

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

3912--B

2009-2010 Regular Sessions

I N S E N A T E

April 3, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enhancing parental and community input into the New York city school system; and to repeal certain provisions of such law relating to required training for community school board members

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

1 Section 1. Subdivision 4 of section 2590-b of the education law is
2 amended by adding a new paragraph g to read as follows:
3 G. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL INFORM THE
4 SPECIAL EDUCATION PARENT AND SCHOOL COMMUNITIES REGARDING, SOLICIT INPUT
5 INTO, AND ADVISE THE CHANCELLOR AND CITY BOARD ON, DECISIONS SUBJECT TO
6 THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE.
7 S 2. Paragraph 3 of subdivision 7 of section 2590-e of the education
8 law, as amended by chapter 123 of the laws of 2003, is amended to read
9 as follows:
10 (3) such training and continuing education programs shall be approved
11 by the [chancellor, following consultation with the commissioner]
12 BOROUGH PRESIDENT WITH JURISDICTION OVER THE DISTRICT EDUCATION COUNCIL,
13 and may be provided by THE BOROUGH PRESIDENT'S OFFICE, the state educa-
14 tion department, the city board, the chancellor or a nonprofit provider
15 authorized by the [chancellor] BOROUGH PRESIDENT to provide such train-
16 ing and continuing education programs.
17 S 3. Paragraph 3 of subdivision 7 of section 2590-e of the education
18 law, as amended by chapter 720 of the laws of 1996, is amended to read
19 as follows:

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

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(3) such training and continuing education programs shall be approved by the [chancellor, following consultation with the commissioner] BOROUGH PRESIDENT WITH JURISDICTION OVER THE DISTRICT EDUCATION COUNCIL, and may be provided by THE BOROUGH PRESIDENT'S OFFICE, the state education department, the city board, the chancellor or a nonprofit provider authorized by the [chancellor] BOROUGH PRESIDENT to provide such training and continuing education programs.

S 4. Subdivision 11 of section 2590-e of the education law, as added by chapter 123 of the laws of 2003, is amended to read as follows:

11. Approve zoning lines, as submitted by the superintendent, consistent with the regulations of the chancellor, applicable to schools under the jurisdiction of the community district, CONSISTENT WITH THE REQUIREMENTS OF THE UNIFORM PARENTAL ENGAGEMENT PROCEDURE SET FORTH IN SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE.

S 5. Section 2590-e of the education law is amended by adding a new subdivision 20 to read as follows:

20. INFORM THE DISTRICT'S PARENTAL AND SCHOOL COMMUNITIES REGARDING, SOLICIT PUBLIC INPUT INTO, AND ADVISE THE CHANCELLOR AND CITY BOARD ON, ACTIONS SUBJECT TO THE UNIFORM PARENT ENGAGEMENT PROCEDURE SET FORTH IN SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE.

S 6. The opening paragraph of section 2590-g of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

The city board shall advise the chancellor on matters of policy affecting the welfare of the city school district and its pupils. The board shall exercise no executive power and perform no executive or administrative functions. Nothing herein contained shall be construed to require or authorize the day-to-day supervision or the administration of the operations of any school within the city school district of the city of New York. The board shall have the power and duty to PERFORM THE FOLLOWING FUNCTIONS, CONSISTENT WITH THE REQUIREMENTS OF SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE:

S 7. The opening paragraph of section 2590-g of the education law, as added by chapter 720 of the laws of 1996, is amended to read as follows:

The city board shall advise the chancellor on matters of policy affecting the welfare of the city school district and its pupils. Except as otherwise provided by law, the board shall exercise no executive power and perform no executive or administrative functions. The board shall have the power and duty to PERFORM THE FOLLOWING FUNCTIONS, CONSISTENT WITH THE REQUIREMENTS OF SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE:

S 8. The opening paragraph of section 2590-h of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

The office of chancellor of the city district is hereby continued. Such chancellor shall serve at the pleasure of and be employed by the mayor of the city of New York by contract. The length of such contract shall not exceed by more than two years the term of office of the mayor authorizing such contract. The chancellor shall receive a salary to be fixed by the mayor within the budgetary allocation therefor. He or she shall exercise all his or her powers and duties in a manner not inconsistent with the city-wide educational policies of the city board. The chancellor shall have the following powers and duties as the superintendent of schools and chief executive officer for the city district, which the chancellor shall exercise to promote an equal educational opportunity for all students in the schools of the city district, promote

1 fiscal and educational equity, increase student achievement and school
2 performance and encourage local school-based innovation, including the
3 power and duty to PERFORM THE FOLLOWING FUNCTIONS, CONSISTENT WITH THE
4 REQUIREMENTS OF SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE:

