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

4541

2011-2012 Regular Sessions

I N S E N A T E

April 11, 2011

Introduced by Sen. MARCELLINO -- 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 requiring each school district to include the percentage of its budget spent on instructional expenses in its school district report card

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

Section 1. Subdivision 6 of section 1608 of the education law, as amended by section 5 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

6. Each year, the board of education shall prepare a school district 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 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 school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii)

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

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which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this subparagraph and subparagraphs (i) and (ii) of this paragraph as compared to the statewide average.

S 2. Subdivision 6 of section 1716 of the education law, as amended by section 7 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

6. Each year, the board of education shall prepare a school district 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 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 school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information of the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 3. Paragraph kk of subdivision 4 of section 1950 of the education law, as amended by chapter 378 of the laws of 2010, 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, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON

INSTRUCTIONAL EXPENSES. 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 any information required by the commissioner.

S 4. Subdivision 24 of section 2554 of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

24. Each year, the board of education shall prepare a school district 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 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 performances of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 5. Subdivision 24 of section 2554 of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

24. In every city school district in a city having a population of less than one million inhabitants, each year, the board of education shall prepare a school district 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 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 performances of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 6. Subdivision 8 of section 2590-e of the education law, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

8. Each year prepare a school district 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 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 school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the requests to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 7. Subdivision 8 of section 2590-e of the education law, as amended by chapter 720 of the laws of 1996, is amended to read as follows:

8. Each year prepare a school district 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 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 school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to

statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the requests to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 8. Subdivision 7 of section 2601-a of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

7. Each year, the board of education shall prepare a school district 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 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 school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district 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. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 9. Paragraph (a) of subdivision 2 of section 2857 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

(a) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the commissioner in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry

rates, total spending per [pupil], and administrative spending per pupil AND THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Such measures shall be presented in a format that is easily comparable to similar public schools. In addition, the charter school shall ensure that such information is easily accessible to the community including making it publicly available by transmitting it to local newspapers of general circulation and making it available for distribution at board of trustee meetings.

S 10. Section 2 of the education law is amended by adding a new subdivision 20 to read as follows:

20. INSTRUCTIONAL EXPENSES. FOR PURPOSES OF SUBDIVISION SIX OF SECTION SIXTEEN HUNDRED EIGHT, SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED SIXTEEN, PARAGRAPH KK OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY, SUBDIVISION TWENTY-FOUR OF SECTION TWENTY-FIVE HUNDRED FIFTY-FOUR, SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E, SUBDIVISION SEVEN OF SECTION TWENTY-SIX HUNDRED ONE-A, AND PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS CHAPTER, THE TERM "INSTRUCTIONAL EXPENSES" MEANS: A. THE SUM OF ALL EXPENDITURES IN THE SCHOOL YEAR DIRECTLY RELATED TO THE INSTRUCTIONAL PROGRAM IN GRADES PRE-KINDERGARTEN THROUGH TWELVE OF THE SCHOOL DISTRICT, EXCLUSIVE OF TUITION PAID TO ANOTHER PUBLIC SCHOOL DISTRICT OR TO AN INSTITUTION, OTHER THAN TUITION PAID PURSUANT TO A CONTRACT AUTHORIZED BY ARTICLE EIGHTY-NINE OF THIS CHAPTER. SUCH SUM SHALL INCLUDE GENERAL FUND, SPECIAL AID FUND, AND RISK RETENTION FUND EXPENSES REPORTED IN THE ANNUAL FINANCIAL REPORT OF THE DISTRICT FOR THE FOLLOWING PURPOSES:

(I) CURRICULUM DEVELOPMENT AND SUPERVISION;
(II) SUPERVISION - REGULAR SCHOOL;
(III) SUPERVISION - SPECIAL SCHOOLS;
(IV) RESEARCH, PLANNING AND EVALUATION;
(V) INSERVICE TRAINING - INSTRUCTION;
(VI) TEACHING - REGULAR SCHOOL;
(VII) PROGRAM FOR CHILDREN WITH DISABILITIES;
(VIII) OCCUPATIONAL EDUCATION;
(IX) TEACHING - SPECIAL SCHOOLS;
(X) PRE-KINDERGARTEN PROGRAM;
(XI) SCHOOL LIBRARY AND AUDIOVISUAL;
(XII) EDUCATIONAL TELEVISION;
(XIII) COMPUTER ASSISTED INSTRUCTION;
(XIV) ATTENDANCE - REGULAR SCHOOL;
(XV) GUIDANCE - REGULAR SCHOOL;
(XVI) HEALTH SERVICES - REGULAR SCHOOL;
(XVII) PSYCHOLOGICAL SERVICES - REGULAR SCHOOL;
(XVIII) SOCIAL WORK SERVICES - REGULAR SCHOOL;
(XIX) PUPIL PERSONNEL SERVICES - SPECIAL SCHOOLS;
(XX) CO-CURRICULAR ACTIVITIES - REGULAR SCHOOL;
(XXI) INTERSCHOLASTIC ATHLETICS - REGULAR SCHOOL;
(XXII) EMPLOYEE BENEFITS AS DETERMINED PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION; AND
(XXIII) FOR ANY OTHER PURPOSES THAT SHALL BE IDENTIFIED BY THE COMMISSIONER.

B. THE COST OF EMPLOYEE BENEFITS TO BE INCLUDED IN INSTRUCTIONAL EXPENSE SHALL BE CALCULATED BY MULTIPLYING THE RATIO OF TOTAL EXPENDITURES FOR EMPLOYEE BENEFITS, INCLUDING EXPENDITURES FROM THE RISK RETENTION FUND FOR PURPOSES OF EMPLOYEE BENEFIT CLAIMS RELATED TO SALARIES PAID FROM THE GENERAL AND SPECIAL AID FUNDS, TO TOTAL EXPENDITURES

FOR SALARIES, BOTH AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND, BY THE TOTAL EXPENDITURES FOR SALARIES, AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND, FOR THOSE PURPOSES LISTED IN PARAGRAPH A OF THIS SUBDIVISION. SUCH RATIO SHALL BE EXPRESSED AS A DECIMAL CARRIED TO THREE DECIMAL PLACES WITHOUT ROUNDING, AND SUCH CALCULATED COST OF EMPLOYEE BENEFITS SHALL BE EXPRESSED AS A WHOLE NUMBER ROUNDED UP TO THE NEXT WHOLE DOLLAR.

S 11. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided that:

1. the amendments to subdivision 24 of section 2554 of the education law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section five of this act shall take effect; and

2. the amendments to subdivision 8 of section 2590-e of the education law made by section six of this act shall be subject to the expiration and reversion of such section pursuant to section 34 of chapter 91 of the laws of 2002, as amended, when upon such date the provisions of section seven of this act shall take effect.