

CONTRACT FOR EXCELLENCE STATUTE
April 1, 2007

40 § 12. The education law is amended by adding a new section 211-d to
41 read as follows:

42 § 211-d. Contract for excellence. 1. Every school district that has
43 at least one school currently identified as requiring academic progress
44 or in need of improvement or in corrective action or restructuring
45 status shall be required to prepare a contract for excellence if the
46 school district receives an increase in total foundation aid compared to
47 the base year in an amount that equals or exceeds either fifteen million
48 dollars or ten percent of the amount received in the base year, whichev-
49 er is less, or receives a supplemental educational improvement plan
50 grant is required to prepare a contract for excellence for the district.
51 In school year two thousand seven--two thousand eight such increase
52 shall be the amount of the difference between total foundation aid
53 received for the current year and the total foundation aid base, as
54 defined in paragraph (j) of subdivision one of section thirty-six
55 hundred two of this chapter. In a city school district located in a city
56 of one million or more inhabitants, a contract for excellence shall be

S. 2107--C

13

A. 4307--C

1 prepared for the city school district and each community district that
2 meets the above criteria.

3 2. a. Each contract for excellence shall describe how the sum of the
4 amounts apportioned to the school district in the current year as total
5 foundation aid and as supplemental educational improvement plan grants
6 for the two thousand seven--two thousand eight school year and thereaft-
7 er, in excess of one hundred three percent of the district's foundation
8 aid base, as adjusted for additional amounts payable as charter school
9 basic tuition over such amount payable in the base year, shall be used
10 to support new programs and new activities or expand the use of programs
11 and activities demonstrated to improve student achievement.

12 b. (i) The contract shall specify the new or expanded programs for
13 which additional amounts of such total foundation aid, or grant shall be
14 used and shall affirm that such programs shall predominately benefit
15 students with the greatest educational needs including, but not limited
16 to, those students with limited English proficiency, students in poverty
17 and students with disabilities.

18 (ii) In a city school district in a city having a population of one
19 million or more inhabitants such contract shall also include a plan to
20 reduce average class sizes, as defined by the commissioner, within five
21 years for the following grade ranges: (A) pre-kindergarten-third grade;
22 (B) fourth-eighth grade; and (C) high school. Such plan shall include
23 class size reduction for low performing and overcrowded schools and also
24 include the methods to be used to achieve such class sizes, such as the
25 creation or construction of more classrooms and school buildings, the
26 placement of more than one teacher in a classroom or methods to other-
27 wise reduce the student to teacher ratio; provided, however, that
28 notwithstanding any law, rule or regulation to the contrary, the sole
29 and exclusive remedy for a violation of the requirements of this para-
30 graph shall be pursuant to a petition to the commissioner under subdivi-
31 sion seven of section three hundred ten of this title, and the decision
32 of the commissioner on such petition shall be final and unreviewable.

33 c. The contract for excellence shall state, for all funding sources,
34 whether federal, state or local, the instructional expenditures per
35 pupil, the special education expenditures per pupil, and the total
36 expenditures per pupil, projected for the current year and actually
37 incurred in the base year.

38 3. a. The commissioner shall adopt regulations establishing allowable
39 programs and activities intended to improve student achievement which
40 shall be limited to class size reduction, programs that increase student
41 time on task, teacher and principal quality initiatives, middle school
42 and high school re-structuring, and full-day kindergarten or prekind-
43 ergarten. Provided, however, that districts may use up to fifteen percent
44 of the additional funding they receive for experimental programs
45 designed to demonstrate the efficacy of other strategies to improve
46 student achievement consistent with the intent of this section and, in
47 school year two thousand seven--two thousand eight, up to thirty million
48 dollars or twenty-five percent of such additional funding, whichever is
49 less, may be used to maintain investments in programs and activities
50 listed in this subdivision. Any such district seeking to implement an
51 experimental program shall first submit a plan to the commissioner
52 setting forth the need for such experimental program and how such
53 program will improve student performance.

54 b. The commissioner shall assist school districts that include in
55 their contract for excellence the implementation of incentives, devel-
56 oped in collaboration with teachers in the collective bargaining proc-

1 ess, for highly qualified and experienced teachers to work in low
2 performing schools to ensure that such incentives are effective.

3 4. a. A district's contract for excellence for the academic year two
4 thousand eight--two thousand nine and thereafter, shall be developed
5 through a public process, in consultation with parents or persons in
6 parental relation, teachers, administrators, and any distinguished
7 educator appointed pursuant to section two hundred eleven-c of this
8 chapter.

9 b. Such process shall include at least one public hearing. In a city
10 school district in a city of one million or more inhabitants, a public
11 hearing shall be held within each county of such city. A transcript of
12 the testimony presented at such public hearings shall be included when
13 the contract for excellence is submitted to the commissioner, for review
14 when making a determination pursuant to subdivision five of this
15 section.

16 c. In a city school district in a city of one million or more inhabit-
17 ants, each community district contract for excellence shall be consist-
18 ent with the citywide contract for excellence and shall be submitted by
19 the community superintendent to the community district education council
20 for review and comment at a public meeting.

21 d. For the two thousand seven--two thousand eight school year, school
22 districts shall solicit public comment on their contracts for excel-
23 lence.

24 5. Each contract for excellence shall be subject to approval by the
25 commissioner and his or her certification that the expenditure of addi-
26 tional aid or grant amounts is in accordance with subdivision two of
27 this section.

28 6. The school district audit report certified to the commissioner by
29 an independent certified public accountant, an independent accountant or
30 the comptroller of the city of New York pursuant to section twenty-one
31 hundred sixteen-a of this chapter shall include a certification by such
32 accountant or comptroller in a form prescribed by the commissioner and
33 that the increases in total foundation aid and supplemental educational
34 improvement plan grants have been used to supplement, and not supplant
35 funds allocated by the district in the base year for such purposes.

36 7. The trustees or board of education of each school district subject
37 to this section, or the chancellor in the case of a city school district
38 in a city of one million or more inhabitants, shall assure that proce-

39 dures are in place by which parents or persons in parental relation may
40 bring complaints concerning implementation of the district's contract
41 for excellence.

42 a. In a city school district in a city of one million or more inhabit-
43 ants, such procedures shall provide that complaints may be filed with
44 the building principal with an appeal to the community superintendent,
45 or filed directly with the community superintendent, and that any appeal
46 of the determination of a community superintendent shall be made to the
47 chancellor.

48 b. In all other districts, such procedures shall either provide for
49 the filing of complaints with the building principals with an appeal to
50 the superintendent of schools or for filing of the complaint directly
51 with the superintendent of schools, and shall provide for an appeal to
52 the trustees or board of education from the determination of the super-
53 intendent of schools.

54 c. The determination of the trustees or a board of education or the
55 chancellor may be appealed to the commissioner pursuant to section three
56 hundred ten of this title.

S. 2107--C

15

A. 4307--C

1 8. School districts subject to the provisions of this section shall
2 publicly report the expenditure of total foundation aid in the form and
3 manner prescribed by the commissioner which shall ensure full disclosure
4 of the use of such funds.

5 9. The department shall develop a methodology for reporting school-
6 based expenditures by all school districts subject to the provisions of
7 this section.

8 § 13. This act shall take effect immediately.