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

937

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MARCELLINO, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the employment of retired persons as superintendents of schools

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

Section 1. Section 211 of the retirement and social security law is amended by adding a new subdivision 4-a to read as follows:

4-A. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, A RETIRED PERSON EMPLOYED UNDER THIS SECTION BY A SCHOOL DISTRICT TO SERVE AS THE SUPERINTENDENT OF SCHOOLS FOR SUCH SCHOOL DISTRICT SHALL NOT SERVE AS SUCH SUPERINTENDENT FOR MORE THAN ONE YEAR. ON OR BEFORE THE CONCLUSION OF SUCH ONE YEAR PERIOD SUCH SCHOOL DISTRICT SHALL FILL THE POSITION OF SUPERINTENDENT OF SCHOOLS WITH A NON-RETIRED PERSON ON A PERMANENT BASIS.

(B) THE COMMISSIONER OF EDUCATION MAY GRANT A WAIVER FROM THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION TO ANY SCHOOL DISTRICT THAT DEMONSTRATES TO SUCH COMMISSIONER THAT AFTER DUE DILIGENCE A SUITABLE CANDIDATE TO FILL THE POSITION OF SUPERINTENDENT OF SCHOOLS HAS NOT BEEN FOUND AND THAT COMPLIANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION SHALL CONSTITUTE SUBSTANTIAL HARDSHIP TO SUCH SCHOOL DISTRICT. THE COMMISSIONER OF EDUCATION SHALL DETERMINE THE MANNER AND FORM IN WHICH A SCHOOL DISTRICT SHALL APPLY FOR A WAIVER PURSUANT TO THIS PARAGRAPH.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD04374-01-1