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

7568

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

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

AN ACT to amend the education law, in relation to requiring the board of education in the city of Buffalo to submit the school district budget to the voters for approval prior to adoption

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

Section 1. The education law is amended by adding a new section 2531 to read as follows:

S 2531. ADOPTION OF THE SCHOOL DISTRICT BUDGET IN THE CITY OF BUFFALO. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD OF EDUCATION IN THE CITY OF BUFFALO SHALL PROVIDE FOR THE SUBMISSION OF A BUDGET FOR APPROVAL OF THE VOTERS PURSUANT TO THE PROVISIONS OF THIS SECTION.

2. THE BOARD OF EDUCATION SHALL CONDUCT ALL ANNUAL AND SPECIAL SCHOOL DISTRICT MEETINGS FOR THE PURPOSE OF ADOPTING A SCHOOL DISTRICT BUDGET IN THE SAME MANNER AS A UNION FREE SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE FORTY-ONE OF THIS TITLE, EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION. THE ANNUAL MEETING AND ELECTION OF THE BUFFALO SCHOOL DISTRICT SHALL BE HELD ON THE THIRD TUESDAY OF MAY IN EACH YEAR, PROVIDED, HOWEVER THAT SUCH ANNUAL MEETING AND ELECTION SHALL BE HELD ON THE SECOND TUESDAY IN MAY IF THE COMMISSIONER AT THE REQUEST OF A LOCAL SCHOOL BOARD CERTIFIES NO LATER THAN MARCH FIRST THAT SUCH ELECTION WOULD CONFLICT WITH RELIGIOUS OBSERVANCES, AND ANY SCHOOL BUDGET REVOTE SHALL BE HELD ON THE DATE AND IN THE SAME MANNER SPECIFIED IN SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE. THE PROVISIONS OF SECTION TWENTY-SIX HUNDRED THREE OF THIS TITLE, GOVERNING THE QUALIFICATION AND REGISTRATION OF VOTERS, AND PROCEDURES FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION SHALL CONTINUE TO APPLY, AND SHALL GOVERN THE QUALIFICATION AND REGISTRATION OF VOTERS AND VOTING PROCEDURES WITH RESPECT TO THE ADOPTION OF A SCHOOL DISTRICT BUDGET.

