

1524

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. MARCELLINO -- 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 requiring each school  
district to include the percentage of its budget spent on instructional  
expenses in its school district report card

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

1     Section 1. Subdivision 6 of section 1608 of the education law, as  
2     amended by section 5 of part A of chapter 436 of the laws of 1997, is  
3     amended to read as follows:  
4     6. Each year, the board of education shall prepare a school district  
5     report card, pursuant to regulations of the commissioner, and shall make  
6     it publicly available by transmitting it to local newspapers of general  
7     circulation, appending it to copies of the proposed budget made publicly  
8     available as required by law, making it available for distribution at  
9     the annual meeting, and otherwise disseminating it as required by the  
10    commissioner. Such report card shall include measures of the academic  
11    performance of the school district, on a school by school basis, and  
12    measures of the fiscal performance of the district, as prescribed by the  
13    commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE  
14    SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-  
15    ant to regulations of the commissioner, the report card shall also  
16    compare these measures to statewide averages for all public schools, and  
17    statewide averages for public schools of comparable wealth and need,  
18    developed by the commissioner. Such report card shall include, at a  
19    minimum, any information on the school district regarding pupil perform-  
20    ance and expenditure per pupil required to be included in the annual  
21    report by the regents to the governor and the legislature pursuant to  
22    section two hundred fifteen-a of this chapter; and any other information  
23    required by the commissioner. School districts (i) identified as having

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

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1 fifteen percent or more of their students in special education, or (ii)  
2 which have fifty percent or more of their students with disabilities in  
3 special education programs or services sixty percent or more of the  
4 school day in a general education building, or (iii) which have eight  
5 percent or more of their students with disabilities in special education  
6 programs in public or private separate educational settings shall indi-  
7 cate on their school district report card their respective percentages  
8 as defined in this subparagraph and subparagraphs (i) and (ii) of this  
9 paragraph as compared to the statewide average.

10 S 2. Subdivision 6 of section 1716 of the education law, as amended by  
11 section 7 of part A of chapter 436 of the laws of 1997, is amended to  
12 read as follows:

13 6. Each year, the board of education shall prepare a school district  
14 report card, pursuant to regulations of the commissioner, and shall make  
15 it publicly available by transmitting it to local newspapers of general  
16 circulation, appending it to copies of the proposed budget made publicly  
17 available as required by law, making it available for distribution at  
18 the annual meeting, and otherwise disseminating it as required by the  
19 commissioner. Such report card shall include measures of the academic  
20 performance of the school district, on a school by school basis, and  
21 measures of the fiscal performance of the district, as prescribed by the  
22 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE  
23 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant  
24 to regulations of the commissioner, the report card shall also compare  
25 these measures to statewide averages for all public schools, and state-  
26 wide averages for public schools of comparable wealth and need, devel-  
27 oped by the commissioner. Such report card shall include, at a minimum,  
28 any information of the school district regarding pupil performance and  
29 expenditure per pupil required to be included in the annual report by  
30 the regents to the governor and the legislature pursuant to section two  
31 hundred fifteen-a of this chapter; and any other information required by  
32 the commissioner. School districts (i) identified as having fifteen  
33 percent or more of their students in special education, or (ii) which  
34 have fifty percent or more of their students with disabilities in  
35 special education programs or services sixty percent or more of the  
36 school day in a general education building, or (iii) which have eight  
37 percent or more of their students with disabilities in special education  
38 programs in public or private separate educational settings shall indi-  
39 cate on their school district report card their respective percentages  
40 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-  
41 sion as compared to the statewide average.

42 S 3. Paragraph kk of subdivision 4 of section 1950 of the education  
43 law, as amended by chapter 378 of the laws of 2010, is amended to read  
44 as follows:

45 kk. For the nineteen hundred ninety-seven--ninety-eight school year  
46 and thereafter, the board of cooperative educational services (BOCES)  
47 shall prepare a BOCES report card, pursuant to regulations of the  
48 commissioner, and shall make it publicly available by transmitting it to  
49 local newspapers of general circulation, appending it to copies of the  
50 proposed administrative budget made publicly available as required by  
51 law, making it available for distribution at the annual meeting, and  
52 otherwise disseminating it as required by the commissioner. Such report  
53 card shall include measures of the academic performance of the board of  
54 cooperative educational services, on a school by school or program by  
55 program basis, and measures of the fiscal performance of the supervisory  
56 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED

1 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON  
2 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner,  
3 the report card shall also compare these measures to statewide averages  
4 for all boards of cooperative educational services. Such report card  
5 shall include any information required by the commissioner.

