

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

6052--B

2009-2010 Regular Sessions

I N S E N A T E

June 22, 2009

Introduced by Sens. SAMPSON, ADAMS, DIAZ, HUNTLEY, KRUEGER, MONSERRATE, MONTGOMERY, ONORATO, PARKER, SCHNEIDERMAN, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the New York city board of education, chancellor, community councils and community superintendents; to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, in relation to extending certain provisions of such chapter relating to certain contracts of the authority; to amend the public authorities law, in relation to extending certain provisions; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to extending certain provisions of such chapter; establishing the commission on public safety in the city school district of the city of New York, providing for its powers and duties, and making an appropriation therefor; establishing the commission on public education in the city of New York, providing for its powers and duties, and making an appropriation therefor; and providing for the repeal of 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. Section 2590-b of the education law, as added by chapter
2 330 of the laws of 1969, the section heading and subdivision 2 as
3 amended and subdivision 4 as added by chapter 123 of the laws of 2003,
4 subdivision 1 as added by chapter 91 of the laws of 2002 and subdivision

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

LBD11959-15-9

1 3 as amended by chapter 727 of the laws of 1994, is amended to read as
2 follows:

3 S 2590-b. Continuation of city board and establishment of community
4 districts; establishment of the city-wide [council on special education]
5 COUNCILS ON SPECIAL EDUCATION, ENGLISH LANGUAGE LEARNERS, THE ARTS, AND
6 HIGH SCHOOLS. 1. (a) The board of education of the city school district
7 of the city of New York is hereby continued. Such board of education
8 shall consist of thirteen APPOINTED members: one member to be appointed
9 by each borough president of the city of New York; [seven] AND EIGHT
10 members to be appointed by the mayor of the city of New York[; and
11 the]. THE chancellor SHALL SERVE AS AN EX-OFFICIO NON-VOTING MEMBER OF
12 THE CITY BOARD. [The chancellor shall serve as the chairperson of the
13 city board.] THE CITY BOARD SHALL ELECT ITS OWN CHAIRPERSON FROM AMONG
14 ITS VOTING MEMBERS. [All twelve appointed members shall serve at the
15 pleasure of the appointing authority] EACH VOTING MEMBER SHALL SERVE A
16 TWO-YEAR TERM and shall not be employed in any capacity by the city of
17 New York, or a subdivision thereof, or the city board. NO APPOINTED
18 MEMBER OF THE CITY BOARD SHALL ALSO BE A MEMBER, OFFICER, OR EMPLOYEE OF
19 ANY PUBLIC CORPORATION, AUTHORITY, OR COMMISSION WHERE THE MAYOR OF THE
20 CITY OF NEW YORK HAS A MAJORITY OF THE APPOINTMENTS. Each borough presi-
21 dent's appointee shall be a resident of the borough for which the
22 borough president appointing him or her was elected and shall be the
23 parent of a child attending a public school within the city school
24 district of the city of New York. Each mayoral appointee shall be a
25 resident of the city AND ONE SHALL BE A PARENT OF A CHILD ATTENDING A
26 PUBLIC SCHOOL WITHIN THE CITY DISTRICT, AND ONE SHALL BE A PARENT OF A
27 CHILD WITH AN INDIVIDUALIZED EDUCATION PROGRAM ATTENDING A PUBLIC SCHOOL
28 WITHIN THE CITY DISTRICT. ALL PARENT MEMBERS SHALL BE ELIGIBLE TO
29 CONTINUE TO SERVE ON THE CITY BOARD FOR TWO YEARS FOLLOWING THE CONCLU-
30 SION OF THEIR CHILD'S ATTENDANCE AT A PUBLIC SCHOOL WITHIN THE CITY
31 DISTRICT. Any vacancy shall be filled by appointment by the appropriate
32 appointing authority WITHIN NINETY DAYS OF SUCH VACANCY. Notwithstanding
33 any provision of local law, the members of the board shall not have
34 staff, offices, or vehicles assigned to them or receive compensation for
35 their services, but shall be reimbursed for the actual and necessary
36 expenses incurred by them in the performance of their duties.

37 (b) The city board shall hold at least [twelve] ONE REGULAR PUBLIC
38 [meetings] MEETING per MONTH. AT LEAST ONE REGULAR PUBLIC MEETING SHALL
39 BE HELD IN EACH BOROUGH OF THE CITY OF NEW YORK PER year; any additional
40 meetings may be called at the request of the [chancellor] CHAIRPERSON.
41 THE CITY BOARD SHALL CONSIDER APPROPRIATE PUBLIC ACCOMMODATIONS WHEN
42 SELECTING A VENUE SO AS TO MAXIMIZE PARTICIPATION BY PARENTS AND THE
43 COMMUNITY.

44 (C) (I) NOTICE OF THE TIME, PLACE AND AGENDA FOR ALL CITY BOARD REGU-
45 LAR PUBLIC MEETINGS SHALL BE PUBLICLY PROVIDED, INCLUDING VIA THE CITY
46 BOARD'S OFFICIAL INTERNET WEB SITE, AND SPECIFICALLY CIRCULATED TO ALL
47 COMMUNITY SUPERINTENDENTS, COMMUNITY DISTRICT EDUCATION COUNCILS, COMMU-
48 NITY BOARDS, AND SCHOOL BASED MANAGEMENT TEAMS, AT LEAST TEN BUSINESS
49 DAYS IN ADVANCE OF SUCH MEETING.

50 (II) A CITY BOARD REGULAR PUBLIC MEETING AGENDA SHALL BE COMPRISED OF
51 A LIST AND BRIEF DESCRIPTION OF THE SUBJECT MATTER BEING CONSIDERED,
52 IDENTIFICATION OF ALL ITEMS SUBJECT TO A CITY BOARD VOTE, AND THE NAME,
53 OFFICE, ADDRESS, EMAIL ADDRESS AND TELEPHONE NUMBER OF A CITY DISTRICT
54 REPRESENTATIVE, KNOWLEDGEABLE ON THE AGENDA, FROM WHOM ANY INFORMATION
55 MAY BE OBTAINED AND TO WHOM WRITTEN COMMENTS MAY BE SUBMITTED CONCERNING
56 ITEMS ON SUCH AGENDA.

(D) THE CHAIRPERSON OF THE CITY BOARD SHALL ENSURE THAT AT EVERY REGULAR PUBLIC MEETING THERE IS A SUFFICIENT PERIOD OF TIME TO ALLOW FOR PUBLIC COMMENT ON ANY TOPIC ON THE AGENDA PRIOR TO ANY CITY BOARD VOTE.

(E) MINUTES OF ALL CITY BOARD REGULAR PUBLIC MEETINGS SHALL BE MADE PUBLICLY AVAILABLE, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, IN A TIMELY MANNER BUT NO LATER THAN THE SUBSEQUENT REGULAR CITY BOARD MEETING.

2. (a) There shall be a community council for each community district created pursuant to this article.

(b) The city board shall define, adjust, alter, maintain and adopt the boundaries of the community districts pursuant to this chapter no later than February first, nineteen hundred ninety-five. There shall be no less than thirty nor more than thirty-seven community districts.

(c) The city board may readjust or alter the districts in such plan only once in every ten years, commencing with the year two thousand four. The city board in conjunction with the chancellor and the community council representatives, shall prepare and make public a plan to ensure the smooth transition of pupils and school personnel, creation of new boards, and allocation of school facilities and resources among the districts established pursuant to paragraph (b) of this subdivision. Prior to the adoption of the transition plan, the city board shall hold one or more public hearings in each borough. The city board shall make the transition plan available not less than three weeks before the first such public hearing. Upon receipt of comments, the city board, in conjunction with the chancellor and the community council representatives, shall prepare a revised transition plan, if necessary and make such plan available to the public for comment.

3. (a) The redistricting advisory study group established prior to the effective date of this paragraph for the purpose of study and making recommendations on community school district boundaries, is hereby continued and shall perform the duties required herein.

(b) The study group shall prepare a report containing recommendations for dividing the city into no more than thirty-seven community districts.

(c) In preparation of its recommendations for dividing the city into community districts, the study group shall ensure that the recommendations provide for the most effective delivery of educational services and shall be guided by the following criteria:

(1) each community district shall: (i) be a suitable size for efficient policy-making and economic management; (ii) contain a reasonable number of pupils; (iii) be compact and contiguous, contained within county lines, and to the maximum extent possible, keep intact communities and neighborhoods; and (iv) bear a rational relationship to geographic areas for which the city of New York plans and provides services;

(2) to the extent possible, keep existing lines intact;

(3) the common and special education needs of the communities and 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) ensure fair and effective representation of racial and language groups pursuant to the Voting Rights Act of 1965, as amended;

(9) notwithstanding the provisions of this subparagraph and subparagraphs one through eight of this paragraph: (i) the residents of the county of New York in school district ten as it existed prior to the implementation of this paragraph shall continue to remain in school district ten as such district is comprised; (ii) the boundaries of community district thirty-one shall continue to remain as they are currently comprised; and (iii) 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, nineteen hundred ninety-four.

(e) The city board of education 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 education no later than February first, nineteen hundred ninety-five to take effect July first, nineteen hundred ninety-six, 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, nineteen hundred ninety-six.

(f) Provided, however, that the city board may make minor adjustments, (i) to correct errors that may occur in the district lines adopted by the city board, or (ii) upon showing a change in circumstances. Any such limited revisions to community school district lines may occur between the effective date of this paragraph and the city board readjustment scheduled in the year two thousand four.

(g) 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.

4. a. There shall be a city-wide council on special education created pursuant to this section. The city-wide council on special education shall consist of eleven voting members and one non-voting member, as follows:

(1) nine voting members who shall be parents of students [who receive services pursuant to article eighty-nine of this chapter] WITH INDIVIDUALIZED EDUCATION PROGRAMS, to be selected by parents of students [who receive such services] WITH INDIVIDUALIZED EDUCATION PROGRAMS pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(2) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and will make a significant contribution to

1 improving special education in the city district. Such members shall
2 serve a two year term; and

3 (3) one non-voting member who is a high school senior [receiving
4 services pursuant to article eighty-nine of this chapter] WITH AN INDI-
5 VIDUALIZED EDUCATION PROGRAM, appointed by the administrator designated
6 by the chancellor to supervise [city-wide] special education programs.
7 Such member shall serve a one year term.

