

3874

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- 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 streamlining of planning and reporting requirements for school districts and boards of cooperative educational services; and 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 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, and 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

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "the school paperwork elimination and reduction act of 2009".
3 S 2. Legislative findings. The legislature hereby finds and declares
4 that the current required planning and reporting requirements for school
5 districts and BOCES have become excessive, resulting in significant
6 administrative burdens. The legislature further finds that chapter 83 of
7 the laws of 2002 added subdivision 32 to section 305 of the education
8 law which required the commissioner of education to complete a review of
9 all applications, plans and reports required of school districts and
10 BOCES. The legislature further finds that the commissioner of education
11 provided the legislature and the division of the budget on June 1, 2003,
12 with a report entitled "A Proposal on Planning and Reporting by New York
13 State School Districts for the Strategic Use of School Resources for
14 School Improvement" which included a proposal to replace existing plan-

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

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1 ning and reporting requirements with a new comprehensive streamlined
2 reporting system.

3 The legislature further finds that this act implements those portions
4 of the commissioner of education's report which addressed state statuto-
5 rily required planning and reporting requirements by eliminating such
6 requirements and by reducing the scope of other statutorily required
7 planning and reporting requirements. The legislature further finds that
8 the creation of a comprehensive planning and reporting system is a
9 necessary component to the reduction of scope and elimination of certain
10 existing planning and reporting requirements.

11 S 3. The education law is amended by adding a new section 101-b to
12 read as follows:

13 S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMIS-
14 SIONER TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF
15 COOPERATIVE EDUCATIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE
16 REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS,
17 REPORTS AND APPLICATIONS, WHERE POSSIBLE AND CONSISTENT WITH LAW. THE
18 COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO
19 FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS
20 WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS. NOTHING IN THIS
21 SECTION SHALL BE CONSTRUED TO EXCUSE THE COMMISSIONER OR THE BOARD OF
22 REGENTS FROM, OR OTHERWISE LIMIT, REPORTING OF INFORMATION BY THE
23 DEPARTMENT TO THE LEGISLATURE OR THE GOVERNOR UNDER ANY OTHER LAW.

24 2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND
25 APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPER-
26 ATIVE EDUCATIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELEC-
27 TRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING,
28 CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND
29 REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC
30 ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER CONTINUOUS SCHOOL
31 IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND DESIRED STUDENT
32 ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT
33 AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS
34 SHALL LINK PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY
35 REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF
36 RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER
37 MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL COLLABORATE
38 WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL
39 SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND REPORTING AND
40 SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED
41 TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL PROVIDE FOR THE SHAR-
42 ING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE
43 EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF
44 DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
45 AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TECHNICAL ASSISTANCE
46 ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS,
47 SCHOOL BUSINESS OFFICIALS AND TEACHERS, INVOLVE RESEARCHERS IN DATA
48 ANALYSIS AND EVALUATION, AND, TO THE EXTENT PRACTICABLE, PROVIDE TECHNI-
49 CAL ASSISTANCE OR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL
50 BOARD MEMBERS.

51 S 4. Subdivision 32 of section 305 of the education law is REPEALED.

52 S 5. Section 805 of the education law is REPEALED.

53 S 6. Subdivision 2 of section 806 of the education law, as amended by
54 chapter 946 of the laws of 1973, is amended to read as follows:

55 2. The regents shall determine the subjects to be included in such
56 courses of instruction in highway safety and traffic regulation includ-

1 ing bicycle safety, and the period of instruction in each of the grades
2 in such subjects. [They shall adopt rules providing for attendance upon
3 such instruction and for such other matters as are required for carrying
4 into effect the teaching of the courses of instruction prescribed by
5 this section. The commissioner of education shall be responsible for
6 the enforcement of such section and shall cause to be inspected and
7 supervise the instruction to be given in such subjects. The commissioner
8 may, in his discretion, cause all or a portion of the public school
9 money to be apportioned to a district or city to be withheld for failure
10 of the school authorities of such district or city to provide instruc-
11 tion in such courses and to compel attendance upon such instruction, as
12 herein prescribed, and for a noncompliance with the rules of the regents
13 adopted as herein provided.]

14 S 7. Subparagraph 5 of paragraph b of subdivision 4 of section 1950 of
15 the education law, as amended by chapter 602 of the laws of 1994, is
16 amended to read as follows:

17 (5) The trustees or board of education of each component school
18 district of the board of cooperative educational services shall adopt a
19 public resolution which shall approve or disapprove such tentative
20 administrative budget at a regular or special meeting to be held within
21 the component district on the date designated pursuant to subdivision
22 two-a of this section as the date for election of members of the board
23 of cooperative educational services, or in the case of the board of
24 education of a central high school district on the regular business day
25 next following such designated date.

