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

9750

I N A S S E M B L Y

March 30, 2012

Introduced by M. of A. PERRY, NOLAN, BENEDETTO, GOLDFEDER, SIMANOWITZ, PAULIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to attorney's fees for disciplinary proceedings

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

Section 1. Section 3020-a of the education law is amended by adding a new subdivision 6 to read as follows:

6. ATTORNEY'S FEES. NOTWITHSTANDING ANY LAWS TO THE CONTRARY, ANY PRIVATE ATTORNEY RETAINED OR OTHERWISE EMPLOYED BY A SCHOOL DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN ANY PROCEEDINGS PURSUANT TO THIS SECTION SHALL BE PAID AN HOURLY RATE NOT TO EXCEED THE HOURLY RATE PAID TO THE HIGHEST PAID ATTORNEY OR LEGAL OFFICER EMPLOYED AS A FULL-TIME EMPLOYEE BY THE SCHOOL DISTRICT. IN THE EVENT THAT THE SCHOOL DISTRICT DOES NOT EMPLOY A FULL-TIME ATTORNEY OR LEGAL OFFICER, THE HOURLY RATE OF THE HIGHEST PAID ATTORNEY OR LEGAL OFFICER EMPLOYED AS A FULL-TIME EMPLOYEE BY THE COUNTY OR COUNTIES IN WHICH THE SCHOOL DISTRICT IS LOCATED SHALL NOT BE EXCEEDED. FOR THE PURPOSES OF THIS SUBDIVISION, THE HOURLY RATE SHALL BE COMPUTED BY DIVIDING ANNUAL SALARY OF THE ATTORNEY OR LEGAL OFFICER BY THE TOTAL NUMBER OF HOURS THAT THE ATTORNEY OR LEGAL OFFICER IS REQUIRED BY LAW OR CONTRACTUAL AGREEMENT TO WORK IN ANY CALENDAR YEAR. PROVIDED, HOWEVER, THAT IF THE SCHOOL DISTRICT DESIRES TO PROVIDE FOR A COMPENSATION GREATER THAN WHAT IS AUTHORIZED BY THIS SUBDIVISION, THE SCHOOL DISTRICT MAY SEEK A WAIVER FROM THE REQUIREMENTS OF THIS SUBDIVISION FROM THE COMMISSIONER, UPON GOOD CAUSE SHOWN.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

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

LBD15215-01-2