

10621

I N A S S E M B L Y

April 12, 2010

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the calculation of contingency budget percentage increases in total spending over a district's total spending under the school district budget for the prior school year; freezing labor costs in contingency budgets; requiring greater disclosure of revised spending plans for school district budgets and providing the public an opportunity to be heard; and providing incentives for participation in shared education programs

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

1 Section 1. Paragraph a of subdivision 4 of section 2023 of the educa-  
2 tion law, as added by section 24 of part A of chapter 436 of the laws of  
3 1997, is amended to read as follows:  
4 a. The contingency budget shall not result in a percentage increase in  
5 total spending over the district's total spending under the school  
6 district budget for the prior school year that exceeds the lesser of:  
7 (i) THE AVERAGE OF THE PREVIOUS THREE YEARS OF the result obtained when  
8 one hundred twenty percent is multiplied by the percentage increase in  
9 the consumer price index, with the result rounded to two decimal places;  
10 or (ii) [four] TWO percent.  
11 S 2. Section 2023 of the education law is amended by adding a new  
12 subdivision 2-a to read as follows:  
13 2-A. THE CONTINGENCY BUDGET SHALL NOT RESULT IN A PERCENTAGE INCREASE  
14 IN TOTAL SPENDING FOR LABOR COSTS OVER THE DISTRICT'S TOTAL SPENDING FOR  
15 LABOR COSTS UNDER THE SCHOOL DISTRICT BUDGET FOR THE PRIOR SCHOOL YEAR.  
16 S 3. Subdivisions 1 and 2 of section 1608 of the education law, subdivi-  
17 sion 1 as amended by section 5 of part A of chapter 436 of the laws of  
18 1997 and subdivision 2 as amended by chapter 640 of the laws of 2008,  
19 are amended and a new subdivision 1-a is added to read as follows:  
20 1. It shall be the duty of the trustees of each common school district  
21 to present at the annual budget hearing a detailed statement in writing  
22 of the amount of money which will be required for the ensuing year for  
23 school purposes, specifying the several purposes and the amount for  
24 each. The amount for each purpose estimated necessary for payments to  
25 boards of cooperative educational services shall be shown in full, with

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

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1 no deduction of estimated state aid. The amount of state aid provided  
2 and its percentage relationship to the total expenditures shall also be  
3 shown. AFTER THE TRUSTEES HAVE PRESENTED THE PROPOSED SPENDING PLAN FOR  
4 THE ENSUING SCHOOL YEAR, THE PUBLIC SHALL HAVE AN OPPORTUNITY TO ADDRESS  
5 THE TRUSTEES WITH ANY CONCERNS, QUESTIONS OR SUGGESTIONS REGARDING THE  
6 DETAILS OF SUCH SPENDING PLAN. THE TRUSTEES SHALL TAKE SUCH CONCERNS OR  
7 SUGGESTIONS INTO CONSIDERATION WHEN AMENDING SUCH SPENDING PLAN. This  
8 section shall not be construed to prevent the trustees from presenting  
9 such statement at a budget hearing held not less than seven nor more  
10 than fourteen days prior to a special meeting called for the purpose,  
11 PROVIDED THAT THE GENERAL PUBLIC SHALL BE GIVEN NOTICE IN ADVANCE OF  
12 SUCH SPECIAL MEETING AND SHALL BE GIVEN AN OPPORTUNITY TO ADDRESS THE  
13 TRUSTEES WITH ANY CONCERNS, QUESTIONS OR SUGGESTIONS REGARDING THE  
14 DETAILS OF THE PROPOSED SPENDING PLAN, nor from presenting a supplemen-  
15 tary and amended statement or estimate at any time.

16 1-A. IT SHALL BE THE DUTY OF THE TRUSTEES TO PREPARE AND MAKE AVAIL-  
17 ABLE COPIES OF ANY AMENDED STATEMENTS OR ESTIMATES OF THE PROPOSED ANNU-  
18 AL BUDGET, UPON REQUEST AND AT THE SCHOOL DISTRICT OFFICES, AT ANY  
19 PUBLIC LIBRARY OR FREE ASSOCIATION LIBRARY WITHIN THE DISTRICT AND ON  
20 THE SCHOOL DISTRICT'S INTERNET WEBSITE, IF ONE EXISTS, TO RESIDENTS  
21 WITHIN THE DISTRICT PRIOR TO THE ELECTION OR SPECIAL DISTRICT MEETING AT  
22 WHICH THE BUDGET VOTE WILL OCCUR.

23 2. Such statement, AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION,  
24 shall be completed at least seven days before the budget hearing at  
25 which it is to be presented and copies thereof shall be prepared and  
26 made available, upon request and at the school district offices, at any  
27 public library or free association library within the district and on  
28 the school district's internet website, if one exists, to residents  
29 within the district during the period of fourteen days immediately  
30 preceding the annual meeting and election or special district meeting at  
31 which the budget vote will occur and at such meeting or hearing. The  
32 board shall also as a part of the notice required by section two thou-  
33 sand three of this chapter give notice of the date, time and place of  
34 the budget hearing and that a copy of such statement may be obtained by  
35 any resident in the district at each schoolhouse in the district in  
36 which school is maintained during certain designated hours on each day  
37 other than a Saturday, Sunday or holiday during the fourteen days imme-  
38 diately preceding such meeting. The board shall include notice of the  
39 availability of such statement at least once during the school year in  
40 any district-wide mailing distributed. THE BOARD SHALL INCLUDE NOTICE  
41 OF THE GENERAL PUBLIC'S OPPORTUNITY TO ADDRESS THE TRUSTEES WITH ANY  
42 CONCERNS, QUESTIONS OR SUGGESTIONS CONCERNING THE PROPOSED SPENDING  
43 BUDGET AT THE ANNUAL BUDGET MEETING OR SPECIAL MEETING.

44 S 4. Section 305 of the education law is amended by adding a new  
45 subdivision 42 to read as follows:

46 42. THE COMMISSIONER OF EDUCATION SHALL ESTABLISH AND IMPLEMENT A  
47 PROGRAM THAT ENCOURAGES SCHOOL DISTRICTS TO ENTER INTO A PROGRAM OF  
48 SHARED EDUCATIONAL SERVICES WITH A SCHOOL DISTRICT'S MUNICIPALITY AND/OR  
49 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH PROGRAM SHALL PROVIDE  
50 MONETARY INCENTIVES TO THOSE SCHOOL DISTRICTS THAT DEMONSTRATE SUCCESS-  
51 FUL PARTICIPATION IN A PROGRAM OF SHARED EDUCATIONAL SERVICES AND POSI-  
52 TIVE FINANCIAL GAIN AS A RESULT OF SUCH PARTICIPATION. THE COMMISSIONER  
53 SHALL BE AUTHORIZED TO PROMULGATE ANY REGULATIONS NECESSARY TO IMPLEMENT  
54 THE PROVISIONS OF THIS SUBDIVISION.

55 S 5. This act shall take effect immediately.