

5899

2013-2014 Regular Sessions

I N S E N A T E

June 20, 2013

Introduced by Sen. TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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3 tory in the town of Esopus in the county of Ulster is REPEALED.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
12 hereby authorized to include the following school districts in the annu-
13 al apportionment of public moneys and such apportionment shall be
14 computed in accordance with the provisions of sections two, three and
15 four of this act: union free school district number twenty-seven of the
16 town of Dryden, Tompkins county; union free school district number eight
17 of the town of Canaan, Columbia county; union free school districts

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

LBD11379-01-3

1 numbers ten, eleven, twelve and thirteen of the town of Greenburgh,
2 Westchester county; union free school districts numbers three and four
3 of the town of Mount Pleasant, Westchester county; union free school
4 district number six, Blythedale, town of Mount Pleasant, Westchester
5 county; and Randolph Children's Home union free school district of the
6 town of Randolph, Cattaraugus county; [West Park union free school
7 district number two, town of Esopus, Ulster county;] common school
8 district number seven of the town of Oyster Bay, Nassau county; the
9 Hopevale union free school district, town of Hamburg, Erie county; and
10 union free school district number three, town of Riverhead, Suffolk
11 county.

12 S 3. Section 1 of chapter 566 of the laws of 1967, relating to provid-
13 ing for the apportionment of funds to certain special school districts,
14 as amended by chapter 213 of the laws of 2011, is amended to read as
15 follows:

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

36 S 4. Any funds remaining in the possession of the West Park union free
37 school district number two, after all of its debts and obligations have
38 been paid, shall be paid over to each social services district and
39 school district having resident children served by the West Park union
40 free school district number two in the 2010-2011 school year in the same
41 proportion as the number of students placed by each such social services
42 district or school district and served by the West Park union free
43 school district number two in the 2010-2011 school year bears to the
44 total number of students served by the West Park union free school
45 district number two in the 2010-2011 school year. Though the West Park
46 union free school district number two be dissolved, section 1518 of the
47 education law shall be deemed to apply, and it shall continue to exist
48 in law for the purpose of providing for and paying all its just debts;
49 provided that the board of cooperative educational services of the sole
50 supervisory district of the county of Ulster (Ulster BOCES) shall be
51 authorized to act on behalf of the school district pursuant to section
52 four of this act.

53 S 5. Notwithstanding any other provision of law to the contrary,
54 during any period in which there is no duly constituted board of educa-
55 tion of the West Park union free school district number two, Ulster
56 BOCES shall be authorized to take any actions on behalf of the school

1 district that are reasonably necessary to complete the close-down and
2 dissolution of the district that the board of education would have,
3 including but not limited to, the power to enter contracts, pay debts
4 and bill for and receive any reimbursement due and owing for tuition
5 pursuant to article 81 of the education law or any other provision of
6 law for services rendered to students on or before the school district
7 ceased operation on February 28, 2011. Any other reasonable costs
8 incurred for closedown of the school district, as approved by the
9 commissioner of education pursuant to subparagraph (ii) of paragraph j
10 of subdivision 4 of section 4405 of the education law, shall be included
11 in a closedown rate payable by each school district or social services
12 district responsible for tuition for students attending the special act
13 school district in the 2010-2011 school year. Notwithstanding any other
14 provision of law, rule or regulation to the contrary, such closedown
15 rate may be payable in three installments which shall be as equal as
16 practicable, over three consecutive years after the closedown rate is
17 established. In such capacity, such board of cooperative educational
18 services and its officers and employees shall be entitled to defense and
19 indemnification by the state pursuant to section 18 of the public offi-
20 cers law.

