

5719

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the continuation of the New York city community school district system; and to repeal certain provisions of the education law relating thereto

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

1 Section 1. Article 52-a of the education law is REPEALED and a new
2 article 52-a is added to read as follows:

3 ARTICLE 52-A

4 NEW YORK CITY COMMUNITY SCHOOL DISTRICT SYSTEM

5 SECTION 2590. APPLICATION OF ARTICLE.

6 2590-A. DEFINITIONS.

7 2590-B. CREATION OF CITY BOARD OF EDUCATIONAL POLICY AND ESTAB-
8 LISHMENT OF COMMUNITY DISTRICTS; ESTABLISHMENT OF THE
9 CITY-WIDE COUNCIL ON SPECIAL EDUCATION.

10 2590-C. POWERS AND DUTIES OF THE COMMISSIONER.

11 2590-D. BOROUGH AND COMMUNITY SCHOOL DISTRICTS.

12 2590-E. BY-LAWS; REGULATIONS AND DECISIONS.

13 2590-F. POWERS AND DUTIES OF COMMUNITY BOARDS.

14 2590-G. POWERS AND DUTIES OF THE CITY BOARD OF EDUCATIONAL POLI-
15 CY.

16 2590-H. COMPOSITION OF COMMUNITY DISTRICT EDUCATION COUNCIL.

17 2590-I. POWERS AND DUTIES OF SCHOOLS; PRINCIPALS; PROVISIONS FOR
18 THE TRANSFER OF JURISDICTION OF HIGH SCHOOLS.

19 2590-J. APPOINTMENT AND REMOVAL OF PERSONS IN THE TEACHING AND
20 SUPERVISORY SERVICE.

21 2590-K. CONTRACTS WITH CITY UNIVERSITY OF NEW YORK FOR ADMINIS-
22 TRATION OF HIGH SCHOOLS.

23 2590-L. ENFORCEMENT OF APPLICABLE LAW, REGULATIONS AND DIREC-
24 TIVES; ESTABLISHMENT OF APPEAL BOARD.

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

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1 2590-M. CUSTODY AND DISBURSEMENT OF FUNDS.
2 2590-N. CONFLICTS OF INTEREST.
3 2590-O. NEUTRALITY OF SCHOOL EMPLOYEES IN COMMUNITY BOARD
4 ELECTIONS.
5 2590-P. EDUCATIONAL FACILITIES CAPITAL PLAN.
6 2590-Q. BUDGETARY AND FISCAL PROCESSES.
7 2590-R. SCHOOL BASED BUDGETING AND EXPENDITURE REPORTING.
8 2590-S. PROMPT PAYMENT OF SALARIES.
9 2590-T. EDUCATIONAL FACILITIES MASTER PLAN.
10 2590-U. COMMUNITY DISTRICT EDUCATION COUNCIL COMMITTEES; ESTAB-
11 LISHED.

12 S 2590. APPLICATION OF ARTICLE. THIS ARTICLE SHALL APPLY TO THE CITY
13 SCHOOL DISTRICT OF THE CITY OF NEW YORK.

14 S 2590-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS
15 SHALL MEAN:

16 1. CITY DISTRICT. THE TERM "CITY DISTRICT" SHALL MEAN THE CITY SCHOOL
17 DISTRICT OF THE CITY OF NEW YORK.

18 2. COMMUNITY DISTRICT. THE TERM "COMMUNITY DISTRICT" SHALL MEAN A
19 COMMUNITY SCHOOL DISTRICT CREATED OR TO BE CREATED WITHIN THE CITY
20 DISTRICT UNDER THE PROVISIONS OF THIS ARTICLE.

21 3. CITY BOARD. THE TERM "CITY BOARD" SHALL MEAN THE BOARD OF EDUCA-
22 TIONAL POLICY OF THE CITY DISTRICT.

23 4. COMMUNITY BOARD. THE TERM "COMMUNITY BOARD" SHALL MEAN THE BOARD OF
24 EDUCATIONAL POLICY OF A COMMUNITY DISTRICT.

25 5. COMMISSIONER. THE TERM "COMMISSIONER" SHALL MEAN THE CHIEF EXECU-
26 TIVE OFFICER OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

27 6. COMMUNITY SUPERINTENDENT. THE TERM "COMMUNITY SUPERINTENDENT" SHALL
28 MEAN THE SUPERINTENDENT OF SCHOOLS OF A COMMUNITY DISTRICT.

29 7. PARENT. THE TERM "PARENT" SHALL MEAN A PERSON IN PARENTAL RELATION
30 TO A CHILD, AS THAT PHRASE IS DEFINED IN SUBDIVISION TEN OF SECTION TWO
31 OF THIS CHAPTER.

32 8. EDUCATIONAL FACILITIES. THE TERM "EDUCATIONAL FACILITIES" SHALL
33 MEAN LAND AND THE IMPROVEMENTS THEREON FOR USE IN CONNECTION WITH ANY
34 EDUCATIONAL ACTIVITY TO BE UNDERTAKEN OR PROVIDED BY THE CITY BOARD OR
35 ANY COMMUNITY SCHOOL BOARD OR ANY FACILITY ATTENDANT THERETO OR ANY
36 FACILITY NECESSARY, USEFUL OR DESIRABLE IN CONNECTION WITH SUCH ACTIV-
37 ITY.

38 9. PROJECT. THE TERM "PROJECT" SHALL MEAN, WITH RESPECT TO AN EDUCA-
39 TIONAL FACILITIES CAPITAL PLAN, (A) THE PERFORMANCE, AT A SPECIFIED
40 EDUCATIONAL FACILITY, OF ONE OR MORE PROGRAM ELEMENTS, AS DEFINED IN
41 PARAGRAPH A, B, C OR D OF SUBDIVISION TWO OF SECTION TWENTY-FIVE HUNDRED
42 NINETY-P OF THIS ARTICLE; OR (B) THE PERFORMANCE OF THE PROGRAM ELEMENTS
43 DEFINED IN PARAGRAPHS F AND G OF SUCH SUBDIVISION OR ANY SYSTEM REPLACE-
44 MENT IDENTIFIED IN PARAGRAPH E OF SUCH SUBDIVISION.

45 S 2590-B. CREATION OF CITY BOARD OF EDUCATIONAL POLICY AND ESTABLISH-
46 MENT OF COMMUNITY DISTRICTS; ESTABLISHMENT OF THE CITY-WIDE COUNCIL ON
47 SPECIAL EDUCATION. 1. (A) THE BOARD OF EDUCATIONAL POLICY OF THE CITY
48 SCHOOL DISTRICT OF THE CITY OF NEW YORK IS HEREBY CREATED. SUCH BOARD
49 SHALL CONSIST OF THIRTEEN MEMBERS, A MEMBER TO BE APPOINTED BY EACH
50 BOROUGH PRESIDENT OF THE CITY OF NEW YORK, FIVE MEMBERS APPOINTED BY THE
51 MAYOR, A MEMBER APPOINTED BY THE PUBLIC ADVOCATE, A MEMBER APPOINTED BY
52 THE COMPTROLLER OF THE CITY OF NEW YORK AND A MEMBER APPOINTED BY THE
53 SPEAKER OF THE CITY COUNCIL OF NEW YORK.

54 (B) THE BOROUGH PRESIDENT APPOINTEE SHALL BE A RESIDENT OF THE BOROUGH
55 FOR WHICH THE BOROUGH PRESIDENT APPOINTING HIM OR HER WAS ELECTED, ALL
56 OTHER APPOINTEES SHALL BE RESIDENTS OF THE CITY OF NEW YORK. THE TERM OF

1 OFFICE FOR EACH MEMBER SHALL BE FIVE YEARS, COMMENCING WITH THE FIRST
2 DAY OF JULY AND EVERY FIVE YEARS THEREAFTER, EXCEPT THAT THE TWO MAYORAL
3 APPOINTMENTS AND THE COMPTROLLER'S APPOINTMENTS IN TWO THOUSAND NINE
4 SHALL BE FOR TERMS OF THREE YEARS INITIALLY, AND TWO OF THE MAYORAL
5 APPOINTMENTS, THE PUBLIC ADVOCATE AND THE APPOINTMENTS OF THE SPEAKER OF
6 THE CITY COUNCIL OF NEW YORK MADE IN TWO THOUSAND NINE SHALL BE FOR FOUR
7 YEARS INITIALLY. A VACANCY OCCURRING OTHER THAN BY EXPIRATION OF THE
8 TERM OF A MEMBER SHALL BE FILLED FOR THE UNEXPIRED TERM BY THE APPROPRI-
9 ATE APPOINTING AUTHORITY. THE PRESIDENT OF THE BOARD SHALL BE CHOSEN BY
10 THE MEMBERS. NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE MEMBERS OF
11 THE BOARD SHALL RECEIVE COMPENSATION FOR THEIR SERVICES AS FOLLOWS:
12 TWENTY THOUSAND DOLLARS FOR THE BOARD PRESIDENT AND FIFTEEN THOUSAND
13 DOLLARS FOR EACH BOARD MEMBER AND SHALL BE REIMBURSED FOR THE ACTUAL AND
14 NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES.

15 2. (A) THERE SHALL BE A COMMUNITY BOARD OF EDUCATIONAL POLICY FOR EACH
16 COMMUNITY DISTRICT CREATED PURSUANT TO THIS ARTICLE.

17 (B) THE CITY BOARD SHALL DEFINE, ADJUST, ALTER, MAINTAIN AND ADOPT THE
18 BOUNDARIES OF THE COMMUNITY DISTRICTS PURSUANT TO THIS CHAPTER NO LATER
19 THAN FEBRUARY FIRST, TWO THOUSAND TEN. THERE SHALL BE NO LESS THAN THIR-
20 TY NOR MORE THAN THIRTY-SEVEN COMMUNITY DISTRICTS.

21 (C) THE CITY BOARD MAY READJUST OR ALTER THE DISTRICTS IN SUCH PLAN
22 ONLY ONCE IN EVERY TEN YEARS, COMMENCING WITH THE YEAR TWO THOUSAND
23 NINETEEN. THE CITY BOARD IN CONJUNCTION WITH THE COMMUNITY BOARD, SHALL
24 PREPARE AND MAKE PUBLIC A PLAN TO ENSURE THE SMOOTH TRANSITION OF PUPILS
25 AND SCHOOL PERSONNEL, CREATION OF NEW BOARDS, AND ALLOCATION OF SCHOOL
26 FACILITIES AND RESOURCES AMONG THE DISTRICTS ESTABLISHED PURSUANT TO
27 PARAGRAPH (B) OF THIS SUBDIVISION. PRIOR TO THE ADOPTION OF THE TRANSI-
28 TION PLAN, THE CITY BOARD SHALL HOLD ONE OR MORE PUBLIC HEARINGS IN EACH
29 BOROUGH. THE CITY BOARD SHALL MAKE THE TRANSITION PLAN AVAILABLE NOT
30 LESS THAN THREE WEEKS BEFORE THE FIRST SUCH PUBLIC HEARING. UPON
31 RECEIPT OF COMMENTS, THE CITY BOARD, IN CONJUNCTION WITH THE COMMUNITY
32 BOARD, SHALL PREPARE A REVISED TRANSITION PLAN, IF NECESSARY AND MAKE
33 SUCH PLAN AVAILABLE TO THE PUBLIC FOR COMMENT. A FINAL TRANSITION PLAN
34 SHALL BE ADOPTED BY THE CITY BOARD BY NOVEMBER FIFTEENTH, TWO THOUSAND
35 TEN.

36 3. (A) THE REDISTRICTING ADVISORY STUDY GROUP ESTABLISHED PRIOR TO THE
37 EFFECTIVE DATE OF THIS PARAGRAPH FOR THE PURPOSE OF STUDY AND MAKING
38 RECOMMENDATIONS ON COMMUNITY SCHOOL DISTRICT BOUNDARIES, IS HEREBY
39 CONTINUED AND SHALL PERFORM THE DUTIES REQUIRED HEREIN.

40 (B) THE STUDY GROUP SHALL PREPARE A REPORT CONTAINING RECOMMENDATIONS
41 FOR DIVIDING THE CITY INTO NO MORE THAN THIRTY-SEVEN COMMUNITY
42 DISTRICTS.

43 (C) IN PREPARATION OF ITS RECOMMENDATIONS FOR DIVIDING THE CITY INTO
44 COMMUNITY DISTRICTS, THE STUDY GROUP SHALL ENSURE THAT THE RECOMMENDA-
45 TIONS PROVIDE FOR THE MOST EFFECTIVE DELIVERY OF EDUCATIONAL SERVICES
46 AND SHALL BE GUIDED BY THE FOLLOWING CRITERIA:

47 (1) EACH COMMUNITY DISTRICT SHALL: (I) BE A SUITABLE SIZE FOR EFFI-
48 CIENT POLICY-MAKING AND ECONOMIC MANAGEMENT; (II) CONTAIN A REASONABLE
49 NUMBER OF PUPILS; (III) BE COMPACT AND CONTIGUOUS, CONTAINED WITHIN
50 COUNTY LINES, AND TO THE MAXIMUM EXTENT POSSIBLE, KEEP INTACT COMMUNI-
51 TIES AND NEIGHBORHOODS; AND (IV) BEAR A RATIONAL RELATIONSHIP TO
52 GEOGRAPHIC AREAS FOR WHICH THE CITY OF NEW YORK PLANS AND PROVIDES
53 SERVICES;

54 (2) TO THE EXTENT POSSIBLE, KEEP EXISTING LINES INTACT;

55 (3) THE COMMON AND SPECIAL EDUCATION NEEDS OF THE COMMUNITIES AND
56 SCHOOL CHILDREN INVOLVED;

(4) EFFECTIVE UTILIZATION OF EXISTING AND PLANNED SCHOOL FACILITIES;
(5) MINIMUM DISRUPTION OF EXISTING AND PLANNED ELEMENTARY SCHOOL-JUNIOR HIGH/MIDDLE SCHOOL-HIGH SCHOOL FEEDER PATTERNS;

(6) TRANSPORTATION FACILITIES;

(7) ADDITIONAL ADMINISTRATIVE COSTS INVOLVED IN THE CREATION OF SUCH NEW DISTRICTS; AND

(8) NO COUNTY SHALL HAVE FEWER COMMUNITY SCHOOL DISTRICTS THAN IN EXISTENCE ON THE EFFECTIVE DATE OF THIS PARAGRAPH.

(D) THE STUDY GROUP SHALL HOLD ONE OR MORE PUBLIC HEARINGS IN EACH BOROUGH BEFORE FINAL ADOPTION OF ITS RECOMMENDATIONS. THE STUDY GROUP SHALL MAKE ITS RECOMMENDATIONS AVAILABLE TO THE PUBLIC FOR INSPECTION AND COMMENT NOT LESS THAN ONE MONTH BEFORE THE FIRST SUCH PUBLIC HEARING. FOLLOWING ITS CONSIDERATION OF THE COMMENTS RECEIVED ON THE RECOMMENDATIONS, THE STUDY GROUP SHALL PREPARE A REPORT CONTAINING ITS FINAL RECOMMENDATIONS. THE STUDY GROUP SHALL SUBMIT ITS REPORT TO THE CITY BOARD AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC FOR INSPECTION NO LATER THAN NOVEMBER FIRST, TWO THOUSAND NINE.

(E) THE CITY BOARD OF EDUCATIONAL POLICY SHALL HOLD PUBLIC HEARINGS IN EACH BOROUGH ON THE RECOMMENDATIONS SUBMITTED BY THE STUDY GROUP AND MAY ADOPT, REVISE OR REJECT IN WHOLE OR IN PART SUCH RECOMMENDATIONS, OR, MAY REQUEST THE STUDY GROUP TO SUBMIT ADJUSTED RECOMMENDATIONS. THE FINAL RECOMMENDATIONS SHALL BE ADOPTED BY THE CITY BOARD OF EDUCATIONAL POLICY NO LATER THAN FEBRUARY FIRST, TWO THOUSAND TEN TO TAKE EFFECT JULY FIRST, TWO THOUSAND ELEVEN, PROVIDED THAT SUCH REVISED BOUNDARIES ADOPTED BY THE CITY BOARD PURSUANT TO THIS CHAPTER SHALL BE USED FOR PURPOSES OF COMMUNITY SCHOOL BOARD ELECTIONS TO BE HELD ON THE FIRST TUESDAY IN MAY, TWO THOUSAND ELEVEN.

(F) NO PUBLIC HEARINGS REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE HELD DURING THE MONTHS OF JULY AND AUGUST. ALL PUBLIC HEARINGS SHALL BE HELD AT A TIME AND PLACE DESIGNATED TO MAXIMIZE COMMUNITY AND PARENT PARTICIPATION. NOTICE OF ALL SUCH PUBLIC HEARINGS SHALL BE PROVIDED IN A TIMELY MANNER TO ALL PRINT AND ELECTRONIC MEDIA AND SHALL BE WIDELY DISTRIBUTED TO ALL INTERESTED PARTIES, SO AS TO MAXIMIZE PARTICIPATION BY PARENTS AND THE COMMUNITY. IN ADDITION SUCH NOTICE SHALL BE POSTED IN EACH SCHOOL BUILDING AND DISTRICT OFFICE.

S 2590-C. POWERS AND DUTIES OF THE COMMISSIONER. THE OFFICE OF THE COMMISSIONER OF EDUCATION IS HEREBY CREATED. IT SHALL BE FILLED BY A PERSON WHO IS NOMINATED BY THE CITY BOARD, AND APPOINTED BY THE MAYOR FOR A TERM OF FIVE YEARS, AND IS SUBJECT TO REMOVAL BY THE BOARD FOR CAUSE. NO NOMINATION CAN BE CONSIDERED OR A NOMINEE APPOINTED BY THE MAYOR UNLESS THE NOMINEE HOLDS, AND HAS HELD, A VALID SUPERVISORY LICENSE FOR A PERIOD OF ONE YEAR PRIOR TO NOMINATION BY THE BOARD. THE COMMISSIONER SHALL RECEIVE A SALARY TO BE FIXED BY THE CITY BOARD WITHIN THE BUDGETARY ALLOCATION THEREFOR. HE OR SHE SHALL EXERCISE ALL OF HIS OR HER POWERS AND DUTIES IN A MANNER NOT INCONSISTENT WITH THE POLICIES OF THE CITY BOARD. THE COMMISSIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES AS THE SUPERINTENDENT OF SCHOOLS AND CHIEF EXECUTIVE OFFICER FOR THE CITY DISTRICT, WHICH THE COMMISSIONER SHALL EXERCISE TO PROMOTE AN EQUAL EDUCATIONAL OPPORTUNITY FOR ALL STUDENTS IN THE SCHOOLS OF THE CITY DISTRICT, PROMOTE FISCAL AND EDUCATIONAL EQUITY, INCREASE STUDENT ACHIEVEMENT AND SCHOOL PERFORMANCE AND ENCOURAGE LOCAL SCHOOL-BASED INNOVATION, INCLUDING THE POWER AND DUTY TO:

1. CONTROL AND OPERATE:

(A) ACADEMIC AND VOCATIONAL SENIOR HIGH SCHOOLS UNTIL SUCH TIME AS THE SAME MAY BE TRANSFERRED TO THE JURISDICTION OF APPROPRIATE COMMUNITY BOARDS PURSUANT TO THIS ARTICLE;

1 (B) ALL SPECIALIZED SENIOR HIGH SCHOOLS. THE SPECIAL HIGH SCHOOLS
2 SHALL INCLUDE THE PRESENT SCHOOLS KNOWN AS: THE BRONX HIGH SCHOOL OF
3 SCIENCE, STUYVESANT HIGH SCHOOL, BROOKLYN TECHNICAL HIGH SCHOOL, FIOREL-
4 LO H. LAGUARDIA HIGH SCHOOL OF MUSIC AND THE ARTS IN THE BOROUGH OF
5 MANHATTAN, AND SUCH FURTHER SCHOOLS WHICH THE CITY BOARD MAY DESIGNATE
6 FROM TIME TO TIME. THE SPECIAL SCHOOLS SHALL BE PERMITTED TO MAINTAIN A
7 DISCOVERY PROGRAM IN ACCORDANCE WITH THE LAW IN EFFECT ON THE DATE
8 PRECEDING THE EFFECTIVE DATE OF THIS SECTION; ADMISSIONS TO THE SPECIAL
9 SCHOOLS SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAW IN EFFECT ON THE
10 DATE PRECEDING THE EFFECTIVE DATE OF THIS SECTION;

11 (C) ALL SPECIAL EDUCATION PROGRAMS AND SERVICES CONDUCTED PURSUANT TO
12 THIS CHAPTER;

13 (D) SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-I
14 OF THIS ARTICLE, DEVOLVING POWERS TO THE SCHOOLS, CITY-WIDE PROGRAMS FOR
15 CITY-WIDE SERVICES TO A SUBSTANTIAL NUMBER OF PERSONS FROM MORE THAN ONE
16 COMMUNITY DISTRICT, INCLUDING TRANSPORTATION; FOOD SERVICES; PAYROLL AND
17 PERSONNEL FUNCTIONS, INCLUDING PENSION AND RETIREMENT SERVICES; AND
18 ENFORCEMENT OF LAWS AND REGULATIONS PROMOTING EQUAL OPPORTUNITY IN
19 EMPLOYMENT, ACCESS TO PUBLIC ACCOMMODATIONS AND FACILITIES, EQUAL OPPOR-
20 TUNITY IN EDUCATION, AND PREVENTING AND ADDRESSING UNLAWFUL DISCRIMI-
21 NATION; PROVIDED, HOWEVER, THAT A COMMUNITY DISTRICT MAY ALSO OPERATE
22 WITHIN ITS DISTRICT PROGRAMS WHICH PROVIDE SIMILAR SERVICES OTHERWISE
23 AUTHORIZED BY THIS ARTICLE.

24 2. APPOINT, IN CONSULTATION WITH THE CITY BOARD, BOROUGH SUPERINTEN-
25 DENTS WHO SHALL BE QUALIFIED AS SUCH AND SHALL BE RESIDENTS OF THE
26 BOROUGH IN WHICH THEY ARE APPOINTED AT THE TIME OF THEIR APPOINTMENT.

27 3. ESTABLISH, CONTROL AND OPERATE NEW SCHOOLS OR PROGRAMS OF THE TYPES
28 SPECIFIED IN SUBDIVISION ONE OF THIS SECTION, OR TO DISCONTINUE ANY SUCH
29 SCHOOLS AND PROGRAMS AS HE OR SHE MAY DETERMINE; PROVIDED, HOWEVER, THAT
30 HE OR SHE SHALL CONSULT WITH THE AFFECTED COMMUNITY BOARD AND BOROUGH
31 SUPERINTENDENT BEFORE:

32 (A) SUBSTANTIALLY EXPANDING OR REDUCING SUCH AN EXISTING SCHOOL OR
33 PROGRAM WITHIN A COMMUNITY DISTRICT;

34 (B) INITIALLY UTILIZING A COMMUNITY DISTRICT SCHOOL OR FACILITY FOR
35 SUCH A SCHOOL OR PROGRAM;

36 (C) INSTITUTING ANY NEW PROGRAM WITHIN A COMMUNITY DISTRICT.

37 4. SUBJECT TO THE APPROVAL OF THE CITY BOARD, DEVELOP A PLAN TO
38 PROVIDE FOR THE ESTABLISHMENT OF COMPREHENSIVE HIGH SCHOOLS WITHIN THE
39 CITY DISTRICT SO THAT EVERY COMMUNITY DISTRICT SHALL HAVE AVAILABLE TO
40 ITS GRADUATES FURTHER EDUCATION AND A COMPREHENSIVE HIGH SCHOOL. SUCH
41 PLAN MAY PROVIDE FOR THE CONVERSION OF ACADEMIC AND VOCATIONAL HIGH
42 SCHOOLS AND MAY BE AMENDED OR MODIFIED FROM TIME TO TIME.

43 5. APPOINT TEACHER-AIDES FOR THE SCHOOLS AND PROGRAMS UNDER HIS OR HER
44 JURISDICTION WITHIN THE BUDGETARY ALLOCATION THEREFOR.

45 6. RETAIN JURISDICTION OVER ALL EMPLOYEES WHO ARE REQUIRED IN
46 CONNECTION WITH THE PERFORMANCE OF DUTIES WITH RESPECT TO THE DESIGN,
47 CONSTRUCTION, OPERATION AND MAINTENANCE OF ALL SCHOOL BUILDINGS IN THE
48 CITY SCHOOL DISTRICT. SUCH EMPLOYEES SHALL HAVE ALL RIGHTS ACCORDED THEM
49 UNDER THE PROVISIONS OF THE CIVIL SERVICE LAW, INCLUDING MANNER OF
50 APPOINTMENT, CLASSIFICATION, PROMOTION, TRANSFER AND REMOVAL INCLUDING
51 AN OPPORTUNITY TO BE HEARD PROVIDED, HOWEVER, THAT EACH CUSTODIAN SHALL
52 BE RESPONSIBLE FOR THE PERFORMANCE OF HIS OR HER DUTIES TO THE PRINCIPAL
53 OF THE SCHOOL WHO SHALL BE RESPONSIBLE TO THE BOROUGH DISTRICT SUPER-
54 INTENDENT.

55 7. EMPLOY OR RETAIN COUNSEL SUBJECT TO THE POWERS AND DUTIES OF THE
56 CORPORATION COUNSEL OF THE CITY OF NEW YORK TO BE HIS OR HER ATTORNEY

1 AND COUNSEL PURSUANT TO SUBDIVISION A OF SECTION THREE HUNDRED
2 NINETY-FOUR OF THE NEW YORK CITY CHARTER; PROVIDED, HOWEVER, THAT IN
3 ACTIONS OR PROCEEDINGS BETWEEN THE CITY BOARD OR THE COMMISSIONER AND
4 ONE OR MORE COMMUNITY BOARDS, THE CITY BOARD OR THE COMMISSIONER SHALL
5 BE REPRESENTED BY THE CORPORATION COUNSEL OF THE CITY OF NEW YORK.

