

STATE OF NEW YORK

11634

IN ASSEMBLY

July 29, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rivera) --
read once and referred to the Committee on Education

AN ACT directing the commissioner of education to appoint a monitor for the Buffalo city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Definitions. As used in this act:

(a) "Commissioner" shall mean the commissioner of education;

(b) "Department" shall mean the state education department;

(c) "Board of education" or "board" shall mean the board of education of the Buffalo city school district;

(d) "School district" or "district" shall mean the Buffalo city school district;

(e) "Superintendent" shall mean the superintendent of the Buffalo city school district;

(f) "Relatives" shall mean a Buffalo city school district board member's spouse, domestic partner, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of a current board member or a board member's spouse or domestic partner; and

(g) "City" shall mean the city of Buffalo.

§ 2. Appointment of a monitor. The commissioner shall appoint one monitor to provide oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the school district, the board of education and the superintendent.

1. The monitor, to the extent practicable, shall have experience in school district finances and one or more of the following areas:

(a) elementary and secondary education;

(b) the operation of school districts in New York;

(c) educating students with disabilities; and

(d) educating English language learners.

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

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2. The monitor shall be a non-voting ex-officio member of the board of education. The monitor shall be an individual who is not a resident, employee of the school district or relative of a board member of the school district at the time of such monitor's appointment.

3. The reasonable and necessary expenses incurred by the monitor while performing such monitor's official duties shall be paid by the school district. Notwithstanding any other provision of law, the monitor shall be entitled to defense and indemnification by the school district to the same extent as a school district employee.

§ 3. Meetings. 1. The monitor shall be entitled to attend all meetings of the board, including executive sessions; provided however, such monitor shall not be considered for purposes of establishing a quorum of the board. The school district shall fully cooperate with the monitor including, but not limited to, providing such monitor with access to any necessary documents and records of the district including access to electronic information systems, databases and planning documents, consistent with all applicable state and federal statutes including, but not limited to, Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and section 2-d of the education law.

2. The board, in consultation with the monitor, shall adopt a conflict of interest policy that complies with all existing applicable laws, rules and regulations that ensures its board members and administration act in the school district's best interest and comply with applicable legal requirements. The conflict of interest policy shall include, but not be limited to:

(a) a definition of the circumstances that constitute a conflict of interest;

(b) procedures for disclosing a conflict of interest to the board;

(c) a requirement that the person with the conflict of interest not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing in this subdivision shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting relating thereto;

(d) a prohibition against any attempt by the person with the conflict to influence improperly the deliberation or voting on the matter giving rise to such conflict; and

(e) a requirement that the existence and resolution of the conflict be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

3. In the event that the monitor finds 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 financial plan or academic improvement plan under this act, the monitor 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 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 forty-eight hours after such resolution or motion was adopted by the board unless the commissioner has

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

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

33 (c) the monitor shall not override an adopted or proposed resolution
34 or motion or submit a resolution related to collective bargaining agree-
35 ments negotiated in accordance with article 14 of the civil service law.

36 (d) the monitor shall not override an adopted or proposed resolution
37 or motion or submit a resolution that would diminish mandated services
38 to non-public schools in violation of state or federal laws, rules or
39 regulations.

40 § 4. Public hearings. 1. The monitor shall schedule three public hear-
41 ings to be held within sixty days of such monitor's appointment, which
42 shall allow public comment from the district's residents, students,
43 parents, employees, board members and administration.

44 (a) The first hearing shall take public comment on existing statutory
45 and regulatory authority of the commissioner, the department and the
46 board of regents regarding school district governance and intervention
47 under applicable state law and regulations, including but not limited
48 to, sections 306, 211-c, and 211-f of the education law.

49 (b) The second hearing shall take public comment on the academic
50 performance of the district.

51 (c) The third hearing shall take public comment on the fiscal perform-
52 ance of the district.

53 2. The board of education, the superintendent and the monitor shall
54 consider these public comments when developing the financial plan and
55 academic improvement plan under this act.

§ 5. Financial plan. 1. No later than November 1, 2027, the board of education, the superintendent and the monitor shall develop a proposed financial plan for the 2027--2028 school year and the four subsequent school years. The financial plan shall ensure that annual aggregate operating expenses shall not exceed annual aggregate operating revenues for such school year and that the major operating funds of the district be balanced in accordance with generally accepted accounting principles, and shall consider whether financial and budgetary functions of the district shall be subject to a shared services agreement with the city. The financial plan shall include statements of all estimated revenues, expenditures, and cash flow projections of the district.

