

1 ifications for review by the commissioner of education. If the total
 2 project costs associated with such project exceed the approved cost
 3 allowance of such building project pursuant to section three of this
 4 act, and the county has not otherwise demonstrated to the satisfaction
 5 of the New York state education department the availability of addi-
 6 tional local shares for such excess costs from the city of Syracuse
 7 and/or the Syracuse city school district, then the county shall not
 8 proceed with the preparation of final plans and specifications for such
 9 project until the project has been redesigned or value-engineered to
 10 reduce estimated project costs so as not to exceed the above cost
 11 limits.

12 15. Notwithstanding any other provision of law to the contrary, the
 13 county of Onondaga shall submit estimated project costs for the reno-
 14 vation and equipping of the Syracuse Comprehensive Education Workforce
 15 and Training Center after the completion of fifty percent of the final
 16 plans and specifications for review by the commissioner of education. If
 17 the total project costs associated with such project exceed the approved
 18 cost allowance of such building project pursuant to subparagraph (8) of
 19 paragraph a of subdivision 6 of section 3602 of the education law, and
 20 the county has not otherwise demonstrated to the satisfaction of the New
 21 York state education department the availability of additional local
 22 share for such excess costs from the city of Syracuse and/or the Syra-
 23 cuse city school district, then the county shall not proceed with the
 24 completion of the remaining fifty percent of the plans and specifica-
 25 tions for such project until the project has been redesigned or value-
 26 engineered to reduce estimated project costs so as to not exceed the
 27 above cost limits.

28 § 3. Paragraph a of subdivision 6 of section 3602 of the education law
 29 is amended by adding a new subparagraph 8 to read as follows:

30 (8) Notwithstanding any other provision of law to the contrary, for
 31 the purpose of computation of building aid for the renovation and equip-
 32 ping of the Syracuse Comprehensive Education and Workforce Training
 33 Center high school authorized for operation by the Syracuse city school
 34 district the building aid units assigned to this project shall reflect a
 35 building aid enrollment of one thousand students and multi-year cost
 36 allowances for the project shall be established and utilized two times
 37 in the first five-year period. Subsequent multi-year cost allowances
 38 shall be established no sooner than ten years after establishment of the
 39 first maximum cost allowance authorized pursuant to this subparagraph.

40 § 4. This act shall take effect immediately.

41

PART C

42 Section 1. Definitions. As used in this act:

- 43 (a) "Commissioner" shall mean the commissioner of education;
 44 (b) "Department" shall mean the state education department;
 45 (c) "Board of education" or "board" shall mean the board of education
 46 of the Rochester city school district;
 47 (d) "School district" or "district" shall mean the Rochester city
 48 school district;
 49 (e) "Superintendent" shall mean the superintendent of the Rochester
 50 city school district;
 51 (f) "Relatives" shall mean a Rochester city school district board
 52 member's spouse, domestic partner, child, stepchild, stepparent, or any
 53 person who is a direct descendant of the grandparents of a current board
 54 member or a board member's spouse or domestic partner; and

1 (g) "City" shall mean the city of Rochester.

2 § 2. Appointment of a monitor. The commissioner shall appoint one
3 monitor to provide oversight, guidance and technical assistance related
4 to the educational and fiscal policies, practices, programs and deci-
5 sions of the school district, the board of education and the superinten-
6 dent.

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

- 9 (a) elementary and secondary education;
10 (b) the operation of school districts in New York;
11 (c) educating students with disabilities; and
12 (d) educating English language learners.

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

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

22 § 3. Meetings. 1. The monitor shall be entitled to attend all meetings
23 of the board, including executive sessions; provided however, such moni-
24 tor shall not be considered for purposes of establishing a quorum of the
25 board. The school district shall fully cooperate with the monitor
26 including, but not limited to, providing such monitor with access to any
27 necessary documents and records of the district including access to
28 electronic information systems, databases and planning documents,
29 consistent with all applicable state and federal statutes including, but
30 not limited to, Family Education Rights and Privacy Act (FERPA) (20
31 U.S.C. § 1232g) and section 2-d of the education law.

