

STATE OF NEW YORK

9080

IN ASSEMBLY

January 16, 2020

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5 numbers S.6588-A and A.8422-A is REPEALED.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
x ä is old law to be omitted.

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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:

- 5 (a) elementary and secondary education;
- 6 (b) the operation of school districts in New York;
- 7 (c) educating students with disabilities; and
- 8 (d) educating English language learners.

9 2. The monitor shall be a non-voting ex-officio member of the board of
10 education. The monitor shall be an individual who is not a resident,
11 employee of the school district or relative of a board member of the
12 school district at the time of his or her appointment.

13 3. The reasonable and necessary expenses incurred by the monitor while
14 performing his or her official duties shall be paid by the school
15 district. Notwithstanding any other provision of law, the monitor shall
16 be entitled to defense and indemnification by the school district to the
17 same extent as a school district employee.

18 P 4. Meetings. 1. The monitor shall be entitled to attend all meetings
19 of the board, including executive sessions; provided however, such moni-
20 tor shall not be considered for purposes of establishing a quorum of the
21 board. The school district shall fully cooperate with the monitor
22 including, but not limited to, providing such monitor with access to any
23 necessary documents and records of the district including access to
24 electronic information systems, databases and planning documents,
25 consistent with all applicable state and federal statutes including, but
26 not limited to, Family Education Rights and Privacy Act (FERPA) (20
27 U.S.C. P1232g) and section 2-d of the education law.

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

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

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

37 (c) a requirement that the person with the conflict of interest not be
38 present at or participate in board deliberations or votes on the matter
39 giving rise to such conflict, provided that nothing in this subdivision
40 shall prohibit the board from requesting that the person with the
41 conflict of interest present information as background or answer ques-
42 tions at a board meeting prior to the commencement of deliberations or
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1 under applicable state law and regulations, including but not limited
2 to, section 306 of the education law.

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

5 2. The board of education and the monitor shall consider these public
6 comments when developing the financial plan under this act.

7 P 6. Financial plan. 1. No later than November first, two thousand
8 twenty, the board of education and the monitor shall develop a proposed
9 financial plan for the two thousand twenty-two thousand twenty-one
10 school year and the four subsequent school years. The financial plan
11 shall ensure that annual aggregate operating expenses shall not exceed
12 annual aggregate operating revenues for such school year and that the
13 major operating funds0 second herating expentfC.2 -1.128 Td (2.)-600 (school)-600 (yesat)- (ope0)-600 (t
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15 a proposed financial plan for such school year and that the
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1 the state comptroller. In anticipation of the issuance and sale of such
2 serial bonds, bond anticipation notes are hereby authorized to be
3 issued.

4 (b) The specific object or purpose of this issuance is hereby declared
5 to be a public purpose which the school district is hereby authorized to
6 accomplish and the period of probable usefulness thereof is hereby
7 authorized to be ten years.

8 (c) Notwithstanding the provisions of any other law, general, special
9 or local, the board of education is hereby authorized to levy a tax to
10 be collected in annual installments sufficient to pay the principal of
11 and interest on said bonds and bond anticipation notes and to adopt a
12 bond resolution authorizing the serial bonds authorized to be issued
13 pursuant to this section.

14 (d) Amounts provided from the proceeds of obligations issued pursuant
15 to this section in excess of the amount of the deficit as confirmed by
16 the state comptroller shall be accounted for in the same manner as
17 prescribed by the state comptroller pursuant to section 36 of the gener-
18 al municipal law for real property taxes levied for a planned balance
19 pursuant to subdivision 21 of section 2021 of the education law.

20 P 12. Lottery advance. (a) Notwithstanding any other provisions of
21 law, for aid payable in the school years two thousand nineteen--two
22 thousand twenty through two thousand forty-eight--two thousand forty-
23 nine upon application to the commissioner submitted not sooner than the
24 second Monday in June of the school year in which such aid is payable
25 and not later than the Friday following the third Monday in June of the
26 school year in which such aid is payable, or ten days after the effec-
27 tive date of this act, whichever shall be later, the school district
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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 P 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 establishing the powers and
23 duties of the monitor, as proposed in legislative bills numbers S.6588-A
24 and A.8422-A, takes effect.

25 Sections three through ten of this act shall expire and be deemed
26 repealed June 30, 2025.

27 Section eleven shall expire and be deemed repealed June 30 of the last
28 fiscal year during which serial bonds or bonds issued to refund such
29 serial bonds that are outstanding pursuant to such section of this act,
30 provided that the superintendent of the Wyandanch union free school
31 district shall notify the legislative bill drafting commission upon such
32 occurrence in order that the commission may maintain an accurate and
33 timely effective data base of the official text of the laws of the state
34 of New York in furtherance of effectuating the provisions of section 44
35 of the legislative law and section 70-b of the public officers law.

36 Sections two and twelve of this act shall expire and be deemed
37 repealed June 30, 2049.