

3551--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. ABINANTI, KEARNS -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to state assistance to school districts for each school age child receiving special education programs and services

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

1 Section 1. Legislative findings and purpose. The legislature finds
2 that the costs to school districts and, indirectly, to real property tax
3 payers for providing special education programs and services is increas-
4 ingly a burden making the essential educational mission more difficult
5 to carry out. The legislature further finds that special education is a
6 health based service and should more appropriately be borne by the state
7 government. Therefore, it is the purpose of this act to phase-in over
8 five years the assumption by the state of the costs to school districts
9 for each child receiving special education programs and services and to
10 provide that school property taxes be reduced accordingly.
11 S 2. Section 3602 of the education law is amended by adding a new
12 subdivision 21 to read as follows:
13 21. SPECIAL SUPPLEMENTAL APPORTIONMENT FOR SCHOOL AGE CHILDREN RECEIV-
14 ING SPECIAL EDUCATION PROGRAMS AND SERVICES. A. NOTWITHSTANDING ANY
15 OTHER PROVISION OF LAW TO THE CONTRARY, EACH SCHOOL DISTRICT SHALL
16 RECEIVE A SPECIAL SUPPLEMENTAL APPORTIONMENT FOR SCHOOL AGE CHILDREN
17 RECEIVING SPECIAL EDUCATION PROGRAMS AND SERVICES BEGINNING JULY FIRST,
18 TWO THOUSAND FIFTEEN AND THEREAFTER AS PROVIDED HEREIN. AS USED IN THIS
19 SUBDIVISION, THE BASE YEAR APPORTIONMENT SHALL BE THE AMOUNT PAYABLE FOR
20 EACH SCHOOL DISTRICT'S CLAIMS FOR SCHOOL AGE CHILDREN RECEIVING SPECIAL
21 EDUCATION PROGRAMS AND SERVICES FOR THE SCHOOL YEAR BEGINNING JULY

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

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1 FIRST, TWO THOUSAND FOURTEEN. FOR THE SCHOOL YEAR BEGINNING JULY FIRST,
2 TWO THOUSAND FIFTEEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR BASE YEAR
3 APPORTIONMENT PLUS NOT LESS THAN TWENTY PERCENT OF THE DIFFERENCE
4 BETWEEN SUCH APPORTIONMENT AND ITS TOTAL COST FOR SPECIAL EDUCATION
5 PROGRAMS. FOR THE SCHOOL YEAR BEGINNING JULY FIRST, TWO THOUSAND
6 SIXTEEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR BASE YEAR APPORTION-
7 MENT PLUS NOT LESS THAN FORTY PERCENT OF THE DIFFERENCE BETWEEN SUCH
8 APPORTIONMENT AND ITS TOTAL COST FOR SPECIAL EDUCATION PROGRAMS. FOR THE
9 SCHOOL YEAR BEGINNING JULY FIRST, TWO THOUSAND SEVENTEEN EACH SCHOOL
10 DISTRICT SHALL RECEIVE THEIR BASE YEAR APPORTIONMENT PLUS NOT LESS THAN
11 SIXTY PERCENT OF THE DIFFERENCE BETWEEN SUCH APPORTIONMENT AND ITS TOTAL
12 COST FOR SPECIAL EDUCATION PROGRAMS. FOR THE SCHOOL YEAR BEGINNING JULY
13 FIRST, TWO THOUSAND EIGHTEEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR
14 BASE YEAR APPORTIONMENT PLUS NOT LESS THAN EIGHTY PERCENT OF THE DIFFER-
15 ENCE BETWEEN SUCH APPORTIONMENT AND ITS TOTAL COST FOR SPECIAL EDUCATION
16 PROGRAMS. FOR THE SCHOOL YEAR BEGINNING JULY FIRST, TWO THOUSAND NINE-
17 TEEN AND THEREAFTER, EACH SCHOOL DISTRICT RECEIVES AN APPORTIONMENT
18 EQUAL TO ITS TOTAL COST FOR SPECIAL EDUCATION PROGRAMS.

19 B. SCHOOL DISTRICTS SHALL APPLY THE INCREMENTS IN APPORTIONMENT
20 RECEIVED PURSUANT TO THIS SUBDIVISION TO REDUCING THEIR TAX LEVY FROM
21 REAL PROPERTY TAXES. FOR EACH TAXABLE YEAR AFTER THE SPECIAL APPORTION-
22 MENTS COMMENCE, EACH SCHOOL DISTRICT SHALL CERTIFY TO THE COMMISSIONER
23 THAT IT HAS MADE THE REDUCTION TO ITS REAL PROPERTY TAX LEVY AS REQUIRED
24 BY THIS PARAGRAPH.

25 C. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE AN AMOUNT WITHIN THE
26 APPROPRIATION FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS SUFFICIENT TO
27 SUPPORT ALL AID PAYMENTS INCURRED PURSUANT TO PARAGRAPH A OF THIS SUBDI-
28 VISION.

29 S 3. This act shall take effect immediately.