

STATE OF NEW YORK

1077

2017-2018 Regular Sessions

IN ASSEMBLY

January 10, 2017

Introduced by M. of A. GANTT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to mayoral control of the city school district of the city of Rochester; to amend the Rochester city charter, in relation to an independent budget office; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "city of Rochester school district governance reform act".

3 § 2. The education law is amended by adding a new article 52-B to read
4 as follows:

ARTICLE 52-B

CITY OF ROCHESTER SCHOOL DISTRICT SYSTEM

7 Section 2591-a. Application of article.

8 2591-b. Definitions.

9 2591-c. Board of education; composition; establishment of city-
10 wide councils on special education and English
11 language learners.

12 2591-d. Board of education; powers and duties.

13 2591-e. Superintendent of schools; appointment; powers and
14 duties.

15 2591-f. Community schools advisory councils; composition; powers
16 and duties.

17 2591-g. Appointment of teachers, administrators, supervisors and
18 other employees.

19 2591-h. School principals; selection process; powers and duties.

20 2591-i. Budgetary and fiscal processes.

21 2591-j. Custody and disbursement of funds.

22 § 2591-a. Application of article. This article shall apply to the city
23 school district of the city of Rochester.

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

LBD01433-01-7

1 § 2591-b. Definitions. As used in this article, the following terms
2 shall mean:

3 1. Board of education. The term "board of education" or "board" shall
4 mean the board of education of the city school district of the city of
5 Rochester, established pursuant to section twenty-five hundred ninety-
6 one-c of this article.

7 2. City. The term "city" shall mean the city of Rochester.

8 3. City district. The term "city district" shall mean the city school
9 district of the city of Rochester.

10 4. Claims auditor or office of claims auditor. The term "claims audi-
11 tor" or "office of claims auditor" shall mean the office established
12 pursuant to subdivision two-a of section twenty-five hundred fifty-four
13 of this title.

14 5. Common council. The term "common council" shall mean the common
15 council of the city of Rochester.

16 6. Commissioner. The term "commissioner" shall mean the commissioner
17 of the state education department.

18 7. Council district. The term "council district" shall mean the four
19 districts into which the city of Rochester is divided pursuant to the
20 charter of such city for the purposes of electing district council
21 members.

22 8. Community schools advisory council. The term "community schools
23 advisory council" or "advisory council" shall mean the advisory council
24 established pursuant to section twenty-five hundred ninety-one-f of this
25 article.

26 9. Mayor. The term "mayor" shall mean the mayor of the city of Roches-
27 ter.

28 10. RSC board. The term "RSC board" shall mean the joint schools
29 construction board of the city and the city school district established
30 pursuant to chapter four hundred sixteen of the laws of two thousand
31 seven.

32 11. Superintendent or superintendent of schools. The term "superinten-
33 dent" or "superintendent of schools" shall mean the superintendent of
34 the city school district of the city of Rochester.

35 § 2591-c. Board of education; composition; establishment of city-wide
36 councils on special education and English language learners. 1. The
37 board of education of the city of Rochester is hereby continued. Such
38 board may be commonly known and referred to as the education commission
39 of the city of Rochester.

40 2. The board shall consist of nine members, as follows:

41 (a) one member from each of the four council districts of the city,
42 appointed by the common council, who shall be a resident of the council
43 district;

44 (b) five members, appointed by the mayor, who shall be residents of
45 the city;

46 (c) all members shall possess extensive educational, business or trade
47 experience and knowledge, and make a significant contribution to improv-
48 ing the education of the students of the city district.

49 3. All members shall serve three year terms. The terms of office
50 shall be staggered pursuant to section thirteen of the chapter of the
51 laws of two thousand seventeen that added this article. A member may be
52 removed from office by the appointing authority during his or her term
53 for good cause shown, after notice and opportunity to be heard. A
54 member who refuses or fails to attend three successive meetings of such
55 board vacates his or her office by refusal to serve. Any vacancy shall
56 be filled by the appointing authority within thirty days of the vacancy.

1 4. Members shall not be paid a salary or stipend, but shall be reim-
2 bursed for all actual and necessary expenses directly related to the
3 duties and responsibilities of the board. The mayor shall assign appro-
4 priate staff and offices to the members of the board.

5 5. (a) No person shall be eligible for the office of member of the
6 board who is not a qualified voter under section 5-102 of the election
7 law of such city school district. No person shall hold at the same time
8 the office of member of the board and any other elective office nor
9 shall such person be a candidate for any other elective office at the
10 same time he or she is a member of the board.

11 (b) No appointed member of the board shall be employed by the city or
12 the city district or shall be a member of any public corporation,
13 authority, commission or entity in which the mayor has a majority of
14 appointments including the Rochester joint schools construction board
15 established pursuant to chapter four hundred sixteen of the laws of two
16 thousand seven.

17 6. The board shall hold at least one regular public meeting per month.
18 At least one regular public meeting shall be held in each of the council
19 districts per year. The board shall consider appropriate public accommo-
20 dations when selecting a venue so as to maximize participation by
21 parents and the community. Notice of the time, place and agenda for all
22 board regular public meetings shall be publicly provided, including via
23 the board's official internet web site, at least ten business days in
24 advance of such meeting.

25 7. All members shall be required to prepare and file financial disclo-
26 sure statements pursuant to the charter of the city of Rochester.

27 8. (a) There shall be a city-wide council on special education created
28 pursuant to this section. The city-wide council on special education
29 shall consist of four members, one from each council district, selected
30 by the board of education in accordance with this paragraph. Each commu-
31 nity schools advisory council shall submit a list of nominees to the
32 board of education for consideration and the board shall select one
33 person from each such submitted list to serve on the city-wide council
34 on special education. Members of the city-wide council on special educa-
35 tion shall serve a two year term. Vacancies shall be filled by the board
36 of education for an unexpired term in accordance with the selection
37 process established by this paragraph.

38 (b) The board of education shall select individuals with extensive
39 experience and knowledge in the education of individuals with disabili-
40 ties who will make a significant contribution to improving special
41 education in the city district, including parents of students with indi-
42 vidualized education programs.

43 (c) The city-wide council on special education shall have the power
44 to:

45 (i) advise and comment on any educational or instructional policy
46 involving the provision of services for students with disabilities;

47 (ii) advise and comment on the process of establishing committees
48 and/or subcommittees on special education in the city district pursuant
49 to section forty-four hundred two of this chapter;

50 (iii) issue an annual report on the effectiveness of the city district
51 in providing services to students with disabilities and make recommenda-
52 tions, as appropriate, on how to improve the efficiency and delivery of
53 such services; and

54 (iv) hold regular meetings open to the public, during which the public
55 may discuss issues facing students with disabilities.

1 9. (a) There shall be a city-wide council on English language learners
2 created pursuant to this section. The city-wide council on English
3 language learners shall consist of four members, one from each council
4 district, selected by the board of education in accordance with this
5 paragraph. Each community schools advisory council shall submit a list
6 of nominees to the board of education for consideration and the board
7 shall select one person from each such submitted list to serve on the
8 city-wide council on English language learners. Members of the city-wide
9 council on English language learners shall serve a two year term. Vacan-
10 cies shall be filled by the board of education for an unexpired term in
11 accordance with the selection process established by this paragraph.

12 (b) The board of education shall select individuals with extensive
13 experience and knowledge in the education of English language learners
14 who will make a significant contribution to improving bilingual and
15 English as a second language programs in the city district, including
16 parents of students who receive such services.

17 (c) The city-wide council on English language learners shall have the
18 power to:

19 (i) advise and comment on any educational or instructional policy
20 involving bilingual or English as a second language programs;

21 (ii) issue an annual report on the effectiveness of the city district
22 in providing services to English language learners and make recommenda-
23 tions, as appropriate, on how to improve the efficiency and delivery of
24 such services; and

25 (iii) hold regular meetings open to the public, during which the
26 public may discuss issues facing English language learners.

