

# 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:

1 Section 1. This act shall be known and may be cited as the "build back  
2 BOCES act".  
3 § 2. Paragraph b of subdivision 5 of section 1950 of the education  
4 law, as amended by chapter 130 of the laws of 2022, is amended to read  
5 as follows:  
6 b. The cost of services herein referred to shall be the amount allo-  
7 cated to each component school district by the board of cooperative  
8 educational services to defray expenses of such board, including  
9 approved expenses from the testing of potable water systems of occupied  
10 school buildings under the board's jurisdiction as required pursuant to  
11 section eleven hundred ten of the public health law provided that such  
12 expenses for testing of potable water systems are not reimbursable from  
13 another state or federal source, except that that part of the salary  
14 paid any teacher, supervisor or other employee of the board of cooper-  
15 ative educational services which is in excess of [~~thirty~~] either the  
16 average teacher salary in the respective school district, or forty-five  
17 thousand dollars, whichever is lower, shall not be such an approved  
18 expense, and except also that administrative and clerical expenses shall  
19 not exceed ten percent of the total expenses for purposes of this compu-  
20 tation. Any gifts, donations or interest earned by the board of cooper-  
21 ative educational services or on behalf of the board of cooperative  
22 educational services by the dormitory authority or any other source  
23 shall not be deducted in determining the cost of services allocated to  
24 each component school district. Any payments made to a component school  
25 district by the board of cooperative educational services pursuant to  
26 subdivision eleven of section six-p of the general municipal law attrib-  
27 utable to an approved cost of service computed pursuant to this subdivi-  
28 sion 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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1 component school district. The expense of transportation provided by the  
2 board of cooperative educational services pursuant to paragraph q of  
3 subdivision four of this section shall be eligible for aid apportioned  
4 pursuant to subdivision seven of section thirty-six hundred two of this  
5 chapter and no board of cooperative educational services transportation  
6 expense shall be an approved cost of services for the computation of aid  
7 under this subdivision. Transportation expense pursuant to paragraph q  
8 of subdivision four of this section shall be included in the computation  
9 of the ten percent limitation on administrative and clerical expenses.

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

13 b. The cost of services herein referred to shall be the amount allo-  
14 cated to each component school district by the board of cooperative  
15 educational services to defray expenses of such board, including  
16 approved expenses from the testing of potable water systems of occupied  
17 school buildings under the board's jurisdiction as required pursuant to  
18 section eleven hundred ten of the public health law provided that such  
19 expenses for testing of potable water systems are not reimbursable from  
20 another state or federal source, except that that part of the salary  
21 paid any teacher, supervisor or other employee of the board of cooper-  
22 ative educational services which is in excess of either the average  
23 teacher salary in the respective school district, or [~~forty-five~~] sixty  
24 thousand dollars, whichever is lower, shall not be such an approved  
25 expense, and except also that administrative and clerical expenses shall  
26 not exceed ten percent of the total expenses for purposes of this compu-  
27 tation. Any gifts, donations or interest earned by the board of cooper-  
28 ative educational services or on behalf of the board of cooperative  
29 educational services by the dormitory authority or any other source  
30 shall not be deducted in determining the cost of services allocated to  
31 each component school district. Any payments made to a component school  
32 district by the board of cooperative educational services pursuant to  
33 subdivision eleven of section six-p of the general municipal law attrib-  
34 utable to an approved cost of service computed pursuant to this subdivi-  
35 sion shall be deducted from the cost of services allocated to such  
36 component school district. The expense of transportation provided by the  
37 board of cooperative educational services pursuant to paragraph q of  
38 subdivision four of this section shall be eligible for aid apportioned  
39 pursuant to subdivision seven of section thirty-six hundred two of this  
40 chapter and no board of cooperative educational services transportation  
41 expense shall be an approved cost of services for the computation of aid  
42 under this subdivision. Transportation expense pursuant to paragraph q  
43 of subdivision four of this section shall be included in the computation  
44 of the ten percent limitation on administrative and clerical expenses.

45 § 4. The education law is amended by adding three new sections 1953,  
46 1954 and 1959 to read as follows:

47 § 1953. Annual career and technical education report. 1. The depart-  
48 ment, in consultation with the department of taxation and finance, shall  
49 track the number of students who have participated in a BOCES or CTE  
50 curriculum each year and the employment obtained by such students after  
51 graduating from high school, or after attaining a high school equivalent  
52 degree.

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

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

12 § 1954. BOCES enhanced pipeline pilot program. 1. Beginning in the two  
13 thousand twenty-five--two thousand twenty-six school year, the commis-  
14 sioner shall establish a "BOCES enhanced pipeline pilot program" under  
15 which the New York state public schools with the top twenty highest  
16 number of former students who were enrolled in BOCES or CTE curricula  
17 and who obtained part-time or full-time employment in a qualifying field  
18 within one year of high school graduation or attainment of a high school  
19 equivalent degree, as determined in the report submitted pursuant to  
20 section nineteen hundred fifty-three of this article, shall receive an  
21 increase in weighted funding per each such former student. Former  
22 students who obtain part-time employment in a qualifying field while  
23 attending a two-year or four-year post-secondary education program shall  
24 not be included in the calculation of such top twenty schools, or in the  
25 weighted increase in funding pursuant to this subdivision.

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

38 3. Upon the conclusion of the two thousand thirty-five--two thousand  
39 thirty-six school year, the department shall conduct an audit of the  
40 BOCES enhanced pipeline pilot program established pursuant to subdivi-  
41 sion one of this section. The department shall create a report of its  
42 findings pursuant to such audit, and shall submit such report no later  
43 than one year after the beginning of such audit to the temporary presi-  
44 dent of the senate, the speaker of the assembly, the minority leader of  
45 the senate, the minority leader of the assembly, and the chairs and  
46 ranking members of the senate and assembly standing committees on educa-  
47 tion.

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

51 § 1959. Definitions. For the purposes of this article, the following  
52 terms shall have the following meanings:

53 1. "BOCES" means a board of cooperative educational services estab-  
54 lished pursuant to section nineteen hundred fifty of this article.

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

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

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

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