

S. 3821--A

A. 5355--A

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

February 18, 2015

IN SENATE -- Introduced by Sens. CARLUCCI, AVELLA, KRUEGER, LARKIN, LATIMER, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. JAFFEE, ZEBROWSKI, SKOUFIS, HOOPER, RODRIGUEZ, GOTTFRIED, DINOWITZ, PAULIN, ABINANTI, LAVINE, OTIS, BICHOTTE, PICHARDO, MAYER, MILLER, BENEDETTO, CLARK, RAIA, FAHY, ARROYO -- Multi-Sponsored by -- M. of A. GALEF, GLICK, HEVESI, O'DONNELL, RIVERA, SEAWRIGHT, SIMON, SOLAGES, STIRPE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the commissioner of education to appoint a state monitor to oversee the East Ramapo central school district and establishing the powers and duties of the state monitor; 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:

1 Section 1. Definitions. For the purposes of this act, the following
2 terms shall have the following meanings:
3 (a) "board of education" or "board" shall mean the board of education
4 of the East Ramapo central school district.
5 (b) "commissioner" shall mean the commissioner of education.
6 (c) "department" shall mean the state education department.
7 (d) "school district" or "district" shall mean the East Ramapo central
8 school district.
9 (e) "state monitor" or "monitor" shall mean the person appointed
10 pursuant to section two of this act, or an interim person appointed to
11 such position.

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

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1 (f) "superintendent" shall mean the superintendent of the East Ramapo
2 central school district.

3 S 2. Appointment. (a) The commissioner shall appoint a state monitor
4 to provide direct oversight of the educational and fiscal policies,
5 practices, programs and decisions of the East Ramapo central school
6 district, the board of education and superintendent within sixty days
7 following the effective date of this act. The commissioner shall provide
8 the monitor technical support and assistance for the purposes of carry-
9 ing out his or her duties under this act, if requested by the state
10 monitor. The state monitor shall serve at the pleasure of the commis-
11 sioner.

12 (b) The commissioner shall have the authority to appoint a state moni-
13 tor on an interim basis during the search for a permanent appointment
14 and in the event of resignation, death, incapacity, or any other reason
15 which causes the monitor to be unable to perform his or her duties and
16 until such time as a permanent state monitor is appointed. Any state
17 monitor appointed on an interim basis shall have the powers and duties
18 of the state monitor contained in this act.

19 (c) The state monitor, including his or her staff, shall be paid a
20 fixed salary set by the commissioner and shall be reimbursed for actual
21 expenses incurred in the performance of their duties including travel
22 and supplies. The costs associated with the implementation of this act
23 shall be borne by the state of New York from an appropriation for that
24 purpose.

25 (d) Notwithstanding any other provision of general or special law, the
26 earnings limitations contained in any such general or special law, local
27 law and/or charter and applicable to the employment of persons in a
28 position or positions in public service in any calendar year while
29 retired and receiving a retirement allowance shall not apply to any
30 appointment authorized by this act. If applicable, the state monitor may
31 continue as retired and without loss, suspension or diminution of his or
32 her retirement allowance provided that such individual is granted a
33 waiver of retirement earnings limitation by the commissioner of educa-
34 tion.

35 (e) For the purposes of this act, the state monitor and his or her
36 staff shall be considered state employees as defined in the public offi-
37 cers law.

38 S 3. State monitor powers. The state monitor shall have the power to:

39 (a) Propose a resolution or course of action to be considered by the
40 board of education or superintendent if the state monitor finds that
41 such resolution or course of action is necessary in order to carry out
42 his or her duties required by this act and is necessary for the educa-
43 tional welfare of the students residing within the district and/or the
44 fiscal stability of the district. If such resolution or course of action
45 is proposed, the board must vote on the proposed resolution or course of
46 action within fourteen days of receiving such resolution, or at the next
47 regularly scheduled board meeting.

48 (b) Override decisions by the board or superintendent if he or she
49 finds that such override is necessary in order to carry out his or her
50 duties required by this act and is necessary for the educational welfare
51 of the students attending the district and/or the fiscal stability of
52 the district. The state monitor may override a decision by the board or
53 superintendent by issuing a directive, which must include specific find-
54 ings as to the necessity of such override. The board may appeal the
55 state monitor's override in accordance with section five of this act.

1 (c) Access all district documents and records. School district person-
2 nel shall provide any and all documents requested by the state monitor
3 or his or her designee, and the state monitor shall have access to all
4 electronic information systems, databases, and planning documents. The
5 monitor shall maintain the security and confidentiality of all informa-
6 tion protected from disclosure by federal or state law or regulation.

7 (d) Direct the board, superintendent, and/or other school district
8 officers to undergo any training as deemed necessary and pursuant to
9 timelines established by the state monitor.

10 (e) Hire staff necessary to assist in carrying out the state monitor's
11 duties required by this act, subject to a staffing plan approved by the
12 commissioner of education.

