

5135

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

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 budgets of boards of cooperative educational services

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

1 Section 1. Subparagraph 1 of paragraph b of subdivision 4 of section
2 1950 of the education law, as amended by chapter 474 of the laws of
3 1996, is amended to read as follows:
4 (1) Prepare, prior to the annual meeting of members of the boards of
5 education and school trustees, held as provided in paragraph o of this
6 subdivision, a tentative budget of expenditures for the program costs, a
7 tentative budget for capital costs, and a tentative budget for the
8 administration costs of the board of cooperative educational services.
9 EXCEPT AS PROVIDED IN PARAGRAPH C-1 OF THIS SUBDIVISION, [Such]SUCH
10 budgets shall include the proposed budget for the upcoming school year,
11 the previous school year's actual costs and the current school year's
12 projected costs for each object of expenditure. Such program, capital
13 and administrative budgets shall be separately delineated in accordance
14 with the definition of program, capital and administrative costs which
15 shall be promulgated by the commissioner after consultation with school
16 district officials and the director of the budget. Personal service
17 costs for each budget shall include the number of full-time equivalent
18 positions funded and total salary and, except as noted herein, fringe
19 benefit costs for such positions by program. Each program budget shall
20 also include the local and statewide unit costs of such programs and
21 services proposed for the upcoming school year, such actual unit costs
22 for the previous school year, and the current school year's projected
23 unit costs, all established in accordance with paragraph d of this
24 subdivision. The capital budget shall include facility construction and
25 lease expenditures authorized pursuant to paragraphs p, t and u of this

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

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1 subdivision, payments for the repayment of indebtedness related to capi-
2 tal projects, payments for the acquisition or construction of facili-
3 ties, sites or additions, provided that such budget shall contain a
4 rental, operations and maintenance section that will include base rent
5 costs, total rent costs, operations and maintenance charges, cost per
6 square foot for each facility rented or leased by such board of cooper-
7 ative educational services, and any and all expenditures associated with
8 custodial salaries and benefits, service contracts, supplies, utilities,
9 maintenance and repairs for such facilities, and that such budget shall
10 include the annual debt service and total debt for all facilities
11 financed by bonds or notes of the component districts, annual rental and
12 lease payments and total rental and lease costs for all facilities rent-
13 ed by such board; such capital budget shall also include expenditures
14 resulting from court judgments and orders from administrative bodies or
15 officers, and, to the extent a board's administrative budget has been
16 adopted, one-time costs incurred in the first year in which an employee
17 retires. The administrative budget shall include, but need not be limit-
18 ed to, office and central administrative expenses, traveling expenses
19 and salaries and benefits of supervisors and administrative personnel
20 necessary to carry out the central administrative duties of the supervi-
21 sory district, any and all expenditures associated with the board, the
22 office of district superintendent, general administration, central
23 support services, planning, and all other administrative activities.
24 Such administrative budget shall also specify the amount of supplementa-
25 ry salary and benefits, if any, which the board determines should be
26 paid to the district superintendent of schools and the board shall
27 append to such budget a detailed statement of the total compensation to
28 be paid the district superintendent of schools by the board, including a
29 delineation of the salary, annualized cost of benefits and any in-kind
30 or other form of remuneration to be paid, plus, commencing with the
31 presentation of the budget for the nineteen hundred ninety-seven--nine-
32 ty-eight school year, a list of items of expense eligible for reimburse-
33 ment on expense accounts in the ensuing school year and a statement of
34 the amount of expenses paid to the district superintendent of schools in
35 the prior year for purposes of carrying out his or her official duties.

36 S 2. Subdivision 4 of section 1950 of the education law is amended by
37 adding a new paragraph c-1 to read as follows:

38 C-1. THE COMMISSIONER MAY, PURSUANT TO RULES AND REGULATIONS, AUTHOR-
39 IZE A BOCES, TO OPERATE ON A MULTI-YEAR BUDGET FOR PROGRAM, CAPITAL
40 AND/OR ADMINISTRATIVE EXPENDITURES IF IT IS DETERMINED BY THE COMMIS-
41 SIONER THAT A MULTI-YEAR BUDGET WILL RESULT IN GREATER EFFICIENCIES TO
42 THE COMPONENT DISTRICT. SUCH MULTI-YEAR BUDGET SHALL BE DEVELOPED IN THE
43 SAME MANNER AS REQUIRED PURSUANT TO SUBPARAGRAPHS ONE, TWO , THREE,
44 FOUR, FIVE, SIX AND SEVEN OF PARAGRAPH B OF THIS SUBDIVISION EXCEPT THAT
45 IT SHALL BE DONE BASED ON A MULTI-YEAR BASIS.

46 S 3. Subdivision 1 of section 1951 of the education law, as amended by
47 chapter 474 of the laws of 1996, is amended to read as follows:

48 1. The final administrative and capital budgets of the board of coop-
49 erative educational services as adopted INCLUDING, BUT NOT LIMITED TO
50 MULTI-YEAR BUDGETS THAT ARE AUTHORIZED PURSUANT TO PARAGRAPH C-1 OF
51 SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THIS ARTICLE,
52 shall be a charge against all of the school districts contained in the
53 board of cooperative educational services, provided, however, that any
54 component school district which does not elect to participate in any
55 specific educational service authorized to be furnished by the board of
56 cooperative educational services shall not be required to pay any share

1 of the moneys provided in the program budget as salaries of teachers or
2 other personnel employed in providing such service, for equipment and
3 supplies for such service or for transportation of pupils to and from
4 the place where such service is maintained, provided, however, expendi-
5 tures for the board of cooperative educational services program, includ-
6 ing office and central administrative expenses, traveling expenses and
7 salaries and benefits of supervisors and all other central administra-
8 tive personnel necessary to carry out its program shall be deemed admin-
9 istrative expenses which shall be a charge upon all component school
10 districts notwithstanding the fact that such a component school district
11 elects to not participate in any specific program offered by the board
12 of cooperative educational services. Each school district's propor-
13 tionate share of administrative and capital expenses shall be determined
14 in accordance with subparagraph seven of paragraph b of subdivision four
15 of section nineteen hundred fifty of this article. The board shall allo-
16 cate the cost of other services to participating component school
17 districts in accordance with terms agreed upon between such board and
18 the boards of education and trustees of each component school district
19 using the local uniform unit cost of each such service, based on (i)
20 anticipated participation in the ensuing school year, or (ii) partic-
21 ipation in the current year, or (iii) a two or three year average
22 including participation in the current year, which unit cost shall be
23 the same for all participating component school districts and shall be
24 computed in accordance with a uniform methodology approved annually by
25 at least three-quarters of the participating component school districts
26 after consultation by local school officials with their respective
27 boards; provided, however, such unit cost shall be subject to final
28 adjustment for programs for students with disabilities based on actual
29 participation in accordance with regulations of the commissioner. The
30 school authorities of each school district in the board of cooperative
31 educational services shall add such amount to the budget of such school
32 district and shall pay such amount to the treasurer of the board of
33 cooperative educational services, and shall be paid out by the treasurer
34 upon orders of the board issued and executed pursuant to the resolution
35 of said board.

36 S. 4. This act shall take effect on the first of July next succeeding
37 the date on which it shall have become a law.