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

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2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. McDONALD, FAHY, NOLAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to transitional aid for certain charter schools

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

Section 1. Subdivision 41 of section 3602 of the education law, as added by section 18 of part B of chapter 57 of the laws of 2007, the subdivision heading and the opening paragraph as amended by section 20 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

41. Transitional aid for charter school payments. A. In addition to any other apportionment under this section, for the two thousand seven--two thousand eight school year and thereafter, a school district other than a city school district in a city having a population of one million or more shall be eligible for an apportionment in an amount equal to THE GREATER OF:

(1) the sum of:

(a) the product of (i) the product of eighty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the base year less the number of resident pupils enrolled in a charter school in the year prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this [paragraph] CLAUSE only if the number of its resident pupils enrolled in charter schools in the base year exceeds two percent of the total resident public school district enrollment of such school district in the base year or the total general fund payments made by such district to charter schools in the base year for resident pupils enrolled in charter

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

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schools exceeds two percent of total general fund expenditures of such district in the base year, plus

(b) the product of (i) the product of sixty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year prior to the base year less the number of resident pupils enrolled in a charter school in the year two years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this [paragraph] CLAUSE only if the number of its resident pupils enrolled in charter schools in the year prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year prior to the base year or the total general fund payments made by such district to charter schools in the year prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year prior to the base year, plus

(c) the product of (i) the product of forty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year two years prior to the base year less the number of resident pupils enrolled in a charter school in the year three years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this [paragraph] CLAUSE only if the number of its resident pupils enrolled in charter schools in the year two years prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year two years prior to the base year or the total general fund payments made by such district to charter schools in the year two years prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year two years prior to the base year; OR

(2) FOR A TIER 4 ELIGIBLE SCHOOL DISTRICT, THE PRODUCT OF THE NUMBER OF RESIDENT PUPILS ENROLLED IN THE CHARTER SCHOOL FOR THE BASE YEAR MULTIPLIED BY THE SATURATION CHARTER TUITION AMOUNT.

B. FOR THE PURPOSES OF THIS SUBDIVISION A "TIER 4 ELIGIBLE SCHOOL DISTRICT" SHALL BE A SCHOOL DISTRICT WHERE THE QUOTIENT OF THE BASE YEAR RESIDENT PUPILS ENROLLED IN CHARTER SCHOOLS DIVIDED BY THE TOTAL RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT, 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 OF THE BASE YEAR PURSUANT TO PARAGRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER.

C. FOR THE PURPOSES OF THIS SUBDIVISION THE "SATURATION CHARTER TUITION AMOUNT" SHALL BE TWENTY PERCENT (.20) MULTIPLIED BY THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR SUCH SCHOOL DISTRICT FOR THE BASE YEAR.

[(d)] D. For purposes of this subdivision the number of pupils enrolled in a charter school shall not include pupils enrolled in a charter school for which the charter was approved by a charter entity contained in paragraph [a] (A) of subdivision three of section twenty-eight hundred fifty-one of this chapter.

S 2. This act shall take effect immediately.