

1472

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. SALAND -- 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 authorizing certain school districts to enter into a school superintendent sharing contract

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

1 Section 1. The education law is amended by adding a new section 1527-a
2 to read as follows:
3 S 1527-A. SHARED SUPERINTENDENT PROGRAM. NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE GOVERNING
5 BOARD OF A SCHOOL DISTRICT WITH AN ENROLLMENT OF LESS THAN ONE THOUSAND
6 STUDENTS IN THE PREVIOUS YEAR SHALL BE AUTHORIZED TO ENTER INTO A SCHOOL
7 SUPERINTENDENT SHARING CONTRACT WITH NO MORE THAN TWO ADDITIONAL SCHOOL
8 DISTRICTS EACH OF WHICH HAVE FEWER THAN ONE THOUSAND IN ENROLLED PUPILS
9 IN THE PREVIOUS YEAR. EACH SHARED SUPERINTENDENT ARRANGEMENT SHALL BE
10 GOVERNED BY THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PARTICIPAT-
11 ING IN THE SHARED CONTRACT. PROVIDED HOWEVER, THAT THIS SECTION SHALL
12 NOT BE CONSTRUED TO ALTER, EFFECT OR IMPAIR ANY EMPLOYMENT CONTRACT
13 WHICH IS IN EFFECT ON OR BEFORE JULY FIRST, TWO THOUSAND SIX. ANY
14 SCHOOL DISTRICT WHICH HAS ENTERED INTO A SCHOOL SUPERINTENDENT SHARING
15 PROGRAM WILL CONTINUE TO BE ELIGIBLE TO COMPLETE SUCH CONTRACT NOTWITH-
16 STANDING THAT THE ENROLLMENT OF THE SCHOOL DISTRICT EXCEEDED ONE THOU-
17 SAND STUDENTS AFTER ENTERING INTO A SHARED SUPERINTENDENT CONTRACT.
18 S 2. Subparagraph 6 of paragraph d of subdivision 14 of section 3602
19 of the education law, as added by section 17-a of part B of chapter 57
20 of the laws of 2007, is amended to read as follows:
21 (6) where such reorganization includes at least two school districts
22 employing eight or more teachers forming a central high school district
23 pursuant to section nineteen hundred thirteen of this chapter, such
24 reorganized district shall be entitled to an apportionment equal to an

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

LBD07296-01-9

1 additional percent of the apportionment computed in accordance with the
2 provisions of paragraph d-1 of this subdivision; but in no case shall
3 the sum of such apportionment under this paragraph plus the selected
4 operating aid per pupil be more than a total of ninety-five per centum
5 of the year prior to the base year approved operating expense; for a
6 period of [five] TEN years beginning with the first school year of oper-
7 ation [as] a reorganized district [such] SHALL RECEIVE AN additional
8 FORTY percent [shall be forty percent]; and thereafter such additional
9 forty percent apportionment to such district shall be reduced by four
10 percentage points each year, beginning with the [sixth] ELEVENTH school
11 year of operation as a reorganized district, and continuing until such
12 additional forty percent apportionment is [eliminated] REDUCED TO TWENTY
13 PERCENT; provided, however, that the total apportionment to such reor-
14 ganized district, beginning with the first school year of operation as a
15 reorganized district[, and for a period of fifteen years thereafter,]
16 shall be not less than the sum of all apportionments computed in accord-
17 ance with the provisions of this paragraph plus the apportionment
18 computed in accordance with the provisions of paragraph d-1 of this
19 subdivision that each component school district was entitled to receive
20 and did receive during the last school year preceding such first year of
21 operation. In the event a school district is eligible for incentive
22 operating aid and again reorganizes pursuant to a new plan or reorgan-
23 ization established by the commissioner, and where such new reorganiza-
24 tion is again eligible for incentive operating aid, the newly created
25 school district shall be entitled to receive incentive operating aid
26 pursuant to the provisions of this paragraph, based on all school
27 districts included in any such reorganization, provided, however, that
28 incentive operating aid payments due because of any such former reorgan-
29 ization shall cease.

30 S 3. Subdivision 14 of section 3602 of the education law is amended by
31 adding a new paragraph h to read as follows:

32 H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR
33 SCHOOL DISTRICTS WHICH REORGANIZE AFTER JULY FIRST, TWO THOUSAND TEN, NO
34 APPORTIONMENT SHALL BE PROVIDED PURSUANT TO PARAGRAPHS C AND D OF THIS
35 SUBDIVISION UNLESS: (I) IT IS DEMONSTRATED TO THE SATISFACTION OF THE
36 COMMISSIONER THAT THE REORGANIZATION WILL RESULT IN COST SAVINGS AND
37 (II) IN THE FIRST TWO SCHOOL YEARS FOLLOWING REORGANIZATION, THE TAX
38 LEVY OF THE REORGANIZED SCHOOL DISTRICT IN THE CURRENT YEAR IS LESS THAN
39 THE COMBINED TAX LEVY OF THE SCHOOL DISTRICTS THAT FORMED THE REORGAN-
40 IZED DISTRICT FOR THE SCHOOL YEAR PRIOR TO THE REORGANIZATION, AND IN
41 EACH YEAR AFTER YEAR THREE OF REORGANIZATION FIFTY PERCENT OF THE INCEN-
42 TIVE AID PROVIDED PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION SHALL BE
43 UTILIZED TO REDUCE THE TAX LEVY OF THE REORGANIZED SCHOOL DISTRICT.

44 S 4. This act shall take effect immediately.