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

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3. THE BOARD OF EDUCATION SHALL PREPARE A PROPOSED SCHOOL DISTRICT BUDGET FOR THE ENSUING YEAR IN ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTEEN HUNDRED SIXTEEN OF THIS CHAPTER, INCLUDING ALL PROVISIONS RELATING TO REQUIRED NOTICES AND APPENDICES TO THE STATEMENT OF EXPENDITURES. NO BOARD OF EDUCATION SHALL INCUR A SCHOOL DISTRICT LIABILITY EXCEPT AS AUTHORIZED BY THE PROVISIONS OF SECTION SEVENTEEN HUNDRED EIGHTEEN OF THIS CHAPTER. SUCH PROPOSED BUDGET SHALL BE PRESENTED IN THREE COMPONENTS: A PROGRAM COMPONENT, A CAPITAL COMPONENT AND AN ADMINISTRATIVE COMPONENT WHICH SHALL BE SEPARATELY DELINEATED IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER AFTER CONSULTATION WITH LOCAL SCHOOL DISTRICT OFFICIALS. THE ADMINISTRATIVE COMPONENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, OFFICE AND CENTRAL ADMINISTRATIVE EXPENSES, TRAVELING EXPENSES AND ALL COMPENSATION, SALARIES AND BENEFITS OF ALL SCHOOL ADMINISTRATORS AND SUPERVISORS, INCLUDING BUSINESS ADMINISTRATORS, SUPERINTENDS OF SCHOOLS AND DEPUTY, ASSISTANT, ASSOCIATE OR OTHER SUPERINTENDENTS UNDER ALL EXISTING EMPLOYMENT CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS, ANY AND ALL EXPENDITURES ASSOCIATED WITH THE OPERATION OF THE BOARD OF EDUCATION, THE OFFICE OF THE SUPERINTENDENT OF SCHOOLS, GENERAL ADMINISTRATION, THE SCHOOL BUSINESS OFFICE, CONSULTING COSTS NOT DIRECTLY RELATED TO DIRECT STUDENT SERVICES AND PROGRAMS, PLANNING AND ALL OTHER ADMINISTRATIVE ACTIVITIES. THE PROGRAM COMPONENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL PROGRAM EXPENDITURES OF THE SCHOOL DISTRICT, INCLUDING THE SALARIES AND BENEFITS OF TEACHERS AND ANY SCHOOL ADMINISTRATORS OR SUPERVISORS WHO SPEND A MAJORITY OF THEIR TIME PERFORMING TEACHING DUTIES, AND ALL TRANSPORTATION OPERATING EXPENSES. THE CAPITAL COMPONENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL TRANSPORTATION CAPITAL, DEBT SERVICE, AND LEASE EXPENDITURES; COSTS RESULTING FROM JUDGMENTS IN TAX CERTIORARI PROCEEDINGS OR THE PAYMENT OF AWARDS FROM COURT JUDGMENTS, ADMINISTRATIVE ORDERS OR SETTLED OR COMPROMISED CLAIMS; AND ALL FACILITIES COSTS OF THE SCHOOL DISTRICT, INCLUDING FACILITIES LEASE EXPENDITURES, THE ANNUAL DEBT SERVICE AND TOTAL DEBT FOR ALL FACILITIES FINANCED BY BONDS AND NOTES OF THE SCHOOL DISTRICT, AND THE COSTS OF CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF SCHOOL BUILDINGS, PROVIDED THAT SUCH BUDGET SHALL INCLUDE A RENTAL, OPERATIONS AND MAINTENANCE SECTION THAT INCLUDES BASE RENT COSTS, TOTAL RENT COSTS, OPERATION AND MAINTENANCE CHARGES, COST PER SQUARE FOOT FOR EACH FACILITY LEASED BY THE SCHOOL DISTRICT, AND ANY AND ALL EXPENDITURES ASSOCIATED WITH CUSTODIAL SALARIES AND BENEFITS, SERVICE CONTRACTS, SUPPLIES, UTILITIES, AND MAINTENANCE AND REPAIRS OF SCHOOL FACILITIES. EXCEPT AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, NOTHING IN THIS SECTION SHALL PRECLUDE THE BOARD, IN ITS DISCRETION, FROM SUBMITTING ADDITIONAL ITEMS OF EXPENDITURE TO THE VOTERS FOR APPROVAL AS SEPARATE PROPOSITIONS OR THE VOTERS FROM SUBMITTING PROPOSITIONS PURSUANT TO SECTIONS TWO THOUSAND EIGHT AND TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER.

4. IN THE EVENT THE QUALIFIED VOTERS OF THE BUFFALO SCHOOL DISTRICT REJECT THE BUDGET PROPOSED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE BOARD MAY PROPOSE TO THE VOTERS A REVISED BUDGET PURSUANT TO SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE OR MAY ADOPT A CONTINGENCY BUDGET PURSUANT TO SUBDIVISION FIVE OF THIS SECTION AND SUBDIVISION FIVE OF SECTION TWO THOUSAND TWENTY-TWO OF THIS TITLE. THE SCHOOL DISTRICT BUDGET FOR ANY SCHOOL YEAR, OR ANY PART OF SUCH BUDGET OR ANY PROPOSITIONS INVOLVING THE EXPENDITURE OF MONEY FOR SUCH SCHOOL YEAR SHALL NOT BE SUBMITTED FOR A VOTE OF THE QUALIFIED VOTERS MORE THAN TWICE. IN THE EVENT THE QUALIFIED VOTERS REJECT THE RESUBMITTED BUDGET, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE

WITH SUBDIVISION FIVE OF THIS SECTION AND SUBDIVISION FIVE OF SUCH SECTION TWO THOUSAND TWENTY-TWO.

