

4110--A

2013-2014 Regular Sessions

I N S E N A T E

March 8, 2013

Introduced by Sen. STEWART-COUSINS -- 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

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; 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3 county of Westchester, is REPEALED.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 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 close-down 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 debts including, but not limited to, employee
9 benefits, to the extent required under the employees' contract with the
10 union free school district number 13, town of Greenburgh, county of
11 Westchester and bill for and receive any reimbursement due and owing for
12 tuition pursuant to article 81 of the education law or any other
13 provision of law for services rendered to students on or before the
14 school district ceased operation on July 1, 2011. Any other reasonable
15 costs incurred for closedown of the school district, as approved by the
16 commissioner of education pursuant to subparagraph (ii) of paragraph j
17 of subdivision 4 of section 4405 of the education law, shall be included
18 in a closedown rate payable by each school district or social services
19 district responsible for tuition for students attending the special act
20 school district in the 2010-2011 school year. Notwithstanding any other
21 provision of law, rule or regulation to the contrary, such closedown
22 rate may be payable in three installments which shall be as equal as
23 practicable, over three consecutive years after the closedown rate is
24 established. In such capacity, such board of cooperative educational
25 services and its officers and employees shall be entitled to defense and
26 indemnification by the state pursuant to section 18 of the public offi-
27 cers 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, all former employees of union free school district number
38 13, town of Greenburgh, county of Westchester for whom such school
39 district agreed by contract to pay the costs of health insurance in
40 retirement who retire on or before the effective date of this act, shall
41 be deemed retired employees of the state of New York entitled to health
42 insurance in retirement, to the extent required under the employees'
43 contract with the union free school district number 13, town of Green-
44 burgh, county of Westchester.

45 S 6. The territory comprising the union free school district number
46 13, town of Greenburgh, county of Westchester, shall revert to and
47 become part of the Irvington union free school district in the county of
48 Westchester.

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

53 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
54 of the education law, and in lieu of any apportionments to which such
55 school districts might otherwise be entitled under such sections or
56 under any other provisions of law, the commissioner of education is

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[,] AND twelve [and thirteen] of the town of Green-
8 burgh, Westchester county; union free school districts numbers three and
9 four of the town of Mount Pleasant, Westchester county; union free
10 school district number six, Blythedale, town of Mount Pleasant, West-
11 chester county; and Randolph Children's Home union free school district
12 of the 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; and
15 union free school district number three, town of Riverhead, Suffolk
16 county.

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

19 J. (I) IF THE BOARD OF EDUCATION OF A SPECIAL ACT SCHOOL DISTRICT
20 LISTED IN CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED
21 SIXTY-SEVEN, AS AMENDED, SEEKS TO CLOSE A SPECIAL ACT SCHOOL DISTRICT,
22 THE BOARD OF EDUCATION OF THE SPECIAL ACT SCHOOL DISTRICT SHALL PROVIDE
23 WRITTEN NOTICE TO THE COMMISSIONER WITH A PLAN FOR CLOSURE OF THE SCHOOL
24 AT LEAST NINETY DAYS PRIOR TO THE CLOSING DATE. SUCH PLAN SHALL INCLUDE
25 PROVISION FOR THE SAFE AND ORDERLY TRANSFER OF EACH STUDENT WITH A DISA-
26 BILITY WHO WAS PUBLICLY PLACED IN THE PROGRAM AND A DETAILED AND ITEM-
27 IZED LIST OF ESTIMATED EXPENSES NECESSARY TO CLOSE DOWN THE SCHOOL AND A
28 DETAILED AND ITEMIZED LIST OF ANY ESTIMATED REVENUES TO BE RECEIVED.

29 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL
30 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-
31 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE
32 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,
33 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,
34 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE
35 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER
36 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE-DOWN THE SPECIAL ACT
37 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT
38 ARE UNNECESSARY OR UNREASONABLE TO CLOSE-DOWN THE SCHOOL, WHETHER OR NOT
39 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

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

42 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS LISTED IN CHAPTER FIVE
43 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS
44 AMENDED, TO PROVIDE, ON AN ANNUAL BASIS OR MORE FREQUENTLY, AS NEEDED,
45 ENROLLMENT REPORTS, INCLUDING CURRENT AND PROJECTED ENROLLMENTS,
46 PROPOSED BUDGETS AND ANY FINANCIAL STATEMENTS THE COMMISSIONER DEEMS
47 APPROPRIATE, TO MONITOR THE FISCAL STABILITY OF SPECIAL ACT SCHOOL
48 DISTRICTS.

49 S 10. This act shall take effect immediately.