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

3874

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- 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 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:

Section 1. Short title. This act shall be known and may be cited as "the school paperwork elimination and reduction act of 2009".

S 2. Legislative findings. The legislature hereby finds and declares that the current required planning and reporting requirements for school districts and BOCES have become excessive, resulting in significant administrative burdens. The legislature further finds that chapter 83 of the laws of 2002 added subdivision 32 to section 305 of the education law which required the commissioner of education to complete a review of all applications, plans and reports required of school districts and BOCES. The legislature further finds that the commissioner of education provided the legislature and the division of the budget on June 1, 2003, with a report entitled "A Proposal on Planning and Reporting by New York State School Districts for the Strategic Use of School Resources for School Improvement" which included a proposal to replace existing plan-

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

LBD04262-02-9

ning and reporting requirements with a new comprehensive streamlined reporting system.

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

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

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

2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELECTRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING, CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS SHALL LINK PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL COLLABORATE WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND REPORTING AND SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL PROVIDE FOR THE SHARING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TECHNICAL ASSISTANCE ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS AND TEACHERS, INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION, AND, TO THE EXTENT PRACTICABLE, PROVIDE TECHNICAL ASSISTANCE OR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS.

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

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

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

2. The regents shall determine the subjects to be included in such courses of instruction in highway safety and traffic regulation includ-

ing bicycle safety, and the period of instruction in each of the grades in such subjects. [They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the teaching of the courses of instruction prescribed by this section. The commissioner of education shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a noncompliance with the rules of the regents adopted as herein provided.]

S 7. 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 8. 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] 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 9. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, are amended to read as follows:

(3) Requests for shared services; operating plan; required notice. Requests for such shared services shall be filed by component school districts with the board of cooperative educational services not later than the first day of February of each year, provided that such requests shall not be binding upon the component school district. The board of cooperative educational services shall submit its proposed annual operating plan for the ensuing school year to the department for approval not later than the fifteenth day of February of each year. Such board shall, through its executive officer, notify each component school district on or before the tenth day of March concerning the services [which] THAT have been approved by the commissioner to be made available for the ensuing school year. Such notice shall set forth the local uniform cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component districts and shall be based upon a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. Notwithstanding the determination of the local uniform unit cost methodology selected in accordance with this paragraph, each board of cooperative education services shall annually report to the commissioner the [budgeted unit cost and, when available, the] actual unit cost of such programs and services, in accordance with both the local uniform unit cost methodology and a statewide uniform unit cost methodology prescribed by the commissioner by regulation, where the [budgeted statewide unit cost shall be based on the anticipated participation in the ensuing year and the] actual statewide unit cost shall be based on actual participation through the end of each year.

(4) Contracts for shared services; allocation of costs. Each component school district shall on or before the first day of May following such notification notify the board of cooperative educational services of its intention to participate or not to participate in such shared services and the specific services which such district elects to utilize. Each participating component school district shall be required to pay the board of cooperative educational services for the cost of the services set forth in such notification, except for adjustments caused by subsequent unanticipated changes in the district's enrollment. The board of

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

S 10. 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 11. Subdivision 2 of section 2201 of the education law, as amended by chapter 295 of the laws of 1993, is amended to read as follows:

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

S 12. 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 13. 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] OF [subsequent] 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 14. 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 15. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of the education law is REPEALED.

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

S 17. 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.