

# STATE OF NEW YORK

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6052

2021-2022 Regular Sessions

## IN SENATE

March 31, 2021

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Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed,  
and when printed to be committed to the Committee on Education

AN ACT to amend chapter 89 of the laws of 2016 relating to supplementary  
funding for dedicated programs for public school students in the East  
Ramapo central school district, in relation to the powers and duties  
of monitors in the East Ramapo central school district

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (a) of section 3 of chapter 89 of the laws of  
2 2016 relating to supplementary funding for dedicated programs for  
3 public school students in the East Ramapo central school district is  
4 amended and a new paragraph (c) is added to read as follows:

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

14 (c) The reasonable and necessary expenses incurred by the monitor or  
15 monitors while performing his or her official duties shall be paid by  
16 the school district. Notwithstanding any other provision of law, the  
17 monitor or monitors shall be entitled to defense and indemnification by  
18 the school district to the same extent as a school district employee.

19 § 2. Sections 4, 6, 7 and 8 of chapter 89 of the laws of 2016 relating  
20 to supplementary funding for dedicated programs for public school  
21 students in the East Ramapo central school district, section 8 as  
22 amended by section 42-b of part A of chapter 56 of the laws of 2020, are  
23 amended to read as follows:

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

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1     § 4. (a) (i) The monitor or monitors shall be entitled to attend all  
2 meetings of the board, including executive sessions; provided however,  
3 such monitor or monitors shall not be considered for purposes of estab-  
4 lishing a quorum of the board, provided further that the monitor or  
5 monitors may be excused from executive sessions when privileged issues  
6 are being discussed. The East Ramapo central school district shall  
7 fully cooperate with any monitor or monitors appointed by the commis-  
8 sioner, including but not limited to providing such monitor or monitors  
9 with access, in a timely manner, to any necessary documents and records  
10 of the district including access to electronic information systems,  
11 databases and planning documents, consistent with all applicable state  
12 and federal statutes including but not limited to Family Educational  
13 Rights and Privacy Act (FERPA)(20 U.S.C. §1232g) and section 2-d of the  
14 education law.

15     (ii) The board clerk shall provide the monitor or monitors with copies  
16 of the board agenda and all resolutions and motions that will be taken  
17 up by the board at the next board meeting no later than 48 hours prior  
18 to such board meeting. If a resolution or motion is to approve a  
19 contract or where the resolution is required to comply with state law or  
20 regulation and the date to comply with such law or regulation is within  
21 21 days of the board meeting, the board clerk shall provide the monitor  
22 or monitors with copies of the resolution and proposed contract language  
23 at least seven days prior to such meeting. In the event the monitor or  
24 monitors are not provided with copies of such documents 48 hours prior  
25 to the next board meeting or in the case of contracts or resolutions  
26 required to comply with state law or regulation, seven days prior to the  
27 next board meeting, the monitor or monitors may, at their discretion,  
28 remove an item including board resolutions or motions, except for resol-  
29 ution or motions related to collective bargaining agreements negotiated  
30 in accordance with article 14 of the civil service law, from consider-  
31 ation by the board at such meeting. An item removed from consideration  
32 by the monitor or monitors may not be reconsidered by the board for a  
33 period of 10 days or the next board meeting; whichever is later unless  
34 the monitor or monitors expressly authorizes consideration at an earlier  
35 date.

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

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

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

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

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

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

4 (c) In the event that the monitor or monitors find that a board deci-  
5 sion, a proposed resolution, or that the board's failure to act in a  
6 timely manner, violates state law, the rules of the board of regents,  
7 the regulations of the commissioner, or is inconsistent with the terms  
8 of the long term strategic academic and fiscal improvement plan, the  
9 monitor or monitors may:

10 (i) Override decisions or proposed resolutions by the board through  
11 the issuance of a directive which shall contain the specific findings as  
12 to the necessity of such override and any potential corrective action by  
13 the board that would address the deficiency in such board decision. The  
14 monitor or monitors shall provide written notice to the board, super-  
15 intendent and commissioner of their intention to override the board  
16 decision or proposed resolution at any time but in no event later than  
17 48 hours after such decision was made by the board unless the commis-  
18 sioner has extended the period to override due to extenuating circum-  
19 stances that necessitate additional time. The override notice shall stay  
20 the proceedings of the board on such decision or, if the notice is  
21 provided prior to action by the board, it shall remove such item from  
22 consideration by the board pending the issuance of a directive by the  
23 monitor or monitors. The monitor or monitors must submit the directive  
24 to the board, superintendent and the commissioner no later than 10 days  
25 following notice of such override. Upon the issuance of a directive, the  
26 override of the board's decision shall be final and conclusive unless  
27 the monitor or monitors fail to issue such directive within 10 days or  
28 within such period established by the monitor or monitors if the period  
29 was extended, withdraws such override, or the commissioner overrules the  
30 monitor or monitors' override within 10 days of the issuance of the  
31 directive. The monitor or monitors may extend the period to submit such  
32 directive at intervals of 10 additional days for each extension if the  
33 board, superintendent or school district employees fail to provide them,  
34 in a timely manner, with all relevant information related to the deci-  
35 sion subject to such override.

36 (ii) Submit a resolution for adoption by the board. The resolution  
37 shall be submitted to the clerk no later than 48 hours prior to the next  
38 scheduled board meeting who shall cause the resolution to be placed on  
39 the next board meeting agenda and a copy to be issued to the board,  
40 superintendent and commissioner accompanied by specific findings as to  
41 the necessity of such resolution. The monitor or monitors may direct the  
42 board to meet at a date prior to their next scheduled board meeting to  
43 take up such resolution. The monitor or monitors may withdraw the  
44 resolution prior to, or during, the next board meeting, if the board  
45 takes sufficient action to resolve the issues contained in the resol-  
46 ution. If the resolution is not withdrawn, it shall be deemed to be  
47 adopted at the next board meeting through its submission and shall have  
48 the full force and effect as any other resolution adopted by the board.

49 (iii) The monitor or monitors may not override a board decision or  
50 submit a resolution related to collective bargaining agreements negoti-  
51 ated in accordance with article 14 of the civil service law.

52 (d) The monitor or monitors may direct the board, superintendent,  
53 and/or other school district officers to undergo any training as deemed  
54 necessary and pursuant to timelines established by the state monitor.

55 (e) The monitor or monitors shall have the power to approve or disap-  
56 prove the appointment of a superintendent by the board of education on

1 or after the effective date of this act. The board shall submit the  
2 recommendation for superintendent to the monitor or monitors for  
3 approval. The monitor or monitors shall have 10 days to approve or  
4 disapprove the board's recommendation. If after such period no action is  
5 taken by the monitor or monitors, the recommendation for superintendent  
6 shall be deemed approved. If the monitor or monitors disapproves of the  
7 appointment, then the board shall recommend a new candidate for the  
8 monitor or monitors to approve or disapprove until an appointment is  
9 approved by the monitor or monitors. In the event that a vacancy occurs  
10 in the position of superintendent due to the disapproval of a recommen-  
11 dation, the monitor or monitors may appoint a current school employee as  
12 interim superintendent until a recommendation for superintendent is  
13 approved.

14 § 6. Fiscal and operational oversight by the commissioner. During the  
15 effective period of this act the commissioner shall undertake an  
16 enhanced review of the district budget.