6 8. TO CONTINUE EXISTING VOLUNTARY PROGRAMS OR TO ESTABLISH NEW
7 PROGRAMS UNDER WHICH STUDENTS MAY CHOOSE TO ATTEND A PUBLIC SCHOOL IN
8 ANOTHER COMMUNITY DISTRICT.

9 9. PROMULGATE MINIMUM CLEAR EDUCATIONAL STANDARDS, CURRICULUM REQUIRE-
10 MENTS AND FRAMEWORKS, AND MANDATORY EDUCATIONAL OBJECTIVES APPLICABLE TO
11 ALL SCHOOLS AND PROGRAMS THROUGHOUT THE CITY DISTRICT, AND EXAMINE AND
12 EVALUATE PERIODICALLY ALL SUCH SCHOOLS AND PROGRAMS WITH RESPECT TO:

13 (A) COMPLIANCE WITH SUCH EDUCATIONAL STANDARDS AND OTHER REQUIREMENTS,
14 AND

15 (B) THE EDUCATIONAL EFFECTIVENESS OF SUCH SCHOOLS AND PROGRAMS, IN A
16 MANNER NOT INCONSISTENT WITH THE POLICIES OF THE CITY BOARD.

17 10. FURNISH COMMUNITY BOARDS AND THE CITY BOARD PERIODICALLY WITH THE
18 RESULTS OF SUCH EXAMINATIONS AND EVALUATIONS AND TO MAKE THE SAME
19 PUBLIC.

20 11. REQUIRE EACH BOROUGH AND COMMUNITY SUPERINTENDENT TO MAKE AN ANNU-
21 AL REPORT COVERING ALL MATTERS RELATING TO SCHOOLS UNDER THE DISTRICT'S
22 JURISDICTION INCLUDING, BUT NOT LIMITED TO, THE EVALUATION OF THE EDUCA-
23 TIONAL EFFECTIVENESS OF SUCH SCHOOLS AND PROGRAMS CONNECTED THEREWITH.

24 12. REQUIRE SUCH COMMUNITY BOARD OR SUPERINTENDENT TO MAKE SUCH NUMBER
25 OF PERIODIC REPORTS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF
26 THIS CHAPTER.

27 13. PERFORM THE FOLLOWING FUNCTIONS THROUGHOUT THE CITY DISTRICT;
28 PROVIDED, HOWEVER, THAT THE COMMISSIONER AND ANY COMMUNITY BOARD MAY
29 AGREE THAT ANY SUCH FUNCTION MAY BE APPROPRIATELY PERFORMED BY THE
30 COMMUNITY BOARD WITH RESPECT TO THE SCHOOLS AND PROGRAMS UNDER ITS
31 JURISDICTION:

32 (A) TECHNICAL ASSISTANCE TO COMMUNITY DISTRICTS AND SCHOOLS;

33 (B) SUCH WAREHOUSE SPACE ON A REGIONAL BASIS AS HE OR SHE DETERMINES
34 TO BE NECESSARY OR APPROPRIATE AFTER CONSULTATION WITH THE COMMUNITY
35 SUPERINTENDENTS;

36 (C) PURCHASING SERVICES ON A CITY-WIDE, REGIONAL OR COMMUNITY DISTRICT
37 BASIS SUBJECT TO SUBDIVISION THIRTY-FIVE OF THIS SECTION;

38 (D) REINFORCE AND FOSTER CONNECTIONS TO INSTITUTIONS OF HIGHER EDUCA-
39 TION TO PROMOTE STUDENT ACHIEVEMENT.

40 14. DEVELOP AND FURNISH PRE-SERVICE AND IN-SERVICE TRAINING PROGRAMS
41 FOR PRINCIPALS AND OTHER EMPLOYEES THROUGHOUT THE CITY DISTRICT. IN
42 ADDITION, THE COMMISSIONER SHALL PREPARE AND ANNUALLY UPDATE A TRAINING
43 PLAN FOR PARTICIPATING PARENTS, AND SCHOOL PERSONNEL, WHICH SHALL
44 INCLUDE, AT MINIMUM, SUCH TRAINING AS MAY BE REQUIRED FOR EXERCISE OF
45 THEIR RESPONSIBILITIES, FULL PARTICIPATION AND COMPLIANCE WITH THE
46 PROVISIONS OF THIS SECTION. THE COMMISSIONER SHALL, IN ADDITION, WITHIN
47 AMOUNTS APPROPRIATED, ALLOCATE SUFFICIENT FUNDS DIRECTLY AND TO THE
48 SUPERINTENDENTS FOR TEACHER AND PRINCIPAL TRAINING TO MEET IDENTIFIED
49 NEEDS FOR SCHOOL IMPROVEMENT.

50 15. PROMOTE THE INVOLVEMENT AND APPROPRIATE INPUT OF ALL MEMBERS OF
51 THE SCHOOL COMMUNITY PURSUANT TO THE PROVISIONS OF THIS ARTICLE, INCLUD-
52 ING PARENTS, TEACHERS, AND OTHER SCHOOL PERSONNEL, INCLUDING:

53 (A) ESTABLISHING A PARENTS' ASSOCIATION OR A PARENT-TEACHERS' ASSOCI-
54 ATION IN EACH SCHOOL UNDER THE COMMISSIONER'S JURISDICTION; AND ENSURING
55 THAT THE DISTRICTS DO THE SAME;

(B) PURSUANT TO A PLAN PREPARED IN CONSULTATION WITH ASSOCIATIONS OF PARENTS, AND REPRESENTATIVES OF TEACHERS, SUPERVISORS, PARAPROFESSIONALS AND OTHER SCHOOL PERSONNEL WITHIN THE CITY DISTRICT, AND PROMULGATED NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND TEN,

(I) TAKING ALL NECESSARY STEPS TO ENSURE THAT NO LATER THAN OCTOBER FIRST, TWO THOUSAND ELEVEN, THE CITY DISTRICT AND THE COMMUNITY DISTRICTS ARE IN FULL COMPLIANCE, AND REMAIN IN COMPLIANCE THEREAFTER, WITH STATE AND FEDERAL LAW AND REGULATIONS CONCERNING SCHOOL-BASED MANAGEMENT AND SHARED DECISION-MAKING, INCLUDING SECTION 100.11 OF THE COMMISSIONER'S REGULATIONS, IN A MANNER WHICH BALANCES PARTICIPATION BY PARENTS WITH PARTICIPATION BY SCHOOL PERSONNEL IN ADVISING IN THE DECISIONS DEVOLVED TO SCHOOLS PURSUANT TO SECTIONS TWENTY FIVE HUNDRED NINETY-I AND TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE, AND

(II) PURSUANT TO SUCH PLAN PROVIDING FOR APPROPRIATE TRAINING TO ANY PARENT AND SCHOOL PERSONNEL WHO PARTICIPATE IN THE SCHOOL-BASED MANAGEMENT AND SHARED DECISION-MAKING PROCESS; AND

(C) DEVELOPING, IN CONSULTATION WITH ASSOCIATIONS OF PARENTS IN THE CITY DISTRICT, AND IMPLEMENTING NO LATER THAN OCTOBER FIRST, TWO THOUSAND TEN, A PARENTAL BILL OF RIGHTS WHICH PROVIDES FOR, AT MINIMUM:

(I) REASONABLE ACCESS BY PARENTS, PERSONS IN PARENTAL RELATION AND GUARDIANS TO SCHOOLS, CLASSROOMS, AND ACADEMIC AND ATTENDANCE RECORDS OF THEIR OWN CHILDREN, CONSISTENT WITH FEDERAL AND STATE LAWS, PROVIDED THAT SUCH ACCESS DOES NOT DISRUPT OR INTERFERE WITH THE REGULAR SCHOOL PROCESS;

(II) THE RIGHTS OF PARENTS, PERSONS IN PARENTAL RELATION AND GUARDIANS TO TAKE LEGAL ACTION AND APPEAL THE DECISIONS OF THE SCHOOL ADMINISTRATION, AS AUTHORIZED BY LAW;

(III) THE RIGHT OF PARENTS, PERSONS IN PARENTAL RELATION AND GUARDIANS TO HAVE INFORMATION ON THEIR OWN CHILD'S EDUCATIONAL MATERIALS;

(IV) ACCESS TO AND INFORMATION ABOUT ALL PUBLIC MEETINGS, HEARINGS OF THE COMMISSIONER, THE CITY BOARD, THE COMMUNITY SUPERINTENDENTS, THE COMMUNITY BOARDS, AND THE SCHOOLS; AND

(V) ACCESS TO INFORMATION REGARDING PROGRAMS THAT ALLOW STUDENTS TO APPLY FOR ADMISSION WHERE APPROPRIATE TO SCHOOLS OUTSIDE A STUDENT'S OWN ATTENDANCE ZONE.

16. PROMULGATE SUCH RULES AND REGULATIONS AS HE OR SHE MAY DETERMINE TO BE NECESSARY OR CONVENIENT TO ACCOMPLISH THE PURPOSES OF THIS ARTICLE, NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES OF THE CITY BOARD.

17. POSSESS THOSE POWERS AND DUTIES DESCRIBED IN SECTION TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS CHAPTER, THE EXERCISE OF WHICH SHALL BE IN A MANNER NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES OF THE CITY BOARD.

18. POSSESS THOSE POWERS AND DUTIES CONTAINED IN SECTION NINE HUNDRED TWELVE OF THIS CHAPTER AND THOSE PROVISIONS OF ARTICLE FIFTEEN WHICH RELATE TO NON-PUBLIC SCHOOLS, THOSE POWERS AND DUTIES CONTAINED IN SECTION FIVE HUNDRED TWENTY-TWO OF THE NEW YORK CITY CHARTER AND THOSE POWERS AND DUTIES CONTAINED IN ARTICLE SEVENTY-THREE OF THIS CHAPTER, THE EXERCISE OF WHICH SHALL BE IN A MANNER NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES OF THE CITY BOARD.

19. DELEGATE ANY OF HIS OR HER POWERS AND DUTIES TO SUCH SUBORDINATE OFFICERS OR EMPLOYEES AS HE OR SHE DEEMS APPROPRIATE AND TO MODIFY OR RESCIND ANY POWER AND DUTY SO DELEGATED.

20. ENSURE COMPLIANCE WITH QUALIFICATIONS ESTABLISHED FOR ALL PERSONNEL EMPLOYED IN THE CITY DISTRICT, INCLUDING THE TAKING OF FINGERPRINTS AS A PREREQUISITE FOR LICENSURE AND/OR EMPLOYMENT OF SUCH PERSONNEL.

1 EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO THIS SUBDIVISION SHALL BE
2 PROMPTLY SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES WHERE IT
3 SHALL BE APPROPRIATELY PROCESSED.

4 21. PERFORM THE FUNCTIONS OF THE BUREAU OF AUDIT THROUGHOUT THE CITY
5 DISTRICT, INCLUDING ENSURING COMPLIANCE WITH SUBDIVISIONS THIRTY-FIVE
6 AND THIRTY-SIX OF THIS SECTION.

7 22. ESTABLISH UNIFORM PROCEDURES FOR RECORD KEEPING, ACCOUNTING AND
8 REPORTING THROUGHOUT THE CITY DISTRICT, INCLUDING PUPIL RECORD KEEPING,
9 ACCOUNTING AND REPORTING.

10 23. DEVELOP AN EDUCATIONAL FACILITIES MASTER PLAN, AND REVISIONS THERE-
11 TO, AS DEFINED IN SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE.

12 24. DEVELOP AND IMPLEMENT A FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL
13 PLAN, AND AMENDMENTS THERETO, AS DEFINED IN SECTION TWENTY-FIVE HUNDRED
14 NINETY-P OF THIS ARTICLE. THE COMMISSIONER SHALL ALSO APPOINT A PERSON,
15 WHO REPORTS DIRECTLY TO THE COMMISSIONER OR HIS OR HER DESIGNEE, TO
16 ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF SUCH PLAN AND AMENDMENTS
17 THERETO AND TO OVERSEE THE SCHOOL BUILDINGS PROGRAM.

18 25. ON THE COMMISSIONER'S OWN INITIATIVE, OR AT THE REQUEST OF A
19 COMMUNITY SUPERINTENDENT, TRANSFER A PRINCIPAL EMPLOYED BY A COMMUNITY
20 SCHOOL DISTRICT PURSUANT TO AN AGREEMENT WITH THE EMPLOYEE ORGANIZATION
21 REPRESENTING SUCH PRINCIPALS. THE COMMISSIONER SHALL ESTABLISH A PROCE-
22 DURE FOR CONSULTING WITH AFFECTED PARENTS TO EXPLAIN ANY SUCH TRANSFER.

23 CONSISTENT WITH SECTION TWENTY-FIVE HUNDRED NINETY-I OF THIS ARTICLE,
24 INCLUDING WITHOUT LIMITATION SUBDIVISION THREE THEREOF, AND SUBDIVISION
25 ONE THEREOF WITH RESPECT TO THE RIGHTS AND OBLIGATIONS OF A SCHOOL TO
26 WHICH A PRINCIPAL IS TRANSFERRED, IN ADDITION TO ANY OTHER LAW PROVIDING
27 FOR THE TRANSFER OF PRINCIPALS, THE COMMISSIONER ALSO MAY CAUSE THE
28 TRANSFER OR REMOVAL OF PRINCIPALS FOR PERSISTENT EDUCATIONAL FAILURE,
29 CONFLICTS OF INTEREST, AND ETHICS VIOLATIONS, AND MAY REQUIRE PRINCIPALS
30 TO PARTICIPATE IN TRAINING AND OTHER REMEDIAL PROGRAMS TO ADDRESS IDEN-
31 TIFIED FACTORS AFFECTING STUDENT ACHIEVEMENT AND SCHOOL PERFORMANCE.

32 26. ESTABLISH EDUCATIONAL AND EXPERIENCE QUALIFICATIONS AND REQUIRE-
33 MENTS FOR ALL CUSTODIAL POSITIONS INCLUDING, BUT NOT LIMITED TO, CUSTO-
34 DIANS AND CUSTODIAL ENGINEERS AND DEVELOP STANDARDS FOR EVALUATING THE
35 PERFORMANCE OF ALL SUCH INDIVIDUALS, SUBJECT TO APPROVAL OF THE CITY
36 BOARD. SUCH PERFORMANCE STANDARDS SHALL INCLUDE, BUT NOT BE LIMITED TO:
37 THE CLEANLINESS OF FACILITIES; ADEQUACY AND TIMELINESS OF MINOR REPAIRS;
38 MAINTENANCE OF GOOD WORKING ORDER OF FACILITIES AND GROUNDS; GENERAL
39 FACILITIES IMPROVEMENT; AND EMERGENCY SERVICES. THE COMMISSIONER SHALL
40 PROMULGATE REGULATIONS SETTING FORTH THE RESPECTIVE RESPONSIBILITIES OF
41 THE DISTRICT PLANT MANAGER, WHICH SHALL INCLUDE REGULAR CONSULTATION AND
42 ONGOING REPORTS TO THE COMMUNITY SUPERINTENDENT, AND THE PRINCIPAL OF
43 EACH SCHOOL FOR EVALUATING THE PERFORMANCE OF THE CUSTODIAL EMPLOYEES
44 ASSIGNED TO HIS OR HER SCHOOL, IN ACCORDANCE WITH SUCH PERFORMANCE STAN-
45 DARDS, AND SUCH PERFORMANCE EVALUATIONS SHALL BE GIVEN DOMINANT WEIGHT
46 IN ANY DECISION FOR THE PURPOSES OF: ADVANCEMENT; CONTINUED EMPLOYMENT;
47 BUILDING TRANSFERS; AND OTHER PERFORMANCE INCENTIVES. THE RESPONSIBILITY
48 OF THE PRINCIPAL OF EACH SCHOOL IN THE EVALUATION OF CUSTODIAL EMPLOYEES
49 MAY BE A MATTER FOR COLLECTIVE BARGAINING WITH COLLECTIVE BARGAINING
50 REPRESENTATIVES FOR PRINCIPALS.

51 27. DEVELOP, IN CONJUNCTION WITH EACH COMMUNITY SUPERINTENDENT, A PLAN
52 FOR PROVIDING ACCESS TO SCHOOL FACILITIES IN EACH COMMUNITY SCHOOL
53 DISTRICT, WHEN NOT IN USE FOR SCHOOL PURPOSES, IN ACCORDANCE WITH THE
54 PROVISIONS OF SECTION FOUR HUNDRED FOURTEEN OF THIS CHAPTER. SUCH PLAN
55 SHALL SET FORTH A REASONABLE SYSTEM OF FEES NOT TO EXCEED THE ACTUAL
56 COSTS AND SPECIFY THAT NO PART OF ANY FEE SHALL DIRECTLY OR INDIRECTLY

1 BENEFIT OR BE DEPOSITED INTO AN ACCOUNT WHICH INURES TO THE BENEFIT OF
2 THE CUSTODIANS OR CUSTODIAL ENGINEERS.

3 28. PROMULGATE REGULATIONS, SUBJECT TO THE APPROVAL OF THE CITY BOARD,
4 ESTABLISHING EDUCATIONAL, MANAGERIAL, AND ADMINISTRATIVE QUALIFICATIONS,
5 PERFORMANCE RECORD CRITERIA, AND PERFORMANCE STANDARDS FOR THE POSITIONS
6 OF SUPERINTENDENT AND PRINCIPAL. IN NO CASE SHALL THE REGULATIONS
7 PROMULGATED BE OF A LESSER STANDARD THAN REGULATIONS THAT WERE IN EFFECT
8 ON JANUARY FIRST, TWO THOUSAND.

9 29. SELECT A COMMUNITY SUPERINTENDENT FROM CANDIDATES RECOMMENDED BY
10 COMMUNITY BOARDS, BASED UPON COMPLIANCE WITH THE PROCEDURES FOR
11 SELECTION REQUIRED BY SUBDIVISION TWENTY-EIGHT OF THIS SECTION, THE
12 QUALIFICATIONS REQUIRED BY THIS SECTION, AND CONSISTENT WITH A MODEL
13 CONTRACT DEVELOPED BY THE COMMISSIONER.

14 30. REMOVE A COMMUNITY SUPERINTENDENT WHO FAILS TO COMPLY WITH THE
15 PROVISIONS OF SUBDIVISION TWO OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF
16 THIS ARTICLE.

17 31. INTERVENE IN ANY DISTRICT OR SCHOOL WHICH IS PERSISTENTLY FAILING
18 TO ACHIEVE EDUCATIONAL RESULTS AND STANDARDS APPROVED BY THE CITY BOARD
19 OR ESTABLISHED BY THE STATE BOARD OF REGENTS, OR HAS FAILED TO IMPROVE
20 ITS EDUCATIONAL RESULTS AND STUDENT ACHIEVEMENT IN ACCORDANCE WITH SUCH
21 STANDARDS OR STATE OR CITY BOARD REQUIREMENTS, OR IN ANY SCHOOL OR
22 DISTRICT IN WHICH THERE EXISTS, IN THE COMMISSIONER'S JUDGMENT, A STATE
23 OF UNCONTROLLED OR UNADDRESSED VIOLENCE. THE COMMISSIONER MAY, IN ADDI-
24 TION TO EXERCISING ANY OTHER POWERS AUTHORIZED BY THIS ARTICLE, REQUIRE
25 SUCH SCHOOL PRINCIPAL, OR DISTRICT AS THE CASE MAY BE, TO PREPARE A
26 CORRECTIVE ACTION PLAN, WITH A TIMETABLE FOR IMPLEMENTATION OF STEPS
27 ACCEPTABLE TO THE COMMISSIONER TO REACH IMPROVEMENT GOALS CONSISTENT
28 WITH CITY BOARD STANDARDS AND EDUCATIONAL RESULTS. THE COMMISSIONER MAY
29 REQUIRE THE SCHOOL OR DISTRICT TO ALTER OR IMPROVE THE CORRECTIVE ACTION
30 PLAN, OR MAY DIRECTLY MODIFY THE PLAN. THE COMMISSIONER SHALL MONITOR
31 IMPLEMENTATION OF THE PLAN, AND, IF THE SCHOOL OR DISTRICT FAILS TO
32 IMPLEMENT IT, MAY SUPERSEDE ANY INCONSISTENT DECISION OF THE SCHOOL
33 PRINCIPAL, COMMUNITY BOARD OR COMMUNITY SUPERINTENDENT; ASSUME JOINT OR
34 DIRECT CONTROL OF THE OPERATION OF THE SCHOOL OR DISTRICT TO IMPLEMENT
35 THE CORRECTIVE ACTION PLAN; OR TAKE ANY OTHER ACTION AUTHORIZED BY THIS
36 ARTICLE. ANY ACTION OF THE COMMISSIONER TO SUPERCEDE AN INCONSISTENT
37 DECISION OF THE SCHOOL PRINCIPAL, COMMUNITY BOARD OR COMMUNITY SUPER-
38 INTENDENT, OR TO ASSUME JOINT OR DIRECT CONTROL OF THE OPERATION OF THE
39 SCHOOL OR DISTRICT PURSUANT TO THIS SUBDIVISION MAY BE APPEALED TO THE
40 CITY BOARD IN ACCORDANCE WITH SECTION TWENTY-FIVE HUNDRED NINETY-G OF
41 THIS ARTICLE.

42 32. DIRECT THE BOROUGH SUPERINTENDENT TO COORDINATE AND PERIODICALLY
43 MEET AND CONSULT WITH THE BOROUGH PRESIDENT AND THE COMMUNITY SUPER-
44 INTENDENTS IN THE BOROUGH ON BOROUGH-SPECIFIC ISSUES AND ISSUES OF
45 BOROUGH-WIDE SIGNIFICANCE, INCLUDING THE PROVISION OF SERVICES IN
46 SUPPORT OF SCHOOLS AND COMMUNITY DISTRICTS SUCH AS TRANSPORTATION,
47 PURCHASING, CAPITAL PLANNING, AND COORDINATION WITH MUNICIPAL SERVICES,
48 AND COMMISSIONER AND CITY BOARD POLICY WITH RESPECT TO THE HIGH SCHOOLS.

49 33. REQUIRE COMMUNITY SCHOOL BOARD MEMBERS TO PARTICIPATE IN TRAINING
50 AND RETRAINING IN ORDER TO PROMOTE DISTRICT AND SCHOOL PERFORMANCE AND
51 STUDENT ACHIEVEMENT, AS A CONTINUING CONDITION FOR MEMBERSHIP.

52 34. TAKE ALL NECESSARY STEPS TO PROMOTE THE EFFECTIVENESS AND INTEGRI-
53 TY OF SCHOOL-BASED BUDGETING PURSUANT TO SECTION TWENTY-FIVE HUNDRED
54 NINETY-R OF THIS ARTICLE, INCLUDING THE OBLIGATIONS IMPOSED BY SUBDIVI-
55 SION THIRTY-SIX OF THIS SECTION.

1 35. DEVELOP IN CONSULTATION WITH THE CITY BOARD AND THE MAYOR, A
2 PROCUREMENT POLICY FOR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK,
3 AND THE DISTRICTS AND PUBLIC SCHOOLS THEREIN. SUCH POLICY SHALL ENSURE
4 THE WISE AND PRUDENT USE OF PUBLIC MONEY IN THE BEST INTEREST OF THE
5 TAXPAYERS OF THE STATE; GUARD AGAINST FAVORITISM, IMPROVIDENCE, EXTRA-
6 GANCE, FRAUD AND CORRUPTION; AND ENSURE THAT CONTRACTS ARE AWARDED
7 CONSISTENT WITH LAW AND ON THE BASIS OF BEST VALUE, INCLUDING, BUT NOT
8 LIMITED TO, THE FOLLOWING CRITERIA: QUALITY, COST AND EFFICIENCY. SUCH
9 POLICY SHALL ALSO INCLUDE:

10 (A) STANDARDS FOR QUALITY, FUNCTION AND UTILITY OF ALL MATERIAL GOODS,
11 SUPPLIES AND SERVICES PURCHASED BY THE COMMISSIONER, SUPERINTENDENTS OR
12 SCHOOLS;

13 (B) REGULATIONS FOR THE PURCHASE OF MATERIAL GOODS, SUPPLIES AND
14 SERVICES BY THE COMMISSIONER IN CONSULTATION WITH THE MAYOR, THE SUPER-
15 INTENDENTS AND THE SCHOOLS, INCLUDING CLEARLY ARTICULATED PROCEDURES
16 WHICH REQUIRE A CLEAR STATEMENT OF PRODUCT SPECIFICATIONS, REQUIREMENTS
17 OR WORK TO BE PERFORMED, A DOCUMENTABLE PROCESS OF SOLICITING BIDS,
18 PROPOSALS OR OTHER OFFERS, AND A BALANCED AND FAIR METHOD, ESTABLISHED
19 IN ADVANCE OF RECEIPT OF OFFERS, FOR EVALUATING OFFERS AND AWARDED
20 CONTRACTS;

21 (C) REGULATIONS WHICH ENABLE SUPERINTENDENTS AND SCHOOLS TO PURCHASE
22 MATERIAL GOODS, SUPPLIES AND SERVICES THROUGH THE CITY OF NEW YORK FROM
23 VENDORS OR SUPPLIERS WHEN SUCH PRODUCTS ARE AVAILABLE AT PRICES OR OTHER
24 TERMS MORE ECONOMICALLY BENEFICIAL FOR THE PURPOSES OF THE ACQUIRING
25 SUPERINTENDENT OR SCHOOL; AND

26 (D) REGULATIONS SHALL INCLUDE REPAIR SERVICES AND BUILDING SUPPLIES,
27 AS DEFINED IN SUCH REGULATIONS, FOR EXPENDITURES FROM EACH DISTRICT'S
28 MINOR REPAIR AND PURCHASING FUNDS PURSUANT TO SECTION TWENTY-FIVE
29 HUNDRED NINETY-R OF THIS ARTICLE.

