

1524

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring each school
district to include the percentage of its budget spent on instructional
expenses in its school district report card

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

1 Section 1. Subdivision 6 of section 1608 of the education law, as
2 amended by section 5 of part A of chapter 436 of the laws of 1997, is
3 amended to read as follows:
4 6. Each year, the board of education shall prepare a school district
5 report card, pursuant to regulations of the commissioner, and shall make
6 it publicly available by transmitting it to local newspapers of general
7 circulation, appending it to copies of the proposed budget made publicly
8 available as required by law, making it available for distribution at
9 the annual meeting, and otherwise disseminating it as required by the
10 commissioner. Such report card shall include measures of the academic
11 performance of the school district, on a school by school basis, and
12 measures of the fiscal performance of the district, as prescribed by the
13 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
14 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
15 ant to regulations of the commissioner, the report card shall also
16 compare these measures to statewide averages for all public schools, and
17 statewide averages for public schools of comparable wealth and need,
18 developed by the commissioner. Such report card shall include, at a
19 minimum, any information on the school district regarding pupil perform-
20 ance and expenditure per pupil required to be included in the annual
21 report by the regents to the governor and the legislature pursuant to
22 section two hundred fifteen-a of this chapter; and any other information
23 required by the commissioner. School districts (i) identified as having

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

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15 fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this subparagraph and subparagraphs (i) and (ii) of this paragraph as compared to the statewide average.

16 S 2. Subdivision 6 of section 1716 of the education law, as amended by section 7 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

17 6. Each year, the board of education shall prepare a school district report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performance of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information of the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

18 S 3. Paragraph kk 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:

19 kk. For the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the board of cooperative educational services (BOCES) shall prepare a BOCES report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed administrative budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performance of the board of cooperative educational services, on a school by school or program by program basis, and measures of the fiscal performance of the supervisory district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED

1 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
2 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner,
3 the report card shall also compare these measures to statewide averages
4 for all boards of cooperative educational services. Such report card
5 shall include any information required by the commissioner.

6 S 4. Subdivision 24 of section 2554 of the education law, as amended
7 by chapter 91 of the laws of 2002, is amended to read as follows:

8 24. Each year, the board of education shall prepare a school district
9 report card, pursuant to regulations of the commissioner, and shall make
10 it publicly available by transmitting it to local newspapers of general
11 circulation, appending it to copies of the proposed budget made publicly
12 available as required by law, making it available for distribution at
13 the annual meeting, and otherwise disseminating it as required by the
14 commissioner. Such report card shall include measures of the academic
15 performances of the school district, on a school by school basis, and
16 measures of the fiscal performance of the district, as prescribed by the
17 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
18 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
19 ant to regulations of the commissioner the report card shall also
20 compare these measures to statewide averages for all public schools, and
21 statewide averages for public schools of comparable wealth and need,
22 developed by the commissioner. Such report card shall include, at a
23 minimum, any information on the school district regarding pupil perform-
24 ance and expenditure per pupil required to be included in the annual
25 report by the regents to the governor and the legislature pursuant to
26 section two hundred fifteen-a of this chapter; and any other information
27 required by the commissioner. School districts (i) identified as having
28 fifteen percent or more of their students in special education, or (ii)
29 which have fifty percent or more of their students with disabilities in
30 special education programs or services sixty percent or more of the
31 school day in a general education building, or (iii) which have eight
32 percent or more of their students with disabilities in special education
33 programs in public or private separate educational settings shall indi-
34 cate on their school district report card their respective percentages
35 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
36 sion as compared to the statewide average.

