

10624

I N A S S E M B L Y

June 8, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Morelle) --  
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to foundation aid

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

1 Section 1. The opening paragraph of subdivision 4 of section 3602 of  
2 the education law, as amended by section 7 of part A of chapter 54 of  
3 the laws of 2016, is amended to read as follows:  
4 In addition to any other apportionment pursuant to this chapter, a  
5 school district, other than a special act school district as defined in  
6 subdivision eight of section four thousand one of this chapter, shall be  
7 eligible for total foundation aid equal to the product of total aidable  
8 foundation pupil units multiplied by the district's selected foundation  
9 aid, which shall be the greater of five hundred dollars (\$500) or foun-  
10 dation formula aid, provided, however that for the two thousand seven--  
11 two thousand eight through two thousand eight--two thousand nine school  
12 years, no school district shall receive total foundation aid in excess  
13 of the sum of the total foundation aid base for aid payable in the two  
14 thousand seven--two thousand eight school year computed pursuant to  
15 subparagraph (i) of paragraph j of subdivision one of this section, plus  
16 the phase-in foundation increase computed pursuant to paragraph b of  
17 this subdivision, and provided further that for the two thousand twelve-  
18 -two thousand thirteen school year, no school district shall receive  
19 total foundation aid in excess of the sum of the total foundation aid  
20 base for aid payable in the two thousand eleven--two thousand twelve  
21 school year computed pursuant to subparagraph (ii) of paragraph j of  
22 subdivision one of this section, plus the phase-in foundation increase  
23 computed pursuant to paragraph b of this subdivision, and provided  
24 further that for the two thousand thirteen--two thousand fourteen school  
25 year and thereafter, no school district shall receive total foundation  
26 aid in excess of the sum of the total foundation aid base computed  
27 pursuant to subparagraph (ii) of paragraph j of subdivision one of this  
28 section, plus the phase-in foundation increase computed pursuant to  
29 paragraph b of this subdivision, and provided further that for the two

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

1 thousand sixteen--two thousand seventeen school year, no eligible school  
2 districts shall receive total foundation aid in excess of the sum of the  
3 total foundation aid base computed pursuant to subparagraph (ii) of  
4 paragraph j of subdivision one of this section plus the sum of (A) the  
5 phase-in foundation increase, (B) the executive foundation increase with  
6 a minimum increase pursuant to paragraph b-2 of this subdivision, [and]  
7 (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing  
8 produced by the commissioner in support of the executive budget request  
9 for the two thousand sixteen--two thousand seventeen school year and  
10 entitled "BT161-7", where (1) "eligible school district" shall be  
11 defined as a district with (a) an unrestricted aid increase of less than  
12 seven percent (0.07) and (b) a three year average free and reduced price  
13 lunch percent greater than fifteen percent (0.15), and (2) "unrestricted  
14 aid increase" shall mean the quotient arrived at when dividing (a) the  
15 sum of the executive foundation aid increase plus the gap elimination  
16 adjustment for the base year, by (b) the difference of foundation aid  
17 for the base year less the gap elimination adjustment for the base year,  
18 and (3) "executive foundation increase" shall mean the difference of (a)  
19 the amounts set forth for each school district as "FOUNDATION AID" under  
20 the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing  
21 produced by the commissioner in support of the executive budget request  
22 for the two thousand sixteen--two thousand seventeen school year and  
23 entitled "BT161-7" less (b) the amounts set forth for each school  
24 district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS"  
25 in such computer listing, OR (C) ANY SCHOOL DISTRICT WITH A COMBINED  
26 WEALTH RATIO LESS THAN ONE (1.000) AND WHERE THE QUOTIENT OF (A) THE  
27 AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS "FOUNDATION AID" UNDER THE  
28 HEADING "2015-16 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING  
29 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST  
30 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND  
31 ENTITLED "BT161-7" DIVIDED BY (B) TOTAL FOUNDATION AID, IS LESS THAN  
32 FORTY-FIVE ONE HUNDREDTHS (.45), and provided further that total founda-  
33 tion aid shall not be less than the product of the total foundation aid  
34 base computed pursuant to paragraph j of subdivision one of this section  
35 and the due-minimum percent which shall be, for the two thousand twelve-  
36 -two thousand thirteen school year, one hundred and six-tenths percent  
37 (1.006) and for the two thousand thirteen--two thousand fourteen school  
38 year for city school districts of those cities having populations in  
39 excess of one hundred twenty-five thousand and less than one million  
40 inhabitants one hundred and one and one hundred and seventy-six thou-  
41 sandths percent (1.01176), and for all other districts one hundred and  
42 three-tenths percent (1.003), and for the two thousand fourteen--two  
43 thousand fifteen school year one hundred and eighty-five hundredths  
44 percent (1.0085), and for the two thousand fifteen--two thousand sixteen  
45 school year, one hundred thirty-seven hundredths percent (1.0037),  
46 subject to allocation pursuant to the provisions of subdivision eighteen  
47 of this section and any provisions of a chapter of the laws of New York  
48 as described therein, nor more than the product of such total foundation  
49 aid base and one hundred fifteen percent, provided, however, that for  
50 the two thousand sixteen--two thousand seventeen school year such maxi-  
51 mum shall (1) be no more than the sum of (i) the product of such total  
52 foundation aid base and one hundred fifteen percent plus (ii) the execu-  
53 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the  
54 computer listing produced by the commissioner in support of the execu-  
55 tive budget request for the two thousand sixteen--two thousand seventeen  
56 school year and entitled "BT161-7" AND (2) EXCEPT THAT THE MAXIMUM SHALL

