

560

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. MARCELLINO -- 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 requiring each school
district to include the percentage of its budget spent on instructional
expenses in its school district report card

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

1 Section 1. Subdivision 6 of section 1608 of the education law, as
2 amended by section 5 of part A of chapter 436 of the laws of 1997, is
3 amended to read as follows:
4 6. Each year, the board of education shall prepare a school district
5 report card, pursuant to regulations of the commissioner, and shall make
6 it publicly available by transmitting it to local newspapers of general
7 circulation, appending it to copies of the proposed budget made publicly
8 available as required by law, making it available for distribution at
9 the annual meeting, and otherwise disseminating it as required by the
10 commissioner. Such report card shall include measures of the academic
11 performance of the school district, on a school by school basis, and
12 measures of the fiscal performance of the district, as prescribed by the
13 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
14 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
15 ant to regulations of the commissioner, the report card shall also
16 compare these measures to statewide averages for all public schools, and
17 statewide averages for public schools of comparable wealth and need,
18 developed by the commissioner. Such report card shall include, at a
19 minimum, any information on the school district regarding pupil perform-
20 ance and expenditure per pupil required to be included in the annual
21 report by the regents to the governor and the legislature pursuant to
22 section two hundred fifteen-a of this chapter; and any other information
23 required by the commissioner. School districts (i) identified as having
24 fifteen percent or more of their students in special education, or (ii)

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

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1 which have fifty percent or more of their students with disabilities in
2 special education programs or services sixty percent or more of the
3 school day in a general education building, or (iii) which have eight
4 percent or more of their students with disabilities in special education
5 programs in public or private separate educational settings shall indi-
6 cate on their school district report card their respective percentages
7 as defined in this subparagraph and subparagraphs (i) and (ii) of this
8 paragraph as compared to the statewide average.

9 S 2. Subdivision 6 of section 1716 of the education law, as amended by
10 section 7 of part A of chapter 436 of the laws of 1997, is amended to
11 read as follows:

12 6. Each year, the board of education shall prepare a school district
13 report card, pursuant to regulations of the commissioner, and shall make
14 it publicly available by transmitting it to local newspapers of general
15 circulation, appending it to copies of the proposed budget made publicly
16 available as required by law, making it available for distribution at
17 the annual meeting, and otherwise disseminating it as required by the
18 commissioner. Such report card shall include measures of the academic
19 performance of the school district, on a school by school basis, and
20 measures of the fiscal performance of the district, as prescribed by the
21 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
22 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant
23 to regulations of the commissioner, the report card shall also compare
24 these measures to statewide averages for all public schools, and state-
25 wide averages for public schools of comparable wealth and need, devel-
26 oped by the commissioner. Such report card shall include, at a minimum,
27 any information of the school district regarding pupil performance and
28 expenditure per pupil required to be included in the annual report by
29 the regents to the governor and the legislature pursuant to section two
30 hundred fifteen-a of this chapter; and any other information required by
31 the commissioner. School districts (i) identified as having fifteen
32 percent or more of their students in special education, or (ii) which
33 have fifty percent or more of their students with disabilities in
34 special education programs or services sixty percent or more of the
35 school day in a general education building, or (iii) which have eight
36 percent or more of their students with disabilities in special education
37 programs in public or private separate educational settings shall indi-
38 cate on their school district report card their respective percentages
39 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
40 sion as compared to the statewide average.

41 S 3. Paragraph kk of subdivision 4 of section 1950 of the education
42 law, as added by section 13 of part A of chapter 436 of the laws of
43 1997, is amended to read as follows:

44 kk. For the nineteen hundred ninety-seven--ninety-eight school year
45 and thereafter, the board of cooperative educational services (BOCES)
46 shall prepare a BOCES report card, pursuant to regulations of the
47 commissioner, and shall make it publicly available by transmitting it to
48 local newspapers of general circulation, appending it to copies of the
49 proposed administrative budget made publicly available as required by
50 law, making it available for distribution at the annual meeting, and
51 otherwise disseminating it as required by the commissioner. Such report
52 card shall include measures of the academic performance of the board of
53 cooperative educational services, on a school by school or program by
54 program basis, and measures of the fiscal performance of the supervisory
55 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED
56 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON

1 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the
2 report card shall also compare these measures to statewide averages for
3 all boards of cooperative educational services. Such report card shall
4 include, at a minimum, any information of the board of cooperative
5 educational services regarding pupil performance and expenditure per
6 pupil required to be included in the annual report by the regents to the
7 governor and the legislature pursuant to section two hundred fifteen-a
8 of this chapter; and any other information required by the commissioner.

