

7675--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 21, 2015

Introduced by M. of A. BUCHWALD, NOLAN, LAVINE -- (at request of the State Comptroller) -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring notice of reserve funds and reserves funded by resolution and to require that each school district post on its website, if any, a final annual budget and any multi-year financial plan adopted by the board of education or trustees

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

1 Section 1. Paragraph a of subdivision 7 of section 1608 of the educa-
2 tion law, as amended by section 4 of part A of chapter 97 of the laws of
3 2011, is amended to read as follows:
4 a. Each year, commencing with the proposed budget for the two thou-
5 sand--two thousand one school year, the trustee or board of trustees
6 shall prepare a property tax report card, pursuant to regulations of the
7 commissioner, and shall make it publicly available by transmitting it to
8 local newspapers of general circulation, appending it to copies of the
9 proposed budget made publicly available as required by law, making it
10 available for distribution at the annual meeting, and otherwise dissem-
11 inating it as required by the commissioner. Such report card shall
12 include: (i) the amount of total spending and total estimated school tax
13 levy that would result from adoption of the proposed budget and the
14 percentage increase or decrease in total spending and total school tax
15 levy from the school district budget for the preceding school year; and
16 (ii) the district's tax levy limit determined pursuant to section two
17 thousand twenty-three-a of this title, and the estimated school tax
18 levy, excluding any levy necessary to support the expenditures pursuant
19 to subparagraphs (i) through (iv) of paragraph i of subdivision two of

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

LBD10879-04-6

1 section two thousand twenty-three-a of this title, that would result
2 from adoption of the proposed budget; and (iii) the projected enrollment
3 growth for the school year for which the budget is prepared, and the
4 percentage change in enrollment from the previous year; and (iv) the
5 percentage increase in the consumer price index, as defined in paragraph
6 c of this subdivision; and (v) the projected amount of the unappropri-
7 ated unreserved fund balance that will be retained if the proposed budg-
8 et is adopted, the projected amount of the reserved fund balance, the
9 projected amount of the appropriated fund balance, the percentage of the
10 proposed budget that the unappropriated unreserved fund balance repres-
11 ents, the actual unappropriated unreserved fund balance retained in the
12 school district budget for the preceding school year, and the percentage
13 of the school district budget for the preceding school year that the
14 actual unappropriated unreserved fund balance represents, AND A SCHEDULE
15 OF RESERVE FUNDS, SETTING FORTH THE NAME OF EACH RESERVE FUND, A
16 DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE OF THE THIRD
17 QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A BRIEF STATEMENT
18 EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE FUND FOR THE ENSU-
19 ING FISCAL YEAR.

20 S 1-a. Paragraph a of subdivision 7 of section 1608 of the education
21 law, as amended by chapter 238 of the laws of 2007, is amended to read
22 as follows:

23 a. Each year, commencing with the proposed budget for the two thou-
24 sand--two thousand one school year, the trustee or board of trustees
25 shall prepare a property tax report card, pursuant to regulations of the
26 commissioner, and shall make it publicly available by transmitting it to
27 local newspapers of general circulation, appending it to copies of the
28 proposed budget made publicly available as required by law, making it
29 available for distribution at the annual meeting, and otherwise dissem-
30 inating it as required by the commissioner. Such report card shall
31 include: (i) the amount of total spending and total estimated school tax
32 levy that would result from adoption of the proposed budget and the
33 percentage increase or decrease in total spending and total school tax
34 levy from the school district budget for the preceding school year; and
35 (ii) the projected enrollment growth for the school year for which the
36 budget is prepared, and the percentage change in enrollment from the
37 previous year; and (iii) the percentage increase in the consumer price
38 index, as defined in paragraph c of this subdivision; and (iv) the
39 projected amount of the unappropriated unreserved fund balance that will
40 be retained if the proposed budget is adopted, the projected amount of
41 the reserved fund balance, the projected amount of the appropriated fund
42 balance, the percentage of the proposed budget that the unappropriated
43 unreserved fund balance represents, the actual unappropriated unreserved
44 fund balance retained in the school district budget for the preceding
45 school year, and the percentage of the school district budget for the
46 preceding school year that the actual unappropriated unreserved fund
47 balance represents; AND (V) A SCHEDULE OF RESERVE FUNDS, SETTING FORTH
48 THE NAME OF EACH RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE BALANCE
49 AS OF THE CLOSE OF THE THIRD QUARTER OF THE CURRENT SCHOOL DISTRICT
50 FISCAL YEAR AND A BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE USE OF
51 EACH SUCH RESERVE FUND FOR THE ENSUING FISCAL YEAR.