30 36. ESTABLISH, SUBJECT TO THE APPROVAL OF THE CITY BOARD, GUIDELINES
31 AND A SYSTEM OF INTERNAL CONTROLS, INCLUDING INTERNAL ADMINISTRATIVE
32 CONTROLS AND INTERNAL ACCOUNTING CONTROLS, WITH PROVISIONS FOR INTERNAL
33 AUDITS, AS SUCH TERMS ARE DEFINED IN SECTION NINE HUNDRED FIFTY OF THE
34 EXECUTIVE LAW. SUCH SYSTEM SHALL ALSO INCLUDE A SYSTEM OF INTERNAL
35 CONTROL REVIEW DESIGNED TO IDENTIFY WEAKNESSES AND IDENTIFY ACTIONS TO
36 RECTIFY THEM; A CLEAR AND CONCISE STATEMENT OF THE GENERALLY APPLICABLE
37 MANAGEMENT POLICIES AND STANDARDS MADE AVAILABLE TO EACH OFFICER AND
38 EMPLOYEE RELEVANT TO FISCAL AND EXPENDITURE CONTROL, IN ADDITION TO
39 EDUCATION AND TRAINING EFFORTS TO ENSURE ADEQUATE UNDERSTANDING OF
40 INTERNAL CONTROL STANDARDS AND EVALUATION TECHNIQUES; AND THE DESIG-
41 NATION OF AN INTERNAL CONTROL OFFICER FOR EACH COMMUNITY DISTRICT, EACH
42 OF WHOM SHALL REPORT TO THE COMMISSIONER AND THE AUDITOR GENERAL, TO
43 EXECUTE A REGULAR INTERNAL AUDIT FUNCTION WHICH SHALL OPERATE IN ACCORD-
44 ANCE WITH GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS. THE INTER-
45 NAL AUDITORS FOR THE COMMUNITY DISTRICTS SHALL OPERATE IN COOPERATION
46 WITH THE AUDITOR GENERAL, APPOINTED BY THE COMMISSIONER SUBJECT TO THE
47 APPROVAL OF THE CITY BOARD, WHO SHALL, IN ADDITION TO THE FUNCTIONS OF
48 THE INTERNAL AUDITORS, MONITOR AND CONDUCT RANDOM AUDITS OF SCHOOL
49 DISTRICTS AT LEAST ONCE EVERY TWO YEARS FOR FRAUD, WASTE AND MISMANAGE-
50 MENT. NOTWITHSTANDING ANY PROVISION OF STATE LAW OR STATE, CITY OR CITY
51 BOARD REGULATION, THE INTERNAL AUDITORS, AND THE AUDITOR GENERAL, SHALL
52 BE ENTITLED, UPON THEIR REQUEST, TO ALL AND ANY DOCUMENTS AND MATERIALS
53 BEARING IN THEIR JUDGMENT ON THE FINANCES AND COST-EFFECTIVENESS OF THE
54 SCHOOLS AND THE SCHOOL DISTRICTS THAT IS IN THE POSSESSION OF THE COMMU-
55 NITY DISTRICTS, THE SCHOOLS, OR ANY OFFICER THEREOF.

37. EXERCISE ALL OF THE DUTIES AND RESPONSIBILITIES OF THE EMPLOYING BOARD AS SET FORTH IN SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER WITH RESPECT TO ANY MEMBER OF THE TEACHING OR SUPERVISORY STAFF OF SCHOOLS UNDER THE JURISDICTION OF THE COMMUNITY BOARDS. THE COMMISSIONER SHALL EXERCISE ALL SUCH DUTIES AND RESPONSIBILITIES FOR ALL COMMUNITY DISTRICTS OR MAY DELEGATE THE EXERCISE OF ALL SUCH DUTIES AND RESPONSIBILITIES TO ALL OF THE COMMUNITY SUPERINTENDENTS OF THE CITY DISTRICT.

S 2590-D. BOROUGH AND COMMUNITY SCHOOL DISTRICTS. 1. EACH BOROUGH IN THE CITY OF NEW YORK SHALL HAVE A SUPERINTENDENT APPOINTED BY THE CITY BOARD WHO SHALL IN TURN APPOINT SUPERINTENDENTS FOR THE COMMUNITY SCHOOL DISTRICTS. ALL SUPERINTENDENTS MUST HOLD A VALID SUPERVISORY LICENSE. THIS REQUIREMENT CANNOT BE WAIVED.

2. (A) EACH COMMUNITY DISTRICT SHALL BE COMPOSED OF REPRESENTATIVES ELECTED AMONG THE PARENTS FROM EACH SCHOOL WITHIN THE COMMUNITY DISTRICT.

(B) EACH COMMUNITY BOARD SHALL SELECT ONE OF ITS MEMBERS AS CHAIRPERSON.

(C) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMUNITY BOARD MAY APPOINT A BOARD SECRETARY PURSUANT TO THE POLICIES OF THE CITY BOARD WHO SHALL PERFORM THE FOLLOWING FUNCTIONS: (1) PREPARE MEETING NOTICES, AGENDAS AND MINUTES; AND (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER BOARD MEETINGS. EACH BOARD SHALL BE RESPONSIBLE FOR APPOINTMENT, EVALUATION, SUPERVISION AND DISCHARGE OF THE BOARD SECRETARY.

(D) ALL COMMUNITY BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION.

3. (A) EACH COMMUNITY COUNCIL SHALL PREPARE AND SUBMIT TO THE CITY BOARD A PERFORMANCE REPORT EVERY MONTH. THE INFORMATION PROVIDED SHALL INCLUDE COMMUNITY COUNCIL MEMBERS' ATTENDANCE RECORDS; PARTICIPATION IN COMMUNITY COUNCIL COMMITTEES AND OTHER COMMUNITY COUNCIL ACTIVITIES; VISITS TO SCHOOLS; AND VOTING RECORDS ON MAJOR ISSUES BEFORE THE COMMUNITY COUNCIL.

(B) THE CITY BOARD SHALL REVIEW AND CONSOLIDATE THE PERFORMANCE REPORTS INTO ONE COMPREHENSIVE CITY DISTRICT-WIDE REPORT, WHICH SHALL BE DISSEMINATED TO THE COMMUNITY AND THE MEDIA SEMIANNUALLY.

4. THE COMMISSIONER SHALL: (A) DEVELOP A PROCESS TO ENSURE A UNIFORM ELECTION PROCESS FOR PARENT ASSOCIATIONS AND PARENT-TEACHER ASSOCIATIONS. SUCH PROCESS SHALL ENSURE UNIFORMITY WITH RESPECT TO TIMING OF ELECTIONS AND THE STRUCTURE AND SIZE OF THE BODY.

(B) DEVELOP A PROCESS FOR NOMINATION OF CANDIDATES FOR COMMUNITY COUNCIL MEMBERSHIP. SUCH PROCESS WILL OUTLINE IN DETAIL THE PROCEDURE WHICH MUST BE FOLLOWED TO PRESENT A NAME FOR CONSIDERATION, SHALL PROHIBIT OFFICERS OF ANY PARENT ASSOCIATION OR PARENT-TEACHER ASSOCIATION FROM BEING NOMINATED, MAY INCLUDE QUALIFICATIONS AND PROHIBITIONS IN ADDITION TO THOSE OUTLINED IN THIS SECTION AND MAY ALLOW FOR AN INTERVIEW PROCESS FOR NOMINEES.

(C) DEVELOP SELECTION PROCEDURES FOR COMMUNITY COUNCIL MEMBERS WHICH SHALL ATTEMPT TO ENSURE MEMBERSHIP THAT REFLECTS A REPRESENTATIVE CROSS-SECTION OF THE COMMUNITIES WITHIN THE SCHOOL DISTRICT AND DIVERSITY OF THE STUDENT POPULATION INCLUDING THOSE WITH PARTICULAR EDUCATIONAL NEEDS, SHALL INCLUDE CONSIDERATION OF THE ENROLLMENT FIGURES WITHIN EACH COMMUNITY DISTRICT AND THE POTENTIAL DISPARITY OF SUCH ENROLLMENT FROM SCHOOL TO SCHOOL WITHIN THE DISTRICT, AND SHALL ENSURE THAT, TO THE EXTENT POSSIBLE, A SCHOOL MAY HAVE NO MORE THAN ONE PARENT REPRESENTATIVE ON THE COMMUNITY COUNCIL.

(D) PROMULGATE RULES AND REGULATIONS REQUIRING FINANCIAL DISCLOSURE BY THE NOMINEES AND POLICIES PROHIBITING POLITICAL ENDORSEMENTS OF AND CAMPAIGN CONTRIBUTIONS TO NOMINEES.

(E) BEGINNING IN JANUARY OF EACH SCHOOL YEAR AND CONTINUING UNTIL THE DATE OF SELECTION, ENSURE THE DISTRIBUTION OF GUIDES TO PARENTS IN ADDITION TO INFORMATION REGARDING COMMUNITY COUNCIL ROLES, FUNCTIONS, AND ACTIVITIES, INCLUDING UPCOMING PARENTS' ASSOCIATION AND PARENT-TEACHER ASSOCIATION ELECTIONS, CANDIDATE INFORMATION, AND THE NATURE OF THE SELECTION PROCESS.

5. PRIOR TO THE ADOPTION OF THE PROCESSES, PROCEDURES, RULES OR REGULATIONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, THE COMMISSIONER SHALL ENSURE THAT THERE IS AN INCLUSIVE PUBLIC PROCESS WHICH ALLOWS FOR SUFFICIENT PUBLIC INPUT FROM PARENTS AND THE COMMUNITY INCLUDING PUBLIC HEARINGS. ALL SUCH PROCESSES, PROCEDURES, RULES OR REGULATIONS MUST BE FINAL IN SUFFICIENT TIME TO ASSURE FOR AN ORDERLY IMPLEMENTATION AND NOTIFICATION OF SUCH PROCESSES, PROCEDURES, RULES OR REGULATIONS TO ALLOW FOR FULL COMMUNITY PARTICIPATION IN THE NOMINATION AND SELECTION PROCESSES AND PROCEDURES.

S 2590-E. BY-LAWS; REGULATIONS AND DECISIONS. 1. THE CITY BOARD AND THE COMMISSIONER SHALL PRESCRIBE SUCH BY-LAWS AND REGULATIONS AS MAY BE NECESSARY TO MAKE EFFECTUAL THE PROVISIONS OF THIS CHAPTER AND FOR THE CONDUCT OF THE PROCEEDINGS OF SAID BOARD. SAID BY-LAWS AND REGULATIONS SHALL BE PUBLISHED AND INDEXED AND REVISED AT LEAST ANNUALLY. COPIES OF SUCH BY-LAWS AND REGULATIONS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICES OF THE CITY BOARD, EACH COMMUNITY BOARD, THE OFFICE OF THE COMMISSIONER OF EDUCATION, AND THE LEGISLATIVE LIBRARY IN ALBANY, AND AT SUCH OTHER PLACES AS THE CITY BOARD MAY DEEM PROPER.

2. EACH COMMUNITY BOARD SHALL PRESCRIBE SUCH BY-LAWS AND REGULATIONS AS MAY BE NECESSARY TO MAKE EFFECTUAL THE PROVISIONS OF THIS CHAPTER AND FOR THE CONDUCT OF THE PROCEEDINGS OF SAID BOARD. SUCH BY-LAWS AND REGULATIONS SHALL BE FILED WITH THE CITY BOARD AND THE COMMISSIONER OF EDUCATION AND SHALL BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC AT THE OFFICES OF THE COMMUNITY BOARD. SUCH BY-LAWS SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING REQUIREMENTS:

(A) THAT THERE SHALL BE A PARENTS' ASSOCIATION OR A PARENT-TEACHERS' ASSOCIATION IN EACH SCHOOL UNDER ITS JURISDICTION.

(B) THAT THE BOARD, THE COMMUNITY SUPERINTENDENT AND THE PRINCIPAL OF EACH SCHOOL SHALL HAVE REGULAR COMMUNICATION WITH ALL PARENTS' ASSOCIATIONS AND PARENT-TEACHERS' ASSOCIATIONS WITHIN THE COMMUNITY DISTRICT, AND MEET WITH THEIR ELECTED OFFICERS AT LEAST QUARTERLY DURING THE SCHOOL YEAR, TO THE END THAT SUCH ASSOCIATIONS ARE PROVIDED WITH FULL FACTUAL INFORMATION PERTAINING TO MATTERS OF PUPIL ACHIEVEMENT, INCLUDING BUT NOT LIMITED TO: ANNUAL READING SCORES, COMPARISON OF THE ACHIEVEMENT OF PUPILS IN COMPARABLE GRADES AND SCHOOLS, AS WELL AS THE RECORD OF ACHIEVEMENT OF THE SAME CHILDREN AS THEY PROGRESS THROUGH THE SCHOOL; PROVIDED, HOWEVER, THAT SUCH RECORD AND SCORES SHALL NOT BE DISCLOSED IN A MANNER WHICH WILL IDENTIFY INDIVIDUAL PUPILS.

(C) THAT DISTRICTS IMPLEMENT A PROCESS FOR COMMUNITY INVOLVEMENT IN CONNECTION WITH THE PERIODIC RECOMMENDATION OF SUPERINTENDENT CANDIDATES TO THE COMMISSIONER PURSUANT TO REGULATIONS OF THE COMMISSIONER, SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMISSIONER, AND SUCH INVOLVEMENT IN CONNECTION WITH THE PERIODIC REVIEW OF THE SUPERINTENDENT'S PERFORMANCE.

(D) THAT ALL MEETINGS OF THE COMMUNITY BOARD BE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

3. COPIES OF ALL WRITTEN DECISIONS RENDERED BY THE CITY BOARD ACTING AS AN APPEAL BOARD AND COPIES OF ALL WRITTEN DECISIONS RENDERED BY THE

1 COMMISSIONER PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-L OF THIS
2 ARTICLE SHALL BE PUBLISHED, INDEXED AND REVISED AT LEAST SEMI-ANNUALLY.
3 COPIES OF SAID DECISIONS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION
4 AT THE OFFICES OF THE CITY BOARD, EACH COMMUNITY BOARD, THE OFFICE OF
5 THE COMMISSIONER OF EDUCATION, AND AT SUCH OTHER PLACES AS THE CITY
6 BOARD SHALL DEEM PROPER.

7 S 2590-F. POWERS AND DUTIES OF COMMUNITY BOARDS. EACH COMMUNITY BOARD
8 SHALL HAVE THE FOLLOWING POWERS AND DUTIES TO ESTABLISH EDUCATIONAL
9 POLICIES AND OBJECTIVES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS
10 ARTICLE AND THE POLICIES ESTABLISHED BY THE CITY BOARD, WITH RESPECT TO
11 ALL PRE-KINDERGARTEN, NURSERY, KINDERGARTEN, ELEMENTARY, INTERMEDIATE
12 AND JUNIOR HIGH SCHOOLS AND PROGRAMS IN CONNECTION THEREWITH IN THE
13 COMMUNITY DISTRICT. THE COMMUNITY BOARDS SHALL HAVE NO EXECUTIVE OR
14 ADMINISTRATIVE POWERS OR FUNCTIONS, BUT SHALL HAVE THE FOLLOWING POWERS
15 AND DUTIES:

16 1. EMPLOY A COMMUNITY SUPERINTENDENT, SELECTED BY THE COMMISSIONER, BY
17 CONTRACT FOR A TERM NOT TO EXCEED FIVE YEARS THE TERM OF OFFICE OF THE
18 COMMUNITY SCHOOL BOARD AUTHORIZING SUCH CONTRACT, SUBJECT TO REMOVAL FOR
19 CAUSE, AT A SALARY TO BE FIXED WITHIN THE BUDGETARY ALLOCATION THEREFOR,
20 SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION TWENTY-FIVE
21 HUNDRED NINETY-J OF THIS ARTICLE. CONSISTENT WITH PROCEDURES OF THE
22 COMMISSIONER ESTABLISHING A PUBLICLY INCLUSIVE PROCESS FOR THE RECRUIT-
23 MENT, SCREENING AND SELECTION OF SUPERINTENDENT CANDIDATES, AND REGU-
24 LATIONS ESTABLISHING EDUCATIONAL, MANAGERIAL, AND ADMINISTRATIVE QUALI-
25 FICATIONS AND PERFORMANCE RECORD CRITERIA FOR SUCH POSITION, THE
26 COMMUNITY BOARD SHALL SELECT NO MORE THAN FOUR FINAL CANDIDATES FOR
27 SUPERINTENDENT FROM CANDIDATES FOR APPOINTMENT PURSUANT TO SECTION TWEN-
28 TY-FIVE HUNDRED NINETY-U OF THIS ARTICLE, WHO SHALL HAVE BEEN INTER-
29 VIEWED AND SCREENED BY AND WITH THE ASSISTANCE OF PARENTS, TEACHERS,
30 REPRESENTATIVES OF SCHOOL SUPPORT PERSONNEL, AND ADMINISTRATORS, AND
31 FORWARD SUCH NAMES, TO THE COMMISSIONER FOR SELECTION TOGETHER WITH THE
32 REASONS FOR THE RECOMMENDATION OF SUCH CANDIDATES. IF THE COMMISSIONER
33 SHOULD REJECT ALL THE CANDIDATES FOR WRITTEN REASONS WITHIN THIRTY DAYS
34 AFTER THE RECEIPT OF THE PROPOSED NAMES, THE COMMUNITY BOARD SHALL MAKE
35 ANOTHER SELECTION OF NO MORE THAN FOUR NEW NAMES CONSISTENT WITH SUCH
36 PROCEDURES AND REGULATIONS, UNTIL THE COMMISSIONER SELECTS A CANDIDATE.
37 THE CONTRACT OF EMPLOYMENT SHALL BE CONSISTENT WITH A MODEL CONTRACT
38 PROMULGATED BY THE COMMISSIONER WHICH SHALL INCLUDE PROVISIONS FOR REAP-
39 POINTMENT.

40 2. PROMOTE ACHIEVEMENT OF EDUCATIONAL STANDARDS AND OBJECTIVES RELAT-
41 ING TO THE INSTRUCTION OF STUDENTS.

42 3. COOPERATE AS REQUIRED BY THE COMMISSIONER IN THE REMOVAL FROM
43 OFFICE PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE
44 OF ANY COMMUNITY BOARD MEMBER FOR WILLFUL, INTENTIONAL OR KNOWING
45 INVOLVEMENT IN THE HIRING, APPOINTMENT OR ASSIGNMENT OF EMPLOYEES OTHER
46 THAN AS SPECIFICALLY AUTHORIZED IN THIS ARTICLE.

47 4. (A) REQUIRE COMMUNITY BOARD MEMBERS, THE COMMUNITY SUPERINTENDENT,
48 AND ANY OTHER OFFICER OR EMPLOYEE IN SCHOOLS AND PROGRAMS UNDER THE
49 JURISDICTION OF THE COMMUNITY BOARDS, TO MAKE ANNUAL WRITTEN DISCLOSURE,
50 IN ACCORDANCE WITH REGULATIONS AND BYLAWS OF THE CITY BOARD DEVELOPED IN
51 CONSULTATION WITH THE COMMUNITY BOARDS, TO THE COMMUNITY BOARD AND THE
52 CITY BOARD, OF THE FOLLOWING INFORMATION:

53 (1) THE EMPLOYMENT BY THE CITY SCHOOL BOARD OR ANY COMMUNITY BOARD OF
54 ANY PERSON RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY
55 TO THE PERSON MAKING DISCLOSURE, INCLUDING THE EMPLOYMENT OF ANY SUCH
56 PERSON FOR WHICH A TWO-THIRDS VOTE WAS REQUIRED UNDER PARAGRAPH (E) OF

1 SUBDIVISION FOUR OF SECTION TWENTY-FIVE HUNDRED NINETY-J OF THIS ARTICLE
2 WITH A NOTATION OF THE DATE SUCH VOTE WAS TAKEN.

3 (2) THE SOURCE OF ANY INCOME, REIMBURSEMENT, GIFT OR OTHER FORM OF
4 COMPENSATION FOR SERVICES RENDERED TOGETHER WITH A DESCRIPTION OF SUCH
5 SERVICES.

6 (3) THE SOURCE OF ANY FINANCIAL CONTRIBUTION MADE WITHIN THE YEAR
7 PRECEDING THE ELECTION OR THE TERM OF OFFICE OF A COMMUNITY BOARD MEMBER
8 TO ASSIST IN THE ELECTION OR REELECTION OF SUCH MEMBER OF THE COMMUNITY
9 BOARD, AND THE AMOUNT OF SUCH CONTRIBUTION, CONSISTENT WITH ANY APPLICABLE
10 REGULATIONS OF THE CITY BOARD AND THE BOARD OF ELECTIONS.

11 (B) WILLFUL OR REPEATED FAILURE TO MAKE FULL AND TIMELY DISCLOSURE
12 SHALL CONSTITUTE CAUSE FOR REMOVAL FROM OFFICE OF ANY MEMBER OF A COMMUNITY
13 BOARD OR FOR ANY OTHER OFFICER OR EMPLOYEE DISCIPLINARY ACTION AND
14 SUCH OTHER PENALTY AS PROVIDED BY LAW.

15 (C) ALL WRITTEN DISCLOSURES REQUIRED HEREUNDER SHALL BE FILED WITH THE
16 COMMUNITY BOARD AND THE CITY BOARD AND SHALL BE AVAILABLE FOR PUBLIC
17 INSPECTION DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS.

18 5. REQUIRE COMMUNITY BOARD MEMBERS, CANDIDATES FOR COMMUNITY BOARDS,
19 THE COMMUNITY SUPERINTENDENT AND, FOR GOOD CAUSE SHOWN, ANY OTHER OFFICER
20 OR EMPLOYEE IN SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE
21 COMMUNITY BOARDS TO SUBMIT TO THE CITY BOARD AND THE COMMUNITY BOARDS,
22 IN ACCORDANCE WITH REGULATIONS AND BYLAWS OF THE CITY BOARD DEVELOPED IN
23 CONSULTATION WITH THE COMMUNITY BOARDS, FINANCIAL REPORTS FOR THEMSELVES
24 AND THEIR SPOUSES, PROVIDED THAT IN THE CASE OF COMMUNITY BOARD MEMBERS
25 AND CANDIDATES FOR COMMUNITY BOARDS THE STATEMENT OF FINANCIAL DISCLOSURE
26 AND THE FREQUENCY WITH WHICH IT MUST BE FILED MUST SATISFY AT LEAST
27 THE REQUIREMENTS AND STANDARDS FOR DISCLOSURE OF SECTION SEVENTY-THREE-A
28 OF THE PUBLIC OFFICERS LAW.

29 (A) THE FREQUENCY AND PERIOD OF COVERAGE, THE DESIGNATION OF PERSONS
30 TO SUBMIT SUCH REPORTS BY NAME, TITLE OR INCOME LEVEL OR BY A COMBINATION
31 THEREOF, AND THE CONTENT OF SUCH REPORTS, INCLUDING MINIMUM DOLLAR
32 AMOUNTS, SHALL BE DETERMINED BY THE CITY BOARD.

33 (B) WILLFUL OR REPEATED FAILURE TO FILE REQUIRED FINANCIAL REPORTS OR
34 MAKE OTHER REQUIRED DISCLOSURES SHALL CONSTITUTE CAUSE FOR REMOVAL FROM
35 OFFICE OF ANY MEMBER OF A COMMUNITY BOARD OR FOR ANY OTHER OFFICER OR
36 EMPLOYEE DISCIPLINARY ACTION AND SUCH OTHER PENALTY AS PROVIDED BY LAW.
37 NO PERSON MAY ASSUME OFFICE AS A COMMUNITY BOARD MEMBER WITHOUT PREVIOUSLY
38 COMPLYING WITH THIS SUBDIVISION, AND WITH ALL APPLICABLE FINANCIAL
39 DISCLOSURE REQUIREMENTS PROMULGATED BY THE BOARD OF ELECTIONS.

40 6. PARTICIPATE IN TRAINING AND CONTINUING EDUCATION PROGRAMS PURSUANT
41 TO THE PROVISIONS OF THIS SUBDIVISION.

42 (A) COMMUNITY BOARD MEMBERS SHALL PARTICIPATE IN TRAINING TO ACQUAINT
43 THEM WITH THE POWERS, FUNCTIONS AND DUTIES OF COMMUNITY BOARD MEMBERS,
44 AS WELL AS THE POWERS OF OTHER GOVERNING AND ADMINISTERING AUTHORITIES
45 THAT AFFECT EDUCATION INCLUDING THE POWERS OF THE COMMISSIONER, CITY
46 BOARD, AND COMMUNITY SUPERINTENDENTS. SUCH PARTICIPATION SHALL BE
47 COMPLETED NO LATER THAN SIX MONTHS FROM THE DATE IN WHICH A COMMUNITY
48 BOARD MEMBER TAKES OFFICE FOR THE FIRST TIME.

49 (B) EACH COMMUNITY BOARD MEMBER SHALL BE REQUIRED TO PARTICIPATE IN
50 CONTINUING EDUCATION PROGRAMS ON AN ANNUAL BASIS AS DEFINED BY THE
51 COMMISSIONER. PARTICIPATION IN TRAINING PURSUANT TO PARAGRAPH (A) OF
52 THIS SUBDIVISION BY A COMMUNITY BOARD MEMBER WHO TAKES OFFICE FOR THE
53 FIRST TIME SHALL BE DEEMED TO SATISFY THE REQUIREMENTS OF THIS SUBDIVISION
54 FOR THE FIRST YEAR OF SUCH MEMBER'S TERM.