27 § 2591-d. Board of education; powers and duties. 1. The board shall
28 advise the superintendent on matters of policy affecting the welfare of
29 the city school district and its pupils. The board shall exercise no
30 executive power and perform no executive or administrative functions.

31 2. The board shall perform any duty imposed upon boards of education
32 or trustees of common schools under this chapter or other statutes, or
33 the rules of the regents and regulations of the commissioner so far as
34 they may be applicable to the school or other educational affairs of a
35 city, and not inconsistent with the provisions of this article.

36 3. Except as otherwise provided in this article, the board shall for
37 all purposes be the government or public employer of all persons
38 appointed or assigned to work for the city district.

39 4. The board shall also have the power and duty to:

40 (a) approve standards, policies, and objectives proposed by the super-
41 intendent directly related to educational achievement and student
42 performance;

43 (b) approve any other standards, policies, and objectives as specif-
44 ically authorized or required by federal or state law or regulation;

45 (c) approve a protocol developed by the superintendent relating to
46 school closures pursuant to section twenty-five hundred ninety-one-e of
47 this article;

48 (d) approve a procurement policy developed by the superintendent
49 pursuant to section twenty-five hundred ninety-one-e of this article;

50 (e) approve the purchase of such apparatus, maps, globes, books,
51 furniture and other equipment and supplies as may be necessary for the
52 proper and efficient management of the schools and other educational,
53 social and recreational activities and programs in the city district;

54 (f) approve a plan developed by the superintendent to ensure that all
55 instructional materials to be used in the schools of the district are
56 available in a usable alternative format for each student with a disa-

bility, as defined in section forty-four hundred one of this chapter, and for each student who is a qualified individual with a disability as defined in the rehabilitation act of nineteen hundred ninety-three (29 U.S.C. 701), as amended, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. As part of such plan, the superintendent shall amend the city district's procurement policies to give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. For purposes of this subdivision, "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format, as defined in the regulations of the commissioner. When an electronic file is provided, the plan shall specify how the format will be accessed by students and/or how the district shall convert to an accessible format. Such plan shall identify the needs of students residing in the district for alternative format materials. Such plan shall also specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials. Such plans shall include procedures to address the need to obtain materials in alternative format without delay for disabled students who move into the school district during the school year;

(g) approve the establishment of such free elementary schools, high schools, training schools, vocational and industrial schools, kindergartens, nursery schools, technical schools, night schools, part-time or continuation schools, vocation schools, schools for adults, schools for physically or mentally handicapped or delinquent children or such other schools or classes as the superintendent shall deem necessary to meet the needs and demands of the city;

(h) authorize the general courses of study which shall be given in the schools and to approve the content of such courses before they become operative;

(i) authorize and approve the textbooks to be used in the schools under its jurisdiction;

(j) perform such other duties and possess such other powers as may be required to administer the affairs placed under its control and management, to execute all powers vested in it, and to promote the best interests of the schools and other activities committed to its care;

(k) approve transportation, home-teaching or special classes, as defined under sections forty-four hundred one and forty-four hundred two of this chapter for physically or mentally handicapped and delinquent children. Such transportation, home-teaching or special classes, when provided pursuant to this subdivision, shall be granted to all such children irrespective of the school they legally attend;

(l) approve any contract proposed by the superintendent for the transportation of children to and from any school or institution of learning whenever in the judgment of the superintendent such transportation is required because of the remoteness of the school to the pupil or for the promotion of the best interests of such children. Any such contract may be made for a period not exceeding five years, notwithstanding any provision of state or local law;

(m) approve, outside the territorial limits of the city district but within the state or within an adjoining state, the provision of education for children resident within the city district whenever in the

1 judgment of the board, approved by the commissioner, the health or
2 welfare of such children makes such provision necessary or desirable,
3 and the average daily attendance of such pupils shall be included in the
4 average daily attendance of such district as certified to the commis-
5 sioner in the report of the board;

6 (n) approve the process developed by the superintendent for the
7 recruitment, screening and selection of candidates for school princi-
8 pals; and

9 (o) approve the processes developed by the superintendent for the
10 selection of members to the community schools advisory councils pursuant
11 to section twenty-five hundred ninety-one-f of this article.

12 5. The board shall adopt a policy proposed by the superintendent that
13 promotes the recruitment and retention of a workforce at the city
14 district that considers the diversity of the students attending the
15 public schools within the city district. The board shall review at a
16 regular public meeting an annual report issued by the superintendent
17 outlining the initiatives taken to enhance diversity and equity in
18 recruitment and retention and the impacts of such initiatives to the
19 city workforce.

20 § 2591-e. Superintendent of schools; appointment; powers and duties.

21 1. The superintendent of schools shall serve at the pleasure of and be
22 employed by the mayor, subject to the confirmation of the common coun-
23 cil. The superintendent shall receive a salary to be fixed by the mayor
24 within the budgetary allocation therefor. The superintendent may be
25 removed by the mayor without prior approval of the common council.

26 2. The superintendent shall have the following powers and duties:

27 (a) To be the chief executive officer of the city district, and shall
28 be a non-voting ex officio member of the board.

29 (b) Control and operate all pre-kindergarten, elementary, secondary
30 and special education schools, programs and services under the jurisdic-
31 tion of the city district.

32 (c) Promulgate minimum clear educational standards, curriculum
33 requirements and frameworks and mandatory educational objectives appli-
34 cable to all schools and programs throughout the city district, and
35 examine and evaluate periodically all such schools and programs with
36 respect to:

37 (i) compliance with such educational standards and other requirements,
38 and

39 (ii) the educational effectiveness of such schools and programs, in a
40 manner not inconsistent with the policies of the board.

41 (d) Prepare the content of each course of study authorized by the
42 board. The content of each such course shall be submitted to the board
43 for its approval and, when approved, the superintendent shall cause such
44 courses of study to be used in the grades, classes and schools for which
45 they are authorized.

46 (e) Prepare and file a budget estimate with the mayor for the city
47 district pursuant to section twenty-five hundred ninety-one-i of this
48 article.

49 (f) Recommend suitable lists of textbooks to be used in the schools.

50 (g) Promulgate policies establishing educational, managerial, and
51 administrative qualifications, performance record criteria, and perform-
52 ance standards for the positions of principal.

53 (h) Establish, subject to the approval of the board, a publicly inclu-
54 sive process for the recruitment, screening and selection of candidates
55 for school principals.

1 (i) Appoint and have supervision and direction of associate, assist-
2 ant, and other superintendents, directors, supervisors, principals,
3 teachers, attendance officers, janitors and other persons employed in
4 the management of the schools or the other educational activities of the
5 city authorized by this article.

6 (j) Transfer teachers from one school to another, or from one grade of
7 the course of study to another grade in such course, and to suspend an
8 associate, assistant or other superintendent, director, supervisor,
9 principal, teacher or other employee until such time when all facts
10 relating to the case shall be submitted to the board for its consider-
11 ation and action.

12 (k) Have supervision and direction over the enforcement and observance
13 of the courses of study, the examination and promotion of pupils, and
14 over all other matters pertaining to playgrounds, medical inspection,
15 recreation and social center work, libraries, lectures and all other
16 educational activities and interest under the management, direction and
17 control of the board.

18 (l) Promote the involvement and appropriate input of all members of
19 the school community, including parents, teachers, and other school
20 personnel, including, establishing a parents' association or a parent-
21 teachers' association in each school in the city district.

22 (m) Create standards, policies and objectives directly related to
23 maintaining the internal fiscal integrity of administrative operations
24 of the city district.

25 (n) Establish uniform procedures for record keeping, accounting and
26 reporting throughout the city district, including pupil record keeping,
27 accounting and reporting.

