

STATE OF NEW YORK

7334

2025-2026 Regular Sessions

IN SENATE

April 10, 2025

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

AN ACT to amend chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of such monitor, in relation to the appointment of a monitor team; and in relation to extending the provisions thereof

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

Section 1. Sections 3, 4, 5, 6, 7, 8 and 9 of chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of such monitor, are amended to read as follows:

§ 3. Appointment of [a] monitor ~~team~~. ~~[The commissioner shall appoint one monitor to provide]~~ In accordance with the powers and duties of the board of regents and the commissioner pursuant to subdivision 2 of section 305 of the education law, section 308 of the education law, and section 215 of the education law, up to 2 monitors shall be appointed by and serve at the pleasure of the commissioner to carry out the provisions of this act including but not limited to providing oversight, guidance and technical assistance related to the educational, governance and fiscal policies, practices, programs and decisions of the school district, the board of education and the superintendent.

1. The monitor or monitors, to the extent practicable, shall have experience in ~~[school district finances and]~~ one or more of the following areas:

(a) school district finances;

~~(b)~~ elementary and secondary education;

~~(b)~~ (c) the operation of school districts in New York;

~~(c)~~ (d) educating students with disabilities; and

~~(d)~~ (e) educating English language learners.

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

LBD11408-02-5

2. The ~~[monitor]~~ monitors shall be ~~[a]~~ non-voting ex-officio ~~[member]~~ members of the board of education. The ~~[monitor]~~ monitors shall be ~~[an individual]~~ individuals who ~~[is]~~ are not ~~[a resident, employee]~~ residents, employees of the school district or ~~[relative]~~ relatives of a board member of the school district at the time of ~~[his or her]~~ their appointment.

3. The reasonable and necessary expenses incurred by the monitor or monitors while performing ~~[his or her]~~ their official duties shall be paid by the school district. Notwithstanding any other provision of law, the monitor or monitors shall be entitled to defense and indemnification by the school district to the same extent as a school district employee.

§ 4. Meetings. 1. The monitor or monitors shall be entitled to attend all meetings of the board, including executive sessions; provided however, such monitor or monitors shall not be considered for purposes of establishing a quorum of the board. The school district shall fully cooperate with ~~[the]~~ any monitor or monitors including, but not limited to, providing such monitor or monitors with access, within 48 hours of such request from the monitor or monitors, to any necessary documents and records of the district including access to electronic information systems, databases and planning documents, consistent with all applicable state and federal statutes including, but not limited to, Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and section 2-d of the education law. The monitor or monitors shall provide a copy of such request for any document or record to the board.

2. The board clerk shall provide the monitor or monitors with copies of the board agenda and all resolutions and motions on such agenda for each board meeting no later than 72 hours prior to such board meeting. If a proposed resolution or motion is for the purpose of approving a contract or to comply with state law or regulation and the date to comply with such law or regulation is within 21 days of the board meeting, the board clerk shall provide the monitor or monitors with copies of the proposed resolution and proposed contract language at least 7 days prior to such meeting.

3. In the event the monitor or monitors are not provided with copies of proposed resolutions or motions 72 hours prior to a board meeting or in the case of a proposed resolution or motion for the purpose of approving a contract or to comply with state law or regulation, seven days prior to the next board meeting, the monitor or monitors may, at their discretion, remove an item including board resolutions or motions, except for resolutions or motions related to collective agreements negotiated in accordance with article 14 of the civil service law, from consideration by the board at such meeting. Upon the failure of the board clerk to provide proposed resolutions or motions as required by subdivision 2 of this subdivision and this subdivision, the monitor or monitors shall provide notice of such failure to the board. An item removed from consideration by the monitor or monitors may not be reconsidered by the board for a period of 10 days or the next board meeting; whichever is later unless the monitor or monitors expressly authorizes consideration at an earlier date.

