

7568

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. NOLAN -- (at request of the State Education Department) -- 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 reporting requirements, to repeal section 805 of such law relating to special procedures for enforcement of the health education curriculum, to repeal clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of such law relating to annual reports on transition of students with disabilities, and to repeal paragraph b of subdivision 1 of section 4452 of such law relating to submission of a plan for the identification and education of gifted pupils

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. Legislative findings. The legislature hereby finds and declares  
4 that the current required planning and reporting requirements for school  
5 districts and BOCES have become excessive, resulting in significant  
6 administrative burdens. The legislature further finds that chapter 83 of  
7 the laws of 2002 added subdivision 32 to section 305 of the education  
8 law which required the commissioner of education to complete a review of  
9 all applications, plans and reports required of school districts and  
10 BOCES. The legislature further finds that the commissioner of education  
11 provided the legislature and the division of the budget on June 1, 2003,  
12 with a report entitled "A Proposal on Planning and Reporting by New York  
13 State School Districts for the Strategic Use of School Resources for  
14 School Improvement" which included a proposal to replace existing plan-  
15 ning and reporting requirements with a new comprehensive streamlined  
16 reporting system.

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

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1 The legislature further finds that this act implements those portions  
2 of the commissioner of education's report which addressed state statuto-  
3 rily required planning and reporting requirements by eliminating such  
4 requirements and by reducing the scope of other statutorily required  
5 planning and reporting requirements. The legislature further finds that  
6 the creation of a comprehensive planning and reporting system is a  
7 necessary component to the reduction of scope and elimination of certain  
8 existing planning and reporting requirements.

9 S 3. The education law is amended by adding a new section 101-b to  
10 read as follows:

11 S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMIS-  
12 SIONER TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF  
13 COOPERATIVE EDUCATIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE  
14 REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS,  
15 REPORTS AND APPLICATIONS, WHERE POSSIBLE AND CONSISTENT WITH LAW. THE  
16 COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO  
17 FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS  
18 WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS. NOTHING IN THIS  
19 SECTION SHALL BE CONSTRUED TO EXCUSE THE COMMISSIONER OR THE BOARD OF  
20 REGENTS FROM, OR OTHERWISE LIMIT, REPORTING OF INFORMATION BY THE  
21 DEPARTMENT TO THE LEGISLATURE OR THE GOVERNOR UNDER ANY OTHER LAW.

22 2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND  
23 APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPER-  
24 ATIVE EDUCATIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELEC-  
25 TRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING,  
26 CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND  
27 REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC  
28 ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER CONTINUOUS SCHOOL  
29 IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND DESIRED STUDENT  
30 ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT  
31 AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS  
32 SHALL LINK PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY  
33 REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF  
34 RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER  
35 MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL COLLABORATE  
36 WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL  
37 SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND REPORTING AND  
38 SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED  
39 TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL PROVIDE FOR THE SHAR-  
40 ING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE  
41 EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF  
42 DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES  
43 AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TECHNICAL ASSISTANCE  
44 ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS,  
45 SCHOOL BUSINESS OFFICIALS AND TEACHERS, INVOLVE RESEARCHERS IN DATA  
46 ANALYSIS AND EVALUATION, AND, TO THE EXTENT PRACTICABLE, PROVIDE TECHNI-  
47 CAL ASSISTANCE OR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL  
48 BOARD MEMBERS.

49 S 4. Subdivision 32 of section 305 of the education law is REPEALED.

50 S 5. Section 805 of the education law is REPEALED.

51 S 6. Subdivision 2 of section 806 of the education law, as amended by  
52 chapter 946 of the laws of 1973, is amended to read as follows:

53 2. The regents shall determine the subjects to be included in such  
54 courses of instruction in highway safety and traffic regulation includ-  
55 ing bicycle safety, and the period of instruction in each of the grades  
56 in such subjects. [They shall adopt rules providing for attendance upon

1 such instruction and for such other matters as are required for carrying  
2 into effect the teaching of the courses of instruction prescribed by  
3 this section. The commissioner of education shall be responsible for  
4 the enforcement of such section and shall cause to be inspected and  
5 supervise the instruction to be given in such subjects. The commissioner  
6 may, in his discretion, cause all or a portion of the public school  
7 money to be apportioned to a district or city to be withheld for failure  
8 of the school authorities of such district or city to provide instruc-  
9 tion in such courses and to compel attendance upon such instruction, as  
10 herein prescribed, and for a noncompliance with the rules of the regents  
11 adopted as herein provided.]