8 b. [Members shall not be paid a salary or stipend, but shall be reim-
9 bursed for all actual and necessary expenses directly related to the
10 duties and responsibilities of the city-wide council on special educa-
11 tion.

12 c.] The city-wide council on special education shall have the power
13 to:

14 (1) advise and comment on any educational or instructional policy
15 involving the provision of services [pursuant to article eighty-nine of
16 this chapter] FOR STUDENTS WITH DISABILITIES;

17 (2) advise and comment on the process of establishing committees
18 and/or subcommittees on special education in community school districts
19 pursuant to section forty-four hundred two of this chapter;

20 (3) issue an annual report on the effectiveness of the city district
21 in providing services [pursuant to article eighty-nine of this chapter]
22 TO STUDENTS WITH DISABILITIES and making recommendations, as appropri-
23 ate, on how to improve the efficiency and delivery of such services; and

24 (4) hold at least one meeting per month open to the public and during
25 which the public may discuss issues facing students with disabilities.

26 [d. The city-wide council on special education may appoint a secre-
27 tary, pursuant to the policies of the city board who shall perform the
28 following functions: (1) prepare meeting notices, agendas and minutes;
29 (2) record and maintain accounts of proceedings and other city-wide
30 council on special education meetings; and (3) prepare briefing materi-
31 als and other related informational materials for such meetings. The
32 city-wide council on special education shall be responsible for the
33 appointment, supervision, evaluation and discharge of the secretary.

34 e. No person may serve on both the city-wide council on special educa-
35 tion and a community district education council. A member of the city-
36 wide council on special education shall be ineligible to be employed by
37 such council, any community district education council, or the city
38 board. No person shall be eligible for membership on the city-wide coun-
39 cil on special education if he or she holds any elective public office
40 or any elective or appointed party position except that of delegate or
41 alternate delegate to a national, state, judicial or other party conven-
42 tion, or member of a county committee.

43 A person who has been convicted of a felony, or has been removed from
44 the city-wide council on special education, a community school board, or
45 community district education council for any of the following shall be
46 permanently ineligible for appointment to the city-wide council on
47 special education: (1) an act of malfeasance directly related to his or
48 her service on such city-wide council on special education, community
49 school board or community district education council; or (2) conviction
50 of a crime, if such crime is directly related to his or her service upon
51 such city-wide council on special education, community school board or
52 community district education council.

53 f. (1) In addition to the conditions enumerated in the public officers
54 law creating a vacancy, a member of the city-wide council on special
55 education who refuses or neglects to attend three meetings of such coun-
56 cil of which he or she is duly notified, without rendering in writing a

1 good and valid excuse therefore vacates his or her office by refusal to
2 serve. Each absence and any written excuse rendered shall be included
3 within the official written minutes of such meeting. After the third
4 unexcused absence the city-wide council on special education shall
5 declare a vacancy to the chancellor.

6 (2)] C. Vacancies shall be filled for an unexpired term by the city-
7 wide council on special education, pursuant to a process developed by
8 the chancellor that shall include consultation with parents of students
9 [who receive services pursuant to article eighty-nine of this chapter]
10 WITH INDIVIDUALIZED EDUCATIONAL PROGRAMS; PROVIDED HOWEVER, THAT WHERE A
11 VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE
12 PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE
13 UNEXPIRED TERM.

14 5. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS
15 CREATED PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON ENGLISH
16 LANGUAGE LEARNERS SHALL CONSIST OF ELEVEN VOTING MEMBERS AND ONE
17 NON-VOTING MEMBER, AS FOLLOWS:

18 (I) NINE VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS WHO ARE IN A
19 BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM CONDUCTED PURSUANT TO
20 SECTION THIRTY-TWO HUNDRED FOUR OF THIS CHAPTER, TO BE SELECTED BY
21 PARENTS OF STUDENTS WHO RECEIVE SUCH SERVICES PURSUANT TO A REPRESENTATIVE
22 PROCESS DEVELOPED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A
23 TWO YEAR TERM;

24 (II) TWO VOTING MEMBERS APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY
25 OF NEW YORK, WHO SHALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND
26 KNOWLEDGE IN THE EDUCATION OF ENGLISH LANGUAGE LEARNERS AND WILL MAKE A
27 SIGNIFICANT CONTRIBUTION TO IMPROVING BILINGUAL AND ENGLISH AS A SECOND
28 LANGUAGE PROGRAMS IN THE CITY DISTRICT. SUCH MEMBERS SHALL SERVE A TWO
29 YEAR TERM; AND

30 (III) ONE NON-VOTING MEMBER WHO IS A HIGH SCHOOL SENIOR WHO IS OR HAS
31 BEEN IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM, APPOINTED
32 BY THE ADMINISTRATOR DESIGNATED BY THE CHANCELLOR TO SUPERVISE SUCH
33 PROGRAMS. SUCH MEMBER SHALL SERVE A ONE YEAR TERM.

34 (B) THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS SHALL HAVE THE
35 POWER TO:

36 (I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY
37 INVOLVING BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAMS;

38 (II) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT
39 IN PROVIDING SERVICES TO ENGLISH LANGUAGE LEARNERS AND MAKING RECOMMEN-
40 DATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFICIENCY AND DELIVERY
41 OF SUCH SERVICES; AND

42 (III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND
43 DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING ENGLISH LANGUAGE LEARNERS.
44

45 (C) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE
46 COUNCIL ON ENGLISH LANGUAGE LEARNERS, PURSUANT TO A PROCESS DEVELOPED BY
47 THE CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS
48 WHO RECEIVE SERVICES FOR ENGLISH LANGUAGE LEARNERS; PROVIDED HOWEVER,
49 THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE,
50 THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER
51 OF THE UNEXPIRED TERM.

52 6. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON HIGH SCHOOLS CREATED
53 PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL
54 CONSIST OF THIRTEEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS
55 FOLLOWS:

(I) TEN VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS ATTENDING PUBLIC HIGH SCHOOLS. TWO MEMBERS REPRESENTING EACH BOROUGH SHALL BE SELECTED BY PRESIDENTS AND OFFICERS OF THE PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS IN THE RELEVANT BOROUGH, PURSUANT TO A PROCESS ESTABLISHED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM;

(II) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A HIGH SCHOOL STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, AND SHALL SERVE A TWO YEAR TERM;

(III) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A STUDENT IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM CONDUCTED IN A PUBLIC HIGH SCHOOL. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, AND SHALL SERVE A TWO YEAR TERM;

(IV) ONE VOTING MEMBER APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK, WHO SHALL BE A RESIDENT OF THE CITY AND SHALL HAVE EXTENSIVE BUSINESS, TRADE, OR EDUCATION EXPERIENCE AND KNOWLEDGE WHO WILL MAKE A SIGNIFICANT CONTRIBUTION TO IMPROVING EDUCATION IN THE CITY DISTRICT. SUCH MEMBER SHALL SERVE FOR A TERM OF TWO YEARS; AND

(V) ONE NON-VOTING MEMBER WHO IS A PUBLIC HIGH SCHOOL SENIOR, APPOINTED BY THE CHANCELLOR PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR. SUCH MEMBER SHALL SERVE A ONE YEAR TERM.

OFFICERS OF PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS WHO ARE CANDIDATES IN THE SELECTION PROCESS ESTABLISHED BY THE CHANCELLOR PURSUANT TO THIS SUBDIVISION SHALL NOT BE ELIGIBLE TO CAST VOTES IN SUCH SELECTION PROCESS. THE ASSOCIATION SHALL ELECT A MEMBER TO VOTE IN THE PLACE OF EACH SUCH OFFICER FOR PURPOSES OF THE SELECTION PROCESS.

(B) THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL HAVE THE POWER TO:

(I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY INVOLVING HIGH SCHOOLS;

(II) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT IN PROVIDING SERVICES TO HIGH SCHOOL STUDENTS AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

(III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING HIGH SCHOOLS.

(C) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS ATTENDING PUBLIC HIGH SCHOOL; PROVIDED, HOWEVER, THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

7. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON THE ARTS CREATED PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON THE ARTS SHALL CONSIST OF THIRTEEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS:

(I) TEN VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS ATTENDING PUBLIC SCHOOLS. TWO MEMBERS REPRESENTING EACH BOROUGH SHALL BE SELECTED BY PRESIDENTS AND OFFICERS OF THE PARENT-TEACHERS' ASSOCIATIONS IN THE RELEVANT BOROUGH, PURSUANT TO A PROCESS ESTABLISHED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM;

(II) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, AND SHALL SERVE A TWO YEAR TERM;

(III) ONE VOTING MEMBER WHO SHALL BE A PARENT OF A STUDENT IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM CONDUCTED IN A PUBLIC

