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

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Cal. No. 698

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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to establishing union free school district number 13 in the town of Greenburgh in the county of Westchester, is REPEALED.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

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

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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 closedown and dissolution of the district that the board of education would have, including but not limited to, the power to enter contracts, pay outstanding debts from reimbursable costs incurred for closedown of the school district under this section, provided however that the southern Westchester BOCES shall not pay for outstanding debts using its own funds and shall not be liable for any outstanding debt incurred by the union free school district number 13, Town of Greenburgh, sell school district property if any, with approval of the commissioner, and to 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 and reimbursement for closedown costs determined pursuant to this section. The Southern Westchester BOCES shall review the business records of the school district, including any claims, invoices and bills submitted to the school district during any period in which there was no duly constituted board of education and shall audit any expenses or claims, based on invoices, bills or other documentation, that were not included in an audited financial statement or financial reports submitted to the department of education by the school district, to determine if such expenses or claims are duplicative of claims previously submitted for reimbursement and, if not, whether they are supported by documentation that would substantiate a claim that the expense was incurred by the school district or is otherwise an outstanding debt of the school district. Such audit may be conducted by the claims auditor of the BOCES or, with the approval of the commissioner of education, by an independent auditor retained by the BOCES. The BOCES shall report to the department of education any audited claims that were not included in an audited financial statement or financial report, together with the documentation supporting such claims. Reimbursement for costs incurred for closedown of the school district shall include only: (i) any allowable costs approved by the commissioner of education that were included in the audited financial statement and financial reports submitted by the school district in conformity with the financial reporting requirements; (ii) additional allowable costs, incurred in the 2010-2011 school year or subsequently during the closedown period, that are approved by the commissioner of education in accordance with the reimbursable cost manual in effect for the 2010-2011 school year and relate to claims that were audited by the Southern Westchester BOCES pursuant to this section and are based on supporting documentation that would substantiate a claim that the expense was incurred by the school district and not duplicative of claims previously reimbursed; and (iii) the actual documented cost to the Southern Westchester BOCES of carrying out its duties under the provisions of this section to close down the school district, which includes, but is not limited to, the costs related to the need for Southern Westchester BOCES to undertake borrowing to meet the requirements of this act, as approved by the commissioner of education based on documentation that such costs were necessary to carry out such duties, 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. Notwith-

standing 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 close-down rate is established; provided that any reimbursement costs due to Southern Westchester BOCES for carrying out its administrative duties under this act may be paid in the first installment. 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. Services provided by the Southern Westchester BOCES under this act shall not result in any additional costs being imposed on component school districts, except those costs imposed on a component school district pursuant to a close-down rate calculated under this section.

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 478 of the laws of 2006, 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; the Hopevale union free school district, town of Hamburg, Erie county; and union free school district number three, town of Riverhead, Suffolk county.

S 7. 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 8. This act shall take effect immediately; provided that the amendments to section 1 of chapter 566 of the laws of 1967, made by section seven of this act, shall take effect on the same date and in the same manner as section 5 of chapter 213 of the laws of 2011, takes effect.