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SPECIAL STATUTES AND PROVISIONS OF CHARTERS REGULATING SCHOOL SYSTEMS IN THE SEVERAL CITIES OF NEW YORK STATE

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ALBANY
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SPECIAL STATUTES AND PROVISIONS OF CHARTERS REGULATING SCHOOL SYSTEMS IN THE SEVERAL CITIES OF NEW YORK STATE
ALBANY
Chapter 182, Laws of 1898
An act for the government of cities of the second class

ARTICLE VII
DEPARTMENT OF PUBLIC INSTRUCTION
(This article applies only to the cities of Albany and Troy.)
Section 240 There shall be a board of education, composed of three members, to be called commissioners of education, who shall be appointed as hereinafter provided, which board shall be the head of the department of public instruction. They must have been electors of the city for a period of at least five years immediately preceding the date of appointment. Within ten days after the passage of this act, the mayor shall appoint one commissioner to serve until February 1, 1904, one to serve until February 1, 1906, and one to serve until February 1, 1908; and thereafter, at the expiration of the term of any commissioner, the mayor shall appoint his successor for the term of six years, which shall be the term of office of every commissioner so appointed. In the case of a vacancy in the office of commissioner, the mayor shall fill the vacancy by the appointment of a commissioner for the remainder of the term. The commissioners shall serve without pay. (As amended by L. 1902, ch. 560.)

(Sections 241–52 were repealed by L. 1899, ch. 581; new sections 241–47 were added by L. 1902, ch. 560.)

§ 241 The board shall appoint one of its members president, who shall exercise all the powers usually incident to such office. It shall also appoint a suitable person other than a member thereof, superintendent of schools in the city, who shall exercise the powers and discharge the duties hereinafter defined, and shall be allowed such compensation for his services as the board of estimate and apportionment may at any time determine.

It shall also appoint from time to time such other employees including teachers and attendance officers as the school system may require; the amount of their compensation shall be fixed by the board of estimate and apportionment. It has the care, custody and safekeeping of all school property, real and personal; and shall make rules and regulations for the government of the schools and its employees except as hereinafter provided; prescribe courses of study and textbooks; supply the requisite textbooks and stationery for the use of indigent pupils; provide the several schools with the necessary school apparatus, maps and music books, the expense thereof to be defrayed out of the school moneys of the city. No member of the board shall be eligible to appointment or employment by the board. (As added by L. 1902, ch. 560.)

§ 242 The board has all the powers and is charged with all the duties of commissioners of common schools, and of trustees of the several school dis-
Districts in this State, under the general statutes relating to common schools, so far as such powers and duties can be made applicable to the schools herein provided for and are not inconsistent with the provisions of this act. (As added by L. 1902, ch. 560.)

§ 243 The superintendent of schools shall hold office during the pleasure of the board. Any person may prefer charges of incompetency, maladministration or misconduct in office against the superintendent, and thereupon the board shall proceed to hear the charges, and in case the same shall be sustained by the affirmative votes of a majority thereof the superintendent shall be dismissed from his office. (As added by L. 1902, ch. 560.)

§ 244 The superintendent has power and it is his duty to see that all the rules and regulations of the board are complied with by the principals and teachers; to determine the different grades of study which shall be pursued in the various departments of the several schools; to transfer teachers from one school to another, or from one grade to another, to suspend any teacher temporarily for cause, provided, however, that the reason for suspension shall be immediately transmitted to the board in writing; to transfer pupils from one school to another; to prescribe rules and regulations for the admission, examination and promotion of pupils; and he shall have the charge of the school libraries. (As added by L. 1902, ch. 560.)

§ 245 All assistant teachers shall be appointed for a probationary period of one year, at the expiration of which term, unless satisfactory evidence of incompetency is submitted by the superintendent, the probationer may be elected by the board. Thereafter such teacher shall hold the position during good behavior and shall be removable only for cause, after a hearing, by the affirmative votes of a majority of the board. All probationary appointments shall be made from the head of a merit list, upon which the names of all eligible candidates for appointment as assistant teachers shall appear in the order of their rank in scholarship and qualifications for teaching; and it shall be the duty of the board to prescribe by rules not inconsistent with the laws of the State the means of determining such rank in scholarship and qualifications. All principals shall hold their positions during good behavior and shall be removable only for cause, after a hearing, by the affirmative votes of at least a majority of the board. (As added by L. 1902, ch. 560.)