9 S 4. Subdivision 24 of section 2554 of the education law, as amended
10 by chapter 91 of the laws of 2002, is amended to read as follows:

11 24. Each year, the board of education shall prepare a school district
12 report card, pursuant to regulations of the commissioner, and shall make
13 it publicly available by transmitting it to local newspapers of general
14 circulation, appending it to copies of the proposed budget made publicly
15 available as required by law, making it available for distribution at
16 the annual meeting, and otherwise disseminating it as required by the
17 commissioner. Such report card shall include measures of the academic
18 performances of the school district, on a school by school basis, and
19 measures of the fiscal performance of the district, as prescribed by the
20 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
21 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
22 ant to regulations of the commissioner the report card shall also
23 compare these measures to statewide averages for all public schools, and
24 statewide averages for public schools of comparable wealth and need,
25 developed by the commissioner. Such report card shall include, at a
26 minimum, any information on the school district regarding pupil perform-
27 ance and expenditure per pupil required to be included in the annual
28 report by the regents to the governor and the legislature pursuant to
29 section two hundred fifteen-a of this chapter; and any other information
30 required by the commissioner. School districts (i) identified as having
31 fifteen percent or more of their students in special education, or (ii)
32 which have fifty percent or more of their students with disabilities in
33 special education programs or services sixty percent or more of the
34 school day in a general education building, or (iii) which have eight
35 percent or more of their students with disabilities in special education
36 programs in public or private separate educational settings shall indi-
37 cate on their school district report card their respective percentages
38 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
39 sion as compared to the statewide average.

40 S 5. Subdivision 24 of section 2554 of the education law, as added by
41 chapter 474 of the laws of 1996, is amended to read as follows:

42 24. In every city school district in a city having a population of
43 less than one million inhabitants, each year, the board of education
44 shall prepare a school district report card, pursuant to regulations of
45 the commissioner, and shall make it publicly available by transmitting
46 it to local newspapers of general circulation, appending it to copies of
47 the proposed budget made publicly available as required by law, making
48 it available for distribution at the annual meeting, and otherwise
49 disseminating it as required by the commissioner. Such report card shall
50 include measures of the academic performances of the school district, on
51 a school by school basis, and measures of the fiscal performance of the
52 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED
53 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
54 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the
55 report card shall also compare these measures to statewide averages for
56 all public schools, and statewide averages for public schools of compa-

1 rable wealth and need, developed by the commissioner. Such report card
2 shall include, at a minimum, any information on the school district
3 regarding pupil performance and expenditure per pupil required to be
4 included in the annual report by the regents to the governor and the
5 legislature pursuant to section two hundred fifteen-a of this chapter;
6 and any other information required by the commissioner. School districts
7 (i) identified as having fifteen percent or more of their students in
8 special education, or (ii) which have fifty percent or more of their
9 students with disabilities in special education programs or services
10 sixty percent or more of the school day in a general education building,
11 or (iii) which have eight percent or more of their students with disa-
12 bilities in special education programs in public or private separate
13 educational settings shall indicate on their school district report card
14 their respective percentages as defined in this paragraph and paragraphs
15 (i) and (ii) of this subdivision as compared to the statewide average.

16 S 6. Subdivision 8 of section 2590-e of the education law, as amended
17 by chapter 123 of the laws of 2003, is amended to read as follows:

18 8. Each year prepare a school district report card pursuant to regu-
19 lations of the commissioner, and shall make it publicly available by
20 transmitting it to local newspapers of general circulation, appending it
21 to copies of the proposed budget made publicly available as required by
22 law, making it available for distribution at the annual meeting, and
23 otherwise disseminating it as required by the commissioner. Such report
24 card shall include measures of the academic performance of the school
25 district, on a school by school basis, and measures of the fiscal
26 performance of the district, as prescribed by the commissioner, INCLUD-
27 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
28 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the
29 commissioner, the report card shall also compare these measures to
30 statewide averages for all public schools, and statewide averages for
31 public schools of comparable wealth and need, developed by the commis-
32 sioner. Such report card shall include, at a minimum, any information on
33 the school district regarding pupil performance and expenditure per
34 pupil required to be included in the annual report by the requests to
35 the governor and the legislature pursuant to section two hundred
36 fifteen-a of this chapter; and any other information required by the
37 commissioner. School districts (i) identified as having fifteen percent
38 or more of their students in special education, or (ii) which have fifty
39 percent or more of their students with disabilities in special education
40 programs or services sixty percent or more of the school day in a gener-
41 al education building, or (iii) which have eight percent or more of
42 their students with disabilities in special education programs in public
43 or private separate educational settings shall indicate on their school
44 district report card their respective percentages as defined in this
45 paragraph and paragraphs (i) and (ii) of this subdivision as compared to
46 the statewide average.

