

2736--A

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government 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 general municipal law and the education law, in relation to requiring the state to fund certain programs mandated for municipal corporations and school districts; and to amend the education law, in relation to the effect of mandates on school districts; to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts and boards of cooperative educational services; to repeal subparagraph 2-a of paragraph d of subdivision 4 of section 1950 of such law relating to demonstration of cost-effectiveness of instructional and non-instructional technology acquired by component school districts through a board of cooperative educational services; to repeal paragraph d of subdivision 26-a of section 3602 of such law relating to a plan for use of instructional computer technology equipment; to repeal subdivision 13 of section 3602-e of such law relating to annual reports on universal prekindergarten programs; 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; 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; and in relation to a demonstration program in the city school district of the city of Syracuse

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

1 Section 1. Legislative intent. State mandated programs, unlike local
2 service decisions, place local taxpayers and local officials in the
3 position of paying for services that they do not control. Increasingly,

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

LBD05594-07-2

1 however, the state has set local priorities and forced municipal taxing
2 decisions by mandating services, programs, and standards. As a result,
3 many local governments and school districts are today in an acutely
4 difficult fiscal situation.

5 Thus, in order to prevent irresponsible state actions which prevent
6 localities from making their own decisions, and which force unwanted
7 local property tax increases, it is necessary to ensure that state
8 mandates will not be forced on localities and school districts unless
9 they are adequately funded.

10 S 2. The general municipal law is amended by adding a new section 25
11 to read as follows:

12 S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION,
13 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT
14 SHALL OTHERWISE REQUIRE:

15 (A) "MANDATE" MEANS:

16 (I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR
17 REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A
18 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE; OR

19 (II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR
20 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPO-
21 RATION IS REQUIRED TO PROVIDE.

22 (B) "UNFUNDED MANDATE" SHALL MEAN:

23 (I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR
24 REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A
25 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET
26 ADDITIONAL COST TO THE MUNICIPAL CORPORATION;

27 (II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR
28 THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO
29 PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL
30 CORPORATION; OR

31 (III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR
32 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPO-
33 RATION IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL
34 COST TO THE MUNICIPAL CORPORATION.

35 (C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTIC-
36 IPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN
37 PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY
38 REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF
39 THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

40 (I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

41 (II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN
42 CONNECTION WITH THE PROGRAM OR SERVICE; AND

43 (III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMI-
44 NATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE
45 PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

46 2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY
47 OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH
48 CREATES AN ANNUAL NET ADDITIONAL COST TO ANY MUNICIPAL CORPORATION IN
49 EXCESS OF TEN THOUSAND DOLLARS OR AN AGGREGATE ANNUAL NET ADDITIONAL
50 COST TO ALL MUNICIPAL CORPORATIONS IN EXCESS OF ONE MILLION DOLLARS.

51 3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES
52 REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR
53 EXPANDED PROGRAMS IF:

54 (I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 3. The education law is amended by adding a new section 1527-a to read as follows:

S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE; OR

(II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT;

(II) ANY ALTERATION IN FUNDING PROVIDED TO ANY SUCH SCHOOL DISTRICT FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A SCHOOL DISTRICT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE SCHOOL DISTRICT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. FUNDING OF SCHOOL DISTRICT MANDATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN ANNUAL NET ADDITIONAL COST TO ANY SCHOOL DISTRICT IN EXCESS OF TEN THOUSAND DOLLARS OR AN AGGREGATE ANNUAL NET ADDITIONAL COST TO ALL SCHOOL DISTRICTS IN EXCESS OF ONE MILLION DOLLARS.

3. EXEMPTIONS TO THE FUNDING OF SCHOOL DISTRICT MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS FOR SCHOOL DISTRICTS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A SCHOOL DISTRICT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT SCHOOL DISTRICT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON SCHOOL DISTRICTS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND SCHOOL DISTRICTS TO PLAN IMPLEMENTATION THEREOF, AND ALSO CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 4. The education law is amended by adding a new section 308-a to read as follows:

S 308-A. SPECIAL PROVISIONS; MANDATES. 1. AS USED IN THIS SECTION, "MANDATE" MEANS (A) ANY STATE LAW, RULE OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT, ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE, OR

(B) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

2. IN THE EVENT THAT A MANDATE WHICH IMPOSES A COST UPON A SCHOOL DISTRICT IS CREATED AFTER THE ADOPTION OF A SCHOOL BUDGET, SUCH MANDATE SHALL NOT BE IMPLEMENTED UNTIL THE FOLLOWING YEAR FOR WHICH SUCH SCHOOL BUDGET WAS ADOPTED.

