

# PROGRAM BILL # 5

S.

Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*EDUCLA\*  
(Limits the salaries of school  
superintendents)

Ed L. caps salaries; sch superint

AN ACT

to amend the education law, in  
relation to the salary cap for  
school superintendents

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Parkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Rauzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robech	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a042 Jacobs	a102 Miller, J.	a067 Rosenthal
a092 Abinanti	a014 Curran	a095 Jaffee	a038 Miller, M.	a118 Russell
a105 Amedore	a063 Cusick	a057 Jeffries	a052 Millman	a012 Saladino
a084 Arroyo	a045 Cymbrowitz	a135 Johns	a103 Molinaro	a113 Sayward
a035 Aubry	a034 DenDekker	a112 Jordan	a015 Montesano	a029 Scarborough
a124 Barclay	a116 Destito	a099 Katz	a132 Moralle	a016 Schimel
a040 Barron	a081 Dinowitz	a074 Kavanagh	a039 Moya	a140 Schimlinger
a082 Benedetto	a114 Duprey	a065 Kellner	a003 Murray	a145 Schroeder
a073 Bing	a004 Englebright	a129 Kolb	a037 Nolan	a064 Silver
a122 Blankenbush	a071 Farrell	a025 Lanman	a128 Oaks	a036 Simotas
a055 Boyland	a123 Finch	a091 Latimer	a069 O'Donnell	a146 Smardz
a008 Boyle	a007 Fitzpatrick	a013 Lavine	a051 Ortiz	a093 Spano
a026 Braunstein	a137 Friend	a050 Lentol	a136 Palmesano	a079 Stevanson
a044 Brennan	a143 Gabryszak	a125 Lifton	a088 Paulin	a011 Sweeney
a131 Bronson	a090 Galaf	a072 Linares	a141 Peoples-	a110 Tedisco
a046 Brook-Krasny	a133 Gantt	a127 Lopez, P.	Stokes	a115 Tenney
a147 Burling	a077 Gibson	a053 Lopez, V.	a058 Perry	a002 Thiele
a117 Butler	a149 Giglio	a001 Losquadro	a023 Pheffer	a061 Titone
a101 Cahill	a066 Click	a126 Lupardo	a087 Pratlou	a031 Titus
a086 Calhoun	a150 Goodell	a111 Magee	a021 Ra	a062 Tobacco
a043 Camara	a075 Gottfried	a120 Magnarelli	a097 Rabbitt	a054 Towns
a106 Canestrari	a005 Graf	a059 Maisel	a009 Raia	a041 Weinstein
a089 Castelli	a098 Gunther	a060 Malliotakis	a006 Ramos	a020 Weisenberg
a086 Castro	a130 Hanna	a030 Markey	a134 Reilich	a024 Weprin
a138 Ceretto	a139 Hawley	a027 Meyersohn	a109 Reilly	a070 Wright
a033 Clark	a148 Hayes	a015 McDonough	a078 Rivera, J.	a094 Zebrowski
a047 Colton	a083 Heastie	a104 McEneny	a080 Rivera, N.	a100
a010 Conte	a028 Hevesi	a017 McEveitt	a076 Rivera, P.	
a032 Cook	a048 Hixind	a108 McLaughlin	a119 Roberts	
a142 Corwin	a018 Kooper	a022 Mang	a056 Robinson	
a085 Crespo	a144 Hoyt	a121 Miller, D.	a068 Rodriguez	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the Bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. The education law is amended by adding a new section 3102  
2 to read as follows:

3 § 3102. Limitation on salary of school superintendents. 1. Defi-  
4 niton. For purposes of this section: (a) "superintendent" means the  
5 superintendent of schools, except in a city school district in a city  
6 having a population of one million inhabitants or more; and

7 (b) "total annual salary" means the total amount of compensation to be  
8 paid to a superintendent or administrator for services in a school year,  
9 provided such term shall include deferred compensation earned during  
10 that school year and any lump-sum cash payments made to such superinten-  
11 dent or administrator in such school year.

