S E N A T E

June 13, 2012

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Introduced by Sens. RITCHIE, LIBOUS, MAZIARZ, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to foundation aid and the minimum local contribution thereto

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

1     Section 1. Subparagraph 1 of paragraph h of subdivision 2 of section  
2     3602 of the education law, as added by section 13 of part B of chapter  
3     57 of the laws of 2007, is amended to read as follows:  
4     (1) Total wealth foundation pupil units shall mean the sum of (i)  
5     average daily membership for the year UP TO FIVE YEARS prior to the base  
6     year, WHICHEVER IS HIGHEST, as computed in this section, plus (ii) the  
7     full-time equivalent enrollment of resident pupils attending public  
8     school elsewhere, less the full-time equivalent enrollment of nonresi-  
9     dent pupils, plus (iii) the full-time equivalent enrollment of resident  
10    pupils attending full-time in board of cooperative educational services  
11    (not otherwise specifically included). Native American pupils of a  
12    reservation attending public school, or pupils living on the United  
13    States military reservation at West Point attending public school, shall  
14    be deemed to be resident pupils of the district providing such school,  
15    for purposes of this paragraph. Where a school district has entered into  
16    a contract with state university pursuant to subdivision two of section  
17    three hundred fifty-five of this chapter under which the school district  
18    makes payment in the nature of tuition for the education of certain  
19    children residing in the district, such children for whom such tuition  
20    payments are made shall be deemed to be resident pupils of such district  
21    for the purposes of this paragraph.  
22    S 2. Subparagraph 4 of paragraph a of subdivision 4 of section 3602 of  
23    the education law, as amended by section 26 of part A of chapter 58 of  
24    the laws of 2011, is amended to read as follows:  
25    (4) The expected minimum local contribution shall equal the lesser of  
26    (i) the product of (A) the quotient arrived at when the selected actual  
27    valuation is divided by total wealth foundation pupil units, multiplied

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

LBD10272-03-2

1 by (B) the product of the local tax factor, multiplied by the income  
2 wealth index, or (ii) the product of (A) the product of the foundation  
3 amount, the regional cost index, and the pupil need index, multiplied by  
4 (B) the positive difference, if any, of one minus the state sharing  
5 ratio for total foundation aid. The local tax factor shall be estab-  
6 lished by May first of each year by determining the product, computed to  
7 four decimal places without rounding, of ninety percent multiplied by  
8 the quotient of the sum of the statewide average tax rate as computed by  
9 the commissioner for the current year in accordance with the provisions  
10 of paragraph e of subdivision one of section thirty-six hundred nine-e  
11 of this part plus the statewide average tax rate computed by the commis-  
12 sioner for the base year in accordance with such provisions plus the  
13 statewide average tax rate computed by the commissioner for the year  
14 prior to the base year in accordance with such provisions, divided by  
15 three, provided however that for the two thousand seven--two thousand  
16 eight school year, such local tax factor shall be sixteen thousandths  
17 (0.016), and provided further that for the two thousand eight--two thou-  
18 sand nine school year, such local tax factor shall be one hundred  
19 fifty-four ten thousandths (0.0154). The income wealth index shall be  
20 calculated pursuant to paragraph d of subdivision three of this section,  
21 provided, however, that for the purposes of computing the expected mini-  
22 mum local contribution the income wealth index shall not be less than  
23 [sixty-five] FORTY percent [(0.65)] (0.4) and shall not be more than two  
24 hundred percent (2.0) and provided however that such income wealth index  
25 shall not be more than [ninety-five percent (0.95)] ONE HUNDRED TWENTY-  
26 FIVE PERCENT (1.25) for the two thousand eight--two thousand nine school  
27 year. The selected actual valuation shall be calculated pursuant to  
28 paragraph c of subdivision one of this section. Total wealth foundation  
29 pupil units shall be calculated pursuant to paragraph h of subdivision  
30 two of this section.

31 S 3. This act shall take effect immediately.