

# STATE OF NEW YORK

4158

2023-2024 Regular Sessions

## IN ASSEMBLY

February 10, 2023

Introduced by M. of A. PEOPLES-STOKES, LUNSFORD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the financing of charter schools

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

1 Section 1. Paragraph (d) of subdivision 1 of section 2856 of the  
2 education law, as amended by section 36-c of part A of chapter 56 of the  
3 laws of 2021, is amended to read as follows:

4 (d) School districts shall be eligible for an annual apportionment  
5 equal to the amount of the supplemental basic tuition for the charter  
6 school in the base year for the expenses incurred in the two thousand  
7 fourteen--two thousand fifteen, two thousand fifteen--two thousand  
8 sixteen, two thousand sixteen--two thousand seventeen school years and  
9 thereafter, provided however, that for any school district having a  
10 population of less than one million, such payment shall be made in the  
11 current year for expenses incurred in the two thousand twenty-three--two  
12 thousand twenty-four school year and thereafter. Provided further, that  
13 for expenses incurred in the two thousand twenty--two thousand twenty-  
14 one school year, for a city school district in a city having a popu-  
15 lation of one million or more, the annual apportionment shall be reduced  
16 by thirty-five million dollars (\$35,000,000) upon certification by the  
17 director of the budget of the availability of a grant in the same amount  
18 from the elementary and secondary school emergency relief funds provided  
19 through the American rescue plan act of 2021.

20 § 2. Paragraph (c) of subdivision 1 of section 2856 of the education  
21 law, as amended by section 36-d of part A of chapter 56 of the laws of  
22 2021, is amended to read as follows:

23 (c) School districts shall be eligible for an annual apportionment  
24 equal to the amount of the supplemental basic tuition for the charter  
25 school in the base year for the expenses incurred in the two thousand

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

LBD02044-02-3

1 fourteen--two thousand fifteen, two thousand fifteen--two thousand  
2 sixteen, two thousand sixteen--two thousand seventeen school years and  
3 thereafter, provided however, that for any school district having a  
4 population of less than one million, such payment shall be made in the  
5 current year for expenses incurred in the two thousand twenty-three--two  
6 thousand twenty-four school year and thereafter. Provided further, that  
7 for expenses incurred in the two thousand twenty--two thousand twenty-  
8 one school year, for a city school district in a city having a popu-  
9 lation of one million or more, the annual apportionment shall be reduced  
10 by thirty-five million dollars (\$35,000,000) upon certification by the  
11 director of the budget of the availability of a grant in the same amount  
12 from the elementary and secondary school emergency relief funds provided  
13 through the American rescue plan act of 2021.

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

16 42. Aid for charter school tuition payments. (a) Any school district  
17 that is required to pay tuition to charter schools pursuant to section  
18 twenty-eight hundred fifty-six of this chapter in the two thousand twen-  
19 ty-three--two thousand twenty-four school year and thereafter shall be  
20 eligible for an apportionment under this subdivision.

21 (b) Each school year, any such eligible school district shall submit  
22 the total amount of charter school tuition paid by the district in the  
23 base year on a form prescribed by the commissioner.

24 (c) The apportionment herein for each school district shall equal the  
25 positive result of total charter school basic tuition paid in the  
26 current year minus the total charter school basic tuition paid in the  
27 two thousand twenty-three--two thousand twenty-four school year.

28 § 4. This act shall take effect immediately; provided that the amend-  
29 ments to subdivision 1 of section 2856 of the education law made by  
30 section one of this act shall be subject to the expiration and reversion  
31 of such subdivision pursuant to subdivision d of section 27 of chapter  
32 378 of the laws of 2007, as amended, when upon such date the provisions  
33 of section two of this act shall take effect.