

3705

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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Introduced by M. of A. TENNEY, BLANKENBUSH, NOJAY -- Multi-Sponsored by  
-- M. of A. BARCLAY, CROUCH, HAWLEY, McLAUGHLIN, PALMESANO -- read  
once and referred to the Committee on Education

AN ACT to amend the education law, in relation to removing any portion  
of incentive operating aid from the gap elimination adjustment

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

1     Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
2     tion law, as amended by section 1 of part A of chapter 56 of the laws of  
3     2014, is amended to read as follows:  
4     e. Notwithstanding paragraphs a and b of this subdivision, a school  
5     district that submitted a contract for excellence for the two thousand  
6     eight--two thousand nine school year shall submit a contract for excel-  
7     lence for the two thousand nine--two thousand ten school year in  
8     conformity with the requirements of subparagraph (vi) of paragraph a of  
9     subdivision two of this section unless all schools in the district are  
10    identified as in good standing and provided further that, a school  
11    district that submitted a contract for excellence for the two thousand  
12    nine--two thousand ten school year, unless all schools in the district  
13    are identified as in good standing, shall submit a contract for excel-  
14    lence for the two thousand eleven--two thousand twelve school year which  
15    shall, notwithstanding the requirements of subparagraph (vi) of para-  
16    graph a of subdivision two of this section, provide for the expenditure  
17    of an amount which shall be not less than the product of the amount  
18    approved by the commissioner in the contract for excellence for the two  
19    thousand nine--two thousand ten school year, multiplied by the  
20    district's gap elimination adjustment percentage and provided further  
21    that, a school district that submitted a contract for excellence for the  
22    two thousand eleven--two thousand twelve school year, unless all schools  
23    in the district are identified as in good standing, shall submit a  
24    contract for excellence for the two thousand twelve--two thousand thir-

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

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1 teen school year which shall, notwithstanding the requirements of  
2 subparagraph (vi) of paragraph a of subdivision two of this section,  
3 provide for the expenditure of an amount which shall be not less than  
4 the amount approved by the commissioner in the contract for excellence  
5 for the two thousand eleven--two thousand twelve school year and  
6 provided further that, a school district that submitted a contract for  
7 excellence for the two thousand twelve--two thousand thirteen school  
8 year, unless all schools in the district are identified as in good  
9 standing, shall submit a contract for excellence for the two thousand  
10 thirteen--two thousand fourteen school year which shall, notwithstanding  
11 the requirements of subparagraph (vi) of paragraph a of subdivision two  
12 of this section, provide for the expenditure of an amount which shall be  
13 not less than the amount approved by the commissioner in the contract  
14 for excellence for the two thousand twelve--two thousand thirteen school  
15 year and provided further that, a school district that submitted a  
16 contract for excellence for the two thousand thirteen--two thousand  
17 fourteen school year, unless all schools in the district are identified  
18 as in good standing, shall submit a contract for excellence for the two  
19 thousand fourteen--two thousand fifteen school year which shall,  
20 notwithstanding the requirements of subparagraph (vi) of paragraph a of  
21 subdivision two of this section, provide for the expenditure of an  
22 amount which shall be not less than the amount approved by the commis-  
23 sioner in the contract for excellence for the two thousand thirteen--two  
24 thousand fourteen school year. For purposes of this paragraph, the "gap  
25 elimination adjustment percentage" shall be calculated as the sum of one  
26 minus the quotient of the sum of the school district's net gap elimi-  
27 nation adjustment for two thousand ten--two thousand eleven computed  
28 pursuant to chapter fifty-three of the laws of two thousand ten, making  
29 appropriations for the support of government, plus the school district's  
30 gap elimination adjustment for two thousand eleven--two thousand twelve  
31 as computed pursuant to chapter fifty-three of the laws of two thousand  
32 eleven, making appropriations for the support of the local assistance  
33 budget, including support for general support for public schools,  
34 divided by the total aid for adjustment computed pursuant to chapter  
35 fifty-three of the laws of two thousand eleven, making appropriations  
36 for the local assistance budget, including support for general support  
37 for public schools. Provided, further, that such amount shall be  
38 expended to support and maintain allowable programs and activities  
39 approved in the two thousand nine--two thousand ten school year or to  
40 support new or expanded allowable programs and activities in the current  
41 year. PROVIDED, HOWEVER, THAT THE GAP ELIMINATION ADJUSTMENT SHALL NOT  
42 BE APPLIED TO ANY PORTION OF FUNDS RECEIVED THROUGH INCENTIVE OPERATING  
43 AID PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

44 S 2. Paragraph cc of subdivision 1 of section 3602 of the education  
45 law, as added by section 25 of part A of chapter 58 of the laws of 2011,  
46 is amended to read as follows:

47 cc. "Gap elimination adjustment percentage" shall mean the quotient of  
48 the gap elimination adjustment amount set forth for each school district  
49 as "GAP ELIMINATION ADJUSTMENT" under the heading "2011-12 ESTIMATED  
50 AIDS" in the school aid computer listing produced by the commissioner in  
51 support of the enacted budget for the two thousand eleven--two thousand  
52 twelve school year and entitled "SA111-2", divided by the statewide  
53 total of all such gap elimination adjustment amounts set forth for all  
54 districts in such school aid computer listing. PROVIDED, HOWEVER, THAT  
55 THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION OF  
56 FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS SECTION.

