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I N S E N A T E

June 13, 2012

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.

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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.