

# STATE OF NEW YORK

---

7787--B

2017-2018 Regular Sessions

## IN ASSEMBLY

May 15, 2017

---

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- 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 the cost of a sound basic education in the Maisto Districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent: It is the responsibility of the legis-  
2 lature under article XI of the constitution of the state of New York to  
3 establish and maintain a system that will provide all children an oppor-  
4 tunity to receive a meaningful high school education. As shown at trial  
5 in State Supreme Court of Maisto, et al. v State of New York it is  
6 clear that under current law resources sufficient to offer that educa-  
7 tion in eight small city school districts, known as the Maisto  
8 Districts, are not being provided. Therefore, it is the intention of the  
9 legislature to amend certain provisions of the education law to create a  
10 Maisto District Sound Basic Education Cost Panel to determine the cost  
11 of a sound basic education in each of the districts sufficient to allow  
12 such districts to provide all the children in the districts an opportu-  
13 nity to receive a meaningful high school education and to maintain heal-  
14 thy, vibrant educational communities.

15 § 2. This act shall be known and may be cited as the "Maisto District  
16 sound basic education cost panel act".

17 § 3. Section 3641 of the education law is amended by adding a new  
18 subdivision 17 to read as follows:

19 17. Maisto District sound basic education cost panel. There is hereby  
20 created the Maisto District sound basic education cost panel for the  
21 purpose of determining the cost of a sound basic education in each of

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

LBD11406-04-8

1 the eight Maisto Districts, including Jamestown city school district,  
2 Kingston city school district, Mount Vernon city school district,  
3 Newburgh city school district, Niagara Falls city school district, Port  
4 Jervis city school district, Poughkeepsie city school district and Utica  
5 city school district. The panel shall consist of six members, to be  
6 appointed by each of the following: two by the senate majority leader,  
7 one by the senate minority leader, two by the assembly speaker and one  
8 by the assembly minority leader. The panel shall meet as often as deemed  
9 necessary but not fewer than four times, elect a chairperson to schedule  
10 and conduct such meetings and have the power to appoint such assistants  
11 either from the legislature, the department or from the private sector  
12 and expert advisors as necessary to fulfill all duties. Duties of the  
13 panel include the following:

14 a. Selecting an independent consultant to assist in conducting studies  
15 and drafting the report on the cost of a sound basic education in each  
16 of the eight Maisto Districts.

17 b. Insuring that the studies and reports use both the professional  
18 judgment method and the foundation aid formula method of determining the  
19 cost of a sound basic education.

20 c. With respect to the foundation aid method, basing the foundation  
21 amount on the average spending of successful districts which have  
22 achieved at least eighty percent proficiency on two fourth grade state  
23 assessments and five state regents examinations, using researched based  
24 pupil weightings determined by using New York state student data and  
25 using a researched based regional cost index.

26 d. Selecting an independent consultant within ninety days of the  
27 effective date of this subdivision and issuing a preliminary report to  
28 the senate majority leader, senate minority leader, assembly speaker and  
29 assembly minority leader on or before November fifteenth, two thousand  
30 eighteen and a final report on or before December fifteenth, two thou-  
31 sand eighteen.

32 § 4. This act shall take effect immediately.