3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, SUCH A MANDATE CAN BE IMPOSED IF:

(A) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(B) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(C) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR

EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

S 5. Short title. Sections five through twenty of this act shall be known and may be cited as "the school paperwork elimination and reduction act of 2012".

S 6. Legislative findings. The legislature hereby finds and declares that the current required planning and reporting requirements for school districts and BOCES have become excessive, resulting in significant administrative burdens. The legislature further finds that the commissioner of education provided the legislature and the division of the budget on June 1, 2003, with a report entitled "A Proposal on Planning and Reporting by New York State School Districts for the Strategic Use of School Resources for School Improvement" which included a proposal to replace existing planning and reporting requirements with a new comprehensive streamlined reporting system.

The legislature further finds that sections five through twenty of this act implements those portions of the commissioner of education's report which addressed state statutorily required planning and reporting requirements by eliminating such requirements and by reducing the scope of other statutorily required planning and reporting requirements. The legislature further finds that the creation of a comprehensive planning and reporting system is a necessary component to the reduction of scope and elimination of certain existing planning and reporting requirements.

S 7. Section 101-b of the education law, as added by chapter 378 of the laws of 2010, is amended to read as follows:

S 101-b. Paperwork reduction. 1. [The] IT SHALL BE THE DUTY OF THE commissioner [shall be authorized to receive and accept reports, plans, applications and all other information required to be reported by statute or regulation through electronic means. The commissioner shall accept hard copy non-electronic filings or submissions if the school district is able to demonstrate that complying with electronic submission requirements would create undue hardship for the school district or some other good cause exists that would make electronic submission extremely impractical for the school district.] TO REDUCE THE PAPER WORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS, REPORTS AND APPLICATIONS, WHERE POSSIBLE, WHILE FOCUSING PLANNING AND REPORTING ON RESULTS RATHER THAN THE PROCESSES TO ACHIEVE THEM. THE COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS.

2. [It shall be the duty of the commissioner to review all existing reports and plans that school districts and boards of cooperative educational services are required to submit and by November first, two thousand ten, the commissioner shall submit to the board of regents, the governor, the speaker of the assembly, the temporary president of the senate, the director of the budget and the chairs of the respective fiscal and education committees of the senate and assembly specific recommendations to eliminate unnecessary or duplicative reporting requirements; and where possible, recommendations to consolidate reports, plans and other information required to be submitted to the commissioner including which recommendations could be implemented administratively and which would require statutory authorization.] THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCA-

1 TIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELECTRONIC DATA
2 COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING, CONNECT PLANNING
3 AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND REQUIRING PLANNING
4 ONLY WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC ACCOUNTABILITY, TO
5 FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL
6 AND DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE
7 AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS
8 AND STAFF. SUCH SYSTEMS SHALL MATCH OVERSIGHT WITH THE DEGREE OF RISK BY
9 LINKING PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY
10 REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF
11 RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER
12 MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL ESTABLISH
13 PARTNERSHIPS WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE
14 EDUCATIONAL SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND
15 REPORTING AND SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA
16 WHICH CAN BE USED TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL
17 PROVIDE FOR THE SHARING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL
18 DISTRICTS AND, TO THE EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL
19 ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE BOARDS OF COOPER-
20 ATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER EDUCATION IN
21 PROVIDING TRAINING ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPER-
22 INTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS AND TEACHERS, PROVIDE
23 FOR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS AND
24 INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION.

