

3874--A

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts and boards of cooperative educational services; and to repeal subdivision 32 of section 305 of such law relating to a study of reporting requirements, to repeal section 805 of such law relating to special procedures for enforcement of the health education curriculum, to repeal clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of such law relating to annual reports on transition of students with disabilities, and to repeal paragraph b of subdivision 1 of section 4452 of such law relating to submission of a plan for the identification and education of gifted pupils

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 "the school paperwork elimination and reduction act of 2010".
3 S 2. Legislative findings. The legislature hereby finds and declares
4 that the current required planning and reporting requirements for school
5 districts and BOCES have become excessive, resulting in significant
6 administrative burdens. The legislature further finds that chapter 83 of
7 the laws of 2002 added subdivision 32 to section 305 of the education
8 law which required the commissioner of education to complete a review of
9 all applications, plans and reports required of school districts and
10 BOCES. The legislature further finds that the commissioner of education
11 provided the legislature and the division of the budget on June 1, 2003,
12 with a report entitled "A Proposal on Planning and Reporting by New York

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

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1 State School Districts for the Strategic Use of School Resources for
2 School Improvement" which included a proposal to replace existing plan-
3 ning and reporting requirements with a new comprehensive streamlined
4 reporting system.

5 The legislature further finds that this act implements those portions
6 of the commissioner of education's report which addressed state statuto-
7 rily required planning and reporting requirements by eliminating such
8 requirements and by reducing the scope of other statutorily required
9 planning and reporting requirements. The legislature further finds that
10 the creation of a comprehensive planning and reporting system is a
11 necessary component to a reduction in scope and elimination of certain
12 existing planning and reporting requirements.

13 S 3. The education law is amended by adding a new section 101-b to
14 read as follows:

15 S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMIS-
16 SIONER TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF
17 COOPERATIVE EDUCATIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE
18 REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS,
19 REPORTS AND APPLICATIONS, WHERE POSSIBLE AND CONSISTENT WITH LAW. THE
20 COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO
21 FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS
22 WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS. NOTHING IN THIS
23 SECTION SHALL BE CONSTRUED TO EXCUSE THE COMMISSIONER OR THE BOARD OF
24 REGENTS FROM, OR OTHERWISE LIMIT, REPORTING OF INFORMATION BY THE
25 DEPARTMENT TO THE LEGISLATURE OR THE GOVERNOR UNDER ANY OTHER LAW.

26 2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND
27 APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPER-
28 ATIVE EDUCATIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELEC-
29 TRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING,
30 CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND
31 REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC
32 ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER CONTINUOUS SCHOOL
33 IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND DESIRED STUDENT
34 ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT
35 AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS
36 SHALL LINK PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY
37 REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF
38 RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER
39 MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL COLLABORATE
40 WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL
41 SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND REPORTING AND
42 SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED
43 TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL PROVIDE FOR THE SHAR-
44 ING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE
45 EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF
46 DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
47 AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TECHNICAL ASSISTANCE
48 ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS,
49 SCHOOL BUSINESS OFFICIALS AND TEACHERS, INVOLVE RESEARCHERS IN DATA
50 ANALYSIS AND EVALUATION, AND, TO THE EXTENT PRACTICABLE, PROVIDE TECHNI-
51 CAL ASSISTANCE OR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL
52 BOARD MEMBERS.

53 3. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, EXCEPT
54 AS OTHERWISE PROVIDED IN THIS SUBDIVISION, A SCHOOL DISTRICT, BOARD OF
55 COOPERATIVE EDUCATIONAL SERVICES OR CHARTER SCHOOL MAY SATISFY ANY
56 REQUIREMENT IMPOSED BY LAW THAT A PLAN, REPORT OR APPLICATION BE FILED

1 WITH, OR SUBMITTED TO, THE COMMISSIONER OR DEPARTMENT BY POSTING SUCH
2 DOCUMENT ON THE WEBSITE OF SUCH SCHOOL DISTRICT, BOARD OF COOPERATIVE
3 EDUCATIONAL SERVICES OR CHARTER SCHOOL WITH THE DATE OF POSTING
4 DISPLAYED AND PROVIDING TIMELY ELECTRONIC NOTIFICATION TO THE DEPARTMENT
5 OF THE APPLICABLE WEB ADDRESS AND THE POSTING IN THE MANNER PRESCRIBED
6 BY THE COMMISSIONER. THE COMMISSIONER SHALL BE AUTHORIZED TO PROMULGATE
7 ANY RULES OR REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS
8 SECTION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE FILING OF
9 STATE AID CLAIMS OR OTHER SITUATIONS IN WHICH THE DEPARTMENT REQUIRES
10 INFORMATION OR DATA TO BE SUBMITTED TO THE DEPARTMENT ELECTRONICALLY
11 THROUGH THE DEPARTMENT'S DATA SYSTEMS OR WEBSITE OR OTHERWISE, OR WHERE
12 POSTING OF A PLAN, REPORT OR APPLICATION ON A WEBSITE COULD VIOLATE
13 CONFIDENTIALITY REQUIREMENTS UNDER STATE OR FEDERAL LAW, AND SHALL ONLY
14 APPLY TO THE SUBMISSION OF PLANS, REPORTS AND APPLICATIONS REQUIRED BY
15 FEDERAL LAW TO THE EXTENT CONSISTENT WITH FEDERAL REQUIREMENTS.