26 If the resolutions adopted by the trustees or boards of education of a
27 majority of the component school districts of the board of cooperative
28 educational services actually voting approve the tentative administra-
29 tive budget, the board of cooperative educational services may adopt the
30 tentative administrative budget without modification. If a majority of
31 the component school districts actually voting fail to adopt resolutions
32 approving such tentative administrative budget, or if the number of
33 component school districts approving the budget equals the number of
34 school districts disapproving the budget, the board of cooperative
35 educational services shall prepare and adopt a contingency administra-
36 tive budget which shall not exceed the amount of the administrative
37 budget of the board of cooperative educational services for the previous
38 school year except to accommodate expenditure increases attributable to
39 supplemental retirement allowances payable pursuant to section five
40 hundred thirty-two of this chapter and section seventy-eight of the
41 retirement and social security law. [For purposes of development of a
42 budget for the nineteen hundred ninety-four--ninety-five school year,
43 each board of cooperative educational services shall separate its
44 program, capital and administrative costs for the nineteen hundred nine-
45 ty-three--ninety-four school year in the manner prescribed by the
46 commissioner, and shall submit the resulting separate administrative
47 budget to the commissioner for approval. Upon approval of the commis-
48 sioner, such separate administrative budget shall be deemed the adminis-
49 trative budget of the board of cooperative educational services for the
50 nineteen hundred ninety-three--ninety-four school year.]

51 S 8. Paragraph c of subdivision 4 of section 1950 of the education
52 law, as amended by chapter 301 of the laws of 1996, is amended to read
53 as follows:

54 c. Make or cause to be made surveys to determine the need for cooper-
55 ative educational services in the supervisory district and present the
56 findings of their surveys to local school authorities. Each board of

1 cooperative educational services shall prepare long range program plans
2 to meet the projected need for such cooperative educational services in
3 the supervisory district for the next five years as may be specified by
4 the commissioner, and shall [submit] KEEP ON FILE AND MAKE AVAILABLE FOR
5 PUBLIC INSPECTION AND REVIEW BY THE COMMISSIONER such plans and there-
6 after annual revisions of such plans [to the commissioner] on or before
7 the first day of December of each year, [except that special education
8 and career education program plans, in a form specified by the commis-
9 sioner, shall be submitted every two years, no later than the date spec-
10 ified by the commissioner, and revised annually] PROVIDED THAT SUCH
11 PLANS MAY BE INCORPORATED INTO A BOARD OF COOPERATIVE EDUCATIONAL
12 SERVICES DISTRICT-WIDE COMPREHENSIVE PLAN.

13 S 9. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section
14 1950 of the education law, as amended by chapter 474 of the laws of
15 1996, are amended to read as follows:

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

48 (4) Contracts for shared services; allocation of costs. Each component
49 school district shall on or before the first day of May following such
50 notification notify the board of cooperative educational services of its
51 intention to participate or not to participate in such shared services
52 and the specific services which such district elects to utilize. Each
53 participating component school district shall be required to pay the
54 board of cooperative educational services for the cost of the services
55 set forth in such notification, except for adjustments caused by subse-
56 quent unanticipated changes in the district's enrollment. The board of

1 cooperative educational services shall enter into contracts with its
2 component school districts for such requested services. A copy of each
3 executed contract for such purpose shall be [filed with the commissioner
4 by] KEPT ON FILE WITH the board of cooperative educational services AND
5 MADE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST on or prior to the
6 first day of August of each year. Notwithstanding the provisions of
7 paragraph b of this subdivision, any component school district which
8 does not elect to participate in any such specific cooperative services
9 authorized under this paragraph shall not be required to pay any share
10 of the moneys provided in the budget as salaries of teachers or other
11 personnel employed in providing such service, for equipment and supplies
12 for such service or for transportation of pupils to and from the place
13 where such service is maintained. Provided, further, that a board of
14 cooperative educational services may allocate the cost of such services
15 to component school districts in accordance with terms agreed upon
16 between such board and three-quarters of the boards of education and
17 trustees of local school districts participating in the service.

