

Amendments to the
AID TO LOCALITIES BUDGET BILL
(Senate 6253-A and Assembly 9053-A)

STATE EDUCATION DEPARTMENT

Page 76,	Line 4,	Strike out and insert	"36,429,017,000" "37,769,817,000"
Page 76,	Line 8,	Strike out and insert	"50,149,627,000" "51,490,427,000"
Page 79,	Line 31,	Strike out and insert	"46,411,350,000" "47,752,150,000"
Page 80,	Line 28,	After "effectiveness" and before ";", insert	

"including but not limited to providing for (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective"

Page 80,	Line 36,	After "above", insert	
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"that has been approved by the commissioner"

Page 80,	Between lines 49 and 50,	Insert	
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"Provided further that notwithstanding any inconsistent provision of law to the contrary such documentation shall include a plan adopted by the governing board of the school district for conducting annual professional performance reviews of classroom teachers and building principals that has been approved by the commissioner, and in order to be approvable such plan shall conform with the requirements for conducting annual professional performance reviews of classroom teachers and building principals, including but not limited to (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective;

consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York Constitution. Provided further that for a school district in a city with a population of one million or more, notwithstanding any inconsistent provision of law, no such school district shall be eligible for an apportionment from the funds appropriated herein for the 2012-13 and 2013-14 school years in excess of the amount apportioned to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York constitution and if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that has been approved by the commissioner by January 17, 2013 that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of laws of the 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York constitution, the total amount of such payments shall be deducted by the commissioner from future payments to the school district from funds appropriated herein; and provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year in the 2013-14 state fiscal year."

Page 111, Line 42, After "law" and before ".", insert

", for aid payable in the 2012-13 and 2013-14 state fiscal years. Notwithstanding any inconsistent provision of law, not more than forty-eight percent of this appropriation shall be available for payments during the 2012-13 state fiscal year."

Page 111, Line 42, After "herein", insert

"for the 2012-13 and 2013-14 state fiscal years"

Page 111 Line 43, After "follows:", insert

"first, for the school district share offset for the costs of the education of preschool children with disabilities as defined herein and then"

Page 112, Line 20, After "herein", insert

"for the 2012-13 state fiscal year"

Page 112, Line 25, After "year.", insert

"Notwithstanding any inconsistent provisions of law to the contrary, funds appropriated herein for the 2013-14 state fiscal year shall only be available for liabilities incurred prior to July 1, 2014, shall be used to pay 2012-13 school year claims in the first instance, and represent the maximum amount payable during the 2013-14 state fiscal year.

Notwithstanding any provision of law to the contrary, for purposes of this appropriation, the "school district share offset for the costs of the education of preschool children with disabilities" means the product of: (A) 33.3 percent and, (B) the excess local share amount; the "excess local share amount" means the positive difference between the local share amount less the local share base amount; the "local share base amount" means the product of (A) 40.5 percent and, (B) the approved costs incurred by a municipality outside of the city of New York pursuant to sections 4410 and 4410-a of the education law in the 2011-12 school year attributable to each such municipality for preschool children who resided in the school district or were preschool children who were homeless or in foster care and lived in the school district, and the "local share amount" means the product of (A) 40.5 percent and (B) the approved costs incurred pursuant to sections 4410 and 4410-a of the education law in the current school year, beginning with the 2012-13 school year, attributable to each such municipality for preschool children who reside in the school district or are preschool children who are homeless or in foster care and live in the school district. Notwithstanding any other provision of law to the contrary, the school district share offset for the costs of the education of preschool children with disabilities shall be deducted from the amounts otherwise payable pursuant to subdivision 3 of section 4408 of the education law, and the amount of such offset shall reduce the state's liability for reimbursement of costs pursuant to such section 4408 of the education law. The amount of the "school district share offset for the costs of the education of preschool children with disabilities" shall be transferred to the appropriation for the state's share of the costs of the education of preschool children with disabilities payable in the 2012-13 and 2013-14 state fiscal years pursuant to section 4410 of the education law."

Page 112, Line 34, After "credits", insert

". Notwithstanding section 40 of the state finance law or any provision of law to the contrary, this appropriation shall lapse on March 31, 2014."

Page 112, Line 34, Strike out "321,700,000"
and insert "666,400,000"

Page 112, Line 37, After "bilities", insert

"payable in the 2012-13 and 2013-14 state fiscal years"

Page 112, Line 42, Strike out "for"
and insert "incurred in"

Page 112, Line 43, Before "school", insert "and prior"

Page 112, Line 43, Strike out "year"
and insert "years"

