

1476

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

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Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the education law, in relation to requiring the state to fund certain programs mandated for municipal corporations and school districts; and to amend the education law, in relation to the effect of mandates on school districts; to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts and boards of cooperative educational services, to repeal subdivision 32 of section 305 of such law relating to a study of reporting requirements, to repeal section 805 of such law relating to special procedures for enforcement of the health education curriculum, to repeal subparagraph 2-a of paragraph d of subdivision 4 of section 1950 of such law relating to demonstration of cost-effectiveness of instructional and non-instructional technology acquired by component school districts through a board of cooperative educational services, to repeal paragraph d of subdivision 26-a of section 3602 of such law relating to a plan for use of instructional computer technology equipment, to repeal subdivision 13 of section 3602-e of such law relating to annual reports on universal prekindergarten programs, to repeal clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of such law relating to annual reports on transition of students with disabilities, to repeal paragraph b of subdivision 1 of section 4452 of such law relating to submission of a plan for the identification and education of gifted pupils, and in relation to a demonstration program in the city school district of the city of Syracuse

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

1     Section 1. Legislative intent. State mandated programs, unlike local  
2     service decisions, place local taxpayers and local officials in the  
3     position of paying for services that they do not control. Increasingly,

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

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1 however, the state has set local priorities and forced municipal taxing  
2 decisions by mandating services, programs, and standards. As a result,  
3 many local governments and school districts are today in an acutely  
4 difficult fiscal situation.

5 Thus, in order to prevent irresponsible state actions which prevent  
6 localities from making their own decisions, and which force unwanted  
7 local property tax increases, it is necessary to ensure that state  
8 mandates will not be forced on localities and school districts unless  
9 they are adequately funded.

10 S 2. The general municipal law is amended by adding a new section 25  
11 to read as follows:

12 S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION,  
13 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT  
14 SHALL OTHERWISE REQUIRE:

15 (A) "MANDATE" MEANS:

16 (I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR  
17 REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A  
18 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE; OR

19 (II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR  
20 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPO-  
21 RATION IS REQUIRED TO PROVIDE.

22 (B) "UNFUNDED MANDATE" SHALL MEAN:

23 (I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR  
24 REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A  
25 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET  
26 ADDITIONAL COST TO THE MUNICIPAL CORPORATION;

27 (II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR  
28 THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO  
29 PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL  
30 CORPORATION; OR

31 (III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR  
32 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPO-  
33 RATION IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL  
34 COST TO THE MUNICIPAL CORPORATION.

35 (C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTIC-  
36 IPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN  
37 PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY  
38 REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF  
39 THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

40 (I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

41 (II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN  
42 CONNECTION WITH THE PROGRAM OR SERVICE; AND

43 (III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMI-  
44 NATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE  
45 PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

46 2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY  
47 OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH  
48 CREATES AN ANNUAL NET ADDITIONAL COST TO ANY MUNICIPAL CORPORATION IN  
49 EXCESS OF TEN THOUSAND DOLLARS OR AN AGGREGATE ANNUAL NET ADDITIONAL  
50 COST TO ALL MUNICIPAL CORPORATIONS IN EXCESS OF ONE MILLION DOLLARS.

51 3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES  
52 REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR  
53 EXPANDED PROGRAMS IF:

54 (I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 3. The education law is amended by adding a new section 1527-a to read as follows:

S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE; OR

(II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT;

(II) ANY ALTERATION IN FUNDING PROVIDED TO ANY SUCH SCHOOL DISTRICT FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A SCHOOL DISTRICT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE SCHOOL DISTRICT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. FUNDING OF SCHOOL DISTRICT MANDATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN ANNUAL NET ADDITIONAL COST TO ANY SCHOOL DISTRICT IN EXCESS OF TEN THOUSAND DOLLARS OR AN AGGREGATE ANNUAL NET ADDITIONAL COST TO ALL SCHOOL DISTRICTS IN EXCESS OF ONE MILLION DOLLARS.

