

# STATE OF NEW YORK

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## IN ASSEMBLY

January 16, 2020

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1 to the educational and fiscal policies, practices, programs and deci-  
2 sions of the school district, the board of education and the superinten-  
3 dent.

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

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

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

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

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

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

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

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

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

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

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

51 § 5. Public hearings. 1. The monitor shall schedule three public hear-  
52 ings to be held within sixty days of his or her appointment, which shall  
53 allow public comment from the district's residents, students, parents,  
54 employees, board members and administration.

55 (a) The first hearing shall take public comment on existing statutory  
56 and regulatory authority of the commissioner, the department and the

1 board of regents regarding school district governance and intervention  
2 under applicable state law and regulations, including but not limited  
3 to, sections 306, 211-c, and 211-f of the education law.

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1 education shall provide the commissioner with any information he or she  
2 requests in order to make a determination pursuant to this subdivision  
3 within three business days of such request.

4 2. The district shall provide quarterly reports to the monitor and  
5 annual reports to the commissioner and board of regents on the academic,  
6 fiscal, and operational status of the school district. In addition, the  
7 monitor shall provide semi-annual reports to the commissioner, board of  
8 regents, the governor, the temporary president of the senate, and the  
9 speaker of the assembly on the academic, fiscal, and operational status  
10 of the school district. Such semi-annual report shall include all the  
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