28 (o) Develop, subject to the approval of the board, a procurement poli-
29 cy for the city district, consistent with the provisions of section one
30 hundred three of the general municipal law, which policy shall include
31 provisions for emergency procurements; a plan to ensure that all
32 instructional materials are available in a usable alternative format for
33 disabled students pursuant to subdivision four of section twenty-five
34 hundred ninety-one-d of this article; and shall also include the
35 requirement that the board must approve any contract awarded by the city
36 district or the superintendent where:

37 (i) such contract was let by a procurement method other than compet-
38 itive sealed bidding, including but not limited to competitive sealed
39 proposals, or sole source contracts. In the case of a sole source
40 contract, prior to the submission of the contract for approval, the
41 corporation counsel of the city shall certify that the legal and proce-
42 dural requisites for the solicitation and award of a sole source
43 contract have been complied with;

44 (ii) such contract provides for technical, consultant or personal
45 services;

46 (iii) the value of such contract exceeds, or projects an annual
47 expenditure exceeding, fifty thousand dollars; or

48 (iv) the value of any contracts awarded to a single entity exceeds
49 fifty thousand dollars annually.

50 (p) Provide transportation, home-teaching or special classes for phys-
51 ically or mentally disabled and delinquent children. Such transporta-
52 tion, home-teaching or special classes, when provided pursuant to this
53 paragraph, shall be granted to all such children irrespective of the
54 school they legally attend.

55 (q) To hold regular public meetings in each council district, in
56 conjunction with the advisory council in order to report on public

1 school finances, student performance, and educational goals and priori-
2 ties of the city district and to receive and respond to public comments
3 and concerns. The superintendent shall provide public notice of such
4 meetings in order to maximize the participation of parents, students and
5 all other interested parties.

6 (r) Provide information, data, estimates and statistics regarding all
7 matters relating to the city district as requested by the director of
8 the independent education budget office established pursuant to the
9 charter of the city of Rochester.

10 (s) Issue an annual report on the participation of minority and women
11 owned business enterprises in the city district's procurement process
12 including the number of contracts awarded to minority and women owned
13 business enterprises, the percent of contracts awarded to minority and
14 women owned business enterprises of the total number of all city
15 district contracts, the aggregate value of all contracts awarded to
16 minority and women owned business enterprises, and the percent of the
17 aggregate value of contracts awarded to minority and women owned busi-
18 ness enterprises of the total aggregate value of all city district
19 contracts.

20 (t) Propose a policy for board approval that promotes the recruitment
21 and retention of a workforce at the city district that considers the
22 diversity of the students attending the public schools within the city
23 district. The superintendent shall issue an annual report outlining the
24 initiatives taken to enhance diversity and equity in recruitment and
25 retention and the impacts of such initiatives to the workforce at the
26 city district.

27 (u) Enforce all provisions of law and all policies relating to the
28 management of the schools and other educational, social and recreational
29 activities under the direction of the board.

30 (v) Create, abolish, and consolidate such positions, divisions, boards
31 or bureaus as may be necessary for the proper and efficient adminis-
32 tration of the city district.

33 (w) Have the care, custody, control and safekeeping of all school
34 property or other property of the city used for educational, social or
35 recreational work and not specifically placed by law under the control
36 of some other body or officer, and to prescribe policies for the preser-
37 vation of such property.

38 (x) Establish and maintain libraries which may be open to the public,
39 to organize and maintain public lecture courses, and to establish and
40 equip playgrounds, recreation centers, social centers, and reading rooms
41 from such funds as this chapter or other statutes authorize and the
42 state appropriates for such purposes, and from such other funds as may
43 be provided therefor from local taxation or other sources.

44 (y) Conduct and maintain such extra classroom activities, including
45 the operation of cafeterias or restaurant service for pupils and teach-
46 ers, as the superintendent, from time to time, shall deem proper. Such
47 cafeterias or restaurant service may be used by the community for school
48 related functions and activities and to furnish meals to the elderly
49 residents, sixty years of age or older, of the district. Charges shall
50 be sufficient to meet the direct cost of preparing and serving such
51 meals, reducible by available reimbursements.

52 (z) In his or her discretion, purchase insurance against personal
53 injuries incurred by an authorized participant in a school volunteer
54 program, including but not limited to, those authorized participants who
55 assist on school buses, school sponsored transportation to and from
56 school, or on school sponsored field trips or any other school sponsored

1 activity; provided, however, that the injuries were incurred while the
2 authorized participant was functioning either within the scope of his or
3 her authorized volunteer duties or under the direction of the board.

4 (aa) Where the district has provided transportation to students
5 enrolled in such district to a school sponsored field trip, extracurric-
6 ular activity or any other similar event, provide transportation back to
7 either the point of departure or to the appropriate school in the
8 district, unless the parent or legal guardian of a student participating
9 in such event has provided the school district with written notice,
10 consistent with district policy, authorizing an alternative form of
11 return transportation for such student or unless intervening circum-
12 stances make such transportation impractical. In cases where intervening
13 circumstances make transportation of a student back to the point of
14 departure or to the appropriate school in the district impractical, a
15 representative of the school district shall remain with the student
16 until such student's parent or legal guardian has been (i) contacted and
17 informed of the intervening circumstances which make such transportation
18 impractical and (ii) such student had been delivered to his or her
19 parent or legal guardian.

20 (bb) Each year, prepare a school district report card in accordance
21 with subdivision twenty-four of section twenty-five hundred fifty-four
22 of this title.

23 (cc) Amend the city district's five year capital facilities plan to
24 include information on any new project contained in the annual compre-
25 hensive school facilities modernization plan approved pursuant to chap-
26 ter four hundred sixteen of the laws of two thousand seven.

27 (dd) In his or her discretion, to provide under a group insurance
28 policy or policies issued by any insurance company or insurance compa-
29 nies authorized to do business in this state or under a group contract
30 issued by one or more corporations subject to article forty-three of the
31 insurance law, life insurance or accident and health insurance benefits
32 or medical and surgical benefits or hospital service benefits or any two
33 or more of such kinds of benefits to teachers and other employees of the
34 school district who participate in a plan or plans, as hereinafter
35 provided. The disbursing officer of the school district is authorized to
36 deduct from the salary of such participant with his or her prior
37 consent, in writing, the sums representing the participant's share of
38 the premium or premiums which are payable by such officer to such insur-
39 ance company or corporation. The superintendent is authorized to pay
40 from such moneys as are available for the purpose, a share of the cost
41 of such benefit or benefits in such amount as is required to be paid
42 under such group insurance policy or policies or group contract or
43 contracts by the board, as employer. The sum to be paid by the super-
44 intendent under such policy or policies or contract or contracts, in the
45 discretion of the superintendent, may be any percentage of the total
46 cost of the benefit or benefits including the whole thereof.

47 (ee) Develop a process, to be approved by the board, for the selection
48 of members to the community schools advisory councils pursuant to
49 section twenty-five hundred ninety-one-f of this article.

50 3. Notwithstanding any other provisions of law to the contrary, public
51 schools within the city district shall be closed pursuant to the
52 requirements of this subdivision.

53 (a) The superintendent shall develop a protocol for school closures
54 that shall be approved by the board of education. Such protocol shall
55 include the establishment of quantifiable standards and criteria for
56 every proposed school closure that address:

1 (i) the school's academic performance, including standards and crite-
2 ria to identify for closure the persistently lowest-achieving schools in
3 the city school district that take into account student performance on
4 existing state assessments and graduation rates;

5 (ii) the school's responsiveness to previous school improvement or
6 turnaround efforts; and

7 (iii) the current and projected pupil enrollment of the affected
8 school and the prospective need for such school building.

9 (b) The superintendent shall prepare a school closure plan for each
10 proposed closure based on the protocol established pursuant to paragraph
11 (a) of this subdivision that shall include the following information:

12 (i) the ramifications of such school closure upon the community,
13 initial costs and savings resulting from such school closure, the poten-
14 tial disposability of any closed school;

15 (ii) the impacts of the proposed school closure to any affected
16 students and the ability of other schools in the affected community to
17 accommodate pupils following the school closure;

18 (iii) an outline of any proposed or potential use of the school build-
19 ing for other educational programs or administrative services;

20 (iv) the effect of such school closure on personnel needs, the costs
21 of instruction, administration, transportation, and other support
22 services; and

23 (v) the type, age, and physical condition of such school building,
24 maintenance, and energy costs, recent or planned improvements to such
25 school building, and such building's special features.