3. EXEMPTIONS TO THE FUNDING OF SCHOOL DISTRICT MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS FOR SCHOOL DISTRICTS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A SCHOOL DISTRICT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT SCHOOL DISTRICT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON SCHOOL DISTRICTS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND SCHOOL DISTRICTS TO PLAN IMPLEMENTATION THEREOF, AND ALSO CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 4. The education law is amended by adding a new section 308-a to read as follows:

S 308-A. SPECIAL PROVISIONS; MANDATES. 1. AS USED IN THIS SECTION, "MANDATE" MEANS (A) ANY STATE LAW, RULE OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT, ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE, OR

(B) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

2. IN THE EVENT THAT A MANDATE WHICH IMPOSES A COST UPON A SCHOOL DISTRICT IS CREATED AFTER THE ADOPTION OF A SCHOOL BUDGET, SUCH MANDATE SHALL NOT BE IMPLEMENTED UNTIL THE FOLLOWING YEAR FOR WHICH SUCH SCHOOL BUDGET WAS ADOPTED.

3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, SUCH A MANDATE CAN BE IMPOSED IF:

(A) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(B) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(C) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR

1 EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE  
2 FEDERAL GOVERNMENT.

3 S 5. Short title. Sections five through twenty-six of this act shall  
4 be known and may be cited as "the school paperwork elimination and  
5 reduction act of 2009".

6 S 6. Legislative findings. The legislature hereby finds and declares  
7 that the current required planning and reporting requirements for school  
8 districts and BOCES have become excessive, resulting in significant  
9 administrative burdens. The legislature further finds that chapter 83 of  
10 the laws of 2002 added subdivision 32 to section 305 of the education  
11 law which required the commissioner of education to complete a review of  
12 all applications, plans and reports required of school districts and  
13 BOCES. The legislature further finds that the commissioner of education  
14 provided the legislature and the division of the budget on June 1, 2003,  
15 with a report entitled "A Proposal on Planning and Reporting by New York  
16 State School Districts for the Strategic Use of School Resources for  
17 School Improvement" which included a proposal to replace existing plan-  
18 ning and reporting requirements with a new comprehensive streamlined  
19 reporting system.

20 The legislature further finds that sections five through twenty-six of  
21 this act implements those portions of the commissioner of education's  
22 report which addressed state statutorily required planning and reporting  
23 requirements by eliminating such requirements and by reducing the scope  
24 of other statutorily required planning and reporting requirements. The  
25 legislature further finds that the creation of a comprehensive planning  
26 and reporting system is a necessary component to the reduction of scope  
27 and elimination of certain existing planning and reporting requirements.

28 S 7. The education law is amended by adding a new section 101-b to  
29 read as follows:

30 S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMIS-  
31 SIONER TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF  
32 COOPERATIVE EDUCATIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE  
33 REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS,  
34 REPORTS AND APPLICATIONS, WHERE POSSIBLE, WHILE FOCUSING PLANNING AND  
35 REPORTING ON RESULTS RATHER THAN THE PROCESSES TO ACHIEVE THEM. THE  
36 COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO  
37 FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS  
38 WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS.

39 2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND  
40 APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPER-  
41 ATIVE EDUCATIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELEC-  
42 TRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING,  
43 CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND  
44 REQUIRING PLANNING ONLY WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC  
45 ACCOUNTABILITY, TO FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE  
46 GAP BETWEEN ACTUAL AND DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE  
47 SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH  
48 AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS SHALL MATCH OVERSIGHT  
49 WITH THE DEGREE OF RISK BY LINKING PLANNING AND REPORTING TO THE STATE  
50 SYSTEM OF ACCOUNTABILITY REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN  
51 AUDIT BASED ASSESSMENT OF RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL  
52 PERFORMANCE OR IMPROPER MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMIS-  
53 SIONER SHALL ESTABLISH PARTNERSHIPS WITH SELECTED SCHOOL DISTRICTS AND  
54 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO PROMOTE BETTER USE OF  
55 REQUIRED PLANNING AND REPORTING AND SHALL ASSURE THAT REPORTING REQUIRE-  
56 MENTS INCLUDE DATA WHICH CAN BE USED TO IDENTIFY BEST PRACTICES. THE

COMMISSIONER SHALL PROVIDE FOR THE SHARING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TRAINING ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS AND TEACHERS, PROVIDE FOR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS AND INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION.

