

6490--A

Cal. No. 504

I N S E N A T E

February 15, 2012

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend chapter 566 of the laws of 1967, relating to providing for the apportionment of funds to certain special act school districts, in relation to eliminating reference to such union free school district number 13; to amend the education law, in relation to special act school districts and to repeal chapter 559 of the laws of 1972, relating to establishing union free school district number 13 in the town of Greenburgh in the county of Westchester, relating to the dissolution of such union free school district

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

1 Section 1. Chapter 559 of the laws of 1972, relating to establishing
2 union free school district number 13 in the town of Greenburgh in the
3 county of Westchester, is REPEALED.
4 S 2. Any funds remaining in the possession of the union free school
5 district number 13, town of Greenburgh, county of Westchester, after all
6 of its debts and obligations have been paid, shall be paid over to each
7 social services district and school district having resident children
8 served by the union free school district number thirteen, town of Green-
9 burgh in the county of Westchester, in the 2010-2011 school year in the
10 same proportion as the number of students placed by each such social
11 services district or school district and served by the union free school
12 district number thirteen, town of Greenburgh in the county of Westches-
13 ter, in the 2010-2011 school year bears to the total number of students
14 served by the union free school district number thirteen, town of Green-
15 burgh in the county of Westchester, in the 2010-2011 school year.
16 Though such union free school district number 13 be dissolved, section
17 1518 of the education law shall be deemed to apply, and it shall contin-
18 ue to exist in law for the purpose of providing for and paying all its
19 just debts; provided that the board of cooperative educational services

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

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1 of the sole supervisory district of the county of Westchester (Southern
2 Westchester BOCES) shall be authorized to act on behalf of the school
3 district pursuant to section three of this act.

4 S 3. Notwithstanding any other provision of law to the contrary,
5 during any period in which there is no duly constituted board of educa-
6 tion of union free school district number 13, town of Greenburgh, county
7 of Westchester, Southern Westchester BOCES shall be authorized to take
8 any actions on behalf of the school district that are reasonably neces-
9 sary to complete the close-down and dissolution of the district that the
10 board of education would have, including but not limited to, the power
11 to enter contracts, pay debts and bill for and receive any reimbursement
12 due and owing for tuition pursuant to article 81 of the education law or
13 any other provision of law for services rendered to students on or
14 before the school district ceased operation on July 1, 2011. Any other
15 reasonable costs incurred for closedown of the school district, as
16 approved by the commissioner of education pursuant to subparagraph (ii)
17 of paragraph j of subdivision 4 of section 4405 of the education law,
18 shall be included in a closedown rate payable by each school district or
19 social services district responsible for tuition for students attending
20 the special act school district in the 2010-2011 school year. Notwith-
21 standing any other provision of law, rule or regulation to the contrary,
22 such closedown rate may be payable in three installments which shall be
23 as equal as practicable, over three consecutive years after the close-
24 down rate is established. In such capacity, such board of cooperative
25 educational services and its officers and employees shall be entitled to
26 defense and indemnification by the state pursuant to section 18 of the
27 public officers law.

28 S 4. The records of union free school district number 13, town of
29 Greenburgh, county of Westchester, shall be forwarded to the district
30 superintendent of schools of the Southern Westchester BOCES for preser-
31 vation. Notwithstanding any other provision of law to the contrary, such
32 records shall be deemed to be records of the Southern Westchester BOCES
33 for purposes of the management and disposition of such records and local
34 government records management grants pursuant to section 57.35 of the
35 arts and cultural affairs law.

36 S 5. Notwithstanding any other provision of law, rule or regulation to
37 the contrary, each social services district and school district having
38 resident children served by the union free school district number 13,
39 town of Greenburgh, county of Westchester, in the 2010-2011 school year
40 shall pay the costs of health insurance for all former employees of
41 union free school district number 13, town of Greenburgh, county of
42 Westchester for whom such school district agreed by contract to pay the
43 costs of health insurance in retirement in the same proportion as the
44 number of students placed by each such social services district or
45 school district and served by union free school district number 13, town
46 of Greenburgh, county of Westchester, in the 2010-2011 school year bears
47 to the total number of students served by the union free school district
48 number 13, town of Greenburgh in the county of Westchester, in the
49 2010-2011 school year. The Southern Westchester BOCES shall administer
50 the payment and billing for the health insurance premiums to and from
51 civil service and/or the health insurance carriers, the employees, and
52 each social services district and school district that is responsible
53 for such payments to ensure that the former employees' health insurance
54 remains in effect, to the extent required under the employees' contract
55 with the union free school district number 13, town of Greenburgh, coun-

1 ty of Westchester. Such annual amount shall be paid in a manner
2 prescribed by the commissioner.