52 S 2. Paragraph a of subdivision 7 of section 1716 of the education
53 law, as amended by section 5 of part A of chapter 97 of the laws of
54 2011, is amended to read as follows:

55 a. Each year, commencing with the proposed budget for the two thou-
56 sand--two thousand one school year, the board of education shall prepare

1 a property tax report card, pursuant to regulations of the commissioner,
2 and shall make it publicly available by transmitting it to local newspa-
3 pers of general circulation, appending it to copies of the proposed
4 budget made publicly available as required by law, making it available
5 for distribution at the annual meeting, and otherwise disseminating it
6 as required by the commissioner. Such report card shall include: (i) the
7 amount of total spending and total estimated school tax levy that would
8 result from adoption of the proposed budget and the percentage increase
9 or decrease in total spending and total school tax levy from the school
10 district budget for the preceding school year; and (ii) the district's
11 tax levy limit determined pursuant to section two thousand
12 twenty-three-a of this title, and the estimated school tax levy, exclud-
13 ing any levy necessary to support the expenditures pursuant to subpara-
14 graphs (i) through (iv) of paragraph i of subdivision two of section two
15 thousand twenty-three-a of this title, that would result from adoption
16 of the proposed budget; and (iii) the projected enrollment growth for
17 the school year for which the budget is prepared, and the percentage
18 change in enrollment from the previous year; and (iv) the percentage
19 increase in the consumer price index, as defined in paragraph c of this
20 subdivision; and (v) the projected amount of the unappropriated unre-
21 served fund balance that will be retained if the proposed budget is
22 adopted, the projected amount of the reserved fund balance, the project-
23 ed amount of the appropriated fund balance, the percentage of the
24 proposed budget that the unappropriated unreserved fund balance repres-
25 ents, the actual unappropriated unreserved fund balance retained in the
26 school district budget for the preceding school year, A SCHEDULE OF
27 RESERVE FUNDS, SETTING FORTH THE NAME OF EACH RESERVE FUND, A
28 DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE OF THE THIRD
29 QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A BRIEF STATEMENT
30 EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE FUND FOR THE ENSU-
31 ING FISCAL YEAR and the percentage of the school district budget for the
32 preceding school year that the actual unappropriated unreserved fund
33 balance represents.

34 S 2-a. Paragraph a of subdivision 7 of section 1716 of the education
35 law, as amended by chapter 238 of the laws of 2007, is amended to read
36 as follows:

37 a. Each year, commencing with the proposed budget for the two thou-
38 sand--two thousand one school year, the board of education shall prepare
39 a property tax report card, pursuant to regulations of the commissioner,
40 and shall make it publicly available by transmitting it to local newspa-
41 pers of general circulation, appending it to copies of the proposed
42 budget made publicly available as required by law, making it available
43 for distribution at the annual meeting, and otherwise disseminating it
44 as required by the commissioner. Such report card shall include: (i) the
45 amount of total spending and total estimated school tax levy that would
46 result from adoption of the proposed budget and the percentage increase
47 or decrease in total spending and total school tax levy from the school
48 district budget for the preceding school year; and (ii) the projected
49 enrollment growth for the school year for which the budget is prepared,
50 and the percentage change in enrollment from the previous year; and
51 (iii) the percentage increase in the consumer price index, as defined in
52 paragraph c of this subdivision; and (iv) the projected amount of the
53 unappropriated unreserved fund balance that will be retained if the
54 proposed budget is adopted, the projected amount of the reserved fund
55 balance, the projected amount of the appropriated fund balance, the
56 percentage of the proposed budget that the unappropriated unreserved

