

STATE OF NEW YORK

10431--A

IN ASSEMBLY

May 19, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ashby, McDonald) -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 566 of the laws of 1967, relating to providing for the apportionment of funds to certain special act school districts, in relation to eliminating reference to union free school district number eight of the town of Canaan, Columbia county; to provide for the payment of the debts and obligations and the handling of records of the union free school district number eight in the town of Canaan, Columbia County; and to repeal chapter 486 of the laws of 1964, relating to establishing union free school district number eight of the town of Canaan in the county of Columbia

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Chapter 486 of the laws of 1964 relating to establishing
2 union free school district number eight in the town of Canaan in the
3 county of Columbia is REPEALED.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~~
17 ~~eight of the town of Canaan, Columbia county,~~] union free school
18 districts numbers ten, eleven and twelve of the town of Greenburgh,
19 Westchester county; union free school districts numbers three and four

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

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

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

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

34 § 4. Any funds remaining in the possession of the union free school
35 district number eight in the town of Canaan in the county of Columbia,
36 after all of its debts and obligations have been paid, shall be paid
37 over to each social services district and school district having resi-
38 dent children served by the union free school district number eight in
39 the town of Canaan in the county of Columbia in the 2019-2020 school
40 year in the same proportion as the number of students placed by each
41 such social services district or school district and served by the union
42 free school district number eight in the town of Canaan in the county of
43 Columbia in the 2019-2020 school year bears to the total number of
44 students served by the union free school district number eight in the
45 town of Canaan in the county of Columbia in the 2019-2020 school year.
46 Though the union free school district number eight in the town of Canaan
47 in the county of Columbia be dissolved, the board of cooperative educa-
48 tional services of the sole supervisory district of Rensselaer, Colum-
49 bia, Greene Counties (Questar III BOCES) shall be authorized to act on
50 behalf of the school district pursuant to section five 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 union free school district number eight of the town of
54 Canaan, Columbia County, Questar III BOCES shall be authorized to take
55 any actions on behalf of the school district that are reasonable and
56 necessary to complete the closedown and dissolution of the district that

1 the board of education would have, including but not limited to, the
2 power to enter into contracts, pay outstanding debts for reimbursable
3 costs incurred for closedown of the school district under this section
4 and subparagraph (i) of paragraph j of subdivision 4 of section 4405 of
5 the education law, provided however that the Questar III BOCES shall not
6 pay for outstanding debts using its own funds and shall not be liable
7 for any outstanding debt or claims incurred by the union free school
8 district number eight of the town of Canaan, Columbia County. The Ques-
9 tar III BOCES may sell school district property, if any, with approval
10 of the commissioner, and bill for and receive any reimbursement due and
11 owing for tuition pursuant to article 81 of the education law or any
12 other provision of law for services rendered to students on or before
13 the school district ceased operation on June 30, 2020 and reimbursement
14 for closedown costs determined pursuant to this section and subparagraph
15 (i) of paragraph j of subdivision 4 of section 4405 of the education
16 law. The closedown rate shall reimburse Questar III BOCES for the actu-
17 al documented cost to the Questar III BOCES of carrying out its duties
18 under the provisions of this section and subparagraph (i) of paragraph j
19 of subdivision 4 of section 4405 of the education law to closedown the
20 school district. The Questar III BOCES shall review the business records
21 of the school district, including any claims, invoices and bills submit-
22 ted to the school district during any period in which there was no duly
23 constituted board of education and shall audit any expenses or claims,
24 based on invoices, bills or other documentation, that were not included
25 in an audited financial statement or financial reports submitted to the
26 department by the school district, to determine if such expenses or
27 claims are duplicative of claims previously submitted for reimbursement
28 and, if not, whether they are supported by documentation that would
29 substantiate a claim that the expense was incurred by the school
30 district or is otherwise an outstanding debt of the school district.
31 Such audit may be conducted by the claims auditor of the BOCES or, with
32 the approval of the commissioner, by an independent auditor retained by
33 the BOCES. The BOCES shall report to the department any audited claims
34 that were not included in an audited financial statement or financial
35 report, together with the documentation supporting such claims.
36 Reimbursement for costs incurred for closedown of the school district
37 shall include only: (i) any allowable costs approved by the commissioner
38 that were included in the audited financial statement and financial
39 reports submitted by the school district in conformity with the finan-
40 cial reporting requirements; (ii) additional allowable costs incurred in
41 the 2019-2020 school year or subsequently during the closedown period
42 that are approved by the commissioner in accordance with the reimbursa-
43 ble cost manual in effect for the 2019-2020 school year and relate to
44 claims that were audited by the Questar III BOCES pursuant to this
45 section and subparagraph (i) of paragraph j of subdivision 4 of section
46 4405 of the education law and are based on supporting documentation that
47 would substantiate a claim that the expense was incurred by the school
48 district and not duplicative of claims previously reimbursed; and (iii)
49 the actual documented cost to the Questar III BOCES of carrying out its
50 duties under the provisions of this section and subparagraph (i) of
51 paragraph j of subdivision 4 of section 4405 of the education law to
52 closedown the school district, as approved by the commissioner based on
53 documentation that such costs were necessary to carry out such duties,
54 shall be included in a closedown rate payable by each school district or
55 social services district responsible for tuition for students attending
56 the special act school district in the 2019-2020 school year. Notwith-

1 standing any other provision of law, rule or regulation to the contrary,
2 such closedown rate may be payable in three installments which shall be
3 as equal as practicable, over three consecutive years after the close-
4 down rate is established; provided that any reimbursement costs remain-
5 ing due to Questar III BOCES for carrying out its administrative duties
6 under this act and subparagraph (i) of paragraph j of subdivision 4 of
7 section 4405 of the education law may be paid in the first installment.
8 In such capacity, such board of cooperative educational services and its
9 officers and employees shall be entitled to defense and indemnification
10 by the state pursuant to section 18 of the public officers law. Services
11 provided by the Questar III BOCES under this act and subparagraph (i) of
12 paragraph j of subdivision 4 of section 4405 of the education law shall
13 not result in any additional costs being imposed on component school
14 districts, except those costs imposed on a component school district
15 pursuant to a closedown rate calculated under this section.

16 § 6. The records of union free school district number eight of the
17 town of Canaan in the county of Columbia, shall be forwarded to the
18 district superintendent of schools for the board of cooperative educa-
19 tional services for the sole supervisory district of Rensselaer, Colum-
20 bia, Greene Counties for preservation. Notwithstanding any other
21 provision of law to the contrary, such records shall be deemed to be
22 records of the sole supervisory district of Rensselaer, Columbia, Greene
23 Counties for purposes of the management and disposition of such records
24 and any local government management grants issued pursuant to section
25 57.35 of the arts and cultural affairs law.

26 § 7. The territory comprising the union free school district number
27 eight of the town of Canaan, county of Columbia, shall revert to and
28 become part of the New Lebanon central school district in the county of
29 Columbia.

30 § 8. This act shall take effect immediately; provided, however, that
31 the amendments to section 1 of chapter 566 of the laws of 1967, made by
32 section three of this act, shall take effect on the same date and in the
33 same manner as section 5 of chapter 213 of the laws of 2011, as amended,
34 takes effect.