S 8. Section 215-b of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

S 215-b. Annual report by commissioner to governor and legislature. The commissioner shall prepare and submit to the governor, the president pro tem of the senate and the speaker of the assembly not later than January first, nineteen hundred ninety-six and by the first day of January in each year thereafter, a report detailing the financial and statistical outcomes of boards of cooperative educational services which shall[, at minimum,] set forth with respect to the preceding school year[: tuition costs for selected programs; standard per pupil cost information for selected services as determined by the commissioner; and aggregate expenditure data for the following categories: administration, instructional services, career education, special education, rent and facilities and other services; and such other information as deemed appropriate] INFORMATION NECESSARY TO ASSURE THE ACCOUNTABILITY OF BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR ITS FISCAL AND PROGRAMMATIC RESOURCES, AS SET FORTH IN REGULATIONS TO BE PRESCRIBED by the commissioner. The format for such report shall be developed in consultation with school district officials and the director of the budget. Such report will include changes from the year prior to the report year for each such item for all boards of cooperative educational services. Such report shall be distributed to all school districts and boards of cooperative educational services and shall be made available to all other interested parties upon request.

S 9. Subdivision 32 of section 305 of the education law is REPEALED.

S 10. Section 805 of the education law is REPEALED.

S 11. Subdivision 2 of section 806 of the education law, as amended by chapter 946 of the laws of 1973, is amended to read as follows:

2. The regents shall determine the subjects to be included in such courses of instruction in highway safety and traffic regulation including bicycle safety, and the period of instruction in each of the grades in such subjects. [They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the teaching of the courses of instruction prescribed by this section. The commissioner of education shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a noncompliance with the rules of the regents adopted as herein provided.]

S 12. Subparagraph 1 of paragraph b of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(1) Prepare, prior to the annual meeting of members of the boards of education and school trustees, held as provided in paragraph o of this

1 subdivision, a tentative budget of expenditures for the program costs, a  
2 tentative budget for capital costs, and a tentative budget for the  
3 administration costs of the board of cooperative educational services.  
4 Such budgets shall include the proposed budget for the upcoming school  
5 year, the previous school year's actual costs and the current school  
6 year's projected costs for each object of expenditure. Such program,  
7 capital and administrative budgets shall be separately delineated in  
8 accordance with the definition of program, capital and administrative  
9 costs which shall be promulgated by the commissioner after consultation  
10 with school district officials and the director of the budget. Personal  
11 service costs for each budget shall include the number of full-time  
12 equivalent positions funded and total salary and, except as noted here-  
13 in, fringe benefit costs for such positions by program. Each program  
14 budget shall also include the local and statewide unit costs of such  
15 programs and services proposed for the upcoming school year, such actual  
16 unit costs for the previous school year, and the current school year's  
17 projected unit costs, all established in accordance with paragraph d of  
18 this subdivision. The capital budget shall include facility construction  
19 and lease expenditures authorized pursuant to paragraphs p, t and u of  
20 this subdivision, payments for the repayment of indebtedness related to  
21 capital projects, payments for the acquisition or construction of facil-  
22 ities, sites or additions, provided that such budget shall contain a  
23 rental, operations and maintenance section that will include base rent  
24 costs, total rent costs, operations and maintenance charges, cost per  
25 square foot for each facility rented or leased by such board of cooper-  
26 ative educational services, and any and all expenditures associated with  
27 custodial salaries and benefits, service contracts, supplies, utilities,  
28 maintenance and repairs for such facilities, and that such budget shall  
29 include the annual debt service and total debt for all facilities  
30 financed by bonds or notes of the component districts, annual rental and  
31 lease payments and total rental and lease costs for all facilities rent-  
32 ed by such board; such capital budget shall also include expenditures  
33 resulting from court judgments and orders from administrative bodies or  
34 officers, and, to the extent a board's administrative budget has been  
35 adopted, one-time costs incurred in the first year in which an employee  
36 retires. The administrative budget shall include, but need not be limit-  
37 ed to, office and central administrative expenses, traveling expenses  
38 and salaries and benefits of supervisors and administrative personnel  
39 necessary to carry out the central administrative duties of the supervi-  
40 sory district, any and all expenditures associated with the board, the  
41 office of district superintendent, general administration, central  
42 support services, planning, and all other administrative activities.  
43 Such administrative budget shall also specify the amount of supplementa-  
44 ry salary and benefits, if any, which the board determines should be  
45 paid to the district superintendent of schools and the board shall  
46 append to such budget a detailed statement of the total compensation to  
47 be paid the district superintendent of schools by the board, including a  
48 delineation of the salary, annualized cost of benefits and any in-kind  
49 or other form of remuneration to be paid, plus, commencing with the  
50 presentation of the budget for the nineteen hundred ninety-seven--nine-  
51 ty-eight school year, [a list of items of expense eligible for  
52 reimbursement on expense accounts in the ensuing school year and] a  
53 statement of the amount of expenses paid to the district superintendent  
54 of schools in the prior year for purposes of carrying out his or her  
55 official duties.

