

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:

1 Section 1. Subdivision 6 of section 1608 of the education law, as
2 amended by section 5 of part A of chapter 436 of the laws of 1997, is
3 amended to read as follows:
4 6. Each year, the board of education shall prepare a school district
5 report card, pursuant to regulations of the commissioner, and shall make
6 it publicly available by transmitting it to local newspapers of general
7 circulation, appending it to copies of the proposed budget made publicly
8 available as required by law, making it available for distribution at
9 the annual meeting, and otherwise disseminating it as required by the
10 commissioner. Such report card shall include measures of the academic
11 performance of the school district, on a school by school basis, and
12 measures of the fiscal performance of the district, as prescribed by the
13 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
14 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
15 ant to regulations of the commissioner, the report card shall also
16 compare these measures to statewide averages for all public schools, and
17 statewide averages for public schools of comparable wealth and need,
18 developed by the commissioner. Such report card shall include, at a
19 minimum, any information on the school district regarding pupil perform-
20 ance and expenditure per pupil required to be included in the annual
21 report by the regents to the governor and the legislature pursuant to
22 section two hundred fifteen-a of this chapter; and any other information
23 required by the commissioner. School districts (i) identified as having
24 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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1 which have fifty percent or more of their students with disabilities in
2 special education programs or services sixty percent or more of the
3 school day in a general education building, or (iii) which have eight
4 percent or more of their students with disabilities in special education
5 programs in public or private separate educational settings shall indi-
6 cate on their school district report card their respective percentages
7 as defined in this subparagraph and subparagraphs (i) and (ii) of this
8 paragraph as compared to the statewide average.

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

12 6. Each year, the board of education shall prepare a school district
13 report card, pursuant to regulations of the commissioner, and shall make
14 it publicly available by transmitting it to local newspapers of general
15 circulation, appending it to copies of the proposed budget made publicly
16 available as required by law, making it available for distribution at
17 the annual meeting, and otherwise disseminating it as required by the
18 commissioner. Such report card shall include measures of the academic
19 performance of the school district, on a school by school basis, and
20 measures of the fiscal performance of the district, as prescribed by the
21 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
22 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant
23 to regulations of the commissioner, the report card shall also compare
24 these measures to statewide averages for all public schools, and state-
25 wide averages for public schools of comparable wealth and need, devel-
26 oped by the commissioner. Such report card shall include, at a minimum,
27 any information of the school district regarding pupil performance and
28 expenditure per pupil required to be included in the annual report by
29 the regents to the governor and the legislature pursuant to section two
30 hundred fifteen-a of this chapter; and any other information required by
31 the commissioner. School districts (i) identified as having fifteen
32 percent or more of their students in special education, or (ii) which
33 have fifty percent or more of their students with disabilities in
34 special education programs or services sixty percent or more of the
35 school day in a general education building, or (iii) which have eight
36 percent or more of their students with disabilities in special education
37 programs in public or private separate educational settings shall indi-
38 cate on their school district report card their respective percentages
39 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
40 sion as compared to the statewide average.

41 S 3. Paragraph kk of subdivision 4 of section 1950 of the education
42 law, as amended by chapter 378 of the laws of 2010, is amended to read
43 as follows:

44 kk. For the nineteen hundred ninety-seven--ninety-eight school year
45 and thereafter, the board of cooperative educational services (BOCES)
46 shall prepare a BOCES report card, pursuant to regulations of the
47 commissioner, and shall make it publicly available by transmitting it to
48 local newspapers of general circulation, appending it to copies of the
49 proposed administrative budget made publicly available as required by
50 law, making it available for distribution at the annual meeting, and
51 otherwise disseminating it as required by the commissioner. Such report
52 card shall include measures of the academic performance of the board of
53 cooperative educational services, on a school by school or program by
54 program basis, and measures of the fiscal performance of the supervisory
55 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED
56 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON

1 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner,
2 the report card shall also compare these measures to statewide averages
3 for all boards of cooperative educational services. Such report card
4 shall include any information required by the commissioner.

