

5795

2015-2016 Regular Sessions

I N S E N A T E

June 3, 2015

Introduced by Sen. MARCELLINO -- (at request of the State Comptroller)  
-- 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 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 budg-  
et 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 1608 of the education law, as  
2 amended by section 5 of part A of chapter 436 of the laws of 1997, is  
3 amended to read as follows:  
4 5. The trustee or board of trustees shall append to the statement of  
5 estimated expenditures a detailed statement of the total compensation to  
6 be paid to the superintendent of schools, and any assistant or associate  
7 superintendents of schools in the ensuing school year, including a  
8 delineation of the salary, annualized cost of benefits and any in-kind  
9 or other form of remuneration, AND A SCHEDULE OF RESERVE FUNDS, SETTING  
10 FORTH THE NAME OF EACH RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE  
11 BALANCE AS OF THE CLOSE OF THE THIRD QUARTER OF THE CURRENT SCHOOL  
12 DISTRICT FISCAL YEAR AND A BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE  
13 USE OF EACH SUCH RESERVE FUND FOR THE ENSUING FISCAL YEAR. The trustees  
14 shall also append a list of all other school administrators and supervi-  
15 sors, if any, whose annual salary will be eighty-five thousand dollars  
16 or more in the ensuing school year, with the title of their positions  
17 and annual salary identified; provided however, that the commissioner  
18 may adjust such salary level to reflect increases in administrative  
19 salaries after June thirtieth, nineteen hundred ninety-eight. The trus-  
20 tees shall submit a copy of such list and statement, in a form  
21 prescribed by the commissioner, of compensation to the commissioner

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

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1 within five days after their preparation. The commissioner shall compile  
2 such data, together with the data submitted pursuant to subdivision  
3 three of section seventeen hundred sixteen of this chapter, into a  
4 single statewide compilation, which shall be made available to the  
5 governor, the legislature, and other interested parties upon request.

6 S 2. Subdivision 5 of section 1716 of the education law, as amended by  
7 section 7 of part A of chapter 436 of the laws of 1997, is amended to  
8 read as follows:

9 5. The board of education shall append to the statement of estimated  
10 expenditures a detailed statement of the total compensation to be paid  
11 to the superintendent of schools, and any assistant or associate super-  
12 intendants of schools in the ensuing school year, including a deline-  
13 ation of the salary, annualized cost of benefits and any in-kind or  
14 other form of remuneration, AND A SCHEDULE OF RESERVE FUNDS, SETTING  
15 FORTH THE NAME OF EACH RESERVE FUND, A DESCRIPTION OF ITS PURPOSE, THE  
16 BALANCE AS OF THE CLOSE OF THE THIRD QUARTER OF THE CURRENT SCHOOL  
17 DISTRICT FISCAL YEAR AND A BRIEF STATEMENT EXPLAINING ANY PLANS FOR THE  
18 USE OF EACH SUCH RESERVE FUND FOR THE ENSUING FISCAL YEAR. The board  
19 shall also append a list of all other school administrators and supervi-  
20 sors, if any, whose annual salary will be eighty-five thousand dollars  
21 or more in the ensuing school year, with the title of their positions  
22 and annual salary identified; provided however, that the commissioner  
23 may adjust such salary level to reflect increases in administrative  
24 salaries after June thirtieth, nineteen hundred ninety-eight. The board  
25 of education shall submit a copy of such list and statement, in a form  
26 prescribed by the commissioner, of compensation to the commissioner  
27 within five days after their preparation. The commissioner shall compile  
28 such data, together with the data submitted pursuant to subdivision four  
29 of section sixteen hundred eight of this chapter, into a single state-  
30 wide compilation, which shall be made available to the governor, the  
31 legislature, and other interested parties upon request.

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

34 S 3653. RESERVES FUNDED BY RESOLUTION. IN ADDITION TO ANY OTHER  
35 REQUIREMENTS, NO MONIES SHALL BE PAID OR TRANSFERRED INTO ANY RESERVE  
36 FUND, ESTABLISHED PURSUANT TO THIS CHAPTER OR ANY OTHER CHAPTER OF LAW,  
37 FOR THE PURPOSE OF INCREASING THE FUNDING OF SUCH RESERVE FUND, UNLESS  
38 EXPRESSLY AUTHORIZED BY A RESOLUTION OF THE BOARD OF EDUCATION OR TRUS-  
39 TEES OF A SCHOOL DISTRICT.

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

42 3-B. EACH SCHOOL DISTRICT SHALL IN A TIMELY FASHION POST ON ITS  
43 WEBSITE, IF ANY, THE ANNUAL EXTERNAL AUDIT REPORT AND THE CORRECTIVE  
44 ACTION PLAN PREPARED IN RESPONSE TO ANY FINDINGS CONTAINED IN THE ANNUAL  
45 EXTERNAL AUDIT REPORT OR MANAGEMENT LETTER, OR ANY FINAL AUDIT REPORT  
46 ISSUED BY THE STATE COMPTROLLER.

47 S 5. Section 2022 of the education law, as amended by section 7 of  
48 part A of chapter 97 of the laws of 2011, is amended by adding a new  
49 subdivision 7 to read as follows:

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

53 S 6. Section 2022 of the education law, as amended by section 23 of  
54 part A of chapter 436 of the laws of 1997, is amended by adding a new  
55 subdivision 7 to read as follows:

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

4 S 7. This act shall take effect on the first of July next succeeding  
5 the date on which it shall have become a law; provided, however, that  
6 the amendment to section 2022 of the education law made by section five  
7 of this act shall be subject to the expiration and reversion of such  
8 section pursuant to section 23 of part A of chapter 436 of the laws of  
9 1997, as amended, when upon such date the provisions of section six of  
10 this act shall take effect.