S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sens. FLANAGAN, ALESI, MORAHAN -- 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 increasing the qualifications for school district business officials

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

Section 1. The education law is amended by adding a new section 2116-d to read as follows:

S 2116-D. SCHOOL DISTRICT BUSINESS OFFICIALS. 1. ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, THE BOARD OF EDUCATION OR OTHER GOVERNING BOARD OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE REQUIRED TO EMPLOY A CERTIFIED SCHOOL BUSINESS LEADER WHO MEETS THE REQUIREMENTS OF SUBDIVISION SIX OF SECTION THREE THOUSAND THREE OF THIS CHAPTER AS THE CHIEF SCHOOL BUSINESS OFFICIAL OF THE DISTRICT, EXCEPT THAT AN INCUMBENT WHO IS SERVING AS THE CHIEF SCHOOL BUSINESS OFFICIAL ON SUCH DATE AS A DEPUTY, ASSISTANT, OR ASSOCIATE SUPERINTENDENT FOR BUSINESS OR OTHER CERTIFIED SCHOOL ADMINISTRATOR HAVING PROFESSIONAL RESPONSIBILITY FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT, OR IN A POSITION IN THE CLASSIFIED CIVIL SERVICE AS A SCHOOL BUSINESS MANAGER OR THE EQUIVALENT, MAY CONTINUE TO BE EMPLOYED IN SUCH CAPACITY, PROVIDED THAT SUCH INDIVIDUAL SUCCESSFULLY COMPLETES THE EXAMINATION PRESCRIBED BY THE COMMISSIONER PURSUANT TO PARAGRAPH B OF SUBDIVISION SIX OF SECTION THREE THOUSAND THREE OF THIS CHAPTER NO LATER THAN JUNE THIRTIETH, TWO THOUSAND THIRTEEN.

2. EVERY EMPLOYMENT CONTRACT ENTERED INTO, AMENDED OR EXTENDED BY THE TRUSTEES OF THE BOARD OF EDUCATION OF A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES ON OR AFTER JULY FIRST, TWO THOUSAND NINE WITH A DEPUTY SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSOCIATE SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSISTANT SUPERINTENDENT OF SCHOOLS FOR BUSINESS OR OTHER PERSON HAVING PROFESSIONAL RESPONSIBILITY

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

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FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT OR WITH AN INDIVIDUAL EMPLOYED IN A CLASSIFIED CIVIL SERVICE POSITION AS A SCHOOL BUSINESS MANAGER OR THE EQUIVALENT SHALL INCLUDE A CLAUSE REQUIRING THAT SUCH EMPLOYEE COMPLETE THE REQUIRED CONTINUING EDUCATION COURSEWORK IN ACCOUNTING AND/OR FINANCE AND PROFESSIONAL DEVELOPMENT COURSES APPROVED BY THE COMMISSIONER IN EACH YEAR OF THE CONTRACT.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, EXPENSES INCURRED BY SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR THE SHARING OF PERSONNEL TO SERVE AS A DEPUTY SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSOCIATE SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSISTANT SUPERINTENDENT OF SCHOOLS FOR BUSINESS OR OTHER PERSON HAVING PROFESSIONAL RESPONSIBILITY FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OR PARAGRAPH I OF SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER OR ANY OTHER PROVISIONS OF LAW PROVIDING AID FOR THE SHARING OF SERVICES, UNLESS SUCH SHARED EMPLOYEE IS CERTIFIED AS A SCHOOL DISTRICT BUSINESS LEADER PURSUANT TO SUBDIVISION SIX OF SECTION THREE THOUSAND THREE OF THIS CHAPTER.

S 2. Subdivision 5 of section 3003 of the education law, as added by chapter 639 of the laws of 1990, is amended and a new subdivision 6 is added to read as follows:

5. [The] FOR CANDIDATES WHO APPLY FOR A CERTIFICATE ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO THOUSAND TEN, THE commissioner may provide for the issuance of a certificate as deputy, associate or assistant superintendent for business to any qualified person who meets all of the requirements of subdivision one of this section, except those contained in paragraph b of subdivision one of this section.

