

STATE OF NEW YORK

2174

2021-2022 Regular Sessions

IN SENATE

January 20, 2021

Introduced by Sen. HELMING -- 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 effectiveness of provisions relating to BOCES intermediate districts

The People of the State of New York, represented in Senate and Assembly, 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 section 52-1 of part YYY of
3 chapter 59 of the laws of 2019, 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 the
7 two thousand nineteen--two thousand twenty school year or any subsequent
8 school year exceed: (i) one hundred six percent of the salary cap appli-
9 cable in the preceding school year, or (ii) ninety-eight percent of that
10 earned by the commissioner in the two thousand [~~thirteen~~]
11 twenty-one--two thousand [~~fourteen~~] twenty-two state fiscal year, which-
12 ever is less. In no event shall any district superintendent be permitted
13 to accumulate vacation or sick leave credits in excess of the vacation
14 and sick leave credits managerial/confidential employees of the state
15 are permitted to accumulate pursuant to regulations promulgated by the
16 state civil service commission, nor may any district superintendent at
17 the time of separation from service be compensated for accrued and
18 unused vacation credits or sick leave, or use accrued and unused sick
19 leave for retirement service credit or to pay for health insurance in
20 retirement, at a rate in excess of the rate permitted to
21 managerial/confidential employees of the state pursuant to regulations
22 of the state civil service commission. In addition to the payment of
23 supplementary salary, a board of cooperative educational services may
24 provide for the payment of all or a portion of the cost of insurance
25 benefits for the district superintendent of schools, including but not

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

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

29 § 2. This act shall take effect immediately.