6 S 4. Subdivision 24 of section 2554 of the education law, as amended  
7 by chapter 91 of the laws of 2002, is amended to read as follows:

8 24. Each year, the board of education shall prepare a school district  
9 report card, pursuant to regulations of the commissioner, and shall make  
10 it publicly available by transmitting it to local newspapers of general  
11 circulation, appending it to copies of the proposed budget made publicly  
12 available as required by law, making it available for distribution at  
13 the annual meeting, and otherwise disseminating it as required by the  
14 commissioner. Such report card shall include measures of the academic  
15 performances of the school district, on a school by school basis, and  
16 measures of the fiscal performance of the district, as prescribed by the  
17 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE  
18 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-  
19 ant to regulations of the commissioner the report card shall also  
20 compare these measures to statewide averages for all public schools, and  
21 statewide averages for public schools of comparable wealth and need,  
22 developed by the commissioner. Such report card shall include, at a  
23 minimum, any information on the school district regarding pupil perform-  
24 ance and expenditure per pupil required to be included in the annual  
25 report by the regents to the governor and the legislature pursuant to  
26 section two hundred fifteen-a of this chapter; and any other information  
27 required by the commissioner. School districts (i) identified as having  
28 fifteen percent or more of their students in special education, or (ii)  
29 which have fifty percent or more of their students with disabilities in  
30 special education programs or services sixty percent or more of the  
31 school day in a general education building, or (iii) which have eight  
32 percent or more of their students with disabilities in special education  
33 programs in public or private separate educational settings shall indi-  
34 cate on their school district report card their respective percentages  
35 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-  
36 sion as compared to the statewide average.

37 S 5. Subdivision 24 of section 2554 of the education law, as added by  
38 chapter 474 of the laws of 1996, is amended to read as follows:

39 24. In every city school district in a city having a population of  
40 less than one million inhabitants, each year, the board of education  
41 shall prepare a school district report card, pursuant to regulations of  
42 the commissioner, and shall make it publicly available by transmitting  
43 it to local newspapers of general circulation, appending it to copies of  
44 the proposed budget made publicly available as required by law, making  
45 it available for distribution at the annual meeting, and otherwise  
46 disseminating it as required by the commissioner. Such report card shall  
47 include measures of the academic performances of the school district, on  
48 a school by school basis, and measures of the fiscal performance of the  
49 district, as prescribed by the commissioner, INCLUDING, BUT NOT LIMITED  
50 TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON  
51 INSTRUCTIONAL EXPENSES. Pursuant to regulations of the commissioner the  
52 report card shall also compare these measures to statewide averages for  
53 all public schools, and statewide averages for public schools of compa-  
54 rable wealth and need, developed by the commissioner. Such report card  
55 shall include, at a minimum, any information on the school district  
56 regarding pupil performance and expenditure per pupil required to be

1 included in the annual report by the regents to the governor and the  
2 legislature pursuant to section two hundred fifteen-a of this chapter;  
3 and any other information required by the commissioner. School districts  
4 (i) identified as having fifteen percent or more of their students in  
5 special education, or (ii) which have fifty percent or more of their  
6 students with disabilities in special education programs or services  
7 sixty percent or more of the school day in a general education building,  
8 or (iii) which have eight percent or more of their students with disa-  
9 bilities in special education programs in public or private separate  
10 educational settings shall indicate on their school district report card  
11 their respective percentages as defined in this paragraph and paragraphs  
12 (i) and (ii) of this subdivision as compared to the statewide average.