1 SCHOOL. SUCH MEMBER SHALL BE APPOINTED BY THE CITY-WIDE COUNCIL ON
2 ENGLISH LANGUAGE LEARNERS, AND SHALL SERVE A TWO YEAR TERM;
3 (IV) ONE VOTING MEMBER APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF
4 NEW YORK, WHO SHALL BE A RESIDENT OF THE CITY AND SHALL HAVE EXTENSIVE
5 BUSINESS, TRADE, OR EDUCATION EXPERIENCE AND KNOWLEDGE WHO WILL MAKE A
6 SIGNIFICANT CONTRIBUTION TO IMPROVING EDUCATION IN THE CITY DISTRICT.
7 SUCH MEMBER SHALL SERVE FOR A TERM OF TWO YEARS; AND
8 (V) ONE NON-VOTING MEMBER WHO IS A PUBLIC HIGH SCHOOL SENIOR,
9 APPOINTED BY THE CHANCELLOR PURSUANT TO A PROCESS DEVELOPED BY THE CHAN-
10 CELLOR. SUCH MEMBER SHALL SERVE A ONE YEAR TERM.
11 OFFICERS OF PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS WHO
12 ARE CANDIDATES IN THE SELECTION PROCESS ESTABLISHED BY THE CHANCELLOR
13 PURSUANT TO THIS SUBDIVISION SHALL NOT BE ELIGIBLE TO CAST VOTES IN SUCH
14 SELECTION PROCESS. THE ASSOCIATION SHALL ELECT A MEMBER TO VOTE IN THE
15 PLACE OF EACH SUCH OFFICER FOR PURPOSES OF THE SELECTION PROCESS.
16 (B) THE CITY-WIDE COUNCIL ON THE ARTS SHALL HAVE THE POWER TO:
17 (I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY
18 INVOLVING THE ARTS;
19 (II) ISSUE AN ANNUAL REPORT ON COMPLIANCE WITH STATE REGULATIONS
20 GOVERNING ARTS EDUCATION, THE EFFECTIVENESS OF THE CITY DISTRICT IN
21 PROVIDING ARTS INSTRUCTION AND PROGRAMMING TO PUBLIC SCHOOL STUDENTS,
22 AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE
23 ADEQUACY, EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND
24 (III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND
25 DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING THE DESIGN, IMPLEMEN-
26 TATION AND EFFECTIVENESS ON ARTS CURRICULUM AND PROGRAMMING IN THE
27 SCHOOLS.
28 (C) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE
29 COUNCIL ON HIGH SCHOOLS, PURSUANT TO A PROCESS DEVELOPED BY THE CHANCEL-
30 LOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS ATTENDING
31 PUBLIC HIGH SCHOOL; PROVIDED, HOWEVER, THAT WHERE A VACANCY OCCURS IN A
32 POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL
33 APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.
34 8. (A) MEMBERS OF THE CITY-WIDE COUNCILS ESTABLISHED PURSUANT TO THIS
35 SECTION SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIMBURSED
36 FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE DUTIES AND
37 RESPONSIBILITIES OF THE CITY-WIDE COUNCIL ON WHICH THEY SERVE.
38 (B) EACH SUCH CITY-WIDE COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO
39 THE POLICIES OF THE CITY BOARD, WHO SHALL PERFORM THE FOLLOWING FUNC-
40 TIONS:
41 (I) PREPARE MEETING NOTICES, AGENDAS AND MINUTES;
42 (II) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND MEETINGS; AND
43 (III) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATE-
44 RIALS FOR SUCH MEETINGS.
45 EACH CITY-WIDE COUNCIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT,
46 SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.
47 (C) NO PERSON MAY SERVE AT THE SAME TIME ON MORE THAN ONE CITY-WIDE
48 COUNCIL ESTABLISHED PURSUANT TO THIS SECTION, NOR MAY ANY PERSON SERVE
49 AT THE SAME TIME ON SUCH A CITY-WIDE COUNCIL AND ANY COMMUNITY DISTRICT
50 EDUCATION COUNCIL.
51 (D) A MEMBER OF A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS
52 SECTION SHALL BE INELIGIBLE TO BE EMPLOYED BY ANY SUCH COUNCIL, ANY
53 COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD.
54 (E) NO PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON A CITY-WIDE COUNCIL
55 ESTABLISHED PURSUANT TO THIS SECTION IF HE OR SHE HOLDS ANY ELECTIVE
56 PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF

1 DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER
2 PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE.

3 (F) A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED
4 FROM A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION OR COMMU-
5 NITY DISTRICT EDUCATION COUNCIL FOR ANY OF THE FOLLOWING SHALL BE PERMA-
6 NENTLY INELIGIBLE FOR APPOINTMENT TO A CITY-WIDE COUNCIL:

7 (I) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON
8 SUCH CITY-WIDE COUNCIL OR COMMUNITY DISTRICT EDUCATION COUNCIL; OR

9 (II) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS
10 OR HER SERVICE UPON SUCH CITY-WIDE COUNCIL OR COMMUNITY DISTRICT EDUCA-
11 TION COUNCIL.

12 (G) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS
13 LAW CREATING A VACANCY, A MEMBER OF A CITY-WIDE COUNCIL ESTABLISHED
14 PURSUANT TO THIS SECTION WHO REFUSES OR NEGLECTS TO ATTEND THREE MEET-
15 INGS OF SUCH CITY-WIDE COUNCIL OF WHICH HE OR SHE IS DULY NOTIFIED,
16 WITHOUT RENDERING IN WRITING A GOOD AND VALID EXCUSE THEREFOR VACATES
17 HIS OR HER OFFICE BY REFUSAL TO SERVE. EACH ABSENCE AND ANY WRITTEN
18 EXCUSE RENDERED SHALL BE INCLUDED WITHIN THE OFFICIAL WRITTEN MINUTES OF
19 SUCH MEETING. AFTER THE THIRD UNEXCUSED ABSENCE SUCH CITY-WIDE COUNCIL
20 SHALL DECLARE A VACANCY TO THE CHANCELLOR.

21 S 2. Section 2590-c of the education law, as added by chapter 123 of
22 the laws of 2003, is amended to read as follows:

23 S 2590-c. Composition of community district education councils. 1.
24 Each community district shall be governed by a community district educa-
25 tion council. The community councils shall consist of eleven voting
26 members and one non-voting member, as follows:

27 (a) Nine voting members shall be parents whose children are attending
28 a school under the jurisdiction of the community district, OR HAVE
29 ATTENDED A SCHOOL UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT WITH-
30 IN THE PRECEDING TWO YEARS, and shall be selected by the [presidents and
31 officers] MEMBERS of the parents' association or parent-teachers' asso-
32 ciation. Such members shall serve for a term of two years. PRESIDENTS
33 AND OFFICERS OF PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS
34 WHO ARE CANDIDATES IN THE SELECTION PROCESS PURSUANT TO THIS SECTION
35 SHALL NOT BE ELIGIBLE TO CAST VOTES IN SUCH SELECTION PROCESS. THE ASSO-
36 CIATION SHALL ELECT A MEMBER TO VOTE IN THE PLACE OF EACH SUCH PRESIDENT
37 OR OFFICER FOR THE PURPOSES OF THE SELECTION PROCESS.

38 (b) Two voting members shall be appointed by the borough presidents
39 corresponding to such district. Such appointees shall be residents of,
40 or own or operate a business in, the district and shall be individuals
41 with extensive business, trade, or education experience and knowledge,
42 who will make a significant contribution to improving education in the
43 district. Such members shall serve for a term of two years and may only
44 be reappointed for one additional two year term.

45 (c) One non-voting member who is a high school senior residing in the
46 district, appointed by the superintendent from among the elected student
47 leadership. Such member shall serve for a one year term.

48 Members shall not be paid a salary or stipend, but shall be reimbursed
49 for all actual and necessary expenses directly related to the duties and
50 responsibilities of the community council.

51 2. For the initial community council, such members must be selected on
52 or before October thirty-first, two thousand three, with terms commenc-
53 ing on December first, two thousand three. Thereafter, commencing in May
54 of two thousand five, the selection of community council members shall
55 occur on the second Tuesday in May, with terms commencing on the follow-
56 ing July first.

1 3. Each such council shall select one of its voting members to serve
2 as chair.

3 4. Notwithstanding any provisions of law to the contrary, the communi-
4 ty district education council may appoint a secretary, pursuant to the
5 policies of the city board, who shall perform the following functions:
6 (a) prepare meeting notices, agendas and minutes; (b) record and main-
7 tain accounts of proceedings and other council meetings; and (c) prepare
8 briefing materials and other related informational materials for such
9 meetings. Each council shall be responsible for the appointment, super-
10 vision, evaluation and discharge of the secretary.

11 5. No person may serve on more than one community council or on [both]
12 the city-wide council on special education, THE CITY-WIDE COUNCIL ON
13 ENGLISH LANGUAGE LEARNERS, OR THE CITY-WIDE COUNCIL ON HIGH SCHOOLS and
14 a community council. A member of a community council shall be ineligible
15 to be employed by the community council of which he or she is a member,
16 any other community council, the city-wide council on special education,
17 THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, THE CITY-WIDE COUN-
18 CIL ON HIGH SCHOOLS, or the city board. No person shall be eligible for
19 membership on a community council if he or she holds any elective public
20 office or any elective or appointed party position except that of dele-
21 gate or alternate delegate to a national, state, judicial or other party
22 convention, or member of a county committee.

23 A person who has been convicted of a felony, or has been removed from
24 a community school board, community district education council, or the
25 city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH
26 LANGUAGE LEARNERS, OR THE CITY-WIDE COUNCIL ON HIGH SCHOOLS for any of
27 the following shall be permanently ineligible for appointment to any
28 community district education council: (a) an act of malfeasance directly
29 related to his or her service on [such] THE city-wide council on special
30 education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, THE
31 CITY-WIDE COUNCIL ON HIGH SCHOOLS, community school board or community
32 district education council; or (b) conviction of a crime, if such crime
33 is directly related to his or her service upon [such] THE city-wide
34 council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE
35 LEARNERS, THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, community school board
36 or community district education council.

37 Any decision rendered by the chancellor or the city board with respect
38 to the eligibility or qualifications of the nominees for community
39 district education councils must be written and made available for
40 public inspection within seven days of its issuance at the office of the
41 chancellor and the city board. Such written decision shall include the
42 factual and legal basis for its issuance and a record of the vote of
43 each board member who participated in the decision, if applicable.

44 6. (a) In addition to the conditions enumerated in the public officers
45 law creating a vacancy, a member of a community district education coun-
46 cil who refuses or neglects to attend three meetings of such council of
47 which he or she is duly notified, without rendering in writing a good
48 and valid excuse therefore vacates his or her office by refusal to
49 serve. Each absence and any written excuse rendered shall be included
50 within the official written minutes of such meeting. After the third
51 unexcused absence the community council shall declare a vacancy to the
52 chancellor.

53 (b) (1) Vacancies IN POSITIONS THAT WERE NOT APPOINTED BY A BOROUGH
54 PRESIDENT shall be filled for an unexpired term by the community
55 district education council after consultation with the presidents' coun-
56 cil or other consultative body representing parents' associations and

1 other educational groups within the district. Recommendations made by
2 such parents and other educational groups shall be submitted in writing
3 and included within the record of the meeting at which the vacancy is
4 filled.

5 (2) IF SUCH VACANCY RESULTS IN THE COUNCIL NOT HAVING AT LEAST ONE
6 MEMBER WHO IS A PARENT OF A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER,
7 OR RESULTS IN THE COUNCIL NOT HAVING AT LEAST ONE MEMBER WHO IS A PARENT
8 OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE COMMUNITY
9 COUNCIL SHALL SELECT A PARENT HAVING SUCH QUALIFICATIONS TO FILL THE
10 VACANCY.

