

S T A T E   O F   N E W   Y O R K

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7070--B

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 19, 2009

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Introduced by M. of A. LATIMER -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 BY COMMUNITY OR ELDERLY RESIDENTS shall be subject to the approval  
13    of the board of education, and shall be subject to voter approval unless  
14    the cafeteria or restaurant service was operated during the preceding  
15    school year and requires no tax levy. Charges shall be sufficient to  
16    meet the direct cost of preparing and serving such meals, reducible by  
17    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:

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

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1 5. If the qualified voters fail or refuse to vote the sum estimated to  
2 be necessary for teachers' salaries and other ordinary contingent  
3 expenses, the board shall adopt a contingency budget in accordance with  
4 this subdivision and shall levy a tax for that portion of such sum  
5 remaining after applying thereto the moneys received or to be received  
6 from state, federal or other sources, in the same manner as if the budg-  
7 et had been approved by the qualified voters; subject to the limitations  
8 imposed in subdivision four of section two thousand twenty-three of this  
9 [chapter] TITLE and this subdivision. The administrative component shall  
10 not comprise a greater percentage of the contingency budget exclusive of  
11 the capital component than the lesser of (1) the percentage the adminis-  
12 trative component had comprised in the prior year budget exclusive of  
13 the capital component; or (2) the percentage the administrative compo-  
14 nent had comprised in the last proposed defeated budget exclusive of the  
15 capital component. Such contingency budget shall include the sum deter-  
16 mined by the board to be necessary for:

17 (a) teachers' salaries, including the salaries of all members of the  
18 teaching and supervising staff;

19 (b) items of expense specifically authorized by statute to be incurred  
20 by the board of education, including, but not limited to, expenditures  
21 for transportation to and from regular school programs included as ordi-  
22 nary contingent expenses in subdivision twelve of section twenty-five  
23 hundred three of this [chapter] TITLE, expenditures for textbooks,  
24 required services for non-public school students, school health  
25 services, special education services, kindergarten and nursery school  
26 programs, and the district's share of the administrative costs and costs  
27 of services provided by a board of cooperative educational services;

28 (c) items of expense for legal obligations of the district, including,  
29 but not limited to, contractual obligations, debt service, court orders  
30 or judgments, orders of administrative bodies or officers, and standards  
31 and requirements of the board of regents and the commissioner that have  
32 the force and effect of law;

33 (d) the purchase of library books and other instructional materials  
34 associated with a library;

35 (e) items of expense necessary to maintain the educational programs of  
36 the district, preserve the property of the district or protect the  
37 health and safety of students and staff, including, but not limited to,  
38 support services, pupil personnel services, the necessary salaries for  
39 the necessary number of non-teaching employees, necessary legal  
40 expenses, water and utility charges, instructional supplies for teach-  
41 ers' use, emergency repairs, temporary rental of essential classroom  
42 facilities, and expenditures necessary to advise school district voters  
43 concerning school matters; [and]

44 (f) expenses incurred for interschool athletics, field trips and other  
45 extracurricular activities; [and]

46 (g) THE EXPENSE OF CAFETERIA AND RESTAURANT SERVICES USED BY PUPILS,  
47 TEACHERS AND STAFF. CAFETERIAS OR RESTAURANT SERVICE USED BY THE COMMU-  
48 NITY FOR SCHOOL RELATED FUNCTIONS AND ACTIVITIES AND TO FURNISH MEALS TO  
49 THE ELDERLY RESIDENTS SHALL NOT BE PART OF A CONTINGENCY BUDGET UNLESS  
50 NO TAX LEVY IS REQUIRED TO SUPPORT SUCH SERVICE; AND

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

53 S 3. Subdivision 1 of section 2023 of the education law, as amended by  
54 chapter 682 of the laws of 2002, is amended to read as follows:

55 1. If the qualified voters shall neglect or refuse to vote the sum  
56 estimated necessary for teachers' salaries, after applying thereto the

1 public school moneys, and other moneys received or to be received for  
2 that purpose, or if they shall neglect or refuse to vote the sum esti-  
3 mated necessary for ordinary contingent expenses, including the purchase  
4 of library books and other instructional materials associated with a  
5 library and expenses incurred for interschool athletics, field trips and  
6 other extracurricular activities and the expenses for cafeteria or  
7 restaurant services USED BY PUPILS, TEACHERS AND STAFF, the sole trus-  
8 tee, board of trustees, or board of education shall adopt a contingency  
9 budget including such expenses and shall levy a tax for the same, in  
10 like manner as if the same had been voted by the qualified voters,  
11 subject to the limitations contained in subdivisions three and four of  
12 this section.

13 S 4. This act shall take effect on the first of July next succeeding  
14 the date on which it shall have become a law.