

4066

2013-2014 Regular Sessions

I N S E N A T E

March 6, 2013

Introduced by Sen. STEWART-COUSINS -- 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 Yonkers 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 chapter 27 of the laws of 2012, is amended to read as
3 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, Rochester, [and] Syracuse, AND YONK-
17 ERS appointment of associate, assistant and district superintendents,
18 and 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
24 by chapter 27 of the laws of 2012, is amended to read as follows:

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

LBD08086-01-3

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, Rochester, [and] Syracuse, AND YONKERS to also
9 appoint, within the amounts budgeted therefor, such associate, assistant
10 and 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
22 by chapter 27 of the laws of 2012, is amended to read as follows:

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

49 S 4. This act shall take effect immediately.