11 (c) If the vacancy is not filled by the community council within sixty
12 days after it is declared due to a tie vote for such appointment, the
13 chancellor shall vote with the community council, to break such tie
14 vote. If the community council has failed to fill the vacancy within
15 sixty days after it is declared because of any other reason, the chan-
16 cellor shall order the community council to do so pursuant to section
17 twenty-five hundred ninety-1 of this article.

18 (D) WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY A BOROUGH PRESI-
19 DENT, THE BOROUGH PRESIDENT SHALL APPOINT A MEMBER TO SERVE THE REMAIN-
20 DER OF THE UNEXPIRED TERM.

21 7. (a) Each community council shall prepare and submit to the city
22 board a performance report every month. The information provided shall
23 include community council members' attendance records; participation in
24 community council committees and other community council activities;
25 visits to schools; and voting records on major issues before the commu-
26 nity council.

27 (b) The city board shall review and consolidate the performance
28 reports into one comprehensive city district-wide report, which shall be
29 disseminated to the community and the media semiannually.

30 8. The chancellor shall: (a) develop a process to ensure a uniform
31 election process for parent associations and parent-teacher associ-
32 ations. Such process shall ensure uniformity with respect to timing of
33 elections and the structure and size of the body.

34 (b) develop a process for nomination of candidates for community coun-
35 cil membership. Such process will outline in detail the procedure which
36 must be followed to present a name for consideration, [shall prohibit
37 officers of any parent association or parent-teacher association from
38 being nominated,] may include qualifications and prohibitions in addi-
39 tion to those outlined in this section and may allow for an interview
40 process for nominees.

41 (c) develop selection procedures for community council members which
42 shall attempt to ensure membership that reflects a representative cross-
43 section of the communities within the school district and diversity of
44 the student population including those with particular educational
45 needs, shall include consideration of the enrollment figures within each
46 community district and the potential disparity of such enrollment from
47 school to school within the district, and shall ensure that, to the
48 extent possible, a school may have no more than one parent represen-
49 tative on the community council. SUCH PROCEDURES SHALL ENSURE THAT AT
50 LEAST ONE POSITION ON THE COMMUNITY COUNCIL IS FILLED BY A PARENT OF A
51 STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, AND AT LEAST ONE POSITION IS
52 FILLED BY A PARENT OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION
53 PROGRAM, AND SHALL ALLOW FOR THE SEVEN REMAINING POSITIONS TO BE FILLED
54 BY PARENTS WHO ARE OTHERWISE ELIGIBLE.

1 (d) promulgate rules and regulations requiring financial disclosure by
2 the nominees and policies prohibiting political endorsements of and
3 campaign contributions to nominees.

4 (e) beginning in January of each school year and continuing until the
5 date of selection, ensure the distribution of guides to parents in addi-
6 tion to information regarding community council roles, functions, and
7 activities, including upcoming parents' association and parent-teacher
8 association elections, candidate information, and the nature of the
9 selection process.

10 Prior to the adoption of the processes, procedures, rules or regu-
11 lations set forth in this subdivision, the chancellor shall ensure that
12 there is an inclusive public process which allows for sufficient public
13 input from parents and the community including public hearings. All such
14 processes, procedures, rules or regulations must be final in sufficient
15 time to assure for an orderly implementation and notification of such
16 processes, procedures, rules or regulations to allow for full community
17 participation in the nomination and selection processes and procedures.

18 S 3. Subdivision 1 of section 2590-d of the education law, as amended
19 by chapter 123 of the laws of 2003, is amended to read as follows:

20 1. The city board and the chancellor shall prescribe such by-laws and
21 regulations as may be necessary to make effectual the provisions of this
22 chapter and for the conduct of the proceedings of said board CONSISTENT
23 WITH THE REQUIREMENTS OF THIS ARTICLE. THE CITY BOARD BY-LAWS SHALL
24 INCLUDE A PROCESS BY WHICH ANY MEMBER OF THE CITY BOARD MAY REQUEST THAT
25 ITEMS BE PLACED ON THE CITY BOARD'S AGENDA. SUCH REQUEST MAY BE MADE AT
26 A CITY BOARD REGULAR PUBLIC MEETING OR PRIOR TO SUCH MEETING. IF A
27 MEMBER OF THE CITY BOARD REQUESTS THAT AN ITEM BE PLACED ON THE AGENDA
28 AT A REGULAR PUBLIC MEETING OF THE CITY BOARD, THEN THE CHAIRPERSON
29 SHALL RESPOND TO THE REQUEST AT SUCH MEETING. IF A MEMBER OF THE CITY
30 BOARD REQUESTS THAT AN ITEM BE PLACED ON THE AGENDA AT ANY TIME PRIOR TO
31 A REGULAR PUBLIC MEETING OF THE CITY BOARD, THEN THE CHAIRPERSON SHALL
32 RESPOND TO THE REQUEST AT ANY TIME PRIOR TO THE SUBSEQUENT REGULAR
33 PUBLIC MEETING. Said by-laws and regulations shall be published and
34 indexed and revised at least annually. Copies of such by-laws and regu-
35 lations shall be made available for public inspection VIA THE CITY
36 BOARD'S OFFICIAL INTERNET WEB SITE, at the offices of the city board,
37 each community council, the office of the commissioner of education, and
38 the legislative library in Albany, and at such other places as the city
39 board may deem proper.

40 S 4. Section 2590-e of the education law is amended by adding two new
41 subdivisions 20 and 21 to read as follows:

42 20. CONSULT ON THE SELECTION OF A COMMUNITY SUPERINTENDENT PURSUANT TO
43 SUBDIVISION THIRTY OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTI-
44 CLE.

45 21. HOLD A JOINT PUBLIC HEARING WITH THE CHANCELLOR OR DEPUTY CHANCEL-
46 LOR, OR IN THE CASE OF A PROPOSED SIGNIFICANT CHANGE IN SCHOOL UTILIZA-
47 TION THE CHANCELLOR OR HIS OR HER DESIGNEE, AND THE IMPACTED SCHOOL
48 BASED MANAGEMENT TEAM REGARDING ANY PROPOSED SCHOOL CLOSING OR SIGNIF-
49 ICANT CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE
50 RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, OF ANY PUBLIC
51 SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT PURSUANT TO SUBDIVISION
52 TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

53 S 5. Section 2590-f of the education law, as added by chapter 720 of
54 the laws of 1996, paragraphs (s) and (t) of subdivision 1 and subdivi-
55 sions 2 and 3 as amended and paragraph (u) of subdivision 1 as added by
56 chapter 123 of the laws of 2003, is amended to read as follows:

1 S 2590-f. Community superintendents. 1. Subject in every case to
2 powers devolved to principals and schools consistent with this article,
3 the COMMUNITY superintendent shall have the following powers and duties
4 AS SUPERINTENDENT OF SCHOOLS FOR THE COMMUNITY DISTRICT, WHICH SHALL BE
5 EXERCISED IN A MANNER TO ENSURE THE IMPLEMENTATION OF ALL PROVISIONS OF
6 LAW, RULES AND REGULATIONS RELATING TO THE MANAGEMENT OF THE SCHOOLS AND
7 THE DELIVERY OF INSTRUCTIONAL SERVICES:

8 (a) to assist district schools in obtaining waivers from state, feder-
9 al and city board regulations where appropriate to promote student
10 achievement and school performance.

11 (b) to delegate any of her or his powers and duties to such subordi-
12 nate officers or employees of her or his community district as she or he
13 deems appropriate, AT HIS OR HER SOLE DISCRETION, and to modify or
14 rescind any power and duty so delegated.

15 (c) except for the appointment of supervisors pursuant to paragraph
16 (d) of this subdivision, to appoint, define the duties of, assign,
17 promote and discharge all employees, including teacher-aides, of the
18 community district, and fix their compensation and terms of employment
19 within amounts appropriated therefor and not inconsistent with the
20 provisions of this article and any collective bargaining agreement.

21 (d) to appoint supervisory personnel from candidates screened by a
22 SCREENING committee [including parents, teachers, and school support
23 personnel, who shall be selected and shall operate in a manner
24 prescribed by chancellor's regulations] CONSISTENT WITH REGULATIONS OF
25 THE CHANCELLOR ESTABLISHING A PROCESS THAT PROMOTES PARENTAL AND STAFF
26 INVOLVEMENT IN THE RECRUITMENT, SCREENING, INTERVIEWING AND RECOMMENDA-
27 TION OF CANDIDATES AND CONSISTENT WITH QUALIFICATIONS ESTABLISHED
28 THROUGH CHANCELLOR'S REGULATIONS.

29 (e) to appoint or reject the principal AND ASSISTANT PRINCIPAL candi-
30 dates screened by screening committees, [in accordance with procedures
31 and criteria prescribed by chancellor's regulations, and subject to the
32 chancellor's power to reject such appointments pursuant to section twen-
33 ty-five hundred ninety-h of this article] CONSISTENT WITH REGULATIONS OF
34 THE CHANCELLOR ESTABLISHING A PROCESS THAT PROMOTES PARENTAL AND STAFF
35 INVOLVEMENT IN THE RECRUITMENT, SCREENING, INTERVIEWING AND RECOMMENDA-
36 TION OF CANDIDATES, AND AFTER CONSULTING WITH MEMBERS OF THE SCHOOL
37 BASED MANAGEMENT TEAM. CANDIDATES MUST MEET THE REQUIREMENTS OF REGU-
38 LATIONS OF THE CHANCELLOR ESTABLISHING EDUCATIONAL, MANAGERIAL, AND
39 ADMINISTRATIVE QUALIFICATIONS, INCLUDING EVALUATION OF EACH CANDIDATE'S
40 RECORD OF PERFORMANCE IN COMPARABLE POSITIONS AND SHALL BE SUBJECT TO
41 THE CHANCELLOR'S POWER TO REJECT SUCH APPOINTMENTS PURSUANT TO SECTION
42 TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

43 (f) to SUPERVISE AND evaluate, at least annually, the performance of
44 principals for every school in the district with respect to educational
45 effectiveness and school performance, including effectiveness of promot-
46 ing student achievement and parental involvement, DEVELOPING AN EFFEC-
47 TIVE SHARED DECISION-MAKING RELATIONSHIP WITH THE SCHOOL BASED MANAGE-
48 MENT TEAM, and maintaining school discipline; THE COMMUNITY
49 SUPERINTENDENT SHALL HAVE ACCESS TO ALL SCHOOL RECORDS THAT HE OR SHE
50 DEEMS NECESSARY AND SHALL CONSIDER COMMENTS CONTAINED WITHIN AN ASSESS-
51 MENT MADE BY THE SCHOOL BASED MANAGEMENT TEAM, PURSUANT TO SUBPARAGRAPH
52 (VII) OF PARAGRAPH (B-1) OF SUBDIVISION FIFTEEN OF SECTION TWENTY-FIVE
53 HUNDRED NINETY-H OF THIS ARTICLE, WHEN CARRYING OUT SUCH EVALUATIONS.