25 S 8. Section 215-b of the education law, as amended by chapter 301 of
26 the laws of 1996, is amended to read as follows:

27 S 215-b. Annual report by commissioner to governor and legislature.
28 The commissioner shall prepare and submit to the governor, the president
29 pro tem of the senate and the speaker of the assembly not later than
30 January first, nineteen hundred ninety-six and by the first day of Janu-
31 ary in each year thereafter, a report detailing the financial and
32 statistical outcomes of boards of cooperative educational services which
33 shall[, at minimum,] set forth with respect to the preceding school
34 year[: tuition costs for selected programs; standard per pupil cost
35 information for selected services as determined by the commissioner; and
36 aggregate expenditure data for the following categories: administration,
37 instructional services, career education, special education, rent and
38 facilities and other services; and such other information as deemed
39 appropriate] INFORMATION NECESSARY TO ASSURE THE ACCOUNTABILITY OF
40 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR ITS FISCAL AND PROGRAM-
41 MATIC RESOURCES, AS SET FORTH IN REGULATIONS TO BE PRESCRIBED by the
42 commissioner. The format for such report shall be developed in consulta-
43 tion with school district officials and the director of the budget. Such
44 report will include changes from the year prior to the report year for
45 each such item for all boards of cooperative educational services. Such
46 report shall be distributed to all school districts and boards of coop-
47 erative educational services and shall be made available to all other
48 interested parties upon request.

49 S 9. Subdivision 2 of section 806 of the education law, as amended by
50 chapter 946 of the laws of 1973, is amended to read as follows:

51 2. The regents shall determine the subjects to be included in such
52 courses of instruction in highway safety and traffic regulation includ-
53 ing bicycle safety, and the period of instruction in each of the grades
54 in such subjects. [They shall adopt rules providing for attendance upon
55 such instruction and for such other matters as are required for carrying
56 into effect the teaching of the courses of instruction prescribed by

1 this section. The commissioner of education shall be responsible for
2 the enforcement of such section and shall cause to be inspected and
3 supervise the instruction to be given in such subjects. The commissioner
4 may, in his discretion, cause all or a portion of the public school
5 money to be apportioned to a district or city to be withheld for failure
6 of the school authorities of such district or city to provide instruc-
7 tion in such courses and to compel attendance upon such instruction, as
8 herein prescribed, and for a noncompliance with the rules of the regents
9 adopted as herein provided.]

10 S 10. Subparagraph 1 of paragraph b of subdivision 4 of section 1950
11 of the education law, as amended by chapter 474 of the laws of 1996, is
12 amended to read as follows:

13 (1) Prepare, prior to the annual meeting of members of the boards of
14 education and school trustees, held as provided in paragraph o of this
15 subdivision, a tentative budget of expenditures for the program costs, a
16 tentative budget for capital costs, and a tentative budget for the
17 administration costs of the board of cooperative educational services.
18 Such budgets shall include the proposed budget for the upcoming school
19 year, the previous school year's actual costs and the current school
20 year's projected costs for each object of expenditure. Such program,
21 capital and administrative budgets shall be separately delineated in
22 accordance with the definition of program, capital and administrative
23 costs which shall be promulgated by the commissioner after consultation
24 with school district officials and the director of the budget. Personal
25 service costs for each budget shall include the number of full-time
26 equivalent positions funded and total salary and, except as noted here-
27 in, fringe benefit costs for such positions by program. Each program
28 budget shall also include the local and statewide unit costs of such
29 programs and services proposed for the upcoming school year, such actual
30 unit costs for the previous school year, and the current school year's
31 projected unit costs, all established in accordance with paragraph d of
32 this subdivision. The capital budget shall include facility construction
33 and lease expenditures authorized pursuant to paragraphs p, t and u of
34 this subdivision, payments for the repayment of indebtedness related to
35 capital projects, payments for the acquisition or construction of facil-
36 ities, sites or additions, provided that such budget shall contain a
37 rental, operations and maintenance section that will include base rent
38 costs, total rent costs, operations and maintenance charges, cost per
39 square foot for each facility rented or leased by such board of cooper-
40 ative educational services, and any and all expenditures associated with
41 custodial salaries and benefits, service contracts, supplies, utilities,
42 maintenance and repairs for such facilities, and that such budget shall
43 include the annual debt service and total debt for all facilities
44 financed by bonds or notes of the component districts, annual rental and
45 lease payments and total rental and lease costs for all facilities rent-
46 ed by such board; such capital budget shall also include expenditures
47 resulting from court judgments and orders from administrative bodies or
48 officers, and, to the extent a board's administrative budget has been
49 adopted, one-time costs incurred in the first year in which an employee
50 retires. The administrative budget shall include, but need not be limit-
51 ed to, office and central administrative expenses, traveling expenses
52 and salaries and benefits of supervisors and administrative personnel
53 necessary to carry out the central administrative duties of the supervi-
54 sory district, any and all expenditures associated with the board, the
55 office of district superintendent, general administration, central
56 support services, planning, and all other administrative activities.

