

2736

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

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,
4 however, the state has set local priorities and forced municipal taxing
5 decisions by mandating services, programs, and standards. As a result,

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

LBD05594-01-1

1 many local governments and school districts are today in an acutely
2 difficult fiscal situation.

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

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

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

13 (A) "MANDATE" MEANS:

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

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

20 (B) "UNFUNDED MANDATE" SHALL MEAN:

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

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

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

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

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

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

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

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

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

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

53 (II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT
54 UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN
55 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

1 ANNUAL NET ADDITIONAL COST TO ANY SCHOOL DISTRICT IN EXCESS OF TEN THOU-
2 SAND DOLLARS OR AN AGGREGATE ANNUAL NET ADDITIONAL COST TO ALL SCHOOL
3 DISTRICTS IN EXCESS OF ONE MILLION DOLLARS.

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

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

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

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

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

18 (V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
19 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
20 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
21 EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE
22 FEDERAL GOVERNMENT.

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

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

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

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

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

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

43 (A) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER
44 A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATO-
45 RY;

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

48 (C) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
49 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
50 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
51 EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE
52 FEDERAL GOVERNMENT.

53 S 5. Short title. Sections five through twenty of this act shall be
54 known and may be cited as "the school paperwork elimination and
55 reduction act of 2011".

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

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

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

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

38 2. [It shall be the duty of the commissioner to review all existing
39 reports and plans that school districts and boards of cooperative educa-
40 tional services are required to submit and by November first, two thou-
41 sand ten, the commissioner shall submit to the board of regents, the
42 governor, the speaker of the assembly, the temporary president of the
43 senate, the director of the budget and the chairs of the respective
44 fiscal and education committees of the senate and assembly specific
45 recommendations to eliminate unnecessary or duplicative reporting
46 requirements; and where possible, recommendations to consolidate
47 reports, plans and other information required to be submitted to the
48 commissioner including which recommendations could be implemented admin-
49 istratively and which would require statutory authorization.] THE
50 COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND APPLICATIONS
51 REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCA-
52 TIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELECTRONIC DATA
53 COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING, CONNECT PLANNING
54 AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND REQUIRING PLANNING
55 ONLY WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC ACCOUNTABILITY, TO
56 FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL

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

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

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

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

46 2. The regents shall determine the subjects to be included in such
47 courses of instruction in highway safety and traffic regulation includ-
48 ing bicycle safety, and the period of instruction in each of the grades
49 in such subjects. [They shall adopt rules providing for attendance upon
50 such instruction and for such other matters as are required for carrying
51 into effect the teaching of the courses of instruction prescribed by
52 this section. The commissioner of education shall be responsible for
53 the enforcement of such section and shall cause to be inspected and
54 supervise the instruction to be given in such subjects. The commissioner
55 may, in his discretion, cause all or a portion of the public school
56 money to be apportioned to a district or city to be withheld for failure

1 of the school authorities of such district or city to provide instruc-
2 tion in such courses and to compel attendance upon such instruction, as
3 herein prescribed, and for a noncompliance with the rules of the regents
4 adopted as herein provided.]

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

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

delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration to be paid, plus, commencing with the presentation of the budget for the nineteen hundred ninety-seven--ninety-eight school year, [a list of items of expense eligible for reimbursement on expense accounts in the ensuing school year and] a statement of the amount of expenses paid to the district superintendent of schools in the prior year for purposes of carrying out his or her official duties.

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

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

If the resolutions adopted by the trustees or boards of education of a majority of the component school districts of the board of cooperative educational services actually voting approve the tentative administrative budget, the board of cooperative educational services may adopt the tentative administrative budget without modification. If a majority of the component school districts actually voting fail to adopt resolutions approving such tentative administrative budget, or if the number of component school districts approving the budget equals the number of school districts disapproving the budget, the board of cooperative educational services shall prepare and adopt a contingency administrative budget which shall not exceed the amount of the administrative budget of the board of cooperative educational services for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section five hundred thirty-two of this chapter and section seventy-eight of the retirement and social security law. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT BE REQUIRED TO SUBMIT ITS SEPARATE ADMINISTRATIVE BUDGET TO THE COMMISSIONER FOR APPROVAL.

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

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

(3) Requests for shared services; operating plan; required notice. Requests for such shared services shall be filed by component school districts with the board of cooperative educational services not later than the first day of February of each year, provided that such requests shall not be binding upon the component school district. The board of cooperative educational services shall submit its proposed annual operating plan for the ensuing school year to the department for approval not later than the fifteenth day of February of each year. Such board shall, through its executive officer, notify each component school district on or before the tenth day of March concerning the services [which] THAT have been approved by the commissioner to be made available for the ensuing school year. Such notice shall set forth the local uniform cost of each such service, based on (i) anticipated partic-

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

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

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

49 aa. Notwithstanding any other provision of law, a board of cooperative
50 educational services may[, with the prior written approval of the
51 commissioner,] contract to accept from a leasing company which has qual-
52 ified as lowest bidder pursuant to the provisions of the general municipi-
53 pal law a sum sufficient to purchase data processing equipment from the
54 manufacturer thereof, pay such sum to the manufacturer of said equip-
55 ment, receive the equipment and title thereto and convey the same to the
56 leasing company with a simultaneous lease of the equipment from such

1 leasing company to the board of cooperative educational services for a
2 specified period of years. Before any such agreement shall be executed,
3 the board of cooperative educational services shall adopt a resolution
4 determining that such agreement is in the best financial interest of the
5 board. Such lease may be renewed for a further specified period of years
6 [with the prior approval of the commissioner of education].

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

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

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

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

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

40 S 18. Subdivision 13 of section 3602-e of the education law is
41 REPEALED.

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

44 S 20. Paragraph b of subdivision 1 of section 4452 of the education
45 law is REPEALED.

46 S 21. There shall be established a demonstration program in the city
47 school district of the city of Syracuse under which students enrolled in
48 the twelfth grade during the 2011--2012 school year and thereafter who
49 were also enrolled in such district during the tenth and eleventh
50 grades, and who graduate from high school or meet high school graduation
51 requirements and matriculate at the state university or city university
52 of New York shall be guaranteed payment of full tuition and fees for
53 attendance at such institution. Such students shall be required to make
54 application for a tuition assistance program award pursuant to section
55 667 of the education law and shall, upon such matriculation, be eligible
56 for payment of tuition expenses not otherwise covered by the tuition

1 assistance program, and fees. The duration of eligibility for receipt
2 of such payment shall be as provided in paragraphs a and b of subdivi-
3 sion 3 of section 669-a of the education law. The board of trustees of
4 the New York state higher education services corporation shall, on or
5 before December 31, 2011, promulgate regulations that establish eligi-
6 bility criteria and application requirements for such demonstration
7 program.

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

9 1. sections one through three of this act shall be deemed to have been
10 in full force and effect on and after April 1, 2011 and shall apply to
11 any general or special law imposing mandates on municipal corporations
12 or school districts enacted on or after such effective date; and

13 2. the commissioner of education shall adopt any regulations needed to
14 implement the provisions of this act on or before July 1, 2012.