55 (C) SUCH TRAINING AND CONTINUING EDUCATION PROGRAMS SHALL BE APPROVED
56 BY THE COMMISSIONER AND MAY BE PROVIDED BY THE STATE EDUCATION DEPARTMENT.

MENT, THE CITY BOARD OR A NONPROFIT PROVIDER AUTHORIZED BY THE COMMISSIONER TO PROVIDE SUCH TRAINING AND CONTINUING EDUCATION PROGRAMS.

(D) THE COMMISSIONER IS AUTHORIZED TO PROMULGATE REGULATIONS REGARDING PROVIDERS AND THEIR CERTIFICATION, THE CONTENT AND IMPLEMENTATION OF THE TRAINING AND CONTINUING EDUCATION PROGRAMS.

(E) SUCH TRAINING AND CONTINUING EDUCATION PROGRAMS SHALL BE OFFERED ON AN ANNUAL BASIS OR MORE FREQUENTLY, AS NEEDED, TO ENABLE COMMUNITY BOARD MEMBERS TO COMPLY WITH THIS SUBDIVISION.

(F) FAILURE OF COMMUNITY BOARD MEMBERS TO COMPLY WITH THE TRAINING AND CONTINUING EDUCATION REQUIREMENTS MANDATED BY THIS SUBDIVISION SHALL CONSTITUTE CAUSE FOR REMOVAL FROM OFFICE PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE.

7. EACH YEAR PREPARE A SCHOOL DISTRICT REPORT CARD AND SHALL MAKE IT PUBLICLY AVAILABLE BY TRANSMITTING IT TO LOCAL NEWSPAPERS OF GENERAL CIRCULATION, APPENDING IT TO COPIES OF THE PROPOSED BUDGET MADE PUBLICLY AVAILABLE AS REQUIRED BY LAW AND MAKING IT AVAILABLE FOR DISTRIBUTION AT THE ANNUAL MEETING. SUCH REPORT CARD SHALL INCLUDE MEASURES OF THE ACADEMIC PERFORMANCE OF THE SCHOOL DISTRICT, ON A SCHOOL BY SCHOOL BASIS, AND MEASURES OF THE FISCAL PERFORMANCE OF THE DISTRICT. THE REPORT CARD SHALL ALSO COMPARE THESE MEASURES TO STATEWIDE AVERAGES FOR ALL PUBLIC SCHOOLS, AND STATEWIDE AVERAGES FOR PUBLIC SCHOOLS OF COMPARABLE WEALTH AND NEED. SUCH REPORT CARD SHALL INCLUDE, AT A MINIMUM, ANY INFORMATION ON THE SCHOOL DISTRICT REGARDING PUPIL PERFORMANCE AND EXPENDITURE PER PUPIL REQUIRED TO BE INCLUDED IN THE ANNUAL REPORT BY THE REQUESTS TO THE GOVERNOR AND THE LEGISLATURE PURSUANT TO SECTION TWO HUNDRED FIFTEEN-A OF THIS CHAPTER. SCHOOL DISTRICTS (A) IDENTIFIED AS HAVING FIFTEEN PERCENT OR MORE OF THEIR STUDENTS IN SPECIAL EDUCATION, OR (B) WHICH HAVE FIFTY PERCENT OR MORE OF THEIR STUDENTS WITH DISABILITIES IN SPECIAL EDUCATION PROGRAMS OR SERVICES SIXTY PERCENT OR MORE OF THE SCHOOL DAY IN A GENERAL EDUCATION BUILDING, OR (C) WHICH HAVE EIGHT PERCENT OR MORE OF THEIR STUDENTS WITH DISABILITIES IN SPECIAL EDUCATION PROGRAMS IN PUBLIC OR PRIVATE SEPARATE EDUCATIONAL SETTINGS SHALL INDICATE ON THEIR SCHOOL DISTRICT REPORT CARD THEIR RESPECTIVE PERCENTAGES AS DEFINED IN THIS PARAGRAPH AND PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION AS COMPARED TO THE STATEWIDE AVERAGE.

8. TO EMPLOY OR RETAIN COUNSEL SUBJECT TO THE POWERS AND DUTIES OF THE CORPORATION COUNSEL OF THE CITY OF NEW YORK TO BE THE DISTRICT'S ATTORNEY AND COUNSEL PURSUANT TO SUBDIVISION A OF SECTION THREE HUNDRED NINETY-FOUR OF THE NEW YORK CITY CHARTER IN ACTIONS OR PROCEEDINGS IN WHICH THE BOARD OR ANY MEMBER THEREOF IS A DEFENDANT OR A RESPONDENT.

9. WHERE THE DISTRICT HAS PROVIDED TRANSPORTATION TO STUDENTS ENROLLED IN SUCH DISTRICT TO A SCHOOL SPONSORED FIELD TRIP, EXTRACURRICULAR ACTIVITY OR ANY OTHER SIMILAR EVENT, IT SHALL PROVIDE TRANSPORTATION BACK TO EITHER THE POINT OF DEPARTURE OR TO THE APPROPRIATE SCHOOL IN THE DISTRICT, UNLESS THE PARENT OR LEGAL GUARDIAN OF A STUDENT PARTICIPATING IN SUCH EVENT HAS PROVIDED THE SCHOOL DISTRICT WITH WRITTEN NOTICE, CONSISTENT WITH DISTRICT POLICY, AUTHORIZING AN ALTERNATIVE FORM OF RETURN TRANSPORTATION FOR SUCH STUDENT OR UNLESS INTERVENING CIRCUMSTANCES MAKE SUCH TRANSPORTATION IMPRACTICAL. IN CASES WHERE INTERVENING CIRCUMSTANCES MAKE TRANSPORTATION OF A STUDENT BACK TO THE POINT OF DEPARTURE OR TO THE APPROPRIATE SCHOOL IN THE DISTRICT IMPRACTICAL, A REPRESENTATIVE OF THE SCHOOL DISTRICT SHALL REMAIN WITH THE STUDENT UNTIL SUCH STUDENT'S PARENT OR LEGAL GUARDIAN HAS BEEN (A) CONTACTED AND INFORMED OF THE INTERVENING CIRCUMSTANCES WHICH MAKE SUCH TRANSPORTATION IMPRACTICAL AND (B) SUCH STUDENT HAD BEEN DELIVERED TO HIS OR HER PARENT OR LEGAL GUARDIAN.

1 S 2590-G. POWERS AND DUTIES OF THE CITY BOARD OF EDUCATIONAL POLICY.
2 THE CITY BOARD SHALL ADVISE THE COMMISSIONER ON MATTERS OF POLICY
3 AFFECTING THE WELFARE OF THE CITY SCHOOL DISTRICT AND ITS PUPILS. EXCEPT
4 AS OTHERWISE PROVIDED BY LAW, THE BOARD SHALL EXERCISE NO EXECUTIVE
5 POWER AND PERFORM NO EXECUTIVE OR ADMINISTRATIVE FUNCTIONS. THE BOARD
6 SHALL HAVE THE POWER AND DUTY TO:

7 1. (A) APPROVE STANDARDS, POLICIES, OBJECTIVES AND REGULATIONS
8 PROPOSED BY THE COMMISSIONER DIRECTLY RELATED TO EDUCATIONAL ACHIEVEMENT
9 AND STUDENT PERFORMANCE;

10 (B) APPROVE STANDARDS, POLICIES, OBJECTIVES AND REGULATIONS DIRECTLY
11 RELATED TO MAINTAINING THE INTERNAL FISCAL INTEGRITY OF ADMINISTRATIVE
12 OPERATIONS BY THE COMMISSIONER, THE COMMUNITY DISTRICTS AND THE SCHOOLS;
13 AND

14 (C) CONSIDER AND APPROVE ANY OTHER STANDARDS, POLICIES, OBJECTIVES AND
15 REGULATIONS AT THE REQUEST OF THE COMMISSIONER, OR OTHERWISE ONLY AS
16 SPECIFICALLY AUTHORIZED OR REQUIRED BY STATE OR FEDERAL LAW OR REGU-
17 LATION;

18 2. FOR ALL PURPOSES, BE THE GOVERNMENT OR PUBLIC EMPLOYER OF ALL
19 PERSONS APPOINTED OR ASSIGNED BY THE CITY BOARD OR THE COMMUNITY
20 DISTRICTS;

21 3. SERVE AS THE APPEAL BOARD AS PROVIDED IN SECTION TWENTY-FIVE
22 HUNDRED NINETY-L OF THIS ARTICLE, AND SUBJECT TO SUCH POWERS, DUTIES AND
23 RESTRICTIONS AS WERE IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS
24 SECTION;

25 4. SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-I
26 OF THIS ARTICLE, MAINTAIN SUCH JURISDICTION OVER POLICIES GOVERNING THE
27 SPECIAL, ACADEMIC, VOCATIONAL AND OTHER HIGH SCHOOLS AUTHORIZED BY THIS
28 ARTICLE BEFORE THE EFFECTIVE DATE OF THIS SECTION AS THE RESPECTIVE
29 COMMUNITY BOARDS MAINTAIN OVER THE SCHOOLS WITHIN THEIR JURISDICTION,
30 WHICH SHALL NOT BE CONSTRUED TO REQUIRE OR AUTHORIZE THE DAY-TO-DAY
31 SUPERVISION OR THE ADMINISTRATION OF THE OPERATIONS OF SUCH SCHOOLS.

32 5. (A) PRESCRIBE REGULATIONS AND BYLAWS REQUIRING MEMBERS OF THE CITY
33 BOARD, THE COMMISSIONER, AND ANY OTHER OFFICER OR EMPLOYEE IN SCHOOLS
34 AND PROGRAMS UNDER THE JURISDICTION OF THE CITY BOARD AND THE COMMIS-
35 SIONER, TO MAKE ANNUAL WRITTEN DISCLOSURE TO THE CITY BOARD, OF THE
36 FOLLOWING INFORMATION:

37 (I) THE EMPLOYMENT BY THE CITY SCHOOL BOARD OR ANY COMMUNITY BOARD OF
38 ANY PERSON RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY
39 TO THE PERSON MAKING DISCLOSURE.

40 (II) THE SOURCE OF ANY INCOME, REIMBURSEMENT, GIFT OR OTHER FORM OF
41 COMPENSATION FOR SERVICES RENDERED TOGETHER WITH A DESCRIPTION OF SUCH
42 SERVICES.

43 (B) REGULATIONS AND BYLAWS AUTHORIZED PURSUANT TO THIS SECTION SHALL
44 APPLY WITH EQUAL FORCE AND EFFECT TO COMMUNITY BOARD MEMBERS, COMMUNITY
45 SUPERINTENDENTS AND ALL OTHER OFFICERS AND EMPLOYEES IN SCHOOLS AND
46 PROGRAMS UNDER THE JURISDICTION OF THE COMMUNITY BOARDS.

47 (C) THE CITY BOARD SHALL REVIEW, AT LEAST ONCE ANNUALLY, COMPLIANCE
48 WITH THE REQUIREMENTS OF SECTION TWENTY-FIVE HUNDRED NINETY-E OF THIS
49 ARTICLE AND REGULATIONS OR BYLAWS PRESCRIBED HEREUNDER. ANY COMMUNITY
50 BOARD MEMBER, COMMUNITY SUPERINTENDENT OR OTHER OFFICER OR EMPLOYEE
51 REQUIRED TO MAKE DISCLOSURE WHO FAILS TO MAKE SUCH DISCLOSURE SHALL BE
52 NOTIFIED IN WRITING OF THEIR FAILURE TO DO SO AND GIVEN THIRTY DAYS
53 WITHIN WHICH TO COMPLY.

54 (D) WILLFUL FAILURE TO MAKE FULL AND TIMELY DISCLOSURE SHALL CONSTI-
55 TUTE CAUSE FOR REMOVAL FROM OFFICE OF ANY MEMBER OF THE CITY BOARD OR

FOR ANY OTHER OFFICER OR EMPLOYEE DISCIPLINARY ACTION AND SUCH OTHER PENALTY AS PROVIDED BY LAW.

(E) DISCLOSURES MADE PURSUANT TO THE REQUIREMENTS IN THIS SECTION AND ANY NOTIFICATION OF FAILURE TO MAKE DISCLOSURES SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS; AND

6. (A) PRESCRIBE REGULATIONS AND BYLAWS REQUIRING MEMBERS OF THE CITY BOARD, THE COMMISSIONER AND, FOR GOOD CAUSE SHOWN, ANY OTHER OFFICER OR EMPLOYEE IN SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE CITY BOARD AND THE COMMISSIONER, TO SUBMIT TO THE CITY BOARD, IN THE DISCRETION OF THE CITY BOARD, FINANCIAL REPORTS FOR THEMSELVES AND THEIR SPOUSES.

(B) THE FREQUENCY AND PERIOD OF COVERAGE, THE DESIGNATION OF PERSONS TO SUBMIT SUCH REPORTS BY NAME, TITLE OR INCOME LEVEL OR BY A COMBINATION THEREOF, AND THE CONTENT OF SUCH REPORTS, INCLUDING MINIMUM DOLLAR AMOUNTS, SHALL BE DETERMINED BY THE CITY BOARD AND SUCH REPORTS MAY INCLUDE BUT NOT NECESSARILY BE LIMITED TO THE FOLLOWING:

(I) AMOUNT AND SOURCE OF INCOME FOR SERVICES RENDERED, TOGETHER WITH A DESCRIPTION OF SUCH SERVICES;

(II) AMOUNT AND SOURCE OF GIFTS, CAPITAL GAINS, REIMBURSEMENTS FOR EXPENDITURES, AND HONORARIA;

(III) INVESTMENTS IN SECURITIES AND REAL PROPERTY;

(IV) AMOUNT OF DEBTS AND NAMES OF CREDITORS;

(V) OUTSTANDING LOANS AND OTHER FORMS OF INDEBTEDNESS DUE TO PERSON REPORTING OR SPOUSE, BY NAME AND AMOUNTS;

(VI) TRUSTS AND OTHER FIDUCIARY RELATIONSHIPS AND THEIR ASSETS IN WHICH A BENEFICIAL INTEREST IS HELD.

(C) REGULATIONS AND BYLAWS AUTHORIZED HEREIN SHALL APPLY WITH EQUAL FORCE AND EFFECT TO COMMUNITY BOARD MEMBERS, COMMUNITY SUPERINTENDENTS AND ALL OTHER OFFICERS AND EMPLOYEES IN SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE COMMUNITY BOARDS.

(D) WILLFUL FAILURE TO FILE REQUIRED FINANCIAL REPORTS SHALL CONSTITUTE CAUSE FOR REMOVAL FROM OFFICE OF ANY MEMBER OF THE CITY BOARD OR FOR ANY OTHER OFFICER OR EMPLOYEE DISCIPLINARY ACTION AND SUCH OTHER PENALTY AS PROVIDED BY LAW.

S 2590-H. COMPOSITION OF COMMUNITY DISTRICT EDUCATION COUNCIL. 1. EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL BE GOVERNED BY A BOARD TO CONSIST OF PARENT REPRESENTATIVES FROM EACH SCHOOL IN THE DISTRICT. THE MEMBERS SHALL SERVE TERMS OF THREE YEARS OR UNTIL THEIR CHILD NO LONGER ATTENDS THE SCHOOL THEY REPRESENT.

2. ON THE FIRST TUESDAY IN MAY COMMENCING WITH THE YEAR TWO THOUSAND TEN AND EVERY THIRD YEAR THEREAFTER OR, WHEN A VACANCY OCCURS, IN THAT YEAR, AND EVERY THIRD YEAR FOLLOWING THAT, EACH SCHOOL SHALL HOLD AN ELECTION FOR A TERM COMMENCING ON THE FIRST DAY OF JULY NEXT SUCCEEDING.

3. PARENTS OF CHILDREN ATTENDING THE SCHOOL ARE ELIGIBLE VOTERS.

4. EACH SCHOOL ELECTION SHALL BE BY BALLOT.

5. PARENTS WHO WISH TO HAVE THEIR NAME PLACED IN NOMINATION SHALL NOTIFY THE PRINCIPAL'S OFFICE THIRTY DAYS IN ADVANCE, IN WRITING, OF THEIR INTENTION TO BE A CANDIDATE. NOTWITHSTANDING THE FOREGOING, THE BALLOT SHALL CONTAIN A SPACE FOR A WRITE-IN CANDIDATE.

6. THE CANDIDATE WITH THE GREATEST NUMBER OF VOTES SHALL BE ELECTED TO REPRESENT THE SCHOOL ON THE BOARD.

7. ALL ELECTION RECORDS, BALLOTS AND OTHER MATERIAL SHALL BE PRESERVED BY THE SCHOOL AND THE BOARD FOR A PERIOD OF TWENTY-FOUR MONTHS.

8. ALL ELECTIONS SHALL BE REVIEWABLE IN THE SUPREME COURT UNDER ARTICLE SIXTEEN OF THE ELECTION LAW.

1 9. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE COMMUNI-
2 TY BOARD MAY APPOINT A BOARD SECRETARY, PURSUANT TO THE POLICIES OF THE
3 CITY BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS:

4 (A) PREPARE MEETING NOTICES, AGENDAS AND MINUTES; AND

5 (B) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER BOARD MEET-
6 INGS.

7 EACH BOARD SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION,
8 EVALUATION AND DISCHARGE OF THE BOARD SECRETARY.

9 10. (A) EACH COMMUNITY BOARD SHALL PREPARE AND SUBMIT TO THE CITY
10 BOARD MONTHLY A PERFORMANCE REPORT. THE INFORMATION PROVIDED SHALL
11 INCLUDE COMMUNITY BOARD MEMBERS' ATTENDANCE RECORDS; PARTICIPATION IN
12 COMMUNITY BOARD COMMITTEES AND OTHER COMMUNITY BOARD ACTIVITIES; VISITS
13 TO SCHOOLS; AND VOTING RECORDS ON MAJOR ISSUES BEFORE THE COMMUNITY
14 BOARD.

15 (B) THE CITY BOARD SHALL REVIEW AND CONSOLIDATE THE PERFORMANCE
16 REPORTS INTO ONE COMPREHENSIVE CITY DISTRICT-WIDE REPORT, WHICH SHALL BE
17 DISSEMINATED TO THE COMMUNITY AND THE MEDIA SEMIANNUALLY.

18 11. THE BOARD OF ELECTIONS SHALL PROVIDE AT THE LOCATIONS DESIGNATED
19 AS POLLING PLACES ON THE DAYS OF THE COMMUNITY BOARD ELECTIONS, SUFFI-
20 CIENT EMPLOYEES WHO HAVE RECEIVED FORMAL TRAINING REGARDING THE CONDUCT
21 OF COMMUNITY BOARD ELECTIONS, INCLUDING THE PROCEDURES APPLICABLE TO
22 PARENT VOTERS. THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHALL
23 PROVIDE POLLING PLACE EMPLOYEES WHO SPEAK OTHER LANGUAGES AS REQUIRED BY
24 LAW.

25 12. BEGINNING IN OCTOBER OF THE SCHOOL YEAR IN WHICH THE COMMUNITY
26 SCHOOL ELECTION WILL TAKE PLACE, AND CONTINUING UNTIL THE DATE OF
27 ELECTION, THE CITY BOARD SHALL ENSURE THE DISTRIBUTION OF VOTER GUIDES
28 TO PARENTS IN ADDITION TO INFORMATION REGARDING COMMUNITY BOARD ROLES,
29 FUNCTIONS, AND ACTIVITIES, INCLUDING UPCOMING ELECTIONS, VOTER REGISTRA-
30 TION, CANDIDATE INFORMATION, AND THE NATURE OF THE ELECTION PROCESS TO
31 PARENTS AND TO THE GENERAL PUBLIC THROUGH CITY-WIDE AND LOCAL MEDIA.
32 THE CITY BOARD AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHOULD
33 USE FOREIGN LANGUAGE AND ETHNIC NEWSPAPERS AND TELEVISION STATIONS TO
34 MAXIMIZE MINORITY PARTICIPATION IN THE ELECTORAL PROCESS.

35 13. FOR THE PURPOSES OF THIS SECTION, THE TERM "PARENT OF A CHILD"
36 SHALL INCLUDE A PARENT OF A CHILD WITH A DISABILITY, AS DEFINED IN ARTI-
37 CLE EIGHTY-NINE OF THIS CHAPTER.

38 S 2590-I. POWERS AND DUTIES OF SCHOOLS; PRINCIPALS; PROVISIONS FOR THE
39 TRANSFER OF JURISDICTION OF HIGH SCHOOLS. 1. THE PRINCIPAL SHALL BE THE
40 ADMINISTRATIVE AND INSTRUCTIONAL LEADER OF THE SCHOOL. SUBJECT TO THE
41 REGULATIONS OF THE COMMISSIONER AND APPLICABLE COLLECTIVE BARGAINING
42 AGREEMENTS AND OBLIGATIONS, THE PRINCIPAL SHALL BE RESPONSIBLE FOR THE
43 DAY TO DAY OPERATION OF THE SCHOOL AND SHALL CARRY OUT THESE DUTIES IN
44 CONSULTATION WITH PARENTS, TEACHERS AND OTHER STAFF TO:

45 (A) PROMOTE AN EQUAL EDUCATIONAL OPPORTUNITY FOR STUDENTS IN THE
46 SCHOOL,

47 (B) SUBJECT TO SCHOOL-BASED BUDGETING PURSUANT TO SECTION TWENTY-FIVE
48 HUNDRED NINETY-R OF THIS ARTICLE,

49 (C) SUBJECT TO COLLECTIVE BARGAINING OBLIGATIONS AND AGREEMENTS, THE
50 BUDGET APPLICABLE TO THE SCHOOL, AND THE OTHER PROVISIONS OF THIS ARTI-
51 CLE INCLUDING SECTION TWENTY-FIVE HUNDRED NINETY-J OF THIS ARTICLE, TO
52 MAKE RECOMMENDATION ON STAFF SELECTION, INCLUDING THROUGH THE ESTABLISH-
53 MENT OF APPROPRIATE OBJECTIVE CRITERIA CONSISTENT WITH COMMISSIONER'S
54 REGULATIONS FOR FILLING VACANCIES BASED UPON THE SCHOOL'S INSTRUCTIONAL
55 AND FACILITY NEEDS,

(D) SUBJECT TO THE STANDARDS AND ASSESSMENTS PROMULGATED BY THE COMMISSIONER, TO DEVELOP SCHOOL-BASED CURRICULA AND SYLLABI FOR INSTRUCTION, AND TO ADDRESS OTHER MATTERS RELATING TO THE INSTRUCTION OF STUDENTS, INCLUDING THE SELECTION OF TEXTS FROM LISTS APPROVED BY THE COMMISSIONER AND INSTRUCTIONAL MATERIALS, CONSISTENT WITH REGULATIONS OF THE COMMISSIONER, AND SUBJECT TO THE APPROVAL OF THE SUPERINTENDENT,

(E) SUBJECT TO THE APPROVAL OF THE SUPERINTENDENT AND WITHIN THE LIMITS OF FUNDS MADE AVAILABLE THEREFOR, TO ENHANCE TEACHER AND STAFF DEVELOPMENT RELEVANT TO INCREASING STUDENT ACHIEVEMENT, SUPPORT EXTENDED DAY PROGRAMS, SCHOOL REFORM PROGRAMS, AND PUPIL-SUPPORT SERVICES,

(F) ENHANCE PUPIL SUPPORT SERVICES BY COORDINATING RELATED PROGRAMS,

(G) TO MAKE OR ARRANGE FOR MINOR REPAIRS AS DELEGATED BY THE COMMISSIONER OR SUPERINTENDENT PURSUANT TO REGULATIONS OF THE COMMISSIONER,

(H) IDENTIFYING AND PURCHASING EQUIPMENT AND SUPPLIES THAT CAN BE PURCHASED FOR LESS THAN IF PURCHASED THROUGH PURCHASING ARRANGEMENTS ENTERED INTO THROUGH THE CITY BOARD, THE COMMISSIONER OR THE SUPERINTENDENT,

(I) TO MANAGE AND OPERATE THE SCHOOL BUILDING AND OTHER FACILITIES UNDER ITS JURISDICTION.

2. (A) THE PRINCIPAL MAY BE REMOVED OR TRANSFERRED BY THE SUPERINTENDENT OR THE COMMISSIONER FOR PERSISTENT EDUCATIONAL FAILURE OF THE SCHOOL OR OTHER CAUSE. REMOVALS MAY BE CAUSED PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER IF APPLICABLE. ANY SUCH REMOVAL OR TRANSFER MAY BE APPEALED TO THE CITY BOARD, DURING WHICH TIME THE SUPERINTENDENT MAY APPOINT AN ACTING PRINCIPAL SUBJECT TO THE APPROVAL OF THE COMMISSIONER. PERSISTENT EDUCATIONAL FAILURE OF THE SCHOOL SHALL BE DEFINED IN REGULATIONS OF THE COMMISSIONER TO INCLUDE A PATTERN OF POOR OR DECLINING ACHIEVEMENT; A PATTERN OF POOR OR DECLINING ATTENDANCE; DISRUPTION OR VIOLENCE; AND CONTINUING FAILURE TO MEET COMMISSIONER'S PERFORMANCE STANDARDS OR OTHER STANDARDS.

(B) THE PRINCIPAL MAY BE REQUIRED BY THE COMMISSIONER OR THE SUPERINTENDENT TO PARTICIPATE IN TRAINING OR OTHER FORMS OF STAFF DEVELOPMENT OR TO ADDRESS IDENTIFIED AREAS OF EDUCATIONAL NEED AND PROMOTE STUDENT ACHIEVEMENT AND SCHOOL PERFORMANCE.

