

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 Charter Schools Financial Renewal Act".
3 S 2. Paragraph (a) of subdivision 1 of section 2856 of the education
4 law, as amended by section 5 of part A of chapter 57 of the laws of
5 2013, is amended to read as follows:
6 (a) The enrollment of students attending charter schools shall be
7 included in the enrollment, attendance, membership and, if applicable,
8 count of students with disabilities of the school district in which the
9 pupil resides. The charter school shall report all such data to the
10 school districts of residence in a timely manner. Each school district
11 shall report such enrollment, attendance and count of students with
12 disabilities to the department. The school district of residence shall
13 pay directly to the charter school for each student enrolled in the
14 charter school who resides in the school district the charter school
15 basic tuition, which shall be:
16 (i) for school years prior to the two thousand nine--two thousand ten
17 school year and for school years following the two thousand thirteen--
18 two thousand fourteen school year, an amount equal to one hundred
19 percent of the amount calculated pursuant to paragraph f of subdivision
20 one of section thirty-six hundred two of this chapter for the school
21 district for the year prior to the base year increased by the percentage
22 change in the state total approved operating expense calculated pursuant
23 to paragraph t of subdivision one of section thirty-six hundred two of
24 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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1 AMOUNT OF THE APPROVED OPERATING EXPENSE USED IN THE CREATION OF ALL
2 SUCH CALCULATIONS SHALL BE EQUAL TO THE ACTUAL APPROVED OPERATING
3 EXPENSE OF THE SCHOOL DISTRICT OF RESIDENCE FOR EACH PUPIL DETERMINED IN
4 ACCORDANCE WITH THE GRADE LEVEL (OR OTHER EDUCATIONAL LEVEL CLASSIFICA-
5 TION USED BY THE DEPARTMENT AND APPROVED BY THE COMMISSIONER) OF THE
6 PUPIL INsofar AS THE DEPARTMENT CONSIDERS THE GRADE LEVEL (OR OTHER
7 EDUCATIONAL LEVEL CLASSIFICATION USED BY THE DEPARTMENT AND APPROVED BY
8 THE COMMISSIONER) OF THE PUPIL IN THE DETERMINATION OF APPROVED OPERAT-
9 ING EXPENSE;

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

14 (iii) for the two thousand ten--two thousand eleven through two thou-
15 sand thirteen--two thousand fourteen school years, the charter school
16 basic tuition shall be the basic tuition computed for the two thousand
17 ten--two thousand eleven school year pursuant to the provisions of
18 subparagraph (i) of this paragraph; FOR THE TWO THOUSAND THIRTEEN -- TWO
19 THOUSAND FOURTEEN THROUGH TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN
20 SCHOOL YEARS.

21 S 3. Paragraph (b) of subdivision 2 of section 2854 of the education
22 law, as amended by chapter 101 of the laws of 2010, is amended to read
23 as follows:

24 (b) Any child who is qualified under the laws of this state for admis-
25 sion to a public school is qualified for admission to a charter school.
26 Applications for admission to a charter school shall be submitted on a
27 uniform application form created by the department and shall be made
28 available by a charter school in languages predominately spoken in the
29 community in which such charter school is located. The school shall
30 enroll each eligible student who submits a timely application by the
31 first day of April each year, unless the number of applications exceeds
32 the capacity of the grade level or building. In such cases, students
33 shall be accepted from among applicants by a random selection process,
34 provided, however, that an enrollment preference shall be provided to
35 pupils returning to the charter school in the second or any subsequent
36 year of operation and pupils residing in the school district in which
37 the charter school is located, and siblings of pupils already enrolled
38 in the charter school. A CHARTER SCHOOL MAY ESTABLISH AN ENROLLMENT
39 PREFERENCE FOR PUPILS RESIDING IN SCHOOL DISTRICTS CONTIGUOUS TO THE
40 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED, BUT SUCH PREFER-
41 ENCE SHALL NOT EXCEED THAT ESTABLISHED FOR STUDENTS RESIDING IN THE
42 DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED. A CHARTER SCHOOL
43 LOCATED IN A SCHOOL DISTRICT WITH A POPULATION OF ONE MILLION OR MORE
44 ALSO MAY ESTABLISH AN ENROLLMENT PREFERENCE FOR PUPILS RESIDING IN THE
45 COMMUNITY SCHOOL DISTRICT, AS REFERENCED IN SUBDIVISION TWO OF SECTION
46 TWENTY-FIVE HUNDRED NINETY-A OF THIS TITLE, OR FOR THE BOROUGH IN WHICH
47 THE CHARTER SCHOOL IS LOCATED, OR BOTH. The commissioner shall establish
48 regulations to require that the random selection process conducted
49 pursuant to this paragraph be performed in a transparent and equitable
50 manner and to require that the time and place of the random selection
51 process be publicized in a manner consistent with the requirements of
52 section one hundred four of the public officers law and be open to the
53 public. For the purposes of this paragraph and paragraph (a) of this
54 subdivision, the school district in which the charter school is located
55 shall mean, for the city school district of the city of New York, the
56 community district in which the charter school is located.

1 S 4. This act shall take effect on the first of July next succeeding
2 the date on which it shall have become a law; provided that the amend-
3 ments to paragraph (a) of subdivision 1 of section 2856 of the education
4 law made by section two of this act shall not affect the expiration of
5 such subdivision and shall be deemed to expire therewith.