26 (c) Such school closure plan shall be made publicly available, includ-
27 ing via the board of education's official internet website, and a copy
28 shall also be filed with the affected community schools advisory council
29 at least six months in advance of the first day of school in the
30 succeeding school year.

31 (d) Within sixty days following the filing of the school closure plan,
32 the superintendent shall hold a joint public hearing with the impacted
33 community schools advisory council at the school that is subject to the
34 proposed school closing, and shall allow all interested parties an
35 opportunity to present comments or concerns regarding the proposed
36 school closing. The superintendent shall ensure that notice of such
37 joint hearing is widely and conspicuously posted in such a manner to
38 maximize the number of affected individuals that receive notice, includ-
39 ing providing notice to affected parents and students and the elected
40 state and local officials who represent the affected communities.

41 (e) The superintendent shall render a decision on all proposed school
42 closures; provided, however, a school closure shall not take effect
43 until all the provisions of this subdivision have been satisfied and the
44 school year in which the decision to close such school was made, has
45 ended.

46 4. The superintendent shall require, for purposes of a criminal histo-
47 ry record check, the fingerprinting of all prospective employees pursu-
48 ant to section three thousand thirty-five of this chapter, who do not
49 hold valid clearance pursuant to such section or pursuant to section
50 three thousand four-b of this chapter or section five hundred nine-cc or
51 twelve hundred twenty-nine-d of the vehicle and traffic law in accord-
52 ance with the provisions of subdivision twenty-five of section twenty-
53 five hundred fifty-four of this title.

54 5. Nothing in this article shall be construed to authorize the super-
55 intendent to be or act as a charter entity pursuant to article fifty-six
56 of this title.

§ 2591-f. Community schools advisory councils; composition; powers and duties. 1. (a) There shall be established in each council district a community schools advisory council. The councils shall consist of five voting members, who shall be:

(i) a resident of the council district;

(ii) an eligible voter pursuant to section 5-102 of the election law; and

(iii) a parent of a child attending a school located within the council district, or have attended a school within the council district within the preceding year, and selected by the presidents and officers of the parents' associations or parent-teachers' associations of schools located in the council district.

(b) Such members shall serve for a term of two years and shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the advisory council.

(c) Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process.

2. (a) The superintendent shall:

(i) develop selection procedures to be approved by the board for advisory council members which, to the maximum extent possible, shall attempt to ensure a membership that reflects a representative cross-section of the communities within the council district and diversity of the student population including those with particular educational needs;

(ii) require financial disclosure by the appointees;

(iii) establish policies prohibiting political endorsements of and campaign contributions to nominees; and

(iv) beginning in September of each school year and continuing until the date of selection, ensure the distribution of guides to parents in addition to information regarding advisory council roles, functions, and activities, including upcoming parents' association and parent-teachers' association elections, candidate information, and the nature of the selection process.

(b) For the initial advisory council, such members must be selected on or before October thirty-first, two thousand eighteen, with terms commencing on December first, two thousand eighteen. Thereafter, commencing in the year two thousand twenty, the selection of advisory council members shall occur on the second Tuesday in May, with terms commencing on the following July first.

(c) Each such advisory council shall select one of its voting members to serve as chair, and shall also appoint, from among its members, a secretary, who shall perform the following functions:

(i) prepare meeting notices, agendas and minutes;

(ii) record and maintain accounts of proceedings and other advisory council meetings; and

(iii) prepare briefing materials and other related informational materials for such meetings.

3. (a) No person may serve on more than one advisory council or on the city-wide council on special education, the city-wide council on English language learners and an advisory council. No person shall be eligible for membership on an advisory council if he or she holds any elective public office or any elective or appointed party position except that of

1 delegate or alternate delegate to a national, state, judicial or other
2 party convention, or member of a county committee.

3 (b) A person who has been convicted of a felony, or has been removed
4 from an advisory council, the city-wide council on special education, or
5 the city-wide council on English language learners for any of the
6 following shall be permanently ineligible for appointment to any advisory council:

7
8 (i) an act of malfeasance directly related to his or her service on
9 the advisory council, the city-wide council on special education, or the
10 city-wide council on English language learners; or

11 (ii) conviction of a crime, if such crime is directly related to his
12 or her service on the advisory council, the city-wide council on special
13 education, or the city-wide council on English language learners.

14 (c) Vacancies shall be filled by the superintendent for an unexpired
15 term, after consultation with the other members of the advisory council.

16 4. Each advisory council shall have the following powers and duties
17 with respect to all pre-kindergarten, primary and secondary schools and
18 programs in the council district. The advisory councils shall have no
19 executive or administrative powers or functions, but shall have the
20 following powers and duties:

21 (a) promote achievement of educational standards and objectives relat-
22 ing to the instruction of students.

23 (b) review, conduct public hearings and comment on the itemized esti-
24 mate prepared by the superintendent pursuant to section twenty-five
25 hundred ninety-one-i of this article and submit any comments or testimo-
26 ny by the public to the superintendent.

27 (c) conduct a joint public hearing with the superintendent regarding
28 any proposed school closing of any public school located within the
29 council district pursuant to section twenty-five hundred ninety-one-e of
30 this article.

31 (d) conduct regular meetings with the superintendent to discuss the
32 current state of the schools in the council district.

33 (e) review the council district's educational programs and assess
34 their effect on student achievement.

35 (f) submit an annual evaluation of the superintendent to the mayor.

36 (g) provide input, as it deems necessary, to the superintendent and
37 the board on matters of concern to the council district.

38 (h) submit a list to the board of education of council district resi-
39 dents to be considered by such board for membership on the city-wide
40 councils on special education and English language learners.

41 § 2591-g. Appointment of teachers, administrators, supervisors and
42 other employees. 1. Teachers and all other members of the teaching
43 staff of the city district shall be appointed by the superintendent of
44 schools for a probationary period of three years, except that in the
45 case of a teacher who has rendered satisfactory service as a regular
46 substitute for a period of two years or as a seasonally licensed per
47 session teacher of swimming in day schools who has served in that capac-
48 ity for a period of two years and has been appointed to teach the same
49 subject in day schools on an annual salary, the probationary period
50 shall be limited to one year; provided, however, that in the case of a
51 teacher who has been appointed on tenure in another school district
52 within the state, the school district where currently employed, or a
53 board of cooperative educational services, and who was not dismissed
54 from such district or board as a result of charges brought pursuant to
55 subdivision one of section three thousand twenty-a of this chapter, the
56 probationary period shall not exceed two years. The service of a person

1 appointed to any of such positions may be discontinued at any time
2 during such probationary period by the superintendent of schools. Each
3 person who is not to be recommended for appointment on tenure shall be
4 so notified by the superintendent of schools in writing not later than
5 sixty days immediately preceding the expiration of his or her probation-
6 ary period. Failure to maintain certification as required by this chap-
7 ter and by the regulations of the commissioner shall be cause for
8 removal.

9 2. Administrators, principals, directors, supervisors and all other
10 members of the supervising staff shall be appointed by the superinten-
11 dent for a probationary period of three years. School principals shall
12 be selected pursuant to a publicly-inclusive process for the recruit-
13 ment, screening and selection of candidates for principal developed by
14 the superintendent and approved by the board. The service of a person
15 appointed to any of such positions may be discontinued at any time
16 during the probationary period by the superintendent of schools.