16 S 4. Subdivision 32 of section 305 of the education law is REPEALED.

17 S 5. Section 805 of the education law is REPEALED.

18 S 6. Subdivision 2 of section 806 of the education law, as amended by
19 chapter 946 of the laws of 1973, is amended to read as follows:

20 2. The regents shall determine the subjects to be included in such
21 courses of instruction in highway safety and traffic regulation includ-
22 ing bicycle safety, and the period of instruction in each of the grades
23 in such subjects. [They shall adopt rules providing for attendance upon
24 such instruction and for such other matters as are required for carrying
25 into effect the teaching of the courses of instruction prescribed by
26 this section. The commissioner of education shall be responsible for
27 the enforcement of such section and shall cause to be inspected and
28 supervise the instruction to be given in such subjects. The commissioner
29 may, in his discretion, cause all or a portion of the public school
30 money to be apportioned to a district or city to be withheld for failure
31 of the school authorities of such district or city to provide instruc-
32 tion in such courses and to compel attendance upon such instruction, as
33 herein prescribed, and for a noncompliance with the rules of the regents
34 adopted as herein provided.]

35 S 7. Subparagraph 5 of paragraph b of subdivision 4 of section 1950 of
36 the education law, as amended by chapter 602 of the laws of 1994, is
37 amended to read as follows:

38 (5) The trustees or board of education of each component school
39 district of the board of cooperative educational services shall adopt a
40 public resolution which shall approve or disapprove such tentative
41 administrative budget at a regular or special meeting to be held within
42 the component district on the date designated pursuant to subdivision
43 two-a of this section as the date for election of members of the board
44 of cooperative educational services, or in the case of the board of
45 education of a central high school district on the regular business day
46 next following such designated date.

47 If the resolutions adopted by the trustees or boards of education of a
48 majority of the component school districts of the board of cooperative
49 educational services actually voting approve the tentative administra-
50 tive budget, the board of cooperative educational services may adopt the
51 tentative administrative budget without modification. If a majority of
52 the component school districts actually voting fail to adopt resolutions
53 approving such tentative administrative budget, or if the number of
54 component school districts approving the budget equals the number of
55 school districts disapproving the budget, the board of cooperative
56 educational services shall prepare and adopt a contingency administra-

1 tive budget which shall not exceed the amount of the administrative
2 budget of the board of cooperative educational services for the previous
3 school year except to accommodate expenditure increases attributable to
4 supplemental retirement allowances payable pursuant to section five
5 hundred thirty-two of this chapter and section seventy-eight of the
6 retirement and social security law. [For purposes of development of a
7 budget for the nineteen hundred ninety-four--ninety-five school year,
8 each board of cooperative educational services shall separate its
9 program, capital and administrative costs for the nineteen hundred nine-
10 ty-three--ninety-four school year in the manner prescribed by the
11 commissioner, and shall submit the resulting separate administrative
12 budget to the commissioner for approval. Upon approval of the commis-
13 sioner, such separate administrative budget shall be deemed the adminis-
14 trative budget of the board of cooperative educational services for the
15 nineteen hundred ninety-three--ninety-four school year.]

16 S 8. Paragraph c of subdivision 4 of section 1950 of the education
17 law, as amended by chapter 301 of the laws of 1996, is amended to read
18 as follows:

19 c. Make or cause to be made surveys to determine the need for cooper-
20 ative educational services in the supervisory district and present the
21 findings of their surveys to local school authorities. Each board of
22 cooperative educational services shall prepare long range program plans
23 to meet the projected need for such cooperative educational services in
24 the supervisory district for the next five years as may be specified by
25 the commissioner, and shall [submit] KEEP ON FILE AND MAKE AVAILABLE FOR
26 PUBLIC INSPECTION AND REVIEW BY THE COMMISSIONER such plans and there-
27 after annual revisions of such plans [to the commissioner] on or before
28 the first day of December of each year, [except that special education
29 and career education program plans, in a form specified by the commis-
30 sioner, shall be submitted every two years, no later than the date spec-
31 ified by the commissioner, and revised annually] PROVIDED THAT SUCH
32 PLANS MAY BE INCORPORATED INTO A BOARD OF COOPERATIVE EDUCATIONAL
33 SERVICES DISTRICT-WIDE COMPREHENSIVE PLAN.