54 (g) the authority to transfer or remove principals for persistent
55 educational failure, conflicts of interest, and ethics violations, and
56 to require principals to participate in training and other remedial

1 programs to address identified factors affecting student achievement and
2 school performance, consistent with sections twenty-five hundred nine-
3 ty-h, twenty-five hundred ninety-i and twenty-five hundred ninety-l of
4 this article.

5 (h) to review, modify and approve school-based budgets proposed by the
6 school, pursuant to section twenty-five hundred ninety-r of this
7 article, PROVIDED HOWEVER, THAT THE COMMUNITY SUPERINTENDENT SHALL ONLY
8 APPROVE A SCHOOL-BASED BUDGET PROPOSAL AFTER CERTIFYING THAT IT IS
9 SUFFICIENTLY ALIGNED WITH ITS CORRESPONDING SCHOOL'S COMPREHENSIVE
10 EDUCATIONAL PLAN. THE COMMUNITY SUPERINTENDENT SHALL PRESCRIBE THE FORM
11 AND MANNER IN WHICH PRINCIPALS MUST SUBMIT WRITTEN JUSTIFICATION TO
12 DEMONSTRATE THAT THE PROPOSED SCHOOL-BASED BUDGET IS ALIGNED WITH THE
13 SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN, AND SHALL ALSO INCLUDE A
14 PROVISION ALLOWING FOR THE SCHOOL BASED MANAGEMENT TEAM TO RESPOND TO
15 SUCH JUSTIFICATION. THE COMMUNITY SUPERINTENDENT SHALL CONSIDER THE
16 PRINCIPAL'S WRITTEN JUSTIFICATION, ALONG WITH ANY RESPONSE PROVIDED BY
17 THE SCHOOL BASED MANAGEMENT TEAM, PRIOR TO MAKING SUCH CERTIFICATION.

18 (H-1) TO ESTABLISH A PROCESS THAT ALLOWS FOR SCHOOL BASED MANAGEMENT
19 TEAM MEMBERS, OTHER THAN THE PRINCIPAL, TO DISPUTE ANY DECISION MADE BY
20 THE PRINCIPAL WHERE SUCH TEAM MEMBERS REACH A CONSENSUS THAT THE DECI-
21 SION IS INCONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THEIR
22 SCHOOL'S EXISTING COMPREHENSIVE EDUCATIONAL PLAN. THE COMMUNITY SUPER-
23 INTENDENT SHALL PROVIDE A WRITTEN RESPONSE TO THE SCHOOL BASED MANAGE-
24 MENT TEAM AND THE PRINCIPAL THAT INCLUDES THE INFORMATION REVIEWED AND
25 THE BASIS FOR THE COMMUNITY SUPERINTENDENT'S DECISION REGARDING SUCH
26 DISPUTE.

27 (i) to retain one or more district fiscal officers to monitor and
28 report on schools' expenditures pursuant to the school-based budgets.

29 (j) within the amounts appropriated therefor to administer district
30 minor repair and purchasing funds, and make them available to schools
31 consistent with sections twenty-five hundred ninety-i, twenty-five
32 hundred ninety-r, and subdivisions thirty-six and thirty-seven of
33 section twenty-five hundred ninety-h of this article, for services and
34 supplies provided by the chancellor, the COMMUNITY superintendent, or
35 purchased by the schools, and to provide for minor repairs to all school
36 buildings and other buildings and sites under the district's jurisdic-
37 tion.

38 (k) subject to subdivision three of section twenty-five hundred nine-
39 ty-e of this article and this section, to approve or disapprove matters
40 relating to the instruction of students, including the power to disap-
41 prove school choices with respect to selection of textbooks and other
42 instructional materials.

43 (1) (1) TO PROVIDE ASSISTANCE AND DIRECT SUPPORT TO PARENTS IN ACCESS-
44 ING INFORMATION, ADDRESSING CONCERNS AND RESPONDING TO COMPLAINTS RELAT-
45 ING TO THEIR CHILD'S EDUCATION THAT CANNOT BE RESOLVED AT THE SCHOOL
46 LEVEL.

47 (2) to operate administrative offices and similar facilities, includ-
48 ing social centers, and recreational and extracurricular programs, under
49 the district's jurisdiction, and the duty to support the operation of
50 school facilities. THE COMMUNITY SUPERINTENDENT SHALL ESTABLISH A
51 CENTRAL OFFICE WITHIN THE DISTRICT AND HIRE AND SUPERVISE SUFFICIENT
52 STAFF TO DIRECTLY INTERACT WITH PARENTS, RESPOND TO INFORMATION
53 REQUESTS, RECEIVE INPUT AND COMMENTS, ASSIST THE COMMUNITY SUPERINTEN-
54 DENT IN RESOLVING COMPLAINTS IN A TIMELY MANNER, AND WORK TO DEVELOP A
55 COOPERATIVE RELATIONSHIP WITH PARENTS AND THE SCHOOL COMMUNITY.

1 (m) subject to regulations or resolutions of the city board, to oper-
2 ate cafeteria or restaurant services for pupils and teachers and for the
3 use by the community for school related functions and activities and to
4 furnish meals to the elderly, sixty years of age or older, of the
5 district. Charges shall be sufficient to meet the direct cost of prepar-
6 ing and serving such meals, reducible by available reimbursements.

7 (n) to maintain discipline in the educational and other facilities
8 under the jurisdiction of the district, including the duty to assist the
9 schools in maintaining discipline.

10 (o) to employ or retain counsel subject to the powers and duties of
11 the corporation counsel of the city of New York to be the district's
12 attorney and counsel pursuant to subdivision a of section three hundred
13 ninety-four of the New York city charter; provided, however, that in
14 actions or proceedings between community districts or between a communi-
15 ty district and the city board, each community district may be repres-
16 ented by its own counsel.

17 (p) in compliance with rules and regulations of the commissioner,
18 promulgated pursuant to section one hundred one-a of this chapter, to
19 give written notice to the family court pursuant to subdivision three of
20 section seven hundred fifty-eight-a and subdivision three of section
21 353.6 of the family court act of the desire of any school under the
22 jurisdiction of the community district to act in the supervision of
23 certain juveniles while performing services for the public good.

24 (q) to take all necessary steps to ensure the integrity of community
25 district operations, consistent with STANDARDS, POLICIES, OBJECTIVES,
26 AND regulations [promulgated by the chancellor and the city board] OF
27 THE CITY DISTRICT.

28 (r) where so authorized by the chancellor, to exercise the
29 chancellor's powers under subdivision thirty-one of section twenty-five
30 hundred ninety-h of this article.

31 (s) to provide written notice and other related information described
32 in [paragraph (b) of] subdivision [four] FORTY-EIGHT of section twenty-
33 five hundred [ninety-c] NINETY-H of this article to every parent of a
34 child, including a child with a disability, attending a school under the
35 jurisdiction of his or her community district education council as
36 directed by the chancellor.

37 (t) notwithstanding any provisions of law to the contrary, to exercise
38 all of the duties and responsibilities of the employing board as set
39 forth in section three thousand twenty-a of this chapter pursuant to a
40 delegation of the chancellor under section twenty-five hundred ninety-h
41 of this article.

42 (u) to provide relevant data to the community district education coun-
43 cil to encourage informed and adequate public discussion on student
44 achievement and the state of each school within the district.

45 (V) TO HOLD AT LEAST TWO PUBLIC FORUMS WITHIN THE DISTRICT, DURING
46 EACH SCHOOL YEAR, FOR THE PURPOSE OF REPORTING ON THE DISTRICT'S
47 PERFORMANCE, INCLUDING PROGRESS MADE TOWARD ACHIEVING THE DISTRICT
48 COMPREHENSIVE EDUCATIONAL PLAN GOALS, DISCUSSING PLANS FOR IMPROVEMENT,
49 AND RECEIVING PARENTAL AND COMMUNITY COMMENTS AND CONCERNS; THE COMMUNI-
50 TY SUPERINTENDENT SHALL ENSURE THAT NOTICE FOR THE PUBLIC FORUMS IS
51 POSTED IN A MANNER TO MAXIMIZE THE PARTICIPATION OF PARENTS, STUDENTS
52 AND SCHOOL PERSONNEL AND IS SPECIFICALLY CIRCULATED TO MEMBERS OF THE
53 SCHOOL BASED MANAGEMENT TEAMS, COMMUNITY DISTRICT EDUCATION COUNCIL AND
54 THE RELEVANT COMMUNITY BOARDS.

55 (W) TO PROVIDE NOTICE OF ANY PROPOSED SCHOOL CLOSING OR SIGNIFICANT
56 CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE RECONFIG-

URATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOR ANY PUBLIC SCHOOL WITHIN THE COMMUNITY DISTRICT TO ALL IMPACTED PARENTS, INCLUDING INFORMATION AS TO WHERE A COPY OF THE EDUCATIONAL IMPACT STATEMENT, OR REVISED EDUCATIONAL IMPACT STATEMENT IF APPLICABLE, MAY BE OBTAINED AND THE DATE OF ANY HEARING ON SUCH SCHOOL CLOSURE OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION PURSUANT TO SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

2. In exercising such powers and duties each community superintendent shall comply with all applicable provisions of law, by-laws, rules or regulations, directives or agreements of the chancellor and his or her community district education council and with the city-wide educational policies established by the city board and his or her community district education council, including performance standards addressed to administration and educational effectiveness, and any requirements for continuing training and education, embodied in standards, circulars or regulations promulgated by the chancellor PROVIDED HOWEVER, THAT THE CHANCELLOR SHALL ENSURE THAT COMMUNITY SUPERINTENDENTS ARE ASSIGNED TO TASKS PREDOMINANTLY WITHIN THEIR OWN COMMUNITY DISTRICTS AND THAT IN NO EVENT SHALL COMMUNITY SUPERINTENDENTS BE ASSIGNED ANY TASK WHICH WOULD IMPAIR THEIR ABILITY TO EXERCISE THE POWERS AND DUTIES ENUMERATED WITHIN THIS SECTION, SUCH AS RESPONDING TO PARENTAL COMMENTS AND CONCERNS, APPOINTING AND EVALUATING PRINCIPALS, APPROVING SCHOOL-BASED BUDGETS, OVERSEEING EDUCATIONAL INSTRUCTION, PROVIDING ACCESS TO INFORMATION AND ASSISTING WITH RESOLVING COMPLAINTS.