1 S 3. Paragraph a, the opening paragraph of paragraph b and paragraph c  
2 of subdivision 17 of section 3602 of the education law, paragraph a and  
3 the opening paragraph of paragraph b as added by section 37 of part A of  
4 chapter 58 of the laws of 2011 and paragraph c as amended by section 6  
5 of part A of chapter 57 of the laws of 2012, are amended to read as  
6 follows:

7 a. Notwithstanding any other provision of law to the contrary, the  
8 commissioner shall reduce payments due to each district for the two  
9 thousand eleven--two thousand twelve school year and thereafter pursuant  
10 to section thirty-six hundred nine-a of this article by an amount equal  
11 to the gap elimination adjustment computed for such district, and such  
12 amount shall be deducted from moneys apportioned for the purposes of  
13 payments made pursuant to such section thirty-six hundred nine-a and if  
14 the reduction is greater than the sum of the amounts available for such  
15 deductions, the remainder of the reduction shall be withheld from  
16 payments scheduled to be made to the district pursuant to section thir-  
17 ty-six hundred nine-a for the following school year, and provided  
18 further that an amount equal to the amount of such deduction shall be  
19 deemed to have been paid to the district pursuant to this section for  
20 the school year in which such deduction is made. The commissioner shall  
21 compute such gap elimination adjustment and shall provide a schedule of  
22 such reduction in payments to the state comptroller, the director of the  
23 budget, the chair of the senate finance committee and the chair of the  
24 assembly ways and means committee. PROVIDED HOWEVER, THAT THE GAP ELIMI-  
25 NATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION OF FUNDS RECEIVED  
26 THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS SECTION.

27 The gap elimination adjustment for the two thousand eleven--two thou-  
28 sand twelve school year shall be computed as follows, PROVIDED HOWEVER,  
29 THAT THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION  
30 OF FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS  
31 SECTION, based on an updated electronic [date] DATA file containing  
32 actual and estimated data relating to apportionments due and owing  
33 during the current school year and projections of such apportionments  
34 for the following school year to school districts and boards of cooper-  
35 ative educational services from the general support for public schools,  
36 growth and boards of cooperative educational services appropriations  
37 produced pursuant to paragraph b of subdivision twenty-one of section  
38 three hundred five of this chapter on February fifteenth of the base  
39 year. The gap elimination adjustment for a district shall equal the  
40 lesser of the district's percentage reduction and its TGFE check,  
41 provided, however, that in the case of a district with a tax effort  
42 ratio greater than four percent (0.04) and a combined wealth ratio for  
43 total foundation aid computed pursuant to subparagraph two of paragraph  
44 c of subdivision three of this section that is less than one and five-  
45 tenths (1.5), the gap elimination adjustment for a district shall equal  
46 the lesser of the percentage reduction, the TGFE check and the tax  
47 effort reduction, and further provided that in the case of a school  
48 district, other than a city school district of a city having a popu-  
49 lation in excess of one hundred twenty-five thousand, with (A) an admin-  
50 istrative efficiency ratio of less than one and eight-tenths percent  
51 (0.018) and (B) an administrative expense per pupil of less than three  
52 hundred forty-eight dollars (\$348), the gap elimination adjustment shall  
53 be reduced by an amount equal to the administrative efficiency restora-  
54 tion, and further provided that, where applicable, the gap elimination  
55 adjustment shall be reduced by an amount equal to the sum of the needs-

1 based restoration plus the low wealth-high tax effort restoration plus  
2 the enrollment adjustment award.

3 c. The gap elimination adjustment for the two thousand twelve--two  
4 thousand thirteen school year and thereafter shall be equal to the gap  
5 elimination adjustment for the base year, plus, in any year in which the  
6 preliminary growth amount exceeds the allowable growth amount, the prod-  
7 uct of the gap elimination adjustment percentage for such district and  
8 the positive difference, if any, between the preliminary growth amount  
9 less the allowable growth amount, as computed pursuant to subdivision  
10 one of this section, and less the gap elimination adjustment restoration  
11 amount, if any, allocated pursuant to this section. PROVIDED, HOWEVER,  
12 THAT THE GAP ELIMINATION ADJUSTMENT SHALL NOT BE APPLIED TO ANY PORTION  
13 OF FUNDS RECEIVED THROUGH INCENTIVE OPERATING AID PURSUANT TO THIS  
14 SECTION.

15 S 4. This act shall take effect immediately.