

7875--C

2013-2014 Regular Sessions

I N A S S E M B L Y

June 6, 2013

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 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT 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:

1 Section 1. Chapter 744 of the laws of 1973 relating to establishing
2 and constituting as a separate union free school district certain terri-
3 tory in the town of Esopus in the county of Ulster is REPEALED.
4 S 2. Section 1 of chapter 566 of the laws of 1967, relating to provid-
5 ing for the apportionment of funds to certain special school districts,
6 as amended by chapter 478 of the laws of 2006, is amended to read as
7 follows:
8 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
9 of the education law, and in lieu of any apportionments to which such
10 school districts might otherwise be entitled under such sections or
11 under any other provisions of law, the commissioner of education is

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

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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, twelve and thirteen of the town of Greenburgh,
8 Westchester county; union free school districts numbers three and four
9 of the town of Mount Pleasant, Westchester county; union free school
10 district number six, Blythedale, town of Mount Pleasant, Westchester
11 county; and Randolph Children's Home union free school district of the
12 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; the
15 Hopevale union free school district, town of Hamburg, Erie county; and
16 union free school district number three, town of Riverhead, Suffolk
17 county.

18 S 3. Section 1 of chapter 566 of the laws of 1967, relating to provid-
19 ing for the apportionment of funds to certain special school districts,
20 as amended by chapter 213 of the laws of 2011, is amended to read as
21 follows:

22 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
23 of the education law, and in lieu of any apportionments to which such
24 school districts might otherwise be entitled under such sections or
25 under any other provisions of law, the commissioner of education is
26 hereby authorized to include the following school districts in the annu-
27 al apportionment of public moneys and such apportionment shall be
28 computed in accordance with the provisions of sections two, three and
29 four of this act: union free school district number twenty-seven of the
30 town of Dryden, Tompkins county; union free school district number eight
31 of the town of Canaan, Columbia county; union free school districts
32 numbers ten, eleven, twelve and thirteen of the town of Greenburgh,
33 Westchester county; union free school districts numbers three and four
34 of the town of Mount Pleasant, Westchester county; union free school
35 district number six, Blythedale, town of Mount Pleasant, Westchester
36 county; and Randolph Children's Home union free school district of the
37 town of Randolph, Cattaraugus county; [West Park union free school
38 district number two, town of Esopus, Ulster county;] common school
39 district number seven of the town of Oyster Bay, Nassau county; and
40 union free school district number three, town of Riverhead, Suffolk
41 county.

42 S 4. Any funds remaining in the possession of the West Park union free
43 school district number two, after all of its debts and obligations have
44 been paid, shall be paid over to each social services district and
45 school district having resident children served by the West Park union
46 free school district number two in the 2010-2011 school year in the same
47 proportion as the number of students placed by each such social services
48 district or school district and served by the West Park union free
49 school district number two in the 2010-2011 school year bears to the
50 total number of students served by the West Park union free school
51 district number two in the 2010-2011 school year. Though the West Park
52 union free school district number two be dissolved, section 1518 of the
53 education law shall be deemed to apply, and it shall continue to exist
54 in law for the purpose of providing for and paying all its just debts;
55 provided that the board of cooperative educational services of the sole
56 supervisory district of the county of Ulster (Ulster BOCES) shall be

1 authorized to act on behalf of the school district pursuant to section
2 four of this act.

3 S 5. Notwithstanding any other provision of law to the contrary,
4 during any period in which there is no duly constituted board of educa-
5 tion of the West Park union free school district number two, Ulster
6 BOCES shall be authorized to take any actions on behalf of the school
7 district that are reasonably necessary to complete the close-down and
8 dissolution of the district that the board of education would have,
9 including but not limited to, the power to enter contracts, pay
10 outstanding debts for reimbursable costs incurred for closedown of the
11 school district under this section, provided however that the Ulster
12 BOCES shall not pay for outstanding debts using its own funds and shall
13 not be liable for any outstanding debt incurred by the West Park union
14 free school district number two, town of Esopus, Ulster county, sell
15 school district property if any, with approval of the commissioner, and
16 to bill for and receive any reimbursement due and owing for tuition
17 pursuant to article 81 of the education law or any other provision of
18 law for services rendered to students on or before the school district
19 ceased operation on February 28, 2011 and reimbursement for closedown
20 costs determined pursuant to this section. The Ulster BOCES shall review
21 the business records of the school district, including any claims,
22 invoices and bills submitted to the school district during any period in
23 which there was no duly constituted board of education and shall audit
24 any expenses or claims, based on invoices, bills or other documentation,
25 that were not included in an audited financial statement or financial
26 reports submitted to the department by the school district, to determine
27 if such expenses or claims are duplicative of claims previously submit-
28 ted for reimbursement and, if not, whether they are supported by
29 documentation that would substantiate a claim that the expense was
30 incurred by the school district or is otherwise an outstanding debt of
31 the school district. Such audit may be conducted by the claims auditor
32 of the BOCES or, with the approval of the commissioner, by an independ-
33 ent auditor retained by the BOCES. The BOCES shall report to the depart-
34 ment any audited claims that were not included in an audited financial
35 statement or financial report, together with the documentation support-
36 ing such claims. Reimbursement for costs incurred for closedown of the
37 school district, shall include only: (i) any allowable costs approved by
38 the commissioner that were included in the audited financial statement
39 and financial reports submitted by the school district in conformity
40 with the financial reporting requirements; (ii) additional allowable
41 costs, incurred in the 2010-2011 school year or subsequently during the
42 closedown period, that are approved by the commissioner in accordance
43 with the reimbursable cost manual in effect for the 2010-2011 school
44 year and relate to claims that were audited by the Ulster BOCES pursuant
45 to this section and are based on supporting documentation that would
46 substantiate a claim that the expense was incurred by the school
47 district and not duplicative of claims previously reimbursed and (iii)
48 the actual documented cost to the Ulster BOCES of carrying out its
49 duties under the provisions of this section to close down the school
50 district, as approved by the commissioner based on documentation that
51 such costs were necessary to carry out such duties, shall be included in
52 a closedown rate payable by each school district or social services
53 district responsible for tuition for students attending the special act
54 school district in the 2010-2011 school year. Notwithstanding any other
55 provision of law, rule or regulation to the contrary, such closedown
56 rate may be payable in three installments which shall be as equal as

1 practicable, over three consecutive years after the closedown rate is
2 established; provided that any reimbursement costs due to Ulster BOCES
3 for carrying out its administrative duties under this act may be paid in
4 the first installment. In such capacity, such board of cooperative
5 educational services and its officers and employees shall be entitled to
6 defense and indemnification by the state pursuant to section 18 of the
7 public officers law. Services provided by the Ulster BOCES under this
8 act shall not result in any additional costs being imposed on component
9 school districts, except those costs imposed on a component school
10 district pursuant to a closedown rate calculated under this section.

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

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

21 S 8. That certain Agency Lease dated August 12, 1998 between Mission-
22 ary Sisters of the Sacred Heart, a New York not-for-profit corporation
23 and the West Park union free school district number two is hereby termi-
24 nated.

25 S 9. This act shall take effect immediately; provided that section
26 three of this act shall take effect on the same date and in the same
27 manner as section 5 of chapter 213 of the laws of 2011, as amended,
28 takes effect.