

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. ABINANTI -- Multi-Sponsored by -- M. of A. KEARNS  
-- read once and referred to the Committee on Education

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 SIXTEEN 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  
22    FIRST, TWO THOUSAND FIFTEEN. FOR THE SCHOOL YEAR BEGINNING JULY  
23    FIRST, TWO THOUSAND SIXTEEN, EACH SCHOOL DISTRICT SHALL RECEIVE THEIR BASE YEAR

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

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

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

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

27 S 3. This act shall take effect immediately.