

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:

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 the next sched-
21 uled board meeting to take up such resolution. The monitor or monitors
22 may withdraw the resolution prior to, or during, the next board meeting,
23 if the board takes sufficient action to resolve the issues contained in
24 the resolution. If the resolution is not withdrawn, it shall be deemed
25 to be adopted at the next board meeting through its submission and shall
26 have the full force and effect as any other resolution adopted by the
27 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. Chapter 18 of the laws of 2020 authorizing the commissioner of
52 education to appoint a monitor to oversee the Wyandanch union free
53 school district and establishing the powers and duties of the monitor,
54 is amended by adding a new section 7-a to read as follows:

55 § 7-a. Academic improvement plan. 1. No later than November 1, 2024,
56 the board of education and the monitor shall develop an academic

1 improvement plan for the district's 2024--2025 school year and the four
2 subsequent school years. The academic improvement plan shall contain a
3 series of programmatic recommendations designed to improve academic
4 performance over the period of the plan in those academic areas that the
5 commissioner deems to be in need of improvement which shall include
6 addressing the provisions contained in any action plan set forth by the
7 department.

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

17 3. If the board of education and the monitor do not agree on all the
18 elements of the proposed academic improvement plan, the board of educa-
19 tion shall conduct a public hearing on the proposed plan that details
20 the elements of disagreement between the monitor and the board, includ-
21 ing documented justification for such disagreements and any requested
22 amendments from the monitor. The proposed academic improvement plan,
23 elements of disagreement, and requested amendments shall be made public
24 on the district's website at least 3 business days before such public
25 hearing. After considering the input of the community, the board may
26 alter the proposed academic improvement plan and the monitor may alter
27 his or her requested amendments, and the monitor shall submit the
28 proposed academic improvement plan, such monitor's amendments to the
29 plan, and documentation providing justification for such disagreements
30 and amendments to the commissioner no later than December 1, 2024. By
31 January 15, 2025, the commissioner shall approve the proposed plan with
32 any of the monitor's proposed amendments, or make other modifications,
33 such commissioner deems appropriate. The board of education shall
34 provide the commissioner with any information such commissioner requests
35 to approve such plan within 3 business days of such request. Upon the
36 approval of such commissioner, the academic improvement plan shall be
37 deemed approved for purposes of this act.

38 § 3. This act shall take effect immediately; provided, however, that
39 the amendments to chapter 18 of the laws of 2020 authorizing the commis-
40 sioner of education to appoint a monitor to oversee the Wyandanch union
41 free school district and establishing the powers and duties of the moni-
42 tor, made by sections one and two of this act shall not affect the expi-
43 ration of such chapter and shall expire and be deemed repealed there-
44 with.