(C) PRINCIPALS SHALL BE SELECTED CONSISTENT WITH REGULATIONS OF THE COMMISSIONER ESTABLISHING A PROCESS THAT PROMOTES PARENTAL AND STAFF INVOLVEMENT IN THE RECRUITMENT, SCREENING, INTERVIEWING AND RECOMMENDATION OF CANDIDATES. CANDIDATES MUST MEET THE REQUIREMENTS OF REGULATIONS OF THE COMMISSIONER AND THE CITY BOARD ESTABLISHING EDUCATIONAL, MANAGERIAL, AND ADMINISTRATIVE QUALIFICATIONS, INCLUDING EVALUATION OF EACH CANDIDATE'S RECORD OF PERFORMANCE IN COMPARABLE POSITIONS. IN THE CASE OF SCHOOLS UNDER THE JURISDICTION OF THE COMMUNITY DISTRICTS, A CANDIDATE APPROVED BY A COMMUNITY SUPERINTENDENT MAY NONETHELESS, BEFORE ASSUMING THE POSITION, BE REJECTED BY THE COMMISSIONER FOR CAUSE.

3. PROVISIONS FOR TRANSFER OF JURISDICTION OF HIGH SCHOOLS. PURSUANT TO REGULATIONS OF THE COMMISSIONER APPROVED BY THE CITY BOARD, ANY HIGH SCHOOL, OTHER THAN A SPECIAL SENIOR ACADEMIC OR VOCATIONAL HIGH SCHOOL OF CITY-WIDE COMPETITIVE ADMISSION, MAY BE TRANSFERRED FROM THE JURISDICTION OF THE CITY BOARD TO THE JURISDICTION OF THE COMMUNITY DISTRICT IN WHICH IT IS LOCATED, OR FROM SUCH COMMUNITY DISTRICT TO THE CITY BOARD, UPON THE CONSENT OF THE COMMISSIONER AND THE COMMUNITY SUPERINTENDENT. IN SUCH EVENT, THE COMMISSIONER AND THE SUPERINTENDENT SHALL PROMPTLY TAKE ALL NECESSARY STEPS TO EFFECTUATE THE TRANSFER.

S 2590-J. APPOINTMENT AND REMOVAL OF PERSONS IN THE TEACHING AND SUPERVISORY SERVICE. 1. PERSONS IN THE TEACHING AND SUPERVISORY SERVICE

1 IN ALL SCHOOLS IN THE CITY SYSTEM SHALL BE APPOINTED AS PRESCRIBED BY
2 THIS SECTION.

3 2. THE COMMISSIONER SHALL PROMULGATE MINIMUM EDUCATION AND EXPERIENCE
4 REQUIREMENTS FOR ALL TEACHING AND SUPERVISORY SERVICE POSITIONS WHICH
5 SHALL NOT BE LESS THAN MINIMUM STATE REQUIREMENTS FOR CERTIFICATION, AND
6 WITH THE APPROVAL OF THE CITY BOARD SHALL CREATE AND ABOLISH THE TITLES
7 OF ALL POSITIONS IN THE TEACHING AND SUPERVISORY SERVICE.

8 3. (A) THE COMMISSIONER SHALL APPOINT AND ASSIGN TEACHERS FOR ALL
9 SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE CITY BOARD FROM
10 ELIGIBLE LISTS OF PROSPECTIVE APPOINTEES SELECTED BY RANDOM SELECTION
11 FROM QUALIFYING ELIGIBLE LISTS.

12 (B) THE COMMISSIONER SHALL APPOINT AND ASSIGN ALL SUPERVISORY PERSON-
13 NEL FOR ALL SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE CITY
14 BOARD FROM PERSONS ON QUALIFYING ELIGIBLE LISTS.

15 (C) CONSISTENT WITH THE PROVISIONS OF SECTIONS TWENTY-FIVE HUNDRED
16 NINETY-F AND TWENTY-FIVE HUNDRED NINETY-I OF THIS ARTICLE, THE DISTRICT
17 SUPERINTENDENT SHALL APPOINT TEACHERS FOR ALL SCHOOLS AND PROGRAMS UNDER
18 THE COMMUNITY DISTRICT'S JURISDICTION WHO ARE ASSIGNED TO THE DISTRICT
19 BY THE COMMISSIONER FROM ELIGIBLE LISTS OF PROSPECTIVE APPOINTEES
20 SELECTED BY RANDOM SELECTION FROM QUALIFYING ELIGIBLE LISTS. INsofar AS
21 PRACTICABLE THE COMMISSIONER, WHEN MAKING SUCH ASSIGNMENTS SHALL GIVE
22 EFFECT TO THE REQUESTS FOR ASSIGNMENT OF SPECIFIC PERSONS BY THE COMMU-
23 NITY SUPERINTENDENT. THE COMMUNITY SUPERINTENDENT SHALL APPOINT SUCH
24 TEACHERS TO SCHOOLS WITHIN SUCH DISTRICT WITHIN THIRTY DAYS IF SUCH
25 APPOINTMENT IS TO BE EFFECTIVE ON A DATE SUBSEQUENT THERETO AND WITHIN
26 THREE DAYS IF SUCH APPOINTMENT IS TO BE EFFECTIVE IMMEDIATELY.

27 (D) EACH COMMUNITY SUPERINTENDENT SHALL APPOINT AND ASSIGN ALL SUPER-
28 VISORY PERSONNEL FOR ALL SCHOOLS AND PROGRAMS UNDER HIS OR HER JURISDIC-
29 TION FROM PERSONS ON QUALIFYING ELIGIBLE LISTS.

30 (E) NO PERSON WHO IS RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY
31 OR AFFINITY TO THE COMMISSIONER OR TO ANY MEMBER OF THE CITY BOARD OR TO
32 ANY COMMUNITY SUPERINTENDENT OR TO ANY MEMBER OF A COMMUNITY BOARD SHALL
33 COMMENCE EMPLOYMENT WITH THE CITY OR COMMUNITY DISTRICT OF WHICH SUCH
34 RELATIVE IS A MEMBER, COMMISSIONER OR SUPERINTENDENT, EXCEPT UPON THE
35 CONSENT OF TWO-THIRDS OF THE MEMBERS OF THE CITY BOARD OR SUCH COMMUNITY
36 BOARD, AS THE CASE MAY BE, TO BE DETERMINED AT A PUBLIC MEETING OF THE
37 CITY BOARD OR SUCH COMMUNITY BOARD.

38 4. (A) THE COMMISSIONER SHALL CAUSE A COMPREHENSIVE READING EXAMINA-
39 TION TO BE ADMINISTERED TO ALL PUPILS IN ALL SCHOOLS UNDER THE JURISDIC-
40 TION OF THE COMMUNITY DISTRICTS ANNUALLY. PRIOR TO OCTOBER FIRST OF
41 EVERY YEAR EACH SCHOOL SHALL BE RANKED IN ORDER OF THE PERCENTAGE OF
42 PUPILS READING AT OR ABOVE GRADE LEVEL AS DETERMINED BY SUCH EXAMINA-
43 TION, IN ACCORDANCE WITH RULES TO BE PROMULGATED BY THE COMMISSIONER.

44 (B) IF THE RANKING OF A SCHOOL UNDER THE JURISDICTION OF A COMMUNITY
45 DISTRICT FALLS IN THE LOWER FORTY-FIVE PERCENT OF THE RANKING OF ALL
46 SUCH SCHOOLS, AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE
47 COMMUNITY SUPERINTENDENT OF SUCH SCHOOL (HEREINAFTER CALLED AN ELIGIBLE
48 SCHOOL) MAY APPOINT TEACHERS TO SUCH SCHOOL IN CONFORMITY WITH THIS
49 SUBDIVISION, ANY OTHER PROVISION OF THIS SECTION OR CHAPTER NOTWITH-
50 STANDING, PROVIDED, THAT IN THE FIRST YEAR DURING WHICH THIS PARAGRAPH
51 IS OPERATIVE, ONLY A SCHOOL IN THE LOWER FORTY PERCENT SHALL BE AN
52 ELIGIBLE SCHOOL.

53 (C) THE COMMUNITY SUPERINTENDENT OF EACH ELIGIBLE SCHOOL MAY BETWEEN
54 OCTOBER FIRST IN THE YEAR IN WHICH THE FOREGOING EXAMINATION WAS ADMIN-
55 ISTERED AND THE FOLLOWING MAY FIRST, APPOINT ANY PERSON A TEACHER IN
56 SUCH SCHOOL FOR THE SCHOOL YEAR COMMENCING IN SEPTEMBER OF THE YEAR

FOLLOWING SUCH EXAMINATION WITHOUT REGARD TO ANY COMPETITIVE ELIGIBILITY LISTS OR OPEN QUALIFYING LISTS ESTABLISHED PURSUANT TO THIS SECTION, PROVIDED THAT SUCH PERSON, WILL ON THE EFFECTIVE DATE OF SUCH APPOINTMENT, HAVE THE EDUCATION AND EXPERIENCE QUALIFICATIONS FOR CERTIFICATION AS A TEACHER PURSUANT TO ARTICLE SIXTY-ONE OF THIS CHAPTER AND SHALL:

(I) BE ON A QUALIFYING ELIGIBLE LIST OR BE ON AN EXISTING COMPETITIVE ELIGIBLE LIST FOR SUCH POSITION; OR

(II) HAVE PASSED A TEST OR TESTS ACCEPTABLE TO THE COMMISSIONER AT A PASS MARK ESTABLISHED BY THE COMMISSIONER. THIS PARAGRAPH SHALL NOT RESTRICT THE RIGHT OF THE COMMISSIONER TO ESTABLISH APPROPRIATE MEDICAL REQUIREMENTS FOR ALL TEACHERS. THE COMMISSIONER SHALL CAUSE SUCH TEST OR TESTS TO BE OFFERED AT REASONABLE INTERVALS AT ONE OR MORE CITIES IN THE COMMONWEALTH OF PUERTO RICO.

(D) SUCH COMMUNITY SUPERINTENDENT MAY WAIVE HIS OR HER RIGHTS UNDER PARAGRAPH (C) OF THIS SUBDIVISION AND ELECT TO APPOINT TEACHERS UNDER PARAGRAPH (C) OF THIS SUBDIVISION.

5. IF A VACANCY EXISTS FOR A TEACHING POSITION IN ANY COMMUNITY DISTRICT FOR WHICH THERE ARE NO NAMES ON ANY APPROPRIATE ELIGIBLE LIST IN FORCE, THE COMMUNITY SUPERINTENDENT OF SUCH DISTRICT MAY APPOINT AND ASSIGN ANY PERSON TO FILL SUCH POSITION WHO COMPLIES WITH PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

6. (A) NO MEMBER OF THE TEACHING OR SUPERVISORY STAFF OF SCHOOLS WHO HAS SERVED THE FULL AND APPROPRIATE PROBATIONARY PERIOD PRESCRIBED BY, OR IN ACCORDANCE WITH LAW, SHALL BE FOUND GUILTY OF ANY CHARGES EXCEPT AFTER A HEARING AS PROVIDED BY SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER.

(B) CHARGES MAY BE INITIATED BY THE COMMUNITY SUPERINTENDENT AGAINST ANY SUCH EMPLOYEE FOR ANY OF THE FOLLOWING OFFENSES:

(1) UNAUTHORIZED ABSENCE FROM DUTY OR EXCESSIVE LATENESS;

(2) NEGLECT OF DUTY;

(3) CONDUCT UNBECOMING HIS OR HER POSITION, OR CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE SERVICE;

(4) INCOMPETENT OR INEFFICIENT SERVICE;

(5) A VIOLATION OF THE BY-LAWS, RULES OR REGULATIONS OF THE CITY BOARD, COMMISSIONER, OR THE COMMUNITY BOARD; OR

(6) ANY SUBSTANTIAL CAUSE THAT RENDERES THE EMPLOYEE UNFIT TO PERFORM HIS OR HER OBLIGATIONS PROPERLY TO THE SERVICE.

(C) THE COMMUNITY SUPERINTENDENT, IN ADVANCE OF THE FILING OF CHARGES AND SPECIFICATIONS, SHALL INFORM THE EMPLOYEE ACCUSED AND THE COMMUNITY BOARD OF THE NATURE OF THE COMPLAINT. NO CHARGE SHALL BE BROUGHT OUTSIDE THE STATUTE OF LIMITATION PERIOD PROVIDED FOR IN SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER.

(D) UPON THE SERVICE OF A COPY OF THE CHARGES UPON SUCH EMPLOYEE, THE COMMUNITY SUPERINTENDENT MAY RECOMMEND TO THE COMMISSIONER THE SUSPENSION OF ANY SUCH EMPLOYEE. IF THE COMMISSIONER SHALL DETERMINE THAT THE NATURE OF THE CHARGE REQUIRES THE IMMEDIATE REMOVAL OF THE EMPLOYEE FROM HIS OR HER ASSIGNED DUTIES, HE MAY SUSPEND SUCH EMPLOYEE FOR A PERIOD NOT EXCEEDING NINETY DAYS PENDING HEARING AND DETERMINATION OF CHARGES, PROVIDED HOWEVER, THAT SUCH EMPLOYEE SHALL BE ENTITLED TO RECEIVE FULL COMPENSATION DURING THE PERIOD OF SUSPENSION. IN CASE THE EMPLOYEE IS ACQUITTED, HE SHALL BE RESTORED TO HIS OR HER POSITION.

7. THE COMMUNITY SUPERINTENDENT MAY TRANSFER MEMBERS OF THE TEACHING AND SUPERVISORY SERVICE WITHOUT THEIR CONSENT WITHIN THE DISTRICT FOR THE FOLLOWING REASONS ONLY:

(A) DISCIPLINARY ACTION PURSUANT TO SUBDIVISION SIX OF THIS SECTION,

(B) EXCESS STAFF IN A SPECIFIC SCHOOL,

1 (C) TO STAFF A NEW SCHOOL, OR

2 (D) TO FILL A VACANCY IN ANOTHER SCHOOL WITHIN THE DISTRICT; PROVIDED,
3 HOWEVER, (I) THAT SUCH TRANSFERS SHALL BE MADE IN INVERSE ORDER OF
4 SENIORITY IN THE SCHOOL FROM WHICH MADE, (II) THAT THE SCHOOL TO WHICH
5 THE PERSON IS TRANSFERRED HAS A HIGHER NUMBER OF VACANT POSITIONS SUBSE-
6 QUENT TO SUCH TRANSFER THAN THE SCHOOL FROM WHICH TRANSFERRED, (III)
7 THAT THERE IS NO APPROPRIATE ELIGIBLE LIST FOR SUCH POSITION, (IV) THAT
8 NO OTHER QUALIFIED PERSON WITHIN THE DISTRICT MAKES APPLICATION TO FILL
9 SUCH POSITION, AND (V) SUCH VACANCY HAS EXISTED FOR AT LEAST TWO WEEKS.

10 IN EXERCISING THE POWER GRANTED IN PARAGRAPHS (B) AND (C) OF THIS
11 SUBDIVISION THE COMMUNITY SUPERINTENDENT SHALL COMPLY WITH ALL COLLEC-
12 TIVE NEGOTIATION AGREEMENTS.

13 8. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF THIS
14 SECTION, A COMMUNITY SUPERINTENDENT SHALL REQUEST THE COMMISSIONER TO
15 TRANSFER A PRINCIPAL OR TO REMOVE OR OTHERWISE DISCIPLINE THE PRINCIPAL
16 PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER, OR TO
17 REQUIRE THE PRINCIPAL TO PARTICIPATE IN TRAINING AND STAFF DEVELOPMENT,
18 OR TO TAKE OTHER ACTIONS TO PROMOTE STUDENT ACHIEVEMENT AND SCHOOL
19 PERFORMANCE, WHERE APPROPRIATE, CONSISTENT WITH THE OBLIGATIONS OF THE
20 SUPERINTENDENT PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-F AND THE
21 PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-I OF THIS ARTICLE.

22 9. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, APPOINTMENTS OF
23 PERSONS TO VACANCIES IN TEACHING POSITIONS IN THE CITY SYSTEM SHALL BE
24 MADE IN THE FOLLOWING ORDER:

25 (1) PERSONS WHO HAVE BEEN DISPLACED FROM OTHER POSITIONS AND PERSONS
26 ON PREFERRED LISTS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWEN-
27 TY-FIVE HUNDRED EIGHTY-EIGHT OF THIS CHAPTER.

28 (2) PERSONS ON ELIGIBLE LISTS WHO WERE EMPLOYED IN THE CITY SCHOOL
29 DISTRICT WHO HAVE SERVED SATISFACTORILY FOR TWO TERMS AS A REGULAR
30 APPOINTEE OR AS A REGULAR SUBSTITUTE OR AS A PER DIEM CERTIFICATE HOLDER
31 IN ANY LICENSE AREA OR FOUR TERMS AS A PARAPROFESSIONAL OR SCHOOL AIDE
32 PROVIDED THAT SUCH SERVICE WAS NOT RENDERED MORE THAN FIVE YEARS PRIOR
33 TO THE DATE OF PROMULGATION OF THE QUALIFYING ELIGIBLE LIST ON WHICH
34 THEIR NAMES APPEAR.

35 (3) ALL OTHER PERSONS, AS OTHERWISE PROVIDED IN THIS CHAPTER.

36 (4) NOTHING CONTAINED IN SUBPARAGRAPHS TWO OR THREE OF THIS PARAGRAPH
37 SHALL BE CONSTRUED TO PREVENT A COMMUNITY SUPERINTENDENT OF AN ELIGIBLE
38 SCHOOL AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION FROM ELECTING TO
39 APPOINT PERSONS IN THE MANNER AUTHORIZED IN SAID SUBDIVISION.

40 (B) SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION
41 TWENTY-FIVE HUNDRED NINETY-I OF THIS ARTICLE WITH RESPECT TO PRINCIPALS,
42 APPOINTMENTS PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH (A) OF THIS
43 SUBDIVISION SHALL BE MADE IN THE MANNER PRESCRIBED IN SUBDIVISION TEN OF
44 SECTION TWENTY-FIVE HUNDRED SEVENTY-THREE OF THIS CHAPTER AND IN SUBDI-
45 VISION FOUR OF THIS SECTION AS IF THE PERSONS COVERED BY SUCH SUBDIVI-
46 SIONS CONSTITUTED THE ENTIRE LIST.

47 S 2590-K. CONTRACTS WITH CITY UNIVERSITY OF NEW YORK FOR ADMINIS-
48 TRATION OF HIGH SCHOOLS. 1. THE CITY BOARD AND THE CITY UNIVERSITY OF
49 NEW YORK ARE HEREBY AUTHORIZED AND EMPOWERED TO ENTER INTO A CONTRACT OR
50 CONTRACTS WHEREBY SUCH UNIVERSITY WILL ADMINISTER NOT MORE THAN FIVE
51 HIGH SCHOOLS UNDER THE JURISDICTION OF THE CITY BOARD SELECTED FROM
52 AMONG THOSE SCHOOLS WHICH EXHIBIT THE GREATEST DEGREE OF DISADVANTAGE AS
53 MEASURED BY SUCH FACTORS AS THE PROPORTION OF STUDENTS EARNING GENERAL
54 DIPLOMAS, THE PERCENTAGE OF STUDENTS READING BELOW GRADE LEVEL, THE
55 ATTRITION RATE, THE PROPORTION OF STUDENTS RESIDING IN OFFICIALLY DESIG-
56 NATED POVERTY AREAS, AND SIMILAR MEASURES.

1 2. SUCH CONTRACT MAY PROVIDE FOR THE DELEGATION BY THE CITY BOARD OF
2 ANY OF ITS FUNCTIONS, POWERS, AND DUTIES OR OF A COMMUNITY BOARD, OR
3 THOSE OF THE COMMISSIONER OR A COMMUNITY SUPERINTENDENT, IN CONNECTION
4 WITH THE OPERATION OF SUCH HIGH SCHOOLS, TO THE CITY UNIVERSITY OF NEW
5 YORK, EXCEPT THE POWER TO APPOINT OR TERMINATE THE EMPLOYMENT OF ANY
6 EMPLOYEE. THE TERMS AND CONDITIONS OF EMPLOYMENT SHALL CONTINUE TO
7 REMAIN UNDER THE JURISDICTION OF THE CITY BOARD.

8 3. THE PROVISIONS OF SECTION SIXTY-TWO HUNDRED NINE OF THIS CHAPTER
9 WITH RESPECT TO THE APPORTIONMENT OF PUBLIC SCHOOL MONEYS SHALL BE
10 APPLICABLE TO THE HIGH SCHOOLS INCLUDED IN ANY SUCH CONTRACT OR
11 CONTRACTS.

12 S 2590-L. ENFORCEMENT OF APPLICABLE LAW, REGULATIONS AND DIRECTIVES;
13 ESTABLISHMENT OF APPEAL BOARD. 1. (A) IF, IN THE JUDGMENT OF THE COMMIS-
14 SIONER ANY COMMUNITY BOARD AND/OR SUPERINTENDENT FAILS TO COMPLY WITH
15 ANY APPLICABLE PROVISIONS OF LAW, BY-LAWS, RULES OR REGULATIONS, STAND-
16 ARDS, DIRECTIVES AND AGREEMENTS, HE OR SHE MAY, IN ADDITION TO OR AS AN
17 ALTERNATIVE TO ANY OTHER REMEDIES AUTHORIZED BY THIS ARTICLE, ISSUE AN
18 ORDER REQUIRING THE COMMUNITY BOARD AND/OR SUPERINTENDENT TO CEASE ITS
19 IMPROPER CONDUCT OR TO TAKE REQUIRED ACTION AND CONSISTENT WITH THE
20 PROVISIONS OF THIS ARTICLE AND THE EDUCATIONAL AND OPERATIONAL POLICIES
21 OF THE CITY BOARD, MAY ENFORCE THAT ORDER BY THE USE OF APPROPRIATE
22 MEANS, INCLUDING:

23 (I) SUPERSESSION OF THE COMMUNITY BOARD AND/OR SUPERINTENDENT BY THE
24 COMMISSIONER OR ONE OR MORE TRUSTEES APPOINTED BY HIM OR HER WHO MAY BE,
25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EMPLOYEES OF THE CITY BOARD
26 WITH RESPECT TO THOSE POWERS AND DUTIES OR DECISIONS OF SUCH COMMUNITY
27 BOARD AND/OR SUPERINTENDENT DEEMED NECESSARY TO ENSURE COMPLIANCE WITH
28 THE ORDER; AND

29 (II) SUSPENSION OR REMOVAL OF THE COMMUNITY BOARD AND/OR SUPERINTEN-
30 DENT OR ANY MEMBER OR MEMBERS THEREOF.

31 (B) PRIOR TO THE ENFORCEMENT OF ANY ORDER AUTHORIZED UNDER THIS
32 SECTION, THE COMMISSIONER SHALL PROVIDE AN OPPORTUNITY FOR CONCILIATION,
33 EXCEPT THAT THE COMMISSIONER WITHOUT CONCILIATION MAY SUSPEND OR REMOVE
34 ONE OR MORE MEMBERS OF A COMMUNITY BOARD OR A COMMUNITY SUPERINTENDENT
35 WHERE THE CONDUCT (I) IS CRIMINAL IN NATURE; (II) POSES AN IMMEDIATE
36 DANGER TO THE SAFETY OR WELFARE OF STUDENTS OR ANY SCHOOL STAFF OR
37 EMPLOYEE, OR (III) IN THE JUDGMENT OF THE COMMISSIONER, IS CONTRARY TO
38 THE BEST INTEREST OF THE CITY SCHOOL DISTRICT.

39 2. THE COMMUNITY BOARD OR ANY SUSPENDED OR REMOVED MEMBER AND/OR
40 SUPERINTENDENT THEREOF MAY, WITHIN FIFTEEN DAYS AFTER ISSUANCE OF SUCH
41 ORDER, FILE AN APPEAL WITH THE CITY BOARD ACTING AS AN APPEAL BOARD.

42 3. A MEMBER OF A COMMUNITY SCHOOL DISTRICT BOARD MAY BE REMOVED UPON A
43 FINDING THAT THE MEMBER WILLFULLY, INTENTIONALLY OR KNOWINGLY INTERFERED
44 WITH OR WAS INVOLVED IN THE HIRING, APPOINTMENT OR ASSIGNMENT OF EMPLOY-
45 EES OTHER THAN AS SPECIFICALLY AUTHORIZED IN THIS ARTICLE. SUCH A FIND-
46 ING, UNLESS JUDICIALLY OVERTURNED PURSUANT TO ARTICLE SEVENTY-EIGHT OF
47 THE CIVIL PRACTICE LAW AND RULES, SHALL PERMANENTLY DISQUALIFY THAT
48 MEMBER FROM EMPLOYMENT, CONTRACTING OR MEMBERSHIP WITH OR ON ANY COMMU-
49 NITY BOARD OR THE CITY BOARD OR ANY EMPLOYMENT OR CONTRACTUAL RELATION-
50 SHIP, DIRECT OR INDIRECT, WITH THE CITY DISTRICT, ANY COMMUNITY
51 DISTRICT, OR ANY PUBLIC SCHOOL IN SUCH DISTRICTS.

52 S 2590-M. CUSTODY AND DISBURSEMENT OF FUNDS. 1. PUBLIC MONEYS APPOR-
53 TIONED TO THE CITY DISTRICT BY THE STATE AND ALL FUNDS RAISED OR
54 COLLECTED BY THE AUTHORITIES OF SUCH CITY FOR SCHOOL PURPOSES OR TO BE
55 USED BY THE CITY BOARD OR BY ANY COMMUNITY BOARD FOR ANY PURPOSE AUTHOR-
56 IZED BY THIS CHAPTER, OR ANY OTHER FUNDS BELONGING TO THE CITY DISTRICT

1 OR A COMMUNITY DISTRICT AND RECEIVED FROM ANY SOURCE WHATSOEVER FOR
2 SCHOOL PURPOSES, SHALL BE PAID INTO THE CITY TREASURY AND SHALL BE CRED-
3 ITED TO THE CITY BOARD OR TO THE RESPECTIVE COMMUNITY BOARDS.

