

# STATE OF NEW YORK

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919

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sen. MAYER -- 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 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 twenty-one--two  
16 thousand twenty-two 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  
22 expenses shall not exceed ten percent of the total expenses for purposes  
23 of this computation. Any gifts, donations or interest earned by the

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

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

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

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

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

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

1 or greater than the level of such overall expenditures per pupil in the  
2 preceding school year.

3 § 3. This act shall take effect immediately and shall apply to the  
4 calculation of BOCES aid and aid for career education payable in the  
5 2021-2022 school year and years thereafter.