

1044

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring the board of education in the city of Buffalo to submit the school district budget to the voters for approval prior to adoption

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 2531
2 to read as follows:

3 S 2531. ADOPTION OF THE SCHOOL DISTRICT BUDGET IN THE CITY OF BUFFALO.
4 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD OF EDUCATION IN
5 THE CITY OF BUFFALO SHALL PROVIDE FOR THE SUBMISSION OF A BUDGET FOR
6 APPROVAL OF THE VOTERS PURSUANT TO THE PROVISIONS OF THIS SECTION.

7 2. THE BOARD OF EDUCATION SHALL CONDUCT ALL ANNUAL AND SPECIAL SCHOOL
8 DISTRICT MEETINGS FOR THE PURPOSE OF ADOPTING A SCHOOL DISTRICT BUDGET
9 IN THE SAME MANNER AS A UNION FREE SCHOOL DISTRICT IN ACCORDANCE WITH
10 THE PROVISIONS OF ARTICLE FORTY-ONE OF THIS TITLE, EXCEPT AS OTHERWISE
11 PROVIDED BY THIS SECTION. THE ANNUAL MEETING AND ELECTION OF THE BUFFALO
12 SCHOOL DISTRICT SHALL BE HELD ON THE THIRD TUESDAY OF MAY IN EACH YEAR,
13 PROVIDED, HOWEVER THAT SUCH ANNUAL MEETING AND ELECTION SHALL BE HELD ON
14 THE SECOND TUESDAY IN MAY IF THE COMMISSIONER AT THE REQUEST OF A LOCAL
15 SCHOOL BOARD CERTIFIES NO LATER THAN MARCH FIRST THAT SUCH ELECTION
16 WOULD CONFLICT WITH RELIGIOUS OBSERVANCES, AND ANY SCHOOL BUDGET REVOTE
17 SHALL BE HELD ON THE DATE AND IN THE SAME MANNER SPECIFIED IN SUBDIVI-
18 SION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE. THE PROVISIONS
19 OF SECTION TWENTY-SIX HUNDRED THREE OF THIS TITLE, GOVERNING THE QUALI-
20 FICATION AND REGISTRATION OF VOTERS, AND PROCEDURES FOR THE NOMINATION
21 AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION SHALL CONTINUE TO
22 APPLY, AND SHALL GOVERN THE QUALIFICATION AND REGISTRATION OF VOTERS AND

