

# STATE OF NEW YORK

5451

2023-2024 Regular Sessions

## IN SENATE

March 6, 2023

Introduced by Sens. JACKSON, COMRIE, MYRIE -- 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 updating the census numbers used to calculate certain education funding

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

1 Section 1. This act shall be known and may be cited as the "education  
2 funding census update act".

3 § 2. Subparagraphs (ii), (iii) and (iv) of paragraph q of subdivision  
4 1 of section 3602 of the education law, as amended by section 16 of part  
5 YYY of chapter 59 of the laws of 2017, are amended to read as follows:

6 (ii) "Census count" shall mean the product of the public school  
7 enrollment of the school district on the date enrollment was counted in  
8 accordance with this subdivision for the base year multiplied by the  
9 census [2000] poverty rate.

10 (iii) "Census [2000] poverty rate" shall mean the quotient of the  
11 number of persons aged five to seventeen within the school district,  
12 based on the most recent federal decennial census conducted [~~in the year~~  
13 ~~two thousand~~] as tabulated by the National Center on Education Statis-  
14 tics, who were enrolled in public schools and whose families had incomes  
15 below the poverty level, divided by the total number of persons aged  
16 five to seventeen within the school district, based on such decennial  
17 census, who were enrolled in public schools, computed to four decimals  
18 without rounding.

19 (iv) "Selected poverty rate" shall mean: (A) for school districts with  
20 high concentrations of nonpublic students, the greater of the census  
21 [2000] poverty rate or the three-year average small area income and  
22 poverty estimate poverty rate; and (B) for all other school districts,  
23 the three-year average small area income and poverty estimate poverty  
24 rate. For the purposes of this subparagraph, "three-year average small

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

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1 area income and poverty estimate poverty rate" shall equal the quotient  
2 of (1) the sum of the number of persons aged five to seventeen within  
3 the school district, based on the small area income and poverty esti-  
4 mates produced by the United States census bureau, whose families had  
5 incomes below the poverty level for the year two years prior to the year  
6 in which the base year began, plus such number for the year three years  
7 prior to the year in which the base year began, plus such number for the  
8 year four years prior to the year in which the base year began, divided  
9 by (2) the sum of the total number of persons aged five to seventeen  
10 within the school district, based on such census bureau estimates, for  
11 the year two years prior to the year in which the base year began, plus  
12 such total number for the year three years prior to the year in which  
13 the base year began, plus such total number for the year four years  
14 prior to the year in which the base year began, computed to four deci-  
15 mals without rounding.

16 § 3. Item 1 of subclause 9 of clause (ii) of subparagraph 2 of para-  
17 graph b of subdivision 4 of section 3602 of the education law, as  
18 amended by section 10-c of part A of chapter 56 of the laws of 2021, is  
19 amended to read as follows:

20 (1) for school districts with a census [~~2000~~] poverty rate computed  
21 pursuant to paragraph q of subdivision one of this section equal to or  
22 greater than twenty-six percent (0.26), ten and three-tenths percent  
23 (0.103), or

24 § 4. Paragraph b-3 of subdivision 4 of section 3602 of the education  
25 law, as amended by section 9-b of part CCC of chapter 59 of the laws of  
26 2018, is amended to read as follows:

27 b-3. Due minimum for the two thousand seventeen--two thousand eighteen  
28 school year. Notwithstanding any other provision of law to the contrary,  
29 for the two thousand seventeen--two thousand eighteen school year the  
30 total foundation aid shall not be less than (A) the sum of the total  
31 foundation aid base computed pursuant to paragraph j of subdivision one  
32 of this section plus the product of (i) the difference of the amount set  
33 forth for such school district as "FOUNDATION AID" under the heading  
34 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by  
35 the commissioner in support of the executive budget request for the two  
36 thousand seventeen--two thousand eighteen school year and entitled  
37 "BT171-8" less the amount set forth for such school district as "FOUNDA-  
38 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid  
39 computer listing produced by the commissioner in support of the execu-  
40 tive budget request for the two thousand seventeen--two thousand eigh-  
41 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-  
42 teen one-hundredths (1.18), or (B) the product of forty-four and  
43 seventy-five one-hundredths percent (0.4475) multiplied by total founda-  
44 tion aid as computed pursuant to paragraph a of this subdivision, or (C)  
45 the sum of the total foundation aid base computed pursuant to paragraph  
46 j of subdivision one of this section plus the due minimum for the two  
47 thousand seventeen--two thousand eighteen school year, where such due  
48 minimum shall equal (1) for school districts with a census [~~2000~~] pover-  
49 ty rate computed pursuant to paragraph q of subdivision one of this  
50 section, equal to or greater than eleven and nine-tenths percent  
51 (0.119), the product of the foundation aid base for the two thousand  
52 seventeen--two thousand eighteen school year computed pursuant to  
53 subparagraph (iii) of paragraph j of subdivision one of this section  
54 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)  
55 for all other school districts the product of the foundation aid base  
56 for the two thousand seventeen--two thousand eighteen school year

