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:

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

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

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

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter 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.

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

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

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

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

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

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