S T A T E  O F  N E W  Y O R K

10272--B

I N  A S S E M B L Y

March 16, 2010

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 118 of the laws of 1969, relating to a separate union free school district in the town of Greenburgh in the county of Westchester, in relation to clarifying the authority of the Greenburgh North Castle Union Free School District to lease certain properties located outside of its boundaries and to establish that the Greenburgh North Castle Union free school district number twelve and St. Christopher's Inc. are "private not-for-profit schools"

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

Section 1. Chapter 118 of the laws of 1969, relating to a separate union free school district in the town of Greenburgh in the county of Westchester is amended by adding a new section 2-a to read as follows:

S 2-A. NOTWITHSTANDING ANY OTHER LAW, RULE, OR REGULATION TO THE CONTRARY, IN ADDITION TO THE POWERS GRANTED BY SECTION TWO OF THIS ACT, SUBJECT TO THE APPROVAL OF THE NEW YORK STATE EDUCATION DEPARTMENT, THE BOARD OF EDUCATION SHALL BE AUTHORIZED TO LEASE PROPERTIES LOCATED AT 623 BLOOMING GROVE TURNPIKE, IN THE TOWN OF NEW WINDSOR, COUNTY OF ORANGE FOR THE PURPOSE OF PROVIDING INSTRUCTION TO STUDENTS ENROLLED IN THE SCHOOL DISTRICT.

S 2. The actions of the board of education of the Greenburgh North Castle Union Free School District in entering a lease of properties located at 623 Blooming Grove Turnpike, in the town of New Windsor, county of Orange prior to the effective date of this act are hereby ratified, validated and confirmed notwithstanding its location outside of the school district boundaries.

S 3. (a) Notwithstanding any provision of law to the contrary, the Greenburgh North Castle union free school district number twelve, of the towns of Greenburgh and North Castle, in the county of Westchester, created pursuant to chapter 118 of the laws of 1969, as amended and St.

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

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Christopher's Inc. shall each, to the extent necessary or applicable to effectuate the provisions of this section, be deemed to be a "private not-for-profit school" within the provisions of title four of article eight of the public authorities law, chapter 698 of the laws of 1991 and chapter 294 of the laws of 1998, solely for the purposes of assuming the obligations of the McQuade foundation in connection with the dormitory authority's "The McQuade foundation insured revenue bonds, series 2005", and not for the purposes of any other law, rule, regulation or statute. Provided further, that, notwithstanding the assumption of such obligations, the Greenburgh North Castle union free school district number twelve shall be permitted to operate the capital facilities financed by the proceeds of the McQuade foundation insured revenue bonds, series 2005 for the purposes of providing services pursuant to such school district's contracts with other public school districts or social services districts for the education of children with handicapping conditions pursuant to article eighty-one or eighty-nine of the education law.

(b) Notwithstanding any provision of law to the contrary, the dormitory authority, St. Christopher's Inc. and the Greenburgh North Castle union free school district number twelve, of the towns of Greenburgh and North Castle, in the county of Westchester, are each hereby authorized to enter into such agreements as the dormitory authority deems reasonable or necessary to comply with the requirements of subdivision (a) of this section and to provide for the performance of the obligations of St. Christopher's Inc. and the Greenburgh North Castle union free school district number twelve, in accordance with the provisions of title four of article eight of the public authorities law, chapter 698 of the laws of 1991, chapter 294 of the laws of 1998 and the dormitory authority's contract with the holders of the McQuade foundation insured revenue bonds, series 2005. In furtherance thereof, the Greenburgh North Castle union free school district number twelve, St. Christopher's Inc. and the dormitory authority are hereby authorized to enter into one or more leases or other agreements pursuant to which the Greenburgh North Castle union free school district number twelve and St. Christopher's Inc., among other things, shall: (i) agree to pay annual rentals in an amount sufficient to pay the principal and interest due on the McQuade foundation insured revenue bonds, series 2005 as such annual rentals come due and any other amounts payable to the dormitory authority under such agreements; and (ii) pledge to the dormitory authority, as security for their respective obligations under such leases or other agreements, that part of the tuition payments payable by public school districts and social services districts for services rendered by the Greenburgh North Castle union free school district number twelve as determined by the commissioner of education pursuant to section four thousand four of the education law.

(c) Upon the assumption of the aforesaid obligations of the McQuade foundation by the Greenburgh North Castle union free school district number twelve, of the towns of Greenburgh and North Castle, and St. Christopher's Inc., all amounts currently or hereafter held by the state comptroller in the private not-for-profit school capital facilities financing reserve account established for the McQuade foundation shall continue to be held to provide for the payment of such assumed obligations and applied in accordance with the provisions of paragraph f of subdivision thirty-one of section sixteen hundred eighty of the public authorities law. In addition, every public school district and social services district shall make payment of the tuition payments referenced

in subdivision (b) of this section to the state comptroller for deposit into the financing reserve fund account established pursuant to paragraph f of subdivision thirty-one of section sixteen hundred eighty of the public authorities law.

(d) Nothing in this chapter shall authorize the Greenburgh North Castle union free school district number twelve, of the towns of Greenburgh and North Castle, and St. Christopher's Inc. from effectuating the transactions authorized under this act without first obtaining any governmental approvals, consents, licenses, permits and accreditation otherwise required under law, which shall include but not be limited to programmatic approval of the commissioner of education.

(e) Nothing in this chapter shall be construed to impair the validity of the McQuade foundation insured revenue bonds, series 2005 and such bonds shall, in all respects, continue to be valid and binding obligations of the dormitory authority authorized under and governed by the provisions of title four of article eight of the public authorities law, chapter 698 of the laws of 1991 and chapter 294 of the laws of 1998, including, without limitation subdivision thirty-one of section sixteen hundred eighty of the public authorities law, except as is expressly provided in this section.

S 4. This act shall take effect immediately.