

5253

2013-2014 Regular Sessions

I N   S E N A T E

May 15, 2013

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Introduced by Sen. FLANAGAN -- 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 New York state center for independent and religious schools establishment act

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

1     Section 1. The education law is amended by adding a new article 12-B  
2     to read as follows:

3     ARTICLE 12-B

4     NEW YORK CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS OVERSIGHT BOARD

5     SECTION 571. SHORT TITLE.

6             572. LEGISLATIVE FINDINGS AND INTENT.

7             573. DEFINITIONS.

8             574. NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS  
9     SCHOOLS.

10            575. NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS  
11     OVERSIGHT BOARD ESTABLISHED.

12            576. AUTHORITY AND DUTIES OF THE EXECUTIVE DIRECTOR.

13            577. RULES AND REGULATIONS.

14     S 571. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
15     THE "NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS ESTAB-  
16     LISHMENT ACT".

17     S 572. LEGISLATIVE FINDINGS AND INTENT. 1. THE STATE HAS RECOGNIZED  
18     THE NEED FOR THE CONTINUED SUSTAINABILITY OF INDEPENDENT AND RELIGIOUS  
19     SCHOOLS AS THESE SCHOOLS PLAY A VITAL ROLE IN THE EDUCATION OF CHILDREN  
20     WITHIN THE MANY COMMUNITIES THROUGHOUT THE STATE.

21     2. IN RECOGNITION OF THE NEED TO SUPPORT ALL SCHOOLS, THE STATE  
22     PROVIDES FUNDING TO SUPPORT AN ARRAY OF SERVICES INTENDED TO BENEFIT  
23     STUDENTS IN ALL SCHOOLS INCLUDING BUT NOT LIMITED TO FUNDING FOR  
24     INSTRUCTIONAL MATERIALS, SCHOOL HEALTH AND SAFETY MEASURES, ACADEMIC  
25     INTERVENTION SERVICES AND TRANSPORTATION SERVICES. THE ADMINISTRATION OF

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

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1 PROGRAMS AND SERVICES INTENDED TO BENEFIT THE STUDENTS IN INDEPENDENT  
2 AND RELIGIOUS SCHOOLS FALLS MOST OFTEN TO THE PUBLIC SCHOOL DISTRICTS IN  
3 WHICH SUCH INDEPENDENT OR RELIGIOUS SCHOOLS ARE LOCATED OR THE SCHOOL  
4 DISTRICTS IN WHICH SUCH INDEPENDENT AND RELIGIOUS SCHOOL STUDENTS  
5 RESIDE. THE STATE RECOGNIZES THE SUBSTANTIAL ADMINISTRATIVE BURDEN  
6 PLACED ON PUBLIC SCHOOL DISTRICTS CHARGED WITH ADMINISTERING SERVICES  
7 FOR STUDENTS OVER WHOM SUCH DISTRICTS HAVE LITTLE DIRECT RESPONSIBILITY.  
8 THE STATE FURTHER RECOGNIZES THE INEFFICIENCIES THAT EXIST AND THE CHAL-  
9 Lenges Faced BY INDEPENDENT AND RELIGIOUS SCHOOL ADMINISTRATORS WHO MUST  
10 WORK WITH MULTIPLE SCHOOL DISTRICTS IN ORDER TO ARRANGE SERVICES AND  
11 PROGRAMS INTENDED TO BENEFIT THEIR STUDENTS.

12 3. THE STATE RECOGNIZES THE NEED TO CREATE THE NEW YORK STATE CENTER  
13 FOR INDEPENDENT AND RELIGIOUS SCHOOLS SO THAT THE STATE MAY ALLEVIATE  
14 THE ADMINISTRATIVE BURDEN PLACED ON PUBLIC SCHOOL DISTRICTS; PROVIDE A  
15 MORE EFFICIENT AND COST-EFFECTIVE MEANS OF ADMINISTERING PROGRAMS AND  
16 SERVICES TO THE BENEFIT OF STUDENTS; AND AVOID EXCESSIVE ENTANGLEMENT OF  
17 GOVERNMENT ENTITIES WITH RELIGIOUS AND INDEPENDENT INSTITUTIONS.