1 NOT APPLY TO ANY DISTRICT WITH A PHASE-IN FOUNDATION INCREASE FACTOR  
2 PURSUANT TO SUBCLAUSE NINE OF CLAUSE (II) OF SUBPARAGRAPH TWO OF PARA-  
3 GRAPH B OF THIS SUBDIVISION and provided further that for the two thou-  
4 sand nine--two thousand ten through two thousand eleven--two thousand  
5 twelve school years, each school district shall receive total foundation  
6 aid in an amount equal to the amount apportioned to such school district  
7 for the two thousand eight--two thousand nine school year pursuant to  
8 this subdivision. Total aidable foundation pupil units shall be calcu-  
9 lated pursuant to paragraph g of subdivision two of this section. For  
10 the purposes of calculating aid pursuant to this subdivision, aid for  
11 the city school district of the city of New York shall be calculated on  
12 a citywide basis.

13 S 2. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4 of  
14 section 3602 of the education law, as amended by section 7 of part A of  
15 chapter 54 of the laws of 2016, is amended to read as follows:

16 (ii) Phase-in foundation increase factor. For the two thousand  
17 eleven--two thousand twelve school year, the phase-in foundation  
18 increase factor shall equal thirty-seven and one-half percent (0.375)  
19 and the phase-in due minimum percent shall equal nineteen and forty-one  
20 hundredths percent (0.1941), for the two thousand twelve--two thousand  
21 thirteen school year the phase-in foundation increase factor shall equal  
22 one and seven-tenths percent (0.017), for the two thousand thirteen--two  
23 thousand fourteen school year the phase-in foundation increase factor  
24 shall equal (1) for a city school district in a city having a population  
25 of one million or more, five and twenty-three hundredths percent  
26 (0.0523) or (2) for all other school districts zero percent, for the two  
27 thousand fourteen--two thousand fifteen school year the phase-in founda-  
28 tion increase factor shall equal (1) for a city school district of a  
29 city having a population of one million or more, four and thirty-two  
30 hundredths percent (0.0432) or (2) for a school district other than a  
31 city school district having a population of one million or more for  
32 which (A) the quotient of the positive difference of the foundation  
33 formula aid minus the foundation aid base computed pursuant to paragraph  
34 j of subdivision one of this section divided by the foundation formula  
35 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
36 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
37 (3) for all other school districts, four and thirty-one hundredths  
38 percent (0.0431), and for the two thousand fifteen--two thousand sixteen  
39 school year the phase-in foundation increase factor shall equal: (1) for  
40 a city school district of a city having a population of one million or  
41 more, thirteen and two hundred seventy-four thousandths percent  
42 (0.13274); or (2) for districts where the quotient arrived at when  
43 dividing (A) the product of the total aidable foundation pupil units  
44 multiplied by the district's selected foundation aid less the total  
45 foundation aid base computed pursuant to paragraph j of subdivision one  
46 of this section divided by (B) the product of the total aidable founda-  
47 tion pupil units multiplied by the district's selected foundation aid is  
48 greater than nineteen percent (0.19), and where the district's combined  
49 wealth ratio is less than thirty-three hundredths (0.33), seven and  
50 seventy-five hundredths percent (0.0775); or (3) for any other district  
51 designated as high need pursuant to clause (c) of subparagraph two of  
52 paragraph c of subdivision six of this section for the school aid  
53 computer listing produced by the commissioner in support of the enacted  
54 budget for the two thousand seven--two thousand eight school year and  
55 entitled "SA0708", four percent (0.04); or (4) for a city school  
56 district in a city having a population of one hundred twenty-five thou-