5 S 9. The opening paragraph of section 2590-h of the education law, as
6 amended by chapter 720 of the laws of 1996, is amended to read as
7 follows:

8 The office of chancellor of the city district is hereby continued. It
9 shall be filled by a person employed by the city board by contract for a
10 term not to exceed by more than one year the term of office of the city
11 board authorizing such contract, subject to removal for cause. The chan-
12 cellor shall receive a salary to be fixed by the city board within the
13 budgetary allocation therefor. He or she shall exercise all his or her
14 powers and duties in a manner not inconsistent with the policies of the
15 city board. The chancellor shall have the following powers and duties as
16 the superintendent of schools and chief executive officer for the city
17 district, which the chancellor shall exercise to promote an equal educa-
18 tional opportunity for all students in the schools of the city district,
19 promote fiscal and educational equity, increase student achievement and
20 school performance and encourage local school-based innovation, includ-
21 ing the power and duty to PERFORM THE FOLLOWING FUNCTIONS, CONSISTENT
22 WITH THE REQUIREMENTS OF SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS
23 ARTICLE:

24 S 10. Subdivision 33 of section 2590-h of the education law is
25 REPEALED.

26 S 11. The education law is amended by adding a new section 2590-t to
27 read as follows:

28 S 2590-T. UNIFORM PARENTAL ENGAGEMENT PROCEDURE. NOTWITHSTANDING ANY
29 OTHER PROVISION OF THIS ARTICLE, CERTAIN ACTIONS BY THE CHANCELLOR, THE
30 CITY BOARD, AND THE COMMUNITY DISTRICT EDUCATION COUNCILS, DESCRIBED IN
31 THIS SECTION, MAY ONLY BE EFFECTUATED AFTER FULFILLING THE UNIFORM
32 PARENTAL ENGAGEMENT PROCEDURE, THE REQUIREMENTS OF WHICH ARE DESCRIBED
33 IN THIS SECTION.

34 1. ACTIONS BY DISTRICT EDUCATION COUNCILS. (A) APPROVAL OF ZONING
35 DISTRICT LINES, PURSUANT TO SUBDIVISION ELEVEN OF SECTION TWENTY-FIVE
36 HUNDRED NINETY-E OF THIS ARTICLE, SHALL BE REVIEWED PURSUANT TO THE
37 REQUIREMENTS OF THIS SUBDIVISION.

38 (B) BEFORE A DISTRICT EDUCATION COUNCIL EFFECTUATES ANY ACTION PURSU-
39 ANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CHANCELLOR SHALL FILE A
40 DESCRIPTION OF THE PROPOSAL OR PROPOSALS, CONTAINING SUFFICIENT INFORMA-
41 TION TO ENABLE INFORMED CONSIDERATION OF THE PROPOSALS, WITH THE
42 AFFECTED COMMUNITY DISTRICT EDUCATION COUNCIL.

43 (C) EACH AFFECTED COMMUNITY DISTRICT EDUCATION COUNCIL SHALL, NOT
44 LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF A PROPOSAL PURSUANT TO PARA-
45 GRAPH (A) OF THIS SUBDIVISION, (I) NOTIFY THE PUBLIC OF THE APPLICATION,
46 SPECIFICALLY NOTIFYING ALL SCHOOL LEADERSHIP TEAMS DIRECTLY AFFECTED BY
47 THE PROPOSAL, AND SOLICIT PUBLIC INPUT, AND (II) EITHER (A) CONDUCT A
48 PUBLIC HEARING THEREON, PROVIDING AT LEAST TEN DAYS NOTICE OF THE HEAR-
49 ING IN THE CITY RECORD, OR (B) SUBMIT A WRITTEN WAIVER OF THE RIGHT TO
50 CONDUCT A PUBLIC HEARING; AND (III) ISSUE A WRITTEN RESOLUTION APPROVING
51 OR DISAPPROVING THE PROPOSAL.

52 2. ACTIONS BY THE CHANCELLOR. (A) THE FOLLOWING PROPOSED ACTIONS BY
53 THE CHANCELLOR SHALL BE REVIEWED PURSUANT TO A UNIFORM PARENTAL ENGAGE-
54 MENT PROCEDURE: (I) ESTABLISHING A SCHOOL OR PROGRAM WITHIN A COMMUNITY
55 DISTRICT; (II) DISCONTINUING A SCHOOL OR PROGRAM WITHIN A COMMUNITY
56 DISTRICT; (III) SUBSTANTIALLY EXPANDING OR REDUCING AN EXISTING SCHOOL

OR PROGRAM WITHIN A COMMUNITY DISTRICT; AND (IV) INITIALLY UTILIZING A COMMUNITY DISTRICT SCHOOL OR FACILITY FOR A NEW SCHOOL OR PROGRAM.