12 S 7. Subparagraph 5 of paragraph b of subdivision 4 of section 1950 of  
13 the education law, as amended by chapter 602 of the laws of 1994, is  
14 amended to read as follows:

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

24 If the resolutions adopted by the trustees or boards of education of a  
25 majority of the component school districts of the board of cooperative  
26 educational services actually voting approve the tentative administra-  
27 tive budget, the board of cooperative educational services may adopt the  
28 tentative administrative budget without modification. If a majority of  
29 the component school districts actually voting fail to adopt resolutions  
30 approving such tentative administrative budget, or if the number of  
31 component school districts approving the budget equals the number of  
32 school districts disapproving the budget, the board of cooperative  
33 educational services shall prepare and adopt a contingency administra-  
34 tive budget which shall not exceed the amount of the administrative  
35 budget of the board of cooperative educational services for the previous  
36 school year except to accommodate expenditure increases attributable to  
37 supplemental retirement allowances payable pursuant to section five  
38 hundred thirty-two of this chapter and section seventy-eight of the  
39 retirement and social security law. [For purposes of development of a  
40 budget for the nineteen hundred ninety-four--ninety-five school year,  
41 each board of cooperative educational services shall separate its  
42 program, capital and administrative costs for the nineteen hundred nine-  
43 ty-three--ninety-four school year in the manner prescribed by the  
44 commissioner, and shall submit the resulting separate administrative  
45 budget to the commissioner for approval. Upon approval of the commis-  
46 sioner, such separate administrative budget shall be deemed the adminis-  
47 trative budget of the board of cooperative educational services for the  
48 nineteen hundred ninety-three--ninety-four school year.]

49 S 8. Paragraph c of subdivision 4 of section 1950 of the education  
50 law, as amended by chapter 301 of the laws of 1996, is amended to read  
51 as follows:

52 c. Make or cause to be made surveys to determine the need for cooper-  
53 ative educational services in the supervisory district and present the  
54 findings of their surveys to local school authorities. Each board of  
55 cooperative educational services shall prepare long range program plans  
56 to meet the projected need for such cooperative educational services in

1 the supervisory district for the next five years as may be specified by  
2 the commissioner, and shall [submit] KEEP ON FILE AND MAKE AVAILABLE FOR  
3 PUBLIC INSPECTION AND REVIEW BY THE COMMISSIONER such plans and there-  
4 after annual revisions of such plans [to the commissioner] on or before  
5 the first day of December of each year, [except that special education  
6 and career education program plans, in a form specified by the commis-  
7 sioner, shall be submitted every two years, no later than the date spec-  
8 ified by the commissioner, and revised annually] PROVIDED THAT SUCH  
9 PLANS MAY BE INCORPORATED INTO A BOARD OF COOPERATIVE EDUCATIONAL  
10 SERVICES DISTRICT-WIDE COMPREHENSIVE PLAN.

11 S 9. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section  
12 1950 of the education law, as amended by chapter 474 of the laws of  
13 1996, are amended to read as follows:

14 (3) Requests for shared services; operating plan; required notice.  
15 Requests for such shared services shall be filed by component school  
16 districts with the board of cooperative educational services not later  
17 than the first day of February of each year, provided that such requests  
18 shall not be binding upon the component school district. The board of  
19 cooperative educational services shall submit its proposed annual oper-  
20 ating plan for the ensuing school year to the department for approval  
21 not later than the fifteenth day of February of each year. Such board  
22 shall, through its executive officer, notify each component school  
23 district on or before the tenth day of March concerning the services  
24 [which] THAT have been approved by the commissioner to be made available  
25 for the ensuing school year. Such notice shall set forth the local  
26 uniform cost of each such service, based on (i) anticipated partic-  
27 ipation in the ensuing school year, or (ii) participation in the current  
28 year, or (iii) a two or three year average including participation in  
29 the current year, which unit cost shall be the same for all participat-  
30 ing component districts and shall be based upon a uniform methodology  
31 approved annually by at least three-quarters of the participating compo-  
32 nent school districts after consultation by local school officials with  
33 their respective boards; provided, however, such unit cost shall be  
34 subject to final adjustment for programs for students with disabilities  
35 based on actual participation in accordance with regulations of the  
36 commissioner. Notwithstanding the determination of the local uniform  
37 unit cost methodology selected in accordance with this paragraph, each  
38 board of cooperative education services shall annually report to the  
39 commissioner the [budgeted unit cost and, when available, the] actual  
40 unit cost of such programs and services, in accordance with both the  
41 local uniform unit cost methodology and a statewide uniform unit cost  
42 methodology prescribed by the commissioner by regulation, where the  
43 [budgeted statewide unit cost shall be based on the anticipated partic-  
44 ipation in the ensuing year and the] actual statewide unit cost shall be  
45 based on actual participation through the end of each year.

46 (4) Contracts for shared services; allocation of costs. Each component  
47 school district shall on or before the first day of May following such  
48 notification notify the board of cooperative educational services of its  
49 intention to participate or not to participate in such shared services  
50 and the specific services which such district elects to utilize. Each  
51 participating component school district shall be required to pay the  
52 board of cooperative educational services for the cost of the services  
53 set forth in such notification, except for adjustments caused by subse-  
54 quent unanticipated changes in the district's enrollment. The board of  
55 cooperative educational services shall enter into contracts with its  
56 component school districts for such requested services. A copy of each

1 executed contract for such purpose shall be [filed with the commissioner  
2 by] KEPT ON FILE WITH the board of cooperative educational services AND  
3 MADE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST on or prior to the  
4 first day of August of each year. Notwithstanding the provisions of  
5 paragraph b of this subdivision, any component school district which  
6 does not elect to participate in any such specific cooperative services  
7 authorized under this paragraph shall not be required to pay any share  
8 of the moneys provided in the budget as salaries of teachers or other  
9 personnel employed in providing such service, for equipment and supplies  
10 for such service or for transportation of pupils to and from the place  
11 where such service is maintained. Provided, further, that a board of  
12 cooperative educational services may allocate the cost of such services  
13 to component school districts in accordance with terms agreed upon  
14 between such board and three-quarters of the boards of education and  
15 trustees of local school districts participating in the service.