17 3. Clerks, draftsmen, inspectors, chemists, tabulating machine opera-
18 tors, secretaries, stenographers, copyists, statisticians, janitors,
19 custodians, custodian-engineers and all other administrative employees
20 of the city district, unless otherwise provided in this chapter, shall
21 be appointed for a probationary period provided in the civil service law
22 and regulations based thereon. The service of a person appointed to any
23 of such positions may be discontinued by the superintendent at any time
24 during such probationary period. Such persons who have served the full
25 probationary period shall hold their respective positions during good
26 behavior and efficient and competent service, and shall not be removed
27 except for cause.

28 4. No principal, supervisor, director, or teacher shall be appointed
29 to the teaching force of a city who does not possess qualifications
30 required under this chapter and under the regulations prescribed by the
31 commissioner for the persons employed in such positions in the schools
32 of the cities of the state, but the superintendent may prescribe addi-
33 tional or higher qualifications for the persons employed in any of such
34 positions.

35 5. Notwithstanding any other provision of this section, no period in
36 any school year for which there is no required service and/or for which
37 no compensation is provided shall in any event constitute a break or
38 suspension of probationary period or continuity of tenure rights of any
39 of the persons described in this section.

40 § 2591-h. School principals; selection process; powers and duties. 1.
41 The principal shall be the administrative and instructional leader of
42 the school.

43 2. The superintendent shall appoint a principal pursuant to a process,
44 which shall be approved by the board, that promotes parental and staff
45 involvement in the recruitment, screening, interviewing and recommenda-
46 tion of candidates for school principal. Candidates must meet the legal
47 and regulatory requirements establishing educational, managerial, and
48 administrative qualifications, including evaluation of each candidate's
49 record of performance in comparable positions.

50 3. Subject to the regulations of the commissioner and applicable
51 collective bargaining agreements and obligations, the principal shall be
52 responsible for the day to day operation of the school and shall carry
53 out the following duties in consultation with parents, teachers and
54 other staff:

55 (a) promote an equal educational opportunity for students in the
56 school.

1 (b) (i) survey the environment of the school and its surroundings and
2 issue an annual report that assesses the need for resources or services,
3 such as increasing safety, improving infrastructure, and other changes
4 that could be implemented to improve or enhance the quality of life of
5 the neighborhood where the school is located.

6 (ii) in preparing the report, the principal shall, to the maximum
7 extent as practicable, seek and consider comments and input from
8 affected stakeholders, including students, teachers, parents, and other
9 interested community members. The principal shall submit the report and
10 recommendations to the superintendent.

11 (c) manage and operate the school building and other facilities under
12 his or her jurisdiction.

13 § 2591-i. Budgetary and fiscal processes. 1. (a) The superintendent
14 shall prepare annually an itemized estimate for the current or ensuing
15 fiscal year of such sum of money as he or she may deem necessary for the
16 purposes stated in this section, after crediting thereto the amount
17 anticipated in the next apportionment of school funds from the state and
18 the estimated amount to be received from all other sources. Such esti-
19 mate shall be filed with the mayor, who shall place such estimate before
20 the common council at the same time and in the same manner as estimates
21 from city departments are placed before said body, and such estimate
22 shall thereafter be subject to the same consideration, action and proce-
23 dure as all other estimates from city departments. The common council
24 may increase, diminish or reject any item contained in such estimate,
25 except for fixed charges for which the city is liable and subject to the
26 limitations provided by subdivision two of this section.

27 (b) Prior to filing such estimate with the mayor, the superintendent
28 shall transmit a proposed estimate to each community schools advisory
29 council. Each community schools advisory council shall conduct a public
30 hearing within its respective council district to review and solicit
31 community input and comments on such proposed estimate. Each community
32 schools advisory council shall submit any input or comments received to
33 the superintendent, who shall take such input and comment under advise-
34 ment. When the superintendent files the estimate with the mayor pursuant
35 to this subdivision, he or she shall also transmit a copy of such esti-
36 mate to the board of education.

37 (c) Such estimates shall be for the following purposes:

38 (i) The salary of the superintendent of schools, associate or assist-
39 ant or other superintendents, examiners, directors, supervisors, princi-
40 pals, teachers, lecturers, special instructors, medical inspectors,
41 nurses, attendance officers, clerks, custodians and janitors; and the
42 salary, fees or compensation of all other employees appointed or
43 employed by the superintendent, including staff assigned to the board.
44 In addition, the expenses of personnel utilized to fulfill the internal
45 audit function pursuant to section twenty-one hundred sixteen-b of this
46 title.

47 (ii) The other necessary incidental and contingent expenses, including
48 ordinary repairs to buildings and the purchase of fuel and light,
49 supplies, textbooks, school apparatus, books, furniture and fixtures and
50 other articles and service necessary for the proper maintenance, opera-
51 tion and support of the schools, libraries and other educational, social
52 or recreational affairs and interests of the city district.

53 (iii) The remodeling or enlarging of buildings required by the city
54 district, the construction of new buildings for uses authorized by this
55 chapter and the furnishing and equipment thereof, the purchase of real
56 property for new sites, additions to present sites, playgrounds or

1 recreation centers and other educational or social purposes, and to meet
2 any other indebtedness or liability incurred under the provisions of
3 this chapter or other statutes, or any other expenses which the board is
4 authorized to incur. Nothing contained in this chapter shall prevent the
5 financing, in whole or in part, of any expenditure enumerated in this
6 subdivision pursuant to the local finance law.

7 2. (a) For the purposes of this subdivision, the terms:

8 (i) "city funds" shall mean funds of the city of Rochester derived
9 from any source except funds contained within the capital budget, funds
10 from county sales tax revenues shared with such city, funds derived from
11 any federal source and funds derived from any state or private sources
12 over which the city has no discretion, as defined in regulations of the
13 commissioner and approved by the director of the budget.

14 (ii) "city amount" shall mean the total amount of expenditures funded
15 by city funds for the support of the city district, not including city
16 payments to bond or note holders for debt service payments of such
17 district, as contained within the budget as adopted by such city.

18 (iii) "base year" shall mean the fiscal year immediately preceding the
19 fiscal year for which the budget referred to in subparagraph (ii) of
20 this paragraph is adopted. The initial base year shall be the fiscal
21 year ending June thirtieth, two thousand seven.

22 (b) The city amount shall not be less than the city amount appropri-
23 ated in the base year determined at the time of adoption of the budget
24 for the ensuing fiscal year, and shall not be less than the city amount
25 expended in the base year determined as of the end of the school year.
26 Provided, however, in the event the total amount of city funds relied
27 upon to balance such budget is lower than the total amount of city funds
28 appropriated in the base year, as determined at the time of adoption of
29 such budget, the city amount may be reduced by up to the same percentage
30 as the overall percentage decrease in city funds between the base year
31 and the ensuing fiscal year. The city shall not use or spend the city
32 amount for any purposes other than in direct support of the city
33 district.

34 (c) Upon the enactment of a city budget, for the two thousand seven-
35 teen--two thousand eighteen school year budget and annually thereafter,
36 the mayor shall annually certify to the commissioner, in a form
37 prescribed by the commissioner upon approval of the director of the
38 budget, as to the city amount in such budget, the city amount in the
39 base year, and that the city amount appropriated in such budget is in
40 compliance with paragraph (b) of this subdivision.

41 (d) The school district audit report certified to by an independent
42 certified public accountant or an independent accountant pursuant to
43 section twenty-one hundred sixteen-a of this title for the two thousand
44 seventeen--two thousand eighteen school year budget and annually there-
45 after shall include a certification by the accountant, in a form
46 prescribed by the commissioner upon approval of the director of the
47 budget, as to the city amount expended in the school year covered by
48 such audit report, the city amount in the prior school year, and that
49 the city amount expended in the school year covered by such audit report
50 is in compliance with paragraph (b) of this subdivision.

