

EDUCATION LAW SECTION 2053
REPORTING REQUIREMENTS

FREQUENTLY ASKED QUESTIONS

FILING RELATED QUESTIONS

Q1: Does my school district/BOCES need to file this information?

A: Yes. New York Education Law Section 2053 requires that on an annual basis every school district and BOCES report to the New York State Education Department, State Attorney General and State Comptroller information concerning lawyers who provide legal services to their district.

Q: If my school district/BOCES already submitted the information required by Education Law Section 2053 for the 2010/2011 fiscal year to any of the three agencies on paper forms, do we need to re-file electronically?

A: Yes. As we have previously indicated in information posted on our Web sites and e-mailed to BOCES and School District Superintendents, the electronic filing system must be used to file these reports for the 2010/2011 fiscal year.

Q: Does my school district/BOCES need to submit this information to multiple state agencies?

A: No. To streamline the process, the agencies have worked together to create an electronic filing system so that the information can be shared by the three agencies.

Q: What is the name of the electronic filing system?

A: Education Law Reporting system.

Q: Where is the Education Law Reporting system located on the internet?

A: The Education Law Reporting system can be found at the NYSED Business Portal - <http://portal.nysed.gov>

Q: What is the NYSED Business Portal?

A: The NYSED Business Portal is the New York State Education Department's Internet website where districts/BOCES access NYSED web based applications, such as, State Aid Management System (SAMS), American Recovery and Reinvestment Act (ARRA) Reporting System, New York State Student Identification System (NYSSIS).

Q: How does the authorized employee obtain access to the Education Law Reporting System?

A: The authorized employee must contact their district/BOCES SEDDAS Delegated Administrator and request access to the Education Law Reporting system.

Q: What is SEDDAS and who is the SEDDAS Delegated Administrator?

A: State Education Department Delegated Account System. Each district/BOCES has designated one or more individuals to be the SEDDAS Delegated Administrator. The SEDDAS Delegated Administrator is the individual who creates/modifies/entitles user accounts for the web based applications located at the NYSED Business Portal.

Q: Who should submit the information?

A: Any authorized employee of your school district/BOCES may file the information on behalf of the district/BOCES. The SEDDAS Delegated Administrator for your school district/BOCES must entitle the authorized employee to the electronic filing system.

Q: Can the electronic forms be printed and submitted by mail or fax?

A: No. The information must be entered through the e-filing system and must be submitted electronically.

Q: After I start using the e-filing system, can I stop and save and continue at a later point in time?

A: If you have started a form to report legal services provided by a law firm or an individual lawyer, you must complete the form for that firm or lawyer or you will lose any information you already have entered on that form. Once you have completed the form, you may save and exit the system. You may return to the system later to submit additional forms for other law firms or individual lawyers that provided legal services to your school district/BOCES.

Q: After I save a form, why does the confirmation page tell me that my form

has been submitted?

A: When you save a form it is submitted. However, when you return to the welcome screen you will be able to view all prior submissions and make any necessary changes until the filing deadline. You will also be able to print copies of your prior submissions for your records. All saved forms will be considered final submissions after the filing deadline.

Q: When must the form be filed?

A: For the 2010-11 reporting, the deadline for submission is Friday, February 3, 2012.

SUBSTANTIVE QUESTIONS

Q: What does lawyer mean for purposes of the requirements of Education Law section 2053?

A: Education Law section 2050 defines lawyer as: “attorney or counselor governed by article fifteen of the judiciary law, who receives remuneration or other compensation from a school district or board of cooperative educational services in exchange for legal services provided to such district or board.”

Q: If my school district retains a law firm as general counsel and does not retain any individual lawyers, how do I satisfy the reporting requirements under section 2053 of the Education Law?

A: You will be able to indicate on the electronic form that your school district/BOCES retains one or more law firms, but does not compensate or provide benefits to any individual attorneys. Likewise, you will be able to indicate if your school district/BOCES provides compensation or benefits directly to any individual attorney, includes any individual attorney on its payroll, or reports any individual attorneys to the New York State Employees Retirement System (“ERS”), the New York State Teachers' Retirement System (“TRS”), or any other public retirement system.

Q: If my school district/BOCES employs individual lawyers for legal services including labor relations services, do I need to complete this form?

A: Yes. You must complete the form for each lawyer employed by your school district/BOCES who provides legal services, including labor relations services, to your school district/BOCES. If such lawyer is associated with a law firm, you will need to indicate the name of the law firm. If the law firm also provides legal services to your school district/

BOCES then you will need to provide information about that law firm.

Q: If my school district employs an individual in a non-lawyer capacity who happens to be a lawyer, do we need to report such individual?

A: In most cases, you will not need to report such an individual on the form. However, if the individual is associated with a law firm that provides legal services to the school district/BOCES you will need to report such an individual, regardless of whether such individual provides legal services to your school district/BOCES.

Q: What does “associated with a law firm” mean?

A: For purposes of submitting information requested on the electronic form, “associated with a law firm” generally refers to a lawyer that is employed by or affiliated with a law firm. This includes associates, counsel, partners, shareholders, and solo practitioners. If the lawyer has a private practice, you generally should check yes to the question whether the lawyer is “associated with a law firm”.

Q: Do I need to report hearing officers?

A: It depends.

The following officers should be reported if they are lawyers:

(1) hearing officers for student discipline cases pursuant to section 3214 of the Education Law

The following hearing officers should not be reported:

(1) impartial hearing officers for special education matters, pursuant to Part 200 of the Regulations of the Commissioner of Education . (8 N. Y.C.R.R. § 200 et seq.)

(2) impartial hearing officers for hearings pursuant section 3020 -a of the Education Law.

Q: If my school district/BOCES pays an annual salary to an individual lawyer, how do I report it?

A: The electronic form has a compensation section which requests that your school district/BOCES indicate the type of compensation provided to the lawyer. If you pay an annual salary, then you select yes in response to “paid an annual salary”.

OTHER

Q: Who should I contact if I have additional questions?

A: Please call the Office of the Attorney General at 212-416-8090.