



# EAST RAMAPO CENTRAL SCHOOL DISTRICT MONITORS' LEGISLATIVE POWERS AND DUTIES

PURSUANT TO CHAPTER 173 OF THE LAWS OF 2021

Presented by the East Ramapo Monitors:  
Dr Denise Lowe, Academic Monitor & Mr. Bruce Singer, Fiscal Monitor

# GENERAL OVERVIEW OF MONITOR LEGISLATION

- Chapter 89 of the Laws of 2016 (Chapter 89) enacted the original East Ramapo Central School District (ERSCD or “the District”) monitor legislation which authorized the Commissioner of Education to appoint monitors to the ERSCD to provide oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the ERSCD, the Board of Education and the Superintendent.
- On June 29, 2021, the Governor signed into law Chapter 173 of the Laws of 2021 (Chapter 173), which amended Chapter 89, providing for advanced powers and duties of the monitors appointed to the ERSCD.

# ACCESS TO DOCUMENTS

- Chapter 89 provided that the District must “fully cooperate” with the monitors, including providing the monitors with access to any necessary documents and records of the district.
- Chapter 173 expands upon this requirement by mandating that the Board Clerk provide documents to the monitors within 48 hours of a written request. The monitors must provide the Board with a copy of such written request.

# BOARD AGENDA, RESOLUTIONS, AND MOTIONS

- Chapter 173 requires the board clerk to provide the 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.
- Where 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 must provide the monitors with copies of the proposed resolution and proposed contract language at least 7 days prior to such meeting.

# FAILURE TO PROVIDE BOARD DOCUMENTS TO MONITORS

- Chapter 173 provides that if the monitors are not provided with copies of proposed resolutions, motions, or contracts as outlined in such Chapter the monitors may notify the Board that the motion, resolution, or contract is being removed from the Board agenda.
- Where an item is removed from the agenda, it may not be considered for a period of 10 days, or the next Board meeting, whichever is later, unless the monitors expressly authorize reconsideration at an earlier date.
- Note: Resolutions pertaining to collective bargaining negotiations are not subject to this provision.

# CONFLICT OF INTEREST POLICY

- Chapter 173 requires that the Board, in consultation with the monitors, 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 District's best interest and comply with applicable legal requirements.
- The conflict of interest policy must include, but is not limited to:
  - A definition of the circumstances that constitute a conflict of interest;
  - Procedures for disclosing a conflict of interest to the board;
  - 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;
  - 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
  - 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 on.

## MONITORS' OVERRIDE POWER: GENERALLY

- Chapter 173 provides that the monitors **may override the proposed or adopted resolutions or submit a resolution for adoption by the Board that are in violation of law or regulation or inconsistent with the long-term strategic plan.**

## MONITORS' OVERRIDE POWER: NOTICE

- Where the monitors intend to override, written notice must be provided to the Board, Superintendent, and Commissioner.
- To override adopted resolutions or motions, the notice must be provided within 48 hours of adoption, unless the Commissioner, upon a finding of extenuating circumstances, extends the time period for the monitors to act.
- The submission of the notice causes an adopted resolution or motion to be stayed or a proposed resolution or motion to be removed from consideration.

## MONITORS' OVERRIDE POWER: DIRECTIVE

- Within 10 days of issuance of the notice, the monitors must submit a directive to the Board, Superintendent, and Commissioner that contains the specific findings regarding the need for the override and any potential ways to correct the resolution or motion.
- The monitors may extend, in 10-day increments, the time period by which they issue their directive if the Board, Superintendent, or District employees fail to provide all information requested by the monitors in relation to the proposed or adopted motion or resolution within 48 hours.
- Upon issuance of the directive the override becomes final unless:
  - The monitors fail to issue the directive within 10-day or such extended time period;
  - The monitors withdraw the override; or
  - The Commissioner overrides the monitors' override within 10-days of issuance of the directive.

## MONITORS' RESOLUTIONS: GENERALLY

- Chapter 173 also provides that where the monitors determine that a resolution must be adopted by the Board in order to ensure District compliance with a law or regulation or to bring the District into compliance with the provisions of the long-term strategic plan, they may submit a resolution for adoption by the Board.

## MONITORS' RESOLUTIONS: NOTICE

- The monitors must submit the resolution for adoption by the Board to the district clerk, along with the specific findings regarding the necessity for the resolution, no later than 48-hours prior to the next scheduled Board meeting.
- The district clerk must then cause the resolution to be placed on the next board meeting agenda and a copy to be issued to the Board, Superintendent, and the Commissioner accompanied by specific findings as to the necessity of such resolution.

## MONITORS' RESOLUTIONS: CONT'D

- The monitors may direct the Board to meet at a date prior to their next scheduled board meeting to take up such resolution.
- The monitors may withdraw the resolution prior to, or during the next board meeting, if the Board takes sufficient action to resolve the issues contained in the resolution.
- If the resolution is not withdrawn, it is deemed to be adopted at the new Board meeting through its submission and has the full force and effect as any other resolution adopted by the Board.