4 2. THE FUND SO RECEIVED INTO SUCH TREASURY SHALL BE KEPT SEPARATE AND
5 DISTINCT FROM ANY OTHER FUNDS RECEIVED THEREIN. THE OFFICER HAVING
6 CHARGE THEREOF SHALL GIVE SUCH ADDITIONAL SECURITY FOR THE SAFE CUSTODY
7 THEREOF AS THE CORPORATE AUTHORITIES OF THE CITY OF NEW YORK SHALL
8 REQUIRE.

9 3. (A) FUNDS CREDITED TO THE CITY BOARD SHALL BE DISBURSED UPON WRIT-
10 TEN ORDERS OF THE DIRECTOR OF FINANCE OF THE CITY SIGNED BY THE COMMIS-
11 SIONER OR SUCH OTHER OFFICER OR OFFICERS AS THE CITY BOARD AUTHORIZE.
12 FUNDS CREDITED TO A COMMUNITY BOARD SHALL BE DISBURSED UPON WRITTEN
13 ORDERS OF THE DIRECTOR OF FINANCE OF THE CITY SIGNED BY THE COMMUNITY
14 SUPERINTENDENT AND SUCH OTHER OFFICER OR OFFICERS AS SUCH BOARD MAY
15 AUTHORIZE.

16 (B) IF AN AUDITOR SHALL HAVE BEEN APPOINTED BY THE CITY BOARD OR ANY
17 COMMUNITY BOARD, SUCH ORDERS SHALL BE SIGNED BY SUCH AUDITOR; PROVIDED,
18 HOWEVER, THAT THE CITY BOARD AND ANY SUCH BOARD MAY IN ADDITION REQUIRE
19 THE SIGNATURE OF SUCH OTHER OFFICER OR OFFICERS AS IT MAY BY RESOLUTION
20 DIRECT.

21 (C) ORDERS ISSUED UNDER THIS SUBDIVISION SHALL SPECIFY THE PURPOSE FOR
22 WHICH THEY ARE DRAWN AND THE PERSON TO WHOM THEY ARE PAYABLE.

23 4. (A) IT SHALL BE UNLAWFUL FOR THE DIRECTOR OF FINANCE OF THE CITY TO
24 PERMIT ANY FUNDS PLACED IN HIS OR HER CUSTODY UNDER THE PROVISIONS OF
25 THIS SECTION TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THEY
26 ARE LAWFULLY AUTHORIZED.

27 (B) SUCH FUNDS SHALL BE PAID OUT ONLY ON AUDIT OF THE CITY BOARD
28 THROUGH THE COMMISSIONER OR THE COMMUNITY BOARD TO WHICH SUCH FUNDS ARE
29 CREDITED, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION FIVE OF THIS
30 SECTION.

31 (C) PAYMENTS FROM SUCH FUNDS SHALL BE MADE ONLY BY CHECKS SIGNED BY
32 THE DIRECTOR OF FINANCE OF THE CITY AND PAYABLE TO THE PERSON ENTITLED
33 THERETO AND COUNTERSIGNED BY THE COMPTROLLER OF THE CITY OF NEW YORK.

34 5. 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 BY THE CITY BOARD OR THE BOARD
37 TO WHICH SUCH FUNDS ARE CREDITED.

38 6. THE CITY BOARD AND EACH BOARD REFERRED TO IN THIS SECTION SHALL
39 MAKE, IN ADDITION TO SUCH CLASSIFICATION OF ITS FUNDS AS IT DESIRES FOR
40 ITS OWN USE AND INFORMATION, SUCH FURTHER CLASSIFICATION OF THE FUNDS
41 CREDITED TO IT AND OF THE DISBURSEMENT THEREOF AS THE COMPTROLLER OF THE
42 CITY OF NEW YORK SHALL REQUIRE. THE CITY BOARD AND COMMUNITY BOARDS
43 SHALL FURNISH SUCH DATA IN RELATION TO SUCH FUNDS AND THEIR DISBURSE-
44 MENTS AS THE COMPTROLLER OF THE CITY OF NEW YORK SHALL REQUIRE.

45 7. THE COMPTROLLER OF THE CITY OF NEW YORK SHALL AUDIT THE ACCOUNTS OF
46 THE CITY BOARD AND EACH COMMUNITY DISTRICT, AND, SUBJECT TO LAWS SAFE-
47 GUARDING THE DISCLOSURE OF INDIVIDUAL INFORMATION, MAKE PUBLIC THE
48 RESULTS OF SUCH AUDITS, AT LEAST ONCE EVERY FOUR YEARS; PROVIDED THAT
49 THIS SECTION SHALL NOT LIMIT THE OBLIGATIONS OF THE SCHOOL DISTRICTS
50 PURSUANT TO SECTION TWENTY-ONE HUNDRED SIXTEEN-A OF THIS CHAPTER. THE
51 COMPTROLLER OF THE CITY OF NEW YORK SHALL BE ENTITLED TO THE COOPERATION
52 OF THE COMMISSIONER OF FINANCE OF THE CITY OF NEW YORK, THE CHIEF FISCAL
53 INVESTIGATIONS OFFICER AND THE INTERNAL AUDITORS.

54 8. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE POWERS
55 AND DUTIES CONFERRED ON A COMMUNITY SCHOOL BOARD BY THIS SECTION SHALL

1 BE EXERCISED EXCLUSIVELY BY THE COMMUNITY SUPERINTENDENT EMPLOYED BY
2 SUCH BOARD.

3 S 2590-N. CONFLICTS OF INTEREST. 1. IT SHALL BE UNLAWFUL FOR ANY
4 COMMUNITY BOARD MEMBER, COMMUNITY SUPERINTENDENT OR ANY SUCH OTHER OFFI-
5 CER OR EMPLOYEE IN SCHOOLS AND PROGRAMS UNDER THE JURISDICTION OF THE
6 COMMUNITY BOARD AS THE CITY BOARD BY REGULATION SHALL SPECIFY, TO BE
7 DIRECTLY OR INDIRECTLY INTERESTED IN THE FURNISHING OF ANY SUPPLIES OR
8 MATERIALS, OR IN THE DOING OF ANY WORK OR LABOR, OR IN THE SALE OR LEAS-
9 ING OF ANY REAL ESTATE, OR IN ANY PROPOSAL, AGREEMENT OR CONTRACT FOR
10 ANY OF THESE PURPOSES, IN ANY CASE IN WHICH THE PRICE OR CONSIDERATION
11 IS TO BE PAID, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, OUT OF ANY
12 SCHOOL MONEYS, OR WHO SHALL HAVE RECEIVED FROM ANY SOURCE WHATEVER ANY
13 COMMISSION OR COMPENSATION IN CONNECTION WITH ANY OF THE MATTERS AFORE-
14 SAID.

15 2. (A) A COMMUNITY BOARD MEMBER MAY NOT (I) USE HIS OR HER OFFICIAL
16 AUTHORITY OR INFLUENCE FOR THE PURPOSE OF INTERFERING WITH OR AFFECTING
17 THE RESULT OF AN ELECTION OR A NOMINATION FOR OFFICE; OR (II) DIRECTLY
18 OR INDIRECTLY COERCE, ATTEMPT TO COERCE OR COMMAND A COMMUNITY BOARD
19 EMPLOYEE OR A CITY BOARD EMPLOYEE TO PAY, LEND OR CONTRIBUTE ANYTHING OF
20 VALUE TO A PARTY, COMMITTEE, ORGANIZATION, AGENCY OR PERSON FOR POLI-
21 TICAL PURPOSES OR TO PARTICIPATE IN ANY POLITICAL CAMPAIGN.

22 (B) NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION TO THE CONTRARY,
23 A COMMUNITY BOARD MEMBER MAY PARTICIPATE IN, AFFECT OR AID THE RESULT OF
24 SUCH PERSON'S OWN ELECTION OR NOMINATION FOR OFFICE OR EXPRESS OPINIONS
25 ON POLITICAL SUBJECTS AND CANDIDATES.

26 (C) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED (I) TO LIMIT THE
27 APPLICABILITY OF SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW TO
28 COMMUNITY BOARD MEMBERS; OR (II) TO PRECLUDE A COMMUNITY BOARD MEMBER
29 FROM CARRYING OUT ANY DUTY PRESCRIBED BY LAW.

30 3. VIOLATION OF THIS SECTION SHALL CONSTITUTE CAUSE FOR REMOVAL FROM
31 OFFICE IN ACCORDANCE WITH NOTICE AND HEARING PROVISIONS CONTAINED IN
32 REGULATIONS AND BY-LAWS OF THE CITY BOARD.

33 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AUTHORS OF SCHOOL
34 BOOKS USED IN ANY OF THE PUBLIC SCHOOLS BECAUSE OF ANY INTEREST THEY MAY
35 HAVE AS AUTHORS IN SUCH BOOKS.

36 S 2590-O. NEUTRALITY OF SCHOOL EMPLOYEES IN COMMUNITY BOARD ELECTIONS.
37 1. IN THEIR OFFICIAL CAPACITIES DURING SCHOOL HOURS ALL SCHOOL, COMMUNI-
38 TY DISTRICT AND CITY DISTRICT EMPLOYEES SHALL MAINTAIN A POSTURE OF
39 COMPLETE NEUTRALITY WITH RESPECT TO ELECTIONS OF CANDIDATES FOR COMMUNI-
40 TY BOARD. NO SCHOOL, COMMUNITY DISTRICT OR CITY DISTRICT FACILITIES OR
41 SUPPLIES SHALL BE USED ON BEHALF OF ANY CANDIDATE.

42 2. THE CITY BOARD SHALL HAVE THE AUTHORITY AND RESPONSIBILITY WITH
43 REGARD TO THE INVESTIGATION AND TRIAL OF EMPLOYEES AGAINST WHOM
44 VIOLATIONS OF THIS SECTION ARE CHARGED. WILFUL VIOLATIONS OF THIS
45 SECTION SHALL CONSTITUTE CAUSE FOR REMOVAL FROM OFFICE OR TERMINATION OF
46 EMPLOYMENT.

47 3. THE CITY BOARD SHALL ADOPT REGULATIONS TO ACHIEVE THE PURPOSES OF
48 THIS SECTION.

49 S 2590-P. EDUCATIONAL FACILITIES CAPITAL PLAN. 1. IN ACCORDANCE WITH
50 SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER SHALL PREPARE
51 PROPOSED FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLANS. EACH SUCH PLAN
52 SHALL DESCRIBE EACH PROGRAM ELEMENT PROPOSED IN THE PLAN, AND SHALL SET
53 FORTH AN ESTIMATE OF THE COST OF EACH PROGRAM ELEMENT, AN ESTIMATE OF
54 THE CAPITAL FUNDING REQUIRED EACH YEAR AND THE EXPECTED SOURCES OF SUCH
55 FUNDING. THE PLAN SHALL ALSO SET FORTH AN ESTIMATE OF THE COST OF EACH
56 PROJECT IDENTIFIED IN THE PLAN, SHALL ASSIGN PRIORITIES TO THE PROJECTS

1 INCLUDED THEREIN AND SHALL STATE THE YEAR IN WHICH EACH SUCH PROJECT'S
2 DESIGN AND CONSTRUCTION IS PROPOSED TO BE INITIATED AND ESTIMATED TO BE
3 COMPLETED.

4 2. PROGRAM ELEMENTS SHALL MEAN THE FOLLOWING CATEGORIES OF WORK AND,
5 WITH RESPECT TO EACH SUCH CATEGORY, THE PLAN SHALL INCLUDE THE FOLLOWING
6 INFORMATION:

7 (A) NEW CONSTRUCTION: THE PLAN SHALL IDENTIFY THE TYPE, APPROXIMATE
8 SIZE IN TERMS OF GROSS SQUARE FOOTAGE AND STUDENT CAPACITY AND APPROXI-
9 MATE LOCATION OF EACH PROPOSED NEW EDUCATIONAL FACILITY, AND IF THE
10 CONSTRUCTION OF SUCH NEW FACILITY IS TO RESULT IN THE CLOSING OR
11 REPLACEMENT OF AN EXISTING EDUCATIONAL FACILITY OR FACILITIES, THE PLAN
12 SHALL IDENTIFY EACH SUCH FACILITY TO BE CLOSED OR REPLACED.

13 (B) BUILDING ADDITIONS: THE PLAN SHALL IDENTIFY EACH EDUCATIONAL
14 FACILITY FOR WHICH A BUILDING ADDITION IS PROPOSED AND DESCRIBE THE
15 NATURE, PURPOSE AND APPROXIMATE SIZE OF SUCH ADDITION.

16 (C) MAJOR MODERNIZATION AND REHABILITATION: THE PLAN SHALL IDENTIFY
17 EACH EDUCATIONAL FACILITY AT WHICH A REHABILITATION OR MAJOR MODERNIZA-
18 TION IS TO BE PERFORMED, DESCRIBE THE GENERAL SCOPE OF SUCH WORK AT EACH
19 SUCH FACILITY AND DESCRIBE THE NATURE AND ESTIMATED COST OF THE ARRANGE-
20 MENTS PROPOSED IN ORDER TO ACCOMMODATE ANY STUDENTS WHO WILL BE TEMPO-
21 RARILY DISPLACED AS A RESULT OF THE WORK.

22 (D) ATHLETIC FIELDS, PLAYGROUNDS AND POOLS: THE PLAN SHALL IDENTIFY
23 EACH EDUCATIONAL FACILITY AT WHICH AN ATHLETIC FIELD, PLAYGROUND OR POOL
24 IS TO BE CONSTRUCTED OR AT WHICH AN EXISTING ATHLETIC FIELD, PLAYGROUND
25 OR POOL IS TO BE THE SUBJECT OF A MAJOR REPAIR OR REHABILITATION.

26 (E) SYSTEM REPLACEMENTS: THE PLAN SHALL IDENTIFY (I) EACH PARTICULAR
27 SYSTEM TO BE REPLACED, IN PART OR IN ITS ENTIRETY, INCLUDING ELECTRICAL,
28 PLUMBING, BOILERS, ELEVATORS, HEATING, VENTILATION AND AIR CONDITIONING,
29 ROOF REPLACEMENT, WINDOW REPLACEMENT, KITCHENS AND WARMING PANTRIES,
30 LIGHTING, EXTERIOR MASONRY AND PAINTING AND PLASTER, (II) THE GENERAL
31 STANDARDS TO BE ADOPTED FOR SUCH REPLACEMENT SYSTEMS AND (III) THE
32 NUMBER, AND TO THE EXTENT ASCERTAINABLE, THE IDENTITY OF EDUCATIONAL
33 FACILITIES IN EACH BOROUGH AT WHICH EACH SUCH SYSTEM REPLACEMENT IS TO
34 BE PERFORMED.

35 (F) SECURITY: THE PLAN SHALL DESCRIBE THE NATURE OF SECURITY DEVICES
36 AND SYSTEMS PROPOSED TO BE INSTALLED AT EDUCATIONAL FACILITIES AND THE
37 NUMBER, AND TO THE EXTENT ASCERTAINABLE, THE IDENTITY OF FACILITIES IN
38 EACH BOROUGH AT WHICH SUCH A SECURITY SYSTEM IS TO BE INSTALLED.

39 (G) EDUCATIONAL ENHANCEMENTS: THE PLAN SHALL DESCRIBE PROGRAMS FOR THE
40 REDESIGN AND RECONFIGURATION OF SPACE WITHIN EDUCATIONAL FACILITIES IN
41 ORDER TO ENHANCE EDUCATIONAL ACTIVITIES THEREIN, INCLUDING THE INSTALLA-
42 TION OF WIRING OR OTHER FACILITIES TO PERMIT OR FACILITATE THE USE OF
43 COMPUTERS OR OTHER EDUCATIONAL DEVICES AND EQUIPMENT AND SHALL IDENTIFY
44 THE NUMBER, AND TO THE EXTENT ASCERTAINABLE, THE IDENTITY OF EDUCATIONAL
45 FACILITIES IN EACH BOROUGH AT WHICH SUCH EDUCATIONAL ENHANCEMENT
46 PROGRAMS SHALL BE UNDERTAKEN.

47 (H) EMERGENCY, UNSPECIFIED AND MISCELLANEOUS: THE PLAN SHALL INCLUDE
48 AN ESTIMATE OF THE FUNDING REQUIREMENTS TO PERFORM EMERGENCY PROJECTS,
49 UNSPECIFIED PROJECTS AND MISCELLANEOUS CAPITAL ACTIVITIES; PROVIDED,
50 HOWEVER, THAT THE COST OF SUCH PROGRAM ELEMENT SHALL NOT EXCEED FIVE
51 PERCENT OF THE TOTAL ESTIMATED COST OF THE FIVE-YEAR CAPITAL PLAN.

52 3. (A) NO LATER THAN JANUARY SIXTH, TWO THOUSAND TEN, THE COMMISSIONER
53 SHALL, IN CONJUNCTION WITH THE SUBMISSION OF THE EDUCATIONAL FACILITIES
54 MASTER PLAN REQUIRED BY SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS
55 ARTICLE, SUBMIT THE INITIAL PROPOSED FIVE-YEAR EDUCATIONAL FACILITIES
56 CAPITAL PLAN TO EACH COMMUNITY SCHOOL BOARD, WHICH SHALL CONDUCT A

1 PUBLIC HEARING ON BOTH THE EDUCATIONAL FACILITIES MASTER PLAN AND THE
2 FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN AND SHALL PREPARE AND
3 SUBMIT RECOMMENDATIONS TO THE COMMISSIONER ON OR BEFORE FEBRUARY TWENTI-
4 ETH, TWO THOUSAND TEN WITH RESPECT TO MATTERS IN THE PLANS THAT INVOLVE
5 THAT SCHOOL DISTRICT. THE COMMISSIONER SHALL CONSIDER THE RECOMMENDA-
6 TIONS RECEIVED FROM THE COMMUNITY SCHOOL BOARDS ON BOTH THE PROPOSED
7 EDUCATIONAL FACILITIES MASTER PLAN AND THE PROPOSED FIVE-YEAR EDUCA-
8 TIONAL FACILITIES CAPITAL PLAN, AND, ON OR BEFORE MARCH EIGHTH, TWO
9 THOUSAND TEN, SHALL SUBMIT A FINAL PROPOSED FIVE-YEAR EDUCATIONAL FACIL-
10 ITIES CAPITAL PLAN TO THE CITY BOARD FOR ITS APPROVAL. ON OR BEFORE
11 MARCH TWENTY-SECOND, TWO THOUSAND TEN, THE CITY BOARD SHALL APPROVE THE
12 FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN SUBMITTED BY THE COMMIS-
13 SIONER OR SUCH PLAN AS IS DETERMINED BY THE CITY BOARD, WHICH SHALL TAKE
14 EFFECT ON JULY FIRST, TWO THOUSAND TEN.

15 (B) COMMENCING ON NOVEMBER FIRST, TWO THOUSAND TWELVE, AND EVERY FIVE
16 YEARS THEREAFTER, THE COMMISSIONER SHALL SUBMIT A PROPOSED FIVE-YEAR
17 EDUCATIONAL FACILITIES CAPITAL PLAN TO TAKE EFFECT ON THE SUCCEEDING
18 JULY FIRST TO EACH COMMUNITY SCHOOL BOARD, WHICH SHALL CONDUCT A PUBLIC
19 HEARING AND SHALL PREPARE AND SUBMIT RECOMMENDATIONS TO THE COMMISSIONER
20 ON OR BEFORE JANUARY FIRST OF THE ENSUING YEAR WITH RESPECT TO MATTERS
21 IN THE PLAN THAT INVOLVE THAT SCHOOL DISTRICT. THE COMMISSIONER SHALL
22 CONSIDER THE RECOMMENDATIONS RECEIVED FROM THE COMMUNITY SCHOOL BOARDS,
23 AND, ON OR BEFORE FEBRUARY FIRST OF SUCH YEAR, SHALL SUBMIT A FINAL
24 PROPOSED FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN TO THE CITY BOARD
25 FOR ITS APPROVAL. ON OR BEFORE MARCH FIRST OF SUCH YEAR, THE CITY BOARD
26 SHALL APPROVE THE FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN SUBMIT-
27 TED BY THE COMMISSIONER OR SUCH PLAN AS IS DETERMINED BY THE CITY BOARD.

28 4. FOLLOWING APPROVAL BY THE CITY BOARD OF A FIVE-YEAR EDUCATIONAL
29 FACILITIES CAPITAL PLAN, THE COMMISSIONER SHALL TRANSMIT SUCH PLAN TO
30 THE MAYOR AND THE COUNCIL OF THE CITY OF NEW YORK. AFTER CONSULTATION
31 WITH THE COMMISSIONER AND THE CITY BOARD, THE MAYOR SHALL INCLUDE IN THE
32 CITY'S EXECUTIVE CAPITAL BUDGET FOR THE FISCAL YEAR IN WHICH THE
33 FIVE-YEAR PLAN IS TO COMMENCE AN APPROPRIATION FOR EDUCATIONAL FACILI-
34 TIES IN AN AMOUNT HE OR SHE RECOMMENDS AS SUFFICIENT TO PROVIDE FOR THE
35 FUNDING OF A FIVE-YEAR CAPITAL PROGRAM FOR THE CITY BOARD AND SHALL
36 SPECIFY AMOUNTS FOR EACH FISCAL YEAR WITHIN SUCH FIVE-YEAR PERIOD. SUCH
37 FIVE-YEAR APPROPRIATION, WHICH SHALL SPECIFY THE ANNUAL AMOUNTS FOR EACH
38 FISCAL YEAR TO BE MADE AVAILABLE, SHALL BE SUBJECT TO ADOPTION, VETO
39 AND, EXCEPT AS HEREINAFTER PROVIDED, AMENDMENT IN ACCORDANCE WITH THE
40 PROCEDURES SET FORTH IN THE CHARTER OF THE CITY OF NEW YORK. UPON
41 ADOPTION OF A FIVE-YEAR APPROPRIATION PURSUANT TO SUCH PROCESS, THE
42 CAPITAL PROGRAM OF THE CITY BOARD SHALL, IF THE AMOUNT SO APPROPRIATED
43 DIFFERS FROM THE COST ESTIMATED IN THE PLAN APPROVED BY THE CITY BOARD,
44 BE AMENDED TO REFLECT THE FUNDING SO PROVIDED. NO REDUCTION SHALL THERE-
45 AFTER BE MADE BY THE CITY IN THE AMOUNT OF SUCH APPROPRIATION UNTIL
46 COMPLETION OF THE PLAN UNLESS (I) THE CITY BOARD SHALL SO RECOMMEND OR
47 (II) A GENERAL, ACROSS-THE-BOARD REDUCTION IS MADE IN THE CITY'S CAPITAL
48 APPROPRIATIONS IN ORDER TO ACCOMMODATE AN UNFORESEEN REDUCTION IN THE
49 AVAILABILITY OF CITY CAPITAL FUNDS. IN THE EVENT THE CITY BOARD SO
50 RECOMMENDS OR SUCH A REDUCTION IS MADE, THE APPROPRIATION MAY BE REDUCED
51 IN ACCORDANCE WITH SUCH RECOMMENDATION OR PROPORTIONATELY TO THE
52 REDUCTION IN THE CITY'S GENERAL CAPITAL APPROPRIATIONS. IN THE EVENT THE
53 CITY BOARD REQUESTS ADDITIONAL APPROPRIATIONS FROM SUCH CITY DURING THE
54 FIVE-YEAR PERIOD OF THE THEN EFFECTIVE PLAN, THE CITY BOARD SHALL SPECI-
55 FY THE NEEDS TO BE MET BY SUCH ADDITIONAL APPROPRIATIONS. THE CITY MAY
56 APPROPRIATE AN ADDITIONAL AMOUNT FOR THE FIVE-YEAR EDUCATIONAL FACILI-

1 TIES CAPITAL PLAN, PROVIDED THAT IN NO EVENT SHALL SUCH AN ADDITIONAL
2 APPROPRIATION BE CONDITIONED UPON A REDUCTION OR ALTERATION OF THE
3 FIVE-YEAR PLAN THEN IN EFFECT. THE AUTHORITY MAY NOT SPEND MORE IN ANY
4 FISCAL YEAR OF THE CAPITAL PROGRAM THAN THE AMOUNT SPECIFIED IN THE
5 FIVE-YEAR CITY APPROPRIATION THEREFOR, AS AMENDED FROM TIME TO TIME;
6 PROVIDED THAT ANY AMOUNTS NOT EXPENDED DURING A FISCAL YEAR MAY BE
7 EXPENDED IN ANY SUCCEEDING FISCAL YEAR, AND PROVIDED FURTHER THAT THE
8 MAYOR MAY AUTHORIZE FUNDS TO BE EXPENDED AT A RATE FASTER THAN THE
9 AMOUNTS SO SPECIFIED, WITHIN THE BALANCE OF THE FIVE-YEAR APPROPRIATION
10 AVAILABLE THEREFOR.

11 5. (A) THE COMMISSIONER MAY IN HIS OR HER DISCRETION SUBMIT AMENDMENTS
12 TO AN APPROVED FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN TO THE CITY
13 BOARD FOR ITS APPROVAL.