(B) BEFORE EFFECTUATING ANY ACTION LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE CHANCELLOR SHALL FILE A DESCRIPTION OF THE PROPOSAL, CONTAINING SUFFICIENT INFORMATION TO ENABLE INFORMED CONSIDERATION OF THE PROPOSAL, WITH THE AFFECTED COMMUNITY DISTRICT EDUCATION COUNCIL. IN THE CASE OF ACTIONS AFFECTING MORE THAN ONE DISTRICT, INFORMATION SHALL BE FILED WITH ALL AFFECTED DISTRICT EDUCATION COUNCILS AND ALSO WITH THE BOROUGH EDUCATION COUNCIL. IN THE CASE OF PROPOSALS AFFECTING SPECIAL EDUCATION SERVICES OR FACILITIES, THE PROPOSAL SHALL ALSO BE REFERRED TO THE CITYWIDE COUNCIL ON SPECIAL EDUCATION.

(C) EACH AFFECTED DISTRICT EDUCATION COUNCIL, BOROUGH EDUCATION COUNCIL, OR SPECIAL EDUCATION COUNCIL SHALL, NOT LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF A PROPOSAL PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, (I) NOTIFY THE PUBLIC OF THE APPLICATION, SPECIFICALLY NOTIFYING ALL SCHOOL LEADERSHIP TEAMS DIRECTLY AFFECTED BY THE PROPOSAL, SOLICITING INPUT THEREON; AND (II) EITHER (A) CONDUCT A PUBLIC HEARING THEREON, PROVIDING AT LEAST TEN DAYS NOTICE OF THE HEARING IN THE CITY RECORD, AND PREPARE AND SUBMIT WRITTEN COMMENTS DIRECTLY TO THE CHANCELLOR, OR (B) SUBMIT A WRITTEN WAIVER OF THE RIGHT TO CONDUCT A PUBLIC HEARING AND TO SUBMIT SUCH WRITTEN COMMENT. IF AN AFFECTED COUNCIL OR COUNCILS FAILS TO CONDUCT A PUBLIC HEARING OR TO PROVIDE WRITTEN COMMENT TO THE CHANCELLOR WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF A PROPOSAL PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SUCH COUNCIL OR COUNCILS WILL BE DEEMED TO HAVE WAIVED THE RIGHT TO CONDUCT A PUBLIC HEARING AND TO SUBMIT SUCH WRITTEN COMMENT.

(D) THE CHANCELLOR SHALL NOT EFFECTUATE ANY ACTION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION BEFORE THE COMMUNITY INPUT REQUIREMENTS OF PARAGRAPH (C) OF THIS SUBDIVISION HAVE BEEN SATISFIED. WHEN EFFECTUATING ANY ACTION SUBJECT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CHANCELLOR SHALL PROVIDE TO THE AFFECTED COMMUNITY DISTRICT EDUCATION COUNCIL OR CITYWIDE COUNCIL A WRITTEN RESPONSE TO THE COMMUNITY DISTRICT EDUCATION COUNCIL'S COMMENTS.

3. ACTIONS BY THE CITY BOARD. (A) THE FOLLOWING PROPOSED ACTIONS BY THE CITY BOARD SHALL BE REVIEWED PURSUANT TO THE REQUIREMENTS OF THIS SECTION:

(I) ACTIONS TAKEN PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE.

(II) APPROVAL OF THE FIVE-YEAR CAPITAL PLAN.

(B) BEFORE EFFECTUATING ANY ACTION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CHANCELLOR SHALL FILE A DESCRIPTION OF THE PROPOSAL, CONTAINING SUFFICIENT INFORMATION TO ENABLE INFORMED CONSIDERATION OF THE PROPOSAL, WITH ALL BOROUGH EDUCATION COUNCILS, AND THE CITYWIDE COUNCIL ON SPECIAL EDUCATION.

(C) EACH COUNCIL SHALL, NOT LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF A PROPOSAL PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, HAVE THE OPTION TO PREPARE AND SUBMIT WRITTEN COMMENTS TO THE CITY BOARD.

(D) THE CITY BOARD SHALL NOT EFFECTUATE ANY ACTION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION BEFORE THE COMMUNITY INPUT REQUIREMENTS OF PARAGRAPH (C) OF THIS SUBDIVISION HAVE BEEN SATISFIED. WHEN EFFECTUATING ANY ACTION SUBJECT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CITY BOARD SHALL ISSUE A RESOLUTION WHICH RESPONDS TO ANY INPUT RECEIVED FROM THE COUNCILS.

