

# STATE OF NEW YORK

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9080

## IN ASSEMBLY

January 16, 2020

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Introduced by M. of A. JEAN-PIERRE -- read once and referred to the  
Committee on Education

AN ACT to repeal a chapter of the laws of 2019, authorizing the commissioner of education, in consultation with the comptroller to appoint a monitor to oversee the Wyandanch union free school district and establishing the powers and duties of the monitor, as proposed in legislative bills numbers S.6588-A and A.8422-A; 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; authorizing deficit financing and an advance of aid payments for the Wyandanch union free school district; and providing for the repeal of certain provisions upon expiration thereof

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

- 1 Section 1. A chapter of the laws of 2019, authorizing the commissioner  
2 of education, in consultation with the comptroller to appoint a monitor  
3 to oversee the Wyandanch union free school district and establishing the  
4 powers and duties of the monitor, as proposed in legislative bills  
5 numbers S.6588-A and A.8422-A is REPEALED.
- 6 § 2. Definitions. As used in this act:
- 7 (a) "Commissioner" shall mean the commissioner of education;
- 8 (b) "Department" shall mean the state education department;
- 9 (c) "Board of education" or "board" shall mean the board of education  
10 of the Wyandanch union free school district;
- 11 (d) "School district" or "district" shall mean the Wyandanch union  
12 free school district;
- 13 (e) "Superintendent" shall mean the superintendent of the Wyandanch  
14 union free school district; and
- 15 (f) "Relatives" shall mean a Wyandanch union free school district  
16 board member's spouse, domestic partner, child, stepchild, stepparent,  
17 or any person who is a direct descendant of the grandparents of a  
18 current board member or a board member's spouse or domestic partner.
- 19 § 3. Appointment of a monitor. The commissioner shall appoint one  
20 monitor to provide oversight, guidance and technical assistance related

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

LBD11225-12-0

1 to the fiscal policies, practices, programs and decisions of the school  
2 district, the board of education and the superintendent.

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

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1 district's annual budget vote. The commissioner shall require the board  
2 of education to make amendments to the proposed budget consistent with  
3 any recommendations made by the monitor if the commissioner determines  
4 such amendments are necessary to comply with the financial plan under  
5 this act. The school district shall make available on the district's  
6 website: the initial proposed budget, the monitor's findings, and the  
7 final proposed budget at least seven days prior to the date of the  
8 school district's budget hearing. In the event of a revote, the board of  
9 education, in conjunction with the monitor, shall develop and submit the  
10 school district's proposed budget for the next succeeding school year to  
11 the commissioner no later than seven days prior to the budget hearing.  
12 The board of education shall provide the commissioner with any informa-  
13 tion he or she requests in order to make a determination pursuant to  
14 this subdivision within three business days of such request.

15 2. The district shall provide quarterly reports to the monitor and  
16 annual reports to the commissioner and board of regents on the fiscal  
17 and operational status of the school district. In addition, the monitor  
18 shall provide semi-annual reports to the commissioner, board of regents,  
19 the governor, the temporary president of the senate, and the speaker of  
20 the assembly on the fiscal and operational status of the school  
21 district. Such semi-annual report shall include all the contracts that  
22 the district entered into throughout the year.

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

25 4. The monitor shall work with the district's shared decision-making  
26 committee as defined in 8 NYCRR Part 100.11 in developing the financial  
27 plan, district goals, implementation of district priorities and budget-  
28 ary recommendations.

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

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

35 § 8. The commissioner may overrule any decision of the monitor, except  
36 for collective bargaining agreements negotiated in accordance with arti-  
37 cle 14 of the civil service law, if he or she deems that it is not  
38 aligned with the financial plan or the school district's budget.

39 § 9. The monitor may notify the board and the commissioner in writing  
40 when he or she deems the district is violating an element of the finan-  
41 cial plan in this act. Within twenty days, the commissioner shall deter-  
42 mine whether the district is in violation of any of the elements of the  
43 plan highlighted by the monitor and shall order the district to comply  
44 immediately with the plan and remedy any such violation. The school  
45 district shall suspend all actions related to the potential violation of  
46 the financial plan until the commissioner issues a determination.

47 § 10. Nothing herein shall be construed to abrogate the duties and  
48 responsibilities of the school district consistent with applicable state  
49 law and regulations.

50 § 11. Deficit financing. (a) The school district is hereby authorized  
51 to issue serial bonds, subject to the provisions of section 10.10 of the  
52 local finance law, on or before June thirtieth, two thousand twenty, in  
53 an aggregate principal amount not to exceed three million one hundred  
54 thousand dollars (\$3,100,000), for the specific object or purpose of  
55 liquidating actual deficits in its general fund at the close of the  
56 fiscal year ending June thirtieth, two thousand nineteen as certified by

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1 first be deducted from payments due during the current school year  
2 pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of  
3 subdivision 1 of section 3609-a of the education law in the following  
4 order: the lottery apportionment payable pursuant to subparagraph (2) of  
5 such paragraph followed by the fixed fall payments payable pursuant to  
6 subparagraph (4) of such paragraph, and any remainder to be deducted  
7 from the individualized payments due to the district pursuant to para-  
8 graph b of such subdivision shall be deducted on a chronological basis  
9 starting with the earliest payment due to the district.

10 (d) Notwithstanding any other provisions of law, the sum of payments  
11 made to the school district during the base year pursuant to subdivi-  
12 sions (a) and (b) of this section plus payments made to such school  
13 district during the current year pursuant to section 3609-a of the  
14 education law shall be deemed to truly represent all aids paid to such  
15 school district during the current school year pursuant to such section  
16 3609-a for the purposes of computing any adjustments to such aids that  
17 may occur in a subsequent school year.

18 § 13. This act shall take effect immediately, provided however:

19 Section one of this act shall take effect on the same date as a chap-  
20 ter of the laws of 2019, authorizing the commissioner of education, in  
21 consultation with the comptroller to appoint a monitor to oversee the  
22 Wyandanch union free school district and establishe

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