1 computed pursuant to subparagraph (iii) of paragraph j of subdivision  
2 one of this section multiplied by two and seventy-four one-hundredths  
3 percent (0.0274).

4 § 5. Subparagraph 2 of paragraph i of subdivision 4 of section 3602 of  
5 the education law, as added by section 10-b of part A of chapter 56 of  
6 the laws of 2021, is amended to read as follows:

7 (2) The "foundation aid phase-in factor" shall be equal to the greater  
8 of: (i) twenty-six hundred twenty-five ten-thousandths (0.2625); (ii)  
9 twenty-seven hundred twenty-eight ten-thousandths (0.2728) for districts  
10 with a sparsity count computed pursuant to paragraph r of subdivision  
11 one of this section greater than zero; (iii) twenty-seven hundredths  
12 (0.27) for small city school districts pursuant to paragraph jj of  
13 subdivision one of this section; (iv) forty-four hundredths (0.44) for a  
14 city school district in a city with a population of more than one  
15 hundred twenty-five thousand but less than one hundred fifty thousand as  
16 of the [~~two thousand ten~~] most recent federal decennial census; (v) four  
17 hundred ninety-five thousandths (0.495) for a city school district in a  
18 city with a population of more than one hundred fifty thousand but less  
19 than two hundred fifty thousand as of the [~~two thousand ten~~] most recent  
20 federal decennial census; (vi) forty-four hundredths (0.44) for a city  
21 school district in a city with a population of more than two hundred  
22 fifty thousand but less than one million as of the [~~two thousand ten~~]  
23 most recent federal decennial census; or (vii) four hundred ninety-five  
24 thousandths (0.495) for a city school district in a city having a popu-  
25 lation of one million or more.

26 § 6. Clause 1 of subparagraph (G) of paragraph b of subdivision 17 of  
27 section 3602 of the education law, as added by section 37 of part A of  
28 chapter 58 of the laws of 2011, is amended to read as follows:

29 (1) in the case of a district determined to be a high-need school  
30 district pursuant to clause (c) of subparagraph two of paragraph c of  
31 subdivision six of this section for the school aid computer listing  
32 produced by the commissioner in support of the enacted budget for the  
33 two thousand seven--two thousand eight school year and entitled  
34 "SA0708",

35 (a) in the case of a city school district in a city with a population  
36 in excess of one million inhabitants, four and five hundred thirty-seven  
37 thousandths percent (0.04537),

38 (b) in the case of a city school district in a city with a population  
39 of more than two hundred fifty thousand inhabitants and less than one  
40 million inhabitants according to the [~~two thousand~~] most recent federal  
41 census, four and one-tenth percent (0.041),

42 (c) in the case of a city school district in a city with a population  
43 of more than two hundred ten thousand inhabitants and less than two  
44 hundred fifty thousand inhabitants according to the [~~two thousand~~] most  
45 recent federal census, four and thirteen hundredths percent (0.0413),

46 (d) in the case of a city school district in a city with a population  
47 of more than one hundred seventy thousand inhabitants and less than two  
48 hundred ten thousand inhabitants according to the [~~two thousand~~] most  
49 recent federal census, five and ninety-seven hundredths percent  
50 (0.0597),

51 (e) in the case of a city school district in a city with a population  
52 of more than one hundred thousand inhabitants and less than one hundred  
53 seventy thousand inhabitants according to the [~~two thousand~~] most recent  
54 federal census, five and fifty-three hundredths percent (0.0553),

55 (f) in the case of any other such school district which has a three-  
56 year average free and reduced price lunch percent greater than seventy-

1 five percent (0.75) and which has an administrative efficiency ratio  
2 less than one and fifty-five hundredths percent (0.0155), four and nine  
3 hundredths percent (0.0409), and  
4 (g) for all other such school districts, six and eight-tenths percent  
5 (0.068), or  
6 § 7. This act shall take effect on the first of April next succeeding  
7 the date on which it shall have become a law.