18 S 573. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

19 1. "CENTER" SHALL MEAN THE NEW YORK STATE CENTER FOR INDEPENDENT AND  
20 RELIGIOUS SCHOOLS, ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS ARTI-  
21 CLE;

22 2. "BOARD" SHALL MEAN THE NEW YORK STATE CENTER FOR INDEPENDENT AND  
23 RELIGIOUS SCHOOLS OVERSIGHT BOARD, ESTABLISHED PURSUANT TO THE  
24 PROVISIONS OF THIS ARTICLE;

25 3. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF EDUCATION;

26 4. "DIRECTOR" SHALL MEAN THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE  
27 CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS; AND

28 5. "INDEPENDENT AND RELIGIOUS SCHOOL" SHALL MEAN ANY NONPUBLIC ELEMEN-  
29 TARY OR SECONDARY SCHOOL IN THE STATE WHICH (A) PROVIDES INSTRUCTION IN  
30 ACCORDANCE WITH ARTICLE SEVENTEEN AND SECTION THIRTY-TWO HUNDRED FOUR OF  
31 THIS CHAPTER, (B) HAS NOT BEEN FOUND TO BE IN VIOLATION OF TITLE VI OF  
32 THE CIVIL RIGHTS ACT OF NINETEEN HUNDRED SIXTY-FOUR, 78 STAT. 252, 42  
33 U.S.C. S 2000(D), AND (C) WHICH IS ENTITLED TO A TAX EXEMPTION UNDER  
34 SECTION FIVE HUNDRED ONE (A) AND FIVE HUNDRED ONE (C)(3) OF THE FEDERAL  
35 INTERNAL REVENUE CODE OF NINETEEN HUNDRED FIFTY-FOUR, AS AMENDED.

36 S 574. NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS.  
37 THE NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS IS HERE-  
38 BY ESTABLISHED TO DISBURSE SAFETY EQUIPMENT FUNDS MADE AVAILABLE FOR  
39 SUCH PURPOSE; TO PROVIDE AND COORDINATE SERVICES AND PROGRAMS AS  
40 PROVIDED FOR BY THIS CHAPTER, REGULATIONS OF THE COMMISSIONER, AND THAT  
41 MAY BE IDENTIFIED BY THE BOARD TO THE BENEFIT OF INDEPENDENT AND RELI-  
42 GIOUS SCHOOL STUDENTS AND PERSONNEL; AND TO DISSEMINATE INFORMATION AND  
43 CARRY OUT OTHER ACTIVITIES FOR THE BENEFIT OF INDEPENDENT AND RELIGIOUS  
44 SCHOOL STUDENTS AND PERSONNEL. THE COMMISSIONER SHALL, WITHIN THE FACIL-  
45 ITIES OF THE STATE EDUCATION DEPARTMENT, PROVIDE OFFICE SPACE AS WELL AS  
46 TECHNICAL AND RELATED ADMINISTRATIVE RESOURCES TO SUCH CENTER.

47 S 575. NEW YORK STATE CENTER FOR INDEPENDENT AND RELIGIOUS SCHOOLS  
48 OVERSIGHT BOARD ESTABLISHED. 1. THE BOARD SHALL PROVIDE ADVICE AND  
49 DIRECTION FOR THE WORK OF THE CENTER PURSUANT TO THIS ARTICLE AND SHALL  
50 ENSURE THAT THE WORK OF THE CENTER IS TRANSPARENT TO THE PUBLIC AT  
51 LARGE. THE BOARD SHALL: (A) ELECT A CHAIRPERSON AND DESIGNATE OFFICERS  
52 AND COMMITTEES AS MAY BE NECESSARY TO CARRY OUT THE WORK OF THE BOARD  
53 AND CENTER; (B) APPOINT AN EXECUTIVE DIRECTOR, BASED ON CRITERIA TO BE  
54 DETERMINED BY THE BOARD, TO OVERSEE THE DAY-TO-DAY OPERATIONS OF THE  
55 CENTER; (C) HAVE THE AUTHORITY TO ACCEPT AND RECEIVE ANY GRANTS, AWARDS,  
56 APPROPRIATIONS OR OTHER FUNDS AS MAY BE MADE AVAILABLE TO THE CENTER;

1 AND (D) PROVIDE FINAL APPROVAL OR DISAPPROVAL OF THE AWARDING OF GRANTS  
2 AND THE DISBURSEMENT OF ANY AND ALL FUNDS ADMINISTERED BY THE CENTER.  
3 THE BOARD SHALL COMMENCE ITS WORK AND SHALL BE CONSIDERED FUNCTIONING  
4 WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

5 2. THE OVERSIGHT BOARD SHALL COMPRISE: (A) THE MEMBERS OF THE COMMIS-  
6 SIONER'S ADVISORY COUNCIL OF NONPUBLIC SCHOOLS AS MAY BE APPOINTED TO  
7 SUCH COUNCIL BY THE COMMISSIONER; (B) AT LEAST ONE REPRESENTATIVE OF THE  
8 COMMISSIONER; AND (C) AT LEAST ONE REPRESENTATIVE OF THE OFFICE OF THE  
9 STATE COMPTROLLER. IN ADDITION, THE BOARD MAY INCLUDE UP TO THREE ADDI-  
10 TIONAL MEMBERS OF WHOM ONE WOULD BE APPOINTED BY THE GOVERNOR, ONE  
11 APPOINTED BY THE MAJORITY LEADER OF THE SENATE, AND ONE APPOINTED BY THE  
12 SPEAKER OF THE ASSEMBLY.

