STATE OF NEW YORK

9833

IN SENATE

June 3, 2024

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

AN ACT in relation to apportioning funds to the East Ramapo central school district for services and expenses

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

Section 1. Legislative intent. The legislature hereby finds and declares that the East Ramapo central school district is facing a fiscal crisis. As a result of the repeated failure to adopt a budget which meets the basic needs of its public school students, the district faces a substantial budgetary shortfall. Absent legislative intervention, the district is at risk of being unable to pay its staff, and students attending the public schools in the district will suffer. In recognition of this failure, the legislature hereby provides the East Ramapo central school district with an accelerated payment of twenty million dollars ($20,000,000) to provide the funds necessary for the district to meet its payroll obligations. The district shall utilize the funds solely for the benefit of the public school students within the district. Additionally, the legislature orders the district to increase its property tax levy for the 2024-2025 school year by not less than one percent. The monitors appointed to oversee the school district are called to ensure that the increased resources are used solely for the benefit of the public schools. Should the East Ramapo central school district fail to meet any of the requirements contained herein, the legislature will move to implement a fiscal control board pursuant to legislative bill number A. 10407-A of 2023.

§ 2. The East Ramapo central school district shall be paid on an accelerated schedule as follows:

(a) (1) Notwithstanding any other provisions of law, for aid payable in the school years 2024-2025 through 2053-2054 upon application to the commissioner of education, submitted not sooner than the second Monday in July of the school year in which such aid is payable and not later than the Friday following the third Monday in July of the school year in which such aid is payable, or ten days after the effective date of this

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

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act, whichever shall be later, the East Ramapo central school district shall be eligible to receive an apportionment pursuant to this act in an amount equal to the product of twenty million dollars ($20,000,000) and the quotient of the positive difference of thirty minus the number of school years elapsed since the 2024-2025 school year divided by thirty.

(2) Funds apportioned pursuant to this subdivision shall be used for services and expenses of the East Ramapo central school district and shall be applied in support of its educational programs and any liability incurred by such central school district in carrying out its functions and responsibilities under the education law. Such funds shall be utilized to supplement, not supplant, funding for the educational opportunities of students attending the public schools in the district. The monitor team established pursuant to chapter 173 of the laws of 2021 shall certify to the commissioner of education that such funds are utilized pursuant to this paragraph. In no event shall such funds be utilized to increase spending for students who do not attend public school.

(b) The claim for an apportionment to be paid to the East Ramapo central school district pursuant to subdivision (a) of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed and that the school district has complied with the reporting requirements of this act. For each school year in which application is made pursuant to subdivision (a) of this section, such approved amount shall be payable on or before July thirty-first of such school year upon the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys appropriated from the general fund for general support for public schools due such school district pursuant to section 3609-a of the education law.

(c) Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to the East Ramapo central school district during the current year pursuant to subdivisions (a) and (b) of this section shall first be deducted from payments due during the current school year pursuant to subparagraphs 4 and 5 of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the fixed fall payments payable pursuant to subparagraph 4 of paragraph a of subdivision 1 of section 3609-a of the education law, and any remainder to be deducted from the individualized payments due to the district pursuant to paragraph b of subdivision 1 of section 3609-a of the education law shall be deducted on a chronological basis starting with the earliest payment due the district.

(d) Notwithstanding any other provisions of law, the sum of payments made to the East Ramapo central school district during the base year pursuant to subdivisions (a) and (b) of this section plus payments made to such school district during the current year pursuant to section 3609-a of the education law shall be deemed to truly represent all aids paid to such school district during the current school year pursuant to section 3609-a of the education law for the purposes of computing any adjustments to such aids that may occur in a subsequent school year.

(e) (1) On or before the first day of each month beginning in July 2024 and ending in June 2054, the chief fiscal officer and the superintendent of schools of the district shall prepare and submit to the board of education and monitors, so long as these roles are filled, a report of the fiscal condition of the school district, including but not

limited to the most current available data on fund balances on funds maintained by the school district and the district's use of the apportionments provided pursuant to subdivisions (a) and (b) of this section.

(2) Such monthly report shall be in a format prescribed by the commissioner of education. The board of education and monitors shall either reject and return the report to the chief fiscal officer and the superintendent for appropriate revisions and resubmittal or shall approve the report and submit copies to the commissioner of education and the state comptroller of such approved report as submitted or resubmitted.

(3) In the 2024-2025 through 2053-2054 school years, the chief fiscal officer of the district shall monitor all budgets and for each budget, prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget as well as individual line items. Such report shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation from the superintendent or chief fiscal officer to the board of education setting forth any remedial actions necessary to resolve any unfavorable budget variance including the overestimation of revenue and underestimation of appropriations. The chief fiscal officer shall also prepare, as part of such report, a quarterly trial balance of general ledger accounts in accordance with generally accepted accounting principles as prescribed by the state comptroller. All reports shall be completed within sixty days after the end of each quarter and shall be submitted to the chief fiscal officer and the board of education, the state division of budget, the office of the state comptroller, the commissioner of education, the chair of the assembly ways and means committee, and the chair of the senate finance committee.

§ 3. The East Ramapo central school district shall be required to adopt a property tax levy for the 2024-2025 school year in an amount not less than one percent greater than the property tax levy for the 2023-2024 school year. Such additional revenues shall be utilized to supplement, not supplant, funding for the educational opportunities of students attending the public schools in the district. The monitor team established pursuant to chapter 173 of the laws of 2021 shall certify to the commissioner of education that the additional revenues are utilized pursuant to this section. In no event shall additional revenues be utilized to increase spending for students who do not attend public school.

§ 4. The commissioner of education shall appoint a community liaison to serve the interests of the public school community. The community liaison shall serve as a point of contact between the board of education, the monitor team established pursuant to chapter 173 of the laws of 2021, and the community. The liaison shall have cultural and linguistic competency specific to the population of students enrolled in the public schools, and meet the requirements of section 2102 of the education law. The liaison shall have the authority to work directly with the superintendent of the district and the monitors. The liaison shall serve at the pleasure of the commissioner of education. If the commissioner of education determines the liaison appointed pursuant to this section no longer represents the interests of the public school community, the commissioner of education shall have the authority to remove the liaison. Upon removal by the commissioner of education or upon any other vacancy of the position of the liaison, the commissioner of education shall fill the vacancy of the liaison pursuant to this section. The East Ramapo central school district shall make an amount equal to up to two

hundred fifty thousand dollars ($250,000) available for the reasonable and necessary expenses of the liaison while performing the liaison official duties. Notwithstanding any other provision of law, the liaison shall be entitled to defense and indemnification by the school district to the same extent as a school district employee.

§ 5. This act shall take effect immediately.