

# STATE OF NEW YORK

3842

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. THIELE -- 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:

Section 1. Section 1527-c of the education law, as added by section 21 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

§ 1527-c. Shared superintendent program. 1. Notwithstanding any other provision of law, rule or regulation to the contrary, the governing board of a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter and with an enrollment of less than one thousand students in the previous year shall be authorized to enter into a school superintendent sharing contract with no more than two additional public school districts each of which had fewer than one thousand in enrolled pupils in the previous year. Each shared superintendent arrangement shall be governed by the boards of education of the public school districts participating in the shared contract, provided that such shared superintendent contract must be approved by a duly adopted board resolution of each participating public school district prior to the commencement of services. Provided however, that this section shall not be construed to alter, affect or impair any employment contract which is in effect on or before July first, two thousand [~~thirteen~~] nineteen. Any public school district which has entered into a school superintendent sharing program will continue to be eligible to complete such contract notwithstanding that the enrollment of the public school district exceeded one thousand students after entering into a shared superintendent contract. Provided further, that this program shall only apply to shared superintendents

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

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1 and shall not apply to shared associate superintendents, shared assist-  
2 ant superintendents, or shared deputy superintendents.

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

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

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

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

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

1 public school district eligible for an apportionment under subdivision  
2 four of section thirty-six hundred two of this chapter in the county or  
3 counties where such shared superintendent program is located.

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

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

16 § 3. This act shall take effect immediately.