

8103

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT providing for accelerated payments to the city school district of the city of Mount Vernon

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

1 Section 1. In order to avoid endangering the fiscal stability of the
2 Mount Vernon city school district, certain apportionments payable to the
3 city school district of the city of Mount Vernon shall be paid on an
4 accelerated schedule as follows:
5 a. (1) Notwithstanding any other provisions of law, for aid payable in
6 the school years 2009-2010 through 2038-2039 upon application to the
7 commissioner of education submitted not sooner than the second Monday in
8 June of the school year in which such aid is payable and not later than
9 the Friday following the third Monday in June of the school year in
10 which such aid is payable, or ten days after the effective date of this
11 act, whichever shall be later, the Mount Vernon city school district
12 shall be eligible to receive an apportionment pursuant to this act in an
13 amount equal to the product of five million dollars (\$5,000,000) and the
14 quotient of the positive difference of thirty minus the number of school
15 years elapsed since the 2009-10 school year divided by thirty.
16 (2) Funds apportioned pursuant to this subdivision shall be used for
17 services and expenses of the city school district of the city of Mount
18 Vernon and shall be applied to support of its educational programs and
19 any liability incurred by such city school district in carrying out its
20 functions and responsibilities under the education law.
21 b. The claim for an apportionment to be paid to the Mount Vernon city
22 school district pursuant to subdivision a of this section shall be
23 submitted to the commissioner of education on a form prescribed for such
24 purpose, and shall be payable upon determination by such commissioner
25 that the form has been submitted as prescribed and that the school

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

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1 district has complied with the reporting requirements of this act. For
2 each school year in which application is made pursuant to subdivision a
3 of this section, such approved amount shall be payable on or before June
4 thirtieth of such school year upon the audit and warrant of the state
5 comptroller on vouchers certified or approved by the commissioner of
6 education in the manner prescribed by law from moneys in the state
7 lottery fund appropriated for general support of public schools and from
8 the general fund to the extent that the amount paid to the Mount Vernon
9 city school district pursuant to this subdivision and subdivision a of
10 this section exceeds the amount of the lottery apportionment, if any,
11 due such school district pursuant to subparagraph 2 of paragraph a of
12 subdivision 1 of section 3609-a of the education law on or before
13 September first of such school year.

14 c. Notwithstanding the provisions of section 3609-a of the education
15 law, an amount equal to the amount paid to the Mount Vernon city school
16 district during the base year pursuant to subdivisions a and b of this
17 section shall first be deducted from payments due during the current
18 school year pursuant to subparagraphs 1, 2, 3, 4 and 5 of paragraph a of
19 subdivision 1 of section 3609-a of the education law in the following
20 order: the lottery apportionment payable pursuant to subparagraph 2 of
21 such paragraph followed by the fixed fall payments payable pursuant to
22 subparagraph 4 of such paragraph, and any remainder to be deducted from
23 the individualized payments due to the district pursuant to paragraph b
24 of such subdivision shall be deducted on a chronological basis starting
25 with the earliest payment due the district.

26 d. Notwithstanding any other provisions of law, the sum of payments
27 made to the Mount Vernon city school district during the base year
28 pursuant to subdivisions a and b of this section plus payments made to
29 such school district during the current year pursuant to section 3609-a
30 of the education law shall be deemed to truly represent all aids paid to
31 such school district during the current school year pursuant to such
32 section 3609-a for the purposes of computing any adjustments to such
33 aids that may occur in a subsequent school year.

34 e. (1) On or before the first day of each month beginning in July 2010
35 and ending in June 2039, the chief fiscal officer and the superintendent
36 of schools of the Mount Vernon city school district shall prepare and
37 submit to the board of education of the city school district a report of
38 the fiscal condition of the school district, including but not limited
39 to the most current available data on fund balances on funds maintained
40 by the school district and the district's use of the apportionments
41 provided pursuant to subdivisions a and b of this section.

42 (2) Such monthly report shall be in a format prescribed by the commis-
43 sioner of education. The board of education shall either reject and
44 return the report to the chief fiscal officer and the superintendent of
45 schools for appropriate revisions and resubmittal or shall approve the
46 report and submit copies to the commissioner of education and the state
47 comptroller of such approved report as submitted or resubmitted.

48 (3) In the 2009-2010 through 2038-2039 school years, the chief fiscal
49 officer of the Mount Vernon city school district shall monitor all budg-
50 ets and for each budget, shall prepare a quarterly report of summarized
51 budget data depicting overall trends of actual revenues and budget
52 expenditures for the entire budget as well as individual line items.
53 Such report shall compare revenue estimates and appropriations as set
54 forth in such budget with the actual revenues and expenditures made to
55 date. All quarterly reports shall be accompanied by a recommendation
56 from the superintendent of schools or chief fiscal officer to the board

1 of education setting forth any remedial actions necessary to resolve any
2 unfavorable budget variance including the overestimation of revenue and
3 underestimation of appropriations. The chief fiscal officer shall also
4 prepare, as part of such report, a quarterly trial balance of general
5 ledger accounts in accordance with generally accepted accounting princi-
6 ples as prescribed by the state comptroller. All reports shall be
7 completed within sixty days after the end of each quarter and shall be
8 submitted to the chief fiscal officer and the board of education of the
9 Mount Vernon city school district, the state division of the budget, the
10 office of the state comptroller, the commissioner of education, the
11 chair of the assembly ways and means committee and the chair of the
12 senate finance committee.

13 S 2. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect one day after the school budget for
15 the city school district of the city of Mount Vernon has been passed;
16 provided that the superintendent of the city school district of the city
17 of Mount Vernon shall notify the legislative bill drafting commission
18 upon the occurrence of the enactment of the legislation provided for in
19 section one of this act in order that the commission may maintain an
20 accurate and timely effective data base of the official text of the laws
21 of the state of New York in furtherance of effectuating the provisions
22 of section 44 of the legislative law and section 70-b of the public
23 officers law.