

5974--A

2015-2016 Regular Sessions

I N S E N A T E

June 14, 2015

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

AN ACT relating to fiscal and operational oversight of the East Ramapo central school district; 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. Short title. This act shall be known and may be cited as
2 the "East Ramapo central school district oversight act."

3 S 2. Definitions. For purposes of this act, the following terms shall
4 have the following meanings:

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

7 (b) "School district" or "district" shall mean the East Ramapo central
8 school district.

9 (d) "Comptroller" shall mean the New York state comptroller, or his or
10 her designee.

11 (e) "Commissioner" shall mean the commissioner of education.

12 (f) "State monitor" or "monitor" shall mean the person appointed
13 pursuant to section three of this act, or an interim person appointed to
14 such position.

15 S 3. (a) The governor shall appoint a state monitor within sixty days
16 following the effective date of this act to provide oversight of the
17 educational and fiscal policies, practices, programs and decisions of
18 the East Ramapo central school district, the board of education and the
19 superintendent. At the request of the monitor, the commissioner and the
20 comptroller shall provide the monitor with technical support and
21 assistance for the purposes of carrying out his or her duties under this
22 act. The term of the state monitor shall expire on June 30, 2018.

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

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1 (b) The state monitor shall be a non-voting, ex-officio member of the
2 school board. The monitor shall be someone who is from outside the
3 school district and to the extent possible, shall have experience in one
4 or more of the following areas:

- 5 (i) school district finances;
- 6 (ii) elementary and secondary education;
- 7 (iii) the operation of school districts in New York;
- 8 (iv) educating students with disabilities; and/or
- 9 (v) educating English language learners.

10 (c) Such monitor shall be entitled to attend all meetings of the
11 board, including executive sessions; providing however, such monitor
12 shall not be considered for purposes of establishing a quorum of the
13 board. Provided further that such monitor's presence at executive
14 sessions shall not negate any privileges existing during such session.
15 The state monitor shall have access to any necessary documents and
16 records including access to electronic information systems, databases
17 and planning documents.

18 S 4. State monitor powers. The state monitor shall have the power to:

19 (a) File a written objection to a decision or act by the board or
20 superintendent if the monitor finds that such decision is in violation
21 of any state or federal law. The state monitor may file a written
22 objection to a decision with the board prior to or up to seven days
23 following such decision. The objection must include specific findings as
24 to the necessity of such objection. If the monitor determines that the
25 board or superintendent has not adequately addressed the concerns raised
26 in the written objection, then he or she may appeal by petition to the
27 commissioner no later than thirty days following the filing of an
28 objection. The appeal shall be considered by an impartial hearing offi-
29 cer and shall follow procedures pursuant to article three of the state
30 administrative procedures act. Upon the monitor's appeal, the monitor
31 may submit an application to the hearing officer requesting a stay of
32 board action and must include in such application the facts and the law
33 upon which such stay should be granted. No later than thirty days
34 following the commencement of the hearing, the hearing officer shall
35 issue a finding on whether the board's decision violates state or feder-
36 al law, rule or regulation and shall modify, reverse or affirm the
37 board's decision.

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

40 (c) Conduct any relevant studies, reports and reviews of any state
41 laws or rules and regulations as they relate to district matters,
42 including state and local education funding.

43 S 5. State monitor duties. The state monitor shall have the following
44 duties:

45 (a) The monitor in partnership with the board shall develop a strate-
46 gic academic and fiscal improvement plan within one year from the date
47 of appointment.

48 (i) Such plan shall be submitted and include recommendations to the
49 governor, state education department and the state legislature.

50 (ii) The plan shall establish a set of goals with appropriate bench-
51 marks and measurable objectives and identify strategies to address areas
52 where improvements are needed in the district, including but not limited
53 to its financial stability, academic opportunities and outcomes, educa-
54 tion of students with disabilities, education of English language lear-
55 ners, community relations and board governance practices, and shall

1 ensure district compliance with all applicable state and federal law and
2 regulations.

3 (iii) The plan shall address long term solutions designed to protect
4 and promote the rights and interest of all students residing within the
5 district and, provided further, shall consider all of the demographics
6 of the district and the distribution of state aid to the district.

