

Legislative Bill Drafting Commission
07259-02-1

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EDUC

(Relates to the powers and duties of
monitors in the East Ramapo central
school district)

East Ramapo school distrit

AN ACT

to amend chapter 89 of the laws of
2016 relating to supplementary fund-
ing for dedicated programs for
public school students in the East
Ramapo central school district, in
relation to the powers and duties of
monitors in the East Ramapo central
school district

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a063 Cusick	a075 Gottfried	a020 Miller, M.	a121 Salka
a092 Abinanti	a045 Cymbrowitz	a021 Griffin	a051 Mitaynes	a111 Santabarbara
a031 Anderson	a018 Darling	a100 Gunther	a015 Montesano	a090 Sayegh
a122 Angelino	a053 Davila	a139 Hawley	a145 Morinello	a099 Schmitt
a107 Ashby	a072 De La Rosa	a083 Heastie	a065 Niou	a076 Seawright
a035 Aubry	a003 DeStefano	a028 Hevesi	a037 Nolan	a084 Septimo
a120 Barclay	a070 Dickens	a128 Hunter	a144 Norris	a016 Sillitti
a030 Barnwell	a054 Dilan	a029 Hyndman	a069 O'Donnell	a052 Simon
a106 Barrett	a081 Dinowitz	a079 Jackson	a091 Otis	a114 Simpson
a060 Barron	a147 DiPietro	a104 Jacobson	a132 Palmesano	a005 Smith
a082 Benedetto	a009 Durso	a011 Jean-Pierre	a088 Paulin	a118 Smullen
a042 Bichotte	a048 Eichenstein	a134 Jensen	a141 Peoples-	a022 Solages
Hermelyn	a004 Englebright	a115 Jones	Stokes	a110 Steck
a117 Blankenbush	a074 Epstein	a077 Joyner	a058 Perry	a010 Stern
a098 Brabenc	a109 Fahy	a125 Kelles	a023 Pheffer	a127 Stirpe
a026 Braunstein	a061 Fall	a040 Kim	Amato	a102 Tague
a138 Bronson	a080 Fernandez	a105 Lalor	a086 Pichardo	a064 Tannousis
a012 Brown	a008 Fitzpatrick	a013 Lavine	a089 Pretlow	a071 Taylor
a093 Burdick	a057 Forrest	a097 Lawler	a073 Quart	a001 Thiele
a085 Burgos	a124 Friend	a126 Lemondes	a019 Ra	a033 Vanel
a142 Burke	a046 Frontus	a135 Lunsford	a038 Rajkumar	a116 Walczyk
a119 Buttenschon	a095 Galef	a123 Lupardo	a006 Ramos	a055 Walker
a094 Byrne	a050 Gallagher	a129 Magnarelli	a062 Reilly	a143 Wallace
a133 Byrnes	a131 Gallahan	a036 Mamdani	a087 Reyes	a112 Walsh
a103 Cahill	a007 Gandolfo	a130 Manktelow	a043 Richardson	a041 Weinstein
a044 Carroll	a002 Giglio, J.A.	a108 McDonald	a078 Rivera, J.	a024 Weprin
a136 Clark	a148 Giglio, J.M.	a014 McDonough	a149 Rivera, J.D.	a059 Williams
a047 Colton	a066 Glick	a146 McMahan	a068 Rodriguez	a113 Woerner
a140 Conrad	a034 Gonzalez-	a137 Meeks	a027 Rosenthal, D.	a096 Zebrowski
a032 Cook	Rojas	a017 Mikulin	a067 Rosenthal, L.	a056 Zinerman
a039 Cruz	a150 Goodell	a101 Miller, B.	a025 Rozic	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Paragraph (a) of section 3 of chapter 89 of the laws of
2 2016 relating to supplementary funding for dedicated programs for
3 public school students in the East Ramapo central school district is
4 amended and a new paragraph (c) is added to read as follows:

5 (a) Appointment of monitor team. In accordance with the powers and
6 duties of the board of regents and the commissioner pursuant to subdivi-
7 sion 2 of section 305 of the education law, section 308 of the education
8 law, and section 215 of the education law, the commissioner shall
9 appoint up to [3] 2 monitors to carry out the provisions of this act
10 including but not limited to providing oversight, guidance and technical
11 assistance related to the educational and fiscal policies, practices,
12 programs and decisions of the East Ramapo central school district, the
13 board of education and the superintendent.