The board, in consultation with the monitor or monitors, shall adopt a conflict of interest policy that complies with all existing applicable laws, rules and regulations that ensures its board members and administration act in the school district's best interest and comply with applicable legal requirements. The conflict of interest policy shall include, but not be limited to:

1 (a) a definition of the circumstances that constitute a conflict of
2 interest;

3 (b) procedures for disclosing a conflict of interest to the board;

4 (c) a requirement that the person with the conflict of interest not be
5 present at or participate in board deliberations or votes on the matter
6 giving rise to such conflict, provided that nothing in this subdivision
7 shall prohibit the board from requesting that the person with the
8 conflict of interest present information as background or answer ques-
9 tions at a board meeting prior to the commencement of deliberations or
10 voting relating thereto;

11 (d) a prohibition against any attempt by the person with the conflict
12 to influence improperly the deliberation or voting on the matter giving
13 rise to such conflict; and

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

17 § 5. Public hearings. 1. The monitor or monitors shall schedule [~~two~~]
18 three public hearings to be held within sixty days of [~~his or her~~] their
19 appointment, which shall allow public comment from the district's resi-
20 dents, students, employees, parents, board members and administration.

21 (a) The first hearing shall take public comment on existing statutory
22 and regulatory authority of the commissioner, the department and the
23 board of regents regarding school district governance and intervention
24 under applicable state law and regulations, including but not limited
25 to, section 306 of the education law.

26 (b) The second hearing shall take public comment on the fiscal
27 performance of the district.

28 (c) The third hearing shall take public comment on the academic
29 performance of the district.

30 2. The board of education and the monitor or monitors shall consider
31 these public comments when developing the [~~financial~~] long term strate-
32 gic academic and fiscal improvement plan under this act.

33 § 6. [~~Financial~~] Strategic academic and fiscal improvement plan. 1.
34 [~~No later than November first, two thousand twenty, the board of educa-~~
35 ~~tion and the monitor shall develop a proposed financial plan for the two~~
36 ~~thousand twenty-two thousand twenty-one school year and the four subse-~~
37 ~~quent school years. The financial plan shall ensure that annual aggre-~~
38 ~~gate operating expenses shall not exceed annual aggregate operating~~
39 ~~revenues for such school year and that the major operating funds of the~~
40 ~~district be balanced in accordance with generally accepted accounting~~
41 ~~principles. The financial plan shall include statements of all estimated~~
42 ~~revenues, expenditures, and cash flow projections of the district.]~~ No
43 later than July first, two thousand twenty-six, the board of education
44 working in collaboration with the monitor or monitors shall adopt a long
45 term strategic academic and fiscal improvement plan for the two thousand
46 twenty-six--two thousand twenty-seven and next four succeeding school
47 years. Beginning with the two thousand twenty-seven--two thousand twen-
48 ty-eight school year by September first annually the board shall adopt
49 an updated plan. Such plan, including such annual revisions thereto,
50 shall be submitted to the commissioner for approval and shall include a
51 set of goals with appropriate benchmarks and measurable objectives and
52 identify strategies to address areas where improvements are needed in
53 the district, including but not limited to its financial stability and
54 governance, academic opportunities and outcomes, education of students
55 with disabilities, education of English language learners, the educa-
56 tional, social and emotional welfare of public school students and shall

1 ensure compliance with all applicable state and federal laws and regu-
2 lations.

3 ~~2. [If the board of education and the monitor agree on all the~~
4 ~~elements of the proposed financial plan, the board of education shall~~
5 ~~conduct a public hearing on the plan and consider the input of the~~
6 ~~community. The proposed financial plan shall be made public on the~~
7 ~~district's website at least three business days before such public hear-~~
8 ~~ing. Once the proposed financial plan has been approved by the board of~~
9 ~~education, such plan shall be submitted by the monitor to the commis-~~
10 ~~sioner for approval and shall be deemed approved for the purposes of~~
11 ~~this act.~~