1 S 13. Subparagraph 5 of paragraph b of subdivision 4 of section 1950  
2 of the education law, as amended by chapter 602 of the laws of 1994, is  
3 amended to read as follows:

4 (5) The trustees or board of education of each component school  
5 district of the board of cooperative educational services shall adopt a  
6 public resolution which shall approve or disapprove such tentative  
7 administrative budget at a regular or special meeting to be held within  
8 the component district on the date designated pursuant to subdivision  
9 two-a of this section as the date for election of members of the board  
10 of cooperative educational services, or in the case of the board of  
11 education of a central high school district on the regular business day  
12 next following such designated date. If the resolutions adopted by the  
13 trustees or boards of education of a majority of the component school  
14 districts of the board of cooperative educational services actually  
15 voting approve the tentative administrative budget, the board of cooper-  
16 ative educational services may adopt the tentative administrative budget  
17 without modification. If a majority of the component school districts  
18 actually voting fail to adopt resolutions approving such tentative  
19 administrative budget, or if the number of component school districts  
20 approving the budget equals the number of school districts disapproving  
21 the budget, the board of cooperative educational services shall prepare  
22 and adopt a contingency administrative budget which shall not exceed the  
23 amount of the administrative budget of the board of cooperative educa-  
24 tional services for the previous school year except to accommodate  
25 expenditure increases attributable to supplemental retirement allowances  
26 payable pursuant to section five hundred thirty-two of this chapter and  
27 section seventy-eight of the retirement and social security law. [For  
28 purposes of development of a budget for the nineteen hundred ninety-  
29 four--ninety-five school year, each board of cooperative educational  
30 services shall separate its program, capital and administrative costs  
31 for the nineteen hundred ninety-three--ninety-four school year in the  
32 manner prescribed by the commissioner, and] THE BOARD OF COOPERATIVE  
33 EDUCATIONAL SERVICES shall NOT BE REQUIRED TO submit [the resulting] ITS  
34 separate administrative budget to the commissioner for approval. [Upon  
35 approval of the commissioner, such separate administrative budget shall  
36 be deemed the administrative budget of the board of cooperative educa-  
37 tional services for the nineteen hundred ninety-three--ninety-four  
38 school year.]

39 S 14. Paragraph c of subdivision 4 of section 1950 of the education  
40 law, as amended by chapter 301 of the laws of 1996, is amended to read  
41 as follows:

42 c. Make or cause to be made surveys to determine the need for cooper-  
43 ative educational services in the supervisory district and present the  
44 findings of their surveys to local school authorities. Each board of  
45 cooperative educational services shall prepare long range program plans  
46 to meet the projected need for such cooperative educational services in  
47 the supervisory district for the next five years as may be specified by  
48 the commissioner, and shall [submit] KEEP ON FILE AND AVAILABLE FOR  
49 PUBLIC INSPECTION AND REVIEW BY THE COMMISSIONER such plans and there-  
50 after annual revisions of such plans [to the commissioner] on or before  
51 the first day of December of each year, [except that special education  
52 and career education program plans, in a form specified by the commis-  
53 sioner, shall be submitted every two years, no later than the date spec-  
54 ified by the commissioner, and revised annually] PROVIDED THAT SUCH  
55 PLANS MAY BE INCORPORATED INTO A BOARD OF COOPERATIVE EDUCATIONAL  
56 SERVICES DISTRICT-WIDE COMPREHENSIVE PLAN.



