

6064

I N   S E N A T E

(PREFILED)

January 4, 2012

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Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to authorizing the  
appointment of supervising staff in the city school district of the  
city of Syracuse by the superintendent of such district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 2554 of the education law, as  
2     amended by section 2 of part B of chapter 88 of the laws of 2000, is  
3     amended to read as follows:  
4     2. To create, abolish, maintain and consolidate such positions, divi-  
5     sions, boards or bureaus as, in its judgment, may be necessary for the  
6     proper and efficient administration of its work; to appoint a super-  
7     intendent of schools, such associate, assistant, district and other  
8     superintendents, examiners, directors, supervisors, principals, teach-  
9     ers, lecturers, special instructors, medical inspectors, nurses, audi-  
10    tors, attendance officers, secretaries, clerks, custodians, janitors and  
11    other employees and other persons or experts in educational, social or  
12    recreational work or in the business management or direction of its  
13    affairs as said board shall determine necessary for the efficient  
14    management of the schools and other educational, social, recreational  
15    and business activities; provided, however, that in the city school  
16    districts of the cities of Buffalo [and], Rochester, AND SYRACUSE  
17    appointment of associate, assistant and district superintendents, and  
18    other supervising staff who are excluded from the right to bargain  
19    collectively pursuant to article fourteen of the civil service law  
20    shall, within the amounts budgeted for such positions, be by the super-  
21    intendent of such city school district; and to determine their duties  
22    except as otherwise provided herein.  
23    S 2. Subdivision 6 of section 2566 of the education law, as amended by  
24    section 18 of subpart F of part C of chapter 97 of the laws of 2011, is  
25    amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 6. To have supervision and direction of associate, assistant, district  
2 and other superintendents, directors, supervisors, principals, teachers,  
3 lecturers, medical inspectors, nurses, claims auditors, deputy claims  
4 auditors, attendance officers, janitors and other persons employed in  
5 the management of the schools or the other educational activities of the  
6 city authorized by this chapter and under the direction and management  
7 of the board of education, except that in the city school districts of  
8 the cities of Buffalo [and], Rochester, AND SYRACUSE to also appoint,  
9 within the amounts budgeted therefor, such associate, assistant and  
10 district superintendents and all other supervising staff who are  
11 excluded from the right to bargain collectively pursuant to article  
12 fourteen of the civil service law; to transfer teachers from one school  
13 to another, or from one grade of the course of study to another grade in  
14 such course, and to report immediately such transfers to said board for  
15 its consideration and action; to report to said board of education  
16 violations of regulations and cases of insubordination, and to suspend  
17 an associate, assistant, district or other superintendent, director,  
18 supervisor, expert, principal, teacher or other employee until the next  
19 regular meeting of the board, when all facts relating to the case shall  
20 be submitted to the board for its consideration and action.

21 S 3. Subdivision 3 of section 2573 of the education law, as amended by  
22 section 4 of part B of chapter 88 of the laws of 2000, is amended to  
23 read as follows:

24 3. Associate superintendents, examiners and all other employees  
25 authorized by section twenty-five hundred fifty-four of this article,  
26 except as otherwise provided in subdivision one of this section, shall  
27 be appointed by the board of education except that in the city school  
28 districts of the cities of Buffalo [and], Rochester, AND SYRACUSE, the  
29 associate, assistant and district superintendents and all other super-  
30 vising staff who are excluded from the right to bargain collectively  
31 pursuant to article fourteen of the civil service law shall be  
32 appointed, within amounts budgeted therefor, by the superintendent of  
33 such city school district. In a city having a population of one million  
34 or more, such appointments shall be made on nomination of the super-  
35 intendent of schools. Notwithstanding any other provision in this chap-  
36 ter to the contrary, whenever an associate superintendent of schools in  
37 the employ of the board of education in a city having a population of  
38 one million or more fails of reappointment, said person shall be imme-  
39 diately appointed an assistant superintendent of schools with permanent  
40 appointment as said term permanent appointment is defined in subdivi-  
41 sions four, five and six of this section. The salary of such assistant  
42 superintendent shall be less than the salary of an associate superinten-  
43 dent, but said differential in salary shall not exceed ten per centum of  
44 the annual salary of an associate superintendent of schools. When,  
45 however, an associate superintendent of schools who fails of reappoint-  
46 ment has to his credit thirty or more years of city service including  
47 ten or more years of service as such associate superintendent of  
48 schools, he shall suffer no reduction of salary or of pension prospects  
49 while serving as such assistant superintendent of schools.

50 S 4. This act shall take effect immediately.