

4986

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sen. LAVALLE -- 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 enacting the "truth in voting act"

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

1 Section 1. Legislative intent. The legislature hereby finds that the
2 decisions and determinations of our school districts impact not only the
3 children attending those schools, but our communities as a whole.
4 Nowhere is this more prevalent than in the school budget process.
5 School districts are required to provide the public with notice and
6 information regarding the annual school budget hearing and the school
7 budget vote. However, in the event a budget is defeated, this process
8 may sometimes be used to push through budgets by disseminating informa-
9 tion that may be confusing, misleading and intimidating. Residents of a
10 school district must never feel compelled to vote for a budget based
11 upon speculation or threats of broad sweeping cuts. Often people must
12 choose between an untenable school property tax increase or the possible
13 reduction or elimination of important educational programs such as full-
14 day kindergarten, athletics, advanced placement courses, etc. If the
15 school board's plan is to cut or reduce such programs, they need to be
16 specific in how the cuts will be made. In order to ensure that people
17 are armed with enough information to make an informed decision, resi-
18 dents need to be made aware of whether the cuts are to be made across
19 the board or whether they are to be more narrowly tailored. For
20 instance, where a school district opts to eliminate athletics, they must
21 articulate which sports and at what level the cuts will be made (elemen-
22 tary, freshmen, junior varsity, varsity, etc.). Also, where a school
23 district opts to reduce or eliminate advanced placement courses, music,
24 art or reading programs, it must specify each course by name. Attached
25 to each initiative to be reduced or eliminated must be a dollar amount

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

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1 so that it is clearly evident to the taxpayer how much money the school
2 district would save from such measures.

3 Residents must be afforded the most accurate information possible
4 regarding the decisions made by their local school board. It must be the
5 goal of every school district to enlighten the public regarding the
6 choices made in deciding where and how school property tax dollars are
7 spent.

8 Furthermore, this legislation would allow local taxpayers to know
9 first hand, the consequences that accompany a contingent budget should
10 the initial school budget be defeated. It would require school districts
11 to compose a detailed list of those programs that would be reduced or
12 eliminated under a contingent budget.

13 It is the intent of this legislation to provide the public with
14 detailed information pertaining to the school budget process. Voters
15 must be armed with knowledge rather than driven by rumors. Such informa-
16 tion should be written in a manner that is clear, concise and easily
17 understood by the average reader. It is the hope of the legislature that
18 this legislation will provide communities with greater understanding of
19 the school budget process and encourage participation of the public in
20 their local school systems.

21 S 2. Short title. This act shall be known and may be cited as the
22 "truth in voting act".

23 S 3. Subdivision 1 and paragraph a of subdivision 2-a of section 2022
24 of the education law, subdivision 1 as amended by section 8 of part C of
25 chapter 58 of the laws of 1998 and paragraph a of subdivision 2-a as
26 added by section 3 of part A of chapter 60 of the laws of 2000, are
27 amended to read as follows:

28 1. Notwithstanding any law, rule or regulation to the contrary, the
29 election of trustees or members of the board of education, [and] the
30 vote upon the appropriation of the necessary funds to meet the estimated
31 expenditures, AND THE VOTE UPON A BOND RESOLUTION, in any common school
32 district, union free school district, central school district or central
33 high school district shall be held at the annual meeting and election on
34 the third Tuesday in May, provided, however, that such election shall be
35 held on the second Tuesday in May if the commissioner at the request of
36 a local school board certifies no later than March first that such
37 election would conflict with religious observances. When such election
38 or vote is taken by recording the ayes and noes of the qualified voters
39 attending, a majority of the qualified voters present and voting, by a
40 hand or voice vote, may determine to take up the question of voting the
41 necessary funds to meet the estimated expenditures for a specific item
42 separately, and the qualified voters present and voting may increase the
43 amount of any estimated expenditures or reduce the same, except for
44 teachers' salaries, and the ordinary contingent expenses of the schools.
45 The sole trustee, board of trustees or board of education of every
46 common, union free, central or central high school district and every
47 city school district to which this article applies shall hold a budget
48 hearing not less than seven nor more than fourteen days prior to the
49 annual meeting and election or special district meeting at which a
50 school budget vote will occur, and shall prepare and present to the
51 voters at such budget hearing a proposed school district budget AND A
52 PROPOSED CONTINGENT BUDGET for the ensuing school year.

