

PART FF

Section 1. Definitions. As used in this act:

- (a) "Commissioner" shall mean the commissioner of education;
- (b) "Department" shall mean the state education department;
- (c) "Board of education" or "board" shall mean the board of education of the Mount Vernon city school district;
- (d) "School district" or "district" shall mean the Mount Vernon city school district;
- (e) "Superintendent" shall mean the superintendent of the Mount Vernon city school district; and
- (f) "Relatives" shall mean a Mount Vernon city school district board member's spouse, domestic partner, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of a current board member or a board member's spouse or domestic partner.

§ 2. Appointment of a monitor. The commissioner shall appoint one monitor to provide oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the school district, the board of education and the superintendent.

(a) The monitor, to the extent practicable, shall have experience in school district finances and one or more of the following areas:

- (i) elementary and secondary education;
- (ii) the operation of school districts in New York;
- (iii) educating students with disabilities; and
- (iv) educating English language learners.

(b) The monitor shall be a non-voting ex-officio member of the board of education. The monitor shall be an individual who is not a resident, employee of the school district or relative of a board member of the school district at the time of their appointment.

(c) The reasonable and necessary expenses incurred by the monitor while performing their official duties shall be paid by the school district. Notwithstanding any other provision of law, the monitor shall be entitled to defense and indemnification by the school district to the same extent as a school district employee.

§ 3. Meetings. (a) The monitor shall be entitled to attend all meetings of the board, including executive sessions; provided however, such monitor shall not be considered for purposes of establishing a quorum of the board. The school district shall fully cooperate with the monitor including, but not limited to, providing such monitor with access to any necessary documents and records of the district including access to electronic information systems, databases and planning documents, consistent with all applicable state and federal statutes including, but not limited to, Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and section 2-d of the education law.

(b) The board, in consultation with the monitor, shall 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 school district's best interest and comply with applicable legal requirements. The conflict of interest policy shall include, but not be limited to:

CHAP. 56

72

- (i) a definition of the circumstances that constitute a conflict of interest;
- (ii) procedures for disclosing a conflict of interest to the board;
- (iii) 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, provided that nothing in this subdivision shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting relating thereto;

(iv) 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

(v) 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 upon.

§ 4. Public hearings. (a) The monitor shall schedule three public hearings to be held within sixty days of their appointment, which shall allow public comment from the district's residents, students, parents, employees, board members and administration.

(i) The first hearing shall take public comment on existing statutory and regulatory authority of the commissioner, the department and the board of regents regarding school district governance and intervention under applicable state law and regulations, including but not limited to, sections 306, 211-c, and 211-f of the education law.

(ii) The second hearing shall take public comment on the academic performance of the district.

(iii) The third hearing shall take public comment on the fiscal performance of the district.

(b) The board of education and the monitor shall consider these public comments when developing the financial plan and academic improvement plan under this act.

§ 5. Financial plan. (a) No later than November 1, 2025, the board of education and the monitor shall develop a proposed financial plan for the 2025--2026 school year and the four subsequent school years. The financial plan shall ensure that annual aggregate operating expenses shall not exceed annual aggregate operating revenues for such school year and that the major operating funds of the district be balanced in accordance with generally accepted accounting principles. The financial plan shall include statements of all estimated revenues, expenditures, and cash flow projections of the district.

(b) If the board of education and the monitor agree on all the elements of the proposed financial plan, the board of education shall conduct a public hearing on the plan and consider the input of the community. The proposed financial plan shall be made public on the district's website at least three business days before such public hearing. Once the proposed financial plan has been approved by the board of education, such plan shall be submitted by the monitor to the commissioner for approval and shall be deemed approved for the purposes of this act.

(c) If the board of education and the monitor do not agree on all the elements of the proposed financial plan, the board of education shall conduct a public hearing on the proposed plan that details the elements of disagreement between the monitor and the board, including documented justification for such disagreements and any requested amendments from the monitor. The proposed financial plan, elements of disagreement, and

requested amendments shall be made public on the district's website at least three business days before such public hearing. After considering the input of the community, the board may alter the proposed financial

plan and the monitor may alter their requested amendments, and the monitor shall submit the proposed financial plan, their amendments to the plan, and documentation providing justification for such disagreements and amendments to the commissioner no later than December 1, 2025. By January 15, 2026, the commissioner shall approve the proposed plan with any of the monitor's proposed amendments, or make other modifications, such as the commissioner deems appropriate. The board of education shall provide the commissioner with any information such as the commissioner requests to approve such plan within three business days of such request. Upon the approval of the commissioner, the financial plan shall be deemed approved for purposes of this act.

