

6738

I N S E N A T E

March 5, 2014

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed 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:

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3 county of Westchester, is REPEALED.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

19 S 4. The records of union free school district number 13, town of
20 Greenburgh, county of Westchester, shall be forwarded to the district
21 superintendent of schools of the Southern Westchester BOCES for preser-
22 vation. Notwithstanding any other provision of law to the contrary, such
23 records shall be deemed to be records of the Southern Westchester BOCES
24 for purposes of the management and disposition of such records and local
25 government records management grants pursuant to section 57.35 of the
26 arts and cultural affairs law.

27 S 5. The territory comprising the union free school district number
28 13, town of Greenburgh, county of Westchester, shall revert to and
29 become part of the Irvington union free school district in the county of
30 Westchester.

31 S 6. Section 1 of chapter 566 of the laws of 1967, relating to provid-
32 ing for the apportionment of funds to certain special school districts,
33 as amended by chapter 213 of the laws of 2011, is amended to read as
34 follows:

35 Section 1. Notwithstanding the provisions of section 3602 and 3602-b
36 of the education law, and in lieu of any apportionments to which such
37 school districts might otherwise be entitled under such sections or
38 under any other provisions of law, the commissioner of education is
39 hereby authorized to include the following school districts in the annu-
40 al apportionment of public moneys and such apportionment shall be
41 computed in accordance with the provisions of sections two, three and
42 four of this act: union free school district number twenty-seven of the
43 town of Dryden, Tompkins county; union free school district number eight
44 of the town of Canaan, Columbia county; union free school districts
45 numbers ten, eleven[,] AND twelve [and thirteen] of the town of Green-
46 burgh, Westchester county; union free school districts numbers three and
47 four of the town of Mount Pleasant, Westchester county; union free
48 school district number six, Blythedale, town of Mount Pleasant, West-
49 chester county; and Randolph Children's Home union free school district
50 of the town of Randolph, Cattaraugus county; West Park union free school
51 district number two, town of Esopus, Ulster county; common school
52 district number seven of the town of Oyster Bay, Nassau county; and
53 union free school district number three, town of Riverhead, Suffolk
54 county.

55 S 7. Subdivision 4 of section 4405 of the education law is amended by
56 adding a new paragraph j to read as follows:

1 J. (I) IF THE BOARD OF EDUCATION OF A SPECIAL ACT SCHOOL DISTRICT
2 LISTED IN CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED
3 SIXTY-SEVEN, AS AMENDED, SEEKS TO CLOSE A SPECIAL ACT SCHOOL DISTRICT,
4 THE BOARD OF EDUCATION OF THE SPECIAL ACT SCHOOL DISTRICT SHALL PROVIDE
5 WRITTEN NOTICE TO THE COMMISSIONER WITH A PLAN FOR CLOSURE OF THE SCHOOL
6 AT LEAST NINETY DAYS PRIOR TO THE CLOSING DATE. SUCH PLAN SHALL INCLUDE
7 PROVISION FOR THE SAFE AND ORDERLY TRANSFER OF EACH STUDENT WITH A DISA-
8 BILITY WHO WAS PUBLICLY PLACED IN THE PROGRAM AND A DETAILED AND ITEM-
9 IZED LIST OF ESTIMATED EXPENSES NECESSARY TO CLOSE DOWN THE SCHOOL AND A
10 DETAILED AND ITEMIZED LIST OF ANY ESTIMATED REVENUES TO BE RECEIVED.

11 (II) DURING THE CLOSE-DOWN PERIOD AND UNTIL ALL NECESSARY FINANCIAL
12 OBLIGATIONS OF THE SCHOOL DISTRICT HAVE BEEN MET PURSUANT TO THIS PARA-
13 GRAPH, THE COMMISSIONER SHALL REQUIRE THE BOARD OF EDUCATION OF THE
14 SCHOOL DISTRICT TO PERIODICALLY SUBMIT, AS REQUIRED BY THE COMMISSIONER,
15 FINANCIAL REPORTS AND FINANCIAL STATEMENTS, DETAILING ANY TUITION,
16 AND/OR CLOSE-DOWN COSTS AND ANY REVENUES GENERATED. IN APPLYING THE
17 REIMBURSEMENT METHODOLOGY TO ANY REMAINING TUITION COSTS AND ANY OTHER
18 REASONABLE AND APPROPRIATE EXPENSES NEEDED TO CLOSE-DOWN THE SPECIAL ACT
19 SCHOOL DISTRICT, THE COMMISSIONER SHALL REJECT ANY CLOSE-DOWN COSTS THAT
20 ARE UNNECESSARY OR UNREASONABLE TO CLOSE-DOWN THE SCHOOL, WHETHER OR NOT
21 THE BOARD OF EDUCATION SUBMITS A CLOSE-DOWN PLAN.

22 S 8. Section 4403 of the education law is amended by adding a new
23 subdivision 21 to read as follows:

24 21. TO REQUIRE SPECIAL ACT SCHOOL DISTRICTS LISTED IN CHAPTER FIVE
25 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS
26 AMENDED, TO PROVIDE, ON AN ANNUAL BASIS OR MORE FREQUENTLY, AS NEEDED,
27 ENROLLMENT REPORTS, INCLUDING CURRENT AND PROJECTED ENROLLMENTS,
28 PROPOSED BUDGETS AND ANY FINANCIAL STATEMENTS THE COMMISSIONER DEEMS
29 APPROPRIATE, TO MONITOR THE FISCAL STABILITY OF SPECIAL ACT SCHOOL
30 DISTRICTS.

31 S 9. This act shall take effect immediately.