3. No person who has served as a member of a community district education council may be employed by that board or the COMMUNITY superintendent of that district within a period of three years after the termination of such service unless such person qualifies for the position pursuant to a competitive examination and applicable provisions of the civil service law.

S 6. Section 2590-g of the education law, as amended by chapter 91 of the laws of 2002, subdivision 4 as amended by chapter 123 of the laws of 2003, is amended to read as follows:

S 2590-g. Powers and duties of the city board. The city board shall advise the chancellor on matters of policy affecting the welfare of the city school district and its pupils. The board shall exercise no executive power and perform no executive or administrative functions. Nothing herein contained shall be construed to require or authorize the day-to-day supervision or the administration of the operations of any school within the city school district of the city of New York. The board shall have the power and duty to:

1. (a) approve standards, policies, AND objectives[, and regulations] proposed by the chancellor directly related to educational achievement and student performance; [and]

(b) consider and approve any other standards, policies, AND objectives[, and regulations] as specifically authorized or required by state or federal law or regulation;

(C) APPROVE ALL REGULATIONS PROPOSED BY THE CHANCELLOR OR THE CITY BOARD AND ANY AMENDMENTS MADE THERETO;

(D) APPROVE THE EDUCATIONAL FACILITIES CAPITAL PLAN, AND ANY AMENDMENTS REQUIRING CITY BOARD APPROVAL PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-P OF THIS ARTICLE, FOLLOWING ANY APPLICABLE HEARINGS CONDUCTED BY THE COMMUNITY DISTRICT EDUCATION COUNCILS;

(E) APPROVE ANNUAL ESTIMATES OF THE TOTAL SUM OF MONEY WHICH IT DEEMS NECESSARY FOR THE OPERATION OF THE CITY DISTRICT AND THE CAPITAL BUDGET PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Q OF THIS ARTICLE;

(F) APPROVE THE ALLOCATION OF PROJECTED REVENUES AMONG COMMUNITY DISTRICTS AND THEIR SCHOOLS PURSUANT TO SUBDIVISION A OF SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE AND TO APPROVE THE AGGREGATION OF THE COMMUNITY DISTRICT BUDGETS, WITH A PROPOSED BUDGET FOR ADMINISTRATIVE AND OPERATIONAL EXPENDITURES OF THE CITY BOARD AND THE CHANCELLOR, FOLLOWING A PUBLIC HEARING PURSUANT TO SUBDIVISION F OF SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE;

(G) APPROVE A PROCUREMENT POLICY FOR THE CITY DISTRICT, AND ANY AMENDMENTS MADE THERETO, DEVELOPED PURSUANT TO SUBDIVISION THIRTY-SIX OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE; AND

(H) APPROVE PROPOSALS FOR ALL SCHOOL CLOSURES OR SIGNIFICANT CHANGES IN SCHOOL UTILIZATION INCLUDING THE PHASE-OUT, GRADE RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOLLOWING ANY HEARING PURSUANT TO SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

2. for all purposes, be the government or public employer of all persons appointed or assigned by the city board or the community districts; provided, however, that the chancellor shall have the authority to appoint staff pursuant to subdivision forty-one of section twenty-five hundred ninety-h of this article;

2-A. ADOPT A POLICY PROPOSED BY THE CHANCELLOR THAT PROMOTES THE RECRUITMENT AND RETENTION OF A WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT AND SCHOOL LEVEL THAT CONSIDERS THE DIVERSITY OF THE STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE CITY DISTRICT. THE CITY BOARD SHALL REVIEW AT A REGULAR PUBLIC MEETING AN ANNUAL REPORT ISSUED BY THE CHANCELLOR OUTLINING THE INITIATIVES TAKEN TO ENHANCE DIVERSITY AND EQUITY IN RECRUITMENT AND RETENTION AND THE IMPACTS OF SUCH INITIATIVES TO THE WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT AND SCHOOL LEVEL;

3. serve as the appeal board as provided in section twenty-five hundred ninety-l of this article, and subject to such powers, duties, and restrictions as were in effect before the effective date of this section;

4. subject to the provisions of section twenty-five hundred ninety-i of this article, maintain such jurisdiction over city-wide educational policies governing the special, academic, vocational, and other high schools authorized by this article before the effective date of this section as the respective community district education councils maintain over the schools within their jurisdiction, which shall not be construed to require or authorize the day-to-day supervision or the administration of the operations of such schools.

5. [Approve contracts that would significantly impact the provision of educational services or programming within the district.] (A) APPROVE ANY CONTRACT AWARDED BY THE CITY DISTRICT OR THE COMMUNITY DISTRICTS WHERE:

(I) SUCH CONTRACT WAS LET BY A PROCUREMENT METHOD OTHER THAN COMPETITIVE SEALED BIDDING PURSUANT TO SUBDIVISION THIRTY-SIX OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO COMPETITIVE SEALED PROPOSALS, OR SOLE SOURCE CONTRACTS;

(II) SUCH CONTRACT PROVIDES FOR TECHNICAL, CONSULTANT OR PERSONAL SERVICES;

(III) THE VALUE OF SUCH CONTRACT EXCEEDS, OR PROJECTS AN ANNUAL EXPENDITURE EXCEEDING ONE MILLION DOLLARS; OR

(IV) THE VALUE OF ANY CONTRACTS AWARDED TO A SINGLE ENTITY EXCEEDS ONE MILLION DOLLARS ANNUALLY;

(B) APPROVE ALL FRANCHISES, REVOCABLE CONSENTS, AND CONCESSIONS AWARDED BY THE CITY DISTRICT OR THE COMMUNITY DISTRICTS.

(C) NOTWITHSTANDING PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, CITY BOARD APPROVAL SHALL NOT BE REQUIRED FOR ANY CONTRACT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION OR ANY OTHER FEDERAL AGENCY, IF THE PRICE IS LOWER THAN THE PREVAILING MARKET PRICE, OR THE NEW YORK STATE OFFICE OF GENERAL SERVICES OR ANY OTHER STATE AGENCY, IF THE PRICE IS LOWER THAN THE PREVAILING MARKET PRICE, OR FOR ANY CONTRACT MADE DIRECTLY BY AN INDIVIDUAL SCHOOL.

6. Approve litigation settlements only when such settlement would significantly impact the provision of educational services or programming within the district.

6-A. APPROVE BY-LAWS FOR THE CITY BOARD PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-D OF THIS ARTICLE.

7. ALL ITEMS REQUIRING CITY BOARD APPROVAL SHALL BE BY A PUBLIC VOTE AT A REGULAR PUBLIC MEETING, CONSISTENT WITH THE REQUIREMENTS CONTAINED WITHIN SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-B OF THIS ARTICLE, AND SUCH ITEMS SHALL NOT BECOME EFFECTIVE UNTIL AFTER SUCH VOTE OCCURS EXCEPT AS EXPRESSLY AUTHORIZED IN SUBDIVISION NINE OF THIS SECTION.

8. (A) PRIOR TO THE APPROVAL OF ANY PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION, UNDERTAKE A PUBLIC REVIEW PROCESS TO AFFORD THE PUBLIC AN OPPORTUNITY TO SUBMIT COMMENTS ON THE PROPOSED ITEM. SUCH PUBLIC REVIEW PROCESS SHALL INCLUDE NOTICE OF THE ITEM UNDER CITY BOARD CONSIDERATION WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, AND SPECIFICALLY CIRCULATED TO ALL COMMUNITY SUPERINTENDENTS, COMMUNITY DISTRICT EDUCATION COUNCILS, COMMUNITY BOARDS, AND SCHOOL BASED MANAGEMENT TEAMS, AT LEAST FORTY-FIVE DAYS IN ADVANCE OF ANY CITY BOARD VOTE ON SUCH ITEM. NOTICE OF THE PROPOSED ITEM UNDER CITY BOARD CONSIDERATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE SUBJECT, PURPOSE AND SUBSTANCE OF THE PROPOSED ITEM UNDER CONSIDERATION;

(II) INFORMATION REGARDING WHERE THE FULL TEXT OF THE PROPOSED ITEM MAY BE OBTAINED;

(III) THE NAME, OFFICE, ADDRESS, EMAIL AND TELEPHONE NUMBER OF A CITY DISTRICT REPRESENTATIVE, KNOWLEDGEABLE ON THE ITEM UNDER CONSIDERATION, FROM WHOM ANY INFORMATION MAY BE OBTAINED CONCERNING SUCH ITEM;

(IV) DATE, TIME AND PLACE OF ANY HEARING REGARDING THE PROPOSED ITEM, IF APPLICABLE;

(V) DATE, TIME AND PLACE OF THE CITY BOARD MEETING AT WHICH THE CITY BOARD WILL VOTE ON THE PROPOSED ITEM; AND

(VI) INFORMATION ON HOW TO SUBMIT WRITTEN OR ORAL COMMENTS REGARDING THE ITEM UNDER CONSIDERATION.

