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

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:

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 read as follows:

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

S 2. Subdivision 5 of section 2601-a of the education law, as amended by section 29 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

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

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

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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] TITLE and this subdivision. The administrative component shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of (1) the percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or (2) the percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component. 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] TITLE, 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) THE EXPENSE OF CAFETERIA AND RESTAURANT SERVICES USED BY PUPILS, TEACHERS AND STAFF. CAFETERIAS OR RESTAURANT SERVICE USED BY THE COMMUNITY FOR SCHOOL RELATED FUNCTIONS AND ACTIVITIES AND TO FURNISH MEALS TO THE ELDERLY RESIDENTS SHALL NOT BE PART OF A CONTINGENCY BUDGET UNLESS NO TAX LEVY IS REQUIRED TO SUPPORT SUCH SERVICE; AND

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

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

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

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

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