# STATE OF NEW YORK

3268--A

2017-2018 Regular Sessions

# IN ASSEMBLY

January 27, 2017

Introduced by M. of A. BRINDISI, LUPARDO, SANTABARBARA, ARROYO, BARRETT, CAHILL, FAHY, GALEF, GIGLIO, GOODELL, JENNE, KEARNS, LAVINE, MAGEE, McDONALD, SCHIMMINGER, SKARTADOS, STECK, RYAN, WOERNER -- read once and referred to the Committee on Education -- 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:**

Section 1. This act shall be known and may be cited as the "small city successful schools act".

§ 2. Legislative Intent. It is the responsibility of the legislature under article XI of the constitution of the state of New York to establish and maintain a system that will provide all children an opportunity to receive a meaningful high school education. Certain provisions of the education law are not adequate to provide the funding necessary to fulfill that obligation in certain school districts, particularly those in our small cities, many of which have lower wealth and higher student needs than average and are faced with high concentrations of poverty. Moreover, small city school districts function as centers not only for educational purposes but also for health, civic and public safety uses. These services and uses are not adequately supported by existing education aid.

Therefore, it is the intention of the legislature to amend certain provisions of the education law to insure that the necessary funding is available in those districts to help them provide all their children an opportunity to receive a meaningful high school education and to maintain healthy vibrant educational communities.

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

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

**hh. "Small city poverty concentration count" for districts in cities with populations fewer than one hundred twenty-five thousand persons in the most recent census shall mean the number equal to the product of the three-year average free and reduced price lunch percent and the quotient, computed to three decimals without rounding, of the enrollment per square mile divided by two, but not more than three hundred. Enrollment per square mile shall be the quotient, computed to two decimals without rounding, of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year divided by the square miles of the district, as determined by the commissioner.**

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

s. "Extraordinary needs count" shall mean the sum of the product of the limited English proficiency count multiplied by fifty percent, plus, the poverty count**, the small city poverty concentration count** and the sparsity count.

§ 5. Subparagraph 4 of paragraph a of subdivision 4 of section 3602 of the education law, as amended by section 16-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than [~~sixty-five~~] **fifteen** percent [~~(0.65)~~] **(0.15)** and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one

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

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

18. Allocable growth amount apportionment. Such amount shall be apportioned for a school year pursuant to a chapter of the laws of New York enacted for the state fiscal year in which such school year commences, and shall be allocated to purposes including but not limited to competitive grant awards made pursuant to subdivisions five and six of section thirty-six hundred forty-one of this article, **the small city successful schools aid allocated pursuant to subdivision forty-two of this section,** the foundation aid phase-in amount or other foundation aid increase allocated pursuant to subdivision four of this section and the gap elimination adjustment restoration amount apportioned pursuant to subdivision seventeen of this section. In the event that a chapter of the laws of New York enacted for the state fiscal year in which such school year commences is not enacted, the allocations in support of subdivisions five and six of section thirty-six hundred forty-one of this article shall equal the allocations in support of such awards in the base year, and the apportionments pursuant to subdivisions four and seventeen of this section for the current year shall equal the apportionments for such subdivisions four and seventeen for the base year.

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

**42. Small city successful schools aid. Commencing with aid payable in the two thousand eighteen--two thousand nineteen school year, school districts in city school districts of those cities having populations fewer than one hundred twenty-five thousand inhabitants shall be eligible for an additional apportionment as provided for in this subdivision. Such districts shall be eligible for an additional apportionment in the two thousand eighteen--two thousand nineteen school year and thereafter, in an amount equal to the product of the three-year average free and reduced price lunch percent and the product of four hundred dollars and total aidable foundation pupil units to be used for new programs or expanded programs with respect to such students first begun or expanded in the two thousand eighteen--two thousand nineteen school year or thereafter approved by the commissioner for the following purposes:**

**a. class size reduction;**

**b. academic intervention services;**

**c. response to intervention services;**

**d. drop out prevention;**

**e. incarcerated youth services;**

**f. parent involvement programs;**

**g. extended day and extended year programs; and**

**h. psycho-social testing.**

§ 8. This act shall take effect immediately.