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

7405

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

Introduced by M. of A. THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to payments by school districts to charter schools relating to the expense per pupil of the school district

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

Section 1. This act shall be known and may be cited as the "New York Charter Schools Financial Renewal Act".

S 2. Subdivision 1 of section 2856 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

1. (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 THAT THE AMOUNT OF THE APPROVED OPERATING EXPENSE USED IN THE CREATION OF ALL SUCH CALCULATIONS SHALL BE EQUAL TO THE ACTUAL APPROVED OPERATING EXPENSE OF THE SCHOOL DISTRICT OF RESIDENCE FOR EACH PUPIL DETERMINED IN ACCORDANCE WITH THE GRADE LEVEL (OR OTHER EDUCATIONAL LEVEL CLASSIFICA-

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

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TION USED BY THE DEPARTMENT AND APPROVED BY THE COMMISSIONER) OF THE PUPIL INSOFAR AS THE DEPARTMENT CONSIDERS THE GRADE LEVEL (OR OTHER EDUCATIONAL LEVEL CLASSIFICATION USED BY THE DEPARTMENT AND APPROVED BY THE COMMISSIONER) OF THE PUPIL IN THE DETERMINATION OF APPROVED OPERATING EXPENSE.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter until actual enrollment data is reported to the school district by the charter school. Such projections shall be reconciled with the actual enrollment as actual enrollment data is so reported and at the end of the school's first year of operation and each subsequent year based on a final report of actual enrollment by the charter school, and any necessary adjustments resulting from such final report shall be made to payments during the school's following year of operation.

(c) Notwithstanding any other provision of this subdivision to the contrary, payment of the federal aid attributable to a student with a disability attending a charter school shall be made in accordance with the requirements of section 8065-a of title twenty of the United States code and sections 76.785-76.799 and 300.209 of title thirty-four of the code of federal regulations.

S 3. Paragraph (b) of subdivision 2 of section 2854 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

(b) Any child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school. Applications for admission to a charter school shall be submitted on a uniform application form created by the department and shall be made available by a charter school in languages predominately spoken in the community in which such charter school is located. The school shall enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, provided, however, that an enrollment preference shall be provided to pupils returning to the charter school in the second or any subsequent year of operation and pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school. A CHARTER SCHOOL MAY ESTABLISH AN ENROLLMENT PREFERENCE FOR PUPILS RESIDING IN SCHOOL DISTRICTS CONTIGUOUS TO THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED, BUT SUCH PREFERENCE SHALL NOT EXCEED THAT ESTABLISHED FOR STUDENTS RESIDING IN THE DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED. A CHARTER SCHOOL LOCATED IN A SCHOOL DISTRICT WITH A POPULATION OF ONE MILLION OR MORE ALSO MAY ESTABLISH AN ENROLLMENT PREFERENCE FOR PUPILS RESIDING IN THE

COMMUNITY SCHOOL DISTRICT, AS REFERENCED IN SUBDIVISION TWO OF SECTION TWENTY-FIVE HUNDRED NINETY-A OF THIS TITLE, OR FOR THE BOROUGH IN WHICH THE CHARTER SCHOOL IS LOCATED, OR BOTH. The commissioner shall establish regulations to require that the random selection process conducted pursuant to this paragraph be performed in a transparent and equitable manner and to require that the time and place of the random selection process be publicized in a manner consistent with the requirements of section one hundred four of the public officers law and be open to the public. For the purposes of this paragraph and paragraph (a) of this subdivision, the school district in which the charter school is located shall mean, for the city school district of the city of New York, the community district in which the charter school is located.

S 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided that the amendments to subdivision 1 of section 2856 of the education law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.