

4988--B

2015-2016 Regular Sessions

I N   S E N A T E

April 28, 2015

---

Introduced by Sens. GRIFFO, FARLEY, RITCHIE, SERINO, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the computation of foundation aid and successful schools aid for small city school districts

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

1     Section 1. This act shall be known and may be cited as the "small city  
2     successful schools act".  
3     S 2. Legislative Intent. It is the responsibility of the legislature  
4     under article XI of the constitution of the state of New York to estab-  
5     lish and maintain a system that will provide all children an opportunity  
6     to receive a meaningful high school education. Certain provisions of the  
7     education law are not adequate to provide the funding necessary to  
8     fulfill that obligation in certain school districts, particularly those  
9     in our small cities, many of which have lower wealth and higher student  
10    needs than average and are faced with high concentrations of poverty.  
11    Moreover, small city school districts function as centers not only for  
12    educational purposes but also for health, civic and public safety uses.  
13    These services and uses are not adequately supported by existing educa-  
14    tion aid.  
15    Therefore, it is the intention of the legislature to amend certain  
16    provisions of the education law to insure that the necessary funding is  
17    available in those districts to help them provide all their children an  
18    opportunity to receive a meaningful high school education and to main-  
19    tain healthy vibrant educational communities.

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

LBD09114-04-6

1 S 3. Subdivision 1 of section 3602 of the education law is amended by  
2 adding a new paragraph hh to read as follows:

3 HH. "SMALL CITY POVERTY CONCENTRATION COUNT" FOR DISTRICTS IN CITIES  
4 WITH POPULATIONS FEWER THAN ONE HUNDRED TWENTY-FIVE THOUSAND PERSONS IN  
5 THE MOST RECENT CENSUS SHALL MEAN THE NUMBER EQUAL TO THE PRODUCT OF THE  
6 THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT AND THE  
7 QUOTIENT, COMPUTED TO THREE DECIMALS WITHOUT ROUNDING, OF THE ENROLLMENT  
8 PER SQUARE MILE DIVIDED BY TWO, BUT NOT MORE THAN THREE HUNDRED.  
9 ENROLLMENT PER SQUARE MILE SHALL BE THE QUOTIENT, COMPUTED TO TWO DECIMALS  
10 WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL  
11 DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS  
12 SUBDIVISION FOR THE BASE YEAR DIVIDED BY THE SQUARE MILES OF THE  
13 DISTRICT, AS DETERMINED BY THE COMMISSIONER.

14 S 4. Paragraph s of subdivision 1 of section 3602 of the education  
15 law, as amended by section 11 of part B of chapter 57 of the laws of  
16 2007, is amended to read as follows:

17 s. "Extraordinary needs count" shall mean the sum of the product of  
18 the limited English proficiency count multiplied by fifty percent, plus,  
19 the poverty count, THE SMALL CITY POVERTY CONCENTRATION COUNT and the  
20 sparsity count.

21 S 5. Subparagraph 4 of paragraph a of subdivision 4 of section 3602 of  
22 the education law, as amended by section 5-a of part A of chapter 56 of  
23 the laws of 2015, is amended to read as follows:

24 (4) The expected minimum local contribution shall equal the lesser of  
25 (i) the product of (A) the quotient arrived at when the selected actual  
26 valuation is divided by total wealth foundation pupil units, multiplied  
27 by (B) the product of the local tax factor, multiplied by the income  
28 wealth index, or (ii) the product of (A) the product of the foundation  
29 amount, the regional cost index, and the pupil need index, multiplied by  
30 (B) the positive difference, if any, of one minus the state sharing  
31 ratio for total foundation aid. The local tax factor shall be estab-  
32 lished by May first of each year by determining the product, computed to  
33 four decimal places without rounding, of ninety percent multiplied by  
34 the quotient of the sum of the statewide average tax rate as computed by  
35 the commissioner for the current year in accordance with the provisions  
36 of paragraph e of subdivision one of section thirty-six hundred nine-e  
37 of this part plus the statewide average tax rate computed by the commis-  
38 sioner for the base year in accordance with such provisions plus the  
39 statewide average tax rate computed by the commissioner for the year  
40 prior to the base year in accordance with such provisions, divided by  
41 three, provided however that for the two thousand seven--two thousand  
42 eight school year, such local tax factor shall be sixteen thousandths  
43 (0.016), and provided further that for the two thousand eight--two thou-  
44 sand nine school year, such local tax factor shall be one hundred  
45 fifty-four ten thousandths (0.0154). The income wealth index shall be  
46 calculated pursuant to paragraph d of subdivision three of this section,  
47 provided, however, that for the purposes of computing the expected mini-  
48 mum local contribution the income wealth index shall not be less than  
49 [sixty-five] FIFTEEN percent [(0.65)] (0.15) and shall not be more than  
50 two hundred percent (2.0) and provided however that such income wealth  
51 index shall not be more than ninety-five percent (0.95) for the two  
52 thousand eight--two thousand nine school year, and provided further that  
53 such income wealth index shall not be less than zero for the two thou-  
54 sand thirteen--two thousand fourteen school year. The selected actual  
55 valuation shall be calculated pursuant to paragraph c of subdivision one

