

# STATE OF NEW YORK

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7338

2021-2022 Regular Sessions

## IN SENATE

August 20, 2021

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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3 county of Columbia is REPEALED.  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 Ques-  
10 tar 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 subpara-  
16 graph (i) of paragraph j of subdivision 4 of section 4405 of the educa-  
17 tion law. The Questar III BOCES shall be reimbursed the actual docu-  
18 mented 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 submit-  
23 ted 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 finan-  
41 cial 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 reimbursa-  
44 ble 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.