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:

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

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

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

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

(iv) "Selected poverty rate" shall mean: (A) for school districts with high concentrations of nonpublic students, the greater of the census [~~2000~~] poverty rate or the three-year average small area income and poverty estimate poverty rate; and (B) for all other school districts, the three-year average small area income and poverty estimate poverty 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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area income and poverty estimate poverty rate" shall equal the quotient of (1) the sum of the number of persons aged five to seventeen within the school district, based on the small area income and poverty estimates produced by the United States census bureau, whose families had incomes below the poverty level for the year two years prior to the year in which the base year began, plus such number for the year three years prior to the year in which the base year began, plus such number for the year four years prior to the year in which the base year began, divided by (2) the sum of the total number of persons aged five to seventeen within the school district, based on such census bureau estimates, for the year two years prior to the year in which the base year began, plus such total number for the year three years prior to the year in which the base year began, plus such total number for the year four years prior to the year in which the base year began, computed to four decimals without rounding.

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

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

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

b-3. Due minimum for the two thousand seventeen--two thousand eighteen school year. Notwithstanding any other provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year the total foundation aid shall not be less than (A) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the product of (i) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" less the amount set forth for such school district as "FOUNDATION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" multiplied by (ii) one and eighteen one-hundredths (1.18), or (B) the product of forty-four and seventy-five one-hundredths percent (0.4475) multiplied by total foundation aid as computed pursuant to paragraph a of this subdivision, or (C) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand seventeen--two thousand eighteen school year, where such due minimum shall equal (1) for school districts with a census [~~2000~~] poverty rate computed pursuant to paragraph q of subdivision one of this section, equal to or greater than eleven and nine-tenths percent (0.119), the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2) for all other school districts the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year

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

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

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

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

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

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

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

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

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

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

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

five percent (0.75) and which has an administrative efficiency ratio less than one and fifty-five hundredths percent (0.0155), four and nine hundredths percent (0.0409), and

(g) for all other such school districts, six and eight-tenths percent (0.068), or

§ 7. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.