

305

Fourth Extraordinary Session

I N S E N A T E

June 25, 2009

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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. Subparagraph 5 of paragraph b of subdivision 4 of section 1950 of
4 the education law, as amended by chapter 602 of the laws of 1994, is
5 amended to read as follows:
6 (5) The trustees or board of education of each component school
7 district of the board of cooperative educational services shall adopt a
8 public resolution which shall approve or disapprove such tentative
9 administrative budget at a regular or special meeting to be held within
10 the component district on the date designated pursuant to subdivision
11 two-a of this section as the date for election of members of the board
12 of cooperative educational services, or in the case of the board of
13 education of a central high school district on the regular business day
14 next following such designated date.
15 If the resolutions adopted by the trustees or boards of education of a
16 majority of the component school districts of the board of cooperative
17 educational services actually voting approve the tentative administra-
18 tive budget, the board of cooperative educational services may adopt the
19 tentative administrative budget without modification. If a majority of
20 the component school districts actually voting fail to adopt resolutions
21 approving such tentative administrative budget, or if the number of
22 component school districts approving the budget equals the number of
23 school districts disapproving the budget, the board of cooperative

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

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1 educational services shall prepare and adopt a contingency administra-
2 tive budget which shall not exceed the amount of the administrative
3 budget of the board of cooperative educational services for the previous
4 school year except to accommodate expenditure increases attributable to
5 supplemental retirement allowances payable pursuant to section five
6 hundred thirty-two of this chapter and section seventy-eight of the
7 retirement and social security law. [For purposes of development of a
8 budget for the nineteen hundred ninety-four--ninety-five school year,
9 each board of cooperative educational services shall separate its
10 program, capital and administrative costs for the nineteen hundred nine-
11 ty-three--ninety-four school year in the manner prescribed by the
12 commissioner, and shall submit the resulting separate administrative
13 budget to the commissioner for approval. Upon approval of the commis-
14 sioner, such separate administrative budget shall be deemed the adminis-
15 trative budget of the board of cooperative educational services for the
16 nineteen hundred ninety-three--ninety-four school year.]

17 S 3. Paragraph c of subdivision 4 of section 1950 of the education
18 law, as amended by chapter 301 of the laws of 1996, is amended to read
19 as follows:

20 c. Make or cause to be made surveys to determine the need for cooper-
21 ative educational services in the supervisory district and present the
22 findings of their surveys to local school authorities. Each board of
23 cooperative educational services shall prepare long range program plans,
24 INCLUDING SPECIAL EDUCATION AND CAREER EDUCATION PROGRAM PLANS, to meet
25 the projected need for such cooperative educational services in the
26 supervisory district for the next five years as may be specified by the
27 commissioner, and shall [submit] KEEP ON FILE AND MAKE AVAILABLE FOR
28 PUBLIC INSPECTION AND REVIEW BY THE COMMISSIONER such plans and there-
29 after annual revisions of such plans [to the commissioner] on or before
30 the first day of December of each year, [except that special education
31 and career education program plans, in a form specified by the commis-
32 sioner, shall be submitted every two years, no later than the date spec-
33 ified by the commissioner, and revised annually] PROVIDED THAT SUCH
34 PLANS MAY BE INCORPORATED INTO A BOARD OF COOPERATIVE EDUCATIONAL
35 SERVICES DISTRICT-WIDE COMPREHENSIVE PLAN.

36 S 4. Paragraph kk of subdivision 4 of section 1950 of the education
37 law, as added by section 13 of part A of chapter 436 of the laws of
38 1997, is amended to read as follows:

39 kk. For the nineteen hundred ninety-seven--ninety-eight school year
40 and thereafter, the board of cooperative educational services (BOCES)
41 shall prepare a BOCES report card, pursuant to regulations of the
42 commissioner, and shall make it publicly available by transmitting it to
43 local newspapers of general circulation, appending it to copies of the
44 proposed administrative budget made publicly available as required by
45 law, making it available for distribution at the annual meeting, and
46 otherwise disseminating it as required by the commissioner. Such report
47 card shall include measures of the academic performance of the board of
48 cooperative educational services, on a school by school or program by
49 program basis, and measures of the fiscal performance of the supervisory
50 district, as prescribed by the commissioner. Pursuant to regulations of
51 the commissioner, the report card shall also compare these measures to
52 statewide averages for all boards of cooperative educational services.
53 Such report card shall include[, at a minimum, any information of the
54 board of cooperative educational services regarding pupil performance
55 and expenditure per pupil required to be included in the annual report
56 by the regents to the governor and the legislature pursuant to section

1 two hundred fifteen-a of this chapter; and] any [other] information
2 required by the commissioner.

3 S 5. Paragraph f of subdivision 11 of section 3602 of the education
4 law, as added by chapter 82 of the laws of 1995 and such subdivision as
5 renumbered by section 15 of part B of chapter 57 of the laws of 2007, is
6 amended to read as follows:

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

27 S 6. Paragraph b of subdivision 8 of section 3602 of the education
28 law, as amended by section 16 of part B of chapter 57 of the laws of
29 2007, is amended to read as follows:

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

1 S 7. This act shall take effect immediately; provided, however, that
2 the commissioner of education shall promulgate any rules or regulations
3 necessary to implement the provisions of this act on or before July 1,
4 2010.