S T A T E O F N E W Y O R K

10723

I N A S S E M B L Y

June 13, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jaffee, Zebrowski) -- read once and referred to the Committee on Ways and Means

AN ACT relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district; providing an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature finds and determines that over the course of many years there have been dramatic changes in the demographics in the town of Ramapo, Rockland county. The number of residents in the town has dramatically increased, swelling the size of the East Ramapo central school district to over 30,000 students. Nearly 2/3 of those students do not, however, attend the public school system. In 2015 the state education department, pursuant to its powers and duties, appointed three monitors to the district, led by the former chancellor of the New York City school district. The legislature further finds and determines that in order to continue moving the dialogue in the right direction, with the ultimate goal of improving the outcomes of all students within the district, the appointment of monitors should continue. This legislation continues the appointment of monitors in the East Ramapo central school district. Finally, the legislature finds that this legislation has received general support from the school board and the community as a whole.

S 2. Definitions. As used in this act:

(a) "commissioner" shall mean commissioner of education;

(b) "department" shall mean state education department;

(c) "board of education" or "board" shall mean the board of education of the East Ramapo central school district;

(d) "school district" or "district" shall mean the East Ramapo central school district; and

(e) "superintendent" shall mean the superintendent of the East Ramapo central school district.

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

LBD15839-03-6

(f) "comptroller" shall mean the state comptroller.

S 3. (a) Appointment of monitor team. 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, the commissioner shall appoint up to 3 monitors to carry out the provisions of this act including but not limited to providing oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the East Ramapo central school district, the board of education and the superintendent.

(b) The monitors shall be non-voting ex-officio members of the school board. The monitors shall be individuals who are not residents or employees of the school district and to the extent practical, shall have experience in one of more of the following areas:

(i) school district finances;

(ii) elementary and secondary education;

(iii) the operation of school districts in New York;

(iv) educating students with disabilities; and/or

(v) educating English language learners.

S 4. 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, provided further that the monitors may be excused from executive sessions when privileged issues are being discussed. The East Ramapo central school district shall fully cooperate with any monitor or monitors appointed by the commissioner, including but not limited to providing such monitor or monitors with access 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 Educational Rights and Privacy Act (FERPA)(20 U.S.C. S1232g) and section 2-d of the education law.

S 5. (a) The sum of one million dollars ($1,000,000) is hereby appropriated for the 2016--2017 school year to the state education department out of moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, for reimbursement to the East Ramapo central school district to support students attending public schools in such district, provided that the district is in compliance with the requirements set forth in this act. Provided further that funding appropriated in this paragraph shall only be made available after the director of the budget has certified that the sum of two million dollars ($2,000,000) has been made available to the East Ramapo central school district from available appropriations within chapter 53 of the laws of 2016, provided that such funds are only made available for purposes set forth in this act.

(a-1) The East Ramapo central school district shall be eligible to receive reimbursement from such funds made available pursuant to paragraph (a) of this section for its approved expenditures on services to improve and enhance the educational opportunities of students attending the public schools in such district. Such services shall include, but not be limited to, reducing class sizes, expanding academic and enrichment opportunities, establishing and expanding kindergarten programs, expanding extracurricular opportunities and providing student support services, provided, however, transportation services and expenses shall not be eligible for reimbursement from such funds.

(b) In order to receive such funds, the school district in consultation with the monitor or monitors shall develop a long term strategic academic and fiscal improvement plan within 6 months from the enactment of this act. Such plan shall be submitted to the commissioner for approval and shall include a set of goals with appropriate benchmarks and measurable objectives and identify strategies to address areas where improvements are needed in the district, including but not limited to its financial stability, academic opportunities and outcomes, education of students with disabilities, education of English language learners, and shall ensure compliance with all applicable state and federal laws and regulations. This improvement plan shall also include a comprehensive expenditure plan that will describe how the funds made available to the district pursuant to this section will be spent. The comprehensive expenditure plan shall ensure that funds supplement, not supplant, expenditures from local, state and federal funds for services provided to public school students. Such expenditure plan shall be developed in consultation with the monitor or monitors appointed by the commissioner. The board of education of the East Ramapo central school district must conduct a public hearing on the expenditure plan and shall consider the input of the community before adopting such plan. Such expenditure plan shall also be made publicly available and shall be submitted along with comments made by the community to the commissioner for approval once the plan is finalized. Upon review of the improvement plan and the expenditure plan, required to be submitted pursuant to this subdivision or section seven of this act, the commissioner shall approve or deny such plan in writing and, if denied, shall include the reasons therefor. The district in consultation with the monitors may resubmit such plan or plans with any needed modifications thereto.

(c) The commissioner shall disburse the funds appropriated pursuant to this section after receiving satisfactory evidence from the East Ramapo central school district that the district has complied with the approved comprehensive expenditure plan and spent such funds pursuant to the approved expenditure plan.

(d) The commissioner of education shall have 30 days from the receipt of such evidence to confirm whether the school district has complied with the requirements of this act and shall determine whether such funds were spent in conformance with the provisions of this act. Upon finding compliance and determining that the funds were properly expended, the commissioner shall certify the amount of the approved expenditures to the state comptroller for payment no later than 60 days after such determinations. The East Ramapo central school district shall not receive reimbursement for funds authorized pursuant to this act that are not spent for the direct benefit of students attending public schools in such district in a manner consistent with its approved comprehensive expenditure plan or prior written approval from the commissioner.

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

(a) The board of education in consultation with the monitor or monitors shall annually submit the school district's proposed budget for the next succeeding school year to the commissioner no later than 45 days before the date scheduled for the school district's budget vote. The commissioner shall review the budget to ensure that it, to the greatest extent possible, expands educational programming for students including but not limited to extracurricular activities, course offerings, non-mandated support services, non-mandated art and music classes, programs

and services for English language learners and students with disabilities, and maintaining class size. The commissioner shall also review the proposed budget to ensure that it is balanced within the context of revenue and expenditure estimates and mandated programs. The commissioner shall present his or her findings to the board of education no later than 30 days prior to the date scheduled for the school district's budget vote. The board of education shall make adjustments to the proposed budget consistent with any recommendations made by the commissioner. The school district shall make available on the district's website: the initial proposed budget, the commissioner's findings, and the final proposed budget prior to the date of the school district's budget vote.

(b) The monitor or monitors appointed by the commissioner shall quarterly, and the district shall annually provide to the commissioner reports on the fiscal and operational status of the school district to ensure compliance with subdivision (a) of this section. In addition, monitors shall provide an annual report to the commissioner and comptroller on contracts that the district entered into throughout the year. All reports shall be subject to review by the comptroller at the request of the commissioner.

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

S 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, 2017.