17 (a) The board of education [~~in consultation with the monitor or moni-~~  
18 ~~tors~~] shall annually submit the school district's proposed budget for  
19 the next succeeding school year to the [~~commissioner~~] monitor or moni-  
20 tors no later than [~~45 days before the date scheduled for~~] March first  
21 prior to the school district's budget vote. The [~~commissioner~~] monitor  
22 or monitors shall review the budget to ensure that it, to the greatest  
23 extent possible, expands educational programming for students including  
24 but not limited to extracurricular activities, course offerings, non-  
25 mandated support services, non-mandated art and music classes, programs  
26 and services for English language learners and students with disabili-  
27 ties, and maintaining class size. The [~~commissioner~~] monitor or monitors  
28 shall also review the proposed budget to ensure that it is balanced  
29 within the context of revenue and expenditure estimates and mandated  
30 programs. The [~~commissioner~~] monitor or monitors shall present his or  
31 her findings to the board of education and to the commissioner no later  
32 than [~~30~~] 45 days prior to the date scheduled for the school district's  
33 budget vote. The commissioner shall require the board of education  
34 [~~shall~~] to make adjustments to the proposed budget consistent with any  
35 recommendations made by the [~~commissioner~~] monitor or monitors if the  
36 commissioner determines such amendments are necessary to comply with the  
37 long term strategic academic and fiscal improvement plan under this act.  
38 The school district shall make available on the district's website: the  
39 initial proposed budget, the [~~commissioner's~~] monitor or monitors' find-  
40 ings, and the final proposed budget [~~prior to the date of the school~~  
41 ~~district's budget vote~~] at least seven days prior to the date of the  
42 school district's budget hearing. In the event of a revote, the board of  
43 education, in conjunction with the monitor or monitors, shall develop  
44 and submit the school district's proposed budget for the next succeeding  
45 school year to the commissioner no later than seven days prior to the  
46 budget hearing. The board of education shall provide the commissioner  
47 with any information he or she requests in order to make a determination  
48 pursuant to this subdivision within three business days of such request.

49 (b) [~~The monitor or monitors appointed by the commissioner shall quar-~~  
50 ~~terly, and the district shall annually provide to the commissioner~~  
51 ~~reports on the fiscal and operational status of the school district to~~  
52 ~~ensure compliance with subdivision (a) of this section. In addition,~~  
53 ~~monitors shall provide an annual report to the commissioner and comp-~~  
54 ~~troller on contracts that the district entered into throughout the year.~~  
55 ~~All reports shall be subject to review by the comptroller at the request~~  
56 ~~of the commissioner.]~~ The district shall provide quarterly reports to

1 the monitor or monitors and annual reports to the commissioner and board  
2 of regents on the academic, fiscal, and operational status of the school  
3 district. In addition, the monitor or monitors shall provide semi-annual  
4 reports to the commissioner, board of regents, the governor, the tempo-  
5 rary president of the senate, and the speaker of the assembly on the  
6 academic, fiscal, and operational status of the school district. Such  
7 semi-annual report shall include all the contracts that the district  
8 entered into throughout the year.

9 (c) The monitor or monitors shall have the authority to disapprove  
10 travel outside the state paid for by the district.

11 (d) The monitor or monitors shall work with the district's shared  
12 decision-making committee as defined in 8 NYCRR 100.11 in developing the  
13 academic improvement plan, financial plan, district goals, implementa-  
14 tion of district priorities and budgetary recommendations.

15 (e) The monitor or monitors shall assist in resolving any disputes and  
16 conflicts, including but not limited to, those between the superinten-  
17 dent and the board of education and among the members of the board of  
18 education.

19 (f) The monitor or monitors may recommend, and the board shall consid-  
20 er by vote of a resolution at the next scheduled meeting of the board,  
21 cost saving measures including, but not limited to, shared service  
22 agreements.

23 § 7. To ensure compliance with the comprehensive expenditure plan, in  
24 the event the district plans to reduce budget appropriations for  
25 programs restored or created under the comprehensive expenditure plan or  
26 the strategic academic and fiscal improvement plan as well as the sale  
27 of school buildings or other real property and capital improvement  
28 contracts in excess of one hundred thousand dollars (\$100,000), the  
29 district shall submit a plan to the [~~commissioner~~] monitor or monitors  
30 for approval.