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

38 (a) a definition of the circumstances that constitute a conflict of
39 interest;

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

41 (c) a requirement that the person with the conflict of interest not be
42 present at or participate in board deliberations or votes on the matter
43 giving rise to such conflict, provided that nothing in this subdivision
44 shall prohibit the board from requesting that the person with the
45 conflict of interest present information as background or answer ques-
46 tions at a board meeting prior to the commencement of deliberations or
47 voting relating thereto;

48 (d) a prohibition against any attempt by the person with the conflict
49 to influence improperly the deliberation or voting on the matter giving
50 rise to such conflict; and

51 (e) a requirement that the existence and resolution of the conflict be
52 documented in the board's records, including in the minutes of any meet-
53 ing at which the conflict was discussed or voted upon.

54 § 4. Public hearings. 1. The monitor shall schedule three public hear-
55 ings to be held within sixty days of his or her appointment, which shall

1 allow public comment from the district's residents, students, parents,
2 employees, board members and administration.

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

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

10 (c) The third hearing shall take public comment on the fiscal perform-
11 ance of the district.

12 2. The board of education, the superintendent and the monitor shall
13 consider these public comments when developing the financial plan and
14 academic improvement plan under this act.

15 § 5. Financial plan. 1. No later than November first, two thousand
16 twenty, the board of education, the superintendent and the monitor shall
17 develop a proposed financial plan for the two thousand twenty--two thou-
18 sand twenty-one school year and the four subsequent school years. The
19 financial plan shall ensure that annual aggregate operating expenses
20 shall not exceed annual aggregate operating revenues for such school
21 year and that the major operating funds of the district be balanced in
22 accordance with generally accepted accounting principles, and shall
23 consider whether financial and budgetary functions of the district shall
24 be subject to a shared services agreement with the city. The financial
25 plan shall include statements of all estimated revenues, expenditures,
26 and cash flow projections of the district.

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

35 3. If the board of education and the monitor do not agree on all the
36 elements of the proposed financial plan, the board of education shall
37 conduct a public hearing on the proposed plan that details the elements
38 of disagreement between the monitor and the board, including documented
39 justification for such disagreements and any requested amendments from
40 the monitor. The proposed financial plan, elements of disagreement, and
41 requested amendments shall be made public on the district's website at
42 least three business days before such public hearing. After considering
43 the input of the community, the board may alter the proposed financial
44 plan and the monitor may alter his or her requested amendments, and the
45 monitor shall submit the proposed financial plan, his or her amendments
46 to the plan, and documentation providing justification for such disa-
47 greements and amendments to the commissioner no later than December
48 first, two thousand twenty. By January fifteenth, two thousand twenty-
49 one, the commissioner shall approve the proposed plan with any of the
50 monitor's proposed amendments, or make other modifications, he or she
51 deems appropriate. The board of education shall provide the commis-
52 sioner with any information he or she requests to approve such plan within
53 three business days of such request. Upon the approval of the commis-
54 sioner, the financial plan shall be deemed approved for purposes of this
55 act.



1 § 6. Academic improvement plan. 1. No later than November first, two
2 thousand twenty, the board of education, the superintendent and the
3 monitor shall develop an academic improvement plan for the district's
4 two thousand twenty-two thousand twenty-one school year and the four
5 subsequent school years. The academic improvement plan shall contain a
6 series of programmatic recommendations designed to improve academic
7 performance over the period of the plan in those academic areas that the
8 commissioner deems to be in need of improvement which shall include
9 addressing the provisions contained in any action plan set forth by the
10 department.

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

20 3. If the board of education and the monitor do not agree on all the
21 elements of the proposed academic improvement plan, the board of educa-
22 tion shall conduct a public hearing on the proposed plan that details
23 the elements of disagreement between the monitor and the board, includ-
24 ing documented justification for such disagreements and any requested
25 amendments from the monitor. The proposed academic improvement plan,
26 elements of disagreement, and requested amendments shall be made public
27 on the district's website at least three business days before such
28 public hearing. After considering the input of the community, the board
29 may alter the proposed academic improvement plan and the monitor may
30 alter his or her requested amendments, and the monitor shall submit the
31 proposed academic improvement plan, his or her amendments to the plan,
32 and documentation providing justification for such disagreements and
33 amendments to the commissioner no later than December first, two thou-
34 sand twenty. By January fifteenth, two thousand twenty-one, the commis-
35 sioner shall approve the proposed plan with any of the monitor's
36 proposed amendments, or make other modifications, he or she deems appro-
37 priate. The board of education shall provide the commissioner with any
38 information he or she requests to approve such plan within three busi-
39 ness days of such request. Upon the approval of the commissioner, the
40 academic improvement plan shall be deemed approved for purposes of this
41 act.

