

5974

2015-2016 Regular Sessions

I N S E N A T E

June 14, 2015

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

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 four of this act, or an interim person appointed to
14 such position.
15 S 3. Fiscal and operational oversight by the state comptroller.
16 During the effective period of this act, the comptroller may, in his or
17 her sole discretion undertake an enhanced review and oversight role as
18 follows:
19 (a) (i) The board of education shall at the request of the comptroller
20 annually submit the school district's proposed budget for the next
21 succeeding school year to the comptroller no later than thirty days
22 before the date scheduled for the school district's budget vote. If
23 submitted, the comptroller shall examine the proposed budget to ensure
24 that the fiscal and operational needs of the school district are being

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

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1 met including, but not limited to, that sufficient funding is being
2 allocated to students attending the school district and for those
3 students attending private schools. In addition, the comptroller may
4 consult with the commissioner of education in reviewing prior years'
5 approved budget plans to ensure the proposed budget plan is, to the
6 greatest extent possible, seeking to improve course offerings and extra-
7 curricular activities within the school district and, to the greatest
8 extent possible, is seeking to maintain and/or increase the number of
9 teaching and administrative positions within the district.

10 (ii) The comptroller may present his or her findings of the board's
11 proposed budget no later than ten days prior to the school district's
12 budget vote. The board of education shall make a good faith effort to
13 amend the proposed budget to conform with the comptroller's findings no
14 later than five days prior to the date of the school district's budget
15 vote. The school district shall make available on the district's
16 website: the initial proposed budget, the comptroller's findings, and
17 the final proposed budget prior to the date of the school district's
18 budget vote.

19 (b) At least quarterly, the district shall provide to the comptroller
20 reports on the fiscal and operational status of the school district to
21 ensure compliance with paragraph (a) of this section. In addition to any
22 other audits conducted by the comptroller, if the comptroller finds any
23 deficiencies in the district's quarterly reports, the comptroller may
24 require the district to engage in a fiscal corrective action plan as
25 determined by the comptroller.

26 (c) At least annually, the comptroller shall report to the governor,
27 the speaker of the assembly, the temporary president of the senate, the
28 chairs of the senate and assembly education committees, and the commis-
29 sioner of education as to the fiscal and operational status of the
30 school district, if additional fiscal and operational oversight is
31 undertaken by the comptroller in accordance with this section.

32 (d) Any state or federal funding received by the district may at the
33 discretion of the comptroller be reviewed annually by the comptroller to
34 ensure it is being used for its allotted purposes; provided further that
35 any expenditure of funds by the school district may at the discretion of
36 the comptroller be subject to certification by the comptroller to ensure
37 compliance with applicable provisions of the state finance and education
38 laws.

39 S 4. (a) The comptroller in consultation with the governor shall
40 appoint a state monitor within sixty days following the effective date
41 of this act to provide oversight of the educational and fiscal policies,
42 practices, programs and decisions of the East Ramapo central school
43 district, the board of education and the superintendent. At the request
44 of the monitor, the commissioner and the comptroller shall provide the
45 monitor with technical support and assistance for the purposes of carry-
46 ing out his or her duties under this act. The term of the state monitor
47 shall expire on December 31, 2017.

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

- 52 (i) school district finances;
- 53 (ii) elementary and secondary education;
- 54 (iii) the operation of school districts in New York;
- 55 (iv) educating students with disabilities; and/or
- 56 (v) educating English language learners.

1 (c) Such monitor shall be entitled to attend all meetings of the
2 board, including executive sessions; providing however, such monitor
3 shall not be considered for purposes of establishing a quorum of the
4 board. Provided further that such monitor's presence at executive
5 sessions shall not negate any privileges existing during such session.
6 The state monitor shall have access to any necessary documents and
7 records including access to electronic information systems, databases
8 and planning documents.

9 S 5. State monitor powers. The state monitor shall have the power to:

10 (a) File a written objection to a decision or act by the board or
11 superintendent if the monitor finds that such decision is in violation
12 of any state or federal law. The state monitor may file a written
13 objection to a decision with the board prior to or up to seven days
14 following such decision. The objection must include specific findings as
15 to the necessity of such objection. If the monitor feels that the board
16 or superintendent has not adequately addressed the concerns raised in
17 the written objection, then he or she may appeal to the commissioner on
18 matters relating to any education law or to the comptroller on any
19 matters relating to district finances.

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

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

25 S 6. State monitor duties. The state monitor shall have the following
26 duties:

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

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

32 (ii) The plan shall establish a set of goals with appropriate bench-
33 marks and measurable objectives and identify strategies to address areas
34 where improvements are needed in the district, including but not limited
35 to its financial stability, academic opportunities and outcomes, educa-
36 tion of students with disabilities, education of English language lear-
37 ners, community relations and board governance practices, and shall
38 ensure district compliance with all applicable state and federal law and
39 regulations.

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

44 (b) Submit an annual report and quarterly updates to the board, the
45 commissioner, the comptroller, the governor, the temporary president of
46 the senate and the speaker of the assembly on the progress of the stra-
47 tegic academic and fiscal improvement plans, actions undertaken by the
48 monitor, any financial information the monitor deems appropriate, and
49 other district matters of importance including recommendations with
50 respect to state funding levels, improvement of school operations.

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

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

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

21 S 9. This act shall take effect immediately and shall expire and be
22 deemed repealed December 31, 2017.