

# STATE OF NEW YORK

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18

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

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

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3 tory in the town of Esopus in the county of Ulster is REPEALED.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 § 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 section 6 of chapter 446 of the laws of 2014, is amended  
7 to read as 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  
12 hereby authorized to include the following school districts in the annu-  
13 al apportionment of public moneys and such apportionment shall be  
14 computed in accordance with the provisions of sections two, three and  
15 four of this act: union free school district number twenty-seven of the  
16 town of Dryden, Tompkins county; union free school district number eight  
17 of the town of Canaan, Columbia county; union free school districts

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

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1 numbers ten, eleven and twelve of the town of Greenburgh, Westchester  
2 county; union free school districts numbers three and four of the town  
3 of Mount Pleasant, Westchester county; union free school district number  
4 six, Blythedale, town of Mount Pleasant, Westchester county; and  
5 Randolph Children's Home union free school district of the town of  
6 Randolph, Cattaraugus county; [~~West Park union free school district~~  
7 ~~number two, town of Esopus, Ulster county,~~] common school district  
8 number seven of the town of Oyster Bay, Nassau county; the Hopevale  
9 union free school district, town of Hamburg, Erie county; and union free  
10 school district number three, town of Riverhead, Suffolk county.

11 § 3. Section 1 of chapter 566 of the laws of 1967, relating to provid-  
12 ing for the apportionment of funds to certain special school districts,  
13 as amended by section 7 of chapter 446 of the laws of 2014, is amended  
14 to read as follows:

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

34 § 4. Any funds remaining in the possession of the West Park union free  
35 school district number two, after all of its debts and obligations have  
36 been paid, shall be paid over to each social services district and  
37 school district having resident children served by the West Park union  
38 free school district number two in the 2010-2011 school year in the same  
39 proportion as the number of students placed by each such social services  
40 district or school district and served by the West Park union free  
41 school district number two in the 2010-2011 school year bears to the  
42 total number of students served by the West Park union free school  
43 district number two in the 2010-2011 school year. Though the West Park  
44 union free school district number two be dissolved, section 1518 of the  
45 education law shall be deemed to apply, and it shall continue to exist  
46 in law for the purpose of providing for and paying all its just debts;  
47 provided that the board of cooperative educational services of the sole  
48 supervisory district of the county of Ulster (Ulster BOCES) shall be  
49 authorized to act on behalf of the school district pursuant to section  
50 four of this act.

51 § 5. Notwithstanding any other provision of law to the contrary,  
52 during any period in which there is no duly constituted board of educa-  
53 tion of the West Park union free school district number two, Ulster  
54 BOCES shall be authorized to take any actions on behalf of the school  
55 district that are reasonably necessary to complete the closedown and  
56 dissolution of the district that the board of education would have,

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

1 school districts, except those costs imposed on a component school  
2 district pursuant to a closedown rate calculated under this section.

3 § 6. The records of the West Park union free school district number  
4 two, shall be forwarded to the district superintendent of schools of the  
5 Ulster BOCES for preservation. Notwithstanding any other provision of  
6 law to the contrary, such records shall be deemed to be records of the  
7 Ulster BOCES for purposes of the management and disposition of such  
8 records and local government records management grants pursuant to  
9 section 57.35 of the arts and cultural affairs law.

10 § 7. The territory comprising the West Park union free school district  
11 number two, town of Esopus, county of Ulster, shall revert to and become  
12 a part of the Highland Central school district in the county of Ulster.

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

17 § 9. This act shall take effect immediately; provided that section  
18 three of this act shall take effect on the same date and in the same  
19 manner as section 5 of chapter 213 of the laws of 2011, as amended,  
20 takes effect.