13 3. MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION BUT MAY BE REIM-  
14 BURED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORM-  
15 ANCE OF THEIR OFFICIAL DUTIES.

16 4. THE BOARD SHALL PROVIDE FOR AN ANNUAL AUDIT THAT SHALL BE COMPLETED  
17 BY THE FIRST DAY OF SEPTEMBER OF THE YEAR FOLLOWING THE YEAR IN WHICH  
18 THIS ARTICLE SHALL HAVE TAKEN EFFECT AND ANNUALLY THEREAFTER, OR ON  
19 ANOTHER DATE SET BY THE BOARD. THE AUDIT SHALL INCLUDE, AT THE MINIMUM,  
20 AN ACCOUNTING FOR BOTH THE RECEIPT AND EXPENDITURE OF ALL FUNDS ADMINIS-  
21 TERED BY THE CENTER DURING THE PREVIOUS CALENDAR YEAR. THE AUDIT SHALL  
22 ALSO INCLUDE A REPORT OF ALL THE CENTER'S ANNUAL ACCOUNTS AND THE STATUS  
23 OF ANY AND ALL GRANTS THAT THE BOARD HAS APPROVED DURING THE PREVIOUS  
24 CALENDAR YEAR. THE AUDIT SHALL BE MADE AVAILABLE TO THE PUBLIC AND BE  
25 FILED WITH THE OFFICE OF THE STATE COMPTROLLER. THE OFFICE OF THE STATE  
26 COMPTROLLER MAY REQUIRE ADDITIONAL FILING REQUIREMENTS TO BE COMPLETED  
27 BY THE CENTER.

28 S 576. AUTHORITY AND DUTIES OF THE EXECUTIVE DIRECTOR. 1. THE EXECU-  
29 TIVE DIRECTOR SHALL BE APPOINTED BY THE BOARD AND SHALL HAVE AUTHORITY  
30 AND DUTY TO OVERSEE THE DAY-TO-DAY OPERATIONS OF THE CENTER. THE DIREC-  
31 TOR SHALL ESTABLISH AND MAINTAIN DISTINCT ACCOUNTS, TO BE APPROVED BY  
32 THE BOARD, TO ADMINISTER FUNDS APPORTIONED TO THE CENTER. SUCH ACCOUNTS  
33 MUST, AT MINIMUM, SEPARATE PUBLIC FUNDS FROM FUNDS THE CENTER MAY  
34 ACQUIRE THROUGH PRIVATE DONATIONS AND OTHER SOURCES. THE DIRECTOR, WITH  
35 THE APPROVAL OF THE BOARD, IS EMPOWERED TO ENTER INTO ANY AGREEMENT OR  
36 CONTRACT WITH ANY PRIVATE OR PUBLIC AGENCIES, CORPORATIONS, OR INDIVID-  
37 UALS NECESSARY OR CONVENIENT TO CARRY OUT THE PROVISIONS OF THIS ARTI-  
38 CLE, INCLUDING THE HIRING OF ADMINISTRATIVE STAFF NECESSARY TO CARRY OUT  
39 THE FUNCTIONS OF THE CENTER. THE DIRECTOR SHALL DRAFT FOR THE BOARD AN  
40 ANNUAL AUDIT AND SHALL FULFILL ALL NECESSARY FILING REQUIREMENTS NECES-  
41 SARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE. THE DIRECTOR SHALL BE  
42 RESPONSIBLE FOR TRANSMITTING TO THE BOARD ANY INFORMATION NECESSARY FOR  
43 THE BOARD TO CARRY OUT ITS DUTIES AND ANY OTHER INFORMATION AS THE BOARD  
44 MAY REQUEST.

45 2. THE DIRECTOR SHALL AWARD GRANTS AND/OR MAKE PAYMENTS BASED ON  
46 CRITERIA PREPARED BY THE DIRECTOR AND APPROVED BY THE BOARD, TO ELIGIBLE  
47 INDEPENDENT AND RELIGIOUS SCHOOLS OR SERVICE PROVIDERS. THE DIRECTOR  
48 SHALL DETERMINE IN WHAT MANNER AND AT WHAT TIME SUCH GRANTS AND/OR  
49 PAYMENTS SHALL BE DISBURSED.

50 3. COMPENSATION OF THE DIRECTOR ANY PAYMENT OF OTHER ADMINISTRATIVE  
51 AND NECESSARY EXPENSES SHALL BE DETERMINED BY THE BOARD AND SHALL BE  
52 ALLOCATED OUT OF FUNDS ADMINISTERED BY THE CENTER.

53 S 577. RULES AND REGULATIONS. THE COMMISSIONER MAY PROMULGATE ANY  
54 RULES OR REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTI-  
55 CLE.

56 S 2. This act shall take effect immediately.