5. IF THE QUALIFIED VOTERS FAIL OR REFUSE TO VOTE THE SUM ESTIMATED TO BE NECESSARY FOR TEACHERS' SALARIES AND OTHER ORDINARY CONTINGENT EXPENSES, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE WITH THIS SUBDIVISION AND SHALL LEVY A TAX FOR THAT PORTION OF SUCH SUM REMAINING AFTER APPLYING THERETO THE MONEYS RECEIVED OR TO BE RECEIVED FROM STATE, FEDERAL OR OTHER SOURCES, IN THE SAME MANNER AS IF THE BUDGET HAD BEEN APPROVED BY THE QUALIFIED VOTERS; SUBJECT TO THE LIMITATIONS IMPOSED IN SUBDIVISION FOUR OF SECTION TWO THOUSAND TWENTY-THREE OF THIS CHAPTER AND THIS SUBDIVISION. SUCH CONTINGENCY BUDGET SHALL INCLUDE THE SUM DETERMINED BY THE BOARD TO BE NECESSARY FOR:

(A) TEACHERS' SALARIES, INCLUDING THE SALARIES OF ALL MEMBERS OF THE TEACHING AND SUPERVISING STAFF;

(B) ITEMS OF EXPENSE SPECIFICALLY AUTHORIZED BY STATUTE TO BE INCURRED BY THE BOARD OF EDUCATION, INCLUDING, BUT NOT LIMITED TO, EXPENDITURES FOR TRANSPORTATION TO AND FROM REGULAR SCHOOL PROGRAMS INCLUDED AS ORDINARY CONTINGENT EXPENSES IN SUBDIVISION TWELVE OF SECTION TWENTY-FIVE HUNDRED THREE OF THIS CHAPTER, EXPENDITURES FOR TEXTBOOKS, REQUIRED SERVICES FOR NON-PUBLIC SCHOOL STUDENTS, SCHOOL HEALTH SERVICES, SPECIAL EDUCATION SERVICES, KINDERGARTEN AND NURSERY SCHOOL PROGRAMS, AND THE DISTRICT'S SHARE OF THE ADMINISTRATIVE COSTS AND COSTS OF SERVICES PROVIDED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

(C) ITEMS OF EXPENSE FOR LEGAL OBLIGATIONS OF THE DISTRICT, INCLUDING, BUT NOT LIMITED TO, CONTRACTUAL OBLIGATIONS, DEBT SERVICE, COURT ORDERS OR JUDGMENTS, ORDERS OF ADMINISTRATIVE BODIES OR OFFICERS, AND STANDARDS AND REQUIREMENTS OF THE BOARD OF REGENTS AND THE COMMISSIONER THAT HAVE THE FORCE AND EFFECT OF LAW;

(D) THE PURCHASE OF LIBRARY BOOKS AND OTHER INSTRUCTIONAL MATERIALS ASSOCIATED WITH A LIBRARY;

(E) ITEMS OF EXPENSE NECESSARY TO MAINTAIN THE EDUCATIONAL PROGRAMS OF THE DISTRICT, PRESERVE THE PROPERTY OF THE DISTRICT OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF, INCLUDING, BUT NOT LIMITED TO, SUPPORT SERVICES, PUPIL PERSONNEL SERVICES, THE NECESSARY SALARIES FOR THE NECESSARY NUMBER OF NON-TEACHING EMPLOYEES, NECESSARY LEGAL EXPENSES, WATER AND UTILITY CHARGES, INSTRUCTIONAL SUPPLIES FOR TEACHERS' USE, EMERGENCY REPAIRS, TEMPORARY RENTAL OF ESSENTIAL CLASSROOM FACILITIES, AND EXPENDITURES NECESSARY TO ADVISE SCHOOL DISTRICT VOTERS CONCERNING SCHOOL MATTERS; AND

(F) EXPENSES INCURRED FOR INTERSCHOOL ATHLETICS, FIELD TRIPS AND OTHER EXTRACURRICULAR ACTIVITIES; AND

(G) ANY OTHER ITEM OF EXPENSE DETERMINED BY THE COMMISSIONER TO BE AN ORDINARY CONTINGENT EXPENSE IN ANY SCHOOL DISTRICT.

6. THE COMMISSIONER SHALL DETERMINE APPEALS RAISING QUESTIONS AS TO WHAT ITEMS OF EXPENDITURE ARE ORDINARY CONTINGENT EXPENSES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION IN ACCORDANCE WITH SECTIONS THREE HUNDRED TEN AND TWO THOUSAND TWENTY-FOUR OF THIS CHAPTER.

S 2. This act shall take effect immediately.