34 S 9. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section
35 1950 of the education law, as amended by chapter 474 of the laws of
36 1996, are amended to read as follows:

37 (3) Requests for shared services; operating plan; required notice.
38 Requests for such shared services shall be filed by component school
39 districts with the board of cooperative educational services not later
40 than the first day of February of each year, provided that such requests
41 shall not be binding upon the component school district. The board of
42 cooperative educational services shall submit its proposed annual oper-
43 ating plan for the ensuing school year to the department for approval
44 not later than the fifteenth day of February of each year. Such board
45 shall, through its executive officer, notify each component school
46 district on or before the tenth day of March concerning the services
47 [which] THAT have been approved by the commissioner to be made available
48 for the ensuing school year. Such notice shall set forth the local
49 uniform cost of each such service, based on (i) anticipated partic-
50 ipation in the ensuing school year, or (ii) participation in the current
51 year, or (iii) a two or three year average including participation in
52 the current year, which unit cost shall be the same for all participat-
53 ing component districts and shall be based upon a uniform methodology
54 approved annually by at least three-quarters of the participating compo-
55 nent school districts after consultation by local school officials with
56 their respective boards; provided, however, such unit cost shall be

1 subject to final adjustment for programs for students with disabilities
2 based on actual participation in accordance with regulations of the
3 commissioner. Notwithstanding the determination of the local uniform
4 unit cost methodology selected in accordance with this paragraph, each
5 board of cooperative education services shall annually report to the
6 commissioner the [budgeted unit cost and, when available, the] actual
7 unit cost of such programs and services, in accordance with both the
8 local uniform unit cost methodology and a statewide uniform unit cost
9 methodology prescribed by the commissioner by regulation, where the
10 [budgeted statewide unit cost shall be based on the anticipated partic-
11 ipation in the ensuing year and the] actual statewide unit cost shall be
12 based on actual participation through the end of each year.

13 (4) Contracts for shared services; allocation of costs. Each component
14 school district shall on or before the first day of May following such
15 notification notify the board of cooperative educational services of its
16 intention to participate or not to participate in such shared services
17 and the specific services which such district elects to utilize. Each
18 participating component school district shall be required to pay the
19 board of cooperative educational services for the cost of the services
20 set forth in such notification, except for adjustments caused by subse-
21 quent unanticipated changes in the district's enrollment. The board of
22 cooperative educational services shall enter into contracts with its
23 component school districts for such requested services. A copy of each
24 executed contract for such purpose shall be [filed with the commissioner
25 by] KEPT ON FILE WITH the board of cooperative educational services AND
26 MADE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST on or prior to the
27 first day of August of each year. Notwithstanding the provisions of
28 paragraph b of this subdivision, any component school district which
29 does not elect to participate in any such specific cooperative services
30 authorized under this paragraph shall not be required to pay any share
31 of the moneys provided in the budget as salaries of teachers or other
32 personnel employed in providing such service, for equipment and supplies
33 for such service or for transportation of pupils to and from the place
34 where such service is maintained. Provided, further, that a board of
35 cooperative educational services may allocate the cost of such services
36 to component school districts in accordance with terms agreed upon
37 between such board and three-quarters of the boards of education and
38 trustees of local school districts participating in the service.

39 S 10. Paragraph kk of subdivision 4 of section 1950 of the education
40 law, as added by section 13 of part A of chapter 436 of the laws of
41 1997, is amended to read as follows:

42 kk. For the nineteen hundred ninety-seven--ninety-eight school year
43 and thereafter, the board of cooperative educational services (BOCES)
44 shall prepare a BOCES report card, pursuant to regulations of the
45 commissioner, and shall make it publicly available by transmitting it to
46 local newspapers of general circulation, appending it to copies of the
47 proposed administrative budget made publicly available as required by
48 law, making it available for distribution at the annual meeting, and
49 otherwise disseminating it as required by the commissioner. Such report
50 card shall include measures of the academic performance of the board of
51 cooperative educational services, on a school by school or program by
52 program basis, and measures of the fiscal performance of the supervisory
53 district, as prescribed by the commissioner. Pursuant to regulations of
54 the commissioner, the report card shall also compare these measures to
55 statewide averages for all boards of cooperative educational services.
56 Such report card shall include[, at a minimum, any information of the

board of cooperative educational services regarding pupil performance and expenditure per pupil required to be included in the annual report by the regents to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and] any [other] information required by the commissioner.