18 S 10. Paragraph kk of subdivision 4 of section 1950 of the education
19 law, as added by section 13 of part A of chapter 436 of the laws of
20 1997, is amended to read as follows:

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

41 S 11. Subdivision 2 of section 2201 of the education law, as amended
42 by chapter 295 of the laws of 1993, is amended to read as follows:

43 2. Whenever a vacancy hereafter occurs in the office of district
44 superintendent of schools in any supervisory district or whenever the
45 commissioner receives a letter of resignation from a district super-
46 intendent, the commissioner [shall] MAY survey the field in the county
47 where the vacancy occurred, and if it shall find that the continuance of
48 the number of supervisory districts then existing is no longer necessary
49 to serve adequately the educational interests of the county he or she
50 shall be authorized to conduct a study to examine the possible reorgan-
51 ization of such supervisory district if no such study has been conducted
52 within five years.

53 S 12. Subdivision 5 of section 2802 of the education law, as added by
54 chapter 181 of the laws of 2000, is amended to read as follows:

55 5. By [January] APRIL first of each year, the commissioner shall
56 report to the governor, the legislature and the regents concerning the

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

19 S 13. Paragraph f of subdivision 11 of section 3602 of the education
20 law, as added by chapter 82 of the laws of 1995 and such subdivision as
21 renumbered by section 15 of part B of chapter 57 of the laws of 2007, is
22 amended to read as follows:

23 f. Approved [plan of service and program evaluation] APPLICATION. All
24 school districts and BOCES desiring to operate an aidable program pursu-
25 ant to this subdivision shall complete [a comprehensive plan of service]
26 AN application, including a budget by program component[, together with
27 an evaluation of the effectiveness of program components offered during
28 the most recent July first through March thirtieth, if any]. Such [eval-
29 uation and plan] APPLICATION shall be in a form prescribed by the
30 commissioner and shall be submitted not later than [forty-five days
31 after the provisions of this paragraph shall have become law, and not
32 later than] May fifteenth [in] OF [subsequent] EACH school [years] YEAR.
33 Within forty-five days of such deadline, and upon evaluation of such
34 applications, the commissioner shall notify school districts and BOCES
35 of those portions of such [plan of service] APPLICATION that will be
36 aidable in the school year ahead after making a determination that
37 approval of such [programs] APPLICATION will assure maximum effective-
38 ness, geographic availability and lack of duplication of such programs,
39 support for educational initiatives, and compliance with required
40 program and fiscal reporting requirements. No aid shall be payable
41 pursuant to this subdivision unless the [program] APPLICATION is
42 approved by the commissioner.

43 S 14. Paragraph b of subdivision 8 of section 3602 of the education
44 law, as amended by section 16 of part B of chapter 57 of the laws of
45 2007, is amended to read as follows:

46 b. District plans of service. Any school district receiving an addi-
47 tional apportionment pursuant to subdivision ten of this section for
48 pupils in career education programs or a payment in lieu of such appor-
49 tionment or having a public excess cost aid setaside pursuant to subdivi-
50 sion four of this section shall keep on file and make available for
51 public inspection and review by the commissioner an acceptable plan of
52 service describing the student outcomes expected from implementation of
53 the proposed plan, provided that such plan may be incorporated into a
54 school district's district-wide comprehensive plan. The plan of service
55 [submitted by] OF a school district receiving an additional apportion-
56 ment pursuant to this section for pupils with disabilities shall also

1 describe how such district intends to ensure that all instructional
2 materials to be used in the schools of such district will be made avail-
3 able in a usable alternative format for each student with a disability
4 and for each student who is a qualified individual with a disability, at
5 the same time as such instructional materials are available to non-disa-
6 bled students, provided that such plan may incorporate by reference the
7 alternative format plans developed pursuant to subdivision twenty-nine-a
8 of section sixteen hundred four, subdivision four-a of section seventeen
9 hundred nine, subdivision seven-a of section twenty-five hundred three
10 or subdivision seven-a of section twenty-five hundred fifty-four of this
11 chapter. Such plans shall be in a form prescribed by the commissioner,
12 and except as heretofore provided, shall have the content prescribed by
13 the commissioner. The commissioner may, from time to time, require
14 amendments of such plans as deemed to be necessary and appropriate to
15 further the educational welfare of the pupils involved.

16 S 15. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of
17 section 4402 of the education law is REPEALED.

18 S 16. Paragraph b of subdivision 1 of section 4452 of the education
19 law is REPEALED.

20 S 17. This act shall take effect immediately; provided, however, that
21 the commissioner of education shall promulgate any rules or regulations
22 necessary to implement the provisions of this act on or before July 1,
23 2010.