(B) IN THE EVENT THAT A PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION IS SUBSTANTIALLY REVISED AT ANY TIME FOLLOWING THE PUBLIC NOTICE PROVIDED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CITY BOARD SHALL ISSUE A REVISED PUBLIC NOTICE. SUCH REVISED NOTICE SHALL BE AVAILABLE AT LEAST FIFTEEN DAYS IN ADVANCE OF ANY CITY BOARD VOTE ON THE PROPOSED ITEM, BUT IN NO EVENT SHALL THE CITY BOARD VOTE ON ANY SUCH ITEM WITHIN FORTY-FIVE DAYS FROM THE INITIAL PUBLIC NOTICE PROVIDED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. REVISED PUBLIC NOTICE OF THE ITEM UNDER CITY BOARD CONSIDERATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE SUBJECT, PURPOSE AND SUBSTANCE OF THE REVISED ITEM UNDER CONSIDERATION;

(II) IDENTIFICATION OF ALL SUBSTANTIAL REVISIONS TO THE ITEM;

(III) A SUMMARY OF ALL PUBLIC COMMENTS RECEIVED ON SUCH ITEM FOLLOWING THE INITIAL PUBLIC NOTICE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION;

(IV) INFORMATION REGARDING WHERE THE FULL TEXT OF THE REVISED ITEM MAY BE OBTAINED;

(V) THE NAME, OFFICE, ADDRESS, EMAIL AND TELEPHONE NUMBER OF A CITY DISTRICT REPRESENTATIVE, KNOWLEDGEABLE ON THE ITEM UNDER CONSIDERATION, FROM WHOM ANY INFORMATION MAY BE OBTAINED CONCERNING SUCH ITEM;

(VI) DATE, TIME AND PLACE OF ANY HEARING REGARDING THE ITEM, IF APPLICABLE;

(VII) DATE, TIME AND PLACE OF THE CITY BOARD MEETING AT WHICH THE CITY BOARD WILL VOTE ON THE ITEM; AND

(VIII) INFORMATION ON HOW TO SUBMIT WRITTEN OR ORAL COMMENTS REGARDING THE ITEM UNDER CONSIDERATION.

(C) FOLLOWING THE PUBLIC REVIEW PROCESS PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION BUT PRIOR TO VOTING ON ANY PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION, THE CITY BOARD SHALL MAKE AVAILABLE TO THE PUBLIC, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE, AN ASSESSMENT OF ALL PUBLIC COMMENTS CONCERNING THE ITEM UNDER CONSIDERATION RECEIVED PRIOR TO TWENTY-FOUR HOURS BEFORE THE CITY BOARD MEETING AT WHICH SUCH ITEM IS SUBJECT TO A VOTE. SUCH ASSESSMENT SHALL INCLUDE:

(I) A SUMMARY AND AN ANALYSIS OF THE ISSUES RAISED AND SIGNIFICANT ALTERNATIVES SUGGESTED;

(II) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVES WERE NOT INCORPORATED INTO THE PROPOSED ITEM;

(III) A DESCRIPTION OF ANY CHANGES MADE TO THE PROPOSED ITEM AS A RESULT OF PUBLIC COMMENTS RECEIVED; AND

(IV) INFORMATION AS TO WHERE THE FULL TEXT OF ANY APPROVED ITEM MAY BE OBTAINED.

9. IN THE EVENT THE CITY BOARD OR THE CHANCELLOR DETERMINES THAT IMMEDIATE ADOPTION OF ANY ITEM REQUIRING CITY BOARD APPROVAL IS NECESSARY FOR THE PRESERVATION OF STUDENT HEALTH, SAFETY OR GENERAL WELFARE AND THAT COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION SEVEN OR EIGHT OF THIS SECTION WOULD BE CONTRARY TO THE PUBLIC INTEREST, THEN SUCH PROPOSED ITEM MAY BE ADOPTED ON AN EMERGENCY BASIS. THE CITY BOARD OR CHANCELLOR SHALL PROVIDE WRITTEN JUSTIFICATION FOR SUCH DETERMINATION AND MAKE SUCH JUSTIFICATION PUBLICLY AVAILABLE INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE. EXCEPT AS EXPRESSLY AUTHORIZED FOR SCHOOL CLOSURES OR SIGNIFICANT CHANGES IN SCHOOL UTILIZATIONS PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, ALL EMERGENCY ADOPTIONS SHALL ONLY REMAIN IN EFFECT FOR SIXTY DAYS, DURING SUCH TIME THE CITY BOARD SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION IN ORDER FOR THE ADOPTION OF THE ITEM TO BECOME PERMANENT.

10. RESPOND, AT A REGULAR PUBLIC MEETING, TO THE RECOMMENDATIONS RAISED IN THE ANNUAL REPORTS ISSUED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS AND THE CITY-WIDE COUNCIL ON HIGH SCHOOLS.

11. CONDUCT AN ANNUAL SURVEY TO ALLOW PARENTS, TEACHERS AND SCHOOL PERSONNEL TO EVALUATE THE PERFORMANCE OF THE CITY BOARD AND THE CHANCELLOR WITH REGARDS TO CITY DISTRICT RESOURCES, OVERSIGHT AND CURRICULUM. THE RESULTS OF SUCH SURVEY SHALL BE MADE PUBLICLY AVAILABLE INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE.

12. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT AS REQUESTED BY THE DIRECTOR OF

1 THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK OR THE COMPTROLLER
2 OF THE CITY OF NEW YORK, IN A TIMELY FASHION.

3 S 7. Section 2590-h of the education law, as amended by chapter 720 of
4 the laws of 1996, the opening paragraph, subdivisions 16, 17, 18, 29, 36
5 and 37 as amended and subdivisions 16-a, 30, 38-a, 41, 42, 43, 45, 46
6 and 47 as added by chapter 91 of the laws of 2002, paragraph (a) of
7 subdivision 1, subdivisions 2, 9, 11, 13, 15, 31, 38, 39, 40 and 44 as
8 amended and paragraph (b-1) of subdivision 15 as added by chapter 123 of
9 the laws of 2003, subdivision 20 as amended by chapter 100 of the laws
10 of 2003 and paragraph (b) of subdivision 39 and paragraph (c) of subdi-
11 vision 40 as amended by chapter 285 of the laws of 2007, is amended to
12 read as follows:

13 S 2590-h. Powers and duties of chancellor. The office of chancellor
14 of the city district is hereby continued. Such chancellor shall serve at
15 the pleasure of and be employed by the mayor of the city of New York by
16 contract. The length of such contract shall not exceed by more than two
17 years the term of office of the mayor authorizing such contract. The
18 chancellor shall receive a salary to be fixed by the mayor within the
19 budgetary allocation therefor. ANY CHANCELLOR APPOINTED AFTER JULY
20 FIRST, TWO THOUSAND NINE SHALL, AT THE TIME OF APPOINTMENT, POSSESS THE
21 VALID CERTIFICATION APPLICABLE TO SCHOOL SUPERINTENDENTS PURSUANT TO
22 PART 80 OF THE NEW YORK STATE CODES, RULES AND REGULATIONS AND THE
23 COMMISSIONER SHALL NOT CONSIDER ANY APPLICATIONS FOR A WAIVER OF SUCH
24 CERTIFICATE. He or she shall exercise all his or her powers and duties
25 in a manner not inconsistent with the city-wide educational policies of
26 the city board. The chancellor shall have the following powers and
27 duties as the superintendent of schools and chief executive officer for
28 the city district, which the chancellor shall exercise to promote an
29 equal educational opportunity for all students in the schools of the
30 city district, promote fiscal and educational equity, increase student
31 achievement and school performance and encourage local school-based
32 innovation, including the power and duty to:

33 1. Control and operate:

34 (a) academic and vocational senior high schools until such time as the
35 same may be transferred to the jurisdiction of appropriate community
36 district education councils pursuant to this article;

37 (b) all specialized senior high schools. The special high schools
38 shall include the present schools known as:

39 The Bronx High School of Science, Stuyvesant High School, Brooklyn
40 Technical High School, Fiorello H. LaGuardia High School of Music and
41 the Arts in the borough of Manhattan, and such further schools which the
42 city board may designate from time to time. The special schools shall be
43 permitted to maintain a discovery program in accordance with the law in
44 effect on the date preceding the effective date of this section; admis-
45 sions to the special schools shall be conducted in accordance with the
46 law in effect on the date preceding the effective date of this section;

47 (c) all special education programs and services conducted pursuant to
48 this chapter;

49 (d) subject to the provisions of section twenty-five hundred ninety-i
50 of this article, devolving powers to the schools, city-wide programs for
51 city-wide services to a substantial number of persons from more than one
52 community district, including transportation; food services; payroll and
53 personnel functions, including pension and retirement services; and
54 enforcement of laws and regulations promoting equal opportunity in
55 employment, access to public accommodations and facilities, equal oppor-
56 tunity in education, and preventing and addressing unlawful discrimi-

1 nation; provided, however, that a community district may also operate
2 within its district programs which provide similar services otherwise
3 authorized by this article.

4 2. Establish, control and operate new schools or programs of the types
5 specified in subdivision one of this section, or to discontinue any such
6 schools and programs as he or she may determine; provided, however, that
7 the chancellor shall consult with the affected community district educa-
8 tion council before:

9 (a) substantially expanding or reducing such an existing school or
10 program within a community district;

11 (b) initially utilizing a community district school or facility for
12 such a school or program;

13 (c) instituting any new program within a community district.

14 2-A. (A) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, PREPARE
15 AN EDUCATIONAL IMPACT STATEMENT REGARDING ANY PROPOSED SCHOOL CLOSING OR
16 SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE
17 RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOR ANY PUBLIC
18 SCHOOL LOCATED WITHIN THE CITY DISTRICT.

