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

5943

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

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

AN ACT to amend the education law, in relation to claims against schools and school districts; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 1 of section 3813 of the education law is REPEALED and a new subdivision 1 is added to read as follows:

1. NO ACTION OR SPECIAL PROCEEDING, FOR ANY CAUSE WHATEVER, EXCEPT AS HEREINAFTER PROVIDED, RELATING TO DISTRICT PROPERTY OR PROPERTY OF SCHOOLS PROVIDED FOR IN ARTICLE EIGHTY-FIVE OF THIS CHAPTER OR CHAPTER ONE THOUSAND SIXTY OF THE LAWS OF NINETEEN HUNDRED SEVENTY-FOUR OR CLAIM AGAINST THE DISTRICT OR ANY SUCH SCHOOL, OR INVOLVING THE RIGHTS OR INTERESTS OF ANY DISTRICT OR ANY SUCH SCHOOL SHALL BE PROSECUTED OR MAINTAINED AGAINST ANY SCHOOL DISTRICT, BOARD OF EDUCATION, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR SCHOOL PROVIDED FOR IN ARTICLE EIGHTY-FIVE OF THIS CHAPTER OR CHAPTER ONE THOUSAND SIXTY OF THE LAWS OF NINETEEN HUNDRED SEVENTY-FOUR OR ANY OFFICER OF A SCHOOL DISTRICT, BOARD OF EDUCATION, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR SCHOOL PROVIDED FOR IN ARTICLE EIGHTY-FIVE OF THIS CHAPTER OR CHAPTER ONE THOUSAND SIXTY OF THE LAWS OF NINETEEN HUNDRED SEVENTY-FOUR UNLESS IT SHALL APPEAR BY AND AS AN ALLEGATION IN THE COMPLAINT OR NECESSARY MOVING PAPERS THAT A WRITTEN VERIFIED CLAIM UPON WHICH SUCH ACTION OR SPECIAL PROCEEDING IS FOUNDED WAS PRESENTED TO THE GOVERNING BODY OF SAID DISTRICT OR SCHOOL WITHIN THREE MONTHS AFTER THE ACCRUAL OF SUCH CLAIM, AND THAT THE OFFICER OR BODY HAVING THE POWER TO ADJUST OR PAY SAID CLAIM HAS NEGLECTED OR REFUSED TO MAKE AN ADJUSTMENT OR PAYMENT THEREOF FOR THIRTY DAYS AFTER SUCH PRESENTMENT. IN THE CASE OF AN ACTION OR SPECIAL PROCEEDING FOR MONIES DUE ARISING OUT OF CONTRACT, ACCRUAL OF SUCH CLAIM SHALL BE DEEMED TO HAVE OCCURRED AS OF THE DATE PAYMENT FOR

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

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THE AMOUNT CLAIMED WAS DENIED. ANY SUCH DENIAL SHALL BE DEEMED TO HAVE OCCURRED ON THE DATE ON WHICH A CLAIMANT SEEKING MONIES ARISING OUT OF A CONTRACT RECEIVES WRITTEN NOTICE OF SUCH DENIAL BY THE BOARD OR OTHER GOVERNING BODY OF SUCH A SCHOOL, SCHOOL DISTRICT, BOARD OF EDUCATION, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR OTHER ENTITY SUBJECT TO THIS CHAPTER.

S 2. This act shall take effect immediately.