16 S 10. Paragraph kk of subdivision 4 of section 1950 of the education  
17 law, as added by section 13 of part A of chapter 436 of the laws of  
18 1997, is amended to read as follows:

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

39 S 11. Subdivision 2 of section 2201 of the education law, as amended  
40 by chapter 295 of the laws of 1993, is amended to read as follows:

41 2. Whenever a vacancy hereafter occurs in the office of district  
42 superintendent of schools in any supervisory district or whenever the  
43 commissioner receives a letter of resignation from a district super-  
44 intendent, the commissioner [shall] MAY survey the field in the county  
45 where the vacancy occurred, and if it shall find that the continuance of  
46 the number of supervisory districts then existing is no longer necessary  
47 to serve adequately the educational interests of the county he or she  
48 shall be authorized to conduct a study to examine the possible reorgan-  
49 ization of such supervisory district if no such study has been conducted  
50 within five years.

51 S 12. Subdivision 5 of section 2802 of the education law, as added by  
52 chapter 181 of the laws of 2000, is amended to read as follows:

53 5. By [January] APRIL first of each year, the commissioner shall  
54 report to the governor, the legislature and the regents concerning the  
55 prevalence of violence and disruptive incidents in the public schools,  
56 and the effectiveness of school programs undertaken to reduce violence

1 and assure the safety and security of students and school personnel. The  
2 report shall summarize the information available from the incident  
3 reporting system, and [identify specifically the schools and school  
4 districts with the least and greatest incidence of violent and disrupt-  
5 tive incidents, and the least and most improvement since the previous  
6 year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS  
7 OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL  
8 DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND  
9 OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETER-  
10 MINED BY THE COMMISSIONER. The report shall also, to the extent possi-  
11 ble, relate the results available from the incident reporting system,  
12 together with such other analysis and information as the commissioner  
13 determines is appropriate, to the effectiveness of school violence meas-  
14 ures undertaken by participating schools and school districts, including  
15 the school codes and school safety plans required by sections twenty-  
16 eight hundred one and twenty-eight hundred one-a of this article.

17 S 13. Paragraph f of subdivision 11 of section 3602 of the education  
18 law, as added by chapter 82 of the laws of 1995 and such subdivision as  
19 renumbered by section 15 of part B of chapter 57 of the laws of 2007, is  
20 amended to read as follows:

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

41 S 14. Paragraph b of subdivision 8 of section 3602 of the education  
42 law, as amended by section 16 of part B of chapter 57 of the laws of  
43 2007, is amended to read as follows:

44 b. District plans of service. Any school district receiving an addi-  
45 tional apportionment pursuant to subdivision ten of this section for  
46 pupils in career education programs or a payment in lieu of such appor-  
47 tionment or having a public excess cost aid setaside pursuant to subdivi-  
48 sion four of this section shall keep on file and make available for  
49 public inspection and review by the commissioner an acceptable plan of  
50 service describing the student outcomes expected from implementation of  
51 the proposed plan, provided that such plan may be incorporated into a  
52 school district's district-wide comprehensive plan. The plan of service  
53 [submitted by] OF a school district receiving an additional apportion-  
54 ment pursuant to this section for pupils with disabilities shall also  
55 describe how such district intends to ensure that all instructional  
56 materials to be used in the schools of such district will be made avail-

1 able in a usable alternative format for each student with a disability  
2 and for each student who is a qualified individual with a disability, at  
3 the same time as such instructional materials are available to non-disa-  
4 bled students, provided that such plan may incorporate by reference the  
5 alternative format plans developed pursuant to subdivision twenty-nine-a  
6 of section sixteen hundred four, subdivision four-a of section seventeen  
7 hundred nine, subdivision seven-a of section twenty-five hundred three  
8 or subdivision seven-a of section twenty-five hundred fifty-four of this  
9 chapter. Such plans shall be in a form prescribed by the commissioner,  
10 and except as heretofore provided, shall have the content prescribed by  
11 the commissioner. The commissioner may, from time to time, require  
12 amendments of such plans as deemed to be necessary and appropriate to  
13 further the educational welfare of the pupils involved.

14 S 15. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of  
15 section 4402 of the education law is REPEALED.

16 S 16. Paragraph b of subdivision 1 of section 4452 of the education  
17 law is REPEALED.

18 S 17. This act shall take effect immediately; provided, however, that  
19 the commissioner of education shall promulgate any rules or regulations  
20 necessary to implement the provisions of this act on or before July 1,  
21 2010.