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

10621--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph a of subdivision 4 of section 2023 of the education law, as added by section 24 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

a. The contingency budget shall not result in a percentage increase in total spending over the district's total spending under the school district budget for the prior school year that exceeds the lesser of: (i) THE AVERAGE OF THE PREVIOUS THREE YEARS OF the result obtained when one hundred twenty percent is multiplied by the percentage increase in the consumer price index, with the result rounded to two decimal places; or (ii) [four] TWO percent.

S 2. Section 2023 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-A. UPON THE APPROVAL OF THE EMPLOYEES OF SUCH AFFECTED SCHOOL DISTRICT, THE CONTINGENCY BUDGET SHALL NOT RESULT IN A PERCENTAGE INCREASE IN TOTAL SPENDING FOR LABOR COSTS OVER THE DISTRICT'S TOTAL SPENDING FOR LABOR COSTS UNDER THE SCHOOL DISTRICT BUDGET FOR THE PRIOR SCHOOL YEAR.

S 3. Subdivisions 1 and 2 of section 1608 of the education law, subdivision 1 as amended by section 5 of part A of chapter 436 of the laws of 1997 and subdivision 2 as amended by chapter 640 of the laws of 2008, are amended and a new subdivision 1-a is added to read as follows:

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

LBD16663-02-0

1. It shall be the duty of the trustees of each common school district to present at the annual budget hearing a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, specifying the several purposes and the amount for each. The amount for each purpose estimated necessary for payments to boards of cooperative educational services shall be shown in full, with no deduction of estimated state aid. The amount of state aid provided and its percentage relationship to the total expenditures shall also be shown. AFTER THE TRUSTEES HAVE PRESENTED THE PROPOSED SPENDING PLAN FOR THE ENSUING SCHOOL YEAR, THE PUBLIC SHALL HAVE AN OPPORTUNITY TO ADDRESS THE TRUSTEES WITH ANY CONCERNS, QUESTIONS OR SUGGESTIONS REGARDING THE DETAILS OF SUCH SPENDING PLAN. THE TRUSTEES SHALL TAKE SUCH CONCERNS OR SUGGESTIONS INTO CONSIDERATION WHEN AMENDING SUCH SPENDING PLAN. This section shall not be construed to prevent the trustees from presenting such statement at a budget hearing held not less than seven nor more than fourteen days prior to a special meeting called for the purpose, PROVIDED THAT THE GENERAL PUBLIC SHALL BE GIVEN NOTICE IN ADVANCE OF SUCH SPECIAL MEETING AND SHALL BE GIVEN AN OPPORTUNITY TO ADDRESS THE TRUSTEES WITH ANY CONCERNS, QUESTIONS OR SUGGESTIONS REGARDING THE DETAILS OF THE PROPOSED SPENDING PLAN, nor from presenting a supplementary and amended statement or estimate at any time.

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

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

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

42. THE COMMISSIONER OF EDUCATION SHALL ESTABLISH AND IMPLEMENT A PROGRAM THAT ENCOURAGES SCHOOL DISTRICTS TO ENTER INTO A PROGRAM OF SHARED EDUCATIONAL SERVICES WITH A SCHOOL DISTRICT'S MUNICIPALITY AND/OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH PROGRAM SHALL PROVIDE MONETARY INCENTIVES TO THOSE SCHOOL DISTRICTS THAT DEMONSTRATE SUCCESS-

FUL PARTICIPATION IN A PROGRAM OF SHARED EDUCATIONAL SERVICES AND POSITIVE FINANCIAL GAIN AS A RESULT OF SUCH PARTICIPATION. THE COMMISSIONER SHALL BE AUTHORIZED TO PROMULGATE ANY REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION.

S 5. This act shall take effect immediately.