

4402

2011-2012 Regular Sessions

I N   S E N A T E

April 4, 2011

---

Introduced by Sen. FLANAGAN -- 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 increasing the qualifications for school district business officials

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

1     Section 1. The education law is amended by adding a new section 2116-d  
2 to read as follows:

3     S 2116-D. SCHOOL DISTRICT BUSINESS OFFICIALS.     1. ON AND AFTER JULY  
4 FIRST, TWO THOUSAND THIRTEEN, THE BOARD OF EDUCATION OR OTHER GOVERNING  
5 BOARD OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
6 SHALL BE REQUIRED TO EMPLOY A CERTIFIED SCHOOL BUSINESS LEADER WHO MEETS  
7 THE REQUIREMENTS OF SUBDIVISION SIX OF SECTION THREE THOUSAND THREE OF  
8 THIS CHAPTER AS THE CHIEF SCHOOL BUSINESS OFFICIAL OF THE DISTRICT,  
9 EXCEPT THAT AN INCUMBENT WHO IS SERVING AS THE CHIEF SCHOOL BUSINESS  
10 OFFICIAL ON SUCH DATE AS A DEPUTY, ASSISTANT, OR ASSOCIATE SUPERINTEN-  
11 DENT FOR BUSINESS OR OTHER CERTIFIED SCHOOL ADMINISTRATOR HAVING PROFES-  
12 SIONAL RESPONSIBILITY FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT,  
13 OR IN A POSITION IN THE CLASSIFIED CIVIL SERVICE AS A SCHOOL BUSINESS  
14 MANAGER OR THE EQUIVALENT, MAY CONTINUE TO BE EMPLOYED IN SUCH CAPACITY,  
15 PROVIDED THAT SUCH INDIVIDUAL SUCCESSFULLY COMPLETES THE EXAMINATION  
16 PRESCRIBED BY THE COMMISSIONER PURSUANT TO PARAGRAPH B OF SUBDIVISION  
17 SIX OF SECTION THREE THOUSAND THREE OF THIS CHAPTER NO LATER THAN JUNE  
18 THIRTIETH, TWO THOUSAND FIFTEEN.

19     2. EVERY EMPLOYMENT CONTRACT ENTERED INTO, AMENDED OR EXTENDED BY THE  
20 TRUSTEES OF THE BOARD OF EDUCATION OF A SCHOOL DISTRICT OR A BOARD OF  
21 COOPERATIVE EDUCATIONAL SERVICES ON OR AFTER JULY FIRST, TWO THOUSAND  
22 ELEVEN WITH A DEPUTY SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSOCIATE  
23 SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSISTANT SUPERINTENDENT OF  
24 SCHOOLS FOR BUSINESS OR OTHER PERSON HAVING PROFESSIONAL RESPONSIBILITY  
25 FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT OR WITH AN INDIVIDUAL

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

LBD09241-02-1

1 EMPLOYED IN A CLASSIFIED CIVIL SERVICE POSITION AS A SCHOOL BUSINESS  
2 MANAGER OR THE EQUIVALENT SHALL INCLUDE A CLAUSE REQUIRING THAT SUCH  
3 EMPLOYEE COMPLETE THE REQUIRED CONTINUING EDUCATION COURSEWORK IN  
4 ACCOUNTING AND/OR FINANCE AND PROFESSIONAL DEVELOPMENT COURSES APPROVED  
5 BY THE COMMISSIONER IN EACH YEAR OF THE CONTRACT.

6 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
7 THE CONTRARY, ON AND AFTER JULY FIRST, TWO THOUSAND THIRTEEN, EXPENSES  
8 INCURRED BY SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL  
9 SERVICES FOR THE SHARING OF PERSONNEL TO SERVE AS A DEPUTY SUPERINTEN-  
10 DENT OF SCHOOLS FOR BUSINESS, ASSOCIATE SUPERINTENDENT OF SCHOOLS FOR  
11 BUSINESS, ASSISTANT SUPERINTENDENT OF SCHOOLS FOR BUSINESS OR OTHER  
12 PERSON HAVING PROFESSIONAL RESPONSIBILITY FOR THE BUSINESS OPERATION OF  
13 THE SCHOOL DISTRICT SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVI-  
14 SION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE OR ANY OTHER  
15 PROVISIONS OF LAW PROVIDING AID FOR THE SHARING OF SERVICES, UNLESS SUCH  
16 SHARED EMPLOYEE IS CERTIFIED AS A SCHOOL DISTRICT BUSINESS LEADER PURSU-  
17 ANT TO SUBDIVISION SIX OF SECTION THREE THOUSAND THREE OF THIS CHAPTER.

