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

8376

I N S E N A T E

June 26, 2010

Introduced by Sen. OPPENHEIMER -- 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 paperwork reduction; to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts and boards of cooperative educational services; requiring the commissioner of education to implement pilot programs to assist school districts in the formation of regional transportation systems; to repeal subdivision 32 of section 305 of the education law relating to reviews by the commissioner; and to repeal section 805 of the education law relating to enforcement provisions for the willful refusal to teach certain subjects; and providing for the repeal of certain provisions upon expiration thereof

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 101-b to read as follows:

S 101-B. PAPERWORK REDUCTION. 1. THE COMMISSIONER SHALL BE AUTHORIZED TO RECEIVE AND ACCEPT REPORTS, PLANS, APPLICATIONS AND ALL OTHER INFORMATION REQUIRED TO BE REPORTED BY STATUTE OR REGULATION THROUGH ELECTRONIC MEANS. THE COMMISSIONER SHALL ACCEPT HARD COPY NON-ELECTRONIC FILINGS OR SUBMISSIONS IF THE SCHOOL DISTRICT IS ABLE TO DEMONSTRATE THAT COMPLYING WITH ELECTRONIC SUBMISSION REQUIREMENTS WOULD CREATE UNDUE HARDSHIP FOR THE SCHOOL DISTRICT OR SOME OTHER GOOD CAUSE EXISTS THAT WOULD MAKE ELECTRONIC SUBMISSION EXTREMELY IMPRACTICAL FOR THE SCHOOL DISTRICT.

2. IT SHALL BE THE DUTY OF THE COMMISSIONER TO REVIEW ALL EXISTING REPORTS AND PLANS THAT SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES ARE REQUIRED TO SUBMIT AND BY NOVEMBER FIRST, TWO THOUSAND TEN, THE COMMISSIONER SHALL SUBMIT TO THE BOARD OF REGENTS, THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE DIRECTOR OF THE BUDGET AND THE CHAIRS OF THE RESPECTIVE FISCAL AND EDUCATION COMMITTEES OF THE SENATE AND ASSEMBLY SPECIFIC RECOMMENDATIONS TO ELIMINATE UNNECESSARY OR DUPLICATIVE REPORTING

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

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REQUIREMENTS; AND WHERE POSSIBLE, RECOMMENDATIONS TO CONSOLIDATE REPORTS, PLANS AND OTHER INFORMATION REQUIRED TO BE SUBMITTED TO THE COMMISSIONER INCLUDING WHICH RECOMMENDATIONS COULD BE IMPLEMENTED ADMINISTRATIVELY AND WHICH WOULD REQUIRE STATUTORY AUTHORIZATION.

S 2. Subdivision 32 of section 305 of the education law is REPEALED.

S 3. Section 805 of the education law is REPEALED.

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

5. By [January] APRIL first of each year, the commissioner shall report to the governor, the legislature and the regents concerning the prevalence of violence and disruptive incidents in the public schools, and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system, and [identify specifically the schools and school districts with the least and greatest incidence of violent and disruptive incidents, and the least and most improvement since the previous year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETERMINED BY THE COMMISSIONER. The report shall also, to the extent possible, relate the results available from the incident reporting system, together with such other analysis and information as the commissioner determines is appropriate, to the effectiveness of school violence measures undertaken by participating schools and school districts, including the school codes and school safety plans required by sections twenty-eight hundred one and twenty-eight hundred one-a of this article.

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

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

If the resolutions adopted by the trustees or boards of education of a majority of the component school districts of the board of cooperative educational services actually voting approve the tentative administrative budget, the board of cooperative educational services may adopt the tentative administrative budget without modification. If a majority of the component school districts actually voting fail to adopt resolutions approving such tentative administrative budget, or if the number of component school districts approving the budget equals the number of school districts disapproving the budget, the board of cooperative educational services shall prepare and adopt a contingency administrative budget which shall not exceed the amount of the administrative budget of the board of cooperative educational services for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section five hundred thirty-two of this chapter and section seventy-eight of the retirement and social security law. [For purposes of development of a

budget for the nineteen hundred ninety-four--ninety-five school year, each board of cooperative educational services shall separate its program, capital and administrative costs for the nineteen hundred ninety-three--ninety-four school year in the manner prescribed by the commissioner, and shall submit the resulting separate administrative budget to the commissioner for approval. Upon approval of the commissioner, such separate administrative budget shall be deemed the administrative budget of the board of cooperative educational services for the nineteen hundred ninety-three--ninety-four school year.]

