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

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I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. FIELDS, ZEBROWSKI, GUNTHER, KOON, GORDON, REILLY, GALEF, JAFFEE, SAYWARD, TOBACCO, WALKER, McKEVITT, CORWIN, BACALLES, KOLB -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, DelMONTE, ERRIGO, GIGLIO, TITONE, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to regulatory mandates

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 308-a to read as follows:

S 308-A. REGULATORY MANDATES. 1. AS USED IN THIS SECTION, "REGULATORY MANDATE" MEANS ANY RULE, REGULATION, ORDER, OR ADMINISTRATIVE GUIDANCE BY THE BOARD OF REGENTS, COMMISSIONER, OR AN EMPLOYEE OF THE DEPARTMENT THAT REQUIRES A SCHOOL DISTRICT TO CREATE A NEW PROGRAM, REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM, OR ALTERS A PROGRAM OR A SERVICE IN A MANNER THAT INCREASES THE OPERATIONAL COST TO A SCHOOL DISTRICT.

2. IN THE EVENT THAT A REGULATORY MANDATE THAT IMPOSES A COST UPON A SCHOOL DISTRICT AND IS ACTED UPON OR PROMULGATED BY THE REGENTS, COMMISSIONER, OR AN EMPLOYEE OF THE DEPARTMENT AFTER THE ADOPTION OF A SCHOOL BUDGET, SUCH REGULATORY MANDATE SHALL NOT TAKE EFFECT UNTIL THE SUBSEQUENT SCHOOL YEAR FOR WHICH SUCH SCHOOL BUDGET WAS ADOPTED.

3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, A REGULATORY MANDATE MAY BE IMPOSED IF:

(A) THE REGULATORY MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A REGULATION, RULE, ORDER, OR ADMINISTRATIVE GUIDANCE THAT IS PERMISSIVE RATHER THAN MANDATORY;

(B) THE REGULATORY MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(C) THE REGULATORY MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS

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

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MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

S 2. This act shall take effect immediately.