

STATE OF NEW YORK

S. 6824

A. 7044

2023-2024 Regular Sessions

SENATE - ASSEMBLY

May 10, 2023

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

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

AN ACT to amend chapter 19 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Hempstead union free school district and establishing the powers and duties of such monitor, in relation to additional powers of such monitors

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

1 Section 1. Section 4 of chapter 19 of the laws of 2020 authorizing
2 the commissioner of education to appoint a monitor to oversee the
3 Hempstead union free school district and establishing the powers and
4 duties of such monitor, is amended by adding three new subdivisions 3,
5 4 and 5 to read as follows:

6 3. In the event that the monitor or monitors find that an adopted
7 resolution or motion, a proposed resolution or motion, or that the
8 board's failure to act violates state law, the rules of the board of
9 regents, the regulations of the commissioner, or is inconsistent with
10 the terms of the long term strategic academic and fiscal improvement
11 plan, the monitor or monitors may:

12 (a) Override adopted or proposed resolutions or motions by the board
13 through the issuance of a directive which shall contain the specific
14 findings as to the necessity of such override and any potential correc-
15 tive action by the board that would address the deficiency in such
16 adopted or proposed resolution or motion. The monitor or monitors shall
17 provide written notice to the board, superintendent and commissioner of
18 their intention to override the adopted or proposed resolution or motion
19 at any time but in no event later than 48 hours after such resolution or
20 motion was adopted by the board unless the commissioner has extended the

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

LBD11036-01-3

1 period to override due to extenuating circumstances that necessitate
2 additional time. The override notice shall stay the proceedings of the
3 board on such adopted resolution or motion or, if the notice is provided
4 prior to action by the board, it shall remove such proposed resolution
5 or motion from consideration by the board pending the issuance of a
6 directive by the monitor or monitors. The monitor or monitors must
7 submit the directive to the board, superintendent and the commissioner
8 no later than 10 days following notice of such override. Upon the issu-
9 ance of a directive, the override of the board's adopted or proposed
10 resolution or motion shall be final and conclusive unless the monitor or
11 monitors fail to issue such directive within 10 days or within such
12 period established by the monitor or monitors if the period was
13 extended, withdraws such override, or the commissioner overrules the
14 monitor or monitors' override within 10 days of the issuance of the
15 directive. The monitor or monitors may extend the period to submit such
16 directive, at intervals of 10 additional days for each extension, if the
17 board, superintendent or school district employees fail to provide all
18 relevant information requested by the monitor or monitors related to the
19 adopted or proposed resolution or motion subject to such override within
20 48 hours of such request.

21 (b) Submit a resolution for adoption by the board. The resolution
22 shall be submitted to the clerk no later than 48 hours prior to the next
23 scheduled board meeting who shall cause the resolution to be placed on
24 the next board meeting agenda and a copy to be issued to the board,
25 superintendent and commissioner accompanied by specific findings as to
26 the necessity of such resolution. The monitor or monitors may direct the
27 board to meet at a date prior to their next scheduled board meeting to
28 take up such resolution. The monitor or monitors may withdraw the resol-
29 ution prior to, or during, the next board meeting, if the board takes
30 sufficient action to resolve the issues contained in the resolution. If
31 the resolution is not withdrawn, it shall be deemed to be adopted at the
32 next board meeting through its submission and shall have the full force
33 and effect as any other resolution adopted by the board.

34 (c) The monitor or monitors shall not override an adopted or proposed
35 resolution or motion or submit a resolution related to collective
36 bargaining agreements negotiated in accordance with article 14 of the
37 civil service law.

38 4. The monitor or monitors may direct the board, superintendent,
39 and/or other school district officers to undergo any training as deemed
40 necessary and pursuant to timelines established by the state monitor or
41 monitors.

42 5. The monitor or monitors shall have the power to approve or disap-
43 prove the appointment of a superintendent by the board of education on
44 or after the effective date of this act. The board shall submit the
45 recommendation for superintendent to the monitor or monitors for
46 approval. The monitor or monitors shall have 10 days to approve or
47 disapprove the board's recommendation. If after such period no action is
48 taken by the monitor or monitors, the recommendation for superintendent
49 shall be deemed approved. If the monitor or monitors disapproves of the
50 appointment, then the board shall recommend a new candidate for the
51 monitor or monitors to approve or disapprove until an appointment is
52 approved by the monitor or monitors. In the event that a vacancy occurs
53 in the position of superintendent due to the disapproval of a recommen-
54 dation, the monitor or monitors may appoint a current school employee as
55 interim superintendent until a recommendation for superintendent is
56 approved.

1 § 2. This act shall take effect immediately; provided that the amend-
2 ments to chapter 19 of the laws of 2020 made by section one of this act
3 shall not affect the expiration of such chapter and shall expire and be
4 deemed repealed therewith.