

Legislative Bill Drafting Commission
09199-01-5

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EDUC

(Authorizes the commissioner of
education to appoint a state monitor
to oversee the East Ramapo central
school district and establishes the
powers and duties of the state moni-
tor)

Appt of state monitor East Ramapo

AN ACT

authorizing the commissioner of
education to appoint a state monitor
to oversee the East Ramapo central
school district and establishing the
powers and duties of the state moni-
tor; and providing for the repeal of
such provisions upon expiration
thereof

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s49 Farley	s63 Kennedy	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s34 Klein	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s28 Krueger	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s24 Lanza	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s39 Larkin	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s37 Latimer	s21 Parker	s09 Skelos
s38 Carlucci	s22 Golden	s01 LaValle	s13 Peralta	s26 Squadron
s14 Comrie	s47 Griffo	s52 Libous	s30 Perkins	s16 Stavisky
s03 Croci	s20 Hamilton	s45 Little	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s43 Marchione	s33 Rivera	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s56 Robach	s08 Venditto
s31 Espaillat	s27 Hoylman	s25 Montgomery	s19 Sampson	s57 Young

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a045 Cymbrowitz	a135 Johns	a003 Murray	a016 Schimel
a092 Abinanti	a053 Davila	a077 Joyner	a133 Nojay	a140 Schimminger
a084 Arroyo	a034 DenDekker	a020 Kaminsky	a037 Nolan	a076 Seawright
a035 Aubry	a054 Dilan	a094 Katz	a130 Oaks	a087 Sepulveda
a120 Barclay	a081 Dinowitz	a074 Kavanagh	a069 O'Donnell	a065 Silver
a106 Barrett	a147 DiPietro	a142 Kearns	a051 Ortiz	a027 Simanowitz
a060 Barron	a115 Duprey	a040 Kim	a091 Otis	a052 Simon
a082 Benedetto	a004 Englebright	a131 Kolb	a132 Palmesano	a036 Simotas
a042 Bichotte	a109 Fahy	a105 Lalor	a002 Palumbo	a104 Skartados
a079 Blake	a071 Farrell	a013 Lavine	a088 Paulin	a099 Skoufifis
a117 Blankenbush	a126 Finch	a134 Lawrence	a141 Peoples-	a022 Solages
a062 Borelli	a008 Fitzpatrick	a050 Lentol	Stokes	a114 Stec
a098 Brabenec	a124 Friend	a125 Lifton	a058 Perry	a110 Steck
a026 Braunstein	a095 Galef	a072 Linares	a059 Persaud	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez	a086 Pichardo	a112 Tedisco
a119 Brindisi	a007 Garbarino	a123 Lupardo	a089 Pretlow	a101 Tenney
a138 Bronson	a148 Giglio	a010 Lupinacci	a073 Quart	a001 Thiele
a046 Brook-Krasny	a080 Gjonaj	a121 Magee	a019 Ra	a061 Titone
a093 Buchwald	a066 Glick	a129 Magnarelli	a012 Raia	a031 Titus
a118 Butler	a023 Goldfeder	a064 Malliotakis	a006 Ramos	a055 Walker
a103 Cahill	a150 Goodell	a030 Markey	a078 Rivera	a146 Walter
a043 Camara	a075 Gottfried	a090 Mayer	a128 Roberts	a041 Weinstein
a145 Ceretto	a005 Graf	a108 McDonald	a056 Robinson	a024 Weprin
a033 Clark	a100 Gunther	a014 McDonough	a068 Rodriguez	a113 Woerner
a047 Colton	a139 Hawley	a017 McKevitt	a067 Rosenthal	a143 Wozniak
a032 Cook	a083 Heastie	a107 McLaughlin	a025 Rozic	a070 Wright
a144 Corwin	a028 Hevesi	a038 Miller	a116 Russell	a096 Zebrowski
a085 Crespo	a048 Hikind	a015 Montesano	a149 Ryan	
a122 Crouch	a018 Hooper	a136 Morelle	a009 Saladino	
a021 Curran	a097 Jaffee	a057 Mosley	a111 Santabarbara	
a063 Cusick	a011 Jean-Pierre	a039 Moya	a029 Scarborough	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

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

1 Section 1. Definitions. For the purposes of this act, the following
2 terms shall have the following meanings:

3 (a) "board of education" or "board" shall mean the board of education
4 of the East Ramapo central school district.

