

# STATE OF NEW YORK

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2363--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 18, 2017

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Introduced by M. of A. NOLAN, JAFFEE, LUPARDO, WOERNER, GALEF, STECK, SKOUFIS, ABINANTI -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the salaries of certain teachers and aides employed by 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. Paragraph b of subdivision 5 of section 1950 of the educa-  
2 tion law, as amended by chapter 296 of the laws of 2016, is amended to  
3 read as follows:

4 b. The cost of services herein referred to shall be the amount allo-  
5 cated to each component school district by the board of cooperative  
6 educational services to defray expenses of such board, including  
7 approved expenses from the testing of potable water systems of occupied  
8 school buildings under the board's jurisdiction as required pursuant to  
9 section eleven hundred ten of the public health law, except that that  
10 part of the salary paid any teacher, supervisor or other employee of the  
11 board of cooperative educational services which is in excess of thirty  
12 thousand dollars shall not be such an approved expense, and except also  
13 that administrative and clerical expenses shall not exceed ten percent  
14 of the total expenses for purposes of this computation. Provided, howev-  
15 er, beginning with expenses incurred in the two thousand eighteen--two  
16 thousand nineteen school year and thereafter, that part of the salary  
17 paid to any teacher, supervisor or other employee of a board of cooper-  
18 ative educational services which is in excess of the lesser of the actu-  
19 al salary or the average statewide salary for such teaching, superviso-  
20 ry, or other position as established by the commissioner shall not be an  
21 approved expense, and further provided that administrative and clerical

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

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1 expenses shall not exceed ten percent of the total expenses for purposes  
2 of this computation. Any gifts, donations or interest earned by the  
3 board of cooperative educational services or on behalf of the board of  
4 cooperative educational services by the dormitory authority or any other  
5 source shall not be deducted in determining the cost of services allo-  
6 cated to each component school district. Any payments made to a compo-  
7 nent school district by the board of cooperative educational services  
8 pursuant to subdivision eleven of section six-p of the general municipal  
9 law attributable to an approved cost of service computed pursuant to  
10 this subdivision shall be deducted from the cost of services allocated  
11 to such component school district. The expense of transportation  
12 provided by the board of cooperative educational services pursuant to  
13 paragraph q of subdivision four of this section shall be eligible for  
14 aid apportioned pursuant to subdivision seven of section thirty-six  
15 hundred two of this chapter and no board of cooperative educational  
16 services transportation expense shall be an approved cost of services  
17 for the computation of aid under this subdivision. Transportation  
18 expense pursuant to paragraph q of subdivision four of this section  
19 shall be included in the computation of the ten percent limitation on  
20 administrative and clerical expenses.

21 § 2. Paragraph b of subdivision 10 of section 3602 of the education  
22 law, as amended by section 16 of part B of chapter 57 of the laws of  
23 2007, is amended to read as follows:

24 b. Aid for career education. There shall be apportioned to such city  
25 school districts and other school districts which were not components of  
26 a board of cooperative educational services in the base year for pupils  
27 in grades ten through twelve in attendance in career education programs  
28 as such programs are defined by the commissioner, subject for the  
29 purposes of this paragraph to the approval of the director of the budg-  
30 et, an amount for each such pupil to be computed by multiplying the  
31 career education aid ratio by [~~three thousand nine hundred dollars~~] the  
32 district's selected foundation aid as determined pursuant to subdivision  
33 four of this section. Such aid will be payable for weighted pupils  
34 attending career education programs operated by the school district and  
35 for weighted pupils for whom such school district contracts with boards  
36 of cooperative educational services to attend career education programs  
37 operated by a board of cooperative educational services. Weighted pupils  
38 for the purposes of this paragraph shall mean the sum of the attendance  
39 of students in grades ten through twelve in career education sequences  
40 in trade, industrial, technical, agricultural or health programs plus  
41 the product of sixteen hundredths multiplied by the attendance of  
42 students in grades ten through twelve in career education sequences in  
43 business and marketing as defined by the commissioner in regulations.  
44 The career education aid ratio shall be computed by subtracting from one  
45 the product obtained by multiplying fifty-nine percent by the combined  
46 wealth ratio. This aid ratio shall be expressed as a decimal carried to  
47 three places without rounding, but not less than thirty-six percent.

48 Any school district that receives aid pursuant to this paragraph shall  
49 be required to use such amount to support career education programs in  
50 the current year.

51 A board of education which spends less than its local funds as defined  
52 by regulations of the commissioner for career education in the base year  
53 during the current year shall have its apportionment under this subdivi-  
54 sion reduced in an amount equal to such deficiency in the current or a  
55 succeeding school year, provided however that the commissioner may waive  
56 such reduction upon determination that overall expenditures per pupil in

1 support of career education programs were continued at a level equal to  
2 or greater than the level of such overall expenditures per pupil in the  
3 preceding school year.  
4 § 3. This act shall take effect immediately and shall apply to the  
5 calculation of BOCES aid and aid for career education payable in the  
6 2019-2020 school year and years thereafter.