

Decision of the Commissioner of Education

In the matter of the Appeal of KENNETH J. DEEDY, JOSEPH LUBELL, SOLOMON FLUM AND EDWARD SCOTT from Action of the BOARD OF EDUCATION, UNION FREE SCHOOL DISTRICT NO. 22, TOWNS OF OYSTER BAY AND BABYLON, NASSAU AND SUFFOLK COUNTIES, Denying Reimbursements for Expenses Incurred in Attending New York State Teachers Retirement System Convention.

Decision No. 7721

(February 6, 1967)

TEACHERS (retirement)—EDUCATION LAW, §§ 1604, subd. 27, 1710

Appellants request reimbursement for expenses for attendance at convention of Teachers Retirement System—teachers do not attend such convention as delegates of school district—no authority for district to pay such expenses—appeal dismissed.

Mishkin and Strear, Esqs., attorneys for appellants, Lawrence H. Strear, Esq., of counsel

Kendrick C. Smith, Esq., attorney for respondent

ALLEN, JR., Commissioner—Appellants contend that they are entitled to reimbursement for their out-of-pocket expenses necessarily incurred attending the annual convention of the New York State Teachers Retirement System. They were given the day off with pay to attend the convention, but respondent denies they are entitled to reimbursement for their expenses. Appellants rely upon subdivision 27 of section 1604 of the Education Law which requires common school districts to “reimburse members of the teaching and supervising staff for expenses actually and necessarily incurred in the performance of their official duties.” This section is made effective for union free school districts by section 1710 of the Education Law.

Attendance of delegates such as petitioners at the annual convention of the Teachers Retirement System is required pursuant to section 505 of the Education Law and is, therefore, a part of their official duties to the extent that they are entitled to their normal salary during attendance at such meetings. However, they do not attend the convention of the retirement system as delegates of the school district, and I find no legal authority for reimbursement of these expenses by the respondent.

THE APPEAL IS DISMISSED.