5 (b) "commissioner" shall mean the commissioner of education.

6 (c) "department" shall mean the state education department.

7 (d) "school district" or "district" shall mean the East Ramapo central
8 school district.

9 (e) "state monitor" or "monitor" shall mean the person appointed
10 pursuant to section two of this act, or an interim person appointed to
11 such position.

12 (f) "superintendent" shall mean the superintendent of the East Ramapo
13 central school district.

14 § 2. Appointment. (a) The commissioner shall appoint a state monitor
15 to provide direct oversight of the educational and fiscal policies,
16 practices, programs and decisions of the East Ramapo central school
17 district, the board of education and superintendent within sixty days
18 following the effective date of this act. The commissioner shall provide
19 the monitor technical support and assistance for the purposes of carry-
20 ing out his or her duties under this act, if requested by the state
21 monitor. The state monitor shall serve at the pleasure of the commis-
22 sioner.

23 (b) The commissioner shall have the authority to appoint a state moni-
24 tor on an interim basis during the search for a permanent appointment
25 and in the event of resignation, death, incapacity, or any other reason
26 which causes the monitor to be unable to perform his or her duties and
27 until such time as a permanent state monitor is appointed. Any state

1 monitor appointed on an interim basis shall have the powers and duties
2 of the state monitor contained in this act.

3 (c) The state monitor, including his or her staff, shall be paid a
4 fixed salary set by the commissioner and shall be reimbursed for actual
5 expenses incurred in the performance of their duties including travel
6 and supplies. The costs associated with the implementation of this act
7 shall be borne by the state of New York from an appropriation for that
8 purpose.

9 (d) Notwithstanding any other provision of general or special law, the
10 earnings limitations contained in any such general or special law, local
11 law and/or charter and applicable to the employment of persons in a
12 position or positions in public service in any calendar year while
13 retired and receiving a retirement allowance shall not apply to any
14 appointment authorized by this act. If applicable, the state monitor may
15 continue as retired and without loss, suspension or diminution of his or
16 her retirement allowance provided that such individual is granted a
17 waiver of retirement earnings limitation by the commissioner of educa-
18 tion.

19 (e) For the purposes of this act, the state monitor and his or her
20 staff shall be considered state employees as defined in the public offi-
21 cers law.

22 § 3. State monitor powers. The state monitor shall have the power to:

23 (a) Propose a resolution or course of action to be considered by the
24 board of education or superintendent if the state monitor finds that
25 such resolution or course of action is necessary in order to carry out
26 his or her duties required by this act and is necessary for the educa-
27 tional welfare of the students attending the district and/or the fiscal
28 stability of the district. If such resolution or course of action is

1 proposed, the board must vote on the proposed resolution or course of
2 action within fourteen days of receiving such resolution, or at the next
3 regularly scheduled board meeting.

4 (b) Override decisions by the board or superintendent if he or she
5 finds that such override is necessary in order to carry out his or her
6 duties required by this act and is necessary for the educational welfare
7 of the students attending the district and/or the fiscal stability of
8 the district. The state monitor may override a decision by the board or
9 superintendent by issuing a directive, which must include specific find-
10 ings as to the necessity of such override. The board may appeal the
11 state monitor's override in accordance with section five of this act.

12 (c) Access all district documents and records. School district person-
13 nel shall provide any and all documents requested by the state monitor
14 or his or her designee, and the state monitor shall have access to all
15 electronic information systems, databases, and planning documents. The
16 monitor shall maintain the security and confidentiality of all informa-
17 tion protected from disclosure by federal or state law or regulation.

18 (d) Direct the board, superintendent, and/or other school district
19 officers to undergo any training as deemed necessary and pursuant to
20 timelines established by the state monitor.

21 (e) Hire staff necessary to assist in carrying out the state monitor's
22 duties required by this act, subject to a staffing plan approved by the
23 commissioner of education.

24 (f) Hold public hearings or forums on school district matters as he or
25 she deems necessary.

26 (g) Conduct any relevant studies, reports, and reviews of district
27 matters.

1 § 4. State monitor duties. The state monitor shall have the following
2 duties:

3 (a) Develop and implement a five-year strategic academic and fiscal
4 improvement plan in consultation with the commissioner and the board
5 within six months from the date of appointment.