S 12. The education law is amended by adding a new section 2590-u to read as follows:

1 S 2590-U. POWERS AND DUTIES OF THE BOROUGH PRESIDENTS. EACH BOROUGH
2 PRESIDENT OF THE CITY OF NEW YORK SHALL HAVE THE POWER AND THE DUTY TO:

3 1. SUPPORT THE DISTRICT EDUCATION COUNCILS IN THE PERFORMANCE OF THEIR
4 DUTIES.

5 2. MAINTAIN EDUCATIONAL POLICY STAFF AND COMMUNITY LIAISONS TO PROVIDE
6 TECHNICAL AND OPERATIONAL ASSISTANCE TO THE DISTRICT EDUCATION COUNCILS
7 WITHIN THE BOROUGH.

8 3. REQUIRE DISTRICT EDUCATION COUNCIL MEMBERS TO PARTICIPATE IN TRAIN-
9 ING AND RETRAINING IN ORDER TO PROMOTE DISTRICT AND SCHOOL PERFORMANCE
10 AND STUDENT ACHIEVEMENT, AS A CONTINUING CONDITION FOR MEMBERSHIP.

11 4. PUBLICIZE OPPORTUNITIES TO SERVE ON DISTRICT EDUCATION COUNCILS,
12 ENCOURAGE HIGH PARTICIPATION IN DISTRICT EDUCATION COUNCIL ELECTIONS,
13 AND RECRUIT QUALIFIED CANDIDATES TO SERVE IN APPOINTED DISTRICT EDUCA-
14 TION COUNCIL POSITIONS.

15 5. FOSTER STRONG COLLABORATION AND COMMUNICATION BETWEEN DISTRICT
16 EDUCATION COUNCILS AND NEW YORK CITY COMMUNITY BOARDS ON MATTERS OF
17 COMMON INTEREST.

18 6. CHAIR THE BOROUGH EDUCATION COUNCIL PURSUANT TO SECTION TWENTY-FIVE
19 HUNDRED NINETY-V OF THIS ARTICLE.

20 S 13. The education law is amended by adding a new section 2590-v to
21 read as follows:

22 S 2590-V. BOROUGH EDUCATION COUNCIL. 1. THERE SHALL BE IN EACH BOROUGH
23 A BOARD TO BE KNOWN AS THE BOROUGH EDUCATION COUNCIL WHICH SHALL CONSIST
24 OF THE BOROUGH PRESIDENT AND THE CITY COUNCIL MEMBERS FROM SUCH BOROUGH,
25 AND THE PRESIDENTS OF EACH BOROUGH'S DISTRICT EDUCATION COUNCILS. THE
26 BOROUGH PRESIDENT SHALL BE THE CHAIRPERSON OF SUCH COUNCIL, WHICH SHALL
27 HAVE THE POWER TO HOLD PUBLIC HEARINGS AT STATED INTERVALS IN THE
28 BOROUGH AND REPORT TO THE CHANCELLOR AND THE CITY BOARD ON EDUCATIONAL
29 PROGRAMS AND PROPOSED CAPITAL PROJECTS WITHIN THE BOROUGH. THE BOROUGH
30 PRESIDENT, THE COUNCIL MEMBERS FROM THE BOROUGH AND THE PRESIDENTS OF
31 THE DISTRICT EDUCATION COUNCILS IN THE BOROUGH SHALL BE VOTING MEMBERS
32 OF THE BOROUGH EDUCATION COUNCIL BUT A MEMBER FROM A DISTRICT EDUCATION
33 COUNCIL SHALL VOTE ONLY ON ISSUES THAT DIRECTLY AFFECT THE COMMUNITY
34 DISTRICT REPRESENTED BY SUCH MEMBER. THE BOROUGH EDUCATION COUNCIL SHALL
35 EMPLOY TECHNICAL AND CLERICAL ASSISTANCE WITHIN APPROPRIATIONS FOR SUCH
36 PURPOSES, AND THE BOROUGH PRESIDENT SHALL PROVIDE NECESSARY ADDITIONAL
37 STAFF ASSISTANCE.