1 Such administrative budget shall also specify the amount of supplementa-
2 ry salary and benefits, if any, which the board determines should be
3 paid to the district superintendent of schools and the board shall
4 append to such budget a detailed statement of the total compensation to
5 be paid the district superintendent of schools by the board, including a
6 delineation of the salary, annualized cost of benefits and any in-kind
7 or other form of remuneration to be paid, plus, commencing with the
8 presentation of the budget for the nineteen hundred ninety-seven--nine-
9 ty-eight school year, [a list of items of expense eligible for
10 reimbursement on expense accounts in the ensuing school year and] a
11 statement of the amount of expenses paid to the district superintendent
12 of schools in the prior year for purposes of carrying out his or her
13 official duties.

14 S 11. Subparagraph 5 of paragraph b of subdivision 4 of section 1950
15 of the education law, as amended by chapter 378 of the laws of 2010, is
16 amended to read as follows:

17 (5) The trustees or board of education of each component school
18 district of the board of cooperative educational services shall adopt a
19 public resolution which shall approve or disapprove such tentative
20 administrative budget at a regular or special meeting to be held within
21 the component district on the date designated pursuant to subdivision
22 two-a of this section as the date for election of members of the board
23 of cooperative educational services, or in the case of the board of
24 education of a central high school district on the regular business day
25 next following such designated date.

26 If the resolutions adopted by the trustees or boards of education of a
27 majority of the component school districts of the board of cooperative
28 educational services actually voting approve the tentative administra-
29 tive budget, the board of cooperative educational services may adopt the
30 tentative administrative budget without modification. If a majority of
31 the component school districts actually voting fail to adopt resolutions
32 approving such tentative administrative budget, or if the number of
33 component school districts approving the budget equals the number of
34 school districts disapproving the budget, the board of cooperative
35 educational services shall prepare and adopt a contingency administra-
36 tive budget which shall not exceed the amount of the administrative
37 budget of the board of cooperative educational services for the previous
38 school year except to accommodate expenditure increases attributable to
39 supplemental retirement allowances payable pursuant to section five
40 hundred thirty-two of this chapter and section seventy-eight of the
41 retirement and social security law. THE BOARD OF COOPERATIVE EDUCA-
42 TIONAL SERVICES SHALL NOT BE REQUIRED TO SUBMIT ITS SEPARATE ADMINISTRA-
43 TIVE BUDGET TO THE COMMISSIONER FOR APPROVAL.

44 S 12. Subparagraph 2-a of paragraph d of subdivision 4 of section 1950
45 of the education law is REPEALED.

46 S 13. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section
47 1950 of the education law, as amended by chapter 474 of the laws of
48 1996, are amended to read as follows:

49 (3) Requests for shared services; operating plan; required notice.
50 Requests for such shared services shall be filed by component school
51 districts with the board of cooperative educational services not later
52 than the first day of February of each year, provided that such requests
53 shall not be binding upon the component school district. The board of
54 cooperative educational services shall submit its proposed annual oper-
55 ating plan for the ensuing school year to the department for approval
56 not later than the fifteenth day of February of each year. Such board

1 shall, through its executive officer, notify each component school
2 district on or before the tenth day of March concerning the services
3 [which] THAT have been approved by the commissioner to be made available
4 for the ensuing school year. Such notice shall set forth the local
5 uniform cost of each such service, based on (i) anticipated partic-
6 ipation in the ensuing school year, or (ii) participation in the current
7 year, or (iii) a two or three year average including participation in
8 the current year, which unit cost shall be the same for all participat-
9 ing component districts and shall be based upon a uniform methodology
10 approved annually by at least three-quarters of the participating compo-
11 nent school districts after consultation by local school officials with
12 their respective boards[; provided, however, such unit cost shall be
13 subject to final adjustment for programs for students with disabilities
14 based on actual participation in accordance with regulations of the
15 commissioner. Notwithstanding the determination of the local uniform
16 unit cost methodology selected in accordance with this paragraph, each
17 board of cooperative education services shall annually report to the
18 commissioner the budgeted unit cost and, when available, the actual unit
19 cost of such programs and services, in accordance with both the local
20 uniform unit cost methodology and a statewide uniform unit cost method-
21 ology prescribed by the commissioner by regulation, where the budgeted
22 statewide unit cost shall be based on the anticipated participation in
23 the ensuing year and the actual statewide unit cost shall be based on
24 actual participation through the end of each year].