14 (c) The reasonable and necessary expenses incurred by the monitor
15 while performing his or her official duties shall be paid by the school
16 district. Notwithstanding any other provision of law, the monitor shall
17 be entitled to defense and indemnification by the school district to the
18 same extent as a school district employee.

19 § 2. Sections 4, 6, 7 and 8 of chapter 89 of the laws of 2016 relating
20 to supplementary funding for dedicated programs for public school
21 students in the East Ramapo central school district, section 8 as
22 amended by section 42-b of part A of chapter 56 of the laws of 2020, are
23 amended to read as follows:

24 § 4. (a) (i) The monitor or monitors shall be entitled to attend all
25 meetings of the board, including executive sessions; provided however,
26 such monitor or monitors shall not be considered for purposes of estab-
27 lishing a quorum of the board, provided further that the monitors may be
28 excused from executive sessions when privileged issues are being

1 discussed. The East Ramapo central school district shall fully cooper-
2 ate with any monitor or monitors appointed by the commissioner, includ-
3 ing but not limited to providing such monitor or monitors with access,
4 in a timely manner, to any necessary documents and records of the
5 district including access to electronic information systems, databases
6 and planning documents, consistent with all applicable state and federal
7 statutes including but not limited to Family Educational Rights and
8 Privacy Act (FERPA) (20 U.S.C. §1232g) and section 2-d of the education
9 law.

10 (ii) The board clerk shall provide the monitor or monitors with copies
11 of the board agenda and all resolutions and motions that will be taken
12 up by the board at the next board meeting no later than 48 hours prior
13 to such board meeting. If a resolution or motion is to approve a
14 contract or where the resolution is required to comply with state law or
15 regulation and the date to comply with such law or regulation is within
16 21 days of the board meeting, the board clerk shall provide the monitor
17 or monitors with copies of the resolution and proposed contract language
18 at least seven days prior to such meeting. In the event the monitor or
19 monitors are not provided with copies of such documents 48 hours prior
20 to the next board meeting or in the case of contracts or resolutions
21 required to comply with state law or regulation, seven days prior to the
22 next board meeting, the monitor or monitors may, at their discretion,
23 remove an item including board resolutions or motions, except for resol-
24 ution or motions related to collective bargaining agreements negotiated
25 in accordance with article 14 of the civil service law, from consider-
26 ation by the board at such meeting. An item removed from consideration
27 by the monitor or monitors may not be reconsidered by the board for a
28 period of 10 days or the next board meeting; whichever is later.

1 (b) The board, in consultation with the monitor, shall adopt a
2 conflict of interest policy that complies with all existing applicable
3 laws, rules and regulations that ensures its board members and adminis-
4 tration act in the school district's best interest and comply with
5 applicable legal requirements. The conflict of interest policy shall
6 include, but not be limited to:

7 (i) a definition of the circumstances that constitute a conflict of
8 interest;

9 (ii) procedures for disclosing a conflict of interest to the board;

10 (iii) a requirement that the person with the conflict of interest not
11 be present at or participate in board deliberations or votes on the
12 matter giving rise to such conflict, provided that nothing in this
13 subdivision shall prohibit the board from requesting that the person
14 with the conflict of interest present information as background or
15 answer questions at a board meeting prior to the commencement of delib-
16 erations or voting relating thereto;

17 (iv) a prohibition against any attempt by the person with the conflict
18 to influence improperly the deliberation or voting on the matter giving
19 rise to such conflict; and

20 (v) a requirement that the existence and resolution of the conflict be
21 documented in the board's records, including in the minutes of any meet-
22 ing at which the conflict was discussed or voted upon.