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD04680-01-3

1 VOTING PROCEDURES WITH RESPECT TO THE ADOPTION OF A SCHOOL DISTRICT
2 BUDGET.

3 3. THE BOARD OF EDUCATION SHALL PREPARE A PROPOSED SCHOOL DISTRICT
4 BUDGET FOR THE ENSUING YEAR IN ACCORDANCE WITH THE PROVISIONS OF SECTION
5 SEVENTEEN HUNDRED SIXTEEN OF THIS CHAPTER, INCLUDING ALL PROVISIONS
6 RELATING TO REQUIRED NOTICES AND APPENDICES TO THE STATEMENT OF EXPENDI-
7 TURES. NO BOARD OF EDUCATION SHALL INCUR A SCHOOL DISTRICT LIABILITY
8 EXCEPT AS AUTHORIZED BY THE PROVISIONS OF SECTION SEVENTEEN HUNDRED
9 EIGHTEEN OF THIS CHAPTER. SUCH PROPOSED BUDGET SHALL BE PRESENTED IN
10 THREE COMPONENTS: A PROGRAM COMPONENT, A CAPITAL COMPONENT AND AN ADMIN-
11 ISTRATIVE COMPONENT WHICH SHALL BE SEPARATELY DELINEATED IN ACCORDANCE
12 WITH REGULATIONS OF THE COMMISSIONER AFTER CONSULTATION WITH LOCAL
13 SCHOOL DISTRICT OFFICIALS. THE ADMINISTRATIVE COMPONENT SHALL INCLUDE,
14 BUT NEED NOT BE LIMITED TO, OFFICE AND CENTRAL ADMINISTRATIVE EXPENSES,
15 TRAVELING EXPENSES AND ALL COMPENSATION, SALARIES AND BENEFITS OF ALL
16 SCHOOL ADMINISTRATORS AND SUPERVISORS, INCLUDING BUSINESS ADMINISTRA-
17 TORS, SUPERINTENDENTS OF SCHOOLS AND DEPUTY, ASSISTANT, ASSOCIATE OR
18 OTHER SUPERINTENDENTS UNDER ALL EXISTING EMPLOYMENT CONTRACTS OR COLLEC-
19 TIVE BARGAINING AGREEMENTS, ANY AND ALL EXPENDITURES ASSOCIATED WITH THE
20 OPERATION OF THE BOARD OF EDUCATION, THE OFFICE OF THE SUPERINTENDENT OF
21 SCHOOLS, GENERAL ADMINISTRATION, THE SCHOOL BUSINESS OFFICE, CONSULTING
22 COSTS NOT DIRECTLY RELATED TO DIRECT STUDENT SERVICES AND PROGRAMS,
23 PLANNING AND ALL OTHER ADMINISTRATIVE ACTIVITIES. THE PROGRAM COMPONENT
24 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL PROGRAM EXPENDITURES OF
25 THE SCHOOL DISTRICT, INCLUDING THE SALARIES AND BENEFITS OF TEACHERS AND
26 ANY SCHOOL ADMINISTRATORS OR SUPERVISORS WHO SPEND A MAJORITY OF THEIR
27 TIME PERFORMING TEACHING DUTIES, AND ALL TRANSPORTATION OPERATING
28 EXPENSES. THE CAPITAL COMPONENT SHALL INCLUDE, BUT NEED NOT BE LIMITED
29 TO, ALL TRANSPORTATION CAPITAL, DEBT SERVICE, AND LEASE EXPENDITURES;
30 COSTS RESULTING FROM JUDGMENTS IN TAX CERTIORARI PROCEEDINGS OR THE
31 PAYMENT OF AWARDS FROM COURT JUDGMENTS, ADMINISTRATIVE ORDERS OR SETTLED
32 OR COMPROMISED CLAIMS; AND ALL FACILITIES COSTS OF THE SCHOOL DISTRICT,
33 INCLUDING FACILITIES LEASE EXPENDITURES, THE ANNUAL DEBT SERVICE AND
34 TOTAL DEBT FOR ALL FACILITIES FINANCED BY BONDS AND NOTES OF THE SCHOOL
35 DISTRICT, AND THE COSTS OF CONSTRUCTION, ACQUISITION, RECONSTRUCTION,
36 REHABILITATION OR IMPROVEMENT OF SCHOOL BUILDINGS, PROVIDED THAT SUCH
37 BUDGET SHALL INCLUDE A RENTAL, OPERATIONS AND MAINTENANCE SECTION THAT
38 INCLUDES BASE RENT COSTS, TOTAL RENT COSTS, OPERATION AND MAINTENANCE
39 CHARGES, COST PER SQUARE FOOT FOR EACH FACILITY LEASED BY THE SCHOOL
40 DISTRICT, AND ANY AND ALL EXPENDITURES ASSOCIATED WITH CUSTODIAL SALA-
41 RIES AND BENEFITS, SERVICE CONTRACTS, SUPPLIES, UTILITIES, AND MAINTENANCE
42 AND REPAIRS OF SCHOOL FACILITIES. EXCEPT AS PROVIDED IN SUBDIVI-
43 SION FOUR OF THIS SECTION, NOTHING IN THIS SECTION SHALL PRECLUDE THE
44 BOARD, IN ITS DISCRETION, FROM SUBMITTING ADDITIONAL ITEMS OF EXPENDI-
45 TURE TO THE VOTERS FOR APPROVAL AS SEPARATE PROPOSITIONS OR THE VOTERS
46 FROM SUBMITTING PROPOSITIONS PURSUANT TO SECTIONS TWO THOUSAND EIGHT AND
47 TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER.

48 4. IN THE EVENT THE QUALIFIED VOTERS OF THE BUFFALO SCHOOL DISTRICT
49 REJECT THE BUDGET PROPOSED PURSUANT TO SUBDIVISION THREE OF THIS
50 SECTION, THE BOARD MAY PROPOSE TO THE VOTERS A REVISED BUDGET PURSUANT
51 TO SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE OR MAY
52 ADOPT A CONTINGENCY BUDGET PURSUANT TO SUBDIVISION FIVE OF THIS SECTION
53 AND SUBDIVISION FIVE OF SECTION TWO THOUSAND TWENTY-TWO OF THIS TITLE.
54 THE SCHOOL DISTRICT BUDGET FOR ANY SCHOOL YEAR, OR ANY PART OF SUCH
55 BUDGET OR ANY PROPOSITIONS INVOLVING THE EXPENDITURE OF MONEY FOR SUCH
56 SCHOOL YEAR SHALL NOT BE SUBMITTED FOR A VOTE OF THE QUALIFIED VOTERS

1 MORE THAN TWICE. IN THE EVENT THE QUALIFIED VOTERS REJECT THE RESUBMIT-
2 TED BUDGET, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE
3 WITH SUBDIVISION FIVE OF THIS SECTION AND SUBDIVISION FIVE OF SUCH
4 SECTION TWO THOUSAND TWENTY-TWO.