42 § 7. Fiscal and operational oversight. 1. Starting with the proposed
43 budget for the two thousand twenty-one--two thousand twenty-two school
44 year, the board of education shall annually submit the school district's
45 proposed budget for the next succeeding school year to the monitor no
46 later than March first prior to the start of such next succeeding school
47 year. The monitor shall review the proposed budget to ensure that it is
48 balanced within the context of revenue and expenditure estimates and
49 mandated programs. The monitor shall also review the proposed budget to
50 ensure that it, to the greatest extent possible, is consistent with the
51 district academic improvement plan and financial plan developed and
52 approved pursuant to this act. The monitor shall present his or her
53 findings to the board of education and the commissioner no later than
54 forty-five days prior to the date scheduled for the board of education's
55 vote on the adoption of the final budget or the last date on which the
56 budget may be finally adopted, whichever is sooner. The commissioner

1 shall require the board of education to make amendments to the proposed
2 budget consistent with any recommendations made by the monitor if the
3 commissioner determines such amendments are necessary to comply with the
4 financial plan and academic improvement plan under this act. The school
5 district shall make available on the district's website: the initial
6 proposed budget, the monitor's findings, and the final proposed budget
7 at least seven days prior to the date of the school district's budget
8 hearing. The board of education shall provide the commissioner with any
9 information he or she requests in order to make a determination pursuant
10 to this subdivision within three business days of such request.

11 2. The district shall provide quarterly reports to the monitor and
12 annual reports to the commissioner and the board of regents on the
13 academic, fiscal, and operational status of the school district. In
14 addition, the monitor shall provide semi-annual reports to the commis-
15 sioner, board of regents, the governor, the temporary president of the
16 senate, and the speaker of the assembly on the academic, fiscal, and
17 operational status of the school district. Such semi-annual report
18 shall include all the contracts that the district entered into through-
19 out the year.

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

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

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

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

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

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

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

50 § 11. The Rochester city school district shall be paid on an acceler-
51 ated schedule as follows:

52 a. (1) Notwithstanding any other provisions of law, for aid payable in
53 the school years 2019-2020 through 2048-2049 upon application to the
54 commissioner of education submitted not sooner than the second Monday in
55 June of the school year in which such aid is payable and not later than
56 the Friday following the third Monday in June of the school year in

1 which such aid is payable, or ten days after the effective date of this
2 act, whichever shall be later, provided, however, that for the 2019-20
3 school year such application shall be no later than May 11, 2020, the
4 Rochester city school district shall be eligible to receive an appor-
5 tionment pursuant to this act in an amount equal to the product of thir-
6 ty-five million dollars (\$35,000,000) and the quotient of the positive
7 difference of thirty minus the number of school years elapsed since the
8 2019-2020 school year divided by thirty, provided, however, that for the
9 2019-20 school year such apportionment shall be paid to the Rochester
10 city school district no later than May 20, 2020.

11 (2) Funds apportioned pursuant to this subdivision shall be used for
12 services and expenses of the Rochester city school district and shall be
13 applied to support of its educational programs and any liability
14 incurred by such city school district in carrying out its functions and
15 responsibilities under the education law.

16 b. The claim for an apportionment to be paid to the Rochester city
17 school district pursuant to subdivision a of this section shall be
18 submitted to the commissioner of education on a form prescribed for such
19 purpose, and shall be payable upon determination by such commissioner
20 that the form has been submitted as prescribed and that the school
21 district has complied with the reporting requirements of this act. For
22 each school year in which application is made pursuant to subdivision a
23 of this section, such approved amount shall be payable on or before June
24 thirtieth of such school year upon the audit and warrant of the state
25 comptroller on vouchers certified or approved by the commissioner of
26 education in the manner prescribed by law from moneys in the state
27 lottery fund appropriated for general support of public schools and from
28 the general fund to the extent that the amount paid to the Rochester
29 city school district pursuant to this subdivision and subdivision a of
30 this section exceeds the amount of the moneys apportioned, if any, for
31 general support for public schools due such school district pursuant to
32 section 3609-a of the education law on or before September first of such
33 school year.

