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

2190

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. BALL, THIELE, SAYWARD, RABBITT, TEDISCO -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BARCLAY, BOYLE, BURLING, CALHOUN, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, FITZPATRICK, HAWLEY, P. LOPEZ, McDONOUGH, McKEVITT, MILLER, MOLINARO, OAKS, O'MARA, QUINN, RAIA, SALADINO, SCOZZAFAVA, TOWNSEND, WALKER -- read once and referred 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 such requirements

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

Section 1. Section 215-b of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

S 215-b. Annual report by commissioner to governor and legislature. The commissioner shall prepare and submit to the governor, the president pro tem of the senate and the speaker of the assembly not later than January first, nineteen hundred ninety-six and by the first day of January in each year thereafter, a report detailing the financial and statistical outcomes of boards of cooperative educational services which shall[, at minimum,] set forth with respect to the preceding school year[: tuition costs for selected programs; standard per pupil cost information for selected services as determined by the commissioner; and aggregate expenditure data for the following categories: administration, instructional services, career education, special education, rent and facilities and other services; and such other information as deemed appropriate] INFORMATION NECESSARY TO ASSURE THE ACCOUNTABILITY OF BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR ITS FISCAL AND PROGRAMMATIC RESOURCES, AS SET FORTH IN REGULATIONS TO BE PRESCRIBED by the commissioner. The format for such report shall be developed in consultation with school district officials and the director of the budget.

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

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Such report will include changes from the year prior to the report year for each such item for all boards of cooperative educational services. WHERE APPLICABLE, SUCH REPORT SHALL BE SUBMITTED ELECTRONICALLY TO THE DEPARTMENT OVER THE INTERNET THROUGH A SECURE WEBPAGE AS SET FORTH IN REGULATIONS TO BE PRESCRIBED BY THE COMMISSIONER. THIS ELECTRONIC REPORT SHALL TAKE THE PLACE OF FILING PAPER COPIES OF SUCH REPORT EXCEPT IN CIRCUMSTANCES WHERE AN ORIGINAL SIGNATURE IS REQUIRED, THEN ORIGINAL PAPER COPIES MUST BE FILED. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE ELECTRONIC FILING OF SUCH REPORT. Such report shall be distributed to all school districts and boards of cooperative educational services and shall be made available to all other interested parties upon request.

S 2. Subdivision 32 of section 305 of the education law is REPEALED and two new subdivisions 32 and 32-a are added to read as follows:

32. A. THE COMMISSIONER SHALL, TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL AND STATE LAW, ELIMINATE OR STREAMLINE PROGRAMMATIC REPORTING, PLANNING AND APPLICATION REQUIREMENTS IMPOSED ON SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, IN ORDER TO ELIMINATE OR MINIMIZE THE PRODUCTION OF REPORTS, APPLICATIONS AND PLANS THAT CONTAIN DUPLICATIVE INFORMATION. WHERE APPLICABLE, THE COMMISSIONER SHALL REQUIRE THAT ALL SUCH REPORTS, APPLICATIONS AND PLANS SHALL BE SUBMITTED ELECTRONICALLY TO THE DEPARTMENT OVER THE INTERNET THROUGH A SECURE WEBPAGE. THESE ELECTRONIC REPORTS, APPLICATIONS AND PLANS SHALL TAKE THE PLACE OF FILING PAPER COPIES OF SUCH REPORTS, APPLICATIONS AND PLANS EXCEPT IN CIRCUMSTANCES WHERE AN ORIGINAL SIGNATURE IS REQUIRED, THEN ORIGINAL PAPER COPIES MUST BE FILED. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE ELECTRONIC FILING OF SUCH REPORTS, APPLICATIONS AND PLANS. THE COMMISSIONER SHALL REQUIRE ALL SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO COMPRESS ALL DISTRICTWIDE PLANNING REQUIREMENTS INTO A SINGLE DISTRICTWIDE COMPREHENSIVE PLAN, WHICH AT A MINIMUM SHALL INCLUDE THE COMPONENTS PRESCRIBED BY THE COMMISSIONER, INCLUDING BUT NOT LIMITED TO THE DISTRICTWIDE LONG-RANGE CAPITAL FACILITIES PLAN, AND APPLICABLE CURRENT FEDERAL REQUIREMENTS. IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, A DISTRICTWIDE COMPREHENSIVE PLAN SHALL BE DEVELOPED FOR THE CITY SCHOOL DISTRICT, EACH COMMUNITY SCHOOL DISTRICT, AND THE DISTRICTS OR OTHER ADMINISTRATIVE DIVISIONS RESPONSIBLE FOR OPERATION OF NEW YORK CITY PUBLIC SCHOOLS. THE COMMISSIONER SHALL ALSO REQUIRE ALL SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO COMPRESS ALL BUILDING LEVEL PLANNING REQUIREMENTS INTO A SINGLE BUILDING LEVEL COMPREHENSIVE PLAN, WHICH AT A MINIMUM, SHALL INCLUDE THE COMPONENTS PRESCRIBED BY THE COMMISSIONER AND APPLICABLE CURRENT FEDERAL REQUIREMENTS. IT SHALL BE THE DUTY OF THE TRUSTEES OR BOARD OF EDUCATION OF EVERY SCHOOL DISTRICT AND OF THE CHANCELLOR AND EACH COMMUNITY DISTRICT EDUCATIONAL COUNCIL IN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND OF EVERY BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO ASSURE THAT ALL COMPONENTS OF THE DISTRICTWIDE COMPREHENSIVE PLAN AND EACH BUILDING LEVEL COMPREHENSIVE PLAN ARE AS FULLY INTEGRATED AND CONSISTENT AS PRACTICABLE, AND THAT SUCH PLANS ARE CONTINUOUSLY REVIEWED, REFLECT ONGOING ANALYSES OF CURRENT TEACHING AND LEARNING DATA AND ARE UPDATED ON AT LEAST AN ANNUAL BASIS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ANY SEPARATE PLAN REQUIREMENTS IMPOSED UNDER THIS CHAPTER OR ANY RULE OR REGULATION SHALL BE DEEMED TO BE FULFILLED BY INCLUSION OF SUCH PLAN IN THE COMPREHENSIVE DISTRICTWIDE OR BUILDING LEVEL PLAN, PROVIDED THAT ALL REQUIRED INFORMATION IS INCLUDED IN THE APPLICABLE COMPREHENSIVE PLAN.

B. THE COMMISSIONER SHALL REQUIRE THE TRUSTEES OR BOARD OF EDUCATION OF EVERY SCHOOL DISTRICT AND THE CHANCELLOR AND EACH COMMUNITY DISTRICT-EDUCATIONAL COUNCIL IN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND EVERY BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO MAKE ITS DISTRICTWIDE COMPREHENSIVE PLAN AND EACH BUILDING LEVEL COMPREHENSIVE PLAN AVAILABLE TO THE PUBLIC, EXCEPT WHERE SUCH PLANS CONTAIN INFORMATION THAT IS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER STATE OR FEDERAL LAW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES THAT MAKES ITS COMPREHENSIVE DISTRICTWIDE AND/OR BUILDING LEVEL PLANS PUBLICLY AVAILABLE ELECTRONICALLY THROUGH POSTING ON ITS WEBSITE SHALL BE DEEMED TO HAVE FILED SUCH PLANS WITH THE DEPARTMENT AS OF THE DATE OF POSTING AND SHALL NOT BE REQUIRED TO SEPARATELY REPORT THE INFORMATION CONTAINED IN SUCH PLANS TO THE DEPARTMENT, PROVIDED THAT SUCH DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES REPORTS SUCH POSTING TO THE DEPARTMENT, WITH THE WEB ADDRESS AT WHICH SUCH PLANS ARE AVAILABLE, IN THE MANNER PRESCRIBED BY THE DEPARTMENT, AND PROVIDED FURTHER THAT NOTHING HEREIN SHALL PRECLUDE THE DEPARTMENT FROM REQUIRING AMENDMENT OF A PLAN OR THE SUBMISSION OF ADDITIONAL INFORMATION WHERE IT DETERMINES THAT THE INFORMATION IN THE COMPREHENSIVE PLANS IS NOT CURRENT OR COMPLETE OR OTHERWISE SUFFICIENT TO MEET STATUTORY OR REGULATORY REQUIREMENTS.

