

3147

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. CALHOUN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to removing the salary cap on district superintendents of BOCES

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

1 Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 698 of the laws of
3 2003, is amended to read as follows:
4 (2) Notwithstanding any inconsistent provision of law in no event
5 shall the total salary including amounts paid pursuant to section twenty-
6 ty-two hundred nine of this [chapter] TITLE for district superintendents
7 for each school year through the two thousand two--two thousand three
8 school year exceed ninety-eight percent of that earned by the commis-
9 sioner for state fiscal year nineteen hundred ninety-two--ninety-three,
10 and in no event shall such total salary for a district superintendent
11 for the two thousand three--two thousand four school year or any subse-
12 quent school year exceed: (i) one hundred six percent of the salary cap
13 applicable in the preceding school year, or (ii) ninety-eight percent of
14 that earned by the commissioner in the two thousand three--two thousand
15 four state fiscal year, whichever is less. PROVIDED, HOWEVER, THAT IF
16 INDIVIDUAL BOCES BOARDS OPT TO USE LOCAL FUNDS TO CREATE COMPENSATION
17 AGREEMENTS NECESSARY TO HIRE DISTRICT SUPERINTENDENTS, ANY PORTION OF
18 THE STATE CONTRIBUTION TO SUPPLEMENT SUCH SALARIES SHALL BE FORFEITED.
19 In no event shall any district superintendent be permitted to accumulate
20 vacation or sick leave credits in excess of the vacation and sick leave
21 credits managerial/confidential employees of the state are permitted to
22 accumulate pursuant to regulations promulgated by the state civil
23 service commission, nor may any district superintendent at the time of
24 separation from service be compensated for accrued and unused vacation
25 credits or sick leave, or use accrued and unused sick leave for retire-

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

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1 ment service credit or to pay for health insurance in retirement, at a
2 rate in excess of the rate permitted to managerial/confidential employ-
3 ees of the state pursuant to regulations of the state civil service
4 commission. In addition to the payment of supplementary salary, a board
5 of cooperative educational services may provide for the payment of all
6 or a portion of the cost of insurance benefits for the district super-
7 intendent of schools, including but not limited to health insurance,
8 disability insurance, life insurance or any other form of insurance
9 benefit made available to managerial/confidential employees of the
10 state; provided that any such payments for whole life, split dollar or
11 other life insurance policies having a cash value shall be included in
12 the total salary of the district superintendent for purposes of this
13 subparagraph, and provided further that any payments for the employee
14 contribution, co-pay or uncovered medical expenses under a health insur-
15 ance plan also shall be included in the total salary of the district
16 superintendent. Notwithstanding any other provision of law, payments
17 for such insurance benefits may be based on the district superinten-
18 dent's total salary or the amount of his or her supplementary salary
19 only. Any payments for transportation or travel expenses in excess of
20 actual, documented expenses incurred in the performance of duties for
21 the board of cooperative educational services or the state, and any
22 other lump sum payment not specifically excluded from total salary
23 pursuant to this subparagraph, shall be included in the total salary of
24 the district superintendent for purposes of this subparagraph. Nothing
25 herein shall prohibit a district superintendent from waiving any rights
26 provided for in an existing contract or agreement as hereafter prohibit-
27 ed in favor of revised compensation or benefit provisions as permitted
28 herein. In no event shall the terms of the district superintendent's
29 contract, including any provisions relating to an increase in salary,
30 compensation or other benefits, be contingent upon the terms of any
31 contract or collective bargaining agreement between the board of cooper-
32 ative educational services and its teachers or other employees. The
33 commissioner may adopt regulations for the purpose of implementing the
34 provisions of this paragraph.

35 S 2. This act shall take effect immediately.