23 (c) In the event that the monitor or monitors find that a board deci-
24 sion, a proposed resolution, or that the board's failure to act in a
25 timely manner, violates state law, the rules of the board of regents,
26 the regulations of the commissioner, or is inconsistent with the terms
27 of the long term strategic academic and fiscal improvement plan, the
28 monitor or monitors may:

1 (i) Override decisions or proposed resolutions by the board through
2 the issuance of a directive which shall contain the specific findings as
3 to the necessity of such override and any potential corrective action by
4 the board that would address the deficiency in such board decision. The
5 monitor or monitors shall provide written notice to the board, super-
6 intendent and commissioner of their intention to override the board
7 decision or proposed resolution at any time but in no event later than
8 48 hours after such decision was made by the board unless the commis-
9 sioner has extended the period to override due to extenuating circum-
10 stances that necessitate additional time. The override notice shall stay
11 the proceedings of the board on such decision or, if the notice is
12 provided prior to action by the board, it shall remove such item from
13 consideration by the board pending the issuance of a directive by the
14 monitor or monitors. The monitor or monitors must submit the directive
15 to the board, superintendent and the commissioner no later than 10 days
16 following notice of such override. Upon the issuance of a directive, the
17 override of the board's decision shall be final and conclusive unless
18 the monitor or monitors fail to issue such directive within 10 days or
19 within such period established by the monitors if the period was
20 extended, withdraws such override, or the commissioner overrules the
21 monitor's override within 10 days of the issuance of the directive. The
22 monitor or monitors may extend the period to submit such directive at
23 intervals of 10 additional days for each extension if the board, super-
24 intendent or school district employees fail to provide them, in a timely
25 manner, with all relevant information related to the decision subject to
26 such override.

27 (ii) Submit a resolution for adoption by the board. The resolution
28 shall be submitted to the clerk no later than 48 hours prior to the next

1 scheduled board meeting who shall cause the resolution to be placed on
2 the next board meeting agenda and a copy to be issued to the board,
3 superintendent and commissioner accompanied by specific findings as to
4 the necessity of such resolution. The monitor or monitors may direct the
5 board to meet at a date prior to their next scheduled board meeting to
6 take up such resolution. The monitor or monitors may withdraw the
7 resolution prior to, or during, the next board meeting, if the board
8 takes sufficient action to resolve the issues contained in the resolu-
9 tion. If the resolution is not withdrawn, it shall be deemed to be
10 adopted at the next board meeting through its submission and shall have
11 the full force and effect as any other resolution adopted by the board.

12 (iii) The monitor or monitors may not override a board decision or
13 submit a resolution related to collective bargaining agreements negoti-
14 ated in accordance with article 14 of the civil service law.

15 (d) The monitor or monitors may direct the board, superintendent,
16 and/or other school district officers to undergo any training as deemed
17 necessary and pursuant to timelines established by the state monitor.

18 (e) The monitor shall have the power to approve or disapprove the
19 appointment of a superintendent by the board of education on or after
20 the effective date of this act. The board shall submit the recommenda-
21 tion for superintendent to the monitor or monitors for approval. The
22 monitor or monitors shall have 10 days to approve or disapprove the
23 board's recommendation. If after such period no action is taken by the
24 monitor or monitors, the recommendation for superintendent shall be
25 deemed approved. If the monitor disapproves of the appointment, then
26 the board shall recommend a new candidate for the monitor to approve or
27 disapprove until an appointment is approved by the monitor.

1 § 6. Fiscal and operational oversight by the commissioner. During the
2 effective period of this act the commissioner shall undertake an
3 enhanced review of the district budget.

