

# STATE OF NEW YORK

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3820

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

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Introduced by M. of A. ABINANTI -- 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 § 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 twenty-two and thereafter as provided herein. As used in  
19 this subdivision, the base year apportionment shall be the amount paya-  
20 ble for each school district's claims for school age children receiving  
21 special education programs and services for the school year beginning  
22 July first, two thousand twenty-one. For the school year beginning July  
23 first, two thousand twenty-two, each school district shall receive their  
24 base year apportionment plus not less than twenty percent of the differ-

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

LBD00696-01-1

1 ence between such apportionment and its total cost for special education  
2 programs. For the school year beginning July first, two thousand twen-  
3 ty-three, each school district shall receive their base year apportion-  
4 ment plus not less than forty percent of the difference between such  
5 apportionment and its total cost for special education programs. For the  
6 school year beginning July first, two thousand twenty-four, each school  
7 district shall receive their base year apportionment plus not less than  
8 sixty percent of the difference between such apportionment and its total  
9 cost for special education programs. For the school year beginning July  
10 first, two thousand twenty-five, each school district shall receive  
11 their base year apportionment plus not less than eighty percent of the  
12 difference between such apportionment and its total cost for special  
13 education programs. For the school year beginning July first, two thou-  
14 sand twenty-six and thereafter, each school district receives an appor-  
15 tionment equal to its total cost for special education programs.

16 b. School districts shall apply the increments in apportionment  
17 received pursuant to this subdivision to reducing their tax levy from  
18 real property taxes. For each taxable year after the special apporportion-  
19 ments commence, each school district shall certify to the commissioner  
20 that it has made the reduction to its real property tax levy as required  
21 by this paragraph.

22 c. The legislature shall annually appropriate an amount within the  
23 appropriation for general support for public schools sufficient to  
24 support all aid payments incurred pursuant to paragraph a of this subdi-  
25 vision.

26 § 3. This act shall take effect immediately.