47 S 7. Subdivision 8 of section 2590-e of the education law, as amended
48 by chapter 720 of the laws of 1996, is amended to read as follows:

49 8. Each year prepare a school district report card pursuant to regu-
50 lations of the commissioner, and shall make it publicly available by
51 transmitting it to local newspapers of general circulation, appending it
52 to copies of the proposed budget made publicly available as required by
53 law, making it available for distribution at the annual meeting, and
54 otherwise disseminating it as required by the commissioner. Such report
55 card shall include measures of the academic performance of the school
56 district, on a school by school basis, and measures of the fiscal

1 performance of the district, as prescribed by the commissioner, INCLUD-
2 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
3 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the
4 commissioner, the report card shall also compare these measures to
5 statewide averages for all public schools, and statewide averages for
6 public schools of comparable wealth and need, developed by the commis-
7 sioner. Such report card shall include, at a minimum, any information on
8 the school district regarding pupil performance and expenditure per
9 pupil required to be included in the annual report by the requests to
10 the governor and the legislature pursuant to section two hundred
11 fifteen-a of this chapter; and any other information required by the
12 commissioner. School districts (i) identified as having fifteen percent
13 or more of their students in special education, or (ii) which have fifty
14 percent or more of their students with disabilities in special education
15 programs or services sixty percent or more of the school day in a gener-
16 al education building, or (iii) which have eight percent or more of
17 their students with disabilities in special education programs in public
18 or private separate educational settings shall indicate on their school
19 district report card their respective percentages as defined in this
20 paragraph and paragraphs (i) and (ii) of this subdivision as compared to
21 the statewide average.

22 S 8. Subdivision 7 of section 2601-a of the education law, as added by
23 chapter 474 of the laws of 1996, is amended to read as follows:

24 7. Each year, the board of education shall prepare a school district
25 report card, pursuant to regulations of the commissioner, and shall make
26 it publicly available by transmitting it to local newspapers of general
27 circulation, appending it to copies of the proposed budget made publicly
28 available as required by law, making it available for distribution at
29 the annual meeting, and otherwise disseminating it as required by the
30 commissioner. Such report card shall include measures of the academic
31 performance of the school district, on a school by school basis, and
32 measures of the fiscal performance of the district, as prescribed by the
33 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
34 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
35 ant to regulations of the commissioner, the report card shall also
36 compare these measures to statewide averages for all public schools, and
37 statewide averages for public schools of comparable wealth and need,
38 developed by the commissioner. Such report card shall include, at a
39 minimum, any information on the school district regarding pupil perform-
40 ance and expenditure per pupil required to be included in the annual
41 report by the regents to the governor and the legislature pursuant to
42 section two hundred fifteen-a of this chapter; and any other information
43 required by the commissioner. School districts (i) identified as having
44 fifteen percent or more of their students in special education, or (ii)
45 which have fifty percent or more of their students with disabilities in
46 special education programs or services sixty percent or more of the
47 school day in a general education building, or (iii) which have eight
48 percent or more of their students with disabilities in special education
49 programs in public or private separate educational settings shall indi-
50 cate on their school district report card their respective percentages
51 as defined in this paragraph and paragraphs (i) and (ii) of this subdi-
52 vision as compared to the statewide average.

53 S 9. Paragraph (a) of subdivision 2 of section 2857 of the education
54 law, as amended by section 7 of part D2 of chapter 57 of the laws of
55 2007, is amended to read as follows:

1 (a) a charter school report card, which shall include measures of the
2 comparative academic and fiscal performance of the school, as prescribed
3 by the commissioner in regulations adopted for such purpose. Such meas-
4 ures shall include, but not be limited to, graduation rates, dropout
5 rates, performance of students on standardized tests, college entry
6 rates, total spending per [pupil], and administrative spending per pupil
7 AND THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
8 INSTRUCTIONAL EXPENSES. Such measures shall be presented in a format
9 that is easily comparable to similar public schools. In addition, the
10 charter school shall ensure that such information is easily accessible
11 to the community.