51 3. The superintendent may, to meet or respond to emergencies which may
52 arise, submit a special estimate in which items for extraordinary
53 expenses may be submitted to meet such emergencies. Such estimate shall
54 contain a complete statement of the purposes for which the items are
55 requested and the necessity therefor. The same method of procedure shall
56 be followed in submitting such estimate and such estimate shall be

1 subject to the same consideration and action as is required in the
2 submission, consideration and action upon the regular annual estimate
3 submitted by the superintendent. The common council shall have power to
4 make the appropriations requested by the superintendent in such special
5 estimate.

6 4. The board shall not incur a liability or an expense chargeable
7 against the funds under its control or the city for any purpose in
8 excess of the amount appropriated or available therefor or otherwise
9 authorized by law.

10 § 2591-j. Custody and disbursement of funds. 1. Public moneys appor-
11 tioned to the city by the state and all funds raised or collected by the
12 authorities in the city for school purposes or to be used by the board
13 for any purpose authorized in this article, or any other funds belonging
14 to the city and received from any source whatsoever for similar
15 purposes, shall be paid into the treasury of such city and shall be
16 credited to the board. The funds so received into such treasury shall be
17 kept separate and distinct from any other funds received into the said
18 treasury. The officer having the charge thereof shall give such addi-
19 tional security for the safe custody thereof as the corporate authori-
20 ties of such city shall require.

21 2. Such funds shall be disbursed by authority of the board upon writ-
22 ten orders drawn on the city treasurer or other fiscal officer of the
23 city. Such orders shall be signed by the superintendent of schools and
24 the claims auditor. Orders shall be numbered consecutively and shall
25 specify the purpose for which they are drawn and the person or corpo-
26 ration to whom they are payable. The claims auditor shall ensure that
27 orders comply with the appropriate policies and procedures of the city
28 school district prior to approval for payment, including with the
29 procurement policy proposed by the superintendent pursuant to section
30 twenty-five hundred ninety-one-e of this article and approved by the
31 board pursuant to section twenty-five hundred ninety-one-d of this arti-
32 cle. Claims against the city school district shall not be paid without
33 prior audit and approval by the claims auditor.

34 3. Fixed salaries, principal of and interest on indebtedness and
35 amounts becoming due upon lawful contracts for periods exceeding one
36 year may be disbursed without prior audit of the board or the claims
37 auditor. By resolution duly adopted, the board may determine to enter
38 into a contract to provide for the deposit of the periodic payroll of
39 the school district in a bank or trust company for disbursement by it in
40 accordance with provisions of section ninety-six-b of the banking law.

41 4. It shall be unlawful for a city treasurer or other officer having
42 the custody of such city funds to permit their use for any purpose other
43 than that for which they are lawfully authorized; they shall be paid out
44 only on audit of the claims auditor or as otherwise provided by law.
45 Payments from such funds shall be made only by checks signed by the
46 treasurer or other custodian of such moneys and payable to the person or
47 persons entitled thereto and countersigned by an officer designated by
48 the officer or body having the general control of the financial affairs
49 of such city. The board shall make, in addition to such classification
50 of its funds and accounts as it desires for its own use and information,
51 such further classification of the funds under its management and
52 control and of the disbursements thereof as the officer or body having
53 the general control of the financial affairs of such city, shall
54 require, and such board shall furnish such data in relation to such
55 funds and their disbursements as the financial officer or body of the
56 city shall require.

§ 3. The charter of the city of Rochester is amended by adding a new chapter 17 to read as follows:

CHAPTER 17

INDEPENDENT EDUCATION BUDGET OFFICE

Section 17-1. Independent education budget office.

17-2. Appointment process; term of office of director.

17-3. Duties and responsibilities of director.

17-4. Funding of office.

§ 17-1. Independent education budget office.

There shall be established pursuant to this section an independent education budget office to be headed by a director who shall be appointed by the mayor upon the recommendation of a special committee established for this purpose.

§ 17-2. Appointment process; term of office of director.

A. The special committee shall consist of five members; two members appointed by the mayor, two members appointed by the common council, and one member mutually agreed to by the mayor and the common council. Members shall possess extensive knowledge and experience in education policy and finance. The members of the special committee shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of such committee.

B. The special committee, pursuant to a publicly-inclusive screening and interview process, shall recommend three candidates to the mayor for his or her appointment.

C. The director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties, and shall serve a four year term. The director may be removed only for cause. In the event of a vacancy, the individual appointed to fill the vacancy shall be appointed pursuant to section 17-1 of this chapter and this section, and serve only for the unexpired portion of the term.

D. The special committee shall be dissolved after the appointment of a director by the mayor. In the event of a vacancy, a new special committee shall be appointed pursuant to subdivision A of this section.

§ 17-3. Duties and responsibilities of director.

A. The director shall provide to the mayor, the common council and the public, the following information:

(1) information with respect to the budget, appropriations bills and proposed local laws with fiscal implications affecting the city school district;

(2) information with respect to estimated city, state and federal revenues and changing revenue conditions affecting the city school district; and

(3) to the extent practicable, such other information or analyses as may be requested by such officials and bodies.

B. The director shall also issue regular reports to enhance official and public understanding of the education budget, including matters relating to city, state and federal revenues, expenditures, or financial management practices affecting the city school district and related matters.

C. The director shall be authorized to secure such information, data, estimates and statistics from the mayor, common council, agencies, departments, offices and other public entities of the city, including the city school district as the director determines to be necessary for the performance of the functions and duties of the office; and such officials or entities shall provide such information, to the extent that

1 it is available, in a timely fashion. The director shall not be entitled
2 to obtain records which are protected by the privileges for attorney-
3 client communications, attorney work product, and material prepared for
4 litigation.

5 D. The director shall make all information, data, estimates, and
6 statistics obtained under this section, and all studies and reports
7 prepared by the office, available for public inspection and copying
8 during normal business hours and shall, to the extent practicable,
9 furnish a copy of any such information or report to any person upon
10 request at a reasonable cost.

11 § 17-4. Funding of office.

12 The appropriations available to pay for the expenses of the independ-
13 ent budget office during each fiscal year shall not be less than five
14 per centum of the appropriations to pay the expenses of the office of
15 management and budget during such fiscal year.

16 § 4. Section 2552 of the education law, as amended by chapter 138 of
17 the laws of 1974, is amended to read as follows:

18 § 2552. Board of education. The board of education of each such city
19 school district is hereby continued. The educational affairs in each
20 such city school district shall be under the general management and
21 control of a board of education to consist of not less than three and
22 not more than nine members, to be chosen as hereinafter provided, and to
23 be known as members of the board of education, except that the board of
24 education of the city school district of the city of New York shall be
25 constituted as provided in article fifty-two-A of this chapter, and
26 except further that the board of education of the city school district
27 of the city of Rochester shall be constituted as provided in article
28 fifty-two-B of this chapter. The number of members on the board of
29 education of each such city school district shall continue to be as
30 follows:

31 a. City school district of the city of Buffalo: nine members.

32 b. ~~[City school district of the city of Rochester: seven members.~~

33 ~~c.]~~ City school district of the city of Syracuse: seven members.

34 ~~[d.]~~ c. City school district of the city of Yonkers: nine members.