14 (B) THE COMMISSIONER SHALL SUBMIT SUCH AMENDMENTS IN THE EVENT (I) THE
15 ESTIMATED COST OF ANY PROGRAM ELEMENT SHALL INCREASE BY MORE THAN TEN
16 PERCENT FROM THE ESTIMATE CONTAINED IN THE PLAN, (II) A PROJECT WILL NOT
17 BE COMMENCED WITHIN SIX MONTHS FROM THE DATE SET FORTH IN THE PLAN,
18 (III) A PROJECT TO BE PERFORMED AT AN IDENTIFIED EDUCATIONAL FACILITY IS
19 PROPOSED TO BE PERFORMED AT A DIFFERENT EDUCATIONAL FACILITY, OR (IV) A
20 PROJECT NOT IDENTIFIED IN THE PLAN, OTHER THAN PROJECTS TO BE PERFORMED
21 PURSUANT TO PARAGRAPH (H) OF SUBDIVISION TWO OF THIS SECTION, IS
22 PROPOSED TO BE INITIATED.

23 (C) IN THE EVENT THE CITY SHALL APPROPRIATE AN AMOUNT LESS THAN THE
24 AMOUNT PROPOSED TO BE FUNDED BY THE CITY IN THE THEN APPROVED FIVE-YEAR
25 EDUCATIONAL FACILITIES CAPITAL PLAN, OR IN THE EVENT AN APPROPRIATION
26 SHALL BE REDUCED BELOW SUCH LEVEL AS PROVIDED IN SUBDIVISION FOUR OF
27 THIS SECTION, THE COMMISSIONER SHALL PREPARE AND SUBMIT TO THE CITY
28 BOARD FOR ITS APPROVAL AN AMENDMENT TO SUCH PLAN TO REFLECT THE REDUCED
29 AMOUNT OF FUNDING FROM THE CITY.

30 (D) IF THE EFFECT OF ANY PLAN AMENDMENT WOULD REQUIRE AN ADDITIONAL
31 APPROPRIATION BY THE CITY, NO SUCH AMENDMENT SHALL BE IMPLEMENTED UNLESS
32 AND UNTIL THE CITY SHALL MAKE SUCH ADDITIONAL APPROPRIATION.

33 (E) AMENDMENTS SUBMITTED BY THE COMMISSIONER AS DESCRIBED IN PARAGRAPH
34 (C) AND IN SUBPARAGRAPHS (III) AND (IV) OF PARAGRAPH (B) OF THIS SUBDI-
35 VISION SHALL ALSO BE SUBMITTED TO EACH AFFECTED COMMUNITY SCHOOL BOARD,
36 WHICH MAY CONDUCT A PUBLIC HEARING AND PREPARE AND SUBMIT RECOMMENDA-
37 TIONS TO THE CITY BOARD WITHIN FORTY-FIVE DAYS OF SUCH SUBMISSION.

38 6. (A) FOR EACH PROJECT INCLUDED IN AN APPROVED FIVE-YEAR EDUCATIONAL
39 FACILITIES CAPITAL PLAN, THE COMMISSIONER SHALL DEVELOP A DETAILED SCOPE
40 OF THE PROJECT, WHICH SHALL INCLUDE THE FOLLOWING: (I) THE PURPOSES AND
41 PUBLIC TO BE SERVED, (II) THE PROGRAMS TO BE CONDUCTED IN THE FACILITY,
42 (III) THE GROSS AMOUNTS OF SPACE AND BULK FOR ANY BUILDING OR STRUCTURE,
43 (IV) IDENTIFICATION OF THE INTENT TO USE ARCHITECTURAL, ENGINEERING OR
44 OTHER CONSULTANT SERVICES AND ESTIMATED FEES FOR SUCH CONSULTANT
45 SERVICES, (V) THE SCHEDULE OF DESIGN AND CONSTRUCTION, (VI) THE TOTAL
46 ESTIMATED PROJECT COSTS, INCLUDING COSTS FOR SITE ACQUISITION, PREPARA-
47 TION AND TENANT RELOCATION, DESIGN, CONSTRUCTION AND EQUIPMENT, (VII)
48 MAXIMUM ESTIMATED EXPENDITURES FOR THE PROJECT FOR EACH FISCAL YEAR
49 UNTIL ITS COMPLETION, (VIII) COSTS ASSOCIATED WITH MAINTENANCE AND OPER-
50 ATION OF THE PHYSICAL PLANT, AND (IX) SUCH OTHER INFORMATION AS THE
51 COMMISSIONER SHALL SPECIFY. IN THE EVENT, A PROJECT CONSISTS OF A
52 PROGRAM ELEMENT WITHOUT IDENTIFICATION OF THE PARTICULAR EDUCATION
53 FACILITY AT WHICH SUCH PROJECT IS TO BE PERFORMED, THE DETAILED SCOPE OF
54 THE PROJECT SHALL SPECIFY THE NATURE OF THE WORK TO BE PERFORMED, APPLI-
55 CABLE PRICE AND QUALITY STANDARDS, A LIST OF THE SCHOOLS ELIGIBLE FOR

1 SUCH WORK, ANNUAL PERFORMANCE TARGETS AND THE TOTAL ESTIMATED COSTS OF
2 SUCH PROJECT DURING EACH FISCAL YEAR UNTIL ITS COMPLETION.

3 (B) THE COMMISSIONER MAY REQUEST THE NEW YORK CITY SCHOOL CONSTRUCTION
4 AUTHORITY, AND THE AUTHORITY SHALL BE AUTHORIZED, TO DEVELOP PRELIMINARY
5 PLANS FOR EACH PROJECT, TO ASSIST THE COMMISSIONER IN THE DEVELOPMENT OF
6 THE DETAILED SCOPE OF PROJECT, TO PROCEED WITH SITE ACQUISITION FOR SUCH
7 PROJECT AND TO ASSIST IN RESPONDING TO EMERGENCY PROJECTS UNDERTAKEN
8 PURSUANT OF PARAGRAPH (H) OF SUBDIVISION TWO OF THIS SECTION. THE
9 AUTHORITY MAY EXPEND MONEYS FOR SUCH PURPOSES FOR PROJECTS TO BE FUNDED
10 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION IN SUCH AMOUNTS AS ARE
11 CONSISTENT WITH THE CITY CAPITAL BUDGET APPROPRIATION THEREFOR.

12 (C) THE COMMISSIONER SHALL PREPARE PRELIMINARY SCOPES (I) FOR EACH
13 PROJECT CONTAINED WITHIN THE PROGRAM ELEMENTS DEFINED IN PARAGRAPHS (A)
14 AND (B) OF SUBDIVISION TWO OF THIS SECTION AND, WHERE APPROPRIATE, PARA-
15 GRAPH (G) OF SUBDIVISION TWO OF THIS SECTION, (II) FOR EACH MAJOR
16 MODERNIZATION PROJECT CONTAINED IN PARAGRAPH (C) OF SUCH SUBDIVISION
17 TWO, AND (III) FOR EACH NEW CONSTRUCTION PROJECT CONTAINED IN PARAGRAPH
18 (D) OF SUCH SUBDIVISION TWO, AND SHALL TRANSMIT SUCH PRELIMINARY SCOPES
19 TO THE AFFECTED COMMUNITY SCHOOL BOARDS. THE COMMUNITY SCHOOL BOARD MAY
20 HOLD HEARINGS ON SUCH SCOPE, PROVIDED, HOWEVER, THAT THE COMMUNITY
21 SCHOOL BOARD MUST SUBMIT ANY COMMENTS TO THE COMMISSIONER NO LATER THAN
22 THIRTY DAYS FOLLOWING THE DATE OF SUBMISSION. THE COMMISSIONER SHALL
23 CONSIDER THE COMMENTS IN PREPARING THE SCOPE THAT HE WILL SUBMIT TO THE
24 DIRECTOR OF MANAGEMENT AND BUDGET OF THE CITY PURSUANT TO PARAGRAPH (D)
25 OF THIS SUBDIVISION.

26 (D) FOR PROJECTS TO BE FUNDED PURSUANT TO SUBDIVISION FOUR OF THIS
27 SECTION, THE COMMISSIONER SHALL TRANSMIT THE DETAILED SCOPE OF EACH SUCH
28 PROJECT TO THE DIRECTOR OF MANAGEMENT AND BUDGET OF THE CITY FOR
29 APPROVAL.

30 (I) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, NO
31 EXPENSES SHALL BE INCURRED BY THE CITY BOARD OR THE AUTHORITY FOR ANY
32 SUCH PROJECT PRIOR TO APPROVAL OF THE DETAILED SCOPE OF ANY SUCH
33 PROJECT.

34 (II) NO DETAILED SCOPE OF PROJECT SHALL BE APPROVED UNLESS THE TOTAL
35 ESTIMATED COSTS OF SUCH PROJECT, TOGETHER WITH THE AGGREGATE ESTIMATED
36 COSTS OF ALL PROJECTS FOR WHICH A DETAILED SCOPE HAS THERETOFORE BEEN
37 APPROVED, ARE WITHIN CITY CAPITAL BUDGET APPROPRIATIONS AVAILABLE THERE-
38 FOR. A DETAILED SCOPE OF PROJECT THAT IS NOT DISAPPROVED BY THE DIRECTOR
39 OF MANAGEMENT AND BUDGET WITHIN THIRTY DAYS OF ITS SUBMISSION SHALL BE
40 DEEMED APPROVED. TO THE EXTENT THE DIRECTOR DISAPPROVES ALL OR PART OF A
41 SCOPE, HE SHALL SET FORTH IN WRITING THE REASONS THEREFOR.

42 (III) UPON APPROVAL OF THE DETAILED SCOPE OF PROJECT, THE COMMISSIONER
43 SHALL REFER SUCH PROJECT TO THE NEW YORK CITY SCHOOL CONSTRUCTION
44 AUTHORITY FOR IMPLEMENTATION IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE
45 AUTHORITY AND THE CITY BOARD AND SHALL TRANSMIT THE APPROVED PROJECT
46 SCOPE TO THE COMPTROLLER WHEREUPON THE TOTAL ESTIMATED COSTS OF SUCH
47 PROJECT AS SET FORTH IN SUCH APPROVED PROJECT SCOPE SHALL BE AVAILABLE
48 FOR EXPENDITURE.

49 (IV) APPROVAL OF THE DIRECTOR OF MANAGEMENT AND BUDGET SHALL BE
50 REQUIRED FOR ANY MATERIAL CHANGE IN THE APPROVED DETAILED SCOPE OF
51 PROJECT OR FOR ANY INCREASE IN THE TOTAL COST OF SUCH PROJECT IN EXCESS
52 OF ANY RESERVE PROVIDED IN THE APPROVED DETAILED SCOPE OF PROJECT. SUCH
53 APPROVAL SHALL BE GIVEN OR DEEMED GIVEN IN THE MANNER PROVIDED HEREIN.

54 (V) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO EMERGENCY
55 PROJECTS UNDERTAKEN PURSUANT TO PARAGRAPH (H) OF SUBDIVISION TWO OF THIS
56 SECTION, THE ESTIMATED COSTS OF WHICH, TOGETHER WITH THE COSTS OF OTHER

PROJECTS UNDERTAKEN PURSUANT TO SUCH PARAGRAPH (H), DOES NOT EXCEED THE AMOUNT SET FORTH IN THE EDUCATIONAL FACILITIES CAPITAL PLAN FOR ACTIVITIES PURSUANT TO PARAGRAPH (H) OF SUBDIVISION TWO OF THIS SECTION.

(E) FOR PROJECTS CONTAINED WITHIN A FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN AND NOT FUNDED IN WHOLE OR IN PART BY THE CITY, THE COMMISSIONER SHALL REFER SUCH PROJECTS TO THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY FOR IMPLEMENTATION IN ACCORDANCE WITH ANY AGREEMENT BETWEEN THE AUTHORITY AND THE CITY BOARD.

(F) THE COMMISSIONER AND THE PRESIDENT OF THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY SHALL NOTIFY THE MAYOR OF THE AMOUNT OF APPROPRIATED FUNDS PROJECTED TO BE SPENT FOR (I) DEVELOPMENT OF DETAILED SCOPES, (II) DEVELOPMENT OF PRELIMINARY PLANS, (III) SITE ACQUISITION, AND (IV) EMERGENCIES, AND THE MAYOR SHALL THEREUPON AUTHORIZE THE ISSUANCE OF BONDS THEREFOR IN ACCORDANCE WITH THE LOCAL FINANCE LAW AND SHALL NOTIFY THE CITY COMPTROLLER OF HIS OR HER AUTHORIZATION TO EXPEND SUCH AMOUNTS FOR SUCH PURPOSES. SUCH NOTICE SHALL BE GIVEN OR AMENDED AT LEAST TEN DAYS PRIOR TO ANY EXPENDITURE INCLUDED THEREIN; PROVIDED THAT THE COMMISSIONER, THE PRESIDENT OF THE AUTHORITY AND THE MAYOR SHALL DEVELOP PROCEDURES TO EXPEDITE AUTHORIZATION OF EMERGENCY EXPENDITURES. NEITHER THE CITY BOARD NOR THE AUTHORITY SHALL EXPEND FUNDS FOR SUCH PURPOSES IN EXCESS OF THE AMOUNTS SPECIFIED IN SUCH NOTICE UNTIL THE COMMISSIONER SHALL HAVE AMENDED SUCH NOTICE TO REFLECT SUCH EXCESS. UPON APPROVAL OF THE DETAILED SCOPE OF A PROJECT, THE MAYOR SHALL AUTHORIZE THE ISSUANCE OF BONDS THEREFOR IN ACCORDANCE WITH THE LOCAL FINANCE LAW AND SHALL NOTIFY THE CITY COMPTROLLER OF HIS OR HER AUTHORIZATION TO EXPEND APPROPRIATED FUNDS FOR THE ENTIRE ESTIMATED COST OF SUCH PROJECT.

7. THE PROVISIONS OF SUBDIVISION A OF SECTION TWO HUNDRED FOURTEEN OF THE CHARTER OF THE CITY OF NEW YORK SHALL NOT APPLY TO A PROPOSED FIVE-YEAR APPROPRIATION MADE IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION, AND THE PROVISIONS OF SUBDIVISION B OF SECTION TWO HUNDRED SEVENTEEN OF SUCH CHARTER SHALL APPLY ONLY AFTER THE END OF THE FIFTH YEAR OF A FIVE-YEAR APPROPRIATION MADE PURSUANT TO SUCH SUBDIVISION. TO THE EXTENT ANY OTHER PROVISION OF CHAPTER NINE OR TEN OF SUCH CHARTER IS INCONSISTENT WITH THE PROVISIONS OF THIS SECTION, THE PROVISIONS OF THIS SECTION SHALL GOVERN.

S 2590-Q. BUDGETARY AND FISCAL PROCESSES. 1. THE COMMISSIONER SHALL ANNUALLY ADVISE THE COMMUNITY BOARDS WITH RESPECT TO THE FORM AND CONTENT OF THE BUDGET REQUESTS AND ACCOMPANYING FISCAL ESTIMATES REQUIRED TO BE SUBMITTED BY THE MAYOR OF THE CITY OF NEW YORK FOR THE NEXT ENSUING FISCAL YEAR, TOGETHER WITH SUCH ADDITIONAL INFORMATION AS HE OR SHE MAY REQUIRE.

2. ON SUCH DATE AS THE MAYOR SHALL DIRECT, THE CITY BOARD SHALL SUBMIT TO THE MAYOR:

(A) ESTIMATES, AS ADOPTED, OF THE TOTAL SUM OF MONEY WHICH IT DEEMS NECESSARY FOR THE OPERATION OF THE CITY DISTRICT (OTHER THAN FUNCTIONS TO BE FINANCED FROM FUNDS PROVIDED FOR IN THE CAPITAL BUDGET OF THE CITY) DURING THE NEXT FISCAL YEAR OF THE CITY, TOGETHER WITH THE ESTIMATES SUBMITTED BY THE COMMUNITY BOARDS, AS ORIGINALLY SUBMITTED AND AS MODIFIED PURSUANT TO SUBDIVISION THREE OF THIS SECTION;

(B) ESTIMATES OF THE AMOUNT TO BE RECEIVED AS A RESULT OF THE APPORTIONMENT OF MONEYS PAYABLE FROM THE STATE IN SUCH FISCAL YEAR; AND

(C) ESTIMATES OF THE AMOUNT TO BE RECEIVED FOR SCHOOL SYSTEM EXPENDITURES BY THE CITY DISTRICT IN SUCH FISCAL YEAR FROM SOURCES OTHER THAN APPROPRIATIONS OF CITY FUNDS OR APPROPRIATIONS OR OTHER PROVISIONS OF FUNDS IN THE CAPITAL BUDGET OF THE CITY OR APPORTIONMENT OF MONEYS FROM THE STATE PAYABLE IN SUCH FISCAL YEAR.

1 3. ALL ESTIMATES SUBMITTED BY THE CITY BOARD SHALL BE PREPARED IN THE
2 MANNER PRESCRIBED BY THE NEW YORK CITY CHARTER FOR SUBMISSION OF DEPART-
3 MENTAL ESTIMATES FOR CURRENT EXPENSES TO THE MAYOR AND SHALL SET FORTH
4 THE TOTAL AMOUNTS PROPOSED FOR PROGRAMS OR ACTIVITIES OF THE COMMUNITY
5 BOARDS IN UNITS OF APPROPRIATION SEPARATE FROM THOSE SET FORTH FOR
6 PROGRAMS OR ACTIVITIES OPERATED BY THE CITY BOARD; PROVIDED, HOWEVER,
7 THAT NOTHING SHALL PREVENT THE CITY BOARD FROM INCLUDING IN SUCH ESTI-
8 MATES A UNIT OR UNITS OF APPROPRIATION TO BE ALLOCATED TO IT IN ITS
9 DISCRETION, TO COMMUNITY BOARDS PURSUANT TO SUBDIVISION TEN OF THIS
10 SECTION TO FINANCE INNOVATIVE PROGRAMS OR ACTIVITIES BY SUCH COMMUNITY
11 BOARDS.

12 4. IN ACTING ON THE PROPOSED UNITS OF APPROPRIATION FOR PROGRAMS OR
13 ACTIVITIES OF COMMUNITY BOARDS, THE BOARD OF ESTIMATE AND CITY COUNCIL
14 OF THE CITY OF NEW YORK MAY, SUBJECT TO THE VETO OF THE MAYOR, INCREASE
15 OR DECREASE THE TOTAL AMOUNT OF EACH SUCH UNIT OF APPROPRIATION BUT,
16 NOTWITHSTANDING ANY PROVISION OF THE NEW YORK CITY CHARTER OR ANY OTHER
17 LAW TO THE CONTRARY, THEY SHALL NOT HAVE POWER TO ADD ANY OTHER UNIT OF
18 APPROPRIATION FOR ONE OR MORE COMMUNITY BOARDS.

19 5. (A) NOT LATER THAN THIRTY DAYS AFTER THE AMOUNT OF SUCH FUNDS
20 BECOMES DETERMINED BY ADOPTION OF THE BUDGET PURSUANT TO SUBDIVISION
21 SIX, BY ALLOCATION PURSUANT TO SUBDIVISIONS TEN, ELEVEN, FOURTEEN AND
22 FIFTEEN OF THIS SECTION, OR OTHERWISE, THE COMMISSIONER SHALL TRANSMIT
23 TO EACH COMMUNITY BOARD A STATEMENT ENUMERATING THE FEDERAL, STATE, CITY
24 AND PRIVATE FUNDS WHICH HAVE BEEN ALLOCATED THEREUNDER TO SUCH COMMUNITY
25 BOARD FOR ITS PROGRAMS.

26 (B) AT THE SAME TIME, THE COMMISSIONER SHALL TRANSMIT TO THE COMMUNITY
27 BOARDS A STATEMENT OF THE ALLOCATION OF THE BALANCE OF SUCH FUNDS TO THE
28 SEVERAL PROGRAMS ADMINISTERED BY HIM OR HER AND THE CITY BOARD INCLUDING
29 THE DISTINCT AMOUNTS ASSIGNED TO EACH CATEGORY OF SCHOOLS AND PROGRAMS
30 SET FORTH IN SECTION TWENTY-FIVE HUNDRED NINETY-I AND THE AMOUNT ALLO-
31 CATED FOR THE OPERATION OF THE CITY BOARD, HIS OR HER OFFICE AND THE
32 OTHER ADMINISTRATIVE BUREAUS AND DIVISIONS THEREOF.

33 6. SPECIAL ESTIMATES TO MEET EXTRAORDINARY EXPENSES OF EMERGENCIES
34 WHICH MAY ARISE IN THE COURSE OF A FISCAL YEAR MAY BE SUBMITTED TO THE
35 COMMISSIONER BY ANY COMMUNITY BOARD AND, PURSUANT TO SUBDIVISION SIX OF
36 SECTION TWENTY-FIVE HUNDRED SEVENTY-SIX OF THIS CHAPTER, THE COMMISSION-
37 ER MAY, IN ITS DISCRETION, SUBMIT SUCH SPECIAL ESTIMATES TO THE MAYOR OF
38 THE CITY OF NEW YORK. THE COMMISSIONER MAY ALSO SUBMIT SPECIAL ESTIMATES
39 TO THE MAYOR IN CONNECTION WITH THE SCHOOLS AND PROGRAMS UNDER HIS OR
40 HER JURISDICTION.

41 7. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, ANY MONEYS
42 APPROPRIATED TO OR AUTHORIZED FOR EXPENDITURE BY THE CITY BOARD INCLUD-
43 ING MONEYS SO APPROPRIATED TO FINANCE INNOVATIVE PROGRAMS OR ACTIVITIES
44 BY COMMUNITY BOARDS (BUT OTHER THAN MONEYS SO APPROPRIATED FOR THE EXER-
45 CISE OF POWERS OR DUTIES RESERVED TO THE CITY BOARD) MAY BE ALLOCATED BY
46 THE COMMISSIONER TO ANY COMMUNITY BOARD. ALLOCATIONS MADE PURSUANT TO
47 THIS SUBDIVISION SHALL BE BASED ON THE NEEDS OF THE RECIPIENT COMMUNITY
48 BOARDS, CONSIDERED IN CONJUNCTION WITH THE NEEDS OF THE SCHOOLS AND
49 PROGRAMS UNDER THE JURISDICTION OF THE CITY BOARD, IN THE CASE OF MONEYS
50 APPROPRIATED FOR INNOVATIVE PROGRAMS OR ACTIVITIES, THE RELATIVE MERIT
51 OF THE PROGRAMS OR ACTIVITIES PROPOSED BY THE RESPECTIVE COMMUNITY
52 BOARDS.

53 8. THE COMMISSIONER SHALL PERFORM ALL FUNCTIONS IN CONNECTION WITH
54 ARTICLE SEVENTY-THREE OF THIS CHAPTER; PROVIDED THAT THE COMMISSIONER
55 SHALL ALLOCATE TO THE COMMUNITY BOARDS THE STATE FUNDS APPORTIONED TO
56 THE CITY DISTRICT PURSUANT TO ARTICLE SEVENTY-THREE OF THIS CHAPTER,

1 LESS THE AMOUNT OF SUCH FUNDS NECESSARY TO ENABLE THE COMMISSIONER TO
2 CARRY OUT HIS OR HER RESPONSIBILITIES, ON THE BASIS OF AN OBJECTIVE
3 FORMULA ESTABLISHED BY THE CITY BOARD ANNUALLY, AFTER CONSULTATION WITH
4 THE COMMUNITY BOARDS AND THE MAYOR, WHICH FORMULA SHALL REFLECT THE
5 RELATIVE EDUCATIONAL NEEDS OF THE COMMUNITY DISTRICTS TO THE MAXIMUM
6 EXTENT FEASIBLE.

7 9. THE COMMISSIONER SHALL PERFORM ALL FUNCTIONS IN CONNECTION WITH
8 SECTIONS TWENTY-FIVE HUNDRED SEVENTY-SIX, TWENTY-FIVE HUNDRED
9 SEVENTY-SEVEN, TWENTY-FIVE HUNDRED SEVENTY-NINE, TWENTY-FIVE HUNDRED
10 EIGHTY-ONE, TWENTY-FIVE HUNDRED EIGHTY-TWO, TWENTY-FIVE HUNDRED EIGHTY-
11 THREE AND TWENTY-FIVE HUNDRED EIGHTY-FOUR OF THIS CHAPTER.

12 10. THE CITY BOARD THROUGH THE COMMISSIONER SHALL PERFORM ALL FUNC-
13 TIONS IN CONNECTION WITH THE CAPITAL BUDGET AS PROVIDED IN CHAPTER NINE
14 OF THE CHARTER OF THE CITY OF NEW YORK, EXCEPT AS OTHERWISE PROVIDED IN
15 THIS ARTICLE.

