

STATE OF NEW YORK

5175

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. REILLY -- 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 New York

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

1 Section 1. Paragraph (a) of subdivision 1 of section 2590-b of the
2 education law, as amended by section 43-b of part YYY of chapter 59 of
3 the laws of 2019, is amended and a new paragraph (f) is added to read as
4 follows:

5 (a) The board of education of the city school district of the city of
6 New York is hereby continued.

7 (1) (A) Such board of education shall consist of thirteen appointed
8 members: one member to be appointed by the public advocate of the city
9 of New York, one member to be appointed by each borough president of the
10 city of New York; and ~~[eight]~~ seven members to be appointed by the mayor
11 of the city of New York.

12 (B) Commencing on July first, two thousand twenty, the board of educa-
13 tion shall consist of fifteen members: one member to be appointed by
14 each borough president of the city of New York, one member to be elected
15 by community district education council presidents, and nine members to
16 be appointed by the mayor of the city of New York. On or before December
17 thirty-first, two thousand nineteen, the chancellor shall promulgate
18 regulations establishing a process for community district education
19 council presidents to elect a member of the board, and processes for
20 removal of such member and for the filling of such position in the event
21 of a vacancy. The first member elected by community district education
22 council presidents pursuant to such regulations shall take office on
23 July first, two thousand twenty and shall serve a term that ends on June
24 thirtieth, two thousand twenty-two. Thereafter, the member elected by

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

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1 community district education council presidents shall serve for a two
2 year term commencing on July first.

3 (2) The chancellor shall serve as an ex-officio non-voting member of
4 the city board.

5 (3) The city board shall elect its own chairperson from among its
6 voting members.

7 (4) All appointed members shall serve for terms coterminous with the
8 terms of their appointing authority[, ~~provided that any member may be
9 removed at the pleasure of the appointing authority, who shall provide
10 written notice to the public explaining the reasons therefor at least
11 ten days in advance of the removal~~].

12 (5) Except for the chancellor, no board members shall be employed in
13 any capacity by the city of New York, or a subdivision thereof, or the
14 city board.

15 (6) No appointed or elected member of the city board shall also be a
16 member, officer, or employee of any public corporation, authority, or
17 commission where the mayor of the city of New York has a majority of the
18 appointments. The public advocate's appointee shall be a resident of the
19 city of New York.

20 (7) Each borough president's appointee shall be a resident of the
21 borough for which the borough president appointing him or her was
22 elected and shall be the parent of a child attending a public school
23 within the city school district of the city of New York.

24 (8) Each mayoral appointee shall be a resident of the city and [~~two~~]
25 four shall be parents of a child attending a public school within the
26 city district and three shall have expertise in an area that will
27 assist the city board in achieving its purpose.

28 (9) All parent members shall be eligible to continue to serve on the
29 city board for two years following the conclusion of their child's
30 attendance at a public school within the city district.

31 (10) Any vacancy shall be filled by appointment by the appropriate
32 appointing authority within ninety days of such vacancy.

33 (11) Notwithstanding any provision of local law, the members of the
34 board shall not have staff, offices, or vehicles assigned to them or
35 receive compensation for their services, but shall be reimbursed for the
36 actual and necessary expenses incurred by them in the performance of
37 their duties.

38 (12) All appointees shall serve for a term of two years and shall not
39 be removed without just cause. Any recommendation for the removal of an
40 appointee shall be made by the appointing authority and shall be
41 approved only by a majority vote of the other twelve members. There
42 shall be no limit on the amount of terms an appointee can serve.

43 (f) There shall be an advisory study group to report on the city board
44 established under this subdivision. The advisory study group shall:

45 (i) be chaired by the public advocate;

46 (ii) consist of five members to be appointed by the five borough pres-
47 idents, who shall each appoint one member, and each appointee shall
48 serve under the same residency and term limit requirements pursuant to
49 subdivision (a) of this section;

50 (iii) hold at least one meeting annually to discuss the effectiveness
51 of the city board in accomplishing its purpose; and

52 (iv) issue a report every five years on the effectiveness of the city
53 board in accomplishing its purpose and make recommendations on how to
54 improve the efficiency and quality of the city board's performance.

1 § 2. The opening paragraph of section 2590-h of the education law, as
2 amended by section 43-d of part YYY of chapter 59 of the laws of 2019,
3 is amended to read as follows:

4 The office of chancellor of the city district is hereby continued.
5 Such chancellor shall be appointed by the mayor after the mayor proposes
6 three candidates to the panel for education policy and the panel for
7 education policy makes a recommendation based on which candidate is the
8 most qualified. The chancellor shall serve at the pleasure of and be
9 employed by the mayor of the city of New York by contract. The chancel-
10 lor shall meet the requirements of subdivision one of section three
11 thousand three of this chapter[~~, provided that a person who has been~~
12 ~~issued a certificate as superintendent of schools pursuant to subdivi-~~
13 ~~sion three of such section may serve as chancellor on the basis of such~~
14 ~~certificate for no longer than six months~~]. The length of such contract
15 shall not exceed by more than two years the term of office of the mayor
16 authorizing such contract. The chancellor shall receive a salary to be
17 fixed by the mayor within the budgetary allocation therefor. He or she
18 shall exercise all his or her powers and duties in a manner not incon-
19 sistent with the city-wide educational policies of the city board. The
20 chancellor shall have the following powers and duties as the superinten-
21 dent of schools and chief executive officer for the city district, which
22 the chancellor shall exercise to promote an equal educational opportu-
23 nity for all students in the schools of the city district, promote
24 fiscal and educational equity, increase student achievement and school
25 performance and encourage local school-based innovation, including the
26 power and duty to:

27 § 3. This act shall take effect on the thirtieth day after it shall
28 have become a law; provided, however, that the amendments to subdivision
29 1 of section 2590-b of the education law made by section one of this act
30 shall not affect the expiration of such subdivision and such section and
31 shall be deemed to expire therewith; provided further, that the amend-
32 ments to the opening paragraph of section 2590-h of the education law
33 made by section two of this act shall not affect the expiration of such
34 section and shall be deemed to expire therewith.