

3547--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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Introduced by M. of A. NOLAN, LUPARDO, LIFTON, GALEF, WOERNER -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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] SIXTEEN--two thousand [four] SEVENTEEN school year or  
12    any subsequent school year exceed: (i) one hundred six percent of the  
13    salary cap applicable in the preceding school year, or (ii) ninety-eight  
14    percent of that earned by the commissioner in the two thousand [three]  
15    SIXTEEN--two thousand [four] SEVENTEEN state fiscal year, whichever is  
16    less. In no event shall any district superintendent be permitted to  
17    accumulate vacation or sick leave credits in excess of the vacation and  
18    sick leave credits managerial/confidential employees of the state are  
19    permitted to accumulate pursuant to regulations promulgated by the state  
20    civil service commission, nor may any district superintendent at the  
21    time of separation from service be compensated for accrued and unused  
22    vacation credits or sick leave, or use accrued and unused sick leave for

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

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

35 S 2. This act shall take effect immediately.