

STATE OF NEW YORK

5536

2019-2020 Regular Sessions

IN ASSEMBLY

February 13, 2019

Introduced by M. of A. NOLAN, LUPARDO, GALEF, WOERNER, JAFFEE, PAULIN,
LIFTON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the effectiveness of
provisions relating to BOCES intermediate districts

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 698 of the laws of
3 2003, is amended to read as follows:

4 (2) Notwithstanding any inconsistent provision of law in no event
5 shall the total salary including amounts paid pursuant to section twen-
6 ty-two hundred nine of this chapter for district superintendents [~~for~~
7 ~~each school year through the two thousand two--two thousand three school~~
8 ~~year exceed ninety-eight percent of that earned by the commissioner for~~
9 ~~state fiscal year nineteen hundred ninety-two--ninety-three, and in no~~
10 ~~event shall such total salary for a district superintendent]~~ for the two
11 thousand [~~three~~] nineteen--two thousand [~~four~~] twenty school year or any
12 subsequent school year exceed: (i) one hundred six percent of the salary
13 cap applicable in the preceding school year, or (ii) ninety-eight
14 percent of that earned by the commissioner in the two thousand [~~three~~]
15 nineteen--two thousand [~~four~~] twenty state fiscal year, whichever is
16 less. In no event shall any district superintendent be permitted to
17 accumulate vacation or sick leave credits in excess of the vacation and
18 sick leave credits managerial/confidential employees of the state are
19 permitted to accumulate pursuant to regulations promulgated by the state
20 civil service commission, nor may any district superintendent at the
21 time of separation from service be compensated for accrued and unused
22 vacation credits or sick leave, or use accrued and unused sick leave for
23 retirement service credit or to pay for health insurance in retirement,
24 at a rate in excess of the rate permitted to managerial/confidential
25 employees of the state pursuant to regulations of the state civil

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

LBD09426-01-9

1 service commission. In addition to the payment of supplementary salary,
2 a board of cooperative educational services may provide for the payment
3 of all or a portion of the cost of insurance benefits for the district
4 superintendent of schools, including but not limited to health insur-
5 ance, disability insurance, life insurance or any other form of insur-
6 ance benefit made available to managerial/confidential employees of the
7 state; provided that any such payments for whole life, split dollar or
8 other life insurance policies having a cash value shall be included in
9 the total salary of the district superintendent for purposes of this
10 subparagraph, and provided further that any payments for the employee
11 contribution, co-pay or uncovered medical expenses under a health insur-
12 ance plan also shall be included in the total salary of the district
13 superintendent. Notwithstanding any other provision of law, payments
14 for such insurance benefits may be based on the district superinten-
15 dent's total salary or the amount of his or her supplementary salary
16 only. Any payments for transportation or travel expenses in excess of
17 actual, documented expenses incurred in the performance of duties for
18 the board of cooperative educational services or the state, and any
19 other lump sum payment not specifically excluded from total salary
20 pursuant to this subparagraph, shall be included in the total salary of
21 the district superintendent for purposes of this subparagraph. Nothing
22 herein shall prohibit a district superintendent from waiving any rights
23 provided for in an existing contract or agreement as hereafter prohibit-
24 ed in favor of revised compensation or benefit provisions as permitted
25 herein. In no event shall the terms of the district superintendent's
26 contract, including any provisions relating to an increase in salary,
27 compensation or other benefits, be contingent upon the terms of any
28 contract or collective bargaining agreement between the board of cooper-
29 ative educational services and its teachers or other employees. The
30 commissioner may adopt regulations for the purpose of implementing the
31 provisions of this paragraph.

32 § 2. This act shall take effect immediately.