6. A. FOR CANDIDATES WHO APPLY FOR A CERTIFICATE ON OR AFTER THE SECOND DAY OF SEPTEMBER, TWO THOUSAND TEN, THE COMMISSIONER SHALL PROVIDE FOR THE ISSUANCE OF A PROFESSIONAL CERTIFICATE AS A SCHOOL DISTRICT BUSINESS LEADER (DEPUTY SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSOCIATE SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSISTANT SUPERINTENDENT OF SCHOOLS FOR BUSINESS OR OTHER PERSON HAVING PROFESSIONAL RESPONSIBILITY FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT) IN ACCORDANCE WITH THIS SUBDIVISION TO ANY QUALIFIED PERSON WHO MEETS ALL OF THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, EXCEPT THOSE CONTAINED IN PARAGRAPH B OF SUBDIVISION ONE OF THIS SECTION, AND THE REQUIREMENTS OF THIS SUBDIVISION.

B. THE COMMISSIONER SHALL REQUIRE THAT AT LEAST TWENTY-FOUR SEMESTER HOURS OF THE GRADUATE COURSES REQUIRED UNDER PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION BE IN ACCOUNTING AND/OR FINANCE COURSES DETERMINED BY THE COMMISSIONER TO BE RELEVANT TO THE EFFECTIVE MANAGEMENT OF THE FISCAL RESOURCES OF A SCHOOL DISTRICT. THE COMMISSIONER SHALL ALSO REQUIRE CANDIDATES TO SUCCESSFULLY COMPLETE AN EXAMINATION THAT WILL ASSESS THE CANDIDATE'S KNOWLEDGE OF BASIC BUDGETING AND ACCOUNTING PRINCIPLES AND THE STATE AND FEDERAL LAWS AND REGULATIONS RELATING TO SCHOOL FINANCE, WHEN SUCH EXAMINATION BECOMES AVAILABLE. THE COMMISSIONER SHALL ALSO REQUIRE THAT CANDIDATES COMPLETE AN INTERNSHIP REQUIREMENT AS PART OF THEIR GRADUATE PROGRAM THAT INCLUDES A FULL-TIME EXPERIENCE OF AT LEAST FIFTEEN WEEKS IN DURATION.

C. THE COMMISSIONER SHALL ESTABLISH AN ALTERNATIVE PATHWAY TO SUCH CERTIFICATION, WHEREBY A CANDIDATE WHO FULFILLS ALL OTHER REQUIREMENTS SHALL BE DEEMED TO MEET THE COURSEWORK AND INTERNSHIP REQUIREMENTS FOR A

PROFESSIONAL CERTIFICATE IF HE OR SHE HOLDS A MASTER'S DEGREE IN BUSINESS ADMINISTRATION OR A MASTER'S DEGREE IN ACCOUNTING.

D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT A WAIVER OF THE COURSEWORK AND INTERNSHIP REQUIREMENTS FOR A PROFESSIONAL CERTIFICATE TO CANDIDATES WHO, UPON REVIEW OF THEIR TRANSCRIPT AND EXPERIENCE, ARE DETERMINED BY THE COMMISSIONER TO BE EXCEPTIONALLY QUALIFIED TO SERVE AS A SCHOOL DISTRICT BUSINESS LEADER.

E. THE COMMISSIONER SHALL ALSO REQUIRE THAT THE PROFESSIONAL DEVELOPMENT REQUIRED UNDER THE REGULATIONS OF THE COMMISSIONER OF ALL CERTIFICATE HOLDERS TO MAINTAIN A PROFESSIONAL CERTIFICATE AS A SCHOOL DISTRICT BUSINESS LEADER ANNUALLY INCLUDE A MAJORITY ANNUALLY OF APPROVED COURSEWORK IN ACCOUNTING AND/OR FINANCE.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.