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I N   S E N A T E

February 6, 2014

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Introduced by Sen. DeFRANCISCO -- 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 the salary cap for  
district superintendents

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

1     Section 1. Subparagraph 2 of paragraph (a) of subdivision 4 of section  
2     1950 of the education law, as amended by chapter 698 of the laws of  
3     2003, is amended to read as follows:  
4     (2) Notwithstanding any inconsistent provision of law in no event  
5     shall the total salary including amounts paid pursuant to section twen-  
6     ty-two hundred nine of this chapter for district superintendents for  
7     each school year through the two thousand two--two thousand three school  
8     year exceed ninety-eight percent of that earned by the commissioner for  
9     state fiscal year nineteen hundred ninety-two--ninety-three, and in no  
10    event shall such total salary for a district superintendent [for the two  
11    thousand three--two thousand four school year or any subsequent school  
12    year] exceed[: (i) one hundred six percent of the salary cap applicable  
13    in the preceding school year, or (ii)] ninety-eight percent of that  
14    earned by the commissioner [in the two thousand three--two thousand four  
15    state fiscal year, whichever is less]. In no event shall any district  
16    superintendent be permitted to accumulate vacation or sick leave credits  
17    in excess of the vacation and sick leave credits managerial/confidential  
18    employees of the state are permitted to accumulate pursuant to regu-  
19    lations promulgated by the state civil service commission, nor may any  
20    district superintendent at the time of separation from service be  
21    compensated for accrued and unused vacation credits or sick leave, or  
22    use accrued and unused sick leave for retirement service credit or to  
23    pay for health insurance in retirement, at a rate in excess of the rate  
24    permitted to managerial/confidential employees of the state pursuant to  
25    regulations of the state civil service commission. In addition to the  
26    payment of supplementary salary, a board of cooperative educational  
27    services may provide for the payment of all or a portion of the cost of  
28    insurance benefits for the district superintendent of schools, including

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

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1 but not limited to health insurance, disability insurance, life insur-  
2 ance or any other form of insurance benefit made available to  
3 managerial/confidential employees of the state; provided that any such  
4 payments for whole life, split dollar or other life insurance policies  
5 having a cash value shall be included in the total salary of the  
6 district superintendent for purposes of this subparagraph, and provided  
7 further that any payments for the employee contribution, co-pay or  
8 uncovered medical expenses under a health insurance plan also shall be  
9 included in the total salary of the district superintendent. Notwith-  
10 standing any other provision of law, payments for such insurance bene-  
11 fits may be based on the district superintendent's total salary or the  
12 amount of his or her supplementary salary only. Any payments for trans-  
13 portation or travel expenses in excess of actual, documented expenses  
14 incurred in the performance of duties for the board of cooperative  
15 educational services or the state, and any other lump sum payment not  
16 specifically excluded from total salary pursuant to this subparagraph,  
17 shall be included in the total salary of the district superintendent for  
18 purposes of this subparagraph. Nothing herein shall prohibit a district  
19 superintendent from waiving any rights provided for in an existing  
20 contract or agreement as hereafter prohibited in favor of revised  
21 compensation or benefit provisions as permitted herein. In no event  
22 shall the terms of the district superintendent's contract, including any  
23 provisions relating to an increase in salary, compensation or other  
24 benefits, be contingent upon the terms of any contract or collective  
25 bargaining agreement between the board of cooperative educational  
26 services and its teachers or other employees. The commissioner may adopt  
27 regulations for the purpose of implementing the provisions of this para-  
28 graph.

29 S 2. This act shall take effect immediately.