21 S 6. Notwithstanding any other provision of law, rule or regulation to
22 the contrary, each social services district and school district having
23 resident children served by the West Park union free school district
24 number two in the 2010-2011 school year shall pay the costs of health
25 insurance for all former employees of the West Park union free school
26 district number two, for whom such school district agreed by contract to
27 pay the costs of health insurance in retirement in the same proportion
28 as the number of students placed by each such social services district
29 or school district and served by the West Park union free school
30 district number two in the 2010-2011 school year bears to the total
31 number of students served by the West Park union free school district
32 number two in the 2010-2011 school year. The Ulster BOCES shall adminis-
33 ter the payment and billing for the health insurance premiums to and
34 from civil service and/or the health insurance carriers, the employees,
35 and each social service district and school district that is responsible
36 for such payments to ensure that the former employees' health insurance
37 remains in effect, to the extent required under the employees' contract
38 with the West Park union free school district number two. Such annual
39 amount shall be paid in a manner prescribed by the commissioner.

40 S 7. The records of the West Park union free school district number
41 two, shall be forwarded to the district superintendent of schools of the
42 Ulster BOCES for preservation. Notwithstanding any other provision of
43 law to the contrary, such records shall be deemed to be records of the
44 Ulster BOCES for purposes of the management and disposition of such
45 records and local government records management grants pursuant to
46 section 57.35 of the arts and cultural affairs law.

47 S 8. The territory comprising the West Park union free school district
48 number two, town of Esopus, county of Ulster, shall revert to and become
49 a part of the Kingston city school district in the county of Ulster.

50 S 9. That certain Agency Lease dated August 12, 1998 between Mission-
51 ary Sisters of the Sacred Heart, a New York not-for-profit corporation
52 and the West Park union free school district number two is hereby termi-
53 nated.

54 S 10. Subdivision 4 of section 4405 of the education law is amended by
55 adding a new paragraph j to read as follows:

1 J. (I) IF THE BOARD OF EDUCATION OF A SPECIAL ACT SCHOOL DISTRICT
2 LISTED IN CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED
3 SIXTY-SEVEN, AS AMENDED, SEEKS TO CLOSE A SPECIAL ACT SCHOOL DISTRICT,
4 THE BOARD OF EDUCATION OF THE SPECIAL ACT SCHOOL DISTRICT SHALL PROVIDE
5 WRITTEN NOTICE TO THE COMMISSIONER OF EDUCATION WITH A PLAN FOR CLOSURE
6 OF THE SCHOOL AT LEAST NINETY DAYS PRIOR TO THE CLOSING DATE. SUCH PLAN
7 SHALL INCLUDE PROVISION FOR THE SAFE AND ORDERLY TRANSFER OF EACH
8 STUDENT WITH A DISABILITY WHO WAS PUBLICLY PLACED IN THE PROGRAM AND A
9 DETAILED AND ITEMIZED LIST OF ESTIMATED EXPENSES NECESSARY TO CLOSE DOWN
10 THE SCHOOL AND A DETAILED AND ITEMIZED LIST OF ANY ESTIMATED REVENUES TO
11 BE RECEIVED.

12 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL
13 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-
14 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE
15 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,
16 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,
17 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE
18 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER
19 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE DOWN THE SPECIAL ACT
20 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT
21 ARE UNNECESSARY OR UNREASONABLE TO CLOSE DOWN THE SCHOOL, WHETHER OR NOT
22 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

23 S 11. Section 4403 of the education law is amended by adding a new
24 subdivision 21 to read as follows:

25 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS TO PROVIDE, ON AN ANNUAL
26 BASIS OR MORE FREQUENTLY, AS NEEDED, ENROLLMENT REPORTS, INCLUDING
27 CURRENT AND PROJECTED ENROLLMENTS, PROPOSED BUDGETS AND ANY FINANCIAL
28 STATEMENTS THE COMMISSIONER DEEMS APPROPRIATE, TO MONITOR THE FISCAL
29 STABILITY OF SPECIAL ACT SCHOOL DISTRICTS.

30 S 12. This act shall take effect immediately; provided that section
31 three of this act shall take effect on the same date and in the same
32 manner as section 5 of chapter 213 of the laws of 2011, as amended,
33 takes effect.