35 § 5. Subdivisions 1, 2, 4, 5, 6, 8 and 9 of section 2553 of the educa-
36 tion law, subdivision 1 as separately amended by chapters 211 and 441 of
37 the laws of 1980, subdivisions 2, 4 and 5 as added by chapter 242 of the
38 laws of 1974, subdivision 6 and paragraphs (c), (d), (e) and (g) of
39 subdivision 9 as amended and paragraphs (f) and (h) of subdivision 9 as
40 relettered by chapter 211 of the laws of 1980, subdivision 8 as amended
41 by chapter 762 of the laws of 1950 and as renumbered by chapter 330 of
42 the laws of 1969, subdivision 9 as added by chapter 141 of the laws of
43 1971, paragraph (b) of subdivision 9 as amended by chapter 1126 of the
44 laws of 1971 and such subdivision 9 as renumbered by chapter 242 of the
45 laws of 1974, are amended to read as follows:

46 1. No person shall be eligible to the office of member of a board of
47 education who is not a citizen of the United States, who is not quali-
48 fied to register for or vote at an election in accordance with the
49 provisions of section 5-106 of the election law, and who, in the case of
50 the city school district of the city of Yonkers, has not been a resident
51 of the city school district for which he or she is chosen for a period
52 of at least three years immediately preceding the date of his or her
53 election or appointment and who, in the case of the city school district
54 of the city of Buffalo, in the case of a member to be elected at large
55 is not a qualified voter of such city school district and who has not
56 been a resident of such district for a period of at least three years

1 immediately preceding the date of his or her election and in the case of
2 a member elected from a city school subdistrict is not a qualified voter
3 of such city school subdistrict and has not been a resident of the city
4 school district for three years and a resident of the city school
5 subdistrict which he or she represents or seeks to represent for a peri-
6 od of one year immediately preceding the date of his or her election,
7 and who, in the case of the city school district of the city of [~~Roches-~~
8 ~~ter, is not a qualified voter under section 5-102 of the election law of~~
9 ~~such city school district; and who in the case of the city school~~
10 ~~district of the city of~~] Syracuse has not been a qualified voter under
11 section 5-102 of the election law of such city school district for at
12 least ninety days immediately preceding the date of his or her election
13 or appointment.

14 2. In the city school [~~districts~~] district of the [~~cities~~] city of
15 [~~Rochester and~~] Syracuse the members of such board of education shall be
16 chosen by the voters at large at either a general or municipal election,
17 or at both. In the city school district of the city of Buffalo the
18 members of such board of education shall be chosen pursuant to the
19 provisions of subdivision ten of this section.

20 4. In the city school districts of the following cities, the terms of
21 such members shall be as follows:

22 a. [~~Rochester: Four Years;~~

23 ~~b.~~] Syracuse: Four Years;

24 [~~c.~~] b. Yonkers: Five Years.

25 5. The terms of one-fifth of all the members of a board of education,
26 or of a fraction as close to one-fifth thereof as possible, shall expire
27 annually on the first Tuesday in May, except in the city school
28 districts of the cities of Buffalo[, ~~Rochester~~] and Syracuse.

29 6. If a vacancy occurs other than by expiration of term in the office
30 of a member of a board of education in a district in which such members
31 are elected at a general or municipal election, such vacancy shall be
32 filled by appointment by the mayor until the next general or municipal
33 election is held, and such vacancy shall then be filled at such election
34 for the unexpired portion of such term, except that [~~in the city school~~
35 ~~district of the city of Rochester any such vacancy shall be filled~~
36 ~~pursuant to the provisions of subdivision nine of this section and~~
37 ~~except further that~~] any such vacancy on the board of education of the
38 city school district of the city of Buffalo shall be filled pursuant to
39 the provisions of subdivision ten of this section.

40 8. A member of a board of education who publicly declares that he or
41 she will not accept or serve in the office of member of such board of
42 education, or refuses or neglects to attend three successive meetings of
43 such board, of which he or she is duly notified, without rendering a
44 good and valid excuse therefor to the other members of such board of
45 education, vacates his or her office by refusal to serve.

46 [~~9. (a) The members of the board of education of the city school~~
47 ~~district of the city of Rochester shall be elected by the qualified~~
48 ~~voters of such city as provided herein.~~

49 [~~(b) The members of the board of education shall be elected at large~~
50 ~~throughout the city by the qualified voters at a general election.~~

51 [~~(c) Such elections for such officers shall be governed by the~~
52 ~~provisions of the election law in the same manner as candidates for~~
53 ~~office generally to be elected by the voters of the city of Rochester;~~
54 ~~provided, however, that each such candidate shall be required to file~~
55 ~~petitions containing at least one thousand signatures.~~

~~(d) No person shall be eligible for the office of members of such board of education who is not a qualified voter under section 5-102 of the election law of such city school district. No person shall hold at the same time the office of member of the board of education and any other elective office nor shall he be a candidate for any other elective office at the same time he is a candidate for the office of member of such board of education.~~

~~(e) The term of office of each member of such board shall be four years, commencing on the first day of January following his election. The candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. Where more than one office is to be filled by such election and there is a variance in the length of the terms, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidates receiving the next highest number of votes shall be entitled, in decreasing order of the respective number of votes to the several offices, in decreasing order of the length of such terms or unexpired portions of terms. Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term, such vacancy shall be filled by the president of the board of education by appointment of a nominee of the members of the board of education of the same political affiliation as the person who vacated the office and such nominee shall be elected by the majority vote of the board of education; if the board shall not have filled the vacancy within thirty days from the date the vacancy occurred, then the president of the board shall fill the vacancy from the same political party as that of the person who vacated the office. However, if the vacancy shall occur in the office of member of the board of education filled by an incumbent elected on a non-partisan or an independent basis, such vacancy shall be filled, after nomination by the president of the board of education, by majority vote of the remaining members of the board of education. A person appointed to fill a vacancy shall hold office to and including the thirty first day of December next succeeding the first general election following such vacancy, at which a successor must be elected for the remainder of the unexpired term, if any.~~

~~(f) The members so elected to the board of education shall convene on the first business day in January of each year at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board.~~

~~(g) The election of members of the board of education of the school district of Rochester shall take place at a general election to be held in such city when an incumbent's term expires, and the first election hereinunder shall take place in November of nineteen hundred eighty one. Such election shall be conducted by the board of elections of the county of Monroe in the same manner as general elections are conducted by it. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city. The clerk or other appropriate officer of the board of education shall within twenty four hours after the receipt of such certification by the board of elections serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education informing him of his election and the length of his term.~~

~~(h) Notwithstanding the provisions of any other law, the present members of said board of education shall serve the full terms for which~~

~~they were elected. Vacancies which may occur in the board shall be filled as provided herein, except, that the vacancies created by the expansion of the board of education from five to seven members, as provided herein, shall be filled at the next general election.]~~

§ 6. The opening paragraph of section 2554 of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

Subject to the provisions of this chapter, the board of education in a city, except the city board of the city of New York and the board of education of the city school district of the city of Rochester, shall have the power and it shall be its duty:

§ 7. Subdivision 2 of section 2554 of the education law, as amended by chapter 27 of the laws of 2012, is amended to read as follows:

2. To create, abolish, maintain and consolidate such positions, divisions, boards or bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work; to appoint a superintendent of schools, such associate, assistant, district and other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, auditors, attendance officers, secretaries, clerks, custodians, janitors and other employees and other persons or experts in educational, social or recreational work or in the business management or direction of its affairs as said board shall determine necessary for the efficient management of the schools and other educational, social, recreational and business activities; provided, however, that in the city school ~~[districts]~~ district of the ~~[cities]~~ city of Buffalo~~[, Rochester, and Syracuse]~~ appointment of associate, assistant and district superintendents, and other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law shall, within the amounts budgeted for such positions, be by the superintendent of such city school district; and to determine their duties except as otherwise provided herein.

§ 7-a. Subdivision 2-a of section 2554 of the education law, as amended by section 16 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

2-a. a. In its discretion to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of the board. In its discretion, the board may adopt a resolution establishing one or more offices of deputy claims auditor who shall act as claims auditor in the absence of the claims auditor. Such claims auditor shall report directly to the board of education. No person shall be eligible for appointment to the office of claims auditor or deputy claims auditor who shall be

- (1) a member of the board of education;
- (2) a clerk or treasurer of the board of education;
- (3) the superintendent of schools or other official of the district responsible for business management;
- (4) the person designated as purchasing agent; or
- (5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. The positions of claims auditor or deputy claims auditor shall be classified in the exempt class of civil service. The board of education, at any time after the establishment of the office of claims auditor or deputy claims auditor, may adopt a resolution abolishing the office; provided, however, that the board of education of the city school district of the city of Rochester shall not abolish such office. When

1 the office of claims auditor shall have been established and a claims
2 auditor shall have been appointed and shall have qualified, the powers
3 and duties of the board of education with respect to auditing accounts,
4 charges, claims or demands against the city school district shall
5 devolve upon and thereafter be exercised by such claims auditor, during
6 the continuance of the office. The board of education shall be permitted
7 to delegate the claims audit function to one or more independent enti-
8 ties by using (1) inter-municipal cooperative agreements, or (2) inde-
9 pendent contractors, to fulfill this function.

