

5423--B

Cal. No. 1223

2011-2012 Regular Sessions

I N   S E N A T E

May 19, 2011

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Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to the closure of certain special act school districts; to provide for the payment of the debts and obligations of the West Park union free school district in the town of Esopus in the county of Ulster; to amend chapter 566 of the laws of 1967, relating to providing for the apportionment of funds to certain special school districts, in relation to eliminating references to the West Park union free school district; and to repeal chapter 744 of the laws of 1973 relating to establishing and constituting as a separate union free school district certain territory in the town of Esopus in the county of Ulster, in relation thereto

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

1     Section 1. Chapter 744 of the laws of 1973 relating to establishing  
2     and constituting as a separate union free school district certain terri-  
3     tory in the town of Esopus in the county of Ulster is REPEALED.  
4     S 2. Section 1 of chapter 566 of the laws of 1967, relating to provid-  
5     ing for the apportionment of funds to certain special school districts,  
6     as amended by chapter 478 of the laws of 2006, is amended to read as  
7     follows:  
8     Section 1. Notwithstanding the provisions of section 3602 and 3602-b  
9     of the education law, and in lieu of any apportionments to which such  
10    school districts might otherwise be entitled under such sections or  
11    under any other provisions of law, the commissioner of education is

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

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1 hereby authorized to include the following school districts in the annu-  
2 al apportionment of public moneys and such apportionment shall be  
3 computed in accordance with the provisions of sections two, three and  
4 four of this act: union free school district number twenty-seven of the  
5 town of Dryden, Tompkins county; union free school district number eight  
6 of the town of Canaan, Columbia county; union free school districts  
7 numbers ten, eleven, twelve and thirteen of the town of Greenburgh,  
8 Westchester county; union free school districts numbers three and four  
9 of the town of Mount Pleasant, Westchester county; union free school  
10 district number six, Blythedale, town of Mount Pleasant, Westchester  
11 county; and Randolph Children's Home union free school district of the  
12 town of Randolph, Cattaraugus county; [West Park union free school  
13 district number two, town of Esopus, Ulster county;] common school  
14 district number seven of the town of Oyster Bay, Nassau county; the  
15 Hopevale union free school district, town of Hamburg, Erie county; and  
16 union free school district number three, town of Riverhead, Suffolk  
17 county.

18 S 3. Any funds remaining in the possession of the West Park union free  
19 school district number two, after all of its debts and obligations have  
20 been paid, shall be paid over to each social services district and  
21 school district having resident children served by the West Park union  
22 free school district number two in the 2010-2011 school year in the same  
23 proportion as the number of students placed by each such social services  
24 district or school district and served by the West Park union free  
25 school district number two in the 2010-2011 school year bears to the  
26 total number of students served by the West Park union free school  
27 district number two in the 2010-2011 school year. Though the West Park  
28 union free school district number two be dissolved, section 1518 of the  
29 education law shall be deemed to apply, and it shall continue to exist  
30 in law for the purpose of providing for and paying all its just debts;  
31 provided that the board of cooperative educational services of the sole  
32 supervisory district of the county of Ulster (Ulster BOCES) shall be  
33 authorized to act on behalf of the school district pursuant to section  
34 four of this act.

35 S 4. Notwithstanding any other provision of law to the contrary,  
36 during any period in which there is no duly constituted board of educa-  
37 tion of the West Park union free school district number two, Ulster  
38 BOCES shall be authorized to take any actions on behalf of the school  
39 district that are reasonably necessary to complete the close-down and  
40 dissolution of the district that the board of education would have,  
41 including but not limited to, the power to enter contracts, pay debts  
42 and bill for and receive any reimbursement due and owing for tuition  
43 pursuant to article 81 of the education law or any other provision of  
44 law for services rendered to students on or before the school district  
45 ceased operation on February 28, 2011. Any other reasonable costs  
46 incurred for closedown of the school district, as approved by the  
47 commissioner of education pursuant to subparagraph (ii) of paragraph j  
48 of subdivision 4 of section 4405 of the education law, shall be included  
49 in a closedown rate payable by each school district or social services  
50 district responsible for tuition for students attending the special act  
51 school district in the 2010-2011 school year. Notwithstanding any other  
52 provision of law, rule or regulation to the contrary, such closedown  
53 rate may be payable in three installments which shall be as equal as  
54 practicable, over three consecutive years after the closedown rate is  
55 established. In such capacity, such board of cooperative educational  
56 services and its officers and employees shall be entitled to defense and

1 indemnification by the state pursuant to section eighteen of the public  
2 officers law.

3 S 5. Notwithstanding any other provision of law, rule or regulation to  
4 the contrary, each social services district and school district having  
5 resident children served by the West Park union free school district  
6 number two in the 2010-2011 school year shall pay the costs of health  
7 insurance for all former employees of the West Park union free school  
8 district number two, for whom such school district agreed by contract to  
9 pay the costs of health insurance in retirement in the same proportion  
10 as the number of students placed by each such social services district  
11 or school district and served by the West Park union free school  
12 district number two in the 2010-2011 school year bears to the total  
13 number of students served by the West Park union free school district  
14 number two in the 2010-2011 school year. The Ulster BOCES shall adminis-  
15 ter the payment and billing for the health insurance premiums to and  
16 from civil service and/or the health insurance carriers, the employees,  
17 and each social service district and school district that is responsible  
18 for such payments to ensure that the former employees' health insurance  
19 remains in effect, to the extent required under the employees' contract  
20 with the West Park union free school district number two. Such annual  
21 amount shall be paid in a manner prescribed by the commissioner.

22 S 6. The records of the West Park union free school district number  
23 two, shall be forwarded to the district superintendent of schools of the  
24 Ulster BOCES for preservation. Notwithstanding any other provision of  
25 law to the contrary, such records shall be deemed to be records of the  
26 Ulster BOCES for purposes of the management and disposition of such  
27 records and local government records management grants pursuant to  
28 section 57.35 of the arts and cultural affairs law.

29 S 7. The territory comprising the West Park union free school district  
30 number two, town of Esopus, county of Ulster, shall revert to and become  
31 a part of the Kingston city school district in the county of Ulster.

32 S 8. That certain Agency Lease dated August 12, 1998 between Mission-  
33 ary Sisters of the Sacred Heart, a New York not-for-profit corporation  
34 and West Park union free school district number two is hereby termi-  
35 nated.

36 S 9. Subdivision 4 of section 4405 of the education law is amended by  
37 adding a new paragraph j to read as follows:

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

49 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL  
50 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-  
51 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE  
52 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,  
53 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,  
54 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE  
55 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER  
56 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE DOWN THE SPECIAL ACT

1 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT  
2 ARE UNNECESSARY OR UNREASONABLE TO CLOSE DOWN THE SCHOOL, WHETHER OR NOT  
3 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

4 S 10. Section 4403 of the education law is amended by adding a new  
5 subdivision 21 to read as follows:

6 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS TO PROVIDE, ON AN ANNUAL  
7 BASIS OR MORE FREQUENTLY, AS NEEDED, ENROLLMENT REPORTS, INCLUDING  
8 CURRENT AND PROJECTED ENROLLMENTS, PROPOSED BUDGETS AND ANY FINANCIAL  
9 STATEMENTS THE COMMISSIONER DEEMS APPROPRIATE, TO MONITOR THE FISCAL  
10 STABILITY OF SPECIAL ACT SCHOOL DISTRICTS.

11 S 11. This act shall take effect immediately.