# STATE OF NEW YORK

169

2019-2020 Regular Sessions

# IN ASSEMBLY

**(Prefiled)**

January 9, 2019

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:**

Section 1. 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as a separate union free school district certain territory in the town of Esopus in the county of Ulster is REPEALED.

§ 2. 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 section 6 of chapter 446 of the laws of 2014, 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

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

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numbers ten, eleven and twelve 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.

§ 3. 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 section 7 of chapter 446 of the laws of 2014, 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 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.

§ 4. Any funds remaining in the possession of the West Park union free school district number two, after all of its debts and obligations have been paid, shall be paid over to each social services district and school district having resident children served by the West Park union free school district number two in the 2010-2011 school year in the same proportion as the number of students placed by each such social services district or school district and served by the West Park union free school district number two in the 2010-2011 school year bears to the total number of students served by the West Park union free school district number two in the 2010-2011 school year. Though the West Park union free school district number two 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 Ulster (Ulster BOCES) shall be authorized to act on behalf of the school district pursuant to section four of this act.

§ 5. Notwithstanding any other provision of law to the contrary, during any period in which there is no duly constituted board of education of the West Park union free school district number two, Ulster 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 for reimbursable costs incurred for closedown of the school district under this section, provided however that the Ulster BOCES shall not pay for outstanding debts using its own funds and shall not be liable for any outstanding debt incurred by the West Park union free school district number two, town of Esopus, Ulster county, 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 February 28, 2011 and reimbursement for closedown costs determined pursuant to this section. The Ulster 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 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, by an independent auditor retained by the BOCES. The BOCES shall report to the department 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 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 in accordance with the reimbursable cost manual in effect for the 2010-2011 school year and relate to claims that were audited by the Ulster 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 Ulster BOCES of carrying out its duties under the provisions of this section to close down the school district, as approved by the commissioner 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. 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; provided that any reimbursement costs due to Ulster 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 Ulster 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 closedown rate calculated under this section.

§ 6. The records of the West Park union free school district number two, shall be forwarded to the district superintendent of schools of the Ulster BOCES for preservation. Notwithstanding any other provision of law to the contrary, such records shall be deemed to be records of the Ulster 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.

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

§ 8. That certain Agency Lease dated August 12, 1998 between Missionary Sisters of the Sacred Heart, a New York not-for-profit corporation and the West Park union free school district number two is hereby terminated.

§ 9. This act shall take effect immediately; provided that section three 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, as amended, takes effect.