53 a. Commencing with the proposed budget for the [two thousand one--two
54 thousand two] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year, such
55 notice shall also include [a description of how total spending and the
56 tax levy resulting from the proposed budget would compare with a

1 projected contingency budget adopted pursuant to section two thousand
2 twenty-three of this article, assuming that such contingency budget is
3 adopted on the same day as the vote on the proposed budget. Such compar-
4 ison shall be in total and by component (program, capital and adminis-
5 trative), and shall include a statement of the assumptions made in esti-
6 mating the projected contingency budget], IN A FORM AND MANNER
7 PRESCRIBED BY THE COMMISSIONER, A DETAILED LIST CONSISTING OF ANY AND
8 ALL PROGRAMS, INITIATIVES AND ACTIVITIES THAT ARE TO BE REDUCED, ELIMI-
9 NATED OR IN ANY OTHER WAY AFFECTED BY THE CONTINGENT BUDGET PROPOSAL FOR
10 THE ENSUING SCHOOL YEAR. SUCH LIST SHALL BE IN AN ITEMIZED FORMAT
11 DETAILING EVERY COURSE, PROGRAM, CURRICULAR ACTIVITY AND EXTRACURRICULAR
12 ACTIVITY BY NAME, SO AS TO PORTRAY AN ACCURATE DEPICTION OF THE EFFECTS
13 A CONTINGENT BUDGET WILL HAVE ON A SCHOOL DISTRICT. IN ADDITION, EACH
14 ITEM LISTED SHALL HAVE A DOLLAR AMOUNT CORRESPONDING TO IT IN ORDER TO
15 CLEARLY DEPICT THE AMOUNT SUCH REDUCTION OR ELIMINATION ACTUALLY
16 DECREASES THE TOTAL SPENDING THE INITIAL BUDGET PROPOSES.

17 S 4. Subdivision 2-a of section 2022 of the education law is amended
18 by adding a new paragraph c to read as follows:

19 C. NO SCHOOL DISTRICT SHALL USE PUBLIC FUNDS TO DISSEMINATE PARTISAN
20 INFORMATION REGARDING A VOTE OR AN ELECTION. FURTHER, A SCHOOL DISTRICT
21 SHALL NOT ALLOW ACCESS TO A SCHOOL'S CHANNELS OF COMMUNICATION OR TRANS-
22 PORTATION TO ESPOUSE A PARTISAN POSITION.

23 S 5. Paragraph a of subdivision 7 of section 1608 of the education
24 law, as amended by chapter 238 of the laws of 2007, is amended and two
25 new subdivisions 4-a and 8 are added to read as follows:

26 a. Each year, commencing with the proposed budget for the two thou-
27 sand--two thousand one school year, the trustee or board of trustees
28 shall prepare a property tax report card, pursuant to regulations of the
29 commissioner, and shall make it publicly available by transmitting it to
30 local newspapers of general circulation, appending it to copies of the
31 proposed budget made publicly available as required by law, making it
32 available for distribution at the annual meeting, and otherwise dissem-
33 inating it as required by the commissioner. Such report card shall
34 include: (i) the amount of total spending and total estimated school tax
35 levy that would result from adoption of the proposed budget and the
36 percentage increase or decrease in total spending and total school tax
37 levy from the school district budget for the preceding school year;
38 [and] (ii) the projected enrollment growth for the school year for which
39 the budget is prepared, and the percentage change in enrollment from the
40 previous year; [and] (iii) the percentage increase in the consumer price
41 index, as defined in paragraph c of this subdivision; [and] (iv) the
42 projected amount of the unappropriated unreserved fund balance that will
43 be retained if the proposed budget is adopted, the projected amount of
44 the reserved fund balance, the projected amount of the appropriated fund
45 balance, the percentage of the proposed budget that the unappropriated
46 unreserved fund balance represents, the actual unappropriated unreserved
47 fund balance retained in the school district budget for the preceding
48 school year, and the percentage of the school district budget for the
49 preceding school year that the actual unappropriated unreserved fund
50 balance represents; AND (V) THE AMOUNT OF UNEXPENDED SURPLUS FUNDS. FOR
51 PURPOSES OF THIS PARAGRAPH, THE TERM "SURPLUS FUNDS" SHALL MEAN ANY AND
52 ALL OPERATING FUNDS IN EXCESS OF TWO PERCENT OF THE CURRENT SCHOOL YEAR
53 BUDGET, REGARDLESS OF THE ACCOUNT IN WHICH SUCH FUNDS ARE HELD.

