STATE OF NEW YORK

8758

IN SENATE

March 7, 2024

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on New York City Education

AN ACT to amend the education law, in relation to the reimbursement rate for charter school facilities expansion in a city school district in a city having a population of one million or more inhabitants

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

Section 1. Subparagraph 5 of paragraph (e) of subdivision 3 of section 2853 of the education law, as amended by section 11 of part A of chapter 54 of the laws of 2016, clause (B) as amended by section 5 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(5) **(A)** For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level, pursuant to this article, is approved by their charter entity, if the appeal results in a determination in favor of the charter school, the city school district shall pay the charter school an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the lesser of:

[~~(A)~~] **(i)** the [~~actual~~] **reasonable** rental cost of an alternative privately owned site selected by the charter school or

[~~(B)~~] **(ii)** thirty percent of the product of the charter school's basic tuition for the current school year and [~~(i)~~] **(1)** for a new charter school that first commences instruction on or after July first, two thousand fourteen, the charter school's current year enrollment; or [~~(ii)~~] **(2)** for a charter school which expands its grade level, pursuant to this article, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion.

(B) For purposes of this subparagraph, the "reasonable rental cost of an alternative privately owned site" shall mean a rental cost that is reasonable, appropriate, and comparable to the rental costs of facilities at a similar location, and of a comparable quality, condition and size, not to exceed the actual rental cost incurred by the charter school. Reasonable rental costs may only be applied to physical facili-

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

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ties that are or will be in use by the charter school as a school during the full term of the lease or sublease. Reasonable rental costs shall not include the cost of construction or renovation.

§ 2. This act shall take effect immediately.