18 S 2. Subdivision 5 of section 3003 of the education law, as added by  
19 chapter 639 of the laws of 1990, is amended and a new subdivision 6 is  
20 added to read as follows:

21 5. [The] FOR CANDIDATES WHO APPLY FOR A CERTIFICATE ON OR BEFORE THE  
22 FIRST DAY OF SEPTEMBER, TWO THOUSAND TEN, THE commissioner may provide  
23 for the issuance of a certificate as deputy, associate or assistant  
24 superintendent for business to any qualified person who meets all of the  
25 requirements of subdivision one of this section, except those contained  
26 in paragraph b of subdivision one of this section.

27 6. A. FOR CANDIDATES WHO APPLY FOR A CERTIFICATE ON OR AFTER THE  
28 SECOND DAY OF SEPTEMBER, TWO THOUSAND TWELVE, THE COMMISSIONER SHALL  
29 PROVIDE FOR THE ISSUANCE OF A PROFESSIONAL CERTIFICATE AS A SCHOOL  
30 DISTRICT BUSINESS LEADER (DEPUTY SUPERINTENDENT OF SCHOOLS FOR BUSINESS,  
31 ASSOCIATE SUPERINTENDENT OF SCHOOLS FOR BUSINESS, ASSISTANT SUPERINTEN-  
32 DENT OF SCHOOLS FOR BUSINESS OR OTHER PERSON HAVING PROFESSIONAL RESPON-  
33 SIBILITY FOR THE BUSINESS OPERATION OF THE SCHOOL DISTRICT) IN ACCORD-  
34 ANCE WITH THIS SUBDIVISION TO ANY QUALIFIED PERSON WHO MEETS ALL OF THE  
35 REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, EXCEPT THOSE CONTAINED  
36 IN PARAGRAPH B OF SUBDIVISION ONE OF THIS SECTION, AND THE REQUIREMENTS  
37 OF THIS SUBDIVISION.

38 B. THE COMMISSIONER SHALL REQUIRE THAT AT LEAST TWENTY-FOUR SEMESTER  
39 HOURS OF THE GRADUATE COURSES REQUIRED UNDER PARAGRAPH A OF SUBDIVISION  
40 ONE OF THIS SECTION BE IN ACCOUNTING AND/OR FINANCE COURSES DETERMINED  
41 BY THE COMMISSIONER TO BE RELEVANT TO THE EFFECTIVE MANAGEMENT OF THE  
42 FISCAL RESOURCES OF A SCHOOL DISTRICT. THE COMMISSIONER SHALL ALSO  
43 REQUIRE CANDIDATES TO SUCCESSFULLY COMPLETE AN EXAMINATION THAT WILL  
44 ASSESS THE CANDIDATE'S KNOWLEDGE OF BASIC BUDGETING AND ACCOUNTING PRIN-  
45 CIPLES AND THE STATE AND FEDERAL LAWS AND REGULATIONS RELATING TO SCHOOL  
46 FINANCE, WHEN SUCH EXAMINATION BECOMES AVAILABLE. THE COMMISSIONER SHALL  
47 ALSO REQUIRE THAT CANDIDATES COMPLETE AN INTERNSHIP REQUIREMENT AS PART  
48 OF THEIR GRADUATE PROGRAM THAT INCLUDES A FULL-TIME EXPERIENCE OF AT  
49 LEAST FIFTEEN WEEKS IN DURATION.

50 C. THE COMMISSIONER SHALL ESTABLISH AN ALTERNATIVE PATHWAY TO SUCH  
51 CERTIFICATION, WHEREBY A CANDIDATE WHO FULFILLS ALL OTHER REQUIREMENTS  
52 SHALL BE DEEMED TO MEET THE COURSEWORK AND INTERNSHIP REQUIREMENTS FOR A  
53 PROFESSIONAL CERTIFICATE IF HE OR SHE HOLDS A MASTER'S DEGREE IN BUSI-  
54 NESS ADMINISTRATION OR A MASTER'S DEGREE IN ACCOUNTING.

55 D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
56 THE CONTRARY, THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT A WAIVER OF

1 THE COURSEWORK AND INTERNSHIP REQUIREMENTS FOR A PROFESSIONAL CERTIF-  
2 ICATE TO CANDIDATES WHO, UPON REVIEW OF THEIR TRANSCRIPT AND EXPERIENCE,  
3 ARE DETERMINED BY THE COMMISSIONER TO BE EXCEPTIONALLY QUALIFIED TO  
4 SERVE AS A SCHOOL DISTRICT BUSINESS LEADER.

5 E. THE COMMISSIONER SHALL ALSO REQUIRE THAT THE PROFESSIONAL DEVELOP-  
6 MENT REQUIRED UNDER THE REGULATIONS OF THE COMMISSIONER OF ALL CERTIF-  
7 ICATE HOLDERS TO MAINTAIN A PROFESSIONAL CERTIFICATE AS A SCHOOL  
8 DISTRICT BUSINESS LEADER ANNUALLY INCLUDE A MAJORITY ANNUALLY OF  
9 APPROVED COURSEWORK IN ACCOUNTING AND/OR FINANCE.

10 S 3. This act shall take effect on the first of July next succeeding  
11 the date on which it shall have become a law.