4 (a) The board of education in consultation with the monitor or moni-
5 tors shall annually submit the school district's proposed budget for the
6 next succeeding school year to the [commissioner] monitor no later than
7 [45 days before the date scheduled for] March first prior to the school
8 district's budget vote. The [commissioner] monitor shall review the
9 budget to ensure that it, to the greatest extent possible, expands
10 educational programming for students including but not limited to extra-
11 curricular activities, course offerings, non-mandated support services,
12 non-mandated art and music classes, programs and services for English
13 language learners and students with disabilities, and maintaining class
14 size. The [commissioner] monitor shall also review the proposed budget
15 to ensure that it is balanced within the context of revenue and expendi-
16 ture estimates and mandated programs. The [commissioner] monitor shall
17 present his or her findings to the board of education and to the commis-
18 sioner no later than [30] 45 days prior to the date scheduled for the
19 school district's budget vote. The commissioner shall require the board
20 of education [shall] to make adjustments to the proposed budget consist-
21 ent with any recommendations made by the [commissioner] monitor if the
22 commissioner determines such amendments are necessary to comply with the
23 long term strategic academic and fiscal improvement plan under this act.
24 The school district shall make available on the district's website: the
25 initial proposed budget, the [commissioner's] monitor's findings, and
26 the final proposed budget [prior to the date of the school district's
27 budget vote] at least seven days prior to the date of the school
28 district's budget hearing. In the event of a revote, the board of educa-

1 tion, in conjunction with the monitor, shall develop and submit the
2 school district's proposed budget for the next succeeding school year to
3 the commissioner no later than seven days prior to the budget hearing.
4 The board of education shall provide the commissioner with any informa-
5 tion he or she requests in order to make a determination pursuant to
6 this subdivision within three business days of such request.

7 (b) [The monitor or monitors appointed by the commissioner shall quar-
8 terly, and the district shall annually provide to the commissioner
9 reports on the fiscal and operational status of the school district to
10 ensure compliance with subdivision (a) of this section. In addition,
11 monitors shall provide an annual report to the commissioner and comp-
12 troller on contracts that the district entered into throughout the year.
13 All reports shall be subject to review by the comptroller at the request
14 of the commissioner.] The district shall provide quarterly reports to
15 the monitor and annual reports to the commissioner and board of regents
16 on the academic, fiscal, and operational status of the school district.
17 In addition, the monitor shall provide semi-annual reports to the
18 commissioner, board of regents, the governor, the temporary president of
19 the senate, and the speaker of the assembly on the academic, fiscal, and
20 operational status of the school district. Such semi-annual report shall
21 include all the contracts that the district entered into throughout the
22 year.

23 (c) The monitor shall have the authority to disapprove travel outside
24 the state paid for by the district.

25 (d) The monitor shall work with the district's shared decision-making
26 committee as defined in 8 NYCRR 100.11 in developing the academic
27 improvement plan, financial plan, district goals, implementation of
28 district priorities and budgetary recommendations.

1 (e) The monitor shall assist in resolving any disputes and conflicts,
2 including but not limited to, those between the superintendent and the
3 board of education and among the members of the board of education.

4 (f) The monitor may recommend, and the board shall consider by vote of
5 a resolution at the next scheduled meeting of the board, cost saving
6 measures including, but not limited to, shared service agreements.

7 § 7. To ensure compliance with the comprehensive expenditure plan, in
8 the event the district plans to reduce budget appropriations for
9 programs restored or created under the comprehensive expenditure plan or
10 the strategic academic and fiscal improvement plan as well as the sale
11 of school buildings or other real property and capital improvement
12 contracts in excess of one hundred thousand dollars (\$100,000), the
13 district shall submit a plan to the [commissioner] monitor for approval.

