

5115

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. GRISANTI -- 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 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:

1 Section 1. The education law is amended by adding a new section 2531
2 to read as follows:
3 S 2531. ADOPTION OF THE SCHOOL DISTRICT BUDGET IN THE CITY OF BUFFALO.
4 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD OF EDUCATION IN
5 THE CITY OF BUFFALO SHALL PROVIDE FOR THE SUBMISSION OF A BUDGET FOR
6 APPROVAL OF THE VOTERS PURSUANT TO THE PROVISIONS OF THIS SECTION.
7 2. THE BOARD OF EDUCATION SHALL CONDUCT ALL ANNUAL AND SPECIAL SCHOOL
8 DISTRICT MEETINGS FOR THE PURPOSE OF ADOPTING A SCHOOL DISTRICT BUDGET
9 IN THE SAME MANNER AS A UNION FREE SCHOOL DISTRICT IN ACCORDANCE WITH
10 THE PROVISIONS OF ARTICLE FORTY-ONE OF THIS TITLE, EXCEPT AS OTHERWISE
11 PROVIDED BY THIS SECTION. THE ANNUAL MEETING AND ELECTION OF THE BUFFALO
12 SCHOOL DISTRICT SHALL BE HELD ON THE THIRD TUESDAY OF MAY IN EACH YEAR,
13 PROVIDED, HOWEVER THAT SUCH ANNUAL MEETING AND ELECTION SHALL BE HELD ON
14 THE SECOND TUESDAY IN MAY IF THE COMMISSIONER AT THE REQUEST OF A LOCAL
15 SCHOOL BOARD CERTIFIES NO LATER THAN MARCH FIRST THAT SUCH ELECTION
16 WOULD CONFLICT WITH RELIGIOUS OBSERVANCES, AND ANY SCHOOL BUDGET REVOTE
17 SHALL BE HELD ON THE DATE AND IN THE SAME MANNER SPECIFIED IN SUBDIVI-
18 SION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE. THE PROVISIONS
19 OF SECTION TWENTY-SIX HUNDRED THREE OF THIS TITLE, GOVERNING THE QUALI-
20 FICATION AND REGISTRATION OF VOTERS, AND PROCEDURES FOR THE NOMINATION
21 AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION SHALL CONTINUE TO
22 APPLY, AND SHALL GOVERN THE QUALIFICATION AND REGISTRATION OF VOTERS AND
23 VOTING PROCEDURES WITH RESPECT TO THE ADOPTION OF A SCHOOL DISTRICT
24 BUDGET.

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

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1 3. THE BOARD OF EDUCATION SHALL PREPARE A PROPOSED SCHOOL DISTRICT
2 BUDGET FOR THE ENSUING YEAR IN ACCORDANCE WITH THE PROVISIONS OF SECTION
3 SEVENTEEN HUNDRED SIXTEEN OF THIS CHAPTER, INCLUDING ALL PROVISIONS
4 RELATING TO REQUIRED NOTICES AND APPENDICES TO THE STATEMENT OF EXPENDI-
5 TURES. NO BOARD OF EDUCATION SHALL INCUR A SCHOOL DISTRICT LIABILITY
6 EXCEPT AS AUTHORIZED BY THE PROVISIONS OF SECTION SEVENTEEN HUNDRED
7 EIGHTEEN OF THIS CHAPTER. SUCH PROPOSED BUDGET SHALL BE PRESENTED IN
8 THREE COMPONENTS: A PROGRAM COMPONENT, A CAPITAL COMPONENT AND AN ADMIN-
9 ISTRATIVE COMPONENT WHICH SHALL BE SEPARATELY DELINEATED IN ACCORDANCE
10 WITH REGULATIONS OF THE COMMISSIONER AFTER CONSULTATION WITH LOCAL
11 SCHOOL DISTRICT OFFICIALS. THE ADMINISTRATIVE COMPONENT SHALL INCLUDE,
12 BUT NEED NOT BE LIMITED TO, OFFICE AND CENTRAL ADMINISTRATIVE EXPENSES,
13 TRAVELING EXPENSES AND ALL COMPENSATION, SALARIES AND BENEFITS OF ALL
14 SCHOOL ADMINISTRATORS AND SUPERVISORS, INCLUDING BUSINESS ADMINISTRA-
15 TORS, SUPERINTENDS OF SCHOOLS AND DEPUTY, ASSISTANT, ASSOCIATE OR OTHER
16 SUPERINTENDENTS UNDER ALL EXISTING EMPLOYMENT CONTRACTS OR COLLECTIVE
17 BARGAINING AGREEMENTS, ANY AND ALL EXPENDITURES ASSOCIATED WITH THE
18 OPERATION OF THE BOARD OF EDUCATION, THE OFFICE OF THE SUPERINTENDENT OF
19 SCHOOLS, GENERAL ADMINISTRATION, THE SCHOOL BUSINESS OFFICE, CONSULTING
20 COSTS NOT DIRECTLY RELATED TO DIRECT STUDENT SERVICES AND PROGRAMS,
21 PLANNING AND ALL OTHER ADMINISTRATIVE ACTIVITIES. THE PROGRAM COMPONENT
22 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL PROGRAM EXPENDITURES OF
23 THE SCHOOL DISTRICT, INCLUDING THE SALARIES AND BENEFITS OF TEACHERS AND
24 ANY SCHOOL ADMINISTRATORS OR SUPERVISORS WHO SPEND A MAJORITY OF THEIR
25 TIME PERFORMING TEACHING DUTIES, AND ALL TRANSPORTATION OPERATING
26 EXPENSES. THE CAPITAL COMPONENT SHALL INCLUDE, BUT NEED NOT BE LIMITED
27 TO, ALL TRANSPORTATION CAPITAL, DEBT SERVICE, AND LEASE EXPENDITURES;
28 COSTS RESULTING FROM JUDGMENTS IN TAX CERTIORARI PROCEEDINGS OR THE
29 PAYMENT OF AWARDS FROM COURT JUDGMENTS, ADMINISTRATIVE ORDERS OR SETTLED
30 OR COMPROMISED CLAIMS; AND ALL FACILITIES COSTS OF THE SCHOOL DISTRICT,
31 INCLUDING FACILITIES LEASE EXPENDITURES, THE ANNUAL DEBT SERVICE AND
32 TOTAL DEBT FOR ALL FACILITIES FINANCED BY BONDS AND NOTES OF THE SCHOOL
33 DISTRICT, AND THE COSTS OF CONSTRUCTION, ACQUISITION, RECONSTRUCTION,
34 REHABILITATION OR IMPROVEMENT OF SCHOOL BUILDINGS, PROVIDED THAT SUCH
35 BUDGET SHALL INCLUDE A RENTAL, OPERATIONS AND MAINTENANCE SECTION THAT
36 INCLUDES BASE RENT COSTS, TOTAL RENT COSTS, OPERATION AND MAINTENANCE
37 CHARGES, COST PER SQUARE FOOT FOR EACH FACILITY LEASED BY THE SCHOOL
38 DISTRICT, AND ANY AND ALL EXPENDITURES ASSOCIATED WITH CUSTODIAL SALA-
39 RIES AND BENEFITS, SERVICE CONTRACTS, SUPPLIES, UTILITIES, AND MAINTE-
40 NANCE AND REPAIRS OF SCHOOL FACILITIES. EXCEPT AS PROVIDED IN SUBDIVI-
41 SION FOUR OF THIS SECTION, NOTHING IN THIS SECTION SHALL PRECLUDE THE
42 BOARD, IN ITS DISCRETION, FROM SUBMITTING ADDITIONAL ITEMS OF EXPENDI-
43 TURE TO THE VOTERS FOR APPROVAL AS SEPARATE PROPOSITIONS OR THE VOTERS
44 FROM SUBMITTING PROPOSITIONS PURSUANT TO SECTIONS TWO THOUSAND EIGHT AND
45 TWO THOUSAND THIRTY-FIVE OF THIS CHAPTER.