# APPROVAL OF SUPERINTENDENT APPOINTMENT

- Chapter 173 provides that the monitors have 10-day to approve or disapprove the recommendation of the Board for any new Superintendent.
- If no action is taken by the monitors the recommendation is deemed approved.
- If the monitors disapprove of the appointment, the Board must then recommend a new candidate for approval by the monitors.
- If the monitors disapproval of a recommendation causes a vacancy in the superintendent, the monitors may appoint a current school employee to serve as interim superintendent until a recommendation for superintendent is approved by the monitors.

## SUBMISSION OF DISTRICT'S PROPOSED BUDGET

- Chapter 89 provided that the District, in consultation with the monitors, submit the District's proposed budget to the Commissioner at least 45 days prior to the annual budget vote. The Board was then required to make any amendments to the proposed budget as recommended by the Commissioner.
- Chapter 173 amended these provisions to provide that the Board must submit the budget to the monitors by March 1<sup>st</sup> of each year.
- The monitors then submit their findings to the Board and the Commissioner at least 45-days prior to the budget vote.
- The District must then make amendments to the budget as recommended by the monitors and approved by the Commissioner.

# REPORTING

- Chapter 89 required the monitors to report quarterly and the District to report annually on the fiscal and operational status of the District.
- Chapter 173 amended such provision to provide that the District report quarterly to the monitors and annually to the Commissioner on the academic, fiscal, and operational status of the District, and the monitors must report semi-annually on the academic, fiscal, and operational status of the District.

# LONG-TERM STRATEGIC PLAN: DEVELOPMENT & PUBLIC HEARING

- Chapter 89 provided that the long-term strategic plan was developed by the District in consultation with the monitors. Chapter 173 amended this provision to provide that the long-term strategic plan is developed jointly by the monitors and the District.
- Additionally, Chapter 89 provided that there must be a public hearing on the expenditure plan, which is within the long-term strategic plan. Chapter 173 now requires that a public hearing on the long-term strategic plan in its entirety be held.

# LONG-TERM STRATEGIC PLAN: SUBSTANCE

- Chapter 89 provided that the long-term strategic plan 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, academic opportunities and outcomes, education of students with disabilities, education of English language learners, and ensures compliance with all applicable state and federal laws and regulations.
- Chapter 173 added that such plan must also added “educational, social and emotional welfare of public school students” to the list of areas where strategies must be identified to address where improvements are needed.
- Additionally, Chapter 173 requires that, to the maximum extent possible, the plan must consider the demographic makeup of the district and the unique needs of minority racial, ethnic, religious and undocumented communities of interest.

# VIOLATION OF LONG-TERM STRATEGIC PLAN

- Chapter 173 provides that the monitors may notify the Commissioner and Board in writing of any violations of the long-term strategic plan or the failure of the District to provide timely requested documents or records.
- Within 20 days of the notice of violation, the Commissioner must determine whether to direct the District to remedy the violation and comply with the plan immediately.
- Until the Commissioner makes a determination, the District must suspend all activities related to the area of violation.
- In cases of failure to provide documents or records, the Commissioner has 7 days to determine whether to order the District to immediately provide the requested records or documents.

# COMMUNITY ADVISORY BOARD

- Chapter 173 provides that within 90-days of the effective date of such Chapter, the Board and the Superintendent must jointly appoint a 10-member community advisory board, who must meet at least 4 times a year with the monitors.
- The advisory board members serve a term of one year with no compensation and have representation from:
  - A parent of a student with special needs whose education is provided for by the District;
  - One member for each of the 3 most common non-English languages spoken by individuals in the District based on the most recent decennial federal census;
  - A member of a non-profit civic league or organization, operated exclusively for the promotion of social welfare whose mission includes advocating for the civil rights of racial and ethnic minority groups;
  - A parent of a public school student; and
  - A parent of a non-public school student.

# MANDATED TRAINING

- Chapter 173 provides that the monitors may mandate that Board members, the Superintendent, and/or other district officers undergo up to 15-hours of training per year.
- The monitors may recommend, but not require, additional training beyond the 15-hour maximum.

## COMMISSIONER OVERRIDE POWER

- Chapter 173 provides that the Commissioner may override any action of the monitors that is contrary to state law or regulation or is not aligned with the long-term strategic plan or the District's budget.
- If the Commissioner overrules a decision of the monitors, the Commissioner may direct the Board to take corrective action on such matter if necessary to comply with state law, regulation, or the long-term strategic plan.

## OTHER PROVISIONS

Chapter 173 also provides the following:

- **Out of State Travel:** The monitors may disapprove out-of-state travel paid for by the District.
- **Shared Decision-Making Committee:** The monitors must work with the shared decision-making committee in developing and revising the District's long-term strategic plan, District goals, implementation of District priorities, and budgetary recommendations.
- **Resolutions of Conflicts and Disputes:** The monitors shall assist in resolving disputes and conflicts among and between the Superintendent and members of the Board.
- **Recommendations for Cost Savings:** The monitors may require the Board to vote upon the monitors' recommendations for cost saving measures including, but not limited to, shared service agreements.



# CONCLUSION

THANK YOU