§ 6. Academic improvement plan. (a) No later than November 1, 2025, the board of education and the monitor shall develop an academic improvement plan for the district's 2025--2026 school year and the four subsequent school years. The academic improvement plan shall contain a series of programmatic recommendations designed to improve academic performance over the period of the plan in those academic areas that the commissioner deems to be in need of improvement which shall include addressing the provisions contained in any action plan set forth by the department.

(b) If the board of education and the monitor agree on all the elements of the proposed academic improvement plan, the board of education shall conduct a public hearing on the plan and consider the input of the community. The proposed academic improvement plan shall be made public on the district's website at least three business days before such public hearing. Once the proposed academic improvement plan has been approved by the board of education, such plan shall be submitted by the monitor to the commissioner for approval and shall be deemed approved for the purposes of this act.

(c) If the board of education and the monitor do not agree on all the elements of the proposed academic improvement plan, the board of education shall conduct a public hearing on the proposed plan that details the elements of disagreement between the monitor and the board, including documented justification for such disagreements and any requested amendments from the monitor. The proposed academic improvement plan, elements of disagreement, and requested amendments shall be made public on the district's website at least three business days before such public hearing. After considering the input of the community, the board may alter the proposed academic improvement plan and the monitor may alter their requested amendments, and the monitor shall submit the proposed academic improvement plan, their amendments to the plan, and documentation providing justification for such disagreements and amendments to the commissioner no later than December 1, 2025. By January 15, 2026, the commissioner shall approve the proposed plan with any of the monitor's proposed amendments, or make other modifications, such as the commissioner deems appropriate. The board of education shall provide the commissioner with any information such as the commissioner requests to approve such plan within three business days of such request. Upon the approval of the commissioner, the academic improvement plan shall be deemed approved for purposes of this act.

§ 7. Fiscal and operational oversight. (a) The board of education shall annually submit the school district's proposed budget for the next succeeding school year to the monitor no later than March first prior to

the school district's annual budget vote. The monitor shall review the proposed budget to ensure that it is balanced within the context of

revenue and expenditure estimates and mandated programs. The monitor shall also review the proposed budget to ensure that it, to the greatest extent possible, is consistent with the district academic improvement plan and financial plan developed and approved pursuant to this act. The monitor shall present their findings to the board of education and the commissioner no later than forty-five days prior to the date scheduled for the school district's annual budget vote. The commissioner shall require the board of education to make amendments to the proposed budget consistent with any recommendations made by the monitor if the commissioner determines such amendments are necessary to comply with the financial plan and academic improvement plan under this act. The school district shall make available on the district's website: the initial proposed budget, the monitor's findings, and the final proposed budget at least seven days prior to the date of the school district's budget hearing. In the event of a revote, the board of education, in conjunction with the monitor, shall develop and submit the school district's proposed budget for the next succeeding school year to the commissioner no later than seven days prior to the budget hearing. The board of education shall provide the commissioner with any information such commissioner requests in order to make a determination pursuant to this subdivision within three business days of such request.

(b) The district shall provide quarterly reports to the monitor and annual reports to the commissioner and board of regents on the academic, fiscal, and operational status of the school district. In addition, the monitor shall provide semi-annual reports to the commissioner, board of regents, the governor, the temporary president of the senate, and the speaker of the assembly on the academic, fiscal, and operational status of the school district. Such semi-annual report shall include all the contracts that the district entered into throughout the year.

(c) The monitor shall have the authority to disapprove travel outside the state paid for by the district.

(d) The monitor shall work with the district's shared decision-making committee as defined in 8 NYCRR 100.11 in developing the academic improvement plan, financial plan, district goals, implementation of district priorities and budgetary recommendations.

(e) The monitor shall assist in resolving any disputes and conflicts, including but not limited to, those between the superintendent and the board of education and among the members of the board of education.

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

§ 8. The commissioner may overrule any decision of the monitor, except for collective bargaining agreements negotiated in accordance with article 14 of the civil service law, if such commissioner deems that such decision is not aligned with the financial plan, academic improvement plan, or the school district's budget.

