

STATE OF NEW YORK

7338

2021-2022 Regular Sessions

IN SENATE

August 20, 2021

Introduced by Sen. JORDAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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3 county of Columbia is REPEALED.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,

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

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1 Westchester county; union free school districts numbers three and four
2 of the town of Mount Pleasant, Westchester county; union free school
3 district number six, Blythedale, town of Mount Pleasant, Westchester
4 county; and Randolph Children's Home union free school district of the
5 town of Randolph, Cattaraugus county; West Park union free school
6 district number two, town of Esopus, Ulster county; common school
7 district number seven of the town of Oyster Bay, Nassau county; the
8 Hopevale union free school district, town of Hamburg, Erie county; and
9 union free school district number three, town of Riverhead, Suffolk
10 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~~
24 ~~eight of the town of Canaan, Columbia county,~~] union free school
25 districts numbers ten, eleven and twelve of the town of Greenburgh,
26 Westchester county; union free school districts numbers three and four
27 of the town of Mount Pleasant, Westchester county; union free school
28 district number six, Blythedale, town of Mount Pleasant, Westchester
29 county; and Randolph Children's Home union free school district of the
30 town of Randolph, Cattaraugus county; West Park union free school
31 district number two, town of Esopus, Ulster county; common school
32 district number seven of the town of Oyster Bay, Nassau county; and
33 union free school district number three, town of Riverhead, Suffolk
34 county.

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

52 § 5. Notwithstanding any other provision of law to the contrary,
53 during any period in which there is no duly constituted board of educa-
54 tion of the union free school district number eight of the town of
55 Canaan, Columbia County, Questar III BOCES shall be authorized to take
56 any actions on behalf of the school district that are reasonable and

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

1 the special act school district in the 2019-2020 school year. Notwith-
2 standing any other provision of law, rule or regulation to the contrary,
3 such closedown rate may be payable in three installments which shall be
4 as equal as practicable, over three consecutive years after the close-
5 down rate is established; provided that any reimbursement costs remain-
6 ing due to Questar III BOCES for carrying out its administrative duties
7 under this act and subparagraph (i) of paragraph j of subdivision 4 of
8 section 4405 of the education law may be paid in the first installment.

9 In such capacity, such board of cooperative educational services and its
10 officers and employees shall be entitled to defense and indemnification
11 by the state pursuant to section 18 of the public officers law. Services
12 provided by the Questar III BOCES under this act and subparagraph (i) of
13 paragraph j of subdivision 4 of section 4405 of the education law shall
14 not result in any additional costs being imposed on component school
15 districts, except those costs imposed on a component school district
16 pursuant to a closedown rate calculated under this section.

17 § 6. The records of union free school district number eight of the
18 town of Canaan in the county of Columbia, shall be forwarded to the
19 district superintendent of schools for the board of cooperative educa-
20 tional services for the sole supervisory district of Rensselaer, Colum-
21 bia, Greene Counties for preservation. Notwithstanding any other
22 provision of law to the contrary, such records shall be deemed to be
23 records of the sole supervisory district of Rensselaer, Columbia, Greene
24 Counties for purposes of the management and disposition of such records
25 and any local government management grants issued pursuant to section
26 57.35 of the arts and cultural affairs law.

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