34 c. Notwithstanding the provisions of section 3609-a of the education
35 law, an amount equal to the amount paid to the Rochester city school
36 district during the base year pursuant to subdivisions a and b of this
37 section shall first be deducted from payments due during the current
38 school year pursuant to subparagraphs (1), (2), (3), (4) and (5) of
39 paragraph a of subdivision 1 of section 3609-a of the education law in
40 the following order: the lottery apportionment payable pursuant to
41 subparagraph (2) of such paragraph followed by the fixed fall payments
42 payable pursuant to subparagraph (4) of such paragraph, and any remain-
43 der to be deducted from the individualized payments due to the district
44 pursuant to paragraph b of such subdivision shall be deducted on a chro-
45 nological basis starting with the earliest payment due the district.

46 d. Notwithstanding any other provisions of law, the sum of payments
47 made to the Rochester city school district during the base year pursuant
48 to subdivisions a and b of this section plus payments made to such
49 school district during the current year pursuant to section 3609-a of
50 the education law shall be deemed to truly represent all aids paid to
51 such school district during the current school year pursuant to such
52 section 3609-a for the purposes of computing any adjustments to such
53 aids that may occur in a subsequent school year.

54 e. (1) On or before the first day of each month beginning in July 2020
55 and ending in June 2050, the chief fiscal officer and the superintendent
56 of schools of the Rochester city school district shall prepare and

1 submit to the board of education a report of the fiscal condition of the
2 school district, including but not limited to the most current available
3 data on fund balances on funds maintained by the school district and the
4 district's use of the apportionments provided pursuant to subdivisions a
5 and b of this section.

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

12 (3) In the 2019-2020 through 2048-2049 school years, the chief fiscal
13 officer of the Rochester city school district shall monitor all budgets
14 and for each budget, shall prepare a quarterly report of summarized
15 budget data depicting overall trends of actual revenues and budget
16 expenditures for the entire budget as well as individual line items.
17 Such report shall compare revenue estimates and appropriations as set
18 forth in such budget with the actual revenues and expenditures made to
19 date. All quarterly reports shall be accompanied by a recommendation
20 from the superintendent of schools or chief fiscal officer to the board
21 of education setting forth any remedial actions necessary to resolve any
22 unfavorable budget variance including the overestimation of revenue and
23 underestimation of appropriations. The chief fiscal officer shall also
24 prepare, as part of such report, a quarterly trial balance of general
25 ledger accounts in accordance with generally accepted accounting princi-
26 ples as prescribed by the state comptroller. All reports shall be
27 completed within sixty days after the end of each quarter and shall be
28 submitted to the chief fiscal officer and the board of education of the
29 Rochester city school district, the state division of budget, the office
30 of the state comptroller, the commissioner of education, the chair of
31 the assembly ways and means committee and the chair of the senate
32 finance committee.

33 § 12. This act shall take effect immediately, provided, however, that
34 sections two, three, four, five, six, seven, eight, nine and ten of this
35 act shall expire and be deemed repealed June 30, 2023; and provided
36 further, however that sections one and eleven of this act shall expire
37 and be deemed repealed June 30, 2049.

38

PART D

39 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
40 tion law is amended by adding a new paragraph 4-a to read as follows:

41 (4-a) Notwithstanding any law, rule, regulation, or practice to the
42 contrary and following the review and approval of the chancellor of the
43 state university or his or her designee, the board of trustees may raise
44 non-resident undergraduate rates of tuition by not more than ten percent
45 over the tuition rates of the prior academic year for the following
46 doctoral degree granting institutions of the state university of New
47 York: the state university of New York college of environmental science
48 and forestry as defined in article one hundred twenty-one of this chap-
49 ter, downstate medical center, upstate medical center, and the college
50 of technology at Utica-Rome/state university polytechnic institute for a
51 four year period commencing with the two thousand twenty--two thousand
52 twenty-one academic year and ending in the two thousand twenty-three--
53 two thousand twenty-four academic year provided that such rate change is