13 S 6. Subdivision 8 of section 2590-e of the education law, as amended  
14 by chapter 123 of the laws of 2003, is amended to read as follows:

15 8. Each year prepare a school district report card pursuant to regu-  
16 lations of the commissioner, and shall make it publicly available by  
17 transmitting it to local newspapers of general circulation, appending it  
18 to copies of the proposed budget made publicly available as required by  
19 law, making it available for distribution at the annual meeting, and  
20 otherwise disseminating it as required by the commissioner. Such report  
21 card shall include measures of the academic performance of the school  
22 district, on a school by school basis, and measures of the fiscal  
23 performance of the district, as prescribed by the commissioner, INCLUD-  
24 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET  
25 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the  
26 commissioner, the report card shall also compare these measures to  
27 statewide averages for all public schools, and statewide averages for  
28 public schools of comparable wealth and need, developed by the commis-  
29 sioner. Such report card shall include, at a minimum, any information on  
30 the school district regarding pupil performance and expenditure per  
31 pupil required to be included in the annual report by the requests to  
32 the governor and the legislature pursuant to section two hundred  
33 fifteen-a of this chapter; and any other information required by the  
34 commissioner. School districts (i) identified as having fifteen percent  
35 or more of their students in special education, or (ii) which have fifty  
36 percent or more of their students with disabilities in special education  
37 programs or services sixty percent or more of the school day in a gener-  
38 al education building, or (iii) which have eight percent or more of  
39 their students with disabilities in special education programs in public  
40 or private separate educational settings shall indicate on their school  
41 district report card their respective percentages as defined in this  
42 paragraph and paragraphs (i) and (ii) of this subdivision as compared to  
43 the statewide average.

44 S 7. Subdivision 8 of section 2590-e of the education law, as amended  
45 by chapter 720 of the laws of 1996, is amended to read as follows:

46 8. Each year prepare a school district report card pursuant to regu-  
47 lations of the commissioner, and shall make it publicly available by  
48 transmitting it to local newspapers of general circulation, appending it  
49 to copies of the proposed budget made publicly available as required by  
50 law, making it available for distribution at the annual meeting, and  
51 otherwise disseminating it as required by the commissioner. Such report  
52 card shall include measures of the academic performance of the school  
53 district, on a school by school basis, and measures of the fiscal  
54 performance of the district, as prescribed by the commissioner, INCLUD-  
55 ING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET  
56 THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursuant to regulations of the

1 commissioner, the report card shall also compare these measures to  
2 statewide averages for all public schools, and statewide averages for  
3 public schools of comparable wealth and need, developed by the commis-  
4 sioner. Such report card shall include, at a minimum, any information on  
5 the school district regarding pupil performance and expenditure per  
6 pupil required to be included in the annual report by the requests to  
7 the governor and the legislature pursuant to section two hundred  
8 fifteen-a of this chapter; and any other information required by the  
9 commissioner. School districts (i) identified as having fifteen percent  
10 or more of their students in special education, or (ii) which have fifty  
11 percent or more of their students with disabilities in special education  
12 programs or services sixty percent or more of the school day in a gener-  
13 al education building, or (iii) which have eight percent or more of  
14 their students with disabilities in special education programs in public  
15 or private separate educational settings shall indicate on their school  
16 district report card their respective percentages as defined in this  
17 paragraph and paragraphs (i) and (ii) of this subdivision as compared to  
18 the statewide average.

19 S 8. Subdivision 7 of section 2601-a of the education law, as amended  
20 by section 9 of part A of chapter 97 of the laws of 2011, is amended to  
21 read as follows:

22 7. Each year, the board of education shall prepare a school district  
23 report card, pursuant to regulations of the commissioner, and shall make  
24 it publicly available by transmitting it to local newspapers of general  
25 circulation, appending it to copies of the proposed budget made publicly  
26 available as required by law, making it available for distribution at  
27 the annual meeting, and otherwise disseminating it as required by the  
28 commissioner. Such report card shall include measures of the academic  
29 performance of the school district, on a school by school basis, and  
30 measures of the fiscal performance of the district, as prescribed by the  
31 commissioner, INCLUDING, BUT NOT LIMITED TO, THE PERCENTAGE OF THE  
32 SCHOOL DISTRICT BUDGET THAT IS SPENT ON INSTRUCTIONAL EXPENSES. Pursu-  
33 ant to regulations of the commissioner, the report card shall also  
34 compare these measures to statewide averages for all public schools, and  
35 statewide averages for public schools of comparable wealth and need,  
36 developed by the commissioner. Such report card shall include, at a  
37 minimum, any information on the school district regarding pupil perform-  
38 ance and expenditure per pupil required to be included in the annual  
39 report by the regents to the governor and the legislature pursuant to  
40 section two hundred fifteen-a of this chapter; and any other information  
41 required by the commissioner. School districts (i) identified as having  
42 fifteen percent or more of their students in special education, or (ii)  
43 which have fifty percent or more of their students with disabilities in  
44 special education programs or services sixty percent or more of the  
45 school day in a general education building, or (iii) which have eight  
46 percent or more of their students with disabilities in special education  
47 programs in public or private separate educational settings shall indi-  
48 cate on their school district report card their respective percentages  
49 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-  
50 sion as compared to the statewide average.

51 S 9. Paragraph (a) of subdivision 2 of section 2857 of the education  
52 law, as amended by chapter 101 of the laws of 2010, is amended to read  
53 as follows:

54 (a) a charter school report card, which shall include measures of the  
55 comparative academic and fiscal performance of the school, as prescribed  
56 by the commissioner in regulations adopted for such purpose. Such meas-

1 ures shall include, but not be limited to, graduation rates, dropout  
2 rates, performance of students on standardized tests, college entry  
3 rates, total spending per [pupil], and administrative spending per pupil  
4 AND THE PERCENTAGE OF THE SCHOOL DISTRICT BUDGET THAT IS SPENT ON  
5 INSTRUCTIONAL EXPENSES. Such measures shall be presented in a format  
6 that is easily comparable to similar public schools. In addition, the  
7 charter school shall ensure that such information is easily accessible  
8 to the community including making it publicly available by transmitting  
9 it to local newspapers of general circulation and making it available  
10 for distribution at board of trustee meetings.

11 S 10. Section 2 of the education law is amended by adding a new subdi-  
12 vision 20 to read as follows:

13 20. INSTRUCTIONAL EXPENSES. FOR PURPOSES OF SUBDIVISION SIX OF SECTION  
14 SIXTEEN HUNDRED EIGHT, SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED  
15 SIXTEEN, PARAGRAPH KK OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED  
16 FIFTY, SUBDIVISION TWENTY-FOUR OF SECTION TWENTY-FIVE HUNDRED  
17 FIFTY-FOUR, SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E,  
18 SUBDIVISION SEVEN OF SECTION TWENTY-SIX HUNDRED ONE-A, AND PARAGRAPH (A)  
19 OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS  
20 CHAPTER, THE TERM "INSTRUCTIONAL EXPENSES" MEANS: A. THE SUM OF ALL  
21 EXPENDITURES IN THE SCHOOL YEAR DIRECTLY RELATED TO THE INSTRUCTIONAL  
22 PROGRAM IN GRADES PRE-KINDERGARTEN THROUGH TWELVE OF THE SCHOOL  
23 DISTRICT, EXCLUSIVE OF TUITION PAID TO ANOTHER PUBLIC SCHOOL DISTRICT OR  
24 TO AN INSTITUTION, OTHER THAN TUITION PAID PURSUANT TO A CONTRACT  
25 AUTHORIZED BY ARTICLE EIGHTY-NINE OF THIS CHAPTER. SUCH SUM SHALL  
26 INCLUDE GENERAL FUND, SPECIAL AID FUND, AND RISK RETENTION FUND EXPENSES  
27 REPORTED IN THE ANNUAL FINANCIAL REPORT OF THE DISTRICT FOR THE FOLLOW-  
28 ING PURPOSES:

29 (I) CURRICULUM DEVELOPMENT AND SUPERVISION;  
30 (II) SUPERVISION - REGULAR SCHOOL;  
31 (III) SUPERVISION - SPECIAL SCHOOLS;  
32 (IV) RESEARCH, PLANNING AND EVALUATION;  
33 (V) INSERVICE TRAINING - INSTRUCTION;  
34 (VI) TEACHING - REGULAR SCHOOL;  
35 (VII) PROGRAM FOR CHILDREN WITH DISABILITIES;  
36 (VIII) OCCUPATIONAL EDUCATION;  
37 (IX) TEACHING - SPECIAL SCHOOLS;  
38 (X) PRE-KINDERGARTEN PROGRAM;  
39 (XI) SCHOOL LIBRARY AND AUDIOVISUAL;  
40 (XII) EDUCATIONAL TELEVISION;  
41 (XIII) COMPUTER ASSISTED INSTRUCTION;  
42 (XIV) ATTENDANCE - REGULAR SCHOOL;  
43 (XV) GUIDANCE - REGULAR SCHOOL;  
44 (XVI) HEALTH SERVICES - REGULAR SCHOOL;  
45 (XVII) PSYCHOLOGICAL SERVICES - REGULAR SCHOOL;  
46 (XVIII) SOCIAL WORK SERVICES - REGULAR SCHOOL;  
47 (XIX) PUPIL PERSONNEL SERVICES - SPECIAL SCHOOLS;  
48 (XX) CO-CURRICULAR ACTIVITIES - REGULAR SCHOOL;  
49 (XXI) INTERSCHOLASTIC ATHLETICS - REGULAR SCHOOL;  
50 (XXII) EMPLOYEE BENEFITS AS DETERMINED PURSUANT TO PARAGRAPH B OF THIS  
51 SUBDIVISION; AND  
52 (XXIII) FOR ANY OTHER PURPOSES THAT SHALL BE IDENTIFIED BY THE COMMIS-  
53 SIONER.

54 B. THE COST OF EMPLOYEE BENEFITS TO BE INCLUDED IN INSTRUCTIONAL  
55 EXPENSE SHALL BE CALCULATED BY MULTIPLYING THE RATIO OF TOTAL EXPENDI-  
56 TURES FOR EMPLOYEE BENEFITS, INCLUDING EXPENDITURES FROM THE RISK

1 RETENTION FUND FOR PURPOSES OF EMPLOYEE BENEFIT CLAIMS RELATED TO SALA-  
2 RIES PAID FROM THE GENERAL AND SPECIAL AID FUNDS, TO TOTAL EXPENDITURES  
3 FOR SALARIES, BOTH AS RECORDED IN THE GENERAL FUND AND SPECIAL AID FUND,  
4 BY THE TOTAL EXPENDITURES FOR SALARIES, AS RECORDED IN THE GENERAL FUND  
5 AND SPECIAL AID FUND, FOR THOSE PURPOSES LISTED IN PARAGRAPH A OF THIS  
6 SUBDIVISION. SUCH RATIO SHALL BE EXPRESSED AS A DECIMAL CARRIED TO THREE  
7 DECIMAL PLACES WITHOUT ROUNDING, AND SUCH CALCULATED COST OF EMPLOYEE  
8 BENEFITS SHALL BE EXPRESSED AS A WHOLE NUMBER ROUNDED UP TO THE NEXT  
9 WHOLE DOLLAR.

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

12 1. the amendments to subdivision 24 of section 2554 of the education  
13 law made by section four of this act shall be subject to the expiration  
14 and reversion of such subdivision pursuant to section 34 of chapter 91  
15 of the laws of 2002, as amended, when upon such date the provisions of  
16 section five of this act shall take effect;

17 2. the amendments to subdivision 8 of section 2590-e of the education  
18 law made by section six of this act shall be subject to the expiration  
19 and reversion of such section pursuant to section 34 of chapter 91 of  
20 the laws of 2002, as amended, when upon such date the provisions of  
21 section seven of this act shall take effect; and

22 3. the amendments to subdivision 7 of section 2601-a of the education  
23 law made by section eight of this act shall not affect the expiration of  
24 such section and shall be deemed to expire therewith.