STATE OF NEW YORK

S. 6559 A. 8403

2019-2020 Regular Sessions

SENATE - ASSEMBLY

June 16, 2019

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

IN ASSEMBLY -- Introduced by M. of A. RAYNOR -- read once and referred to the Committee on Education

AN ACT authorizing the commissioner of education and the chancellor of the board of regents, with the approval of the board of regents, to appoint monitors to oversee the Hempstead union free 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:

Section 1. Definitions. As used in this act:
(a) "commissioner" shall mean the commissioner of education;
(b) "department" shall mean the state education department;
(c) "board of education" or "board" shall mean the board of education of the Hempstead union free school district;
(d) "school district" or "district" shall mean the Hempstead union free school district;
(e) "superintendent" shall mean the superintendent of the Hempstead union free school district;
(f) "comptroller" shall mean the state comptroller; and
(g) "relatives" shall mean a Hempstead union free school district board member's spouse, domestic partner, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the current board member or of the board member's spouse or domestic partner.
§ 2. Appointment of a panel of monitors. (a) A panel of three monitors shall be appointed pursuant to this section for the purpose of providing oversight of the school district. The commissioner, with the approval of the board of regents, shall appoint two monitors to provide oversight,

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

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guidance and technical assistance related to the educational policies, practices, programs and decisions of the school district, the board of education and the superintendent. The comptroller shall appoint one monitor to provide oversight, guidance and technical assistance on fiscal policies, practices, programs and decisions of the school district, the board of education and the superintendent.

(b) The monitors shall be non-voting ex-officio members of the school board. The monitors shall be individuals who are not residents, employees of the school district or relatives of board members of the school district at the time of their appointment. The monitor appointed by the comptroller shall have experience in the school district finances. The monitors appointed by the commissioner, to the extent practicable, shall have experience in more than one of the following areas:

(i) elementary and secondary education;

(ii) the operation of school districts in New York;

(iii) educating students with disabilities; and

(iv) educating English language learners.

(c) The cost of the monitors shall be borne by the state and not be a charge against the school district. Monitors shall be paid a salary as well as actual and necessary expenses and travel related to their duties.

§ 3. Meetings. (a) The monitors shall be entitled to attend all meetings of the board, including executive sessions; provided however, such monitors shall not be considered for purposes of establishing a quorum of the board. The school district shall fully cooperate with the monitors including but not limited to providing such monitors with access to any necessary documents and records of the district including access to electronic information systems, databases and planning documents, consistent with all applicable state and federal statutes including but not limited to Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and section 2-d of the education law.

(b) The board, in consultation with the monitors, shall adopt a conflict of interest policy that complies with all existing applicable laws and regulations that ensures its board members and administration act in the school district's best interest and comply with applicable legal requirements. The conflict of interest policy shall include but not be limited to:

(i) a definition of the circumstances that constitute a conflict of interest;

(ii) procedures for disclosing a conflict of interest to the board;

(iii) a requirement that the person with the conflict of interest not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing in this subdivision shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting relating thereto;

(iv) a prohibition against any attempt by the person with the conflict to influence improperly the deliberation or voting on the matter giving rise to such conflict; and

(v) a requirement that the existence and resolution of the conflict be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

§ 4. Academic improvement and financial plans. (a) The academic improvement plan and the financial plan shall be developed by the district in accordance with the shared decision making committee as

defined in Part 100.11 of the commissioner's regulations and approved by the monitors. The academic improvement plan shall contain a series of programmatic recommendations designed to improve academic performance over the period of the plan in those academic areas that the commissioner and board of regents deem to be in need of improvement. Such plan may include potential expenditure initiatives but all such expenditures shall be incorporated within the financial plan as specified by this act.

(b) The financial plan shall ensure with respect to the major operating funds for each school year that annual aggregate operating expenses shall not exceed annual aggregate operating revenues. The financial plan and each financial plan modification shall provide that the major operating funds of the district be balanced in accordance with generally accepted accounting principles. The financial plan shall include statements of all estimated revenues, expenditures, and cash flow projections of the district.

(c) No later than November first, two thousand nineteen, the district shall submit to the monitors both the academic improvement plan and financial plan for their review and approval. Such plans shall cover the district's two thousand nineteen--two thousand twenty school year and the four subsequent school years. Prior to adopting the plans and submitting the plans to the monitors for review and approval, the board of education shall conduct a public hearing on the plans and consider the input of the community. The proposed plans shall be made public on the district's website at least three business days before such public hearing. No later than fifteen days after submission, the monitors shall approve or veto the plans. In the event the monitors disapprove either plan, the monitors shall provide the board of education written notice of its reasons for disapproval. Within fifteen days from the receipt of such notice, the board of education shall amend the proposed plans consistent with the monitors' recommendations and resubmit it to the monitors. If the monitors do not approve of such amended plan, the monitors shall impose a plan of their own formulation.

§ 5. Fiscal and operational oversight. (a) The board of education shall annually submit the school district's proposed budget for the next succeeding school year to the monitors no later than 45 days before the date scheduled for the school district's budget vote. The monitors shall review the proposed budget to ensure that it is balanced within the context of revenue and expenditure estimates and mandated programs. The monitors shall also review the proposed budget to ensure that it, to the greatest extent possible, is consistent with the district academic improvement plan and financial plan developed and adopted pursuant to this act. The monitors shall present their findings to the board of education no later than 30 days prior to the date scheduled for the school district's budget vote. The board of education, with the approval of the monitors, shall make amendments to the proposed budget consistent with any recommendations made by the monitors. The school district shall make available on the district's website: the initial proposed budget, the monitors' findings, and the final proposed budget prior to the date of the school district's budget vote. Nothing herein shall be construed to abrogate the duties and responsibilities of the school district consistent with applicable state law and regulations.

(b) The district shall provide quarterly reports to the panel of monitors, and annual reports to the commissioner, board of regents and comptroller on the fiscal and operational status of the school district. In addition, the monitors shall provide an annual report to the commission-

er, board of regents, and comptroller on all contracts that the district entered into throughout the year.

(c) The comptroller shall annually conduct a general fiscal audit of the school district, and the school district shall post the comptroller's audit and the board's response on the district's website.

(d) The monitors shall have the authority to approve or disapprove the appointment of a current or future superintendent by the board of education.

(e) The monitors shall have the authority to approve or deny all travel outside the district paid for by the district.

(f) The monitors shall have authority to approve or deny all contracts and expenditures of the district, except for collective bargaining agreements negotiated in accordance with article 14 of the civil service law.

(g) The monitors shall arbitrate any conflicts between the superintendent and the board of education and among the members of the board of education.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed on and after June 30, 2024.