32-A. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED AND DIRECTED TO GRANT WAIVERS PURSUANT TO THIS SUBDIVISION FROM ANY ANNUAL REPORTING REQUIREMENTS IMPOSED ON SCHOOL DISTRICTS UNDER THIS CHAPTER, IN WHOLE OR IN PART, PROVIDED SUCH WAIVERS APPLY TO ALL SCHOOL DISTRICTS AND DO NOT CONFLICT WITH FEDERAL REQUIREMENTS. SUCH WAIVERS MAY BE GRANTED UPON FINDINGS BY THE COMMISSIONER THAT:

A. THE PURPOSES OF THE REPORT CAN BE SUBSTANTIALLY MET THROUGH SUBMISSION OF A REPORT ON A TWO-YEAR, THREE-YEAR OR FIVE-YEAR BASIS, AS SPECIFIED BY THE COMMISSIONER, TAKING INTO ACCOUNT OTHER ANNUAL DATA REPORTING REQUIREMENTS AND INFORMATION MADE PUBLICLY AVAILABLE BY THE SCHOOL DISTRICT ON AN ANNUAL BASIS; AND

B. THE REPORT OR PORTION OF THE REPORT BEING WAIVED DOES NOT CONTAIN FISCAL OR OTHER DATA OR INFORMATION NEEDED FOR PURPOSES OF COMPUTING STATE OR FEDERAL AID OR FOR PURPOSES OF SCHOOL OR SCHOOL DISTRICT ACCOUNTABILITY OR FOR AUDIT PURPOSES.

S 3. 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 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] INCORPORATE 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] INTO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICTWIDE COMPREHENSIVE PLAN. WHERE APPLICABLE, THE COMMISSIONER SHALL REQUIRE THAT ALL SUCH PLANS SHALL BE SUBMITTED ELECTRONICALLY TO THE DEPARTMENT OVER THE INTERNET THROUGH A

SECURE WEBPAGE. THIS ELECTRONIC PLAN SHALL TAKE THE PLACE OF FILING PAPER COPIES OF SUCH PLAN EXCEPT IN CIRCUMSTANCES WHERE AN ORIGINAL SIGNATURE IS REQUIRED, THEN ORIGINAL PAPER COPIES MUST BE FILED. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE ELECTRONIC FILING OF SUCH PLAN.

S 4. 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. WHERE APPLICABLE, THE COMMISSIONER SHALL REQUIRE THAT ALL SUCH PLANS SHALL BE SUBMITTED ELECTRONICALLY TO THE DEPARTMENT OVER THE INTERNET THROUGH A SECURE WEBPAGE. THIS ELECTRONIC PLAN SHALL TAKE THE PLACE OF FILING PAPER COPIES OF SUCH PLAN EXCEPT IN CIRCUMSTANCES WHERE AN ORIGINAL SIGNATURE IS REQUIRED, THEN ORIGINAL PAPER COPIES MUST BE FILED. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE ELECTRONIC FILING OF SUCH PLAN. 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 5. Within one year of the effective date of this act, the commissioner of education shall issue a report to the governor and the legislature detailing the reporting requirements that have been eliminated pursuant to the provisions of this act. Such report shall include specific statutory requirements, reports and regulatory requirements that have been eliminated or rendered null and void as a result of the provisions of this act. Where applicable, the commissioner of education shall require that such report shall be submitted electronically to the education department over the internet through a secure webpage. This electronic report shall take the place of filing paper copies of such report except in circumstances where an original signature is required, then original paper copies must be filed. The commissioner of education shall promulgate all rules and regulations necessary to implement the electronic filing of such report.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that section one of this act, subdivision 32 of section 305 of the education law, as repealed and added by section two of this act, and sections three and four of this act shall take effect July 1, 2009. The commissioner of education is immediately authorized and directed to promulgate, amend and/or repeal any rule or regulation necessary for the implementation of this act on its effective date on or before such effective date.