

3289

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

Introduced by M. of A. TENNEY, BLANKENBUSH -- Multi-Sponsored by -- M.
of A. BARCLAY, CROUCH, McLAUGHLIN, PALMESANO -- read once and referred
to the Committee on Education

AN ACT to amend the education law, in relation to removing any portion
of incentive operating aid from the gap elimination adjustment

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

1 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
2 tion law, as amended by section 2 of part A of chapter 57 of the laws of
3 2012, is amended to read as follows:
4 e. Notwithstanding paragraphs a and b of this subdivision, a school
5 district that submitted a contract for excellence for the two thousand
6 eight--two thousand nine school year shall submit a contract for excel-
7 lence for the two thousand nine--two thousand ten school year in
8 conformity with the requirements of subparagraph (vi) of paragraph a of
9 subdivision two of this section unless all schools in the district are
10 identified as in good standing and provided further that, a school
11 district that submitted a contract for excellence for the two thousand
12 nine--two thousand ten school year, unless all schools in the district
13 are identified as in good standing, shall submit a contract for excel-
14 lence for the two thousand eleven--two thousand twelve school year which
15 shall, notwithstanding the requirements of subparagraph (vi) of para-
16 graph a of subdivision two of this section, provide for the expenditure
17 of an amount which shall be not less than the product of the amount
18 approved by the commissioner in the contract for excellence for the two
19 thousand nine--two thousand ten school year, multiplied by the
20 district's gap elimination adjustment percentage and provided further
21 that, a school district that submitted a contract for excellence for the
22 two thousand eleven--two thousand twelve school year, unless all schools
23 in the district are identified as in good standing, shall submit a
24 contract for excellence for the two thousand twelve--two thousand thir-

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

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1 teen school year which shall, notwithstanding the requirements of
2 subparagraph (vi) of paragraph a of subdivision two of this section,
3 provide for the expenditure of an amount which shall be not less than
4 the amount approved by the commissioner in the contract for excellence
5 for the two thousand eleven--two thousand twelve school year. For
6 purposes of this paragraph, the "gap elimination adjustment percentage"
7 shall be calculated as the sum of one minus the quotient of the sum of
8 the school district's net gap elimination adjustment for two thousand
9 ten--two thousand eleven computed pursuant to chapter fifty-three of the
10 laws of two thousand ten, making appropriations for the support of
11 government, plus the school district's gap elimination adjustment for
12 two thousand eleven--two thousand twelve as computed pursuant to chapter
13 fifty-three of the laws of two thousand eleven, making appropriations
14 for the support of the local assistance budget, including support for
15 general support for public schools, divided by the total aid for adjust-
16 ment computed pursuant to chapter fifty-three of the laws of two thou-
17 sand eleven, making appropriations for the local assistance budget,
18 including support for general support for public schools. Provided,
19 further, that such amount shall be expended to support and maintain
20 allowable programs and activities approved in the two thousand nine--two
21 thousand ten school year or to support new or expanded allowable
22 programs and activities in the current year. PROVIDED, HOWEVER, THAT THE
23 GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION OF FUNDS
24 RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO SECTION THIRTY-SIX
25 HUNDRED TWO OF THIS CHAPTER.

26 S 2. Paragraph cc of subdivision 1 of section 3602 of the education
27 law, as added by section 25 of part A of chapter 58 of the laws of 2011,
28 is amended to read as follows:

29 cc. "Gap elimination adjustment percentage" shall mean the quotient of
30 the gap elimination adjustment amount set forth for each school district
31 as "GAP ELIMINATION ADJUSTMENT" under the heading "2011-12 ESTIMATED
32 AIDS" in the school aid computer listing produced by the commissioner in
33 support of the enacted budget for the two thousand eleven--two thousand
34 twelve school year and entitled "SA111-2", divided by the statewide
35 total of all such gap elimination adjustment amounts set forth for all
36 districts in such school aid computer listing. PROVIDED, HOWEVER, THAT
37 THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION OF
38 FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS SECTION.