16 11. WITH RESPECT TO SPECIAL, FEDERAL, STATE AND PRIVATE FUNDS, EACH
17 COMMUNITY BOARD MAY:

18 (A) CONTRACT FOR AND RECEIVE FUNDS TO BE TRANSMITTED TO THE CITY BOARD
19 AND DISBURSED THROUGH THE COMMISSIONER. NO SPECIAL FUNDS MAY BE USED AS
20 A MEANS OF BRINGING ABOUT THE ELIMINATION OF EXISTING PERSONNEL LINES,
21 TITLES OR EMPLOYEES. COMMUNITY BOARDS MAY USE BUDGET FUNDS ALLOCATED
22 AND RESOURCES OBTAINED WITHIN THE SCOPE OF EXISTING LAW AND CONTRACTUAL
23 OBLIGATIONS TO DESIGN PROGRAMS OF EDUCATIONAL EXCELLENCE TAILORED TO THE
24 NEEDS AND PECULIAR CHARACTERISTICS OF THE DISTRICT;

25 (B) ENTER INTO CONTRACTS NECESSARY OR CONVENIENT TO THE DISCHARGE OF
26 THE POWERS AND DUTIES WITH THE CITY, STATE AND FEDERAL GOVERNMENTS,
27 PRIVATE FOUNDATIONS, AGENCIES AND INDIVIDUALS, THE CITY BOARD AND OTHER
28 COMMUNITY BOARDS SUBJECT TO THE APPROVAL OF THE COMMISSIONER;

29 (C) IN THE CASE OF FEDERAL OR STATE FUNDS NOT ALLOCATED TO THE CITY
30 DISTRICT ON A FORMULA BASIS, TO APPLY TO THE FUNDING AGENCY, AS A LOCAL
31 EDUCATIONAL AGENCY, AND TO ACCEPT ANY FUNDS GRANTED OR APPORTIONED IN
32 THIS CONNECTION FOR ITS USE AND ACCOUNT, PROVIDED, HOWEVER, THAT AS TO
33 FEDERAL FUNDS AVAILABLE TO AREAS AFFECTED BY FEDERAL ACTIVITIES PURSUANT
34 TO PUBLIC LAW EIGHT HUNDRED SEVENTY-FOUR, COMMUNITY BOARDS SHALL NOT BE
35 CONSIDERED LOCAL EDUCATIONAL AGENCIES AND SHALL HAVE NO POWER TO APPLY
36 DIRECTLY TO THE FUNDING AGENCY BUT SUCH FUNDS SHALL BE REALLOCATED TO
37 COMMUNITY BOARDS BY THE COMMISSIONER IN ACCORDANCE WITH A FORMULA DETER-
38 MINED BY THE CITY BOARD; AND

39 (D) IN THE CASE OF SPECIAL FUNDS ALLOCATED TO THE CITY DISTRICT ON A
40 FORMULA BASIS, TO SUBMIT PROPOSALS TO THE COMMISSIONER FOR A REVIEW AS
41 TO FORM ONLY AND PROMPT TRANSMITTAL TO THE FUNDING AGENCY; PROVIDED,
42 HOWEVER, THAT IN THE CASE OF SUCH SPECIAL FUNDS COMMUNITY BOARDS SHALL
43 NOT BE CONSIDERED LOCAL EDUCATIONAL AGENCIES; AND PROVIDED FURTHER THAT
44 THE TOTAL AMOUNT OF SUCH PROPOSALS SUBMITTED BY ANY COMMUNITY BOARD
45 SHALL NOT EXCEED THE AMOUNT OF AN APPORTIONMENT MADE BY THE COMMISSIONER
46 ON THE BASIS OF A FORMULA DETERMINED BY THE CITY BOARD, AFTER CONSIDER-
47 ING THE RECOMMENDATION OF THE COMMISSIONER AND AFTER CONSULTATION WITH
48 COMMUNITY BOARDS AND THE MAYOR, WHICH FORMULA REFLECTS THE SAME EDUCA-
49 TIONAL AND ECONOMIC FACTORS AS THE FORMULA FOR APPORTIONMENT OF SUCH
50 SPECIAL FUNDS TO THE CITY DISTRICT; AND PROVIDED FURTHER THAT EACH
51 COMMUNITY BOARD SHALL CONSULT FULLY WITH NON-PUBLIC SCHOOL AUTHORITIES
52 ON A CONTINUING BASIS WITH RESPECT TO ANY OF SUCH SPECIAL FUNDS APPLICA-
53 BLE TO NON-PUBLIC SCHOOL PROGRAMS AND STUDENTS SUBJECT TO THE POWER AND
54 DUTY OF THE CITY BOARD THROUGH THE COMMISSIONER TO ENSURE THAT APPLICA-
55 BLE PROVISIONS OF STATE AND FEDERAL LAW AND REGULATIONS WITH RESPECT TO

1 PROGRAMS FOR STUDENTS IN ATTENDANCE AT NON-PUBLIC SCHOOLS THROUGHOUT THE
2 CITY DISTRICT SHALL BE CARRIED OUT.

3 12. WITH RESPECT TO SPECIAL, FEDERAL, STATE AND PRIVATE FUNDS, THE
4 COMMISSIONER SHALL PROVIDE COMMUNITY BOARDS WITH INFORMATION ABOUT THE
5 AVAILABILITY OF SUCH FUNDS AND FURNISH TECHNICAL ASSISTANCE WITH RESPECT
6 TO THE PREPARATION OF PROPOSALS, RECORD KEEPING AND THE ADMINISTRATION
7 OF SUCH PROGRAMS.

8 13. ON OR BEFORE OCTOBER FIRST OF EACH YEAR, THE CITY BOARD SHALL
9 SUBMIT TO THE COMMISSIONER, IN THE FORM TO BE PRESCRIBED BY HIM, THE
10 ANNUAL BUDGET FOR THE CITY DISTRICT FOR THE CURRENT FISCAL YEAR.

11 14. (A) EACH COMMUNITY SUPERINTENDENT SHALL PREPARE SEMI-ANNUAL
12 REPORTS WHICH SHALL BE DUE BY DECEMBER FIFTEENTH AND APRIL FIFTEENTH OF
13 EACH YEAR. EACH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO AN ACCOUNTING
14 OF ALL FUNDS RECEIVED AND EXPENDED BY THE SUBJECT COMMUNITY BOARD FROM
15 ALL SOURCES INCLUDING APPROPRIATIONS FOR PROGRAMS AND ACTIVITIES OF THE
16 SCHOOL BOARD AND RECEIPTS FROM EXTERNAL SOURCES.

17 (B) IN ADDITION, A FINAL YEAR-END REPORT SHALL BE DUE ON AUGUST
18 FIFTEENTH AND SHALL INCLUDE AN ACCOUNTING OF ALL FUNDS RECEIVED AND
19 EXPENDED BY THE SUBJECT COMMUNITY BOARD FROM ALL SOURCES INCLUDING
20 APPROPRIATIONS FOR PROGRAMS AND ACTIVITIES OF THE SCHOOL BOARD.

21 (C) COPIES OF REPORTS OUTLINED IN PARAGRAPHS (A) AND (B) OF THIS
22 SUBDIVISION SHALL BE GIVEN TO THE CITY BOARD AND THE SUBJECT COMMUNITY
23 BOARD AND SHALL BE AVAILABLE TO THE PUBLIC.

24 15. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE POWERS
25 AND DUTIES CONFERRED ON A COMMUNITY SCHOOL BOARD BY THIS SECTION SHALL
26 BE EXERCISED EXCLUSIVELY BY THE COMMUNITY SUPERINTENDENT EMPLOYED BY
27 SUCH BOARD.

28 S 2590-R. SCHOOL BASED BUDGETING AND EXPENDITURE REPORTING. THE
29 COMMISSIONER SHALL, IN CONSULTATION WITH THE CITY BOARD AND COMMUNITY
30 DISTRICT SUPERINTENDENTS, ESTABLISH IN REGULATIONS A COMPREHENSIVE PROC-
31 ESS OF SCHOOL-BASED BUDGETING AND EXPENDITURE REPORTING NO LATER THAN
32 NOVEMBER FIRST, TWO THOUSAND FOURTEEN. NOTWITHSTANDING ANY PROVISION OF
33 SECTION TWENTY-FIVE HUNDRED NINETY-Q OF THIS ARTICLE TO THE CONTRARY,
34 SUCH REGULATIONS SHALL INCLUDE PROVISIONS FOR:

35 1. THE ALLOCATION OF PROJECTED REVENUES AMONG COMMUNITY DISTRICTS AND
36 THEIR SCHOOLS ON THE BASIS OF OBJECTIVE FORMULAE DEVELOPED BY THE
37 COMMISSIONER, AFTER CONSULTATION WITH THE COMMUNITY BOARDS, COMMUNITY
38 SUPERINTENDENTS AND THE MAYOR, AND APPROVED BY THE CITY BOARD, SUCH
39 FORMULAE SHALL REFLECT THE RELATIVE EDUCATIONAL NEEDS OF THE COMMUNITY
40 DISTRICTS AND THEIR SCHOOLS TO THE MAXIMUM EXTENT FEASIBLE;

41 2. THE PRINCIPAL OF EACH SCHOOL TO PROPOSE A SCHOOL-BASED EXPENDITURE
42 BUDGET, AFTER SOLICITING INPUT PURSUANT TO SECTION TWENTY-FIVE HUNDRED
43 NINETY-I OF THIS ARTICLE ON BUDGET PRIORITIES FROM ALL MEMBERS OF THE
44 SCHOOL COMMUNITY;

45 3. THE REVIEW, MODIFICATION AND APPROVAL OF THE PROPOSED SCHOOL BUDGET
46 BY THE COMMUNITY SUPERINTENDENT;

47 4. WITHIN AMOUNTS ESTIMATED BY THE COMMISSIONER, THE AGGREGATION OF
48 THE PROPOSED SCHOOL-BASED BUDGETS, AS MODIFIED AND APPROVED BY THE
49 COMMUNITY SUPERINTENDENT, WITH A PROPOSED BUDGET FOR THE ADMINISTRATIVE
50 AND OPERATIONAL EXPENSES OF THE COMMUNITY SUPERINTENDENT AND COMMUNITY
51 BOARD, AS DEVELOPED BY THE COMMUNITY SUPERINTENDENT, FOR SUBMISSION TO
52 THE COMMISSIONER;

53 5. THE COMMISSIONER TO DEVELOP A SCHOOL-BASED BUDGETING PROCESS FOR
54 SCHOOLS UNDER HIS OR HER JURISDICTION CONSISTENT WITH THIS SECTION;

55 6. THE AGGREGATION OF THE COMMUNITY DISTRICT BUDGETS, AS MODIFIED AND
56 APPROVED BY THE COMMISSIONER, WITH A PROPOSED BUDGET FOR ADMINISTRATIVE

1 AND OPERATIONAL EXPENDITURES OF THE CITY BOARD AND THE COMMISSIONER, AS
2 PREPARED BY THE COMMISSIONER, FOR SUBMISSION TO AND ADOPTION BY THE CITY
3 BOARD AFTER A PUBLIC HEARING;

4 7. AFTER FINAL ADOPTION OF THE BUDGET FOR THE CITY DISTRICT BY THE
5 MAYOR AND CITY COUNCIL, A PROCESS OF DISTRIBUTING ANY REDUCTIONS OR
6 INCREASES REQUIRED BY SUCH ADOPTION IN AN EQUITABLE MANNER WHICH CONSID-
7 ERS THE RELATIVE NEEDS OF COMMUNITY DISTRICTS AND SCHOOLS TO THE MAXIMUM
8 EXTENT FEASIBLE AND FOR MODIFYING THE PROPOSED BUDGET ACCORDINGLY. SUCH
9 PROCESS SHALL INCLUDE AN ANALYSIS OF THE RELATIVE FUNDING LEVELS OF THE
10 STATE, THE CITY, THE FEDERAL GOVERNMENT, AND OTHER SOURCES OF FUNDS; A
11 COMPARISON OF THE LEVEL OF SUCH FUNDING AGAINST PREVIOUS YEARS' TOTAL
12 APPROPRIATIONS AND ACTUAL EXPENDITURES; AND AN ANALYSIS OF THE DISTRIB-
13 UTION OF FUNDS;

14 8. A COMPREHENSIVE SYSTEM OF PUBLIC REPORTING ON THE FINAL ENACTED
15 BUDGET INCLUDING THE LEVELS OF APPROPRIATION PROVIDED BY THE CITY, THE
16 STATE AND THE FEDERAL GOVERNMENT WITH A COMPARISON OF THE LEVEL OF SUCH
17 FUNDING AGAINST PREVIOUS YEARS' TOTALS, AND AN EXPLANATION OF THE FINAL
18 BUDGET;

19 9. PROCEDURES FOR SCHOOLS, SUPERINTENDENTS AND THE COMMISSIONER TO
20 MODIFY AND REALLOCATE MONIES IN THE ENACTED BUDGET;

21 10. A UNIFORM SYSTEM OF BUDGET REQUESTS, REPORTS AND APPROPRIATIONS.
22 SUCH UNITS OF APPROPRIATION SHALL INCLUDE (A) SUCH COMPENSATION AND
23 BENEFITS FOR STAFF; (B) INSTRUCTION AND FOR PUPIL SERVICES, INCLUDING
24 COSTS FOR PURCHASES, LIBRARY SERVICES, INSTRUCTIONAL MATERIALS, AND ALL
25 OTHER SCHOOL-BASED INSTRUCTIONAL AND INSTRUCTIONAL SUPPORT COSTS ATTRIB-
26 UTABLE TO OTHER THAN PERSONAL SERVICES; (C) ADMINISTRATIVE AND NON-IN-
27 STRUCTIONAL COST AND (D) EXTRA-CURRICULAR ACTIVITIES;

28 11. THE PROVISION OF APPROPRIATE TECHNICAL SUPPORT AND TRAINING TO
29 SCHOOL PERSONNEL, PARENTS AND OTHER PARTICIPANTS IN SCHOOL-BASED BUDGET-
30 ING;

31 12. A COMPREHENSIVE PLANNING AND MONITORING PROCESS TO PROMOTE THE
32 IMPLEMENTATION OF SCHOOL-BASED BUDGETING;

33 13. AN ANNUAL UPDATE OF A CAPITAL PLAN BY THE SUPERINTENDENT WITH
34 PARTICIPATION OF PRINCIPALS AND SCHOOLS, ADDRESSING HEALTH AND SAFETY,
35 MAINTENANCE, CAPACITY AND TECHNOLOGY; AND

36 14. A COLLABORATIVE SCHOOL-BASED PLANNING PROCESS INVOLVING PARENTS,
37 TEACHERS, OTHER SCHOOL PERSONNEL AND, WHERE APPROPRIATE, STUDENTS TO
38 EFFECTUATE THE PURPOSES OF THIS SECTION.

39 S 2590-S. PROMPT PAYMENT OF SALARIES. IN A CITY WITH A POPULATION OF
40 ONE MILLION OR MORE, ALL EMPLOYEES OF THE BOARD OF EDUCATION SHALL BE
41 PAID THE AMOUNT OF COMPENSATION DUE THEM PURSUANT TO COLLECTIVE BARGAIN-
42 ING AGREEMENTS, EXCEPT AS IS OTHERWISE PROVIDED IN SECTION THREE THOU-
43 SAND ELEVEN OF THIS CHAPTER. IF SUCH PAYMENTS ARE NOT MADE ON THE DATES
44 SO REQUIRED, INTEREST SHALL BE RECOVERED BEGINNING THIRTY DAYS, FOLLOW-
45 ING THE LATER OF THE EFFECTIVE DATE OF THIS SECTION OR THE REQUIRED
46 PAYMENT DATE THROUGH THE DAY THAT PAYMENT IS IN FACT TENDERED. IN THE
47 CASE OF A SALARY DIFFERENTIAL, THE DATE COMPENSATION IS DUE SHALL BE
48 DEFINED AS THIRTY DAYS FOLLOWING THE DATE AN EMPLOYEE'S APPLICATION IS
49 FILED BY THE EMPLOYEE WITH THE BOARD OF EDUCATION OF THE CITY OF NEW
50 YORK. INTEREST SHALL BE COMPUTED AT THE RATE SET FORTH IN PARAGRAPH ONE
51 OF SUBSECTION (E) OF SECTION ONE THOUSAND NINETY-SIX OF THE TAX LAW AND
52 SHALL BE ADDED TO ANY COMPENSATION AMOUNTS REFERRED TO IN THIS SECTION
53 THAT HAVE NOT BEEN PAID WHEN OWED.

54 S 2590-T. EDUCATIONAL FACILITIES MASTER PLAN. 1. IN ACCORDANCE WITH
55 THE SCHEDULE SET FORTH IN SUBDIVISION TWO OF THIS SECTION, THE COMMIS-
56 SIONER SHALL PREPARE AN EDUCATIONAL FACILITIES MASTER PLAN TO TAKE

1 EFFECT ON JULY FIRST, TWO THOUSAND TEN, WHICH SHALL SET FORTH ALL THE
2 ACTIONS NECESSARY TO RESTORE THE CITY'S EDUCATIONAL FACILITIES TO A
3 STATE OF GOOD REPAIR BY JANUARY FIRST, TWO THOUSAND TWENTY. THE PLAN
4 SHALL (A) SET FORTH THE MINIMUM ACCEPTABLE STANDARDS FOR EACH TYPE OF
5 EDUCATIONAL FACILITY AND THE NUMBER AND IDENTITY TO THE EXTENT ASCER-
6 TAINABLE OF FACILITIES OF EACH SUCH TYPE THAT THE COMMISSIONER BELIEVES
7 DO NOT CURRENTLY MEET SUCH MINIMUM STANDARDS, (B) IDENTIFY THOSE FACILI-
8 TY DEFECTS AND SHORTCOMINGS THAT MOST SERIOUSLY IMPEDE LEARNING AND
9 TEACHING, (C) DESCRIBE THE REMEDIAL MEASURES PROPOSED TO BE TAKEN, (D)
10 ESTABLISH PRIORITIES FOR THEIR INITIATION AND COMPLETION, INCLUDING A
11 LIST OF PRIORITIZED PROJECTS TO THE EXTENT ASCERTAINABLE, AND (E) LIST
12 EACH PROPOSED NEW EDUCATIONAL FACILITY AND SET FORTH A JUSTIFICATION,
13 INCLUDING DEMOGRAPHIC DATA, DOCUMENTING THE LONGTERM NEED THEREFOR. IN
14 ADDITION, THE MASTER PLAN SHALL INCLUDE AN ESTIMATE OF ITS COST AND SUCH
15 OTHER INFORMATION AS THE COMMISSIONER SHALL DETERMINE.

16 2. NO LATER THAN JANUARY SIXTH, TWO THOUSAND TEN, THE COMMISSIONER
17 SHALL, IN CONJUNCTION WITH THE SUBMISSION OF THE FIVE-YEAR EDUCATIONAL
18 FACILITIES CAPITAL PLAN REQUIRED BY SECTION TWENTY-FIVE HUNDRED NINETY-P
19 OF THIS ARTICLE, SUBMIT THE MASTER PLAN TO EACH COMMUNITY SCHOOL BOARD,
20 WHICH SHALL CONDUCT A PUBLIC HEARING ON BOTH THE EDUCATIONAL FACILITIES
21 MASTER PLAN AND THE FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN AND
22 SHALL PREPARE AND SUBMIT RECOMMENDATIONS TO THE COMMISSIONER ON OR
23 BEFORE FEBRUARY TWENTIETH, TWO THOUSAND TEN, WITH RESPECT TO MATTERS IN
24 THE PLANS THAT INVOLVE THAT SCHOOL DISTRICT. THE COMMISSIONER SHALL
25 CONSIDER THE RECOMMENDATIONS RECEIVED FROM THE COMMUNITY SCHOOL BOARDS,
26 AND, ON OR BEFORE MARCH EIGHTH, TWO THOUSAND TEN, SHALL SUBMIT A FINAL
27 EDUCATIONAL FACILITIES MASTER PLAN TO THE CITY BOARD FOR ITS APPROVAL.
28 ON OR BEFORE MARCH TWENTY-SECOND, TWO THOUSAND TEN, THE CITY BOARD SHALL
29 APPROVE THE EDUCATIONAL FACILITIES MASTER PLAN SUBMITTED BY THE COMMIS-
30 SIONER OR SUCH PLAN AS IS DETERMINED BY THE CITY BOARD.

31 S 2590-U. COMMUNITY DISTRICT EDUCATION COUNCIL COMMITTEES; ESTAB-
32 LISHED. 1. THERE IS HEREBY ESTABLISHED A COMMITTEE WITHIN EACH COMMUNITY
33 SCHOOL DISTRICT TO ASSIST THE NEW YORK CITY DEPARTMENT OF EDUCATION, IN
34 CONJUNCTION WITH THE COMMUNITY DISTRICT EDUCATION COUNCILS, IN APPOINT-
35 ING INDIVIDUALS TO SERVE COMMUNITY SUPERINTENDENT AND PUBLIC SCHOOL
36 PRINCIPAL POSITIONS WITHIN SUCH DISTRICT. EACH COMMITTEE SHALL BE NAMED
37 AND REFERRED TO AS THE COMMUNITY DISTRICT EDUCATION COUNCIL SELECTION
38 COMMITTEE.

39 2. THE COMMITTEE SHALL CONSIST OF NINE VOTING MEMBERS, ONE MEMBER TO
40 BE APPOINTED BY THE COUNCIL OF SUPERVISORS AND ADMINISTRATORS, ONE
41 MEMBER TO BE APPOINTED BY THE UNITED FEDERATION OF TEACHERS, THREE
42 MEMBERS, WHO ARE PARENTS OF CHILDREN ATTENDING SCHOOL WITHIN THE JURIS-
43 DICTION OF THE COMMUNITY DISTRICT, TO BE SELECTED BY THE PRESIDENTS AND
44 OFFICERS OF THE PARENTS' ASSOCIATION OR PARENT-TEACHERS' ASSOCIATION,
45 AND FOUR MEMBERS TO BE MEMBERS OF THE APPROPRIATE COMMUNITY DISTRICT
46 EDUCATION COUNCIL. EACH COMMITTEE SHALL BE RESPONSIBLE FOR SECURING
47 NAMES OF RESPECTIVE CANDIDATES FROM THE NEW YORK CITY DEPARTMENT OF
48 EDUCATION AND SCHEDULING AN INTERVIEW WITH EACH PROSPECTIVE CANDIDATE.
49 EACH COMMITTEE SHALL SELECT ONE OF ITS VOTING MEMBERS TO SERVE AS CHAIR.
50 RULES FOR CONDUCTING THESE INTERVIEWS SHALL BE PROMULGATED BY THE
51 COMMITTEE.

52 3. FOLLOWING COMPLETION OF THE APPLICATION PROCESS, AS DESCRIBED IN
53 SUBDIVISIONS FIVE, SIX AND SEVEN OF THIS SECTION, THE COMMITTEE SHALL
54 SUBMIT WRITTEN EVALUATIONS OF EACH CANDIDATE AND ANY RECOMMENDATION FOR
55 THE SELECTION OF A CANDIDATE TO THE NEW YORK CITY DEPARTMENT OF EDUCA-
56 TION WITHIN FIVE BUSINESS DAYS FROM THE DATE OF THE LAST CANDIDATE'S

1 INTERVIEW. THE NEW YORK CITY DEPARTMENT OF EDUCATION SHALL CONSIDER ALL
2 EVALUATIONS AND RECOMMENDATIONS OF THE CANDIDATES MADE BY THE COMMITTEE
3 PRIOR TO SELECTING A CANDIDATE FOR THE POSITION.

4 4. THE NEW YORK CITY DEPARTMENT OF EDUCATION SHALL NOT EXTEND ANY
5 EMPLOYMENT OFFER TO ANY CANDIDATE PRIOR TO THE COMMITTEE'S SUBMISSION OF
6 EVALUATIONS AND RECOMMENDATIONS TO SUCH DEPARTMENT. ANY OFFER EXTENDED
7 WITHOUT PRIOR SUBMISSION OF SUCH EVALUATION SHALL CONSTITUTE A VIOLATION
8 OF THE PROVISIONS OF THIS SECTION.

9 5. THE COMMITTEE SHALL REVIEW ALL PRE-SELECTED APPLICATIONS FOR PUBLIC
10 SCHOOL PRINCIPAL OR SUPERINTENDENT POSITIONS WITHIN THEIR COMMUNITY
11 SCHOOL DISTRICT. THE COMMITTEE SHALL BE RESPONSIBLE FOR SETTING FORTH
12 PARTICULAR GUIDELINES AND CRITERIA FOR EVALUATING THE APPLICANTS. AFTER
13 REVIEWING EACH APPLICATION, THE COMMITTEE SHALL SUBMIT EVALUATIONS OF
14 EACH APPLICANT TO THE NEW YORK CITY DEPARTMENT OF EDUCATION. SUCH
15 DEPARTMENT SHALL REVIEW ALL EVALUATIONS SUBMITTED BY THE COMMITTEE AND
16 SHALL CONSIDER THE EVALUATIONS IN SELECTING THE FINAL APPLICANTS OR
17 CANDIDATES TO PROCEED TO THE INTERVIEWING STAGE OF THE APPLICATION PROC-
18 ESS.

19 6. AT ANY TIME DURING THE APPLICATION PERIOD FOR A PARTICULAR POSI-
20 TION, THE COMMITTEE MAY, IN GOOD FAITH, SUBMIT A WRITTEN REQUEST TO
21 REVIEW ALL APPLICATIONS SUBMITTED TO THE NEW YORK CITY DEPARTMENT OF
22 EDUCATION FOR SUCH POSITION. THE NEW YORK CITY DEPARTMENT OF EDUCATION
23 SHALL PERMIT THE COMMITTEE TO REVIEW THE APPLICATIONS. THE COMMITTEE
24 SHALL BE PERMITTED TO PRESENT TO SUCH DEPARTMENT ANY OTHER APPLICATIONS
25 DEEMED WORTHY OF CONSIDERATION.

26 7. DURING THE INTERVIEW STAGE OF THE APPLICATION PROCESS, THE NEW YORK
27 CITY DEPARTMENT OF EDUCATION SHALL PERMIT THE COMMITTEE TO INTERVIEW ALL
28 FINAL CANDIDATES FOR THE POSITION. THE NEW YORK CITY DEPARTMENT OF
29 EDUCATION SHALL ARRANGE A SECOND INTERVIEW WITH THE CANDIDATES TO AFFORD
30 THE COMMITTEE AN OPPORTUNITY TO INTERVIEW SUCH CANDIDATES. THE COMMIT-
31 TEE, BY A MAJORITY VOTE, SHALL MAKE AT LEAST FIVE RECOMMENDATIONS TO
32 SUCH DEPARTMENT, WHICH SHALL, IN TURN, MAKE A FINAL SELECTION OF A
33 CANDIDATE FOR THE POSITION FROM THE COMMITTEE'S LIST OF RECOMMENDATIONS.

34 S 2. This act shall take effect June 30, 2009.