

8 CRR-NY 100.16 NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 8. EDUCATION DEPARTMENT

CHAPTER II. REGULATIONS OF THE COMMISSIONER

SUBCHAPTER E. ELEMENTARY AND SECONDARY EDUCATION

PART 100. ELEMENTARY AND SECONDARY EDUCATION SCHOOL PROGRAM

8 CRR-NY 100.16

8 CRR-NY 100.16

100.16 Reasonable and necessary expenses of members of school quality review teams and joint intervention teams, and distinguished educators, appointed pursuant to Education Law, sections 211-b and 211-c.

(a) Definitions.

As used in this section:

(1) *Consulting fees* shall mean reasonable and necessary wage compensation paid to individuals in accordance with paragraph (c)(1) of this section for the hours worked in the performance of their official duties as members of school quality review teams and joint intervention teams, and as distinguished educators.

(2) *Replacement costs* shall mean those costs including, but not limited to, salary and benefits of an individual employed by a school district or charter school to replace a teacher and/or administrator who takes a leave of absence to serve as a distinguished educator pursuant to Education Law, section 211-c(8).

(b) Payment and reimbursement.

(1) A school district or charter school, for which a school quality review team, a joint intervention team and/or a distinguished educator is appointed, shall pay consulting fees to members of such teams and/or to such distinguished educator and reimbursement for their meals, lodging and travel expenses, in accordance with subdivision (c) of this section and no later than 60 days after receipt of each invoice for such expenses and fees.

(2) Notwithstanding the provisions of paragraph (1) of this subdivision, nothing in this section shall be deemed to require a school district or charter school to pay such consulting fees to:

(i) State Education Department staff who are appointed as members of such school quality review teams or joint intervention teams, or as distinguished educators; or

(ii) staff contracted by the State Education Department to provide support and assistance to schools and districts who are appointed as members of such school quality review teams or joint intervention teams, or as distinguished educators,

except where such contract provides that the school district or charter school shall be responsible for the payment of such consulting fees to contracted staff.

(c) Criteria for payment and reimbursement.

(1) Consulting fees. Consulting fees shall be paid in accordance with an annual schedule of hourly consulting fees established by the commissioner and based upon the following factors:

(i) the regional costs of labor in related occupations;

(ii) the current market salaries paid New York State teachers and educational administrators, based on available wage data from the New York State and/or Federal departments of labor;

(iii) the expected duration of the intervention or school improvement consulting, as determined by the length of time that the school or school district has been in accountability status and the severity of the accountability status of such school or district; and

(iv) for distinguished educators assigned to school districts, the consulting fee determined pursuant to this paragraph shall be increased by an additional 10 percent.

(2) Meal expenses.

(i) A team member or distinguished educator shall be reimbursed for receipted expenses for the dinner and breakfast meals which precede and follow, respectively, an evening during which they are lodging in the performance of their official duties.

(ii) Team members or distinguished educators shall be reimbursed for receipted expenses for breakfast and/or dinner meals in cases where their departure from their permanent residence for purposes of performing their official duties or their arrival at their permanent residence after completion of their official duties for that day, shall take place before 7:00 a.m. or after 7:00 p.m., respectively.

(iii) Reimbursement for meals shall be paid at a rate not to exceed the applicable rates paid to State employees.

(3) Lodging expenses.

(i) Team members or distinguished educators shall be reimbursed for receipted lodging expenses, provided that the travel distance from their permanent residence to the school or school district in which they perform their official duties exceeds 50 miles.

(ii) Reimbursement for lodging shall be paid at a rate not to exceed the applicable rates paid to New York State employees.

(4) Travel expenses.

(i) Reimbursement to team members or distinguished educators for the use of a personal vehicle in the performance of their official duties shall be paid at a rate not to exceed the applicable rates paid to State employees.

(ii) Reimbursement to team members or distinguished educators for travel by bus, subway, train or rental car, in performance of their official duties, shall be paid if travel by personal vehicle is not economical, possible or feasible.

(iii) The mode of travel selected should be the most economical available; provided that the determination of the appropriate mode of travel shall balance the needs of team members and distinguished educators, including but not limited to flexibility to perform their official duties, with the needs of the schools and school districts, including but not limited to economy, predictability and cost efficiency.

(d) Employment status.

Members of school quality review teams and joint intervention teams, and distinguished educators, in performance of their official duties, shall be deemed to be consultants to the school district or schools, including charter schools, to which they are appointed, and not employees of such school district or charter school.

(e) Replacement costs.

Replacement costs shall not be included in the calculation of reasonable and necessary expenses.

8 CRR-NY 100.16

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