39 S 3. Paragraphs a, c and the opening paragraph of paragraph b of
40 subdivision 17 of section 3602 of the education law, paragraph a and the
41 opening paragraph of paragraph b as added by section 37 of part A of
42 chapter 58 of the laws of 2011 and paragraph c as amended by section 6
43 of part A of chapter 57 of the laws of 2012, are amended to read as
44 follows:

45 a. Notwithstanding any other provision of law to the contrary, the
46 commissioner shall reduce payments due to each district for the two
47 thousand eleven--two thousand twelve school year and thereafter pursuant
48 to section thirty-six hundred nine-a of this article by an amount equal
49 to the gap elimination adjustment computed for such district, and such
50 amount shall be deducted from moneys apportioned for the purposes of
51 payments made pursuant to such section thirty-six hundred nine-a and if
52 the reduction is greater than the sum of the amounts available for such
53 deductions, the remainder of the reduction shall be withheld from
54 payments scheduled to be made to the district pursuant to section thir-
55 ty-six hundred nine-a for the following school year, and provided
56 further that an amount equal to the amount of such deduction shall be

1 deemed to have been paid to the district pursuant to this section for
2 the school year in which such deduction is made. The commissioner shall
3 compute such gap elimination adjustment and shall provide a schedule of
4 such reduction in payments to the state comptroller, the director of the
5 budget, the chair of the senate finance committee and the chair of the
6 assembly ways and means committee. PROVIDED HOWEVER, THAT THE GAP ELIMI-
7 NATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION OF FUNDS RECEIVED
8 THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS SECTION.

9 The gap elimination adjustment for the two thousand eleven--two thou-
10 sand twelve school year shall be computed as follows, PROVIDED HOWEVER,
11 THAT THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION
12 OF FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS
13 SECTION, based on an updated electronic [date] DATA file containing
14 actual and estimated data relating to apportionments due and owing
15 during the current school year and projections of such apportionments
16 for the following school year to school districts and boards of cooper-
17 ative educational services from the general support for public schools,
18 growth and boards of cooperative educational services appropriations
19 produced pursuant to paragraph b of subdivision twenty-one of section
20 three hundred five of this chapter on February fifteenth of the base
21 year. The gap elimination adjustment for a district shall equal the
22 lesser of the district's percentage reduction and its TGFE check,
23 provided, however, that in the case of a district with a tax effort
24 ratio greater than four percent (0.04) and a combined wealth ratio for
25 total foundation aid computed pursuant to subparagraph two of paragraph
26 c of subdivision three of this section that is less than one and five-
27 tenths (1.5), the gap elimination adjustment for a district shall equal
28 the lesser of the percentage reduction, the TGFE check and the tax
29 effort reduction, and further provided that in the case of a school
30 district, other than a city school district of a city having a popu-
31 lation in excess of one hundred twenty-five thousand, with (A) an admin-
32 istrative efficiency ratio of less than one and eight-tenths percent
33 (0.018) and (B) an administrative expense per pupil of less than three
34 hundred forty-eight dollars (\$348), the gap elimination adjustment shall
35 be reduced by an amount equal to the administrative efficiency restora-
36 tion, and further provided that, where applicable, the gap elimination
37 adjustment shall be reduced by an amount equal to the sum of the needs-
38 based restoration plus the low wealth-high tax effort restoration plus
39 the enrollment adjustment award.

40 c. The gap elimination adjustment for the two thousand twelve--two
41 thousand thirteen school year and thereafter shall be equal to the gap
42 elimination adjustment for the base year, plus, in any year in which the
43 preliminary growth amount exceeds the allowable growth amount, the prod-
44 uct of the gap elimination adjustment percentage for such district and
45 the positive difference, if any, between the preliminary growth amount
46 less the allowable growth amount, as computed pursuant to subdivision
47 one of this section, and less the gap elimination adjustment restoration
48 amount, if any, allocated pursuant to this section. PROVIDED, HOWEVER,
49 THAT THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION
50 OF FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS
51 SECTION.

52 S 4. This act shall take effect immediately; provided, however, that
53 the amendments to section 3602 of the education law made by section two
54 of this act shall be deemed to have been in full force and effect on the
55 same date and in the same manner as section 25 of part A of chapter 58
56 of the laws of 2011, took effect; provided, further, that the amendments

1 to section 3602 of the education law made by section three of this act
2 shall be deemed to have been in full force and effect on the same date
3 and in the same manner as section 37 of part A of chapter 58 of the laws
4 of 2011, took effect.