1 S 15. Subparagraph 2-a of paragraph d of subdivision 4 of section 1950  
2 of the education law is REPEALED.

3 S 16. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section  
4 1950 of the education law, as amended by chapter 474 of the laws of  
5 1996, are amended to read as follows:

6 (3) Requests for shared services; operating plan; required notice.  
7 Requests for such shared services shall be filed by component school  
8 districts with the board of cooperative educational services not later  
9 than the first day of February of each year, provided that such requests  
10 shall not be binding upon the component school district. The board of  
11 cooperative educational services shall submit its proposed annual oper-  
12 ating plan for the ensuing school year to the department for approval  
13 not later than the fifteenth day of February of each year. Such board  
14 shall, through its executive officer, notify each component school  
15 district on or before the tenth day of March concerning the services  
16 [which] THAT have been approved by the commissioner to be made available  
17 for the ensuing school year. Such notice shall set forth the local  
18 uniform cost of each such service, based on (i) anticipated partic-  
19 ipation in the ensuing school year, or (ii) participation in the current  
20 year, or (iii) a two or three year average including participation in  
21 the current year, which unit cost shall be the same for all participat-  
22 ing component districts and shall be based upon a uniform methodology  
23 approved annually by at least three-quarters of the participating compo-  
24 nent school districts after consultation by local school officials with  
25 their respective boards[; provided, however, such unit cost shall be  
26 subject to final adjustment for programs for students with disabilities  
27 based on actual participation in accordance with regulations of the  
28 commissioner. Notwithstanding the determination of the local uniform  
29 unit cost methodology selected in accordance with this paragraph, each  
30 board of cooperative education services shall annually report to the  
31 commissioner the budgeted unit cost and, when available, the actual unit  
32 cost of such programs and services, in accordance with both the local  
33 uniform unit cost methodology and a statewide uniform unit cost method-  
34 ology prescribed by the commissioner by regulation, where the budgeted  
35 statewide unit cost shall be based on the anticipated participation in  
36 the ensuing year and the actual statewide unit cost shall be based on  
37 actual participation through the end of each year].

38 (4) Contracts for shared services; allocation of costs. Each component  
39 school district shall on or before the first day of May following such  
40 notification notify the board of cooperative educational services of its  
41 intention to participate or not to participate in such shared services  
42 and the specific services which such district elects to utilize. Each  
43 participating component school district shall be required to pay the  
44 board of cooperative educational services for the cost of the services  
45 set forth in such notification, except for adjustments caused by subse-  
46 quent unanticipated changes in the district's enrollment. The board of  
47 cooperative educational services shall enter into contracts with its  
48 component school districts for such requested services. A copy of each  
49 executed contract for such purpose shall be [filed with the commissioner  
50 by] ON FILE WITH the board of cooperative educational services AND  
51 AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST on or prior to the first  
52 day of August of each year. Notwithstanding the provisions of paragraph  
53 b of this subdivision, any component school district which does not  
54 elect to participate in any such specific cooperative services author-  
55 ized under this paragraph shall not be required to pay any share of the  
56 moneys provided in the budget as salaries of teachers or other personnel

1 employed in providing such service, for equipment and supplies for such  
2 service or for transportation of pupils to and from the place where such  
3 service is maintained. Provided, further, that a board of cooperative  
4 educational services may allocate the cost of such services to component  
5 school districts in accordance with terms agreed upon between such board  
6 and three-quarters of the boards of education and trustees of local  
7 school districts participating in the service.

8 S 17. Paragraph aa of subdivision 4 of section 1950 of the education  
9 law, as added by chapter 595 of the laws of 1978, is amended to read as  
10 follows:

11 aa. Notwithstanding any other provision of law, a board of cooperative  
12 educational services may[, with the prior written approval of the  
13 commissioner,] contract to accept from a leasing company which has qual-  
14 ified as lowest bidder pursuant to the provisions of the general municipi-  
15 pal law a sum sufficient to purchase data processing equipment from the  
16 manufacturer thereof, pay such sum to the manufacturer of said equip-  
17 ment, receive the equipment and title thereto and convey the same to the  
18 leasing company with a simultaneous lease of the equipment from such  
19 leasing company to the board of cooperative educational services for a  
20 specified period of years. Before any such agreement shall be executed,  
21 the board of cooperative educational services shall adopt a resolution  
22 determining that such agreement is in the best financial interest of the  
23 board. Such lease may be renewed for a further specified period of years  
24 [with the prior approval of the commissioner of education].

