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

6912

2013-2014 Regular Sessions

I N  A S S E M B L Y

April 24, 2013

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. Paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 5 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

(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:

(i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the two thousand thirteen--two thousand fourteen school year, 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 THE

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

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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 CLASSIFICATION 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;

(ii) for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year;

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen 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; FOR THE TWO THOUSAND THIRTEEN -- TWO THOUSAND FOURTEEN THROUGH TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN SCHOOL YEARS.

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 paragraph (a) of 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.