STATE OF NEW YORK

S. 5168 A. 5810

2021-2022 Regular Sessions

SENATE - ASSEMBLY

February 25, 2021

IN SENATE -- Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. THIELE -- Multi-Sponsored by -- M. of A. DeSTEFANO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to eligibility for an apportionment; and making an appropriation therefor

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

Section 1. Section 1527-c of the education law, as added by section 21 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

§ 1527-c. Shared superintendent program. **1.** Notwithstanding any other provision of law, rule or regulation to the contrary, the governing board of a **public** school district **eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter and** with an enrollment of less than one thousand students in the previous year shall be authorized to enter into a school superintendent sharing contract with no more than two additional **public** school districts each of which had fewer than one thousand in enrolled pupils in the previous year. Each shared superintendent arrangement shall be governed by the boards of education of the **public** school districts participating in the shared contract**, provided that such shared superintendent contract must be approved by a duly adopted board resolution of each participating public school district prior to the commencement of services**. Provided however, that this section shall not be construed to alter, affect or impair any employment contract which is in effect on or before July first, two thousand [~~thirteen~~] **nineteen**. Any **public** school district which has entered into a school superintendent sharing program will continue to be eligible to complete such contract notwithstanding that

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

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the enrollment of the public school district exceeded one thousand students after entering into a shared superintendent contract. Provided further, that this program shall only apply to shared superintendents and shall not apply to shared associate superintendents, shared assistant superintendents, or shared deputy superintendents.

2. (a) The commissioner is authorized to provide an apportionment to each school district participating in a shared superintendent program equal to (i) twenty-five percent of such superintendent's annual salary where there are two participating school districts, or (ii) seventeen percent of such superintendent's annual salary where there are three participating school districts.

(b) For purposes of calculating the apportionment: (i) the superintendent's annual salary shall be equal to the lesser of (A) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, or (B) the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in the county where such shared superintendent program is located;

(ii) in the event the public school districts participating in such shared superintendent program are located in different counties, the superintendent's salary shall be equal to the lesser of (A) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, or (B) the average of the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in each county where such shared superintendent program is located.

(c) Within the amounts appropriated for this purpose, the commissioner shall provide an apportionment to any eligible school district submitting a claim under subdivision three of this section. In the event the appropriation for purposes of this subdivision in any year is insufficient to pay all claims received pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis among all districts filing such claims until the appropriation is exhausted. Provided further that no apportionment shall be provided to any school district subject to the provisions of section two thousand twenty-three-a of this chapter and that has adopted a budget or where voters have approved a budget in excess of the tax levy limit prescribed by such section where such budget is in effect during the term of such shared superintendent program. Provided further, that in no event shall districts that have entered into an aidable cooperative educational services agreement for any such services with a board of cooperative educational services pursuant to section nineteen hundred fifty of this chapter be eligible for an award pursuant to this section for the same purpose.

3. The claim for an apportionment to be paid to each public school district under this section shall be submitted to the commissioner on a form prescribed for such purpose, and shall be payable no later than the first of September of the year following the year of participation in such shared superintendent program. Claims for an apportionment shall document (a) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, and (b) the savings obtained as

a result of a district's participation in the shared superintendent program. The commissioner shall calculate the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in the county or counties where such shared superintendent program is located.

4. A superintendent working as an employee of one or more school districts under this section shall not be eligible to earn additional retirement service credit in any public retirement system as defined in section eight hundred of the retirement and social security law.

§ 2. The sum of one million dollars ($1,000,000), or so much thereof as may be available, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law.

§ 3. This act shall take effect immediately.