§ 246 Whenever in the opinion of the board any repairs are needed to the public school buildings in the city, it shall call upon the city engineer to make such repairs. It shall recommend to the common council, when in its opinion the public interests require, the sale of any schoolhouse, the purchase or lease of any land or building for a schoolhouse, and when authorized thereto by an ordinance of the common council, the board of contract and supply may make such sale, purchase or lease in the manner in this act provided; and it may recommend to the common council the erection of any school building; and when authorized thereto by an ordinance of the common council, the board of contract and supply may erect such buildings in the manner and upon the conditions prescribed in this act. (As added by L. 1902, ch. 560.)
§ 247 All public money apportioned or appropriated to or for the city, or to or for any of the school districts therein, or for the school libraries, shall be paid by the proper officers to the treasurer, and in the accounts kept by him shall be credited to the department of public instruction and paid out by him upon bills properly allowed and audited in the same manner as obtains in the case of other bills against the city.  

(As added by L. 1902, ch. 560.)

Chapter 414, Laws of 1907

An act to establish a retirement fund for teachers, principals and supervisors of the public schools in the city of Albany, and to regulate the collection, management and disbursement thereof

Section 1 The word teacher as used in this act shall be deemed to include the principals, supervisors and superintendent of schools, regularly employed by the board of education of the city of Albany.  

(As amended by L. 1910, ch. 451.)

§ 2 The mayor, the president of the board of education and the comptroller shall constitute a board of trustees which shall have the general care and management of the public school teachers retirement fund created by this act.

§ 3 There is hereby established in the city of Albany a public school teachers retirement fund, which shall consist of the following moneys, with interest or income therefrom, as follows:

1 Contributions of one per centum of the respective salaries of teachers in the employ of the city of Albany, at the time this act shall take effect, who shall become entitled to the benefit of the fund in the manner provided in section 7 hereof, and contributions of one per centum of the respective salaries of all teachers who shall enter the employ of said city after this act shall take effect, which contributions shall be deducted from said salaries in the manner hereinafter provided.

2 All donations, legacies, gifts and bequests which shall be made to such fund, and all moneys which shall be obtained from other sources or by any other lawful means devised for the increase of such fund by such board of trustees or by the Albany Teachers Association.

3 Five per centum of the excise money which the city of Albany shall receive by virtue of the provisions of the liquor tax law, to be paid into such fund and duly credited thereto by the proper officials of said city.  

(As amended by L. 1910, ch. 451.)

§ 4 The comptroller of the city of Albany shall be the custodian of the moneys of such retirement fund, and shall invest for the benefit of the fund all such moneys not necessary for the payment of annuities.  Such investment shall only be made in securities in which the savings banks are authorized by law to invest.  He shall report in detail to the board of trustees of such fund annually in the month of January the condition of the fund and the items of receipts and disbursements on account of the same during the year ending on the 31st day of December preceding.  On and after January 1, 1908, he shall make quarterly payments from such fund and the income thereof of annuities granted in pur-
suance of this act to such persons as the board of trustees shall certify to be entitled to receive the same.

§ 5 On and after January 1, 1908, any teacher entitled to participate in this fund as herein provided who shall have taught in the public schools of the city of Albany for thirty years or more may, at his or her own request or upon the request of the board of education retire from service and become an annuitant under this act, and shall thereafter receive from the retirement fund an annuity, payable quarterly, of a sum equal to fifty per centum of his or her average salary during the last five years of his or her teaching service in said city, except that no annuity shall be more than six hundred dollars annually, and provided that said teacher retiring to become an annuitant under this act shall have paid to the fund a sum equal to thirty per centum of his average salary for the last five years of teaching service. Any such teacher who shall have taught twenty, but less than thirty years, and is either mentally or physically incapacitated for the performance of duty may, with the consent, or upon the request of the board of education, retire from service and become an annuitant under this act, and shall thereafter receive from the retirement fund an annuity, payable quarterly, of as many thirtieths of the full annuity for thirty years as said teacher has taught years, provided that said teacher shall have paid to the fund a sum equal to as many per centum of his average salary for the last five years as said teacher has taught years. The comptroller shall receive and shall pay into the fund all moneys contributed by teachers in compliance with the provisions of this section to become annuitants.

