

# 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:

1 Section 1. Section 1527-c of the education law, as added by section 21  
2 of subpart F of part C of chapter 97 of the laws of 2011, is amended to  
3 read as follows:  
4 § 1527-c. Shared superintendent program. 1. Notwithstanding any other  
5 provision of law, rule or regulation to the contrary, the governing  
6 board of a public school district eligible for an apportionment under  
7 subdivision four of section thirty-six hundred two of this chapter and  
8 with an enrollment of less than one thousand students in the previous  
9 year shall be authorized to enter into a school superintendent sharing  
10 contract with no more than two additional public school districts each  
11 of which had fewer than one thousand in enrolled pupils in the previous  
12 year. Each shared superintendent arrangement shall be governed by the  
13 boards of education of the public school districts participating in the  
14 shared contract, provided that such shared superintendent contract must  
15 be approved by a duly adopted board resolution of each participating  
16 public school district prior to the commencement of services. Provided  
17 however, that this section shall not be construed to alter, affect or  
18 impair any employment contract which is in effect on or before July  
19 first, two thousand [~~thirteen~~] nineteen. Any public school district  
20 which has entered into a school superintendent sharing program will  
21 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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1 the enrollment of the public school district exceeded one thousand  
2 students after entering into a shared superintendent contract. Provided  
3 further, that this program shall only apply to shared superintendents  
4 and shall not apply to shared associate superintendents, shared assist-  
5 ant superintendents, or shared deputy superintendents.

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

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

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

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

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

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

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

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

19 § 3. This act shall take effect immediately.