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

7 24. Each year, the board of education shall prepare a school district
8 report card, pursuant to regulations of the commissioner, and shall make
9 it publicly available by transmitting it to local newspapers of general
10 circulation, appending it to copies of the proposed budget made publicly
11 available as required by law, making it available for distribution at
12 the annual meeting, and otherwise disseminating it as required by the
13 commissioner. Such report card shall include measures of the academic
14 performances of the school district, on a school by school basis, and
15 measures of the fiscal performance of the district, as prescribed by the
16 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
17 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
18 ant to regulations of the commissioner the report card shall also
19 compare these measures to statewide averages for all public schools, and
20 statewide averages for public schools of comparable wealth and need,
21 developed by the commissioner. Such report card shall include, at a
22 minimum, any information on the school district regarding pupil perform-
23 ance and expenditure per pupil required to be included in the annual
24 report by the regents to the governor and the legislature pursuant to
25 section two hundred fifteen-a of this chapter; and any other information
26 required by the commissioner. School districts (i) identified as having
27 fifteen percent or more of their students in special education, or (ii)
28 which have fifty percent or more of their students with disabilities in
29 special education programs or services sixty percent or more of the
30 school day in a general education building, or (iii) which have eight
31 percent or more of their students with disabilities in special education
32 programs in public or private separate educational settings shall indi-
33 cate on their school district report card their respective percentages
34 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
35 sion as compared to the statewide average.

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

38 24. In every city school district in a city having a population of
39 less than one million inhabitants, each year, the board of education
40 shall prepare a school district report card, pursuant to regulations of
41 the commissioner, and shall make it publicly available by transmitting
42 it to local newspapers of general circulation, appending it to copies of
43 the proposed budget made publicly available as required by law, making
44 it available for distribution at the annual meeting, and otherwise
45 disseminating it as required by the commissioner. Such report card shall
46 include measures of the academic performances of the school district, on
47 a school by school basis, and measures of the fiscal performance of the
48 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED
49 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON
50 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the
51 report card shall also compare these measures to statewide averages for
52 all public schools, and statewide averages for public schools of compa-
53 rable wealth and need, developed by the commissioner. Such report card
54 shall include, at a minimum, any information on the school district
55 regarding pupil performance and expenditure per pupil required to be
56 included in the annual report by the regents to the governor and the

1 legislature pursuant to section two hundred fifteen-a of this chapter;
2 and any other information required by the commissioner. School districts
3 (i) identified as having fifteen percent or more of their students in
4 special education, or (ii) which have fifty percent or more of their
5 students with disabilities in special education programs or services
6 sixty percent or more of the school day in a general education building,
7 or (iii) which have eight percent or more of their students with disa-
8 bilities in special education programs in public or private separate
9 educational settings shall indicate on their school district report card
10 their respective percentages as defined in this paragraph and paragraphs
11 (i) and (ii) of this subdivision as compared to the statewide average.

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

14 8. Each year prepare a school district report card pursuant to regu-
15 lations of the commissioner, and shall make it publicly available by
16 transmitting it to local newspapers of general circulation, appending it
17 to copies of the proposed budget made publicly available as required by
18 law, making it available for distribution at the annual meeting, and
19 otherwise disseminating it as required by the commissioner. Such report
20 card shall include measures of the academic performance of the school
21 district, on a school by school basis, and measures of the fiscal
22 performance of the district, as prescribed by the commissioner, INCLUD-
23 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
24 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the
25 commissioner, the report card shall also compare these measures to
26 statewide averages for all public schools, and statewide averages for
27 public schools of comparable wealth and need, developed by the commis-
28 sioner. Such report card shall include, at a minimum, any information on
29 the school district regarding pupil performance and expenditure per
30 pupil required to be included in the annual report by the requests to
31 the governor and the legislature pursuant to section two hundred
32 fifteen-a of this chapter; and any other information required by the
33 commissioner. School districts (i) identified as having fifteen percent
34 or more of their students in special education, or (ii) which have fifty
35 percent or more of their students with disabilities in special education
36 programs or services sixty percent or more of the school day in a gener-
37 al education building, or (iii) which have eight percent or more of
38 their students with disabilities in special education programs in public
39 or private separate educational settings shall indicate on their school
40 district report card their respective percentages as defined in this
41 paragraph and paragraphs (i) and (ii) of this subdivision as compared to
42 the statewide average.