2. If the board of education and the monitor agree on all the elements of the proposed financial plan, the board of education shall conduct a public hearing on the plan and consider the input of the community. The proposed financial plan shall be made public on the district's website at least three business days before such public hearing. Once the proposed financial 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 financial 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 financial plan, elements of disagreement, and requested amendments shall be made public on the district's website at least three business days before such public hearing. After considering the input of the community, the board may alter the proposed financial plan and the monitor may alter such monitor's requested amendments, and the monitor shall submit the proposed financial 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, 2027. By January 15, 2028, 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 three business days of such request. Upon the approval of the commissioner, the financial plan shall be deemed approved for purposes of this act.

§ 6. Academic improvement plan. 1. No later than November 1, 2027, the board of education, the superintendent and the monitor shall develop an academic improvement plan for the district's 2027--2028 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 three 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

1 monitor to the commissioner for approval and shall be deemed approved
2 for the purposes of this act.

3 3. If the board of education and the monitor do not agree on all the
4 elements of the proposed academic improvement plan, the board of educa-
5 tion shall conduct a public hearing on the proposed plan that details
6 the elements of disagreement between the monitor and the board, includ-
7 ing documented justification for such disagreements and any requested
8 amendments from the monitor. The proposed academic improvement plan,
9 elements of disagreement, and requested amendments shall be made public
10 on the district's website at least three business days before such
11 public hearing. After considering the input of the community, the board
12 may alter the proposed academic improvement plan and the monitor may
13 alter such monitor's requested amendments, and the monitor shall submit
14 the proposed academic improvement plan, such monitor's amendments to the
15 plan, and documentation providing justification for such disagreements
16 and amendments to the commissioner no later than December 1, 2027. By
17 January 15, 2028, the commissioner shall approve the proposed plan with
18 any of the monitor's proposed amendments, or make other modifications,
19 such commissioner deems appropriate. The board of education shall
20 provide the commissioner with any information such commissioner requests
21 to approve such plan within three business days of such request. Upon
22 the approval of the commissioner, the academic improvement plan shall be
23 deemed approved for purposes of this act.

24 § 7. Fiscal and operational oversight. 1. Starting with the proposed
25 budget for the 2028--2029 school year, the board of education shall
26 annually submit the school district's proposed budget for the next
27 succeeding school year to the monitor no later than March first prior to
28 the start of such next succeeding school year. The monitor shall review
29 the proposed budget to ensure that it is balanced within the context of
30 revenue and expenditure estimates and mandated programs. The monitor
31 shall also review the proposed budget to ensure that it, to the greatest
32 extent possible, is consistent with the district academic improvement
33 plan and financial plan developed and approved pursuant to this act. The
34 monitor shall present such monitor's findings to the board of education
35 and the commissioner no later than forty-five days prior to the date
36 scheduled for the board of education's vote on the adoption of the final
37 budget or the last date on which the budget may be finally adopted,
38 whichever is sooner. The commissioner shall require the board of educa-
39 tion to make amendments to the proposed budget consistent with any
40 recommendations made by the monitor if the commissioner determines such
41 amendments are necessary to comply with the financial plan and academic
42 improvement plan under this act. The school district shall make avail-
43 able on the district's website: the initial proposed budget, the moni-
44 tor's findings, and the final proposed budget at least seven days prior
45 to the date of the school district's budget hearing. The board of educa-
46 tion shall provide the commissioner with any information such commis-
47 sioner requests in order to make a determination pursuant to this subdi-
48 vision within three business days of such request.

49 2. The district shall provide quarterly reports to the monitor and
50 annual reports to the commissioner and the board of regents on the
51 academic, fiscal, and operational status of the school district. In
52 addition, the monitor shall provide semi-annual reports to the commis-
53 sioner, board of regents, the governor, the temporary president of the
54 senate, and the speaker of the assembly on the academic, fiscal, and
55 operational status of the school district. Such semi-annual report

1 shall include all the contracts that the district entered into through-
2 out the year.

3 3. The monitor shall have the authority to disapprove travel outside
4 the state paid for by the district.

5 4. The monitor shall work with the district's shared decision-making
6 committee as defined in 8 NYCRR 100.11 in developing the academic
7 improvement plan, financial plan, district goals, implementation of
8 district priorities, and budgetary recommendations.

9 5. The monitor shall assist in resolving any disputes and conflicts,
10 including but not limited to, those between the superintendent and the
11 board of education and among the members of the board of education.