12 ~~3. If the board of education and the monitor do not agree on all the~~
13 ~~elements of the proposed financial plan, the board of education shall~~
14 ~~conduct a public hearing on the proposed plan that details the elements~~
15 ~~of disagreement between the monitor and the board, including documented~~
16 ~~justification for such disagreements and any requested amendments from~~
17 ~~the monitor. The proposed financial plan, elements of disagreement, and~~
18 ~~requested amendments shall be made public on the district's website at~~
19 ~~least three business days before such public hearing. After considering~~
20 ~~the input of the community, the board may alter the proposed financial~~
21 ~~plan and the monitor may alter his or her requested amendments, and the~~
22 ~~monitor shall submit the proposed financial plan, his or her amendments~~
23 ~~to the plan, and documentation providing justification for such disa-~~
24 ~~greements and amendments to the commissioner no later than December~~
25 ~~first, two thousand twenty. By January fifteenth, two thousand twenty-~~
26 ~~one, the commissioner shall approve the proposed plan with any of the~~
27 ~~monitor's proposed amendments, or make other modifications, he or she~~
28 ~~deems appropriate. The board of education shall provide the commissioner~~
29 ~~with any information he or she requests to approve such plan within~~
30 ~~three business days of such request. Upon the approval of the commis-~~
31 ~~sioner, the financial plan shall be deemed approved for purposes of this~~
32 ~~act.]~~ Such plan, including such annual revisions thereto, shall be
33 submitted to the commissioner for approval and shall include a set of
34 goals with appropriate benchmarks and measurable objectives and identify
35 strategies to address areas where improvements are needed in the
36 district, including but not limited to its financial stability and
37 governance, academic opportunities and outcomes, education of students
38 with disabilities, education of English language learners, the educa-
39 tional, social and emotional welfare of public school students and shall
40 ensure compliance with all applicable state and federal laws and regu-
41 lations.

42 3. The board of education and monitor or monitors shall annually
43 conduct a public hearing on the long term strategic academic and fiscal
44 improvement plan and shall consider the input of the community before
45 adopting or revising such plan. Such long term strategic academic and
46 fiscal improvement plan shall also be made publicly available and shall
47 be annually submitted along with comments made by the community to the
48 commissioner for approval once the plan is finalized. Upon review of the
49 long term strategic academic and fiscal improvement plan, required to be
50 submitted pursuant to this subdivision, the commissioner shall approve
51 or deny such plan in writing and, if denied, shall include the reasons
52 therefor. The board of education and monitor or monitors may resubmit
53 such plan or plans with any needed modifications thereto.

54 § 7. Fiscal and operational oversight. During the effective period of
55 this act the commissioner shall undertake an enhanced review of the
56 budget. 1. The board of education shall annually submit the school

1 district's proposed budget for the next succeeding school year to the
2 monitor or monitors no later than March first prior to the school
3 district's annual budget vote. The monitor or monitors shall review the
4 proposed budget to ensure that it, to the greatest extent possible, is
5 ~~[balanced within the context of revenue and expenditure estimates and~~
6 ~~mandated programs. The monitor shall also review the proposed budget to~~
7 ~~ensure that it, to the greatest extent possible, is consistent with the~~
8 ~~district financial plan developed and approved pursuant to this act]~~
9 consistent with the long term strategic academic and fiscal improvement
10 plan developed and adopted pursuant to this act. The monitor or monitors
11 shall also review the proposed budget to ensure that it is balanced
12 within the context of revenue and expenditure estimates and mandated
13 programs. The monitor or monitors shall present ~~[his or her]~~ their find-
14 ings to the board of education and the commissioner no later than
15 forty-five days prior to the date scheduled for the school district's
16 annual budget vote. The commissioner shall require the board of educa-
17 tion to make amendments to the proposed budget consistent with any
18 recommendations made by the monitor or monitors if the commissioner
19 determines such amendments are necessary to comply with the ~~[financial]~~
20 long term strategic academic and fiscal improvement plan under this act.
21 The school district shall make available on the district's website: the
22 initial proposed budget, the monitor or monitors' findings, and the
23 final proposed budget at least seven days prior to the date of the
24 school district's budget hearing. In the event of a revote, the board of
25 education, in conjunction with the monitor or monitors, shall develop
26 and submit the school district's proposed budget for the next succeeding
27 school year to the commissioner no later than seven days prior to the
28 budget hearing. The board of education shall provide the commissioner
29 with any information ~~[he or she]~~ such commissioner requests in order to
30 make a determination pursuant to this subdivision within three business
31 days of such request.

