

1514

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sens. KLEIN, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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 education law, as amended by chapter 171 of the laws of 1996, is amended to  
2 read as follows:  
3

4 a. Shall promote the best interests of the schools and other activities committed to its care, and shall authorize, or in its discretion  
5 conduct, and maintain such extra classroom activities, including the  
6 operation of cafeterias or restaurant service for use by pupils and  
7 teachers, as the board, from time to time, shall deem proper. Such  
8 cafeterias or restaurant service may be used by the community for school  
9 related functions and activities and to furnish meals to the elderly  
10 residents, sixty years of age or older, of the district. Such utilization  
11 BY COMMUNITY OR ELDERLY RESIDENTS shall be subject to the approval  
12 of the board of education, and shall be subject to voter approval unless  
13 the cafeteria or restaurant service was operated during the preceding  
14 school year and requires no tax levy. Charges shall be sufficient to  
15 meet the direct cost of preparing and serving such meals, reducible by  
16 available reimbursements.  
17

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  
23 expenses, the board shall adopt a contingency budget in accordance with  
24 this subdivision and shall levy a tax for that portion of such sum

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

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

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

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

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

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

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

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

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

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

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

51 1. If the qualified voters shall neglect or refuse to vote the sum  
52 estimated necessary for teachers' salaries, after applying thereto the  
53 public school moneys, and other moneys received or to be received for  
54 that purpose, or if they shall neglect or refuse to vote the sum esti-  
55 mated necessary for ordinary contingent expenses, including the purchase  
56 of library books and other instructional materials associated with a

1 library and expenses incurred for interschool athletics, field trips and  
2 other extracurricular activities and the expenses for cafeteria or  
3 restaurant services USED BY PUPILS, TEACHERS AND STAFF, the sole trus-  
4 tee, board of trustees, or board of education shall adopt a contingency  
5 budget including such expenses and shall levy a tax for the same, in  
6 like manner as if the same had been voted by the qualified voters,  
7 subject to the limitations contained in subdivisions three and four of  
8 this section.

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