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

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:

Section 1. Definitions. For the purposes of this act, the following terms shall have the following meanings:

(a) "board of education" or "board" shall mean the board of education of the East Ramapo central school district.

(b) "commissioner" shall mean the commissioner of education.

(c) "department" shall mean the state education department.

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

(e) "state monitor" or "monitor" shall mean the person appointed pursuant to section two of this act, or an interim person appointed to such position.

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

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

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

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

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

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

(e) For the purposes of this act, the state monitor and his or her staff shall be considered state employees as defined in the public officers law.

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

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

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

(c) Access all district documents and records. School district personnel shall provide any and all documents requested by the state monitor or his or her designee, and the state monitor shall have access to all electronic information systems, databases, and planning documents. The monitor shall maintain the security and confidentiality of all information protected from disclosure by federal or state law or regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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