31 § 8. The commissioner may overrule any decision of the monitor or  
32 monitors, except for collective bargaining agreements negotiated in  
33 accordance with article 14 of the civil service law, if he or she deems  
34 that such decision is not aligned with the long term strategic academic  
35 and fiscal improvement plan or the school district's budget or is  
36 contrary to state law, or regulation. If the commissioner overruled a  
37 decision of the monitor or monitors, the commissioner may direct the  
38 board to take corrective action on such matter if it is necessary to  
39 comply with state law, regulation or the long term strategic academic  
40 and fiscal improvement plan. In the event there is disagreement between  
41 the monitors, the commissioner may resolve such disagreements and direct  
42 the monitors to take action as a result of such resolution.

43 § 9. The monitor or monitors may notify the commissioner and the board  
44 in writing when he or she deems the district is violating an element of  
45 the long term strategic academic and fiscal improvement plan in this  
46 act. Within twenty days, the commissioner shall determine whether the  
47 district is in violation of any of the elements of the plan highlighted  
48 by the monitor and shall order the district to comply immediately with  
49 the plan and remedy any such violation. The school district shall  
50 suspend all actions related to the potential violation of the long term  
51 strategic academic and fiscal improvement plan until the commissioner  
52 issues a determination.

53 § 10. Nothing in this act shall be construed to abrogate the duties  
54 and responsibilities of the school district consistent with applicable  
55 state law and regulations.



1     § 11. This act shall take effect July 1, 2016 and shall expire and be  
2 deemed repealed June 30, [~~2021, except that paragraph (b) of section~~  
3 ~~five of this act and section seven of this act shall expire and be~~  
4 ~~deemed repealed June 30, 2021~~] 2026.

5     § 3. Paragraph (b) of section 5 of chapter 89 of the laws of 2016  
6 relating to supplementary funding for dedicated programs for public  
7 school students in the East Ramapo central school district, as amended  
8 by section 48 of part YYY of chapter 59 of the laws of 2017, is amended  
9 to read as follows:

10     (b) [~~In order to receive such funds, the~~] The school district in  
11 consultation with the monitor or monitors shall develop a long term  
12 strategic academic and fiscal improvement plan within 6 months from the  
13 enactment of this act and shall annually revise such plan by October  
14 first of each year thereafter. Such plan, including such annual  
15 revisions thereto, shall be submitted to the commissioner for approval  
16 and shall include a set of goals with appropriate benchmarks and measur-  
17 able objectives and identify strategies to address areas where improve-  
18 ments are needed in the district, including but not limited to its  
19 financial stability, academic opportunities and outcomes, education of  
20 students with disabilities, education of English language learners, the  
21 educational welfare of all students and shall ensure compliance with all  
22 applicable state and federal laws and regulations. This improvement  
23 plan shall also include a comprehensive expenditure plan that will  
24 describe how any funds appropriated to the district in addition to those  
25 appropriated through the school aid formula including but not limited to  
26 the funds made available to the district pursuant to this section will  
27 be spent in the applicable school year. The comprehensive expenditure  
28 plan shall ensure that funds supplement, not supplant, expenditures from  
29 local, state and federal funds for services provided to public school  
30 students, except that such funds may be used to continue services funded  
31 pursuant to this act in prior years. Such expenditure plan shall be  
32 developed and annually revised in consultation with the monitor or moni-  
33 tors appointed by the commissioner. The board of education of the East  
34 Ramapo central school district must annually conduct a public hearing on  
35 the expenditure plan and shall consider the input of the community  
36 before adopting such plan. Such expenditure plan shall also be made  
37 publicly available and shall be annually submitted along with comments  
38 made by the community to the commissioner for approval once the plan is  
39 finalized. Upon review of the improvement plan and the expenditure  
40 plan, required to be submitted pursuant to this subdivision or section  
41 seven of this act, the commissioner shall approve or deny such plan in  
42 writing and, if denied, shall include the reasons therefor. The district  
43 in consultation with the monitors may resubmit such plan or plans with  
44 any needed modifications thereto.

45     § 4. This act shall take effect immediately; provided, however, that  
46 the amendments to chapter 89 of the laws of 2016 made by sections one,  
47 two and three of this act shall not affect the repeal of such chapter  
48 and shall be deemed to be repealed therewith.