

# STATE OF NEW YORK

921

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to payments made by school districts to charter schools

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

1 Section 1. Paragraph (b) of subdivision 1 of section 2856 of the  
2 education law, as amended by section 4 of part YY of chapter 59 of the  
3 laws of 2017, is amended to read as follows:  
4 (b) The school district shall also pay directly to the charter school  
5 any federal or state aid attributable to a student with a disability  
6 attending charter school in proportion to the level of services for such  
7 student with a disability that the charter school provides directly or  
8 indirectly. Notwithstanding anything in this section to the contrary,  
9 amounts payable pursuant to this subdivision from state or local funds  
10 may be reduced pursuant to an agreement between the school and the char-  
11 ter entity set forth in the charter. Payments made pursuant to this  
12 subdivision shall be made by the school district [~~in six substantially~~  
13 ~~equal installments each year beginning on the first business day of July~~  
14 ~~and every two months thereafter~~] each quarter, at the time and in the  
15 same proportion the school district receives its state aid. Amounts  
16 payable under this subdivision shall be determined by the commissioner.  
17 Amounts payable to a charter school in its first year of operation shall  
18 be based on the projections of initial-year enrollment set forth in the  
19 charter until actual enrollment data is reported to the school district  
20 by the charter school. Such projections shall be reconciled with the  
21 actual enrollment as actual enrollment data is so reported and at the  
22 end of the school's first year of operation and each subsequent year  
23 based on a final report of actual enrollment by the charter school, and

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

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1 any necessary adjustments resulting from such final report shall be made  
2 to payments during the school's following year of operation.

3 § 2. Paragraph (b) of subdivision 1 of section 2856 of the education  
4 law, as amended by section 4-a of part YY of chapter 59 of the laws of  
5 2017, is amended to read as follows:

6 (b) The school district shall also pay directly to the charter school  
7 any federal or state aid attributable to a student with a disability  
8 attending charter school in proportion to the level of services for such  
9 student with a disability that the charter school provides directly or  
10 indirectly. Notwithstanding anything in this section to the contrary,  
11 amounts payable pursuant to this subdivision may be reduced pursuant to  
12 an agreement between the school and the charter entity set forth in the  
13 charter. Payments made pursuant to this subdivision shall be made by the  
14 school district [~~in six substantially equal installments each year~~  
15 ~~beginning on the first business day of July and every two months there-~~  
16 ~~after~~] each quarter, at the time and in the same proportion the school  
17 district receives its state aid. Amounts payable under this subdivision  
18 shall be determined by the commissioner. Amounts payable to a charter  
19 school in its first year of operation shall be based on the projections  
20 of initial-year enrollment set forth in the charter. Such projections  
21 shall be reconciled with the actual enrollment at the end of the  
22 school's first year of operation, and any necessary adjustments shall be  
23 made to payments during the school's second year of operation.

24 § 3. This act shall take effect on the first of July next succeeding  
25 the date upon which it shall have become a law, provided that the amend-  
26 ments to paragraph (b) of subdivision 1 of section 2856 of the education  
27 law made by section one of this act shall be subject to the expiration  
28 and reversion of such subdivision pursuant to subdivision d of section  
29 27 of chapter 378 of the laws of 2007, as amended, when upon such date  
30 the provisions of section two of this act shall take effect.