STATE OF NEW YORK

8024--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 such monitor, in relation to the appointment of a monitor team

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

Section 1. Sections 3, 4, 5, 6, 7, 8 and 9 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 such monitor, are amended to read as follows:

§ 3. Appointment of [~~a~~] monitor **team**. [~~The commissioner shall appoint one monitor to provide~~] **In accordance with the powers and duties of the board of regents and the commissioner pursuant to subdivision 2 of section 305 of the education law, section 308 of the education law, and section 215 of the education law, up to 2 monitors shall be appointed by and serve at the pleasure of the commissioner to carry out the provisions of this act including but not limited to providing** oversight, guidance and technical assistance related to the **educational, governance and** fiscal policies, practices, programs and decisions of the school district, the board of education and the superintendent.

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

(a) **school district finances;**

(b) elementary and secondary education;

[~~(b)~~] **(c)** the operation of school districts in New York;

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

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[~~(c)~~] (d) educating students with disabilities; and
[~~(d)~~] (e) educating English language learners.

2. The [~~monitor~~] monitors shall be [~~a~~] non-voting ex-officio [~~member~~] members of the board of education. The [~~monitor~~] monitors shall be [~~an individual~~] individuals who [~~is~~] are not [~~a resident, employee~~] residents, employees of the school district or [~~relative~~] relatives of a board member of the school district at the time of [~~his or her~~] their appointment.

3. The reasonable and necessary expenses incurred by the monitor or monitors while performing [~~his or her~~] their official duties shall be paid by the school district. Notwithstanding any other provision of law, the monitor or monitors shall be entitled to defense and indemnification by the school district to the same extent as a school district employee.

§ 4. Meetings. 1. The monitor or monitors shall be entitled to attend all meetings of the board, including executive sessions; provided however, such monitor or monitors shall not be considered for purposes of establishing a quorum of the board. The school district shall fully cooperate with [~~the~~] any monitor or monitors including, but not limited to, providing such monitor or monitors with access, within 48 hours of such request from the monitor or monitors, 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. The monitor or monitors shall provide a copy of such request for any document or record to the board.

2. The board clerk shall provide the monitor or monitors with copies of the board agenda and all resolutions and motions on such agenda for each board meeting no later than 72 hours prior to such board meeting. If a proposed resolution or motion is for the purpose of approving a contract or to comply with state law or regulation and the date to comply with such law or regulation is within 21 days of the board meeting, the board clerk shall provide the monitor or monitors with copies of the proposed resolution and proposed contract language at least 7 days prior to such meeting.

3. In the event the monitor or monitors are not provided with copies of proposed resolutions or motions 72 hours prior to a board meeting or in the case of a proposed resolution or motion for the purpose of approving a contract or to comply with state law or regulation, seven days prior to the next board meeting, the monitor or monitors may, at their discretion, remove an item including board resolutions or motions, except for resolutions or motions related to collective agreements negotiated in accordance with article 14 of the civil service law, from consideration by the board at such meeting. Upon the failure of the board clerk to provide proposed resolutions or motions as required by subdivision 2 of this subdivision and this subdivision, the monitor or monitors shall provide notice of such failure to the board. An item removed from consideration by the monitor or monitors may not be reconsidered by the board for a period of 10 days or the next board meeting; whichever is later unless the monitor or monitors expressly authorizes consideration at an earlier date.

The board, in consultation with the monitor or monitors, 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.

§ 5. Public hearings. 1. The monitor **or monitors** shall schedule [~~two~~] **three** public hearings to be held within sixty days of [~~his or her~~] **their** appointment, which shall allow public comment from the district's residents, students, employees, parents, board members and administration.

(a) The first hearing shall take public comment on existing statutory and regulatory authority of the commissioner, the department and the board of regents regarding school district governance and intervention under applicable state law and regulations, including but not limited to, section 306 of the education law.

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

(c) The third hearing shall take public comment on the academic performance of the district.

2. The board of education and the monitor **or monitors** shall consider these public comments when developing the [~~financial~~] **long term strategic academic and fiscal improvement** plan under this act.

§ 6. [~~Financial~~] **Strategic academic and fiscal improvement** plan. 1. [~~No later than November first, two thousand twenty, the board of education and the monitor shall develop a proposed financial plan for the two thousand twenty--two thousand twenty-one 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. The financial plan shall include statements of all estimated revenues, expenditures, and cash flow projections of the district.~~] **No later than July first, two thousand twenty-six, the board of education working in collaboration with the monitor or monitors shall adopt a long term strategic academic and fiscal improvement plan for the two thousand twenty-six--two thousand twenty-seven and next four succeeding school years. Beginning with the two thousand twenty-seven--two thousand twenty-eight school year by September first annually the board shall adopt an updated plan. Such plan, including such annual revisions thereto, shall be submitted to the commissioner for approval and shall include a set of goals with appropriate benchmarks and measurable objectives and identify strategies to address areas where improvements are needed in the district, including but not limited to its financial stability and governance, academic opportunities and outcomes, education of students**

with disabilities, education of English language learners, the educational, social and emotional welfare of public school students and shall ensure compliance with all applicable state and federal laws and regulations.

