

STATE OF NEW YORK

1645

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PERRY, BENEDETTO, PAULIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to attorney's fees for disciplinary proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3020-a of the education law is amended by adding a
2 new subdivision 6 to read as follows:

3 6. Attorney's fees. Notwithstanding any laws to the contrary, any
4 private attorney retained or otherwise employed by a school district to
5 represent the school district in any proceedings pursuant to this
6 section shall be paid an hourly rate not to exceed the hourly rate paid
7 to the highest paid attorney or legal officer employed as a full-time
8 employee by the school district. In the event that the school district
9 does not employ a full-time attorney or legal officer, the hourly rate
10 of the highest paid attorney or legal officer employed as a full-time
11 employee by the county or counties in which the school district is
12 located shall not be exceeded. For the purposes of this subdivision, the
13 hourly rate shall be computed by dividing annual salary of the attorney
14 or legal officer by the total number of hours that the attorney or legal
15 officer is required by law or contractual agreement to work in any
16 calendar year. Provided, however, that if the school district desires to
17 provide for a compensation greater than what is authorized by this
18 subdivision, the school district may seek a waiver from the requirements
19 of this subdivision from the commissioner, upon good cause shown.

20 § 2. This act shall take effect immediately and shall be deemed to
21 have been in full force and effect on and after April 1, 2021.

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

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