Page 113, Line 1, After "ation.", insert

"Notwithstanding any inconsistent provision of law, not more than 49 percent of this appropriation shall be available for payments during the 2012-13 state fiscal year. Notwithstanding any inconsistent provision of law to the contrary, the amount appropriated herein shall also support a state share of preschool handicapped education costs incurred in the 2012-13 school year limited to 59.5 percent of such total approved expenditures in the case of the city of New York, and, for municipalities outside of the city of New York, a state share of preschool handicapped education costs incurred in the 2012-13 school year limited to 59.5 percent of such approved expenditures plus 66.6 percent of the excess local share amount. For purposes of this appropriation, the "local share base amount" means the product of (A) 40.5 percent and (B) the approved costs incurred pursuant to section 4410 of the education law and section 4410-a of the education law in the 2011-2012 school year attributable to each such municipality outside of the city of New York, and the "local share amount" means the product of (A) 40.5 percent and (B) the approved costs incurred pursuant to this section and section 4410-a of this article in the current school year attributable to each such municipality, and the "excess local share amount" means the positive difference between the local share amount less the local share base amount. Furthermore, notwithstanding any inconsistent provision of law, local claims for reimbursement of costs incurred prior to the 2011-12 school year and during the 2011-12 school year that have been approved for payment by the education department as of March 31, 2013 and are unpaid shall be the first claims paid from this appropriation in the 2013-14 state fiscal year."

Page 113, Line 9, After "credits", insert

", and may be suballocated to other departments and agencies to accomplish the intent of this appropriation subject to the approval of the director of the budget. Notwithstanding section 40 of the state finance law or any provision of law to the contrary, this appropriation shall lapse on March 31, 2014."

Page 113, Line 9, Strike out "936,700,000"
and insert "1,932,800,000"

Page 117, Line 12, Strike out "36,168,495,000"
and insert "37,509,295,000"

Pages 133-134, Lines 37-11 Strike out

"For a school district management efficiency awards program. Funds appropriated herein shall be used to provide competitive awards to school districts based on a plan developed by the commissioner in

consultation with the secretary of state and approved by the director of the budget. Provided that such funds may only be awarded to a school district which demonstrates that it has implemented one or more long term efficiencies within two years prior to a response to a request for proposal or during the current school year in school district management, operations, procurement practices or other cost savings measures and will not result in an increase in cost to the state or the locality and: (i) have resulted or will result in a significant reduction in total operating expenses compared to the prior year and/or significant reductions in the administrative component, or the equivalent, of the school district budget and/or transportation operating expenses and/or transportation capital expenses and/or other non-personal service costs included in the program component of the school district budget compared to the prior year; and (ii) are expected to result in substantial and recurring cost savings in total operating expenses and/or recurring significant reductions in administrative expenditures, or the equivalent, and/or transportation operating expenses and/or transportation capital expenses and/or other nonpersonal service costs included in the program component of the school district budget in future years ... 250,000,000 (re. \$250,000,000)"

Page 137, Between lines
25 and 26, Insert

"For a school district management efficiency awards program. Funds appropriated herein shall be used to provide competitive awards to school districts based on a plan developed by the commissioner in consultation with the secretary of state and approved by the director of the budget. Provided that such funds may only be awarded to a school district which demonstrates that it has implemented one or more long term efficiencies within two years prior to a response to a request for proposal or during the current school year in school district management, operations, procurement practices or other cost savings measures and will not result in an increase in cost to the state or the locality and: (i) have resulted or will result in a significant reduction in total operating expenses compared to the prior year and/or significant reductions in the administrative component, or the equivalent, of the school district budget and/or transportation operating expenses and/or transportation capital expenses and/or other non-personal service costs included in the program component of the school district budget compared to the prior year; and (ii) are expected to result in substantial and recurring cost savings in total operating expenses and/or recurring significant reductions in administrative expenditures, or the equivalent, and/or transportation operating expenses and/or transportation capital expenses and/or other nonpersonal service costs included in the program component of the school district budget in future years; provided further that, a school district that submits documentation that has been approved by the commissioner by September 1, 2012 demonstrating that it has fully implemented new standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals to determine teacher and principal effectiveness shall receive bonus points in the scoring of its grant application 250,000,000 (re. \$250,000,000)"

Page 137, Line 49, After "effectiveness" and
before ";", insert

"including but not limited to providing for (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective"

Page 138, Line 2, After "above", insert

"that has been approved by the commissioner"

Page 138, Between lines 5 and 6, Insert

"Provided further that notwithstanding any inconsistent provision of law to the contrary such documentation shall include a plan adopted by the governing board of the school district for conducting annual professional performance reviews of classroom teachers and building principals that has been approved by the commissioner, and in order to be approvable such plan shall conform with the requirements for conducting annual professional performance reviews of classroom teachers and building principals, including but not limited to (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective; consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York Constitution. Provided further that for a school district in a city with a population of one million or more, notwithstanding any inconsistent provision of law, no such school district shall be eligible for an apportionment from the funds appropriated herein for the 2012-13 school year in excess of the amount apportioned to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article

VII of the New York constitution and if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that has been approved by the commissioner by January 17, 2013 that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of laws of the 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York constitution, the total amount of such payments shall be deducted by the commissioner from future payments to the school district from funds appropriated herein."