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

45 8. Each year prepare a school district report card pursuant to regu-
46 lations of the commissioner, and shall make it publicly available by
47 transmitting it to local newspapers of general circulation, appending it
48 to copies of the proposed budget made publicly available as required by
49 law, making it available for distribution at the annual meeting, and
50 otherwise disseminating it as required by the commissioner. Such report
51 card shall include measures of the academic performance of the school
52 district, on a school by school basis, and measures of the fiscal
53 performance of the district, as prescribed by the commissioner, INCLUD-
54 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET
55 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the
56 commissioner, the report card shall also compare these measures to

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

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

20 7. Each year, the board of education shall prepare a school district
21 report card, pursuant to regulations of the commissioner, and shall make
22 it publicly available by transmitting it to local newspapers of general
23 circulation, appending it to copies of the proposed budget made publicly
24 available as required by law, making it available for distribution at
25 the annual meeting, and otherwise disseminating it as required by the
26 commissioner. Such report card shall include measures of the academic
27 performance of the school district, on a school by school basis, and
28 measures of the fiscal performance of the district, as prescribed by the
29 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE
30 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-
31 ant to regulations of the commissioner, the report card shall also
32 compare these measures to statewide averages for all public schools, and
33 statewide averages for public schools of comparable wealth and need,
34 developed by the commissioner. Such report card shall include, at a
35 minimum, any information on the school district regarding pupil perform-
36 ance and expenditure per pupil required to be included in the annual
37 report by the regents to the governor and the legislature pursuant to
38 section two hundred fifteen-a of this chapter; and any other information
39 required by the commissioner. School districts (i) identified as having
40 fifteen percent or more of their students in special education, or (ii)
41 which have fifty percent or more of their students with disabilities in
42 special education programs or services sixty percent or more of the
43 school day in a general education building, or (iii) which have eight
44 percent or more of their students with disabilities in special education
45 programs in public or private separate educational settings shall indi-
46 cate on their school district report card their respective percentages
47 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
48 sion as compared to the statewide average.

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

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

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

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

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

27 (I) CURRICULUM DEVELOPMENT AND SUPERVISION;
 28 (II) SUPERVISION - REGULAR SCHOOL;
 29 (III) SUPERVISION - SPECIAL SCHOOLS;
 30 (IV) RESEARCH, PLANNING AND EVALUATION;
 31 (V) INSERVICE TRAINING - INSTRUCTION;
 32 (VI) TEACHING - REGULAR SCHOOL;
 33 (VII) PROGRAM FOR CHILDREN WITH DISABILITIES;
 34 (VIII) OCCUPATIONAL EDUCATION;
 35 (IX) TEACHING - SPECIAL SCHOOLS;
 36 (X) PRE-KINDERGARTEN PROGRAM;
 37 (XI) SCHOOL LIBRARY AND AUDIOVISUAL;
 38 (XII) EDUCATIONAL TELEVISION;
 39 (XIII) COMPUTER ASSISTED INSTRUCTION;
 40 (XIV) ATTENDANCE - REGULAR SCHOOL;
 41 (XV) GUIDANCE - REGULAR SCHOOL;
 42 (XVI) HEALTH SERVICES - REGULAR SCHOOL;
 43 (XVII) PSYCHOLOGICAL SERVICES - REGULAR SCHOOL;
 44 (XVIII) SOCIAL WORK SERVICES - REGULAR SCHOOL;
 45 (XIX) PUPIL PERSONNEL SERVICES - SPECIAL SCHOOLS;
 46 (XX) CO-CURRICULAR ACTIVITIES - REGULAR SCHOOL;
 47 (XXI) INTERSCHOLASTIC ATHLETICS - REGULAR SCHOOL;
 48 (XXII) EMPLOYEE BENEFITS AS DETERMINED PURSUANT TO PARAGRAPH B OF THIS
 49 SUBDIVISION; AND
 50 (XXIII) FOR ANY OTHER PURPOSES THAT SHALL BE IDENTIFIED BY THE COMMIS-
 51 SIONER.

52 B. THE COST OF EMPLOYEE BENEFITS TO BE INCLUDED IN INSTRUCTIONAL
 53 EXPENSE SHALL BE CALCULATED BY MULTIPLYING THE RATIO OF TOTAL EXPENDI-
 54 TURES FOR EMPLOYEE BENEFITS, INCLUDING EXPENDITURES FROM THE RISK
 55 RETENTION FUND FOR PURPOSES OF EMPLOYEE BENEFIT CLAIMS RELATED TO SALA-
 56 RIES PAID FROM THE GENERAL AND SPECIAL AID FUNDS, TO TOTAL EXPENDITURES

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

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

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

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