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 his or her requested amendments, and the monitor shall submit the proposed financial plan, his or her amendments to the plan, and documentation providing justification for such disagreements and amendments to the commissioner no later than December first, two thousand twenty. By January fifteenth, two thousand twenty-one, the commissioner shall approve the proposed plan with any of the monitor's proposed amendments, or make other modifications, he or she deems appropriate. The board of education shall provide the commissioner with any information he or she 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.~~] Such plan, including such annual revisions thereto, shall be submitted to the commissioner for approval and shall include a set of goals with appropriate benchmarks and measurable objectives and identify strategies to address areas where improvements are needed in the district, including but not limited to its financial stability and governance, academic opportunities and outcomes, education of students with disabilities, education of English language learners, the educational, social and emotional welfare of public school students and shall ensure compliance with all applicable state and federal laws and regulations.

3. The board of education and monitor or monitors shall annually conduct a public hearing on the long term strategic academic and fiscal improvement plan and shall consider the input of the community before adopting or revising such plan. Such long term strategic academic and fiscal improvement plan shall also be made publicly available and shall be annually submitted along with comments made by the community to the commissioner for approval once the plan is finalized. Upon review of the long term strategic academic and fiscal improvement plan, required to be submitted pursuant to this subdivision, the commissioner shall approve or deny such plan in writing and, if denied, shall include the reasons therefor. The board of education and monitor or monitors may resubmit such plan or plans with any needed modifications thereto.

§ 7. Fiscal and operational oversight. **During the effective period of this act the commissioner shall undertake an enhanced review of the budget.** 1. The board of education shall annually submit the school district's proposed budget for the next succeeding school year to the monitor **or monitors** no later than March first prior to the school district's annual budget vote. The monitor **or monitors** shall review the proposed budget to ensure that it**, to the greatest extent possible,** is [~~**balanced within the context of revenue and expenditure estimates and mandated programs. The monitor shall also review the proposed budget to ensure that it, to the greatest extent possible, is consistent with the district financial plan developed and approved pursuant to this act**~~] **consistent with the long term strategic academic and fiscal improvement plan developed and adopted pursuant to this act. The monitor or monitors shall also review the proposed budget to ensure that it is balanced within the context of revenue and expenditure estimates and mandated programs**. The monitor **or monitors** shall present [~~**his or her**~~] **their** findings to the board of education and the commissioner no later than forty-five days prior to the date scheduled for the school district's annual budget vote. The commissioner shall require the board of education to make amendments to the proposed budget consistent with any recommendations made by the monitor **or monitors** if the commissioner determines such amendments are necessary to comply with the [~~**financial**~~] **long term strategic academic and fiscal improvement** plan under this act. The school district shall make available on the district's website: the initial proposed budget, the monitor **or monitors'** findings, and the final proposed budget at least seven days prior to the date of the school district's budget hearing. In the event of a revote, the board of education, in conjunction with the monitor **or monitors**, shall develop and submit the school district's proposed budget for the next succeeding school year to the commissioner no later than seven days prior to the budget hearing. The board of education shall provide the commissioner with any information [~~**he or she**~~] **such commissioner** requests in order to make a determination pursuant to this subdivision within three business days of such request.

2. The district shall provide quarterly reports to the monitor **or monitors** and annual reports to the commissioner and board of regents on the **academic,** fiscal and operational status of the school district. In addition, the monitor **or monitors** shall provide semi-annual reports to the commissioner, board of regents, the governor, the temporary president of the senate, and the speaker of the assembly on the **academic,** fiscal and operational status of the school district. Such semi-annual report shall include all the contracts that the district entered into throughout the year. **All reports shall be subject to review by the comptroller at the request of the commissioner.**

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

4. The monitor **or monitors** shall work with the district's shared decision-making committee as defined in 8 NYCRR Part 100.11 in developing [~~**the financial plan,**~~] **and revising the long-term strategic academic and fiscal improvement plan,** district goals, implementation of district priorities and budgetary recommendations.

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

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

§ 8. The commissioner may overrule any decision of the monitor **or monitors**, except for **decisions related to** collective bargaining agreements negotiated in accordance with article 14 of the civil service law, if [~~he or she~~] **such commissioner** deems that [~~it~~] **such decision** is not aligned with the [~~financial~~] **long term strategic academic and fiscal improvement** plan or the school district's budget **or is contrary to state law or regulation. If the commissioner overrules a decision of the monitor or monitors, the commissioner may direct the board to take corrective action on such matter if it is necessary to comply with state law, regulation or the long term strategic academic and fiscal improvement plan. In the event there is a disagreement between the monitors, the commissioner may resolve such disagreements and direct the monitors to take action as a result of such resolution**.

§ 9. The monitor **or monitors** may notify the board and the commissioner in writing when [~~he or she deems~~] **they deem** the district is violating an element of the [~~financial~~] **long term strategic academic and fiscal improvement** plan [~~in~~] **or the district failed to provide the monitor or monitors with requested documents or records within the time frame prescribed in subdivision two of section four of** this act. Within twenty days, the commissioner shall determine whether the district is in violation of any of the elements of the plan highlighted by the monitor **or monitors** and shall order the district to comply immediately with the plan and remedy any such violation. The school district shall suspend all actions related to the potential violation of the [~~financial~~] **long term strategic academic and fiscal improvement** plan until the commissioner issues a determination. **Within seven days, the commissioner shall determine if the district failed to comply with the document and record provision set forth in subdivision one of section four of this act and shall order the district to immediately provide the monitor or monitors with the requested documents or records.**

§ 2. 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 such monitor, made by section one of this act shall not affect the expiration of such chapter and shall expire and be deemed repealed therewith.