12 2. Limitation on salaries. (a) Notwithstanding any inconsistent  
13 provision of law, no employment contract of a superintendent shall  
14 provide for a total annual salary in excess of the following limita-  
15 tions:

16 (i) one hundred twenty-five thousand dollars (\$125,000) for school  
17 districts whose total enrollment is two hundred fifty (250) students or  
18 less;

19 (ii) one hundred thirty-five thousand dollars (\$135,000) for school  
20 districts whose total enrollment is between two hundred fifty-one (251)  
21 students and seven hundred fifty (750) students;

22 (iii) one hundred forty-five thousand dollars (\$145,000) for school  
23 districts whose total enrollment is between seven hundred fifty-one  
24 (751) students and one thousand five hundred (1,500) students;

25 (iv) one hundred fifty-five thousand dollars (\$155,000) for school  
26 districts whose total enrollment is between one thousand five hundred  
27 one (1,501) students and three thousand (3,000) students;

1 (v) one hundred sixty-five thousand dollars (\$165,000) for school  
2 districts whose total enrollment is between three thousand one (3,001)  
3 students and six thousand five hundred (6,500) students; and

4 (vi) one hundred seventy-five thousand dollars (\$175,000) for school  
5 districts whose total enrollment exceeds six thousand five hundred one  
6 (6,501) students.

7 (b) In no event shall any superintendent be permitted to accumulate  
8 vacation or sick leave credits in excess of the vacation and sick leave  
9 credits managerial/confidential employees of the state are permitted to  
10 accumulate pursuant to regulations promulgated by the state civil  
11 service commission, nor may any superintendent at the time of separation  
12 from service be compensated for accrued and unused vacation credits or  
13 sick leave, or use accrued and unused sick leave or to pay for health  
14 insurance in retirement, at a rate in excess of the rate permitted to  
15 managerial/confidential employees of the state pursuant to regulations  
16 of the state civil service commission. In addition to the payment of  
17 salary, a school district may provide for the payment of all or a  
18 portion of the cost of insurance benefits for a superintendent, includ-  
19 ing but not limited to health insurance, disability insurance, life  
20 insurance or any other form of insurance benefit made available to  
21 managerial/confidential employees of the state; provided that any such  
22 payments for whole life, split dollar or other life insurance policies  
23 having a cash value shall be included in the total annual salary of the  
24 superintendent for purposes of this subdivision, and provided further  
25 that any payments for the employee contribution, co-pay or uncovered  
26 medical expenses under a health insurance plan also shall be included in  
27 the total annual salary of the superintendent. Notwithstanding any  
28 other provision of law, payments for such insurance benefits may be

1 based on the superintendent's total salary only. Any payments for trans-  
2 portation or travel expenses in excess of actual, documented expenses  
3 incurred in the performance of duties for the state, and any other lump  
4 sum payment not specifically excluded from total annual salary pursuant  
5 to this subdivision, shall be included in the total salary of the super-  
6 intendent for purposes of this subdivision. Nothing herein shall prohib-  
7 it a superintendent from waiving any rights provided for in an existing  
8 contract or agreement as hereafter prohibited in favor of revised  
9 compensation or benefit provisions as permitted herein.

10 3. Vote to override. (a) In school districts that conduct an annual  
11 meeting and election pursuant to article forty-one of this chapter, the  
12 qualified voters may vote to override the salary provisions established  
13 pursuant to this section for individual superintendent contracts  
14 provided that such vote shall be held concurrently with such annual  
15 district meeting or election.

16 (b) In a city school district in a city having a population of one  
17 hundred twenty-five thousand inhabitants or more, the mayor, city manag-  
18 er or fiscal control agency, where applicable, may approve an override  
19 of the salary provisions established pursuant to this section for indi-  
20 vidual superintendent contracts.

21 (c) In no event shall a superintendent's salary exceed the salary  
22 provision in this section until such time as an override has been  
23 approved by such school district pursuant to this subdivision.

24 § 2. This act shall take effect immediately; provided, that the  
25 provisions of this act shall only apply to any employment contracts for  
26 persons serving as superintendents that are entered into, amended, or  
27 extended on or after the date on which this act shall have become a law.