S 6. Paragraph c of subdivision 4 of section 1950 of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

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

S 7. Paragraph kk of subdivision 4 of section 1950 of the education law, as added by section 13 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

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

S 8. Paragraph f of subdivision 11 of section 3602 of the education law, as added by chapter 82 of the laws of 1995 and such subdivision as renumbered by section 15 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

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

S 9. Paragraph b of subdivision 8 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. District plans of service. Any school district receiving an additional apportionment pursuant to subdivision ten of this section for pupils in career education programs or a payment in lieu of such apportionment or having a public excess cost aid setaside pursuant to subdivision four of this section shall keep on file and make available for public inspection and review by the commissioner an acceptable plan of service describing the student outcomes expected from implementation of the proposed plan, provided that such plan may be incorporated into a school district's district-wide comprehensive plan. The plan of service [submitted by] OF a school district receiving an additional apportionment pursuant to this section for pupils with disabilities shall also describe how such district intends to ensure that all instructional materials to be used in the schools of such district will be made available in a usable alternative format for each student with a disability and for each student who is a qualified individual with a disability, at the same time as such instructional materials are available to non-disabled students, provided that such plan may incorporate by reference the alternative format plans developed pursuant to subdivision twenty-nine-a of section sixteen hundred four, subdivision four-a of section seventeen hundred nine, subdivision seven-a of section twenty-five hundred three or subdivision seven-a of section twenty-five hundred fifty-four of this chapter. Such plans shall be in a form prescribed by the commissioner, and except as heretofore provided, shall have the content prescribed by the commissioner. The commissioner may, from time to time, require amendments of such plans as deemed to be necessary and appropriate to further the educational welfare of the pupils involved.

S 10. The commissioner of education shall conduct one or more pilot programs to assist school districts in the formation of regional transportation systems. Such systems may include, but shall not be limited to, rendering transportation services jointly with other school districts or boards of cooperative educational services; or authorizing school districts and boards of cooperatives educational services to enter into contracts with counties, municipalities, or the state office

of children and family services for the provision of transportation services. Such transportation services may include, but shall not be limited to, pupil transportation between home and school; transportation during the day to and from school and a special education program or service or a program at a board of cooperative educational services or an approved shared program at another school district; transportation for field trips or to and from extracurricular activities; and cooperative school bus maintenance. Participation in pilot projects conducted pursuant to this section shall be at the option of school districts, boards of cooperative educational services and pupil transportation contractors.

The commissioner of education shall report annually to the board of regents, the governor, the speaker of the assembly, the temporary president of the senate, the director of the budget and the chairs of the respective fiscal and education committees of the Senate and Assembly by November 1 of each year on districts that are participating in the pilot program or have applied to participate in the pilot program. On or before November 1, 2012 the commissioner of education shall submit a report to the board of regents, the governor, the speaker of the assembly, the temporary president of the senate, the director of the budget and the chairs of the respective fiscal and education committees of the Senate and Assembly describing the findings of the pilot projects, including details on the scope of the pilot projects that were conducted. In developing the report, such commissioner shall as far as practicable estimate and analyze the efficiencies and cost-effectiveness that may be derived from regional transportation systems to school districts, to other entities participating in such systems, including boards of cooperative educational services, counties, municipalities, or the state office of children and family services, and to the state.

In addition, the commissioner of education shall as far as practicable estimate and analyze the extent to which school districts, other participating entities, and the state achieve savings through the formation of regional transportation systems. Such analysis shall include the impact of the formation of such systems on local transportation costs for school districts and other participating entities, and the impact of the formation of such systems on state aid for transportation services. The commissioner of education shall identify barriers to implementation of regional transportation systems throughout the state, strategies to address such barriers, statutory and regulatory changes needed to promote the implementation of such regional transportation systems, mechanisms to ensure proper accountability and oversight of the administration of regional transportation systems, and any other information or analysis as such commissioner determines is appropriate.

S 11. This act shall take effect immediately; provided, however, that the commissioner of education shall promulgate any rules or regulations necessary to implement the provisions of this act on or before July 1, 2010; provided, further that if section ten of this act shall take effect after July 1, 2010 it shall be deemed to have been in full force and effect on and after July 1, 2010; and provided further that section ten of this act shall expire and be deemed repealed on June 30, 2015.