STATE OF NEW YORK

9396

IN SENATE

May 24, 2022

Introduced by Sen. RATH -- 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 establishing the "build back BOCES act"

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

Section 1. This act shall be known and may be cited as the "build back BOCES act".

§ 2. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 130 of the laws of 2022, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law provided that such expenses for testing of potable water systems are not reimbursable from another state or federal source, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of [~~thirty~~] **either the average teacher salary in the respective school district, or forty-five** thousand dollars**, whichever is lower,** shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such

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

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component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 3. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by section two of this act, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law provided that such expenses for testing of potable water systems are not reimbursable from another state or federal source, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of either the average teacher salary in the respective school district, or [~~forty-five~~] **sixty** thousand dollars, whichever is lower, shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 4. The education law is amended by adding three new sections 1953, 1954 and 1959 to read as follows:

§ 1953. Annual career and technical education report. 1. The department, in consultation with the department of taxation and finance, shall track the number of students who have participated in a BOCES or CTE curriculum each year and the employment obtained by such students after graduating from high school, or after attaining a high school equivalent degree.

2. Beginning on the first of July next occurring after the first full year after the effective date of this section, and annually thereafter, the department, in consultation with the department of taxation and finance, shall create a report on the number of students formerly

enrolled in a BOCES or CTE curriculum who obtained part-time or full-time employment in a qualifying field within one year of high school graduation or attainment of a high school equivalent degree. Former students who obtain part-time employment in a qualifying field while attending a two-year or four-year post-secondary education program shall not be included in such reported numbers. Such report shall be submitted to the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, and the chairs and ranking members on the senate and assembly standing committees on education. Such report shall also be made publicly available on the department's website.

§ 1954. BOCES enhanced pipeline pilot program. 1. Beginning in the two thousand twenty-five--two thousand twenty-six school year, the commissioner shall establish a "BOCES enhanced pipeline pilot program" under which the New York state public schools with the top twenty highest number of former students who were enrolled in BOCES or CTE curricula and who obtained part-time or full-time employment in a qualifying field within one year of high school graduation or attainment of a high school equivalent degree, as determined in the report submitted pursuant to section nineteen hundred fifty-three of this article, shall receive an increase in weighted funding per each such former student. Former students who obtain part-time employment in a qualifying field while attending a two-year or four-year post-secondary education program shall not be included in the calculation of such top twenty schools, or in the weighted increase in funding pursuant to this subdivision.

2. The increase in weighted funding under subdivision one of this section shall be subject to the discretion of the commissioner, provided however that the minimum increase in such funding shall be no less than a fifteen percent increase over the previous school year's weighted funding per student. Such funding increase shall be provided for only the immediately following school year. At the conclusion of such school year, each school's funding shall return to the base weighted funding per student, unless such school has been awarded a subsequent funding increase under subdivision one of this section for the following school year. Funding for the awards pursuant to this section shall be appropriated annually in the New York state budget subject to the discretion of the director of the division of the budget.

3. Upon the conclusion of the two thousand thirty-five--two thousand thirty-six school year, the department shall conduct an audit of the BOCES enhanced pipeline pilot program established pursuant to subdivision one of this section. The department shall create a report of its findings pursuant to such audit, and shall submit such report no later than one year after the beginning of such audit to the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, and the chairs and ranking members of the senate and assembly standing committees on education.

4. The commissioner shall be authorized to promulgate any rules and/or regulations he or she shall deem necessary for the implementation of the provisions of this section.

§ 1959. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "BOCES" means a board of cooperative educational services established pursuant to section nineteen hundred fifty of this article.

2. "Career and technical education" or "CTE" means a curriculum designed to provide students with certain skills that will enable them

to pursue a career in certain disciplines, including but not limited to, agricultural education, business and marketing, family and consumer sciences, health occupations, technology and trade, or technical and industrial education.

3. "Qualifying field" means a field of employment in which BOCES or CTE programs are intended to prepare students for employment, including but not limited to: welding; automotive design and repair; new visions health professions; product design; culinary arts; digital media; exercise medicine and science; advanced manufacturing; building and construction trades; nurse assisting; heavy equipment operating and repair; business administration; physical therapy professions; lab technician; child and family services; health occupations; environmental conservation; criminal justice; natural resource science; agricultural sciences; cosmetology; veterinary practices; digital gaming; software design; information technology; offshore wind; sterile processing technician; HVAC-R; dental assistant; cyber technology; emergency medical services; computer programming; diagnostic medical sonographer; automatic heating; and any other field determined by the commissioner to be a "qualifying field".

§ 5. This act shall take effect immediately; provided however that the provisions of section two of this act shall apply to the 2023--2024 school year, and school years thereafter; and provided further that section three of this act shall take effect January 1, 2030.