6 1. The monitor shall hold at least one public hearing within the
7 district, prior to the certification of the plan by the state monitor,
8 for the purpose of presenting the contents of the improvement plan and
9 seeking public comment on its contents. The superintendent shall ensure
10 that notice for the public hearing or hearings are posted in a manner to
11 maximize the participation of parents, students, and school personnel.

12 2. The plan must establish a set of goals with appropriate benchmarks
13 and measurable objectives and identify strategies to address areas where
14 improvements are needed in school district operations, including but not
15 limited to its financial stability, academic opportunities and outcomes,
16 education of students with disabilities, education of English language
17 learners, community relations and board governance practices, and shall
18 ensure district compliance with all applicable state and federal laws
19 and regulations.

20 3. The plan shall be publicly available at least fourteen days before
21 the hearing or hearings at which it will be presented and the super-
22 intendent shall ensure that copies thereof shall be prepared and made
23 available, upon request, to residents within the district at each
24 schoolhouse in the district in which school is maintained during certain
25 designated hours on each day other than a Saturday, Sunday or holiday
26 during the seven days immediately preceding such hearing or hearings.

27 4. Following the hearing or hearings held pursuant to paragraph one of
28 this subdivision, but prior to certification of the improvement plan by

1 the state monitor, the state monitor shall publicly report to the board
2 an assessment of all public comments concerning the proposed plan and a
3 description of any changes made to such plan as a result of public
4 comments received. The certified plan must be submitted to the board,
5 commissioner, governor, the temporary president of the senate, and the
6 speaker of the assembly.

7 (b) Attend all meetings of the board including executive sessions. The
8 state monitor, or designee of the monitor, shall be deemed to be a non-
9 voting member of the board and shall be entitled to sit with board
10 members at all meetings of the board and participate in all board hear-
11 ings and meetings, and the superintendent shall be required to provide
12 adequate notice to the state monitor of all such meetings and hearings.
13 The state monitor shall ensure to the extent practicable that the board
14 conducts all meetings, including executive sessions, in compliance with
15 article seven of the public officers law, and shall be authorized to
16 seek written advisory opinions from the committee on open government.

17 (c) Supervise the fiscal and operational management and academic
18 programming of the school district, including, but not limited to, over-
19 sight over the development of the annual budget, resource allocations,
20 contracts, facility management, educational program, and use of district
21 funds.

22 (d) Submit an annual report and quarterly updates to the board,
23 commissioner, governor, the temporary president of the senate, and the
24 speaker of the assembly on the progress of the strategic academic and
25 fiscal improvement plan, actions undertaken by the monitor, any finan-
26 cial information the monitor deems appropriate, and other district
27 matters of importance, including recommendations with respect to state
28 funding levels, improvement of school operations, or other policy

1 suggestions at the discretion of the state monitor. At the conclusion of
2 the monitor's appointment as determined by section seven of this act,
3 the state monitor shall issue a final report that includes long term
4 recommendations that address the unique needs of the school district.

5 § 5. Appeal process for monitor decisions. Notwithstanding any other
6 law, rule or regulation to the contrary, all decisions made by the state
7 monitor, including decisions to overturn board and superintendent
8 actions, shall be final and conclusive unless and until modified or
9 reversed in an appeal to the commissioner pursuant to this section. When
10 the board alleges that a reversal of a board or superintendent decision
11 by the state monitor violates the education law, the rules of the board
12 of regents, the regulations of the commissioner, or the terms of a
13 certified five-year strategic academic and fiscal improvement plan, the
14 board may appeal by petition to the commissioner in accordance with
15 procedures established by the commissioner pursuant to section three
16 hundred eleven of the education law.

17 § 6. Regulations. The commissioner shall be authorized to promulgate
18 regulations and immediately take such other actions as necessary to
19 implement the provisions of this act.

20 § 7. Appointment period. The appointment of the state monitor shall be
21 for a period of at least five years from the initial date of the state
22 monitor appointment. At the expiration of the initial appointment peri-
23 od, the commissioner, in consultation with the board of regents, shall
24 have the authority to extend the appointment for an additional period of
25 time in intervals of one to five years, as determined by the commis-
26 sioner. The appointment may be extended, for a term or terms as the commis-
27 sioner deems necessary consistent with the repeal date of this act.

1 § 8. This act shall take effect immediately and shall expire and be
2 deemed repealed December 31, 2025.