14 § 8. The commissioner may overrule any decision of the monitor, except
15 for collective bargaining agreements negotiated in accordance with arti-
16 cle 14 of the civil service law, if he or she deems that such decision
17 is not aligned with the long term strategic academic and fiscal improve-
18 ment plan or the school district's budget or is contrary to state law,
19 or regulation. If the commissioner overruled a decision of the monitor,
20 the commissioner may direct the board to take corrective action on such
21 matter if it is necessary to comply with state law, regulation or the
22 long term strategic academic and fiscal improvement plan. In the event
23 there is disagreement between the monitors, the commissioner may resolve
24 such disagreements and direct the monitors to take action as a result of
25 such resolution.

26 § 9. The monitor may notify the commissioner and the board in writing
27 when he or she deems the district is violating an element of the long
28 term strategic academic and fiscal improvement plan in this act. Within

1 twenty days, the commissioner shall determine whether the district is in
2 violation of any of the elements of the plan highlighted by the monitor
3 and shall order the district to comply immediately with the plan and
4 remedy any such violation. The school district shall suspend all actions
5 related to the potential violation of the long term strategic academic
6 and fiscal improvement plan until the commissioner issues a determi-
7 nation.

8 § 10. Nothing in this act shall be construed to abrogate the duties
9 and responsibilities of the school district consistent with applicable
10 state law and regulations.

11 § 11. This act shall take effect July 1, 2016 and shall expire and be
12 deemed repealed June 30, [2021, except that paragraph (b) of section
13 five of this act and section seven of this act shall expire and be
14 deemed repealed June 30, 2021] 2026.

15 § 3. Paragraph (b) of section 5 of chapter 89 of the laws of 2016
16 relating to supplementary funding for dedicated programs for public
17 school students in the East Ramapo central school district, as amended
18 by section 48 of part YYY of chapter 59 of the laws of 2017, is amended
19 to read as follows:

20 (b) [In order to receive such funds, the] The school district in
21 consultation with the monitor or monitors shall develop a long term
22 strategic academic and fiscal improvement plan within 6 months from the
23 enactment of this act and shall annually revise such plan by October
24 first of each year thereafter. Such plan, including such annual
25 revisions thereto, shall be submitted to the commissioner for approval
26 and shall include a set of goals with appropriate benchmarks and measur-
27 able objectives and identify strategies to address areas where improve-
28 ments are needed in the district, including but not limited to its

1 financial stability, academic opportunities and outcomes, education of
2 students with disabilities, education of English language learners, the
3 educational welfare of all students and shall ensure compliance with all
4 applicable state and federal laws and regulations. This improvement
5 plan shall also include a comprehensive expenditure plan that will
6 describe how any funds appropriated to the district in addition to those
7 appropriated through the school aid formula including but not limited to
8 the funds made available to the district pursuant to this section will
9 be spent in the applicable school year. The comprehensive expenditure
10 plan shall ensure that funds supplement, not supplant, expenditures from
11 local, state and federal funds for services provided to public school
12 students, except that such funds may be used to continue services funded
13 pursuant to this act in prior years. Such expenditure plan shall be
14 developed and annually revised in consultation with the monitor or moni-
15 tors appointed by the commissioner. The board of education of the East
16 Ramapo central school district must annually conduct a public hearing on
17 the expenditure plan and shall consider the input of the community
18 before adopting such plan. Such expenditure plan shall also be made
19 publicly available and shall be annually submitted along with comments
20 made by the community to the commissioner for approval once the plan is
21 finalized. Upon review of the improvement plan and the expenditure
22 plan, required to be submitted pursuant to this subdivision or section
23 seven of this act, the commissioner shall approve or deny such plan in
24 writing and, if denied, shall include the reasons therefor. The district
25 in consultation with the monitors may resubmit such plan or plans with
26 any needed modifications thereto.

27 § 4. This act shall take effect immediately; provided, however, that
28 the amendments to chapter 89 of the laws of 2016 made by sections one,

1 two and three of this act shall not affect the expiration of such chap-
2 ter and shall be deemed to be repealed therewith.