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

9028

I N A S S E M B L Y

March 10, 2014

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Education

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

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

Section 1. 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to establishing union free school district number 13 in the town of Greenburgh in the county of Westchester, is REPEALED.

S 2. Any funds remaining in the possession of the union free school district number 13, town of Greenburgh, county of Westchester, after all of its debts and obligations have been paid, shall be paid over to the board of cooperative educational services of the sole supervisory district of the county of Westchester (Southern Westchester BOCES) for the services provided to such union free school district pursuant to section three of this act. Though such union free school district number 13 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 Westchester (Southern Westchester BOCES) shall be authorized to act on behalf of the school district pursuant to section three of this act.

S 3. Notwithstanding any other provision of law to the contrary, during any period in which there is no duly constituted board of education of union free school district number 13, town of Greenburgh, county of Westchester, Southern Westchester 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

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

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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 July 1, 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 18 of the public officers law.

S 4. The records of union free school district number 13, town of Greenburgh, county of Westchester, shall be forwarded to the district superintendent of schools of the Southern Westchester BOCES for preservation. Notwithstanding any other provision of law to the contrary, such records shall be deemed to be records of the Southern Westchester 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 5. The territory comprising the union free school district number 13, town of Greenburgh, county of Westchester, shall revert to and become part of the Irvington union free school district in the county of Westchester.

S 6. 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 213 of the laws of 2011, 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 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[,] AND 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; and union free school district number three, town of Riverhead, Suffolk county.

S 7. 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 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 8. 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 LISTED IN CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS AMENDED, 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 9. This act shall take effect immediately.