54 4-A. THE PROGRAM COMPONENT, CAPITAL COMPONENT AND THE ADMINISTRATIVE
55 COMPONENT SHALL BE PRESENTED TO THE QUALIFIED VOTERS IN A SINGLE PROPO-
56 SITION. THERE SHALL BE NO SEPARATE PROPOSITIONS FOR ANY EXPENDITURE

1 REQUIRED TO BE INCLUDED IN THE BUDGET UNDER SUBDIVISION FOUR OF THIS
2 SECTION.

3 8. EACH YEAR THE BOARD OF EDUCATION SHALL PREPARE A SCHOOL BUDGET
4 COMPARISON CARD PURSUANT TO REGULATIONS OF THE COMMISSIONER AND SHALL
5 MAKE IT PUBLICLY AVAILABLE BY TRANSMITTING IT TO LOCAL NEWSPAPERS OF
6 GENERAL CIRCULATION, APPENDING IT TO COPIES OF THE PROPOSED BUDGET MADE
7 PUBLICLY AVAILABLE AS REQUIRED BY LAW, MAKING IT AVAILABLE FOR DISTRIB-
8 UTION AT THE ANNUAL MEETING AND OTHERWISE DISSEMINATING IT AS REQUIRED
9 BY THE COMMISSIONER. SUCH COMPARISON CARD SHALL INCLUDE:

10 A. THE TOTAL DOLLAR AMOUNT APPROPRIATED IN THE SCHOOL BUDGET ADOPTED
11 THE PREVIOUS YEAR;

12 B. THE TOTAL DOLLAR AMOUNT ACTUALLY SPENT PURSUANT TO THE SCHOOL BUDG-
13 ET ADOPTED THE PREVIOUS YEAR;

14 C. THE TOTAL AMOUNT TO BE APPROPRIATED UNDER THE PROPOSED BUDGET FOR
15 THE ENSUING YEAR;

16 D. THE MAXIMUM AMOUNT OF MONEY AVAILABLE UNDER THE CONTINGENT BUDGET
17 CAP FOR THE ENSUING YEAR; AND

18 E. THE TOTAL DOLLAR AMOUNT TO BE APPROPRIATED UNDER THE PROPOSED
19 CONTINGENT BUDGET FOR THE ENSUING YEAR.

20 S 6. Subdivision 7 of section 2601-a of the education law, as added by
21 chapter 474 of the laws of 1996, is amended and two new subdivisions 3-a
22 and 8 are added to read as follows:

23 7. Each year, the board of education shall prepare a school district
24 report card, pursuant to regulations of the commissioner, and shall make
25 it publicly available by transmitting it to local newspapers of general
26 circulation, appending it to copies of the proposed budget made publicly
27 available as required by law, making it available for distribution at
28 the annual meeting, and otherwise disseminating it as required by the
29 commissioner. Such report card shall include measures of the academic
30 performance of the school district, on a school by school basis, and
31 measures of the fiscal performance of the district, as prescribed by the
32 commissioner. Pursuant to regulations of the commissioner, the report
33 card shall also compare these measures to statewide averages for all
34 public schools, and statewide averages for public schools of comparable
35 wealth and need, developed by the commissioner. Such report card shall
36 include, at a minimum, any information on the school district regarding
37 pupil performance and expenditure per pupil required to be included in
38 the annual report by the regents to the governor and the legislature
39 pursuant to section two hundred fifteen-a of this chapter, THE AMOUNT OF
40 UNEXPENDED SURPLUS FUNDS; and any other information required by the
41 commissioner. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "SURPLUS FUNDS"
42 SHALL MEAN ANY AND ALL OPERATING FUNDS IN EXCESS OF TWO PERCENT OF THE
43 CURRENT SCHOOL YEAR BUDGET, REGARDLESS OF THE ACCOUNT IN WHICH SUCH
44 FUNDS ARE HELD. School districts (i) identified as having fifteen
45 percent or more of their students in special education, or (ii) which
46 have fifty percent or more of their students with disabilities in
47 special education programs or services sixty percent or more of the
48 school day in a general education building, or (iii) which have eight
49 percent or more of their students with disabilities in special education
50 programs in public or private separate educational settings shall indi-
51 cate on their school district report card their respective percentages
52 as defined in this paragraph and paragraphs (i) and (ii) of this subdivi-
53 sion as compared to the statewide average.

54 3-A. THE PROGRAM COMPONENT, CAPITAL COMPONENT AND THE ADMINISTRATIVE
55 COMPONENT SHALL BE PRESENTED TO THE QUALIFIED VOTERS IN A SINGLE PROPO-
56 SITION. THERE SHALL BE NO SEPARATE PROPOSITIONS FOR ANY EXPENDITURE

1 REQUIRED TO BE INCLUDED IN THE BUDGET UNDER SUBDIVISION FOUR OF THIS
2 SECTION.

3 8. EACH YEAR THE BOARD OF EDUCATION SHALL PREPARE A SCHOOL BUDGET
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6 GENERAL CIRCULATION, APPENDING IT TO COPIES OF THE PROPOSED BUDGET MADE
7 PUBLICLY AVAILABLE AS REQUIRED BY LAW, MAKING IT AVAILABLE FOR DISTRIB-
8 UTION AT THE ANNUAL MEETING AND OTHERWISE DISSEMINATING IT AS REQUIRED
9 BY THE COMMISSIONER. SUCH COMPARISON CARD SHALL INCLUDE:

10 A. THE TOTAL DOLLAR AMOUNT APPROPRIATED IN THE SCHOOL BUDGET ADOPTED
11 THE PREVIOUS YEAR;

12 B. THE TOTAL DOLLAR AMOUNT ACTUALLY SPENT PURSUANT TO THE SCHOOL BUDG-
13 ET ADOPTED THE PREVIOUS YEAR;

14 C. THE TOTAL AMOUNT TO BE APPROPRIATED UNDER THE PROPOSED BUDGET FOR
15 THE ENSUING YEAR;

16 D. THE MAXIMUM AMOUNT OF MONEY AVAILABLE UNDER THE CONTINGENT BUDGET
17 CAP FOR THE ENSUING YEAR; AND

18 E. THE TOTAL DOLLAR AMOUNT TO BE APPROPRIATED UNDER THE PROPOSED
19 CONTINGENT BUDGET FOR THE ENSUING YEAR.

20 S 7. The education law is amended by adding a new section 141 to read
21 as follows:

22 S 141. DISCLOSURE OF VIOLATIONS. THE COMMISSIONER MAY REQUIRE THAT
23 UPON THE FINDING THAT A SCHOOL DISTRICT HAS VIOLATED ANY PROVISION OF
24 THIS CHAPTER, NOTICE OF SUCH VIOLATION SHALL BE PUBLICIZED BY TRANSMIT-
25 TING A DESCRIPTION OF THE COMMISSIONER'S FINDINGS TO THE SCHOOL NEWSLET-
26 TER OR PAPER. SUCH DESCRIPTION SHALL BE PUBLISHED AT LEAST TWICE BEFORE
27 THE ANNUAL BUDGET HEARING. FURTHER, NOTICE OF AND A DESCRIPTION OF EACH
28 VIOLATION SHALL BE READ INTO THE RECORD AT THE NEXT SUCCEEDING ANNUAL
29 BUDGET HEARING.

30 S 8. This act shall take effect immediately.