32 2. The district shall provide quarterly reports to the monitor or
33 monitors and annual reports to the commissioner and board of regents on
34 the academic, fiscal and operational status of the school district. In
35 addition, the monitor or monitors shall provide semi-annual reports to
36 the commissioner, board of regents, the governor, the temporary presi-
37 dent of the senate, and the speaker of the assembly on the academic,
38 fiscal and operational status of the school district. Such semi-annual
39 report shall include all the contracts that the district entered into
40 throughout the year. All reports shall be subject to review by the comp-
41 troller at the request of the commissioner.

42 3. The monitor or monitors shall have the authority to disapprove
43 travel outside the state paid for by the district.

44 4. The monitor or monitors shall work with the district's shared deci-
45 sion-making committee as defined in 8 NYCRR Part 100.11 in developing
46 ~~[the financial plan,]~~ and revising the long-term strategic academic and
47 fiscal improvement plan, district goals, implementation of district
48 priorities and budgetary recommendations.

49 5. The monitor or monitors shall assist in resolving any disputes and
50 conflicts, including but not limited to, those between the superinten-
51 dent and the board of education and among the members of the board of
52 education.

53 6. The monitor or monitors may recommend, and the board shall consider
54 by vote of a resolution at the next scheduled meeting of the board, cost
55 saving measures including, but not limited to, shared service agree-
56 ments.

§ 8. The commissioner may overrule any decision of the monitor or monitors, except for decisions related to collective bargaining agreements negotiated in accordance with article 14 of the civil service law, if ~~[he or she]~~ such commissioner deems that ~~[it]~~ such decision is not aligned with the ~~[financial]~~ long term strategic academic and fiscal improvement plan or the school district's budget or is contrary to state law or regulation. If the commissioner overrules a decision of the monitor or monitors, the commissioner may direct the board to take corrective action on such matter if it is necessary to comply with state law, regulation or the long term strategic academic and fiscal improvement plan. In the event there is a disagreement between the monitors, the commissioner may resolve such disagreements and direct the monitors to take action as a result of such resolution.

§ 9. The monitor or monitors may notify the board and the commissioner in writing when ~~[he or she deems]~~ they deem the district is violating an element of the ~~[financial]~~ long term strategic academic and fiscal improvement plan ~~[in]~~ or the district failed to provide the monitor or monitors with requested documents or records within the time frame prescribed in subdivision two of section four of this act. Within twenty days, the commissioner shall determine whether the district is in violation of any of the elements of the plan highlighted by the monitor or monitors and shall order the district to comply immediately with the plan and remedy any such violation. The school district shall suspend all actions related to the potential violation of the ~~[financial]~~ long term strategic academic and fiscal improvement plan until the commissioner issues a determination. Within seven days, the commissioner shall determine if the district failed to comply with the document and record provision set forth in subdivision one of section four of this act and shall order the district to immediately provide the monitor or monitors with the requested documents or records.

§ 2. Section 13 of chapter 18 of the laws of 2020 authorizing the commissioner of education in consultation with the comptroller to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of such monitor, is amended to read as follows:

§ 13. This act shall take effect immediately, provided however:

Section one of this act shall take effect on the same date as a chapter of the laws of 2019, authorizing the commissioner of education, in consultation with the comptroller to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, as proposed in legislative bills numbers S.6588-A and A.8422-A, takes effect.

Sections three through ten of this act shall expire and be deemed repealed June 30, ~~[2025]~~ 2030.

Section eleven shall expire and be deemed repealed June 30 of the last fiscal year during which serial bonds or bonds issued to refund such serial bonds that are outstanding pursuant to such section of this act, provided that the superintendent of the Wyandanch union free school district shall notify the legislative bill drafting commission upon such occurrence in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

Sections two and twelve of this act shall expire and be deemed repealed June 30, 2049.

1 § 3. This act shall take effect immediately; provided, however, that
2 the amendments to chapter 18 of the laws of 2020 authorizing the commis-
3 sioner of education to appoint a monitor to oversee the Wyandanch union
4 free school district and establishing the powers and duties of such
5 monitor, made by section one of this act shall not affect the expiration
6 of such chapter and shall expire and be deemed repealed therewith.