§ 9. The monitor may notify the commissioner and the board in writing when such monitor deems the district is violating an element of the financial plan or academic improvement plan under this act. Within twenty days, the commissioner shall determine whether the district is in violation of any of the elements of the plans highlighted by the monitor and shall order the district to comply immediately with the plans and remedy any such violation. The school district shall suspend all actions

related to the potential violation of the financial plan or academic improvement plan until the commissioner issues a determination.

§ 10. Nothing in this section shall be construed to abrogate the duties and responsibilities of the school district consistent with applicable state law and regulations.

§ 11. The Mount Vernon city school district shall be paid on an accelerated schedule as follows:

(a) (i) Notwithstanding any other provisions of law, for aid payable in the school years 2024-2025 through 2053-2054 upon application to the commissioner of education submitted not sooner than the second Monday in June of the school year in which such aid is payable and not later than the Friday following the third Monday in June of the school year in which such aid is payable, the Mount Vernon city school district shall be eligible to receive an apportionment pursuant to this section in an amount equal to the product of up to eight million dollars (\$8,000,000) and the quotient of the positive difference of thirty minus the number of school years elapsed since the 2024-2025 school year divided by thirty, provided, however, that for the 2024-2025 school year such application shall be submitted no later than May 11, 2025.

(ii) Funds apportioned pursuant to this subdivision shall be used for services and expenses of the Mount Vernon city school district and shall be applied to support of its educational programs and any liability incurred by such city school district in carrying out its functions and responsibilities under the education law.

(b) The claim for an apportionment to be paid to the Mount Vernon city school district pursuant to subdivision (a) of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed and that the school district has complied with the reporting requirements of this section. For each school year in which application is made pursuant to subdivision (a) of this section, such approved amount shall be payable on or before June thirtieth of such school year upon the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys appropriated for general support of public schools, provided, however, that for the 2024-2025 school year such approved amount shall be payable on or before May 20, 2025.

(c) Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to the Mount Vernon city school district during the base year pursuant to subdivisions (a) and (b) of this section shall first be deducted from general aid payments due during the current school year pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law from the fixed fall payments payable pursuant to subparagraph (4) of such paragraph, and any remainder to be deducted from the individualized payments due to the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

(d) Notwithstanding any other provisions of law, the sum of payments made to the Mount Vernon city school district during the base year pursuant to subdivisions (a) and (b) of this section plus payments made to such school district during the current year pursuant to section 3609-a of the education law shall be deemed to truly represent all aids paid to such school district during the current school year pursuant to CHAP. 56

such section 3609-a for the purposes of computing any adjustments to such aids that may occur in a subsequent school year.

(e) (i) On or before the first day of each month beginning in July 2025 and ending in June 2054, the chief fiscal officer and the superintendent of schools of the Mount Vernon city school district shall prepare and submit to the board of education a report of the fiscal condition of the school district, including but not limited to the most current available data on fund balances on funds maintained by the school district and the district's use of the apportionments provided pursuant to subdivisions (a) and (b) of this section.

(ii) Such monthly report shall be in a format prescribed by the commissioner of education. The board of education shall either reject and return the report to the chief fiscal officer and the superintendent of schools for appropriate revisions and resubmittal or shall approve the report and submit copies to the commissioner of education and the state comptroller of such approved report as submitted or resubmitted.

(iii) In the 2024-2025 through 2053-2054 school years, the chief fiscal officer of the Mount Vernon city school district shall monitor all budgets and for each budget, shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget as well as individual line items. Such report shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation from the superintendent of schools or chief fiscal officer to the board of education setting forth any remedial actions necessary to resolve any unfavorable budget variance including the overestimation of revenue and underestimation of appropriations. The chief fiscal officer shall also prepare, as part of such report, a quarterly trial balance of general ledger accounts in accordance with generally accepted accounting principles as prescribed by the state comptroller. All reports shall be completed within sixty days after the end of each quarter and shall be submitted to the chief fiscal officer and the board of education of the Mount Vernon city school district, the state division of budget, the office of the state comptroller, the commissioner of education, the chair of the assembly ways and means committee and the chair of the senate finance committee.

§ 12. This act shall take effect immediately, provided, however, that:

(a) sections one through ten of this act shall expire and be deemed repealed June 30, 2027; and

(b) section eleven of this act shall expire and be deemed repealed June 30, 2054.