37 S 5. Subdivision 24 of section 2554 of the education law, as added by
38 chapter 474 of the laws of 1996, is amended to read as follows:

39 24. In every city school district in a city having a population of
40 less than one million inhabitants, each year, the board of education
41 shall prepare a school district report card, pursuant to regulations of
42 the commissioner, and shall make it publicly available by transmitting
43 it to local newspapers of general circulation, appending it to copies of
44 the proposed budget made publicly available as required by law, making
45 it available for distribution at the annual meeting, and otherwise
46 disseminating it as required by the commissioner. Such report card shall
47 include measures of the academic performances of the school district, on
48 a school by school basis, and measures of the fiscal performance of the
49 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED
50 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
51 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the
52 report card shall also compare these measures to statewide averages for
53 all public schools, and statewide averages for public schools of compa-
54 rable wealth and need, developed by the commissioner. Such report card
55 shall include, at a minimum, any information on the school district
56 regarding pupil performance and expenditure per pupil required to be

1 included in the annual report by the regents to the governor and the
2 legislature pursuant to section two hundred fifteen-a of this chapter;
3 and any other information required by the commissioner. School districts
4 (i) identified as having fifteen percent or more of their students in
5 special education, or (ii) which have fifty percent or more of their
6 students with disabilities in special education programs or services
7 sixty percent or more of the school day in a general education building,
8 or (iii) which have eight percent or more of their students with disa-
9 bilities in special education programs in public or private separate
10 educational settings shall indicate on their school district report card
11 their respective percentages as defined in this paragraph and paragraphs
12 (i) and (ii) of this subdivision as compared to the statewide average.

13 S 6. Subdivision 8 of section 2590-e of the education law, as amended
14 by chapter 123 of the laws of 2003, is amended to read as follows:

15 8. Each year prepare a school district report card pursuant to regu-
16 lations of the commissioner, and shall make it publicly available by
17 transmitting it to local newspapers of general circulation, appending it
18 to copies of the proposed budget made publicly available as required by
19 law, making it available for distribution at the annual meeting, and
20 otherwise disseminating it as required by the commissioner. Such report
21 card shall include measures of the academic performance of the school
22 district, on a school by school basis, and measures of the fiscal
23 performance of the district, as prescribed by the commissioner, INCLUD-
24 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
25 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the
26 commissioner, the report card shall also compare these measures to
27 statewide averages for all public schools, and statewide averages for
28 public schools of comparable wealth and need, developed by the commis-
29 sioner. Such report card shall include, at a minimum, any information on
30 the school district regarding pupil performance and expenditure per
31 pupil required to be included in the annual report by the requests to
32 the governor and the legislature pursuant to section two hundred
33 fifteen-a of this chapter; and any other information required by the
34 commissioner. School districts (i) identified as having fifteen percent
35 or more of their students in special education, or (ii) which have fifty
36 percent or more of their students with disabilities in special education
37 programs or services sixty percent or more of the school day in a gener-
38 al education building, or (iii) which have eight percent or more of
39 their students with disabilities in special education programs in public
40 or private separate educational settings shall indicate on their school
41 district report card their respective percentages as defined in this
42 paragraph and paragraphs (i) and (ii) of this subdivision as compared to
43 the statewide average.

44 S 7. Subdivision 8 of section 2590-e of the education law, as amended
45 by chapter 720 of the laws of 1996, is amended to read as follows:

46 8. Each year prepare a school district report card pursuant to regu-
47 lations of the commissioner, and shall make it publicly available by
48 transmitting it to local newspapers of general circulation, appending it
49 to copies of the proposed budget made publicly available as required by
50 law, making it available for distribution at the annual meeting, and
51 otherwise disseminating it as required by the commissioner. Such report
52 card shall include measures of the academic performance of the school
53 district, on a school by school basis, and measures of the fiscal
54 performance of the district, as prescribed by the commissioner, INCLUD-
55 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
56 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the

1 commissioner, the report card shall also compare these measures to
2 statewide averages for all public schools, and statewide averages for
3 public schools of comparable wealth and need, developed by the commis-
4 sioner. Such report card shall include, at a minimum, any information on
5 the school district regarding pupil performance and expenditure per
6 pupil required to be included in the annual report by the requests to
7 the governor and the legislature pursuant to section two hundred
8 fifteen-a of this chapter; and any other information required by the
9 commissioner. School districts (i) identified as having fifteen percent
10 or more of their students in special education, or (ii) which have fifty
11 percent or more of their students with disabilities in special education
12 programs or services sixty percent or more of the school day in a gener-
13 al education building, or (iii) which have eight percent or more of
14 their students with disabilities in special education programs in public
15 or private separate educational settings shall indicate on their school
16 district report card their respective percentages as defined in this
17 paragraph and paragraphs (i) and (ii) of this subdivision as compared to
18 the statewide average.