1 of this section. Total wealth foundation pupil units shall be calculated  
2 pursuant to paragraph h of subdivision two of this section.

3 S 6. Subdivision 18 of section 3602 of the education law, as added by  
4 section 37 of part A of chapter 58 of the laws of 2011, is amended to  
5 read as follows:

6 18. Allocable growth amount apportionment. Such amount shall be appor-  
7 tioned for a school year pursuant to a chapter of the laws of New York  
8 enacted for the state fiscal year in which such school year commences,  
9 and shall be allocated to purposes including but not limited to compet-  
10 itive grant awards made pursuant to subdivisions five and six of section  
11 thirty-six hundred forty-one of this article, THE SMALL CITY SUCCESSFUL  
12 SCHOOLS AID ALLOCATED PURSUANT TO SUBDIVISION FORTY-TWO OF THIS SECTION,  
13 the foundation aid phase-in amount or other foundation aid increase  
14 allocated pursuant to subdivision four of this section and the gap elim-  
15 ination adjustment restoration amount apportioned pursuant to subdivi-  
16 sion seventeen of this section. In the event that a chapter of the laws  
17 of New York enacted for the state fiscal year in which such school year  
18 commences is not enacted, the allocations in support of subdivisions  
19 five and six of section thirty-six hundred forty-one of this article  
20 shall equal the allocations in support of such awards in the base year,  
21 and the apportionments pursuant to subdivisions four and seventeen of  
22 this section for the current year shall equal the apportionments for  
23 such subdivisions four and seventeen for the base year.

24 S 7. Section 3602 of the education law is amended by adding a new  
25 subdivision 42 to read as follows:

26 42. SMALL CITY SUCCESSFUL SCHOOLS AID. COMMENCING WITH AID PAYABLE IN  
27 THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, SCHOOL  
28 DISTRICTS IN CITY SCHOOL DISTRICTS OF THOSE CITIES HAVING POPULATIONS  
29 FEWER THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS SHALL BE ELIGI-  
30 BLE FOR AN ADDITIONAL APPORTIONMENT AS PROVIDED FOR IN THIS SUBDIVISION.  
31 SUCH DISTRICTS SHALL BE ELIGIBLE FOR AN ADDITIONAL APPORTIONMENT IN THE  
32 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER,  
33 IN AN AMOUNT EQUAL TO THE PRODUCT OF THE THREE-YEAR AVERAGE FREE AND  
34 REDUCED PRICE LUNCH PERCENT AND THE PRODUCT OF FOUR HUNDRED DOLLARS AND  
35 TOTAL AIDABLE FOUNDATION PUPIL UNITS TO BE USED FOR NEW PROGRAMS OR  
36 EXPANDED PROGRAMS WITH RESPECT TO SUCH STUDENTS FIRST BEGUN OR EXPANDED  
37 IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR OR THER-  
38 EAFTER APPROVED BY THE COMMISSIONER FOR THE FOLLOWING PURPOSES:

- 39 A. CLASS SIZE REDUCTION;
  - 40 B. ACADEMIC INTERVENTION SERVICES;
  - 41 C. RESPONSE TO INTERVENTION SERVICES;
  - 42 D. DROP OUT PREVENTION;
  - 43 E. INCARCERATED YOUTH SERVICES;
  - 44 F. PARENT INVOLVEMENT PROGRAMS;
  - 45 G. EXTENDED DAY AND EXTENDED YEAR PROGRAMS; AND
  - 46 H. PSYCHO-SOCIAL TESTING.
- 47 S 8. This act shall take effect immediately.