

Office of the New York State Comptroller

OPINION 60-504

School Districts – Officers or Employees – Convention Expenses- A school district may not pay the expenses of officers or employees of a school district who attend the annual convention of members of the State Teachers' Retirement System as delegates (Gen. Mun. L §77-b).

Inquiry: May a school district pay for the expenses of members of the State Teachers' Retirement System who attend as delegates, the annual convention provided for by Education Law §505?

Statement of Law: General Municipal Law §77-b(1) provides, in part:

... the trustee, trustees or board of education of any school district ... may by a majority vote authorize any of its members or any ... school district ... officer or employee ... to attend an official or unofficial convention or conference of ... school district ... officers or employees ...

Section 77-b(2) provides for the payment of certain expenses arising out of attendance at such conventions or conferences.

The sole question, then, is whether, in the instant case, we are concerned with an official or unofficial convention or conference of school district officers or employees.

Practically speaking, all teachers of the New York State public school system are, by law, members of the State Teachers' Retirement System (Educ. L §503). The organization of this system is provided for by an entire article of the Education Law (Art. 11). In §505, a method is provided for choosing members of the State Retirement Board by vote of delegates representing the various geographical units of the system.

In the opinion of this Department, such delegates are not attending as officers or employees of a school district, but as members of the retirement system, and hence are not attending an official or unofficial convention or conference *of school district officers or employees* within the meaning of General Municipal Law §77-b.

Conclusion: A school district may not pay the expenses of officers or employees of a school district who attend the annual convention of members of the State Teachers' Retirement System as delegates.

November 23, 1960