

5989--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 12, 2013

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Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; to amend the education law, in relation to special act school districts 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, relating to the dissolution of such union free school district

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3     county of Westchester, is REPEALED.  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.

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

LBD08713-04-3

1 S 3. Notwithstanding any other provision of law to the contrary,  
2 during any period in which there is no duly constituted board of educa-  
3 tion of union free school district number 13, town of Greenburgh, county  
4 of Westchester, Southern Westchester BOCES shall be authorized to take  
5 any actions on behalf of the school district that are reasonably neces-  
6 sary to complete the close-down and dissolution of the district that the  
7 board of education would have, including but not limited to, the power  
8 to enter contracts, pay debts including, but not limited to, employee  
9 benefits, to the extent required under the employees' contract with the  
10 union free school district number 13, town of Greenburgh, county of  
11 Westchester and bill for and receive any reimbursement due and owing for  
12 tuition pursuant to article 81 of the education law or any other  
13 provision of law for services rendered to students on or before the  
14 school district ceased operation on July 1, 2011. Any other reasonable  
15 costs incurred for closedown of the school district, as approved by the  
16 commissioner of education pursuant to subparagraph (ii) of paragraph j  
17 of subdivision 4 of section 4405 of the education law, shall be included  
18 in a closedown rate payable by each school district or social services  
19 district responsible for tuition for students attending the special act  
20 school district in the 2010-2011 school year. Notwithstanding any other  
21 provision of law, rule or regulation to the contrary, such closedown  
22 rate may be payable in three installments which shall be as equal as  
23 practicable, over three consecutive years after the closedown rate is  
24 established. In such capacity, such board of cooperative educational  
25 services and its officers and employees shall be entitled to defense and  
26 indemnification by the state pursuant to section 18 of the public offi-  
27 cers law.

28 S 4. The records of union free school district number 13, town of  
29 Greenburgh, county of Westchester, shall be forwarded to the district  
30 superintendent of schools of the Southern Westchester BOCES for preser-  
31 vation. Notwithstanding any other provision of law to the contrary, such  
32 records shall be deemed to be records of the Southern Westchester BOCES  
33 for purposes of the management and disposition of such records and local  
34 government records management grants pursuant to section 57.35 of the  
35 arts and cultural affairs law.

36 S 5. Notwithstanding any other provision of law, rule or regulation to  
37 the contrary, all former employees of union free school district number  
38 13, town of Greenburgh, county of Westchester for whom such school  
39 district agreed by contract to pay the costs of health insurance in  
40 retirement who retire on or before the effective date of this act, shall  
41 be deemed retired employees of the state of New York entitled to health  
42 insurance in retirement, to the extent required under the employees'  
43 contract with the union free school district number 13, town of Green-  
44 burgh, county of Westchester.

45 S 6. The territory comprising the union free school district number  
46 13, town of Greenburgh, county of Westchester, shall revert to and  
47 become part of the Irvington union free school district in the county of  
48 Westchester.

49 S 7. Section 1 of chapter 566 of the laws of 1967, relating to provid-  
50 ing for the apportionment of funds to certain special school districts,  
51 as amended by chapter 213 of the laws of 2011, is amended to read as  
52 follows:

53 Section 1. Notwithstanding the provisions of section 3602 and 3602-b  
54 of the education law, and in lieu of any apportionments to which such  
55 school districts might otherwise be entitled under such sections or  
56 under any other provisions of law, the commissioner of education is

1 hereby authorized to include the following school districts in the annu-  
2 al apportionment of public moneys and such apportionment shall be  
3 computed in accordance with the provisions of sections two, three and  
4 four of this act: union free school district number twenty-seven of the  
5 town of Dryden, Tompkins county; union free school district number eight  
6 of the town of Canaan, Columbia county; union free school districts  
7 numbers ten, eleven[,] AND twelve [and thirteen] of the town of Green-  
8 burgh, Westchester county; union free school districts numbers three and  
9 four of the town of Mount Pleasant, Westchester county; union free  
10 school district number six, Blythedale, town of Mount Pleasant, West-  
11 chester county; and Randolph Children's Home union free school district  
12 of the town of Randolph, Cattaraugus county; West Park union free school  
13 district number two, town of Esopus, Ulster county; common school  
14 district number seven of the town of Oyster Bay, Nassau county; and  
15 union free school district number three, town of Riverhead, Suffolk  
16 county.

17 S 8. Subdivision 4 of section 4405 of the education law is amended by  
18 adding a new paragraph j to read as follows:

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

29 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL  
30 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-  
31 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE  
32 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,  
33 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,  
34 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE  
35 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER  
36 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE-DOWN THE SPECIAL ACT  
37 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT  
38 ARE UNNECESSARY OR UNREASONABLE TO CLOSE-DOWN THE SCHOOL, WHETHER OR NOT  
39 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

40 S 9. Section 4403 of the education law is amended by adding a new  
41 subdivision 21 to read as follows:

42 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS LISTED IN CHAPTER FIVE  
43 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS  
44 AMENDED, TO PROVIDE, ON AN ANNUAL BASIS OR MORE FREQUENTLY, AS NEEDED,  
45 ENROLLMENT REPORTS, INCLUDING CURRENT AND PROJECTED ENROLLMENTS,  
46 PROPOSED BUDGETS AND ANY FINANCIAL STATEMENTS THE COMMISSIONER DEEMS  
47 APPROPRIATE, TO MONITOR THE FISCAL STABILITY OF SPECIAL ACT SCHOOL  
48 DISTRICTS.

49 S 10. This act shall take effect immediately.