

6738--A

Cal. No. 698

I N   S E N A T E

March 5, 2014

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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 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3     county of Westchester, is REPEALED.  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.  
18    S 3. Notwithstanding any other provision of law to the contrary,  
19    during any period in which there is no duly constituted board of educa-  
20    tion of union free school district number 13, town of Greenburgh, county  
21    of Westchester, Southern Westchester BOCES shall be authorized to take

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

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1 any actions on behalf of the school district that are reasonably neces-  
2 sary to complete the closedown and dissolution of the district that the  
3 board of education would have, including but not limited to, the power  
4 to enter contracts, pay outstanding debts, sell school district property  
5 if any, with approval of the commissioner, and to bill for and receive  
6 any reimbursement due and owing for tuition pursuant to article 81 of  
7 the education law or any other provision of law for services rendered to  
8 students on or before the school district ceased operation on July 1,  
9 2011 and reimbursement for closedown costs determined pursuant to this  
10 section. The Southern Westchester BOCES shall review the business  
11 records of the school district, including any claims, invoices and bills  
12 submitted to the school district during any period in which there was no  
13 duly constituted board of education and shall audit any expenses or  
14 claims, based on invoices, bills or other documentation, that were not  
15 included in an audited financial statement or financial reports submit-  
16 ted to the department of education by the school district, to determine  
17 if such expenses or claims are duplicative of claims previously submit-  
18 ted for reimbursement and, if not, whether they are supported by  
19 documentation that would substantiate a claim that the expense was  
20 incurred by the school district or is otherwise an outstanding debt of  
21 the school district. Such audit may be conducted by the claims auditor  
22 of the BOCES or, with the approval of the commissioner of education, by  
23 an independent auditor retained by the BOCES. The BOCES shall report to  
24 the department of education any audited claims that were not included in  
25 an audited financial statement or financial report, together with the  
26 documentation supporting such claims. Reimbursement for costs incurred  
27 for closedown of the school district shall include only: (i) any allow-  
28 able costs approved by the commissioner of education that were included  
29 in the audited financial statement and financial reports submitted by  
30 the school district in conformity with the financial reporting require-  
31 ments; (ii) additional allowable costs, incurred in the 2010-2011 school  
32 year or subsequently during the closedown period, that are approved by  
33 the commissioner of education in accordance with the reimbursable cost  
34 manual in effect for the 2010-2011 school year and relate to claims that  
35 were audited by the Southern Westchester BOCES pursuant to this section  
36 and are based on supporting documentation that would substantiate a  
37 claim that the expense was incurred by the school district and not  
38 duplicative of claims previously reimbursed; and (iii) the actual docu-  
39 mented cost to the Southern Westchester BOCES of carrying out its duties  
40 under the provisions of this section to close down the school district,  
41 as approved by the commissioner of education based on documentation that  
42 such costs were necessary to carry out such duties, shall be included in  
43 a closedown rate payable by each school district or social services  
44 district responsible for tuition for students attending the special act  
45 school district in the 2010-2011 school year. Notwithstanding any other  
46 provision of law, rule or regulation to the contrary, such closedown  
47 rate may be payable in three installments which shall be as equal as  
48 practicable, over three consecutive years after the closedown rate is  
49 established. In such capacity, such board of cooperative educational  
50 services and its officers and employees shall be entitled to defense and  
51 indemnification by the state pursuant to section 18 of the public offi-  
52 cers law.

53 S 4. The records of union free school district number 13, town of  
54 Greenburgh, county of Westchester, shall be forwarded to the district  
55 superintendent of schools of the Southern Westchester BOCES for preser-  
56 vation. Notwithstanding any other provision of law to the contrary, such

1 records shall be deemed to be records of the Southern Westchester BOCES  
2 for purposes of the management and disposition of such records and local  
3 government records management grants pursuant to section 57.35 of the  
4 arts and cultural affairs law.

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

9 S 6. Section 1 of chapter 566 of the laws of 1967, relating to provid-  
10 ing for the apportionment of funds to certain special school districts,  
11 as amended by chapter 213 of the laws of 2011, is amended to read as  
12 follows:

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

33 S 7. This act shall take effect immediately.