STATE OF NEW YORK

9101

IN SENATE

April 24, 2024

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

AN ACT to amend chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, in relation to extending the powers of the monitor

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

Section 1. Section 4 of chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, is amended by adding three new subdivisions 3, 4 and 5 to read as follows:

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

(a) Override adopted or proposed resolutions or motions by the board through the issuance of a directive which shall contain the specific findings as to the necessity of such override and any potential corrective action by the board that would address the deficiency in such adopted or proposed resolution or motion. The monitor or monitors shall provide written notice to the board, superintendent and commissioner of their intention to override the adopted or proposed resolution or motion at any time but in no event later than 48 hours after such resolution or motion was adopted by the board unless the commissioner has extended the period to override due to extenuating circumstances that necessitate additional time. The override notice shall stay the proceedings of the board on such adopted resolution or motion or, if the notice is provided prior to action by the board, it shall remove such proposed resolution or motion from consideration by the board pending the issuance of a directive by the monitor or monitors. The monitor or monitors must

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

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submit the directive to the board, superintendent and the commissioner no later than 10 days following notice of such override. Upon the issuance of a directive, the override of the board's adopted or proposed resolution or motion shall be final and conclusive unless the monitor or monitors fail to issue such directive within 10 days or within such period established by the monitor or monitors if the period was extended, withdraws such override, or the commissioner overrules the monitor or monitors' override within 10 days of the issuance of the directive. The monitor or monitors may extend the period to submit such directive, at intervals of 10 additional days for each extension, if the board, superintendent or school district employees fail to provide all relevant information requested by the monitor or monitors related to the adopted or proposed resolution or motion subject to such override within 48 hours of such request.

(b) The resolution shall be submitted to the clerk no later than 48 hours prior to the next scheduled board meeting who shall cause the resolution to be placed on the next board meeting agenda and a copy to be issued to the board, superintendent and commissioner accompanied by specific findings as to the necessity of such resolution. The monitor or monitors may direct the board to meet at a date prior to the next scheduled board meeting to take up such resolution. The monitor or monitors may withdraw the resolution prior to, or during, the next board meeting, if the board takes sufficient action to resolve the issues contained in the resolution. If the resolution is not withdrawn, it shall be deemed to be adopted at the next board meeting through its submission and shall have the full force and effect as any other resolution adopted by the board.

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

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

5. The monitor or monitors shall have the power to approve or disapprove the appointment of a superintendent by the board of education on or after the effective date of this act. The board shall submit the recommendation for superintendent to the monitor or monitors for approval. The monitor or monitors shall have 10 days to approve or disapprove the board's recommendation. If after such period no action is taken by the monitor or monitors, the recommendation for superintendent shall be deemed approved. If the monitor or monitors disapproves of the appointment, then the board shall recommend a new candidate for the monitor or monitors to approve or disapprove until an appointment is approved by the monitor or monitors. In the event that a vacancy occurs in the position of superintendent due to the disapproval of a recommendation, the monitor or monitors may appoint a current school employee as interim superintendent until a recommendation for superintendent is approved.

§ 2. Chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, is amended by adding a new section 7-a to read as follows:

§ 7-a. Academic improvement plan. 1. No later than November 1, 2024, the board of education and the monitor shall develop an academic

improvement plan for the district's 2024--2025 school year and the four subsequent school years. 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 deems to be in need of improvement which shall include addressing the provisions contained in any action plan set forth by the department.

2. If the board of education and the monitor agree on all the elements of the proposed academic improvement plan, the board of education shall conduct a public hearing on the plan and consider the input of the community. The proposed academic improvement plan shall be made public on the district's website at least 3 business days before such public hearing. Once the proposed academic improvement plan has been approved by the board of education, such plan shall be submitted by the monitor to the commissioner for approval and shall be deemed approved for the purposes of this act.

3. If the board of education and the monitor do not agree on all the elements of the proposed academic improvement plan, the board of education shall conduct a public hearing on the proposed plan that details the elements of disagreement between the monitor and the board, including documented justification for such disagreements and any requested amendments from the monitor. The proposed academic improvement plan, elements of disagreement, and requested amendments shall be made public on the district's website at least 3 business days before such public hearing. After considering the input of the community, the board may alter the proposed academic improvement plan and the monitor may alter his or her requested amendments, and the monitor shall submit the proposed academic improvement plan, such monitor's amendments to the plan, and documentation providing justification for such disagreements and amendments to the commissioner no later than December 1, 2024. By January 15, 2025, the commissioner shall approve the proposed plan with any of the monitor's proposed amendments, or make other modifications, such commissioner deems appropriate. The board of education shall provide the commissioner with any information such commissioner requests to approve such plan within 3 business days of such request. Upon the approval of such commissioner, the academic improvement plan shall be deemed approved for purposes of this act.

§ 3. This act shall take effect immediately; provided, however, that the amendments to chapter 18 of the laws of 2020 authorizing the commissioner of education to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, made by sections one and two of this act shall not affect the expiration of such chapter and shall expire and be deemed repealed therewith.