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

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2011-2012 Regular Sessions

I N S E N A T E

March 4, 2011

Introduced by Sens. HASSELL-THOMPSON, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. In order to avoid endangering the fiscal stability of the Mount Vernon city school district, certain apportionments payable to the city school district of the city of Mount Vernon shall be paid on an accelerated schedule as follows:

a. (1) Notwithstanding any other provisions of law, for aid payable in the school years 2012-2013 through 2040-2041 upon application to the commissioner of education submitted not sooner than the second Monday in June of the school year in which such aid is payable and not later than the Friday following the third Monday in June of the school year in which such aid is payable, or ten days after the effective date of this act, whichever shall be later, the Mount Vernon city school district shall be eligible to receive an apportionment pursuant to this act in an amount equal to the product of five million dollars ($5,000,000) and the quotient of the positive difference of thirty minus the number of school years elapsed since the 2012-2013 school year divided by thirty.

(2) Funds apportioned pursuant to this subdivision shall be used for services and expenses of the city school district of the city of Mount Vernon and shall be applied to support of its educational programs and any liability incurred by such city school district in carrying out its functions and responsibilities under the education law.

b. The claim for an apportionment to be paid to the Mount Vernon city school district pursuant to subdivision a of this section shall be

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

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

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

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

e. (1) On or before the first day of each month beginning in July 2013 and ending in June 2041, the chief fiscal officer and the superintendent of schools of the Mount Vernon city school district shall prepare and submit to the board of education of the city school district a report of the fiscal condition of the school district, including but not limited to the most current available data on fund balances on funds maintained by the school district and the district's use of the apportionments provided pursuant to subdivisions a and b of this section.

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

(3) In the 2012-2013 through 2040-2041 school years, the chief fiscal officer of the Mount Vernon city school district shall monitor all budgets and for each budget, shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget as well as individual line items. Such report shall compare revenue estimates and appropriations as set

forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation from the superintendent of schools or chief fiscal officer to the board of education setting forth any remedial actions necessary to resolve any unfavorable budget variance including the overestimation of revenue and underestimation of appropriations. The chief fiscal officer shall also prepare, as part of such report, a quarterly trial balance of general ledger accounts in accordance with generally accepted accounting principles as prescribed by the state comptroller. All reports shall be completed within sixty days after the end of each quarter and shall be submitted to the chief fiscal officer and the board of education of the Mount Vernon city school district, the state division of the budget, the office of the state comptroller, the commissioner of education, the chair of the assembly ways and means committee and the chair of the senate finance committee.

S 2. This act shall take effect immediately.