§ 6 At the request of any teacher who shall retire or be retired and who is unable to pay in advance the sum required by section 5 before he is entitled to receive an annuity, the comptroller shall withhold the annuity until the amount of the assessment paid into the retirement fund and the accumulation of the annuity equal the sum required to be paid into the fund; provided, however, that such assessment be paid within one year after retirement of any teacher.

§ 7 Any teacher in the public schools of the city of Albany at the time this act takes effect may file with the board of education of such city and the board of trustees of the retirement fund created by this act a certificate stating that such person desires to avail himself or herself of the benefits of this act and is willing to contribute to such fund from his or her salary, annually, an amount equal to one per centum thereof, such certificate to be so filed before January 1, 1911, and thereupon such person shall become entitled to the benefits of this act when he or she shall have paid into such fund the amount required to entitle him or her to an annuity thereunder and shall have taught for the period of time required to entitle him or her to an annuity. The board of education, when making up payrolls, shall, after this act takes effect, deduct for the period covered by such payrolls one per centum of the salary of each teacher who has filed such certificate and of each teacher entering the employ of said city after this act takes effect, and such payroll shall state, opposite the name of such teacher, the amount of deduction. Such payroll shall also state the amount deducted from the
salary of each teacher on account of absences from duty during such period. The board of education shall issue a certificate to the treasurer at the time each payroll is made, and such certificates shall accompany the payrolls and shall show the total amount of deductions by the assessment of one per centum of salary, and also the total amount of deductions from the salaries of teachers for absences from duty and also the actual extra expense to the city of a substitute for such teacher during such absence, and such deductions of one per centum of the salaries of teachers together with that part of the deductions from salaries of teachers for absences from duty which be left after the actual extra expense to the city, of substitutes for such teachers, has been subtracted from such deductions, shall be paid into the retirement fund and duly credited thereto by the city comptroller. (As amended by L. 1910, ch. 151.)

§ 8 If the moneys of the retirement fund at the disposal of the comptroller be found at any time inadequate to carry out the provisions of this act, he shall distribute such moneys pro rata to the persons entitled to participate in such fund, and such distribution shall be in full of all annuities then due.

§ 9 Whenever a teacher is retired by the board of education and granted an annuity pursuant to this act, the board shall certify such fact to the comptroller stating the name of such teacher and the amount of annuity to which he is entitled and the day when the payment of such annuity shall begin.

§ 10 The board of trustees of such fund shall make all needed rules to carry out the provisions of this act.

§ 11 Annuities payable under the provisions of this act shall be calculated only from and after January 1, 1908.
AMSTERDAM
Chapter 242, Laws of 1911

An act to amend, consolidate and revise the several acts relative to the city of Amsterdam

TITLE X

THE SCHOOL DISTRICT

Section 116 City and school district. All the territory included within the boundaries of the city of Amsterdam shall constitute a separate school district within this State, and shall be designated as "The school district of the city of Amsterdam." It may bear such other or additional designation as the Superintendent of Public Instruction of this State may by law prescribe. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred by law or other State authority upon school districts, and shall be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities, except as otherwise hereinafter prescribed.

§ 117 Board of education. The affairs of said school district of the city of Amsterdam shall be managed by a board composed of one member to be elected from each ward of said city, and two members to be elected from the city at large, which board shall be a body corporate and shall be known and designated as the "Board of Education of the City of Amsterdam." The two members from the city at large shall not be residents of the same ward in said city. Said board shall possess all the powers conferred and discharge all the duties imposed by this act or by any general law of this State relating to school districts in cities or relating to the boards of education of such districts, and not inconsistent with the provisions of this act.

§ 118 Title to school property. The board of education shall have the power, subject to the provisions of this act, to purchase, take, lease, hold or improve any real or personal estate for the support and maintenance of public schools or for any purpose of education in said city in trust, however, for the school district of the city. It may also take by gift, grant, bequest or devise and hold any real or personal estate in trust for any purpose of education or art, or for the purchase, support or maintenance of public libraries in said city upon such terms as may be prescribed by the donor or donors and accepted by said board of education, and it may execute any trust for any purpose aforesaid and provide for the proper execution thereof.

§ 119 School elections. The annual election for school officers in said city shall be held on the second Tuesday of September in each year, and there shall be elected each year at such election members of the board of education to succeed those members whose terms of office shall expire during said year and such other members as may be necessary to fill vacancies that may have occurred