13 (f) Hold public hearings or forums on school district matters as he or
14 she deems necessary.

15 (g) Conduct any relevant studies, reports, and reviews of district
16 matters.

17 S 4. State monitor duties. The state monitor shall have the following
18 duties:

19 (a) Develop and implement a five-year strategic academic and fiscal
20 improvement plan in consultation with the commissioner and the board
21 within six months from the date of appointment.

22 1. The monitor shall hold at least one public hearing within the
23 district, prior to the certification of the plan by the state monitor,
24 for the purpose of presenting the contents of the improvement plan and
25 seeking public comment on its contents. The superintendent shall ensure
26 that notice for the public hearing or hearings are posted in a manner to
27 maximize the participation of parents, students, residents and school
28 personnel.

29 2. The plan must establish a set of goals with appropriate benchmarks
30 and measurable objectives and identify strategies to address areas where
31 improvements are needed in school district operations, including but not
32 limited to its financial stability, academic opportunities and outcomes,
33 education of students with disabilities, education of English language
34 learners, community relations and board governance practices, and shall
35 ensure district compliance with all applicable state and federal laws
36 and regulations.

37 3. The plan shall be publicly available at least fourteen days before
38 the hearing or hearings at which it will be presented and the super-
39 intendent shall ensure that copies thereof shall be prepared and made
40 available, upon request, to residents within the district at each
41 schoolhouse in the district in which school is maintained during certain
42 designated hours on each day other than a Saturday, Sunday or holiday
43 during the seven days immediately preceding such hearing or hearings.

44 4. Following the hearing or hearings held pursuant to paragraph one of
45 this subdivision, but prior to certification of the improvement plan by
46 the state monitor, the state monitor shall publicly report to the board
47 an assessment of all public comments concerning the proposed plan and a
48 description of any changes made to such plan as a result of public
49 comments received. The certified plan must be submitted to the board,
50 commissioner, governor, the temporary president of the senate, and the
51 speaker of the assembly.

52 (b) Attend all meetings of the board including executive sessions. The
53 state monitor, or designee of the monitor, shall be deemed to be a non-
54 voting member of the board and shall be entitled to sit with board
55 members at all meetings of the board and participate in all board hear-
56 ings and meetings, and the superintendent shall be required to provide

1 adequate notice to the state monitor of all such meetings and hearings.
2 The state monitor shall ensure to the extent practicable that the board
3 conducts all meetings, including executive sessions, in compliance with
4 article seven of the public officers law, and shall be authorized to
5 seek written advisory opinions from the committee on open government.

6 (c) Supervise the fiscal and operational management and academic
7 programming of the school district, including, but not limited to, over-
8 sight over the development of the annual budget, resource allocations,
9 contracts, facility management, educational program, and use of district
10 funds.

11 (d) Submit an annual report and quarterly updates to the board,
12 commissioner, governor, the temporary president of the senate, and the
13 speaker of the assembly on the progress of the strategic academic and
14 fiscal improvement plan, actions undertaken by the monitor, any finan-
15 cial information the monitor deems appropriate, and other district
16 matters of importance, including recommendations with respect to state
17 funding levels, improvement of school operations, or other policy
18 suggestions at the discretion of the state monitor. At the conclusion of
19 the monitor's appointment as determined by section seven of this act,
20 the state monitor shall issue a final report that includes long term
21 recommendations that address the unique needs of the school district.

22 S 5. Appeal process for monitor decisions. Notwithstanding any other
23 law, rule or regulation to the contrary, all decisions made by the state
24 monitor, including decisions to overturn board and superintendent
25 actions, shall be final and conclusive unless and until modified or
26 reversed in an appeal to the commissioner pursuant to this section. When
27 the board alleges that a reversal of a board or superintendent decision
28 by the state monitor violates the education law, the rules of the board
29 of regents, the regulations of the commissioner, or the terms of a
30 certified five-year strategic academic and fiscal improvement plan, the
31 board may appeal by petition to the commissioner in accordance with
32 procedures established by the commissioner pursuant to section three
33 hundred eleven of the education law.

34 S 6. Regulations. The commissioner shall be authorized to promulgate
35 regulations and immediately take such other actions as necessary to
36 implement the provisions of this act.

37 S 7. Appointment period. The appointment of the state monitor shall be
38 for a period of at least five years from the initial date of the state
39 monitor appointment. At the expiration of the initial appointment peri-
40 od, the commissioner, in consultation with the board of regents, shall
41 have the authority to extend the appointment for an additional period of
42 time in intervals of one to five years, as determined by the commis-
43 sioner. The appointment may be extended, for a term or terms as the commis-
44 sioner deems necessary consistent with the repeal date of this act.

45 S 8. This act shall take effect immediately and shall expire and be
46 deemed repealed December 31, 2025.