S 11. Subdivision 2 of section 2201 of the education law, as amended by chapter 295 of the laws of 1993, is amended to read as follows:

2. Whenever a vacancy hereafter occurs in the office of district superintendent of schools in any supervisory district or whenever the commissioner receives a letter of resignation from a district superintendent, the commissioner [shall] MAY survey the field in the county where the vacancy occurred, and if it shall find that the continuance of the number of supervisory districts then existing is no longer necessary to serve adequately the educational interests of the county he or she shall be authorized to conduct a study to examine the possible reorganization of such supervisory district if no such study has been conducted within five years.

S 12. Subdivision 5 of section 2802 of the education law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

5. By [January] APRIL first of each year, the commissioner shall report to the governor, the legislature and the regents concerning the prevalence of violence and disruptive incidents in the public schools, and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system, and [identify specifically the schools and school districts with the least and greatest incidence of violent and disruptive incidents, and the least and most improvement since the previous year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETERMINED BY THE COMMISSIONER. The report shall also, to the extent possible, relate the results available from the incident reporting system, together with such other analysis and information as the commissioner determines is appropriate, to the effectiveness of school violence measures undertaken by participating schools and school districts, including the school codes and school safety plans required by sections twenty-eight hundred one and twenty-eight hundred one-a of this article.

S 13. Paragraph f of subdivision 11 of section 3602 of the education law, as added by chapter 82 of the laws of 1995 and such subdivision as renumbered by section 15 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

f. Approved [plan of service and program evaluation] APPLICATION. All school districts and BOCES desiring to operate an aidable program pursuant to this subdivision shall complete [a comprehensive plan of service] AN application, including a budget by program component[, together with an evaluation of the effectiveness of program components offered during the most recent July first through March thirtieth, if any]. Such [evaluation and plan] APPLICATION shall be in a form prescribed by the commissioner and shall be submitted not later than [forty-five days after the provisions of this paragraph shall have become law, and not later than] May fifteenth [in] OF [subsequent] EACH school [years] YEAR. Within forty-five days of such deadline, and upon evaluation of such applications, the commissioner shall notify school districts and BOCES of those portions of such [plan of service] APPLICATION that will be

1 aidable in the school year ahead after making a determination that
2 approval of such [programs] APPLICATION will assure maximum effective-
3 ness, geographic availability and lack of duplication of such programs,
4 support for educational initiatives, and compliance with required
5 program and fiscal reporting requirements. No aid shall be payable
6 pursuant to this subdivision unless the [program] APPLICATION is
7 approved by the commissioner.

8 S 14. Paragraph b of subdivision 8 of section 3602 of the education
9 law, as amended by section 16 of part B of chapter 57 of the laws of
10 2007, is amended to read as follows:

11 b. District plans of service. Any school district receiving an addi-
12 tional apportionment pursuant to subdivision ten of this section for
13 pupils in career education programs or a payment in lieu of such appor-
14 tionment or having a public excess cost aid setaside pursuant to subdi-
15 vision four of this section shall keep on file and make available for
16 public inspection and review by the commissioner an acceptable plan of
17 service describing the student outcomes expected from implementation of
18 the proposed plan, provided that such plan may be incorporated into a
19 school district's district-wide comprehensive plan. The plan of service
20 [submitted by] OF a school district receiving an additional apportion-
21 ment pursuant to this section for pupils with disabilities shall also
22 describe how such district intends to ensure that all instructional
23 materials to be used in the schools of such district will be made avail-
24 able in a usable alternative format for each student with a disability
25 and for each student who is a qualified individual with a disability, at
26 the same time as such instructional materials are available to non-disa-
27 bled students, provided that such plan may incorporate by reference the
28 alternative format plans developed pursuant to subdivision twenty-nine-a
29 of section sixteen hundred four, subdivision four-a of section seventeen
30 hundred nine, subdivision seven-a of section twenty-five hundred three
31 or subdivision seven-a of section twenty-five hundred fifty-four of this
32 chapter. Such plans shall be in a form prescribed by the commissioner,
33 and except as heretofore provided, shall have the content prescribed by
34 the commissioner. The commissioner may, from time to time, require
35 amendments of such plans as deemed to be necessary and appropriate to
36 further the educational welfare of the pupils involved.

37 S 15. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of
38 section 4402 of the education law is REPEALED.

39 S 16. Paragraph b of subdivision 1 of section 4452 of the education
40 law is REPEALED.

41 S 17. This act shall take effect immediately; provided, however, that
42 the commissioner of education shall promulgate any rules or regulations
43 necessary to implement the provisions of this act on or before July 1,
44 2011.