

S T A T E O F N E W Y O R K

1844--A

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. KLEIN, OPPENHEIMER, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to granting small city school districts the authority to provide cafeteria services to students should such district be subject to a contingency budget

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

1 Section 1. Paragraph a of subdivision 9 of section 2503 of the educa-
2 tion law, as amended by chapter 171 of the laws of 1996, is amended to
3 read as follows:
4 a. Shall promote the best interests of the schools and other activ-
5 ities committed to its care, and shall authorize, or in its discretion
6 conduct, and maintain such extra classroom activities, including the
7 operation of cafeterias or restaurant service for use by pupils and
8 teachers, as the board, from time to time, shall deem proper. Such
9 cafeterias or restaurant service may be used by the community for school
10 related functions and activities and to furnish meals to the elderly
11 residents, sixty years of age or older, of the district. [Such utiliza-
12 tion] UTILIZATION OF RESTAURANT SERVICES shall be subject to the
13 approval of the board of education, and shall be subject to voter
14 approval unless [the cafeteria or] SUCH restaurant service was operated
15 during the preceding school year and requires no tax levy. Charges shall
16 be sufficient to meet the direct cost of preparing and serving such
17 meals, reducible by available reimbursements.
18 S 2. Subdivision 5 of section 2601-a of the education law, as amended
19 by section 29 of part A of chapter 436 of the laws of 1997, is amended
20 to read as follows:
21 5. If the qualified voters fail or refuse to vote the sum estimated to
22 be necessary for teachers' salaries and other ordinary contingent

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

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1 expenses, the board shall adopt a contingency budget in accordance with
2 this subdivision and shall levy a tax for that portion of such sum
3 remaining after applying thereto the moneys received or to be received
4 from state, federal or other sources, in the same manner as if the budg-
5 et had been approved by the qualified voters; subject to the limitations
6 imposed in subdivision four of section two thousand twenty-three of this
7 [chapter] TITLE and this subdivision. The administrative component shall
8 not comprise a greater percentage of the contingency budget exclusive of
9 the capital component than the lesser of (1) the percentage the adminis-
10 trative component had comprised in the prior year budget exclusive of
11 the capital component; or (2) the percentage the administrative compo-
12 nent had comprised in the last proposed defeated budget exclusive of the
13 capital component. Such contingency budget shall include the sum deter-
14 mined 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 [chapter] TITLE, expenditures for textbooks,
22 required services for non-public school students, school health
23 services, special education services, kindergarten and nursery school
24 programs, and the district's share of the administrative costs and costs
25 of services 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) THE EXPENSES FOR CAFETERIA SERVICES; AND

45 (H) any other item of expense determined by the commissioner to be an
46 ordinary contingent expense in any school district.

47 S. 3. This act shall take effect on the first of July next succeeding
48 the date on which it shall have become a law.