

5911

2009-2010 Regular Sessions

I N   S E N A T E

June 18, 2009

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Introduced by Sen. OPPENHEIMER -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to paperwork reduction, and eliminating certain reporting requirements; and repealing section 805, clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 and paragraph b of subdivision 1 of section 4452 of such law relating thereto

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 101-b  
2     to read as follows:  
3     S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMIS-  
4     SIONER TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS BY ELIMINATING  
5     AND AVOIDING DUPLICATIVE REPORTING REQUIREMENTS AND BY CONSOLIDATING  
6     PLANS, REPORTS AND APPLICATIONS, WHERE POSSIBLE AND CONSISTENT WITH LAW.  
7     THE COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS  
8     TO FEDERAL REQUIREMENTS WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS  
9     WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS. NOTHING IN THIS  
10    SECTION SHALL BE CONSTRUED TO EXCUSE THE COMMISSIONER OR THE BOARD OF  
11    REGENTS FROM, OR OTHERWISE LIMIT, REPORTING OF INFORMATION BY THE  
12    DEPARTMENT TO THE LEGISLATURE OR THE GOVERNOR UNDER ANY OTHER LAW.  
13    2. THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND  
14    APPLICATIONS REQUIRED BY LAW OF SCHOOL DISTRICTS BY ESTABLISHING STREAM-  
15    LINED AND UNIFIED ELECTRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE  
16    REDUNDANT REPORTING, CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON  
17    COLLECTING DATA AND REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL  
18    AND PROGRAMMATIC ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER  
19    CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND  
20    DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE THAT SCHOOLS PROVIDE A SAFE  
21    AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS

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

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1 AND STAFF. SUCH SYSTEMS SHALL LINK PLANNING AND REPORTING TO THE STATE  
2 SYSTEM OF ACCOUNTABILITY REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN  
3 AUDIT BASED ASSESSMENT OF RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL  
4 PERFORMANCE OR IMPROPER MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMIS-  
5 SIONER SHALL COLLABORATE WITH SELECTED SCHOOL DISTRICTS TO PROMOTE  
6 BETTER USE OF REQUIRED PLANNING AND REPORTING AND SHALL ASSURE THAT  
7 REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED TO IDENTIFY BEST  
8 PRACTICES. THE COMMISSIONER SHALL PROVIDE FOR THE SHARING OF EFFECTIVE  
9 PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE EXTENT PRACTICABLE,  
10 PROVIDE TECHNICAL ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE  
11 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER  
12 EDUCATION IN PROVIDING TECHNICAL ASSISTANCE ON THE USE OF DATA FOR STRA-  
13 TEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS  
14 AND TEACHERS, INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION, AND,  
15 TO THE EXTENT PRACTICABLE, PROVIDE TECHNICAL ASSISTANCE OR TRAINING ON  
16 THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS.

17 S 2. Section 805 of the education law is REPEALED.

18 S 3. Subdivision 2 of section 806 of the education law, as amended by  
19 chapter 946 of the laws of 1973, is amended to read as follows:

20 2. The regents shall determine the subjects to be included in such  
21 courses of instruction in highway safety and traffic regulation includ-  
22 ing bicycle safety, and the period of instruction in each of the grades  
23 in such subjects. [They shall adopt rules providing for attendance upon  
24 such instruction and for such other matters as are required for carrying  
25 into effect the teaching of the courses of instruction prescribed by  
26 this section. The commissioner of education shall be responsible for  
27 the enforcement of such section and shall cause to be inspected and  
28 supervise the instruction to be given in such subjects. The commissioner  
29 may, in his discretion, cause all or a portion of the public school  
30 money to be apportioned to a district or city to be withheld for failure  
31 of the school authorities of such district or city to provide instruc-  
32 tion in such courses and to compel attendance upon such instruction, as  
33 herein prescribed, and for a noncompliance with the rules of the regents  
34 adopted as herein provided.]

35 S 4. Subdivision 5 of section 2802 of the education law, as added by  
36 chapter 181 of the laws of 2000, is amended to read as follows:

37 5. By [January] APRIL first of each year, the commissioner shall  
38 report to the governor, the legislature and the regents concerning the  
39 prevalence of violence and disruptive incidents in the public schools[,  
40 and the effectiveness of school programs undertaken to reduce violence  
41 and assure the safety and security of students and school personnel].  
42 The report shall summarize the information available from the incident  
43 reporting system, and [identify specifically the schools and school  
44 districts with the least and greatest incidence of violent and disrupt-  
45 tive incidents, and the least and most improvement since the previous  
46 year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS  
47 OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL  
48 DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND  
49 OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETER-  
50 MINED BY THE COMMISSIONER. The report shall also, to the extent possi-  
51 ble, relate the results available from the incident reporting system,  
52 together with such other analysis and information as the commissioner  
53 determines is appropriate, to the effectiveness of school violence meas-  
54 ures undertaken by participating schools and school districts, including  
55 the school codes and school safety plans required by sections twenty-  
56 eight hundred one and twenty-eight hundred one-a of this article.

1 S 5. Paragraph b of subdivision 8 of section 3602 of the education  
2 law, as amended by section 16 of part B of chapter 57 of the laws of  
3 2007, is amended to read as follows:

4 b. District plans of service. Any school district receiving an addi-  
5 tional apportionment pursuant to subdivision ten of this section for  
6 pupils in career education programs or a payment in lieu of such appor-  
7 tionment or having a public excess cost aid setaside pursuant to subdivi-  
8 sion four of this section shall keep on file and make available for  
9 public inspection and review by the commissioner an acceptable plan of  
10 service describing the student outcomes expected from implementation of  
11 the proposed plan, provided that such plan may be incorporated into a  
12 school district's district-wide comprehensive plan. The plan of service  
13 [submitted by] OF a school district receiving an additional apportion-  
14 ment pursuant to this section for pupils with disabilities shall also  
15 describe how such district intends to ensure that all instructional  
16 materials to be used in the schools of such district will be made avail-  
17 able in a usable alternative format for each student with a disability  
18 and for each student who is a qualified individual with a disability, at  
19 the same time as such instructional materials are available to non-disa-  
20 bled students, provided that such plan may incorporate by reference the  
21 alternative format plans developed pursuant to subdivision twenty-nine-a  
22 of section sixteen hundred four, subdivision four-a of section seventeen  
23 hundred nine, subdivision seven-a of section twenty-five hundred three  
24 or subdivision seven-a of section twenty-five hundred fifty-four of this  
25 chapter. Such plans shall be in a form prescribed by the commissioner,  
26 and except as heretofore provided, shall have the content prescribed by  
27 the commissioner. The commissioner may, from time to time, require  
28 amendments of such plans as deemed to be necessary and appropriate to  
29 further the educational welfare of the pupils involved.

30 S 6. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of  
31 section 4402 of the education law is REPEALED.

32 S 7. Paragraph b of subdivision 1 of section 4452 of the education law  
33 is REPEALED.

34 S 8. This act shall take effect immediately.