

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:

1 Section 1. Sections 3, 4, 5, 6, 7, 8 and 9 of chapter 18 of the laws
2 of 2020 authorizing the commissioner of education to appoint a monitor
3 to oversee the Wyandanch union free school district and establishing the
4 powers and duties of such monitor, are amended to read as follows:

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

15 1. The monitor or monitors, to the extent practicable, shall have
16 experience in [~~school district finances and~~] one or more of the follow-
17 ing areas:

18 (a) school district finances;

19 (b) elementary and secondary education;

20 [~~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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1 [~~(e)~~] (d) educating students with disabilities; and

2 [~~(d)~~] (e) educating English language learners.

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

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

14 § 4. Meetings. 1. The monitor or monitors shall be entitled to attend
15 all meetings of the board, including executive sessions; provided howev-
16 er, such monitor or monitors shall not be considered for purposes of
17 establishing a quorum of the board. The school district shall fully
18 cooperate with [~~the~~] any monitor or monitors including, but not limited
19 to, providing such monitor or monitors with access, within 48 hours of
20 such request from the monitor or monitors, to any necessary documents
21 and records of the district including access to electronic information
22 systems, databases and planning documents, consistent with all applica-
23 ble state and federal statutes including, but not limited to, Family
24 Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and section
25 2-d of the education law. The monitor or monitors shall provide a copy
26 of such request for any document or record to the board.

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

36 3. In the event the monitor or monitors are not provided with copies
37 of proposed resolutions or motions 72 hours prior to a board meeting or
38 in the case of a proposed resolution or motion for the purpose of
39 approving a contract or to comply with state law or regulation, seven
40 days prior to the next board meeting, the monitor or monitors may, at
41 their discretion, remove an item including board resolutions or motions,
42 except for resolutions or motions related to collective agreements nego-
43 tiated in accordance with article 14 of the civil service law, from
44 consideration by the board at such meeting. Upon the failure of the
45 board clerk to provide proposed resolutions or motions as required by
46 subdivision 2 of this subdivision and this subdivision, the monitor or
47 monitors shall provide notice of such failure to the board. An item
48 removed from consideration by the monitor or monitors may not be recon-
49 sidered by the board for a period of 10 days or the next board meeting;
50 whichever is later unless the monitor or monitors expressly authorizes
51 consideration at an earlier date.

52 The board, in consultation with the monitor or monitors, shall adopt a
53 conflict of interest policy that complies with all existing applicable
54 laws, rules and regulations that ensures its board members and adminis-
55 tration act in the school district's best interest and comply with

1 applicable legal requirements. The conflict of interest policy shall
2 include, but not be limited to:

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

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

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

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

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

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

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

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

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

32 2. The board of education and the monitor ~~or monitors~~ shall consider
33 these public comments when developing the [~~financial~~] long term strate-
34 gic academic and fiscal improvement plan under this act.

35 § 6. [~~Financial~~] Strategic academic and fiscal improvement plan. 1.
36 [~~No later than November first, two thousand twenty, the board of educa-~~
37 ~~tion and the monitor shall develop a proposed financial plan for the two~~
38 ~~thousand twenty-two thousand twenty-one school year and the four subse-~~
39 ~~quent school years. The financial plan shall ensure that annual aggre-~~
40 ~~gate operating expenses shall not exceed annual aggregate operating~~
41 ~~revenues for such school year and that the major operating funds of the~~
42 ~~district be balanced in accordance with generally accepted accounting~~
43 ~~principles. The financial plan shall include statements of all estimated~~
44 ~~revenues, expenditures, and cash flow projections of the district.] No
45 later than July first, two thousand twenty-six, the board of education
46 working in collaboration with the monitor or monitors shall adopt a long
47 term strategic academic and fiscal improvement plan for the two thousand
48 twenty-six--two thousand twenty-seven and next four succeeding school
49 years. Beginning with the two thousand twenty-seven--two thousand twen-
50 ty-eight school year by September first annually the board shall adopt
51 an updated plan. Such plan, including such annual revisions thereto,
52 shall be submitted to the commissioner for approval and shall include a
53 set of goals with appropriate benchmarks and measurable objectives and
54 identify strategies to address areas where improvements are needed in
55 the district, including but not limited to its financial stability and
56 governance, academic opportunities and outcomes, education of students~~

1 with disabilities, education of English language learners, the educa-
2 tional, social and emotional welfare of public school students and shall
3 ensure compliance with all applicable state and federal laws and regu-
4 lations.

5 ~~2. [If the board of education and the monitor agree on all the~~
6 ~~elements of the proposed financial plan, the board of education shall~~
7 ~~conduct a public hearing on the plan and consider the input of the~~
8 ~~community. The proposed financial plan shall be made public on the~~
9 ~~district's website at least three business days before such public hear-~~
10 ~~ing. Once the proposed financial plan has been approved by the board of~~
11 ~~education, such plan shall be submitted by the monitor to the commis-~~
12 ~~sioner for approval and shall be deemed approved for the purposes of~~
13 ~~this act.~~