3 S 6. The territory comprising the union free school district number
4 13, town of Greenburgh, county of Westchester, shall revert to and
5 become part of the Irvington union free school district in the county of
6 Westchester.

7 S 7. Section 1 of chapter 566 of the laws of 1967, relating to provid-
8 ing for the apportionment of funds to certain special school districts,
9 as amended by chapter 478 of the laws of 2006, is amended to read as
10 follows:

11 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
12 of the education law, and in lieu of any apportionments to which such
13 school districts might otherwise be entitled under such sections or
14 under any other provisions of law, the commissioner of education is
15 hereby authorized to include the following school districts in the annu-
16 al apportionment of public moneys and such apportionment shall be
17 computed in accordance with the provisions of sections two, three and
18 four of this act: union free school district number twenty-seven of the
19 town of Dryden, Tompkins county; union free school district number eight
20 of the town of Canaan, Columbia county; union free school districts
21 numbers ten, eleven[,] AND twelve [and thirteen] of the town of Green-
22 burgh, Westchester county; union free school districts numbers three and
23 four of the town of Mount Pleasant, Westchester county; union free
24 school district number six, Blythedale, town of Mount Pleasant, West-
25 chester county; and Randolph Children's Home union free school district
26 of the town of Randolph, Cattaraugus county; West Park union free school
27 district number two, town of Esopus, Ulster county; common school
28 district number seven of the town of Oyster Bay, Nassau county; the
29 Hopevale union free school district, town of Hamburg, Erie county; and
30 union free school district number three, town of Riverhead, Suffolk
31 county.

32 S 8. Subdivision 4 of section 4405 of the education law is amended by
33 adding a new paragraph j to read as follows:

34 J. (I) IF THE BOARD OF EDUCATION OF A SPECIAL ACT SCHOOL DISTRICT
35 LISTED IN CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED
36 SIXTY-SEVEN, AS AMENDED, SEEKS TO CLOSE A SPECIAL ACT SCHOOL DISTRICT,
37 THE BOARD OF EDUCATION OF THE SPECIAL ACT SCHOOL DISTRICT SHALL PROVIDE
38 WRITTEN NOTICE TO THE COMMISSIONER OF EDUCATION WITH A PLAN FOR CLOSURE
39 OF THE SCHOOL AT LEAST NINETY DAYS PRIOR TO THE CLOSING DATE. SUCH PLAN
40 SHALL INCLUDE PROVISION FOR THE SAFE AND ORDERLY TRANSFER OF EACH
41 STUDENT WITH A DISABILITY WHO WAS PUBLICLY PLACED IN THE PROGRAM AND A
42 DETAILED AND ITEMIZED LIST OF ESTIMATED EXPENSES NECESSARY TO CLOSE DOWN
43 THE SCHOOL AND A DETAILED AND ITEMIZED LIST OF ANY ESTIMATED REVENUES TO
44 BE RECEIVED.

45 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL
46 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-
47 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE
48 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,
49 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,
50 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE
51 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER
52 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE-DOWN THE SPECIAL ACT
53 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT
54 ARE UNNECESSARY OR UNREASONABLE TO CLOSE-DOWN THE SCHOOL, WHETHER OR NOT
55 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

1 S 9. Section 4403 of the education law is amended by adding a new
2 subdivision 21 to read as follows:

3 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS LISTED IN CHAPTER FIVE
4 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS
5 AMENDED, TO PROVIDE, ON AN ANNUAL BASIS OR MORE FREQUENTLY, AS NEEDED,
6 ENROLLMENT REPORTS, INCLUDING CURRENT AND PROJECTED ENROLLMENTS,
7 PROPOSED BUDGETS AND ANY FINANCIAL STATEMENTS THE COMMISSIONER DEEMS
8 APPROPRIATE, TO MONITOR THE FISCAL STABILITY OF SPECIAL ACT SCHOOL
9 DISTRICTS.

10 S 10. This act shall take effect immediately.