19 S 8. Subdivision 7 of section 2601-a of the education law, as amended
20 by section 9 of part A of chapter 97 of the laws of 2011, is amended to
21 read as follows:

22 7. Each year, the board of education shall prepare a school district
23 report card, pursuant to regulations of the commissioner, and shall make
24 it publicly available by transmitting it to local newspapers of general
25 circulation, appending it to copies of the proposed budget made publicly
26 available as required by law, making it available for distribution at
27 the annual meeting, and otherwise disseminating it as required by the
28 commissioner. Such report card shall include measures of the academic
29 performance of the school district, on a school by school basis, and
30 measures of the fiscal performance of the district, as prescribed by the
31 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
32 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
33 ant to regulations of the commissioner, the report card shall also
34 compare these measures to statewide averages for all public schools, and
35 statewide averages for public schools of comparable wealth and need,
36 developed by the commissioner. Such report card shall include, at a
37 minimum, any information on the school district regarding pupil perform-
38 ance and expenditure per pupil required to be included in the annual
39 report by the regents to the governor and the legislature pursuant to
40 section two hundred fifteen-a of this chapter; and any other information
41 required by the commissioner. School districts (i) identified as having
42 fifteen percent or more of their students in special education, or (ii)
43 which have fifty percent or more of their students with disabilities in
44 special education programs or services sixty percent or more of the
45 school day in a general education building, or (iii) which have eight
46 percent or more of their students with disabilities in special education
47 programs in public or private separate educational settings shall indi-
48 cate on their school district report card their respective percentages
49 as defined in this paragraph and paragraphs (i) and (ii) of this subdi-
50 vision as compared to the statewide average.

51 S 9. Paragraph (a) of subdivision 2 of section 2857 of the education
52 law, as amended by chapter 101 of the laws of 2010, is amended to read
53 as follows:

54 (a) a charter school report card, which shall include measures of the
55 comparative academic and fiscal performance of the school, as prescribed
56 by the commissioner in regulations adopted for such purpose. Such meas-

1 ures shall include, but not be limited to, graduation rates, dropout
2 rates, performance of students on standardized tests, college entry
3 rates, total spending per [pupil], and administrative spending per pupil
4 AND THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
5 INSTRUCTIONAL EXPENSES. Such measures shall be presented in a format
6 that is easily comparable to similar public schools. In addition, the
7 charter school shall ensure that such information is easily accessible
8 to the community including making it publicly available by transmitting
9 it to local newspapers of general circulation and making it available
10 for distribution at board of trustee meetings.

11 S 10. Section 2 of the education law is amended by adding a new subdi-
12 vision 20 to read as follows:

13 20. INSTRUCTIONAL EXPENSES. FOR PURPOSES OF SUBDIVISION SIX OF SECTION
14 SIXTEEN HUNDRED EIGHT, SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED
15 SIXTEEN, PARAGRAPH KK OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED
16 FIFTY, SUBDIVISION TWENTY-FOUR OF SECTION TWENTY-FIVE HUNDRED
17 FIFTY-FOUR, SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E,
18 SUBDIVISION SEVEN OF SECTION TWENTY-SIX HUNDRED ONE-A, AND PARAGRAPH (A)
19 OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS
20 CHAPTER, THE TERM "INSTRUCTIONAL EXPENSES" MEANS: A. THE SUM OF ALL
21 EXPENDITURES IN THE SCHOOL YEAR DIRECTLY RELATED TO THE INSTRUCTIONAL
22 PROGRAM IN GRADES PRE-KINDERGARTEN THROUGH TWELVE OF THE SCHOOL
23 DISTRICT, EXCLUSIVE OF TUITION PAID TO ANOTHER PUBLIC SCHOOL DISTRICT OR
24 TO AN INSTITUTION, OTHER THAN TUITION PAID PURSUANT TO A CONTRACT
25 AUTHORIZED BY ARTICLE EIGHTY-NINE OF THIS CHAPTER. SUCH SUM SHALL
26 INCLUDE GENERAL FUND, SPECIAL AID FUND, AND RISK RETENTION FUND EXPENSES
27 REPORTED IN THE ANNUAL FINANCIAL REPORT OF THE DISTRICT FOR THE FOLLOW-
28 ING PURPOSES:

29 (I) CURRICULUM DEVELOPMENT AND SUPERVISION;
30 (II) SUPERVISION - REGULAR SCHOOL;
31 (III) SUPERVISION - SPECIAL SCHOOLS;
32 (IV) RESEARCH, PLANNING AND EVALUATION;
33 (V) INSERVICE TRAINING - INSTRUCTION;
34 (VI) TEACHING - REGULAR SCHOOL;
35 (VII) PROGRAM FOR CHILDREN WITH DISABILITIES;
36 (VIII) OCCUPATIONAL EDUCATION;
37 (IX) TEACHING - SPECIAL SCHOOLS;
38 (X) PRE-KINDERGARTEN PROGRAM;
39 (XI) SCHOOL LIBRARY AND AUDIOVISUAL;
40 (XII) EDUCATIONAL TELEVISION;
41 (XIII) COMPUTER ASSISTED INSTRUCTION;
42 (XIV) ATTENDANCE - REGULAR SCHOOL;
43 (XV) GUIDANCE - REGULAR SCHOOL;
44 (XVI) HEALTH SERVICES - REGULAR SCHOOL;
45 (XVII) PSYCHOLOGICAL SERVICES - REGULAR SCHOOL;
46 (XVIII) SOCIAL WORK SERVICES - REGULAR SCHOOL;
47 (XIX) PUPIL PERSONNEL SERVICES - SPECIAL SCHOOLS;
48 (XX) CO-CURRICULAR ACTIVITIES - REGULAR SCHOOL;
49 (XXI) INTERSCHOLASTIC ATHLETICS - REGULAR SCHOOL;
50 (XXII) EMPLOYEE BENEFITS AS DETERMINED PURSUANT TO PARAGRAPH B OF THIS
51 SUBDIVISION; AND
52 (XXIII) FOR ANY OTHER PURPOSES THAT SHALL BE IDENTIFIED BY THE COMMIS-
53 SIONER.

54 B. THE COST OF EMPLOYEE BENEFITS TO BE INCLUDED IN INSTRUCTIONAL
55 EXPENSE SHALL BE CALCULATED BY MULTIPLYING THE RATIO OF TOTAL EXPENDI-
56 TURES FOR EMPLOYEE BENEFITS, INCLUDING EXPENDITURES FROM THE RISK

RETENTION FUND FOR PURPOSES OF EMPLOYEE BENEFIT CLAIMS RELATED TO SALARIES PAID FROM THE GENERAL AND SPECIAL AID FUNDS, TO TOTAL EXPENDITURES FOR SALARIES, BOTH AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND, BY THE TOTAL EXPENDITURES FOR SALARIES, AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND, FOR THOSE PURPOSES LISTED IN PARAGRAPH A OF THIS SUBDIVISION. SUCH RATIO SHALL BE EXPRESSED AS A DECIMAL CARRIED TO THREE DECIMAL PLACES WITHOUT ROUNDING, AND SUCH CALCULATED COST OF EMPLOYEE BENEFITS SHALL BE EXPRESSED AS A WHOLE NUMBER ROUNDED UP TO THE NEXT WHOLE DOLLAR.

S 11. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided that:

1. the amendments to subdivision 24 of section 2554 of the education law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section five of this act shall take effect;

2. the amendments to subdivision 8 of section 2590-e of the education law made by section six of this act shall be subject to the expiration and reversion of such section pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section seven of this act shall take effect; and

3. the amendments to subdivision 7 of section 2601-a of the education law made by section eight of this act shall not affect the expiration of such section and shall be deemed to expire therewith.