

5057--A

2013-2014 Regular Sessions

I N S E N A T E

May 7, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the East Ramapo central school district to receive certain apportionments on an accelerated basis

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

1 Section 1. In order to avoid endangering the fiscal stability of the
2 East Ramapo central school district, certain apportionments payable to
3 the East Ramapo central school district shall be paid on an accelerated
4 schedule as follows:
5 a. (1) Notwithstanding any other provisions of law, for aid payable in
6 the school years 2013--2014 through 2042--2043 upon application to the
7 commissioner of education submitted not sooner than the second Monday in
8 June of the school year in which such aid is payable and not later than
9 the Friday following the third Monday in June of the school year in
10 which such aid is payable, or ten days after the effective date of this
11 act, whichever shall be later, the East Ramapo central school district
12 shall be eligible to receive an apportionment pursuant to this act in an
13 amount equal to the product of \$3,500,000 and the quotient of the posi-
14 tive difference of thirty minus the number of school years elapsed since
15 the 2013--2014 school year divided by thirty. Such application shall
16 include a detailed plan demonstrating how such apportionment shall be
17 used by the East Ramapo central school district in accordance with para-
18 graph 2 of this subdivision.
19 (2) Funds apportioned pursuant to this subdivision shall be used for
20 services and expenses of the East Ramapo central school district and
21 shall be applied exclusively to support of: instructional services,
22 including teacher salaries; guidance services, including guidance coun-
23 selor salaries; health services, including nurse salaries; security

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

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1 services, including security guard salaries; board of cooperative educa-
2 tion services expenses; co-curricular activities, including instruc-
3 tional salaries and contractual services; intra-mural activities,
4 including instructional salaries; and interscholastic athletics, includ-
5 ing instructional salaries, contractual expenses, security and transpor-
6 tation.

7 b. The claim for an apportionment to be paid to the East Ramapo
8 central school district pursuant to subdivision a of this section shall
9 be submitted to the commissioner of education on a form prescribed for
10 such purpose, and shall be payable upon determination by such commis-
11 sioner that the form has been submitted as prescribed and that the
12 school district has complied with the reporting requirements of this
13 act, including submission by such district of a detailed plan demon-
14 strating how such apportionment shall be used in accordance with para-
15 graph 2 of subdivision a of this section. For each school year in which
16 application is made pursuant to subdivision a of this section, such
17 approved amount shall be payable on or before June thirtieth of such
18 school year upon the audit and warrant of the state comptroller on
19 vouchers certified or approved by the commissioner of education in the
20 manner prescribed by law from moneys in the state lottery fund appropri-
21 ated for general support of public schools and from the general fund to
22 the extent that the amount paid to the East Ramapo central school
23 district pursuant to this subdivision and subdivision a of this section
24 exceeds the amount of the lottery apportionment, if any, due such school
25 district pursuant to subparagraph 2 of paragraph a of subdivision 1 of
26 section 3609-a of the education law on or before September first of such
27 school year.

28 c. Notwithstanding the provisions of section 3609-a of the education
29 law, an amount equal to the amount paid to the East Ramapo central
30 school district during the base year pursuant to subdivisions a and b of
31 this section shall first be deducted from payments due during the
32 current school year pursuant to subparagraphs 1, 2, 3, 4 and 5 of para-
33 graph a of subdivision 1 of section 3609-a of the education law in the
34 following order: the lottery apportionment payable pursuant to subpara-
35 graph 2 of such paragraph followed by the fixed fall payments payable
36 pursuant to subparagraph 4 of such paragraph, and any remainder to be
37 deducted from the individualized payments due to the district pursuant
38 to paragraph b of such subdivision shall be deducted on a chronological
39 basis starting with the earliest payment due the district.

40 d. Notwithstanding any other provisions of law, the sum of payments
41 made to the East Ramapo central school district during the base year
42 pursuant to subdivisions a and b of this section plus payments made to
43 such school district during the current year pursuant to section 3609-a
44 of the education law shall be deemed to truly represent all aids paid to
45 such school district during the current school year pursuant to such
46 section 3609-a of the education law for the purposes of computing any
47 adjustments to such aids that may occur in a subsequent school year.

48 e. (1) On or before the first day of each month beginning in July 2014
49 and ending in June 2043, the chief fiscal officer and the superintendent
50 of schools of the East Ramapo central school district shall prepare and
51 submit to the board of education of the school district a report of the
52 fiscal condition of the school district, including but not limited to
53 the most current available data on fund balances on funds maintained by
54 the school district and the district's use of the apportionments
55 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 2013--2014 through 2042--2043 school years, the chief fiscal officer of the East Ramapo central 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 East Ramapo central 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. a. Before the expenditure of funds received pursuant to the apportionment under section one of this act, the superintendent of such district shall appoint a temporary district-based advisory team to develop a comprehensive expenditure plan for such funds. The district-based advisory team shall consist of the superintendent of schools of the East Ramapo central school district or his or her designee, a member of the school board of such district, a teacher employed in a public school selected by the bargaining unit representing teachers in such district, an administrator employed in a public school selected by the bargaining unit representing administrators in such district, and a parent of a student attending a public school within such district selected by the East Ramapo parent teachers association council.

b. The district-based advisory team shall collaboratively develop educational goals to be achieved through expenditure of funds provided pursuant to section one of this act. Such goals shall conform with requirements pertaining to students with disabilities pursuant to applicable federal and state laws, including but not limited to ensuring students receive education in the least restricted environment. Following adoption of the educational goals, the district-based advisory team shall develop a comprehensive expenditure plan aligned with such goals.

c. The district-based advisory team shall, in conjunction with the board of education, hold at least one public forum within the district for the purpose of reporting on the contents of the comprehensive expenditure plan developed pursuant to subdivision b of this section. The superintendent of schools of the East Ramapo central school district shall ensure that notice for the public forum or forums is posted in a manner to maximize the participation of parents, students and school personnel.

1 d. Following the forum or forums held pursuant to subdivision c of
2 this section, but prior to voting on the proposed comprehensive expendi-
3 ture plan, the superintendent of schools of the East Ramapo central
4 school district shall publicly report to the board of education of such
5 district an assessment of all public comments concerning the proposed
6 comprehensive expenditure plan. Such assessment shall include: (1) a
7 summary and analysis of the issues raised and significant alternatives
8 suggested; (2) a statement of the reasons why significant alternatives
9 were not incorporated into the proposed expenditure plan; and (3) a
10 description of any changes made to the proposed expenditure plan as a
11 result of public comments received.

12 e. Following receipt of the assessment by the superintendent of
13 schools of the East Ramapo central school district, the board of educa-
14 tion shall adopt a comprehensive expenditure plan only after the
15 district-based advisory team has certified that such plan is sufficient-
16 ly aligned with the educational goals developed pursuant to subdivision
17 b of this section.

18 S 3. This act shall take effect immediately.