5 5. IF THE QUALIFIED VOTERS FAIL OR REFUSE TO VOTE THE SUM ESTIMATED TO
6 BE NECESSARY FOR TEACHERS' SALARIES AND OTHER ORDINARY CONTINGENT
7 EXPENSES, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE WITH
8 THIS SUBDIVISION AND SHALL LEVY A TAX FOR THAT PORTION OF SUCH SUM
9 REMAINING AFTER APPLYING THERETO THE MONEYS RECEIVED OR TO BE RECEIVED
10 FROM STATE, FEDERAL OR OTHER SOURCES, IN THE SAME MANNER AS IF THE BUDG-
11 ET HAD BEEN APPROVED BY THE QUALIFIED VOTERS; SUBJECT TO THE LIMITATIONS
12 IMPOSED IN SUBDIVISION FOUR OF SECTION TWO THOUSAND TWENTY-THREE OF THIS
13 TITLE AND THIS SUBDIVISION. SUCH CONTINGENCY BUDGET SHALL INCLUDE THE
14 SUM DETERMINED BY THE BOARD TO BE NECESSARY FOR:

15 (A) TEACHERS' SALARIES, INCLUDING THE SALARIES OF ALL MEMBERS OF THE
16 TEACHING AND SUPERVISING STAFF;

17 (B) ITEMS OF EXPENSE SPECIFICALLY AUTHORIZED BY STATUTE TO BE INCURRED
18 BY THE BOARD OF EDUCATION, INCLUDING, BUT NOT LIMITED TO, EXPENDITURES
19 FOR TRANSPORTATION TO AND FROM REGULAR SCHOOL PROGRAMS INCLUDED AS ORDI-
20 NARY CONTINGENT EXPENSES IN SUBDIVISION TWELVE OF SECTION TWENTY-FIVE
21 HUNDRED THREE OF THIS ARTICLE, EXPENDITURES FOR TEXTBOOKS, REQUIRED
22 SERVICES FOR NON-PUBLIC SCHOOL STUDENTS, SCHOOL HEALTH SERVICES, SPECIAL
23 EDUCATION SERVICES, KINDERGARTEN AND NURSERY SCHOOL PROGRAMS, AND THE
24 DISTRICT'S SHARE OF THE ADMINISTRATIVE COSTS AND COSTS OF SERVICES
25 PROVIDED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

26 (C) ITEMS OF EXPENSE FOR LEGAL OBLIGATIONS OF THE DISTRICT, INCLUDING,
27 BUT NOT LIMITED TO, CONTRACTUAL OBLIGATIONS, DEBT SERVICE, COURT ORDERS
28 OR JUDGMENTS, ORDERS OF ADMINISTRATIVE BODIES OR OFFICERS, AND STANDARDS
29 AND REQUIREMENTS OF THE BOARD OF REGENTS AND THE COMMISSIONER THAT HAVE
30 THE FORCE AND EFFECT OF LAW;

31 (D) THE PURCHASE OF LIBRARY BOOKS AND OTHER INSTRUCTIONAL MATERIALS
32 ASSOCIATED WITH A LIBRARY;

33 (E) ITEMS OF EXPENSE NECESSARY TO MAINTAIN THE EDUCATIONAL PROGRAMS OF
34 THE DISTRICT, PRESERVE THE PROPERTY OF THE DISTRICT OR PROTECT THE
35 HEALTH AND SAFETY OF STUDENTS AND STAFF, INCLUDING, BUT NOT LIMITED TO,
36 SUPPORT SERVICES, PUPIL PERSONNEL SERVICES, THE NECESSARY SALARIES FOR
37 THE NECESSARY NUMBER OF NON-TEACHING EMPLOYEES, NECESSARY LEGAL
38 EXPENSES, WATER AND UTILITY CHARGES, INSTRUCTIONAL SUPPLIES FOR TEACH-
39 ERS' USE, EMERGENCY REPAIRS, TEMPORARY RENTAL OF ESSENTIAL CLASSROOM
40 FACILITIES, AND EXPENDITURES NECESSARY TO ADVISE SCHOOL DISTRICT VOTERS
41 CONCERNING SCHOOL MATTERS; AND

42 (F) EXPENSES INCURRED FOR INTERSCHOOL ATHLETICS, FIELD TRIPS AND OTHER
43 EXTRACURRICULAR ACTIVITIES; AND

44 (G) ANY OTHER ITEM OF EXPENSE DETERMINED BY THE COMMISSIONER TO BE AN
45 ORDINARY CONTINGENT EXPENSE IN ANY SCHOOL DISTRICT.

46 6. THE COMMISSIONER SHALL DETERMINE APPEALS RAISING QUESTIONS AS TO
47 WHAT ITEMS OF EXPENDITURE ARE ORDINARY CONTINGENT EXPENSES PURSUANT TO
48 SUBDIVISION FIVE OF THIS SECTION IN ACCORDANCE WITH SECTIONS THREE
49 HUNDRED TEN AND TWO THOUSAND TWENTY-FOUR OF THIS CHAPTER.

50 S 2. This act shall take effect immediately.