

STATE OF NEW YORK

9817

IN ASSEMBLY

April 9, 2024

Introduced by M. of A. JEAN-PIERRE -- read once and referred 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:

1 Section 1. Section 4 of chapter 18 of the laws of 2020 authorizing the
2 commissioner of education to appoint a monitor to oversee the Wyandanch
3 union free school district and establishing the powers and duties of the
4 monitor, is amended by adding three new subdivisions 3, 4 and 5 to read
5 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
21 period to override due to extenuating circumstances that necessitate
22 additional time. The override notice shall stay the proceedings of the
23 board on such adopted resolution or motion or, if the notice is provided
24 prior to action by the board, it shall remove such proposed resolution
25 or motion from consideration by the board pending the issuance of a
26 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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1 submit the directive to the board, superintendent and the commissioner
2 no later than 10 days following notice of such override. Upon the issu-
3 ance of a directive, the override of the board's adopted or proposed
4 resolution or motion shall be final and conclusive unless the monitor or
5 monitors fail to issue such directive within 10 days or within such
6 period established by the monitor or monitors if the period was
7 extended, withdraws such override, or the commissioner overrules the
8 monitor or monitors' override within 10 days of the issuance of the
9 directive. The monitor or monitors may extend the period to submit such
10 directive, at intervals of 10 additional days for each extension, if the
11 board, superintendent or school district employees fail to provide all
12 relevant information requested by the monitor or monitors related to the
13 adopted or proposed resolution or motion subject to such override within
14 48 hours of such request.

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

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

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

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

51 § 2. This act shall take effect immediately; provided, however, that
52 the amendments to chapter 18 of the laws of 2020 authorizing the commis-
53 sioner of education to appoint a monitor to oversee the Wyandanch union
54 free school district and establishing the powers and duties of the moni-
55 tor, made by section one of this act shall not affect the expiration of
56 such chapter and shall expire and be deemed repealed therewith.