1 sand or more but less than one million, fourteen percent (0.14); or (5)  
2 for school districts that were designated as small city school districts  
3 or central school districts whose boundaries include a portion of a  
4 small city for the school aid computer listing produced by the commis-  
5 sioner in support of the enacted budget for the two thousand fourteen--  
6 two thousand fifteen school year and entitled "SA1415", four and seven  
7 hundred fifty-one thousandths percent (0.04751); or (6) for all other  
8 districts one percent (0.01), and for the two thousand sixteen--two  
9 thousand seventeen school year shall equal for an eligible school  
10 district the greater of: (1) for a city school district in a city with a  
11 population of one million or more, seven and seven hundred eighty four  
12 thousandths percent (0.07784); or (2) for a city school district in a  
13 city with a population of more than two hundred fifty thousand but less  
14 than one million as of the most recent federal decennial census, seven  
15 and three hundredths percent (0.0703); or (3) for a city school district  
16 in a city with a population of more than two hundred thousand but less  
17 than two hundred fifty thousand as of the most recent federal decennial  
18 census, six and seventy-two hundredths percent (0.0672); or (4) for a  
19 city school district in a city with a population of more than one  
20 hundred fifty thousand but less than two hundred thousand as of the most  
21 recent federal decennial census, six and seventy-four hundredths percent  
22 (0.0674); or (5) for a city school district in a city with a population  
23 of more than one hundred twenty-five thousand but less than one hundred  
24 fifty thousand as of the most recent federal decennial census, nine and  
25 fifty-five hundredths percent (0.0955); or (6) for school districts that  
26 were designated as small city school districts or central school  
27 districts whose boundaries include a portion of a small city for the  
28 school aid computer listing produced by the commissioner in support of  
29 the enacted budget for the two thousand fourteen--two thousand fifteen  
30 school year and entitled "SA141-5" with a combined wealth ratio less  
31 than one and four tenths (1.4), nine percent (0.09), provided, however,  
32 that for such districts that are also districts designated as high need  
33 urban-suburban pursuant to clause (c) of subparagraph two of paragraph c  
34 of subdivision six of this section for the school aid computer listing  
35 produced by the commissioner in support of the enacted budget for the  
36 two thousand seven--two thousand eight school year and entitled  
37 "SA0708", nine and seven hundred and nineteen thousandths percent  
38 (0.09719); or (7) for school districts designated as high need rural  
39 pursuant to clause (c) of subparagraph two of paragraph c of subdivision  
40 six of this section for the school aid computer listing produced by the  
41 commissioner in support of the enacted budget for the two thousand  
42 seven--two thousand eight school year and entitled "SA0708", thirteen  
43 and six tenths percent (0.136); or (8) for school districts designated  
44 as high need urban-suburban pursuant to clause (c) of subparagraph two  
45 of paragraph c of subdivision six of this section for the school aid  
46 computer listing produced by the commissioner in support of the enacted  
47 budget for the two thousand seven--two thousand eight school year and  
48 entitled "SA0708", seven hundred nineteen thousandths percent (0.00719);  
49 or (9) FOR ANY SCHOOL DISTRICT WHOSE FOUNDATION AID INCREASE FOR THE TWO  
50 THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR WAS REDUCED BY THE MAXI-  
51 MUM AMOUNT ALLOWED AND WITH A COMBINED WEALTH RATIO LESS THAN ONE  
52 (1.000) AND WHERE THE QUOTIENT OF (A) THE AMOUNT SET FORTH FOR EACH  
53 SCHOOL DISTRICT AS "FOUNDATION AID" UNDER THE HEADING "2015-16 BASE YEAR  
54 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN  
55 SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND  
56 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7"

1 DIVIDED BY (B) TOTAL FOUNDATION AID, IS LESS THAN FORTY-FIVE ONE  
2 HUNDREDTHS (.45), TWELVE AND TWENTY-ONE HUNDREDTHS PERCENT (0.1221); OR  
3 (10) for all other eligible school districts, forty-seven hundredths  
4 percent (0.0047) and for the two thousand seventeen--two thousand eigh-  
5 teen school year and thereafter the commissioner shall annually deter-  
6 mine the phase-in foundation increase factor subject to allocation  
7 pursuant to the provisions of subdivision eighteen of this section and  
8 any provisions of a chapter of the laws of New York as described there-  
9 in.

10 S 3. This act shall take effect July 1, 2017, notwithstanding the  
11 provisions of paragraph c of subdivision 5 of section 3604 of the educa-  
12 tion law; provided, however, that if section 7 of part A of chapter 54  
13 of the laws of 2016 shall not have taken effect on or before such date  
14 then sections one and two of this act shall take effect on the same date  
15 and in the same manner as such chapter of the laws of 2016 takes effect.