46 4. IN THE EVENT THE QUALIFIED VOTERS OF THE BUFFALO SCHOOL DISTRICT
47 REJECT THE BUDGET PROPOSED PURSUANT TO SUBDIVISION THREE OF THIS
48 SECTION, THE BOARD MAY PROPOSE TO THE VOTERS A REVISED BUDGET PURSUANT
49 TO SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN OF THIS TITLE OR MAY
50 ADOPT A CONTINGENCY BUDGET PURSUANT TO SUBDIVISION FIVE OF THIS SECTION
51 AND SUBDIVISION FIVE OF SECTION TWO THOUSAND TWENTY-TWO OF THIS TITLE.
52 THE SCHOOL DISTRICT BUDGET FOR ANY SCHOOL YEAR, OR ANY PART OF SUCH
53 BUDGET OR ANY PROPOSITIONS INVOLVING THE EXPENDITURE OF MONEY FOR SUCH
54 SCHOOL YEAR SHALL NOT BE SUBMITTED FOR A VOTE OF THE QUALIFIED VOTERS
55 MORE THAN TWICE. IN THE EVENT THE QUALIFIED VOTERS REJECT THE RESUBMIT-
56 TED BUDGET, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE

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

3 5. IF THE QUALIFIED VOTERS FAIL OR REFUSE TO VOTE THE SUM ESTIMATED TO
4 BE NECESSARY FOR TEACHERS' SALARIES AND OTHER ORDINARY CONTINGENT
5 EXPENSES, THE BOARD SHALL ADOPT A CONTINGENCY BUDGET IN ACCORDANCE WITH
6 THIS SUBDIVISION AND SHALL LEVY A TAX FOR THAT PORTION OF SUCH SUM
7 REMAINING AFTER APPLYING THERETO THE MONEYS RECEIVED OR TO BE RECEIVED
8 FROM STATE, FEDERAL OR OTHER SOURCES, IN THE SAME MANNER AS IF THE BUDG-
9 ET HAD BEEN APPROVED BY THE QUALIFIED VOTERS; SUBJECT TO THE LIMITATIONS
10 IMPOSED IN SUBDIVISION FOUR OF SECTION TWO THOUSAND TWENTY-THREE OF THIS
11 CHAPTER AND THIS SUBDIVISION. SUCH CONTINGENCY BUDGET SHALL INCLUDE THE
12 SUM DETERMINED 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, EXPENDITURES FOR TEXTBOOKS, REQUIRED
20 SERVICES FOR NON-PUBLIC SCHOOL STUDENTS, SCHOOL HEALTH SERVICES, SPECIAL
21 EDUCATION SERVICES, KINDERGARTEN AND NURSERY SCHOOL PROGRAMS, AND THE
22 DISTRICT'S SHARE OF THE ADMINISTRATIVE COSTS AND COSTS OF SERVICES
23 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) ANY OTHER ITEM OF EXPENSE DETERMINED BY THE COMMISSIONER TO BE AN
43 ORDINARY CONTINGENT EXPENSE IN ANY SCHOOL DISTRICT.

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

48 S 2. This act shall take effect immediately.