12 6. The monitor may recommend, and the board shall consider by vote of
13 a resolution at the next scheduled meeting of the board, cost saving
14 measures including, but not limited to, shared service agreements.

15 § 8. The commissioner may overrule any decision of the monitor, except
16 for collective bargaining agreements negotiated in accordance with arti-
17 cle 14 of the civil service law, if such commissioner deems that such
18 decision is not aligned with the financial plan, academic improvement
19 plan or school district's budget.

20 § 9. The monitor may notify the commissioner and the board in writing
21 when such monitor deems the district is violating an element of the
22 financial plan or academic improvement plan in this act. Within twenty
23 days, the commissioner shall determine whether the district is in
24 violation of any of the elements of the financial plan or academic
25 improvement plan highlighted by the monitor and shall order the district
26 to comply immediately with the plan and remedy any such violation. The
27 school district shall suspend all actions related to the potential
28 violation of the financial plan or academic improvement plan until the
29 commissioner issues a determination.

30 § 10. Nothing in this act shall be construed to abrogate the duties
31 and responsibilities of the school district consistent with applicable
32 state law and regulations.

33 § 11. The Buffalo city school district shall be paid on an accelerated
34 schedule as follows:

35 a. (1) Notwithstanding any other provisions of law, for aid payable in
36 the school years 2026-2027 through 2055-2056 upon application to the
37 commissioner of education submitted not sooner than the second Monday in
38 June of the school year in which such aid is payable and not later than
39 the Friday following the third Monday in June of the school year in
40 which such aid is payable, or ten days after the effective date of this
41 act, whichever shall be later, provided, however, that for the 2026-2027
42 school year such application shall be no later than May 11, 2027, the
43 Buffalo city school district shall be eligible to receive an appor-
44 tionment pursuant to this act in an amount equal to the product of thirty-
45 five million dollars (\$35,000,000) and the quotient of the positive
46 difference of thirty minus the number of school years elapsed since the
47 2026-2027 school year divided by thirty, provided, however, that for the
48 2026-2027 school year such apportionment shall be paid to the Buffalo
49 city school district no later than May 20, 2027.

50 (2) Funds apportioned pursuant to this subdivision shall be used for
51 services and expenses of the Buffalo city school district and shall be
52 applied to support of its educational programs and any liability
53 incurred by such city school district in carrying out its functions and
54 responsibilities under the education law.

55 b. The claim for an apportionment to be paid to the Buffalo city
56 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 June thirtieth 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 in the state lottery fund appropriated for general support of public schools and from the general fund to the extent that the amount paid to the Buffalo city school district pursuant to this subdivision and subdivision a of this section exceeds the amount of the moneys apportioned, if any, for general support for public schools due such school district pursuant to section 3609-a of the education law on or before September first of such school year.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to the Buffalo city school district during the base 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 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph 2 of such paragraph followed by the fixed fall payments payable pursuant to subparagraph 4 of such paragraph, and any remainder to be deducted from the individualized payments due to the district pursuant to paragraph b of such subdivision 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 Buffalo city 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 such section 3609-a 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 2027 and ending in June 2057, the chief fiscal officer and the superintendent of schools of the Buffalo city school district shall prepare and submit to the board of education 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 shall either reject and return the report to the chief fiscal officer and the superintendent of schools 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 2026-2027 through 2055-2056 school years, the chief fiscal officer of the Buffalo city school district shall monitor all budgets and for each budget, shall 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

1 forth in such budget with the actual revenues and expenditures made to
2 date. All quarterly reports shall be accompanied by a recommendation
3 from the superintendent of schools or chief fiscal officer to the board
4 of education setting forth any remedial actions necessary to resolve any
5 unfavorable budget variance including the overestimation of revenue and
6 underestimation of appropriations. The chief fiscal officer shall also
7 prepare, as part of such report, a quarterly trial balance of general
8 ledger accounts in accordance with generally accepted accounting princi-
9 ples as prescribed by the state comptroller. All reports shall be
10 completed within sixty days after the end of each quarter and shall be
11 submitted to the chief fiscal officer and the board of education of the
12 Buffalo city school district, the state division of budget, the office
13 of the state comptroller, the commissioner of education, the chair of
14 the assembly ways and means committee and the chair of the senate
15 finance committee.

16 § 12. This act shall take effect immediately, provided, however, that
17 sections two, three, four, five, six, seven, eight, nine and ten of this
18 act shall expire and be deemed repealed June 30, 2030; and provided
19 further, however, that sections one and eleven of this act shall expire
20 and be deemed repealed June 30, 2056.