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

51 S 14. Paragraph aa of subdivision 4 of section 1950 of the education
52 law, as added by chapter 595 of the laws of 1978, is amended to read as
53 follows:

54 aa. Notwithstanding any other provision of law, a board of cooperative
55 educational services may[, with the prior written approval of the
56 commissioner,] contract to accept from a leasing company which has qual-

1 ified as lowest bidder pursuant to the provisions of the general municipi-
2 pal law a sum sufficient to purchase data processing equipment from the
3 manufacturer thereof, pay such sum to the manufacturer of said equip-
4 ment, receive the equipment and title thereto and convey the same to the
5 leasing company with a simultaneous lease of the equipment from such
6 leasing company to the board of cooperative educational services for a
7 specified period of years. Before any such agreement shall be executed,
8 the board of cooperative educational services shall adopt a resolution
9 determining that such agreement is in the best financial interest of the
10 board. Such lease may be renewed for a further specified period of years
11 [with the prior approval of the commissioner of education].

12 S 15. Subdivision 2 of section 2201 of the education law, as amended
13 by chapter 295 of the laws of 1993, is amended to read as follows:

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

24 S 16. Subdivision 5 of section 2802 of the education law, as amended
25 by chapter 378 of the laws of 2010, is amended to read as follows:

26 5. By April first of each year, the commissioner shall report to the
27 governor, the legislature and the regents concerning the prevalence of
28 violence and disruptive incidents in the public schools, and the effec-
29 tiveness of school programs undertaken to reduce violence and assure the
30 safety and security of students and school personnel. The report shall
31 summarize the information available from the incident reporting system,
32 and compare the incidence of violent and disruptive incidents of schools
33 and school districts and boards with other schools and school districts
34 and boards based on similarity in size and grade levels and other char-
35 acteristics, including student need and resources, as determined by the
36 commissioner. [The report shall also, to the extent possible, relate the
37 results available from the incident reporting system, together with such
38 other analysis and information as the commissioner determines is appro-
39 priate, to the effectiveness of school violence measures undertaken by
40 participating schools and school districts, including the school codes
41 and school safety plans required by sections twenty-eight hundred one
42 and twenty-eight hundred one-a of this article.]

43 S 17. Paragraph d of subdivision 26-a of section 3602 of the education
44 law is REPEALED.

45 S 18. Subdivision 13 of section 3602-e of the education law is
46 REPEALED.

47 S 19. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of
48 section 4402 of the education law is REPEALED.

49 S 20. Paragraph b of subdivision 1 of section 4452 of the education
50 law is REPEALED.

51 S 21. There shall be established a demonstration program in the city
52 school district of the city of Syracuse under which students enrolled in
53 the twelfth grade during the 2012--2013 school year and thereafter who
54 were also enrolled in such district during the tenth and eleventh
55 grades, and who graduate from high school or meet high school graduation
56 requirements and matriculate at the state university or city university

1 of New York shall be guaranteed payment of full tuition and fees for
2 attendance at such institution. Such students shall be required to make
3 application for a tuition assistance program award pursuant to section
4 667 of the education law and shall, upon such matriculation, be eligible
5 for payment of tuition expenses not otherwise covered by the tuition
6 assistance program, and fees. The duration of eligibility for receipt
7 of such payment shall be as provided in paragraphs a and b of subdivi-
8 sion 3 of section 669-a of the education law. The board of trustees of
9 the New York state higher education services corporation shall, on or
10 before December 31, 2012, promulgate regulations that establish eligi-
11 bility criteria and application requirements for such demonstration
12 program.

13 S 22. This act shall take effect immediately, provided that:

14 1. sections one through three of this act shall be deemed to have been
15 in full force and effect on and after April 1, 2012 and shall apply to
16 any general or special law imposing mandates on municipal corporations
17 or school districts enacted on or after such effective date; and

18 2. the commissioner of education shall adopt any regulations needed to
19 implement the provisions of this act on or before July 1, 2013.