S T A T E O F N E W Y O R K

2486

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

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

AN ACT to amend the education law, in relation to allowing the Yonkers city school district to become an independent school district

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

Section 1. The education law is amended by adding a new section 2554-d to read as follows:

S 2554-D. DISSOLUTION AND REORGANIZATION OF THE YONKERS CITY SCHOOL DISTRICT. 1. NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER OR ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW TO THE CONTRARY, THE YONKERS CITY SCHOOL DISTRICT SUPERINTENDENT SHALL DISSOLVE THE CURRENT YONKERS CITY SCHOOL DISTRICT AND ORGANIZE A NEW YONKERS CITY SCHOOL DISTRICT IN ACCORDANCE WITH SECTIONS FIFTEEN HUNDRED FOUR AND FIFTEEN HUNDRED FIVE OF THIS TITLE IF THE QUALIFIED VOTERS OF THE YONKERS CITY SCHOOL DISTRICT, BY A MAJORITY VOTE TAKEN AT AN ANNUAL OR SPECIAL MEETING OF SUCH DISTRICT, SHALL ADOPT A PROPOSITION TO ALLOW THE DISSOLUTION AND REORGANIZATION OF SUCH SCHOOL DISTRICT. SUCH ORDER SHALL SPECIFY A DATE ON WHICH THE SAME SHALL TAKE EFFECT, AND SHALL HAVE THE SAME EFFECT AS AN ORDER MADE BY A DISTRICT SUPERINTENDENT DISSOLVING SUCH CITY SCHOOL DISTRICT AND FORMING A NEW DISTRICT THEREFROM. A COPY OF SUCH ORDER SHALL BE FILED WITH THE CLERK OF THE NEW YONKERS CITY SCHOOL DISTRICT. THE NEW YONKERS CITY SCHOOL DISTRICT SHALL BE INDEPENDENT FROM THE CITY OF YONKERS.

2. THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE NOTWITHSTANDING, THE BOARD OF EDUCATION IN THE CITY OF YONKERS SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY:

(A) TO ESTABLISH POLICIES REGARDING THE CONDUCT AND ACTIVITIES OF THE SCHOOL DISTRICT WORKFORCE;

(B) TO REVIEW, APPROVE AND FILE WITH THE MAYOR, PURSUANT TO SECTION TWENTY-FIVE HUNDRED SEVENTY-SIX OF THIS ARTICLE, THE ANNUAL ITEMIZED ESTIMATE OF REVENUES, EXPENSES AND INDEBTEDNESS AND CAPITAL PLAN FOR THE

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

LBD02161-01-9

DISTRICT, WHICH BUDGET AND CAPITAL PLAN SHALL INCLUDE MULTI-YEAR PROJECTIONS OF REVENUES, EXPENSES, INDEBTEDNESS AND CAPITAL NEEDS;

(C) TO MAKE APPROPRIATIONS AND INCUR INDEBTEDNESS, CONSISTENT WITH THE ADOPTED BUDGET AND CAPITAL PLAN;

(D) TO AUTHORIZE CONTRACTS FOR GOODS AND SERVICES IN EXCESS OF TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR;

(E) TO MONITOR THE DISTRICT'S REVENUES AND EXPENSES; AND, IN ITS DISCRETION, AUDIT THE SAME;

(F) TO ADOPT, IN ITS DISCRETION, A RESOLUTION ESTABLISHING THE OFFICE OF AUDITOR AND APPOINT AN AUDITOR WHO SHALL HOLD SUCH POSITION SUBJECT TO THE PLEASURE OF THE BOARD OF EDUCATION. THE AUDITOR SHALL REPORT TO AND WORK UNDER THE DIRECTION OF THE PRESIDENT OF THE BOARD OF EDUCATION. NO PERSON SHALL BE ELIGIBLE FOR APPOINTMENT TO THE OFFICE OF AUDITOR WHO SHALL BE A MEMBER OF THE BOARD OF EDUCATION OR THE SUPERINTENDENT OF SCHOOLS. NO PERSON APPOINTED TO THE OFFICE OF AUDITOR SHALL SERVE SIMULTANEOUSLY IN ANY OTHER POSITION OR CAPACITY WITHIN THE DISTRICT. THE BOARD OF EDUCATION, AT ANY TIME AFTER THE ESTABLISHMENT OF THE OFFICE OF AUDITOR, MAY ADOPT A RESOLUTION ABOLISHING THE OFFICE. WHEN THE OFFICE OF AUDITOR SHALL HAVE BEEN ESTABLISHED AND AN AUDITOR SHALL HAVE BEEN APPOINTED AND SHALL HAVE QUALIFIED, THE POWERS AND DUTIES OF THE BOARD OF EDUCATION, WITH RESPECT TO AUDITING ACCOUNTS, CHARGES, CLAIMS OR DEMANDS AGAINST THE CITY SCHOOL DISTRICT SHALL DEVOLVE UPON AND THEREAFTER BE EXERCISED BY SUCH AUDITOR, SUBJECT TO THE RULES AND REGULATIONS OF THE BOARD OF EDUCATION, DURING THE CONTINUANCE OF THE OFFICE;

