

8131

I N   S E N A T E

June 14, 2016

---

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

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:

1     Section 1. Legislative intent. The legislature finds and determines  
2     that over the course of many years there have been dramatic changes in  
3     the demographics in the town of Ramapo, Rockland county. The number of  
4     residents in the town has dramatically increased, swelling the size of  
5     the East Ramapo central school district to over 30,000 students. Nearly  
6     2/3 of those students do not, however, attend the public school system.  
7     In 2015 the state education department, pursuant to its powers and  
8     duties, appointed three monitors to the district, led by the former  
9     chancellor of the New York City school district. The legislature  
10    further finds and determines that in order to continue moving the  
11    dialogue in the right direction, with the ultimate goal of improving the  
12    outcomes of all students within the district, the appointment of moni-  
13    tors should continue. This legislation continues the appointment of  
14    monitors in the East Ramapo central school district. Finally, the legis-  
15    lature finds that this legislation has received general support from the  
16    school board and the community as a whole.

17    S 2. Definitions. As used in this act:

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

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

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

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

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

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

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

LBD15839-03-6

1 S 3. (a) Appointment of monitor team. In accordance with the powers  
2 and duties of the board of regents and the commissioner pursuant to  
3 subdivision 2 of section 305 of the education law, section 308 of the  
4 education law, and section 215 of the education law, the commissioner  
5 shall appoint up to 3 monitors to carry out the provisions of this act  
6 including but not limited to providing oversight, guidance and technical  
7 assistance related to the educational and fiscal policies, practices,  
8 programs and decisions of the East Ramapo central school district, the  
9 board of education and the superintendent.

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

14 (i) school district finances;

15 (ii) elementary and secondary education;

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

17 (iv) educating students with disabilities; and/or

18 (v) educating English language learners.

19 S 4. The monitor or monitors shall be entitled to attend all meetings  
20 of the board, including executive sessions; provided however, such moni-  
21 tor or monitors shall not be considered for purposes of establishing a  
22 quorum of the board, provided further that the monitors may be excused  
23 from executive sessions when privileged issues are being discussed. The  
24 East Ramapo central school district shall fully cooperate with any moni-  
25 tor or monitors appointed by the commissioner, including but not limited  
26 to providing such monitor or monitors with access to any necessary docu-  
27 ments and records of the district including access to electronic infor-  
28 mation systems, databases and planning documents, consistent with all  
29 applicable state and federal statutes including but not limited to Fami-  
30 ly Educational Rights and Privacy Act (FERPA)(20 U.S.C. S1232g) and  
31 section 2-d of the education law.

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

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

55 (b) In order to receive such funds, the school district in consulta-  
56 tion with the monitor or monitors shall develop a long term strategic

1 academic and fiscal improvement plan within 6 months from the enactment  
2 of this act. Such plan shall be submitted to the commissioner for  
3 approval and shall include a set of goals with appropriate benchmarks  
4 and measurable objectives and identify strategies to address areas where  
5 improvements are needed in the district, including but not limited to  
6 its financial stability, academic opportunities and outcomes, education  
7 of students with disabilities, education of English language learners,  
8 and shall ensure compliance with all applicable state and federal laws  
9 and regulations. This improvement plan shall also include a comprehensive  
10 expenditure plan that will describe how the funds made available to  
11 the district pursuant to this section will be spent. The comprehensive  
12 expenditure plan shall ensure that funds supplement, not supplant,  
13 expenditures from local, state and federal funds for services provided  
14 to public school students. Such expenditure plan shall be developed in  
15 consultation with the monitor or monitors appointed by the commissioner.  
16 The board of education of the East Ramapo central school district must  
17 conduct a public hearing on the expenditure plan and shall consider the  
18 input of the community before adopting such plan. Such expenditure plan  
19 shall also be made publicly available and shall be submitted along with  
20 comments made by the community to the commissioner for approval once the  
21 plan is finalized. Upon review of the improvement plan and the expenditure  
22 plan, required to be submitted pursuant to this subdivision or  
23 section seven of this act, the commissioner shall approve or deny such  
24 plan in writing and, if denied, shall include the reasons therefor. The  
25 district in consultation with the monitors may resubmit such plan or  
26 plans with any needed modifications thereto.

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

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

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

47 (a) The board of education in consultation with the monitor or monitors  
48 shall annually submit the school district's proposed budget for the  
49 next succeeding school year to the commissioner no later than 45 days  
50 before the date scheduled for the school district's budget vote. The  
51 commissioner shall review the budget to ensure that it, to the greatest  
52 extent possible, expands educational programming for students including  
53 but not limited to extracurricular activities, course offerings, non-  
54 mandated support services, non-mandated art and music classes, programs  
55 and services for English language learners and students with disabilities,  
56 and maintaining class size. The commissioner shall also review the

1 proposed budget to ensure that it is balanced within the context of  
2 revenue and expenditure estimates and mandated programs. The commission-  
3 er shall present his or her findings to the board of education no later  
4 than 30 days prior to the date scheduled for the school district's budg-  
5 et vote. The board of education shall make adjustments to the proposed  
6 budget consistent with any recommendations made by the commissioner. The  
7 school district shall make available on the district's website: the  
8 initial proposed budget, the commissioner's findings, and the final  
9 proposed budget prior to the date of the school district's budget vote.

10 (b) The monitor or monitors appointed by the commissioner shall quar-  
11 terly, and the district shall annually provide to the commissioner  
12 reports on the fiscal and operational status of the school district to  
13 ensure compliance with subdivision (a) of this section. In addition,  
14 monitors shall provide an annual report to the commissioner and comp-  
15 troller on contracts that the district entered into throughout the year.  
16 All reports shall be subject to review by the comptroller at the request  
17 of the commissioner.

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

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