14 ~~3. If the board of education and the monitor do not agree on all the~~
15 ~~elements of the proposed financial plan, the board of education shall~~
16 ~~conduct a public hearing on the proposed plan that details the elements~~
17 ~~of disagreement between the monitor and the board, including documented~~
18 ~~justification for such disagreements and any requested amendments from~~
19 ~~the monitor. The proposed financial plan, elements of disagreement, and~~
20 ~~requested amendments shall be made public on the district's website at~~
21 ~~least three business days before such public hearing. After considering~~
22 ~~the input of the community, the board may alter the proposed financial~~
23 ~~plan and the monitor may alter his or her requested amendments, and the~~
24 ~~monitor shall submit the proposed financial plan, his or her amendments~~
25 ~~to the plan, and documentation providing justification for such disa-~~
26 ~~greements and amendments to the commissioner no later than December~~
27 ~~first, two thousand twenty. By January fifteenth, two thousand twenty-~~
28 ~~one, the commissioner shall approve the proposed plan with any of the~~
29 ~~monitor's proposed amendments, or make other modifications, he or she~~
30 ~~deems appropriate. The board of education shall provide the commissioner~~
31 ~~with any information he or she requests to approve such plan within~~
32 ~~three business days of such request. Upon the approval of the commis-~~
33 ~~sioner, the financial plan shall be deemed approved for purposes of this~~
34 ~~act.]~~

35 Such plan, including such annual revisions thereto, shall be
36 submitted to the commissioner for approval and shall include a set of
37 goals with appropriate benchmarks and measurable objectives and identify
38 strategies to address areas where improvements are needed in the
39 district, including but not limited to its financial stability and
40 governance, academic opportunities and outcomes, education of students
41 with disabilities, education of English language learners, the educa-
42 tional, social and emotional welfare of public school students and shall
43 ensure compliance with all applicable state and federal laws and regu-
44 lations.

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

1 § 7. Fiscal and operational oversight. During the effective period of
2 this act the commissioner shall undertake an enhanced review of the
3 budget. 1. The board of education shall annually submit the school
4 district's proposed budget for the next succeeding school year to the
5 monitor or monitors no later than March first prior to the school
6 district's annual budget vote. The monitor or monitors shall review the
7 proposed budget to ensure that it, to the greatest extent possible, is
8 [~~balanced within the context of revenue and expenditure estimates and~~
9 ~~mandated programs. The monitor shall also review the proposed budget to~~
10 ~~ensure that it, to the greatest extent possible, is consistent with the~~
11 ~~district financial plan developed and approved pursuant to this act]~~
12 consistent with the long term strategic academic and fiscal improvement
13 plan developed and adopted pursuant to this act. The monitor or monitors
14 shall also review the proposed budget to ensure that it is balanced
15 within the context of revenue and expenditure estimates and mandated
16 programs. The monitor or monitors shall present [~~his or her~~] their find-
17 ings to the board of education and the commissioner no later than
18 forty-five days prior to the date scheduled for the school district's
19 annual budget vote. The commissioner shall require the board of educa-
20 tion to make amendments to the proposed budget consistent with any
21 recommendations made by the monitor or monitors if the commissioner
22 determines such amendments are necessary to comply with the [~~financial~~]
23 long term strategic academic and fiscal improvement plan under this act.
24 The school district shall make available on the district's website: the
25 initial proposed budget, the monitor or monitors' findings, and the
26 final proposed budget at least seven days prior to the date of the
27 school district's budget hearing. In the event of a revote, the board of
28 education, in conjunction with the monitor or monitors, shall develop
29 and submit the school district's proposed budget for the next succeeding
30 school year to the commissioner no later than seven days prior to the
31 budget hearing. The board of education shall provide the commissioner
32 with any information [~~he or she~~] such commissioner requests in order to
33 make a determination pursuant to this subdivision within three business
34 days of such request.

35 2. The district shall provide quarterly reports to the monitor or
36 monitors and annual reports to the commissioner and board of regents on
37 the academic, fiscal and operational status of the school district. In
38 addition, the monitor or monitors shall provide semi-annual reports to
39 the commissioner, board of regents, the governor, the temporary presi-
40 dent of the senate, and the speaker of the assembly on the academic,
41 fiscal and operational status of the school district. Such semi-annual
42 report shall include all the contracts that the district entered into
43 throughout the year. All reports shall be subject to review by the comp-
44 troller at the request of the commissioner.

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

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

52 5. The monitor or monitors shall assist in resolving any disputes and
53 conflicts, including but not limited to, those between the superinten-
54 dent and the board of education and among the members of the board of
55 education.

1 6. The monitor or monitors may recommend, and the board shall consider
2 by vote of a resolution at the next scheduled meeting of the board, cost
3 saving measures including, but not limited to, shared service agree-
4 ments.

5 § 8. The commissioner may overrule any decision of the monitor or
6 monitors, except for decisions related to collective bargaining agree-
7 ments negotiated in accordance with article 14 of the civil service law,
8 if [~~he or she~~] such commissioner deems that [~~it~~] such decision is not
9 aligned with the [~~financial~~] long term strategic academic and fiscal
10 improvement plan or the school district's budget or is contrary to state
11 law or regulation. If the commissioner overrules a decision of the moni-
12 tor or monitors, the commissioner may direct the board to take correc-
13 tive action on such matter if it is necessary to comply with state law,
14 regulation or the long term strategic academic and fiscal improvement
15 plan. In the event there is a disagreement between the monitors, the
16 commissioner may resolve such disagreements and direct the monitors to
17 take action as a result of such resolution.

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

35 § 2. This act shall take effect immediately; provided, however, that
36 the amendments to chapter 18 of the laws of 2020 authorizing the commis-
37 sioner of education to appoint a monitor to oversee the Wyandanch union
38 free school district and establishing the powers and duties of such
39 monitor, made by section one of this act shall not affect the expiration
40 of such chapter and shall expire and be deemed repealed therewith.