25 S 18. Paragraph kk of subdivision 4 of section 1950 of the education  
26 law, as added by section 13 of part A of chapter 436 of the laws of  
27 1997, is amended to read as follows:

28 kk. For the nineteen hundred ninety-seven--ninety-eight school year  
29 and thereafter, the board of cooperative educational services (BOCES)  
30 shall prepare a BOCES report card, pursuant to regulations of the  
31 commissioner, and shall make it publicly available by transmitting it to  
32 local newspapers of general circulation, appending it to copies of the  
33 proposed administrative budget made publicly available as required by  
34 law, making it available for distribution at the annual meeting, and  
35 otherwise disseminating it as required by the commissioner. Such report  
36 card shall include measures of the academic performance of the board of  
37 cooperative educational services, on a school by school or program by  
38 program basis, and measures of the fiscal performance of the supervisory  
39 district, as prescribed by the commissioner. Pursuant to regulations of  
40 the commissioner, the report card shall also compare these measures to  
41 statewide averages for all boards of cooperative educational services.  
42 Such report card shall include[, at a minimum, any information of the  
43 board of cooperative educational services regarding pupil performance  
44 and expenditure per pupil required to be included in the annual report  
45 by the regents to the governor and the legislature pursuant to section  
46 two hundred fifteen-a of this chapter; and] any other information  
47 required by the commissioner.

48 S 19. Subdivision 2 of section 2201 of the education law, as amended  
49 by chapter 295 of the laws of 1993, is amended to read as follows:

50 2. Whenever a vacancy hereafter occurs in the office of district  
51 superintendent of schools in any supervisory district or whenever the  
52 commissioner receives a letter of resignation from a district super-  
53 intendent, the commissioner [shall] MAY survey the field in the county  
54 where the vacancy occurred, and if it shall find that the continuance of  
55 the number of supervisory districts then existing is no longer necessary  
56 to serve adequately the educational interests of the county he or she

1 shall be authorized to conduct a study to examine the possible reorgan-  
2 ization of such supervisory district if no such study has been conducted  
3 within five years.

4 S 20. Subdivision 5 of section 2802 of the education law, as added by  
5 chapter 181 of the laws of 2000, is amended to read as follows:

6 5. By [January] APRIL first of each year, the commissioner shall  
7 report to the governor, the legislature and the regents concerning the  
8 prevalence of violence and disruptive incidents in the public schools[,  
9 and the effectiveness of school programs undertaken to reduce violence  
10 and assure the safety and security of students and school personnel].  
11 The report shall summarize the information available from the incident  
12 reporting system, and [identify specifically the schools and school  
13 districts with the least and greatest incidence of violent and disrupt-  
14 tive incidents, and the least and most improvement since the previous  
15 year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS  
16 OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL  
17 DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND  
18 OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETER-  
19 MINED BY THE COMMISSIONER. [The report shall also, to the extent possi-  
20 ble, relate the results available from the incident reporting system,  
21 together with such other analysis and information as the commissioner  
22 determines is appropriate, to the effectiveness of school violence meas-  
23 ures undertaken by participating schools and school districts, including  
24 the school codes and school safety plans required by sections twenty-  
25 eight hundred one and twenty-eight hundred one-a of this article.]

26 S 21. Paragraph b of subdivision 8 of section 3602 of the education  
27 law, as amended by section 16 of part B of chapter 57 of the laws of  
28 2007, is amended to read as follows:

29 b. District plans of service. Any school district receiving an addi-  
30 tional apportionment pursuant to subdivision ten of this section for  
31 pupils in career education programs or a payment in lieu of such appor-  
32 tionment or having a public excess cost aid setaside pursuant to subdivi-  
33 sion four of this section shall keep on file and make available for  
34 public inspection and review by the commissioner an acceptable plan of  
35 service describing the student outcomes expected from implementation of  
36 the proposed plan, provided that such plan may be incorporated into a  
37 school district's district-wide comprehensive plan. The plan of service  
38 [submitted by] OF a school district receiving an additional apportion-  
39 ment pursuant to this section for pupils with disabilities shall also  
40 describe how such district intends to ensure that all instructional  
41 materials to be used in the schools of such district will be made avail-  
42 able in a usable alternative format for each student with a disability  
43 and for each student who is a qualified individual with a disability, at  
44 the same time as such instructional materials are available to non-disa-  
45 bled students, provided that such plan may incorporate by reference the  
46 alternative format plans developed pursuant to subdivision twenty-nine-a  
47 of section sixteen hundred four, subdivision four-a of section seventeen  
48 hundred nine, subdivision seven-a of section twenty-five hundred three  
49 or subdivision seven-a of section twenty-five hundred fifty-four of this  
50 chapter. Such plans shall be in a form prescribed by the commissioner,  
51 and except as heretofore provided, shall have the content prescribed by  
52 the commissioner. The commissioner may, from time to time, require  
53 amendments of such plans as deemed to be necessary and appropriate to  
54 further the educational welfare of the pupils involved.

55 S 22. Paragraph f of subdivision 11 of section 3602 of the education  
56 law, as added by chapter 82 of the laws of 1995 and such subdivision as

1 renumbered by section 15 of part B of chapter 57 of the laws of 2007, is  
2 amended to read as follows:

3 f. Approved plan of service and program evaluation. All school  
4 districts and BOCES desiring to operate an aidable program pursuant to  
5 this subdivision shall complete [a comprehensive plan of service] AN  
6 application, including a budget by program component[, together with an  
7 evaluation of the effectiveness of program components offered during the  
8 most recent July first through March thirtieth, if any]. Such [evalu-  
9 ation and plan] APPLICATION shall be in a form prescribed by the commis-  
10 sioner and shall be submitted not later than [forty-five days after the  
11 provisions of this paragraph shall have become law, and not later than]  
12 May fifteenth in [subsequent] EACH school [years] YEAR. Within forty-  
13 five days of such deadline, and upon evaluation of such applications,  
14 the commissioner shall notify school districts and BOCES of those  
15 portions of such [plan of service] APPLICATION that will be aidable in  
16 the school year ahead after making a determination that approval of such  
17 [programs] APPLICATION will assure maximum effectiveness, geographic  
18 availability and lack of duplication of such programs, support for  
19 educational initiatives, and compliance with required program and fiscal  
20 reporting requirements. No aid shall be payable pursuant to this subdi-  
21 vision unless the [program] APPLICATION is approved by the commissioner.

22 S 23. Paragraph d of subdivision 26-a of section 3602 of the education  
23 law is REPEALED.

24 S 24. Subdivision 13 of section 3602-e of the education law is  
25 REPEALED.

26 S 25. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of  
27 section 4402 of the education law is REPEALED.

28 S 26. Paragraph b of subdivision 1 of section 4452 of the education  
29 law is REPEALED.

30 S 27. There shall be established a demonstration program in the city  
31 school district of the city of Syracuse under which students enrolled in  
32 the twelfth grade during the 2009--2010 school year and thereafter who  
33 were also enrolled in such district during the tenth and eleventh  
34 grades, and who graduate from high school or meet high school graduation  
35 requirements and matriculate at the state university or city university  
36 of New York shall be guaranteed payment of full tuition and fees for  
37 attendance at such institution. Such students shall be required to make  
38 application for a tuition assistance program award pursuant to section  
39 667 of the education law and shall, upon such matriculation, be eligible  
40 for payment of tuition expenses not otherwise covered by the tuition  
41 assistance program, and fees. The duration of eligibility for receipt  
42 of such payment shall be as provided in paragraphs a and b of subdivi-  
43 sion 3 of section 669-a of the education law. The board of trustees of  
44 the New York state higher education services corporation shall, on or  
45 before December 31, 2009, promulgate regulations that establish eligi-  
46 bility criteria and application requirements for such demonstration  
47 program.

48 S 28. This act shall take effect immediately, provided that:

49 1. sections one through three of this act shall be deemed to have been  
50 in full force and effect on and after April 1, 2009 and shall apply to  
51 any general or special law imposing mandates on municipal corporations  
52 or school districts enacted on or after such effective date; and

53 2. the commissioner of education shall adopt any regulations needed to  
54 implement the provisions of this act on or before July 1, 2010.