

6738--B

Cal. No. 698

I N S E N A T E

March 5, 2014

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 -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 school districts, in relation to eliminating reference to such union free school district number 13; 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

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3 county of Westchester, is REPEALED.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 the
7 board of cooperative educational services of the sole supervisory
8 district of the county of Westchester (Southern Westchester BOCES) for
9 the services provided to such union free school district pursuant to
10 section three of this act. Though such union free school district
11 number 13 be dissolved, section 1518 of the education law shall be
12 deemed to apply, and it shall continue to exist in law for the purpose
13 of providing for and paying all its just debts; provided that the board
14 of cooperative educational services of the sole supervisory district of
15 the county of Westchester (Southern Westchester BOCES) shall be author-
16 ized to act on behalf of the school district pursuant to section three
17 of this act.

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

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1 S 3. Notwithstanding any other provision of law to the contrary,
2 during any period in which there is no duly constituted board of educa-
3 tion of union free school district number 13, town of Greenburgh, county
4 of Westchester, Southern Westchester BOCES shall be authorized to take
5 any actions on behalf of the school district that are reasonably neces-
6 sary to complete the closedown and dissolution of the district that the
7 board of education would have, including but not limited to, the power
8 to enter contracts, pay outstanding debts from reimbursable costs
9 incurred for closedown of the school district under this section,
10 provided however that the southern Westchester BOCES shall not pay for
11 outstanding debts using its own funds and shall not be liable for any
12 outstanding debt incurred by the union free school district number 13,
13 Town of Greenburgh, sell school district property if any, with approval
14 of the commissioner, and to bill for and receive any reimbursement due
15 and owing for tuition pursuant to article 81 of the education law or any
16 other provision of law for services rendered to students on or before
17 the school district ceased operation on July 1, 2011 and reimbursement
18 for closedown costs determined pursuant to this section. The Southern
19 Westchester BOCES shall review the business records of the school
20 district, including any claims, invoices and bills submitted to the
21 school district during any period in which there was no duly constituted
22 board of education and shall audit any expenses or claims, based on
23 invoices, bills or other documentation, that were not included in an
24 audited financial statement or financial reports submitted to the
25 department of education by the school district, to determine if such
26 expenses or claims are duplicative of claims previously submitted for
27 reimbursement and, if not, whether they are supported by documentation
28 that would substantiate a claim that the expense was incurred by the
29 school district or is otherwise an outstanding debt of the school
30 district. Such audit may be conducted by the claims auditor of the BOCES
31 or, with the approval of the commissioner of education, by an independ-
32 ent auditor retained by the BOCES. The BOCES shall report to the depart-
33 ment of education any audited claims that were not included in an audit-
34 ed financial statement or financial report, together with the
35 documentation supporting such claims. Reimbursement for costs incurred
36 for closedown of the school district shall include only: (i) any allow-
37 able costs approved by the commissioner of education that were included
38 in the audited financial statement and financial reports submitted by
39 the school district in conformity with the financial reporting require-
40 ments; (ii) additional allowable costs, incurred in the 2010-2011 school
41 year or subsequently during the closedown period, that are approved by
42 the commissioner of education in accordance with the reimbursable cost
43 manual in effect for the 2010-2011 school year and relate to claims that
44 were audited by the Southern Westchester BOCES pursuant to this section
45 and are based on supporting documentation that would substantiate a
46 claim that the expense was incurred by the school district and not
47 duplicative of claims previously reimbursed; and (iii) the actual docu-
48 mented cost to the Southern Westchester BOCES of carrying out its duties
49 under the provisions of this section to close down the school district,
50 which includes, but is not limited to, the costs related to the need for
51 Southern Westchester BOCES to undertake borrowing to meet the require-
52 ments of this act, as approved by the commissioner of education based on
53 documentation that such costs were necessary to carry out such duties,
54 shall be included in a closedown rate payable by each school district or
55 social services district responsible for tuition for students attending
56 the special act school district in the 2010-2011 school year. Notwith-

1 standing any other provision of law, rule or regulation to the contrary,
2 such closedown rate may be payable in three installments which shall be
3 as equal as practicable, over three consecutive years after the close-
4 down rate is established; provided that any reimbursement costs due to
5 Southern Westchester BOCES for carrying out its administrative duties
6 under this act may be paid in the first installment. In such capacity,
7 such board of cooperative educational services and its officers and
8 employees shall be entitled to defense and indemnification by the state
9 pursuant to section 18 of the public officers law. Services provided by
10 the Southern Westchester BOCES under this act shall not result in any
11 additional costs being imposed on component school districts, except
12 those costs imposed on a component school district pursuant to a close-
13 down rate calculated under this section.

14 S 4. The records of union free school district number 13, town of
15 Greenburgh, county of Westchester, shall be forwarded to the district
16 superintendent of schools of the Southern Westchester BOCES for preser-
17 vation. Notwithstanding any other provision of law to the contrary, such
18 records shall be deemed to be records of the Southern Westchester BOCES
19 for purposes of the management and disposition of such records and local
20 government records management grants pursuant to section 57.35 of the
21 arts and cultural affairs law.

22 S 5. The territory comprising the union free school district number
23 13, town of Greenburgh, county of Westchester, shall revert to and
24 become part of the Irvington union free school district in the county of
25 Westchester.

26 S 6. Section 1 of chapter 566 of the laws of 1967, relating to provid-
27 ing for the apportionment of funds to certain special school districts,
28 as amended by chapter 478 of the laws of 2006, is amended to read as
29 follows:

30 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
31 of the education law, and in lieu of any apportionments to which such
32 school districts might otherwise be entitled under such sections or
33 under any other provisions of law, the commissioner of education is
34 hereby authorized to include the following school districts in the annu-
35 al apportionment of public moneys and such apportionment shall be
36 computed in accordance with the provisions of sections two, three and
37 four of this act: union free school district number twenty-seven of the
38 town of Dryden, Tompkins county; union free school district number eight
39 of the town of Canaan, Columbia county; union free school districts
40 numbers ten, eleven[,] AND twelve [and thirteen] of the town of Green-
41 burgh, Westchester county; union free school districts numbers three and
42 four of the town of Mount Pleasant, Westchester county; union free
43 school district number six, Blythedale, town of Mount Pleasant, West-
44 chester county; and Randolph Children's Home union free school district
45 of the town of Randolph, Cattaraugus county; West Park union free school
46 district number two, town of Esopus, Ulster county; common school
47 district number seven of the town of Oyster Bay, Nassau county; the
48 Hopevale union free school district, town of Hamburg, Erie county; and
49 union free school district number three, town of Riverhead, Suffolk
50 county.

51 S 7. Section 1 of chapter 566 of the laws of 1967, relating to provid-
52 ing for the apportionment of funds to certain special school districts,
53 as amended by chapter 213 of the laws of 2011, is amended to read as
54 follows:

55 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
56 of the education law, and in lieu of any apportionments to which such

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

19 S 8. This act shall take effect immediately; provided that the amend-
20 ments to section 1 of chapter 566 of the laws of 1967, made by section
21 seven of this act, shall take effect on the same date and in the same
22 manner as section 5 of chapter 213 of the laws of 2011, takes effect.