7 (b) Submit an annual report and quarterly updates to the board, the
8 commissioner, the comptroller, the governor, the temporary president of
9 the senate and the speaker of the assembly on the progress of the stra-
10 tegic academic and fiscal improvement plans, actions undertaken by the
11 monitor, any financial information the monitor deems appropriate, and
12 other district matters of importance including recommendations with
13 respect to state funding levels, improvement of school operations.

14 (c) Review the fiscal and operational management and academic program-
15 ming of the school district, including but not limited to, the develop-
16 ment of the annual budget, resource allocations, contracts, facility
17 management, education program, and use of district funds.

18 S 6. Fiscal and oversight by the state comptroller. During the effec-
19 tive period of this act, the comptroller shall, in his or her sole
20 discretion undertake an enhanced review and oversight role as follows:

21 (a) (i) The board of education shall at the request of the comptroller
22 annually submit the school district's proposed budget for the next
23 succeeding school year to the comptroller no later than thirty days
24 before the date scheduled for the school district's budget vote. If
25 submitted, the comptroller shall examine the proposed budget to ensure
26 that the fiscal and operational needs of the school district are being
27 met including, but not limited to, that sufficient funding is being
28 allocated to students attending the school district and for those
29 students attending private schools. In addition, the comptroller may
30 consult with the commissioner of education in reviewing prior years'
31 approved budget plans to ensure the proposed budget plan is, to the
32 greatest extent possible, seeking to improve course offerings and extra-
33 curricular activities within the school district and, to the greatest
34 extent possible, is seeking to maintain and/or increase the number of
35 teaching and administrative positions within the district.

36 (ii) The comptroller may present his or her findings of the board's
37 proposed budget no later than ten days prior to the school district's
38 budget vote. The board of education shall make a good faith effort to
39 amend the proposed budget to conform with the comptroller's findings no
40 later than five days prior to the date of the school district's budget
41 vote. The school district shall make available on the district's
42 website: the initial proposed budget, the comptroller's findings, and
43 the final proposed budget prior to the date of the school district's
44 budget vote.

45 (b) At least quarterly, the district shall provide to the comptroller
46 reports on the fiscal and operational status of the school district to
47 ensure compliance with paragraph (a) of this section. In addition to any
48 other audits conducted by the comptroller, if the comptroller finds any
49 deficiencies in the district's quarterly reports, the comptroller may
50 require the district to engage in a fiscal corrective action plan as
51 determined by the comptroller.

52 (c) At least annually, the comptroller shall report to the governor,
53 the speaker of the assembly, the temporary president of the senate, the
54 chairs of the senate and assembly education committees, and the commis-
55 sioner of education as to the fiscal and operational status of the

1 school district, if additional fiscal and operational oversight is
2 undertaken by the comptroller in accordance with this section.

3 (d) Any state or federal funding received by the district may at the
4 discretion of the comptroller be reviewed annually by the comptroller to
5 ensure it is being used for its allotted purposes; provided further that
6 any expenditure of funds by the school district may at the discretion of
7 the comptroller be subject to certification by the comptroller to ensure
8 compliance with applicable provisions of the state finance and education
9 laws.

10 S 7. The comptroller and commissioner of education may add, repeal or
11 amend any rule or regulation necessary for the timely implementation of
12 this act on its effective date.

13 S 8. Academic improvement program. The East Ramapo central school
14 district shall be eligible to receive an academic improvement grant of
15 five million dollars for the 2015-2016 school year and each year there-
16 after subject to the provisions of this paragraph. The East Ramapo
17 central school district shall submit an academic improvement plan that
18 includes but is not limited to the addition of advance placement
19 programs, academic intervention programs, full day kindergarten, after
20 school programming and other education programs. Such plan shall be
21 submitted to the commissioner of education by August 1, 2015 and each
22 year thereafter. The commissioner shall approve or disapprove the
23 academic improvement program for the East Ramapo central school district
24 by August 15, 2015 and each year thereafter. If such plan is disapproved
25 by the commissioner the commissioner shall allow the East Ramapo central
26 school district fifteen days to resubmit their academic improvement
27 program plan at which time the commissioner shall approve the resubmit-
28 ted plan or define the academic improvement plan for the school district
29 which shall be implemented by the school district.

30 S 9. This act shall take effect immediately and shall expire and be
31 deemed repealed June 30, 2018.