38 2. EACH BOROUGH EDUCATION COUNCIL SHALL:

39 (A) COOPERATE WITH DISTRICT EDUCATION COUNCIL MEMBERS AND CITY AGEN-
40 CIES WITH RESPECT TO MATTERS RELATING TO THE EDUCATIONAL NEEDS OF THE
41 BOROUGH AND ITS RESIDENTS;

42 (B) IN ITS DISCRETION HOLD OR CONDUCT PUBLIC OR PRIVATE HEARINGS;

43 (C) ADOPT BY-LAWS AND MEET AT LEAST ONCE A MONTH BUT NO FORMAL ACTION
44 OF THE BOROUGH EDUCATION COUNCIL SHALL BE TAKEN EXCEPT AT A MEETING OPEN
45 TO THE PUBLIC;

46 (D) REVIEW AND MAKE RECOMMENDATIONS WITH RESPECT TO PROPOSALS SUBJECT
47 TO THE UNIFORM PARENTAL ENGAGEMENT PROCEDURE THAT AFFECT MORE THAN ONE
48 SCHOOL DISTRICT;

49 (E) GIVE NOTICE OF ALL ITS PUBLIC MEETINGS AND HEARINGS, AND MAKE SUCH
50 MEETINGS AND HEARINGS AVAILABLE FOR BROADCASTING AND CABLECASTING;

51 (F) KEEP A PUBLIC RECORD OF ITS ACTIVITIES AND TRANSACTIONS, INCLUDING
52 MINUTES OF MEETINGS, MAJORITY AND MINORITY REPORTS, BY-LAWS, AND ALL
53 DOCUMENTS WHICH THE COUNCIL IS REQUIRED BY LAW TO REVIEW; SUCH DOCUMENTS
54 SHALL, IN ACCORDANCE WITH LAW, BE MADE AVAILABLE TO ELECTED OFFICIALS
55 UPON REQUEST AND FOR REASONABLE PUBLIC INSPECTION; AND

1 (G) OTHERWISE CONSIDER THE NEEDS OF THE BOROUGH'S SCHOOLS AND EDUCA-
2 TIONAL SYSTEM.

3 3. A MAJORITY OF THE MEMBERS OF ANY BOROUGH EDUCATION COUNCIL ENTITLED
4 TO VOTE ON A MATTER BEFORE SUCH COUNCIL SHALL CONSTITUTE A QUORUM OF
5 SUCH COUNCIL FOR ACTION ON SUCH COUNCIL.

6 4. WHENEVER ANY ACT IS AUTHORIZED TO BE DONE OR ANY DETERMINATION OR
7 DECISION MADE BY ANY BOROUGH EDUCATION COUNCIL, THE ACT, DETERMINATION
8 OR DECISION OF THE MAJORITY OF THE MEMBERS PRESENT ENTITLED TO VOTE
9 DURING THE PRESENCE OF A QUORUM, SHALL BE HELD TO BE THE ACT, DETERMI-
10 NATION OR DECISION OF SUCH COUNCIL.

11 5. ANY BOROUGH EDUCATION COUNCIL MAY ADOPT RULES PERMITTING A MEMBER
12 TO DESIGNATE A REPRESENTATIVE TO EXERCISE ALL THE POWER OF SUCH MEMBER
13 AS A MEMBER OF THE BOROUGH EDUCATION COUNCIL. SUCH A REPRESENTATIVE
14 SHALL BE CONSIDERED A MEMBER OF THE COUNCIL FOR THE PURPOSE OF DETERMIN-
15 ING A QUORUM OF THE BOROUGH EDUCATION COUNCIL.

16 S 14. This act shall take effect immediately; provided however that:

17 a. the amendments to subdivision 4 of section 2590-b of the education
18 law made by section one of this act shall not affect the repeal of such
19 subdivision and shall expire and be deemed repealed therewith;

20 b. the amendments to paragraph 3 of subdivision 7 of section 2590-e of
21 the education law made by section two of this act shall be subject to
22 the expiration and reversion of such subdivision pursuant to chapter 123
23 of the laws of 2003, as amended, when upon such date the provisions of
24 section three of this act shall take effect;

25 c. the amendments to subdivision 11 of section 2590-e of the education
26 law made by section four of this act shall not affect the repeal of such
27 subdivision and shall be deemed repealed therewith;

28 d. the amendments to section 2590-e of the education law made by
29 section five of this act shall survive the expiration and reversion of
30 such section as provided in section 17 of chapter 123 of the laws of
31 2003, as amended;

32 e. the amendments to section 2590-g of the education law made by
33 section six of this act shall be subject to the expiration and reversion
34 of such section pursuant to chapter 91 of the laws of 2002, as amended,
35 when upon such date the provisions of section seven of this act shall
36 take effect; and

37 f. the amendments to section 2590-h of the education law made by
38 section eight of this act shall be subject to the expiration and rever-
39 sion of such section pursuant to chapter 91 of the laws of 2002, as
40 amended, when upon such date the provisions of section nine of this act
41 shall take effect.