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

8272--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 9, 2011

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. 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as a separate union free school district certain territory in the town of Esopus in the county of Ulster is REPEALED.

S 2. Section 1 of chapter 566 of the laws of 1967, relating to providing for the apportionment of funds to certain special school districts, as amended by chapter 478 of the laws of 2006, is amended to read as follows:

Section 1. Notwithstanding the provisions of section 3602 and 3602-b of the education law, and in lieu of any apportionments to which such school districts might otherwise be entitled under such sections or under any other provisions of law, the commissioner of education is hereby authorized to include the following school districts in the annual apportionment of public moneys and such apportionment shall be computed in accordance with the provisions of sections two, three and

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

LBD10327-09-2

four of this act: union free school district number twenty-seven of the town of Dryden, Tompkins county; union free school district number eight of the town of Canaan, Columbia county; union free school districts numbers ten, eleven, twelve and thirteen of the town of Greenburgh, Westchester county; union free school districts numbers three and four of the town of Mount Pleasant, Westchester county; union free school district number six, Blythedale, town of Mount Pleasant, Westchester county; and Randolph Children's Home union free school district of the town of Randolph, Cattaraugus county; [West Park union free school district number two, town of Esopus, Ulster county;] common school district number seven of the town of Oyster Bay, Nassau county; the Hopevale union free school district, town of Hamburg, Erie county; and union free school district number three, town of Riverhead, Suffolk county.

S 3. Any funds remaining in the possession of the West Park union free school district number two, after all of its debts and obligations have been paid, shall be paid over to each social services district and school district having resident children served by the West Park union free school district number two in the 2010-2011 school year in the same proportion as the number of students placed by each such social services district or school district and served by the West Park union free school district number two in the 2010-2011 school year bears to the total number of students served by the West Park union free school district number two in the 2010-2011 school year. Though the West Park union free school district number two be dissolved, section 1518 of the education law shall be deemed to apply, and it shall continue to exist in law for the purpose of providing for and paying all its just debts; provided that the board of cooperative educational services of the sole supervisory district of the county of Ulster (Ulster BOCES) shall be authorized to act on behalf of the school district pursuant to section four of this act.

S 4. Notwithstanding any other provision of law to the contrary, during any period in which there is no duly constituted board of education of the West Park union free school district number two, Ulster BOCES shall be authorized to take any actions on behalf of the school district that are reasonably necessary to complete the close-down and dissolution of the district that the board of education would have, including but not limited to, the power to enter contracts, pay debts and bill for and receive any reimbursement due and owing for tuition pursuant to article 81 of the education law or any other provision of law for services rendered to students on or before the school district ceased operation on February 28, 2011. Any other reasonable costs incurred for closedown of the school district, as approved by the commissioner of education pursuant to subparagraph (ii) of paragraph j of subdivision 4 of section 4405 of the education law, shall be included in a closedown rate payable by each school district or social services district responsible for tuition for students attending the special act school district in the 2010-2011 school year. Notwithstanding any other provision of law, rule or regulation to the contrary, such closedown rate may be payable in three installments which shall be as equal as practicable, over three consecutive years after the closedown rate is established. In such capacity, such board of cooperative educational services and its officers and employees shall be entitled to defense and indemnification by the state pursuant to section eighteen of the public officers law.

S 5. Notwithstanding any other provision of law, rule or regulation to the contrary, each social services district and school district having resident children served by the West Park union free school district number two in the 2010-2011 school year shall pay the costs of health insurance for all former employees of the West Park union free school district number two, for whom such school district agreed by contract to pay the costs of health insurance in retirement in the same proportion as the number of students placed by each such social services district or school district and served by the West Park union free school district number two in the 2010-2011 school year bears to the total number of students served by the West Park union free school district number two in the 2010-2011 school year. The Ulster BOCES shall administer the payment and billing for the health insurance premiums to and from civil service and/or the health insurance carriers, the employees, and each social service district and school district that is responsible for such payments to ensure that the former employees' health insurance remains in effect, to the extent required under the employees' contract with the West Park union free school district number two. Such annual amount shall be paid in a manner prescribed by the commissioner.

S 6. The records of the West Park union free school district number two, shall be forwarded to the district superintendent of schools of the Ulster BOCES for preservation. Notwithstanding any other provision of law to the contrary, such records shall be deemed to be records of the Ulster BOCES for purposes of the management and disposition of such records and local government records management grants pursuant to section 57.35 of the arts and cultural affairs law.

S 7. The territory comprising the West Park union free school district number two, town of Esopus, county of Ulster, shall revert to and become a part of the Kingston city school district in the county of Ulster.

S 8. That certain Agency Lease dated August 12, 1998 between Missionary Sisters of the Sacred Heart, a New York not-for-profit corporation and West Park union free school district number two is hereby terminated.

S 9. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph j to read as follows:

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

(II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARAGRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER, FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION, AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE DOWN THE SPECIAL ACT SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT

ARE UNNECESSARY OR UNREASONABLE TO CLOSE DOWN THE SCHOOL, WHETHER OR NOT THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

S 10. Section 4403 of the education law is amended by adding a new subdivision 21 to read as follows:

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

S 11. This act shall take effect immediately.