1 fund balance represents, the actual unappropriated unreserved fund
2 balance retained in the school district budget for the preceding school
3 year, A SCHEDULE OF RESERVE FUNDS, SETTING FORTH THE NAME OF EACH
4 RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE BALANCE AS OF THE CLOSE
5 OF THE THIRD QUARTER OF THE CURRENT SCHOOL DISTRICT FISCAL YEAR AND A
6 BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE USE OF EACH SUCH RESERVE
7 FUND FOR THE ENSUING FISCAL YEAR and the percentage of the school
8 district budget for the preceding school year that the actual unappro-
9 priated unreserved fund balance represents.

10 S 3. The education law is amended by adding a new section 3653 to read
11 as follows:

12 S 3653. RESERVES FUNDED BY RESOLUTION. IN ADDITION TO ANY OTHER
13 REQUIREMENTS, NO MONIES SHALL BE PAID OR TRANSFERRED INTO ANY RESERVE
14 FUND, ESTABLISHED PURSUANT TO THIS CHAPTER OR ANY OTHER CHAPTER OF LAW,
15 FOR THE PURPOSE OF INCREASING THE FUNDING OF SUCH RESERVE FUND, UNLESS
16 EXPRESSLY AUTHORIZED BY A RESOLUTION OF THE BOARD OF EDUCATION OR TRUS-
17 TEES OF A SCHOOL DISTRICT.

18 S 4. Section 2116-a of the education law is amended by adding a new
19 subdivision 3-b to read as follows:

20 3-B. EACH SCHOOL DISTRICT SHALL IN A TIMELY FASHION POST ON ITS
21 WEBSITE, IF ANY, THE ANNUAL EXTERNAL AUDIT REPORT AND THE CORRECTIVE
22 ACTION PLAN PREPARED IN RESPONSE TO ANY FINDINGS CONTAINED IN THE ANNUAL
23 EXTERNAL AUDIT REPORT OR MANAGEMENT LETTER, OR ANY FINAL AUDIT REPORT
24 ISSUED BY THE STATE COMPTROLLER.

25 S 5. Section 2022 of the education law is amended by adding a new
26 subdivision 7 to read as follows:

27 7. EACH SCHOOL DISTRICT SHALL POST ON ITS WEBSITE, IF ANY, A FINAL
28 ANNUAL BUDGET AND ANY MULTI-YEAR FINANCIAL PLAN ADOPTED BY THE BOARD OF
29 EDUCATION OR TRUSTEES.

30 S 6. This act shall take effect on the first of July next succeeding
31 the date on which it shall have become a law; provided, however, that:

32 a. the amendment to paragraph a of subdivision 7 of section 1608 of
33 the education law made by section one of this act shall be subject to
34 the expiration and reversion of such paragraph pursuant to section 13 of
35 part A of chapter 97 of the laws of 2011, as amended, when upon such
36 date the provisions of section one-a of this act shall take effect;

37 b. the amendment to paragraph a of subdivision 7 of section 1716 of
38 the education law made by section two of this act shall be subject to
39 the expiration and reversion of such paragraph pursuant to section 13 of
40 part A of chapter 97 of the laws of 2011, as amended, when upon such
41 date the provisions of section two-a of this act shall take effect; and

42 c. provided, further, that the amendment to section 2022 of the educa-
43 tion law made by section five of this act shall survive the expiration
44 and reversion of such section pursuant to section 13 of part A of chap-
45 ter 97 of the laws of 2011, as amended.