

5795--A

Cal. No. 225

2015-2016 Regular Sessions

I N   S E N A T E

June 3, 2015

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Introduced by Sen. MARCELLINO -- (at request of the State Comptroller)  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Education -- recommitted to the Committee on Educa-  
tion in accordance with Senate Rule 6, sec. 8 -- reported favorably  
from said committee, ordered to first and second report, ordered to a  
third reading, amended and ordered reprinted, retaining its place in  
the order of third reading

AN ACT to amend the education law, in relation to requiring notice of  
reserve funds and reserves funded by resolution and to require that  
each school district post on its website, if any, a final annual budg-  
et and any multi-year financial plan adopted by the board of education  
or trustees

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

1     Section 1. Paragraph a of subdivision 7 of section 1608 of the educa-  
2     tion law, as amended by section 4 of part A of chapter 97 of the laws of  
3     2011, is amended to read as follows:  
4     a. Each year, commencing with the proposed budget for the two thou-  
5     sand--two thousand one school year, the trustee or board of trustees  
6     shall prepare a property tax report card, pursuant to regulations of the  
7     commissioner, and shall make it publicly available by transmitting it to  
8     local newspapers of general circulation, appending it to copies of the  
9     proposed budget made publicly available as required by law, making it  
10    available for distribution at the annual meeting, and otherwise dissem-  
11    inating it as required by the commissioner. Such report card shall  
12    include: (i) the amount of total spending and total estimated school tax  
13    levy that would result from adoption of the proposed budget and the  
14    percentage increase or decrease in total spending and total school tax  
15    levy from the school district budget for the preceding school year; and  
16    (ii) the district's tax levy limit determined pursuant to section two  
17    thousand twenty-three-a of this title, and the estimated school tax

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

LBD10879-03-6

1 levy, excluding any levy necessary to support the expenditures pursuant  
2 to subparagraphs (i) through (iv) of paragraph i of subdivision two of  
3 section two thousand twenty-three-a of this title, that would result  
4 from adoption of the proposed budget; and (iii) the projected enrollment  
5 growth for the school year for which the budget is prepared, and the  
6 percentage change in enrollment from the previous year; and (iv) the  
7 percentage increase in the consumer price index, as defined in paragraph  
8 c of this subdivision; and (v) the projected amount of the unappropri-  
9 ated unreserved fund balance that will be retained if the proposed budg-  
10 et is adopted, the projected amount of the reserved fund balance, the  
11 projected amount of the appropriated fund balance, the percentage of the  
12 proposed budget that the unappropriated unreserved fund balance repres-  
13 ents, the actual unappropriated unreserved fund balance retained in the  
14 school district budget for the preceding school year, and the percentage  
15 of the school district budget for the preceding school year that the  
16 actual unappropriated unreserved fund balance represents, AND A SCHEDULE  
17 OF RESERVE FUNDS, SETTING FORTH THE NAME OF EACH RESERVE FUND, A  
18 DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE OF THE THIRD  
19 QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A BRIEF STATEMENT  
20 EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE FUND FOR THE ENSU-  
21 ING FISCAL YEAR.

22 S 1-a. Paragraph a of subdivision 7 of section 1608 of the education  
23 law, as amended by chapter 238 of the laws of 2007, is amended to read  
24 as follows:

25 a. Each year, commencing with the proposed budget for the two thou-  
26 sand--two thousand one school year, the trustee or board of trustees  
27 shall prepare a property tax report card, pursuant to regulations of the  
28 commissioner, and shall make it publicly available by transmitting it to  
29 local newspapers of general circulation, appending it to copies of the  
30 proposed budget made publicly available as required by law, making it  
31 available for distribution at the annual meeting, and otherwise dissem-  
32 inating it as required by the commissioner. Such report card shall  
33 include: (i) the amount of total spending and total estimated school tax  
34 levy that would result from adoption of the proposed budget and the  
35 percentage increase or decrease in total spending and total school tax  
36 levy from the school district budget for the preceding school year; and  
37 (ii) the projected enrollment growth for the school year for which the  
38 budget is prepared, and the percentage change in enrollment from the  
39 previous year; and (iii) the percentage increase in the consumer price  
40 index, as defined in paragraph c of this subdivision; and (iv) the  
41 projected amount of the unappropriated unreserved fund balance that will  
42 be retained if the proposed budget is adopted, the projected amount of  
43 the reserved fund balance, the projected amount of the appropriated fund  
44 balance, the percentage of the proposed budget that the unappropriated  
45 unreserved fund balance represents, the actual unappropriated unreserved  
46 fund balance retained in the school district budget for the preceding  
47 school year, and the percentage of the school district budget for the  
48 preceding school year that the actual unappropriated unreserved fund  
49 balance represents; AND (V) A SCHEDULE OF RESERVE FUNDS, SETTING FORTH  
50 THE NAME OF EACH RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE BALANCE  
51 AS OF THE CLOSE OF THE THIRD QUARTER OF THE CURRENT SCHOOL DISTRICT  
52 FISCAL YEAR AND A BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE USE OF  
53 EACH SUCH RESERVE FUND FOR THE ENSUING FISCAL YEAR.

54 S 2. Paragraph a of subdivision 7 of section 1716 of the education  
55 law, as amended by section 5 of part A of chapter 97 of the laws of  
56 2011, is amended to read as follows:

1 a. Each year, commencing with the proposed budget for the two thou-  
2 sand--two thousand one school year, the board of education shall prepare  
3 a property tax report card, pursuant to regulations of the commissioner,  
4 and shall make it publicly available by transmitting it to local newspa-  
5 pers of general circulation, appending it to copies of the proposed  
6 budget made publicly available as required by law, making it available  
7 for distribution at the annual meeting, and otherwise disseminating it  
8 as required by the commissioner. Such report card shall include: (i) the  
9 amount of total spending and total estimated school tax levy that would  
10 result from adoption of the proposed budget and the percentage increase  
11 or decrease in total spending and total school tax levy from the school  
12 district budget for the preceding school year; and (ii) the district's  
13 tax levy limit determined pursuant to section two thousand  
14 twenty-three-a of this title, and the estimated school tax levy, exclud-  
15 ing any levy necessary to support the expenditures pursuant to subpara-  
16 graphs (i) through (iv) of paragraph i of subdivision two of section two  
17 thousand twenty-three-a of this title, that would result from adoption  
18 of the proposed budget; and (iii) the projected enrollment growth for  
19 the school year for which the budget is prepared, and the percentage  
20 change in enrollment from the previous year; and (iv) the percentage  
21 increase in the consumer price index, as defined in paragraph c of this  
22 subdivision; and (v) the projected amount of the unappropriated unre-  
23 served fund balance that will be retained if the proposed budget is  
24 adopted, the projected amount of the reserved fund balance, the project-  
25 ed amount of the appropriated fund balance, the percentage of the  
26 proposed budget that the unappropriated unreserved fund balance repres-  
27 ents, the actual unappropriated unreserved fund balance retained in the  
28 school district budget for the preceding school year, A SCHEDULE OF  
29 RESERVE FUNDS, SETTING FORTH THE NAME OF EACH RESERVE FUND, A  
30 DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE OF THE THIRD  
31 QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A BRIEF STATEMENT  
32 EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE FUND FOR THE ENSU-  
33 ING FISCAL YEAR and the percentage of the school district budget for the  
34 preceding school year that the actual unappropriated unreserved fund  
35 balance represents.

36 S 2-a. Paragraph a of subdivision 7 of section 1716 of the education  
37 law, as amended by chapter 238 of the laws of 2007, is amended to read  
38 as follows:

39 a. Each year, commencing with the proposed budget for the two thou-  
40 sand--two thousand one school year, the board of education shall prepare  
41 a property tax report card, pursuant to regulations of the commissioner,  
42 and shall make it publicly available by transmitting it to local newspa-  
43 pers of general circulation, appending it to copies of the proposed  
44 budget made publicly available as required by law, making it available  
45 for distribution at the annual meeting, and otherwise disseminating it  
46 as required by the commissioner. Such report card shall include: (i) the  
47 amount of total spending and total estimated school tax levy that would  
48 result from adoption of the proposed budget and the percentage increase  
49 or decrease in total spending and total school tax levy from the school  
50 district budget for the preceding school year; and (ii) the projected  
51 enrollment growth for the school year for which the budget is prepared,  
52 and the percentage change in enrollment from the previous year; and  
53 (iii) the percentage increase in the consumer price index, as defined in  
54 paragraph c of this subdivision; and (iv) the projected amount of the  
55 unappropriated unreserved fund balance that will be retained if the  
56 proposed budget is adopted, the projected amount of the reserved fund

1 balance, the projected amount of the appropriated fund balance, the  
2 percentage of the proposed budget that the unappropriated unreserved  
3 fund balance represents, the actual unappropriated unreserved fund  
4 balance retained in the school district budget for the preceding school  
5 year, A SCHEDULE OF RESERVE FUNDS, SETTING FORTH THE NAME OF EACH  
6 RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE  
7 OF THE THIRD QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A  
8 BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE  
9 FUND FOR THE ENSUING FISCAL YEAR and the percentage of the school  
10 district budget for the preceding school year that the actual unappro-  
11 priated unreserved fund balance represents.

12 S 3. The education law is amended by adding a new section 3653 to read  
13 as follows:

14 S 3653. RESERVES FUNDED BY RESOLUTION. IN ADDITION TO ANY OTHER  
15 REQUIREMENTS, NO MONIES SHALL BE PAID OR TRANSFERRED INTO ANY RESERVE  
16 FUND, ESTABLISHED PURSUANT TO THIS CHAPTER OR ANY OTHER CHAPTER OF LAW,  
17 FOR THE PURPOSE OF INCREASING THE FUNDING OF SUCH RESERVE FUND, UNLESS  
18 EXPRESSLY AUTHORIZED BY A RESOLUTION OF THE BOARD OF EDUCATION OR TRUS-  
19 TEES OF A SCHOOL DISTRICT.

20 S 4. Section 2116-a of the education law is amended by adding a new  
21 subdivision 3-b to read as follows:

22 3-B. EACH SCHOOL DISTRICT SHALL IN A TIMELY FASHION POST ON ITS  
23 WEBSITE, IF ANY, THE ANNUAL EXTERNAL AUDIT REPORT AND THE CORRECTIVE  
24 ACTION PLAN PREPARED IN RESPONSE TO ANY FINDINGS CONTAINED IN THE ANNUAL  
25 EXTERNAL AUDIT REPORT OR MANAGEMENT LETTER, OR ANY FINAL AUDIT REPORT  
26 ISSUED BY THE STATE COMPTROLLER.

27 S 5. Section 2022 of the education law is amended by adding a new  
28 subdivision 7 to read as follows:

29 7. EACH SCHOOL DISTRICT SHALL POST ON ITS WEBSITE, IF ANY, A FINAL  
30 ANNUAL BUDGET AND ANY MULTI-YEAR FINANCIAL PLAN ADOPTED BY THE BOARD OF  
31 EDUCATION OR TRUSTEES.

32 S 6. This act shall take effect on the first of July next succeeding  
33 the date on which it shall have become a law; provided, however, that:

34 a. the amendment to paragraph a of subdivision 7 of section 1608 of  
35 the education law made by section one of this act shall be subject to  
36 the expiration and reversion of such paragraph pursuant to section 13 of  
37 part A of chapter 97 of the laws of 2011, as amended, when upon such  
38 date the provisions of section one-a of this act shall take effect;

39 b. the amendment to paragraph a of subdivision 7 of section 1716 of  
40 the education law made by section two of this act shall be subject to  
41 the expiration and reversion of such paragraph pursuant to section 13 of  
42 part A of chapter 97 of the laws of 2011, as amended, when upon such  
43 date the provisions of section two-a of this act shall take effect; and

44 c. provided, further, that the amendment to section 2022 of the educa-  
45 tion law made by section five of this act shall survive the expiration  
46 and reversion of such section pursuant to section 13 of part A of chap-  
47 ter 97 of the laws of 2011, as amended.