12 S 10. Section 2 of the education law is amended by adding a new subdi-
13 vision 20 to read as follows:

14 20. INSTRUCTIONAL EXPENSES. FOR PURPOSES OF SUBDIVISION SIX OF SECTION
15 SIXTEEN HUNDRED EIGHT, SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED
16 SIXTEEN, PARAGRAPH KK OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED
17 FIFTY, SUBDIVISION TWENTY-FOUR OF SECTION TWENTY-FIVE HUNDRED
18 FIFTY-FOUR, SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E,
19 SUBDIVISION SEVEN OF SECTION TWENTY-SIX HUNDRED ONE-A, AND PARAGRAPH (A)
20 OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS
21 CHAPTER, THE TERM "INSTRUCTIONAL EXPENSES" MEANS: A. THE SUM OF ALL
22 EXPENDITURES IN THE SCHOOL YEAR DIRECTLY RELATED TO THE INSTRUCTIONAL
23 PROGRAM IN GRADES PRE-KINDERGARTEN THROUGH TWELVE OF THE SCHOOL
24 DISTRICT, EXCLUSIVE OF TUITION PAID TO ANOTHER PUBLIC SCHOOL DISTRICT OR
25 TO AN INSTITUTION, OTHER THAN TUITION PAID PURSUANT TO A CONTRACT
26 AUTHORIZED BY ARTICLE EIGHTY-NINE OF THIS CHAPTER. SUCH SUM SHALL
27 INCLUDE GENERAL FUND, SPECIAL AID FUND, AND RISK RETENTION FUND EXPENSES
28 REPORTED IN THE ANNUAL FINANCIAL REPORT OF THE DISTRICT FOR THE FOLLOW-
29 ING PURPOSES:

30 (I) CURRICULUM DEVELOPMENT AND SUPERVISION;
31 (II) SUPERVISION - REGULAR SCHOOL;
32 (III) SUPERVISION - SPECIAL SCHOOLS;
33 (IV) RESEARCH, PLANNING AND EVALUATION;
34 (V) INSERVICE TRAINING - INSTRUCTION;
35 (VI) TEACHING - REGULAR SCHOOL;
36 (VII) PROGRAM FOR CHILDREN WITH DISABILITIES;
37 (VIII) OCCUPATIONAL EDUCATION;
38 (IX) TEACHING - SPECIAL SCHOOLS;
39 (X) PRE-KINDERGARTEN PROGRAM;
40 (XI) SCHOOL LIBRARY AND AUDIOVISUAL;
41 (XII) EDUCATIONAL TELEVISION;
42 (XIII) COMPUTER ASSISTED INSTRUCTION;
43 (XIV) ATTENDANCE - REGULAR SCHOOL;
44 (XV) GUIDANCE - REGULAR SCHOOL;
45 (XVI) HEALTH SERVICES - REGULAR SCHOOL;
46 (XVII) PSYCHOLOGICAL SERVICES - REGULAR SCHOOL;
47 (XVIII) SOCIAL WORK SERVICES - REGULAR SCHOOL;
48 (XIX) PUPIL PERSONNEL SERVICES - SPECIAL SCHOOLS;
49 (XX) CO-CURRICULAR ACTIVITIES - REGULAR SCHOOL;
50 (XXI) INTERSCHOLASTIC ATHLETICS - REGULAR SCHOOL;
51 (XXII) EMPLOYEE BENEFITS AS DETERMINED PURSUANT TO PARAGRAPH B OF THIS
52 SUBDIVISION; AND

53 (XXIII) FOR ANY OTHER PURPOSES THAT SHALL BE IDENTIFIED BY THE COMMIS-
54 SIONER.

55 B. THE COST OF EMPLOYEE BENEFITS TO BE INCLUDED IN INSTRUCTIONAL
56 EXPENSE SHALL BE CALCULATED BY MULTIPLYING THE RATIO OF TOTAL EXPENDI-

1 TURES FOR EMPLOYEE BENEFITS, INCLUDING EXPENDITURES FROM THE RISK
2 RETENTION FUND FOR PURPOSES OF EMPLOYEE BENEFIT CLAIMS RELATED TO SALA-
3 RIES PAID FROM THE GENERAL AND SPECIAL AID FUNDS, TO TOTAL EXPENDITURES
4 FOR SALARIES, BOTH AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND,
5 BY THE TOTAL EXPENDITURES FOR SALARIES, AS RECORDED IN THE GENERAL FUND
6 AND SPECIAL AID FUND, FOR THOSE PURPOSES LISTED IN PARAGRAPH A OF THIS
7 SUBDIVISION. SUCH RATIO SHALL BE EXPRESSED AS A DECIMAL CARRIED TO THREE
8 DECIMAL PLACES WITHOUT ROUNDING, AND SUCH CALCULATED COST OF EMPLOYEE
9 BENEFITS SHALL BE EXPRESSED AS A WHOLE NUMBER ROUNDED UP TO THE NEXT
10 WHOLE DOLLAR.

11 S 11. This act shall take effect on the first of July next succeeding
12 the date on which it shall have become a law; provided that:

13 1. the amendments to subdivision 24 of section 2554 of the education
14 law made by section four of this act shall be subject to the expiration
15 and reversion of such subdivision pursuant to section 34 of chapter 91
16 of the laws of 2002, as amended, when upon such date the provisions of
17 section five of this act shall take effect; and

18 2. the amendments to subdivision 8 of section 2590-e of the education
19 law made by section six of this act shall be subject to the expiration
20 and reversion of such section pursuant to section 17 of chapter 123 of
21 the laws of 2003, as amended, when upon such date the provisions of
22 section seven of this act shall take effect.