10 c. When the board of education delegates the claims audit function
11 using an inter-municipal cooperative agreement, shared service author-
12 ized by section nineteen hundred fifty of this title, or an independent
13 contractor, the board shall be responsible for auditing all claims for
14 services from the entity providing the delegated claims auditor, either
15 directly or through a delegation to a different independent entity.

16 § 8. Subdivision 1 of section 2563 of the education law, as amended by
17 chapter 228 of the laws of 1971, is amended to read as follows:

18 1. The annual meeting of a board of education shall be held on the
19 second Tuesday in May, at four o'clock in the afternoon, at which meet-
20 ing the board shall select a president for the ensuing year, except that
21 the annual meeting of the board of education of the city school
22 ~~[district]~~ districts of the ~~[city]~~ cities of New York and Rochester
23 shall be held on the first Tuesday in July.

24 § 9. Section 2565 of the education law, as amended by chapter 687 of
25 the laws of 1949, subdivision 1 as amended by chapter 41 of the laws of
26 1996, subdivision 3 as added by chapter 302 of the laws of 1980 and such
27 section as renumbered by chapter 762 of the laws of 1950, is amended to
28 read as follows:

29 § 2565. Superintendent of schools, associate superintendents, board of
30 superintendents. 1. The superintendent or an associate superintendent
31 of schools of a city in office on June eighth, nineteen hundred seven-
32 teen, shall hold his or her position for the term for which he or she
33 was chosen and until his or her successor is chosen. A superintendent or
34 associate superintendent appointed after such date shall hold his or her
35 position in a city having a population of two hundred fifty thousand or
36 more for a period not to exceed four years from the date of his or her
37 appointment and in all cities subject to the pleasure of the board of
38 education, except that in all other cities the superintendent of schools
39 may be appointed for a term of not to exceed five years, provided that
40 the terms or provisions of any employment contract between the super-
41 intendent and the board of education relating to an increase in salary,
42 compensation or other benefits, shall not be based on or tied to the
43 terms of any contract or collective bargaining agreement that the board
44 of education has or will enter with the teachers or other employees of
45 the school district.

46 2. A superintendent or an associate superintendent may vacate his or
47 her position by filing a written resignation with the board of educa-
48 tion. No person shall be eligible to the position of superintendent of
49 schools, deputy superintendent of schools, associate superintendent of
50 schools, assistant superintendent of schools or other superintendent of
51 schools or member of a board of examiners in a city unless he or she
52 shall possess or be entitled to a superintendent's certificate as
53 provided in section three thousand three of this chapter.

54 ~~[3. Notwithstanding the provisions of subdivisions one and two of this~~
55 ~~section, the superintendent of schools of the Rochester city school~~
56 ~~district shall serve at the pleasure of the board of education;~~

1 ~~provided, however, that such term shall, in no event, exceed a period of~~
2 ~~four years.]~~

3 § 10. Subdivision 6 of section 2566 of the education law, as amended
4 by chapter 27 of the laws of 2012, is amended to read as follows:

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

25 § 11. Subdivision 3 of section 2573 of the education law, as amended
26 by chapter 27 of the laws of 2012, is amended to read as follows:

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

53 § 12. Subdivision 2 of section 2576 of the education law, as amended
54 by section 8 of part B of chapter 57 of the laws of 2007, is amended to
55 read as follows:

1 2. In the city school districts of Syracuse[~~, Rochester~~] and Yonkers
2 such estimate shall be filed with the mayor or city manager. Such offi-
3 cer shall place such estimate before the board of estimate and appor-
4 tionment or other similar body at the same time and in the same manner
5 as estimates from city departments or officers are placed before said
6 board or body, and such estimate shall thereafter be subject to the same
7 consideration, action and procedure as all other estimates from city
8 departments or officers and said board or body may increase, diminish or
9 reject any item contained in said estimate, except for fixed charges for
10 which the city is liable and subject to the limitations provided by
11 subdivision five-b of this section. When such estimate is adopted, the
12 said board or body shall file it with the common council.

13 § 13. The terms of office of the members of the board of education of
14 the city of Rochester elected and in office on the effective date of
15 this act shall expire June 30, 2017. On July 1, 2017, the mayor and the
16 common council of the city of Rochester shall appoint a board of educa-
17 tion for such city school district pursuant to section 2591-c of the
18 education law as added by section two of this act. The mayor shall
19 appoint two members for an initial two-year term; two members for an
20 initial three-year term; and one member for an initial four-year term.
21 The common council shall appoint one member for a two-year term, one
22 member for a three-year term, and two members for a four-year term.
23 After the initial staggered terms, all members shall serve three-year
24 terms. The members of the board of education established pursuant to
25 section 2591-c of the education law as added by section two of this act
26 shall take office July 1, 2017.

27 § 14. Notwithstanding any provisions of law to the contrary, the
28 board of education of the city school district of the city of Rochester
29 and the city school district of the city of Rochester, as established
30 pursuant to article 52 of the education law, are prohibited from re-neg-
31 otiating or otherwise amending any collective bargaining agreements or
32 other contracts that expire or end on a date after the board of educa-
33 tion, as established pursuant to section 2591-c of the education law, as
34 added by section two of this act, takes office. With respect to collec-
35 tive bargaining agreements that expire or end prior to the date that the
36 board of education, as established pursuant to section 2591-c of the
37 education law, as added by section two of this act, takes office, the
38 board of education or such city school district may only negotiate and
39 enter into a new contract for a period that ends on December 31, 2017.
40 With respect to contracts, other than collective bargaining agreements,
41 that expire or end prior to the date that the board of education, as
42 established pursuant to section 2591-c of the education law, as added by
43 section two of this act, takes office, or are entered into after the
44 effective date of this act, the board of education or such city school
45 district may only negotiate and enter into a new contract for a period
46 that ends sixty days after the date that the board of education, as
47 established pursuant to section 2591-c of the education law, as added by
48 section two of this act, takes office.

49 § 15. The provisions of article 52 of the education law shall continue
50 to apply to the city school district of the city of Rochester, provided,
51 however, that where any of the provisions of article 52-B of the educa-
52 tion law are inconsistent with the provisions of article 52 of the
53 education law pertaining to governance of the city of Rochester school
54 district, the provisions of article 52 of the education law shall be
55 superseded and the provisions of article 52-B of the education law shall
56 apply.

1 § 16. Severability. If any clause, sentence, paragraph, section or
2 part of this act shall be adjudged by any court of competent jurisdic-
3 tion to be invalid and after exhaustion of all further judicial review,
4 the judgment shall not affect, impair or invalidate the remainder there-
5 of, but shall be confined in its operation to the clause, sentence,
6 paragraph, section or part of this act directly involved in the contro-
7 versy in which the judgment shall have been rendered.

8 § 17. This act shall take effect immediately; provided, however that
9 sections two, three, four, five, six, seven, eight, nine, ten, eleven,
10 twelve and fifteen of this act shall take effect July 1, 2017 provided
11 further that the amendments to the opening paragraph of section 2554 of
12 the education law made by section six of this act shall not affect the
13 expiration of such paragraph and shall expire on the same date as such
14 paragraph expires pursuant to section 34 of chapter 91 of the laws of
15 2002, as amended, or expire and be deemed repealed June 30, 2022, which-
16 ever occurs first; provided further that sections two, three, four,
17 five, seven, eight, nine, ten, eleven, twelve and fifteen of this act
18 shall expire and be deemed repealed June 30, 2022.