(G) TO ASSIGN, IN ITS DISCRETION AND IN FURTHERANCE OF ITS POWERS AND DUTIES, BY A TWO-THIRDS VOTE OF THE BOARD OF EDUCATION, SUBJECT TO SUCH PARAMETERS AND CRITERIA AS IT MAY AUTHORIZE, A COMMITTEE OF THE BOARD OF EDUCATION OR ONE OR MORE EMPLOYEES, STAFF OR CONTRACTORS OF THE BOARD OF EDUCATION TO SERVE AS AN EXAMINER WITH POWER TO CONDUCT INVESTIGATIONS AND HEARINGS ON BEHALF OF THE BOARD OF EDUCATION. EACH EXAMINER SHALL HAVE THE POWER TO SUBPOENA WITNESSES, ADMINISTER OATHS, AND REQUIRE THE PRODUCTION OF BOOKS, PAPERS AND OTHER DOCUMENTS AND INFORMATION MATERIAL TO THE INVESTIGATION OR HEARING. EACH EXAMINER SHALL CONCLUDE AND REPORT THE RESULT OF ANY SUCH INVESTIGATION OR HEARING TO THE BOARD OF EDUCATION NO LATER THAN SIX MONTHS AFTER THE DATE OF AUTHORIZATION OF SUCH INVESTIGATION OR HEARING;

(H) TO OVERRIDE, WITHIN THREE WORKDAYS AFTER RECEIVING A MESSAGE OF VETO, BY A TWO-THIRDS VOTE OF THE BOARD OF EDUCATION, VETOES BY THE SUPERINTENDENT OF SCHOOLS OF ITS ACTS OR RESOLUTIONS; AND

(I) TO ADOPT SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE ITS POWERS AND DUTIES.

3. THE SUPERINTENDENT OF SCHOOLS OF THE CITY OF YONKERS SHALL POSSESS THE FOLLOWING POWERS AND BE CHARGED WITH THE FOLLOWING DUTIES:

(A) TO PREPARE FOR THE BOARD OF EDUCATION'S REVIEW AND APPROVAL THE ANNUAL ITEMIZED ESTIMATE OF DISTRICT REVENUES, EXPENSES, INDEBTEDNESS AND CAPITAL PLAN PURSUANT TO SECTION TWENTY-FIVE HUNDRED SEVENTY-SIX OF THIS ARTICLE, WHICH BUDGET AND CAPITAL PLAN SHALL INCLUDE MULTI-YEAR PROJECTIONS OF REVENUES, EXPENSES, INDEBTEDNESS AND CAPITAL NEEDS AND BE IN A FORMAT APPROVED BY THE BOARD OF EDUCATION AND MAYOR;

(B) TO PREPARE AND SUBMIT, IN A FORMAT APPROVED BY THE BOARD OF EDUCATION AND MAYOR, BIMONTHLY REPORTS TO THE BOARD OF EDUCATION AND THE MAYOR SUMMARIZING THE DISTRICT'S ACTUAL REVENUES, EXPENSES, AND INDEBTEDNESS AND CONTRASTING THE SAME WITH THE ANNUAL ESTIMATES;

(C) TO AUTHORIZE CONTRACTS FOR GOODS AND SERVICES IN AMOUNTS LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR;

(D) TO APPROVE OR VETO, WITHIN FIVE WORKDAYS AFTER APPROVAL BY THE BOARD OF EDUCATION, ALL ACTS OR RESOLUTIONS OF THE BOARD OF EDUCATION, PROVIDED, HOWEVER THAT THE SUPERINTENDENT SHALL HAVE NO VETO POWER OVER MATTERS RELATED TO BOARD OF EDUCATION HEARINGS OR INVESTIGATIONS OR THE HIRING, PUNISHMENT, OR DISMISSAL OF THE SUPERINTENDENT OR AS TO MATTERS WITHIN THE INTERNAL AFFAIRS OF THE BOARD OF EDUCATION, INCLUDING THE HIRING, SUPERVISION OR DISMISSAL OF SCHOOL BOARD EMPLOYEES, STAFF, OR CONTRACTORS; AND

(E) TO LIAISON WITH AND REPRESENT THE SCHOOL DISTRICT BEFORE ALL OTHER POLITICAL SUBDIVISIONS, STATE AND FEDERAL OFFICIALS AND AGENCIES.

S 2. Subdivisions 2 and 3 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, are amended to read as follows:

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

[3. In the city school district of the city of Yonkers members of the board of education shall be appointed from the city at large by the mayor and shall be for terms of five years each, to begin on the first Tuesday in May.]

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the commissioner of education is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date and provided further that Yonkers city school district board members serving in office on the effective date of this act may continue in office for the remainder of their term, provided, however, that a vacancy occurring other than by the expiration of term for such school board members in office on the effective date of this act shall be filled subject to the provisions of this act.