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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. McENENY, CANESTRARI -- read once and referred to the Committee on Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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. 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] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE 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) FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, 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, PROVIDED, HOWEVER, THAT FOR A SCHOOL DISTRICT WITH PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, IN EXCESS OF FIVE THOUSAND PUPILS, WHERE THE QUOTIENT OF THE BASE YEAR RESIDENT PUPILS ENROLLED IN CHARTER SCHOOLS OTHER THAN CHARTER SCHOOLS CONVERTED FROM AN EXISTING PUBLIC SCHOOL AND FORMED BY A SCHOOL DISTRICT AS A CHARTER ENTITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-ONE OF THIS ARTICLE, DIVIDED BY THE

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

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PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER IS TWENTY PERCENT OR MORE, BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE ON FEBRUARY FIFTEENTH, TWO THOUSAND TWELVE PURSUANT TO PARAGRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

S 2. 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] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE 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) FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, 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, PROVIDED, HOWEVER, THAT FOR A SCHOOL DISTRICT WITH PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, IN EXCESS OF FIVE THOUSAND PUPILS, WHERE THE QUOTIENT OF THE BASE YEAR RESIDENT PUPILS ENROLLED IN CHARTER SCHOOLS OTHER THAN CHARTER SCHOOLS CONVERTED FROM AN EXISTING PUBLIC SCHOOL AND FORMED BY A SCHOOL DISTRICT AS A CHARTER ENTITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-ONE OF THIS ARTICLE, DIVIDED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER IS TWENTY PERCENT OR MORE, BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE ON FEBRUARY FIFTEENTH, TWO THOUSAND TWELVE PURSUANT TO PARAGRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

S 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 2856 of the education law made by section one 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 two of this act shall take effect.