19 (B) SUCH EDUCATIONAL IMPACT STATEMENT SHALL INCLUDE THE FOLLOWING
20 INFORMATION REGARDING THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE
21 IN SCHOOL UTILIZATION:

22 (I) THE CURRENT AND PROJECTED PUPIL ENROLLMENT OF THE AFFECTED SCHOOL,
23 THE PROSPECTIVE NEED FOR SUCH SCHOOL BUILDING, THE RAMIFICATIONS OF SUCH
24 SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION UPON THE
25 COMMUNITY, INITIAL COSTS AND SAVINGS RESULTING FROM SUCH SCHOOL CLOSING
26 OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, THE POTENTIAL DISPOSABILITY
27 OF ANY CLOSED SCHOOL;

28 (II) THE IMPACTS OF THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE
29 IN SCHOOL UTILIZATION TO ANY AFFECTED STUDENTS, INCLUDING ENGLISH
30 LANGUAGE LEARNING STUDENTS, STUDENTS WITH INDIVIDUALIZED EDUCATION
31 PROGRAMS, AND THE ACHIEVEMENT GAP;

32 (III) AN OUTLINE OF ANY PROPOSED OR POTENTIAL USE OF THE SCHOOL BUILD-
33 ING FOR OTHER EDUCATIONAL PROGRAMS OR ADMINISTRATIVE SERVICES;

34 (IV) THE EFFECT OF SUCH SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL
35 UTILIZATION ON PERSONNEL NEEDS, THE COSTS OF INSTRUCTION, ADMINIS-
36 TRATION, TRANSPORTATION, AND OTHER SUPPORT SERVICES;

37 (V) THE TYPE, AGE, AND PHYSICAL CONDITION OF SUCH SCHOOL BUILDING,
38 MAINTENANCE, AND ENERGY COSTS, RECENT OR PLANNED IMPROVEMENTS TO SUCH
39 SCHOOL BUILDING, AND SUCH BUILDING'S SPECIAL FEATURES;

40 (VI) THE ABILITY OF OTHER SCHOOLS IN THE AFFECTED COMMUNITY DISTRICT
41 TO ACCOMMODATE PUPILS FOLLOWING THE SCHOOL CLOSURE OR SIGNIFICANT CHANGE
42 IN SCHOOL UTILIZATION; AND

43 (VII) INFORMATION REGARDING SUCH SCHOOL'S ACADEMIC PERFORMANCE INCLUD-
44 ING WHETHER SUCH SCHOOL HAS BEEN IDENTIFIED AS A SCHOOL UNDER REGISTRA-
45 TION REVIEW OR HAS BEEN IDENTIFIED AS A SCHOOL REQUIRING ACADEMIC
46 PROGRESS, A SCHOOL IN NEED OF IMPROVEMENT, OR A SCHOOL IN CORRECTIVE
47 ACTION OR RESTRUCTURING STATUS.

48 (C) SUCH EDUCATIONAL IMPACT STATEMENT SHALL BE MADE PUBLICLY AVAIL-
49 ABLE, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, AND A
50 COPY SHALL ALSO BE FILED WITH THE CITY BOARD, THE IMPACTED COMMUNITY
51 COUNCIL, COMMUNITY BOARDS, COMMUNITY SUPERINTENDENT, AND SCHOOL BASED
52 MANAGEMENT TEAM AT LEAST SIX MONTHS IN ADVANCE OF THE FIRST DAY OF
53 SCHOOL IN THE SUCCEEDING SCHOOL YEAR.

54 (D) NO SOONER THAN THIRTY DAYS, BUT NO LATER THAN FORTY-FIVE DAYS
55 FOLLOWING THE FILING OF THE EDUCATIONAL IMPACT STATEMENT, THE CHANCELLOR
56 OR DEPUTY CHANCELLOR, OR IN THE CASE OF A PROPOSED SIGNIFICANT CHANGE IN

1 SCHOOL UTILIZATION THE CHANCELLOR OR HIS OR HER DESIGNEE, SHALL HOLD A
2 JOINT PUBLIC HEARING WITH THE IMPACTED COMMUNITY COUNCIL AND SCHOOL
3 BASED MANAGEMENT TEAM, AT THE SCHOOL THAT IS SUBJECT TO THE PROPOSED
4 SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, AND SHALL
5 ALLOW ALL INTERESTED PARTIES AN OPPORTUNITY TO PRESENT COMMENTS OR
6 CONCERNS REGARDING THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN
7 SCHOOL UTILIZATION. THE CHANCELLOR SHALL ENSURE THAT NOTICE OF SUCH
8 HEARING IS WIDELY AND CONSPICUOUSLY POSTED IN SUCH A MANNER TO MAXIMIZE
9 THE NUMBER OF AFFECTED INDIVIDUALS THAT RECEIVE NOTICE, INCLUDING
10 PROVIDING NOTICE TO AFFECTED PARENTS AND STUDENTS, AND SHALL ALSO NOTIFY
11 MEMBERS OF THE COMMUNITY BOARDS AND THE ELECTED STATE AND LOCAL OFFI-
12 CIALS WHO REPRESENT THE AFFECTED COMMUNITY DISTRICT.

13 (D-1) SO LONG AS THE REVISED PROPOSAL DOES NOT IMPACT ANY SCHOOL OTHER
14 THAN A SCHOOL THAT WAS IDENTIFIED IN THE INITIAL EDUCATIONAL IMPACT
15 STATEMENT, THE CHANCELLOR, AFTER RECEIVING PUBLIC INPUT, MAY SUBSTAN-
16 Tially REVISE THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN
17 SCHOOL UTILIZATION PROVIDED THAT THE CHANCELLOR SHALL PREPARE A REVISED
18 EDUCATIONAL IMPACT STATEMENT, IN THE FORM PRESCRIBED IN PARAGRAPH (B) OF
19 THIS SUBDIVISION, AND PUBLISH AND FILE SUCH EDUCATIONAL IMPACT STATEMENT
20 IN THE SAME MANNER AS PRESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION.
21 NO SOONER THAN FIFTEEN DAYS FOLLOWING THE FILING OF SUCH REVISED EDUCA-
22 TIONAL IMPACT STATEMENT, THE CHANCELLOR OR DEPUTY CHANCELLOR, OR IN THE
23 CASE OF A SIGNIFICANT CHANGE IN SCHOOL UTILIZATION THE CHANCELLOR OR HIS
24 OR HER DESIGNEE, SHALL HOLD A JOINT PUBLIC HEARING WITH THE IMPACTED
25 COMMUNITY COUNCIL AND SCHOOL BASED MANAGEMENT TEAM, AT THE SCHOOL THAT
26 IS SUBJECT TO THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN
27 SCHOOL UTILIZATION AND SHALL ALLOW ALL INTERESTED PARTIES AN OPPORTUNITY
28 TO PRESENT COMMENTS AND CONCERNS REGARDING SUCH PROPOSAL. THE CHANCEL-
29 LOR SHALL ENSURE THAT NOTICE OF SUCH HEARING IS WIDELY AND CONSPICUOUSLY
30 POSTED IN SUCH A MANNER TO MAXIMIZE THE NUMBER OF AFFECTED INDIVIDUALS
31 THAT RECEIVE NOTICE, INCLUDING PROVIDING NOTICE TO AFFECTED PARENTS AND
32 STUDENTS, AND SHALL ALSO NOTIFY MEMBERS OF THE COMMUNITY BOARDS AND THE
33 ELECTED STATE AND LOCAL OFFICIALS WHO REPRESENT THE AFFECTED COMMUNITY
34 DISTRICT.

35 (E) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (F) OF THIS SUBDIVISION,
36 ALL PROPOSED SCHOOL CLOSINGS OR SIGNIFICANT CHANGES IN SCHOOL UTILIZA-
37 TION SHALL BE APPROVED BY THE CITY BOARD PURSUANT TO SECTION TWENTY-FIVE
38 HUNDRED NINETY-G OF THIS ARTICLE AND SHALL NOT TAKE EFFECT UNTIL ALL THE
39 PROVISIONS OF THIS SUBDIVISION HAVE BEEN SATISFIED AND THE SCHOOL YEAR
40 IN WHICH SUCH CITY BOARD APPROVAL WAS GRANTED, HAS ENDED.

41 (F) IN THE EVENT THAT THE CHANCELLOR DETERMINES THAT A SCHOOL CLOSING
42 OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION IS IMMEDIATELY NECESSARY FOR
43 THE PRESERVATION OF STUDENT HEALTH, SAFETY OR GENERAL WELFARE, THE CHAN-
44 CELLOR MAY TEMPORARILY CLOSE A PUBLIC SCHOOL OR ADOPT A SIGNIFICANT
45 CHANGE IN THE SCHOOL'S UTILIZATION ON AN EMERGENCY BASIS. SUCH EMERGENCY
46 SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION SHALL ONLY
47 REMAIN IN EFFECT FOR SIX MONTHS, DURING SUCH TIME THE CHANCELLOR SHALL
48 COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION IN ORDER FOR SUCH
49 SCHOOL CLOSURE OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION TO EXTEND
50 BEYOND THE SIX MONTH PERIOD.

51 3. Subject to the approval of the city board, develop a plan to
52 provide for the establishment of comprehensive high schools within the
53 city district so that every community district shall have available to
54 its graduates further education and a comprehensive high school. Such
55 plan may provide for the conversion of academic and vocational high
56 schools and may be amended or modified from time to time.

1 4. Appoint teacher-aides for the schools and programs under his or her
2 jurisdiction within the budgetary allocation therefor.

3 5. Retain jurisdiction over all employees who are required in
4 connection with the performance of duties with respect to the design,
5 construction, operation and maintenance of all school buildings in the
6 city school district. Such employees shall have all rights accorded them
7 under the provisions of the civil service law, including manner of
8 appointment, classification, promotion, transfer and removal including
9 an opportunity to be heard provided, however, that each custodian shall
10 be responsible for the performance of his OR HER duties to the principal
11 of the school who shall be responsible to the district superintendent.

12 6. Employ or retain counsel subject to the powers and duties of the
13 corporation counsel of the city of New York to be his or her attorney
14 and counsel pursuant to subdivision a of section three hundred ninety-
15 four of the New York city charter; provided, however, that in actions or
16 proceedings between the city board or the chancellor and one or more
17 community boards, the city board or the chancellor shall be represented
18 by the corporation counsel of the city of New York.

19 7. To continue existing voluntary programs or to establish new
20 programs under which students may choose to attend a public school in
21 another community district.

22 8. Promulgate minimum clear educational standards, curriculum require-
23 ments and frameworks, and mandatory educational objectives applicable to
24 all schools and programs throughout the city district, and examine and
25 evaluate periodically all such schools and programs with respect to

26 (i) compliance with such educational standards and other requirements,
27 and

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

30 9. Furnish community district education councils and the city board
31 periodically with the results of such examinations and evaluations and
32 to make the same public.

33 10. Require each community superintendent to make an annual report
34 covering all matters relating to schools under the district's jurisdic-
35 tion including, but not limited to, the evaluation of the educational
36 effectiveness of such schools and programs connected therewith.

37 11. Require such community district education council or superinten-
38 dent to make such number of periodic reports as may be necessary to
39 accomplish the purposes of this chapter.

40 13. Perform the following functions throughout the city district;
41 provided, however, that the chancellor and any community district educa-
42 tion council may agree that any such function may be appropriately
43 performed by the community district education council with respect to
44 the schools and programs under its jurisdiction:

45 (a) Technical assistance to community districts and schools;

46 (b) Such warehouse space on a regional basis as he or she determines
47 to be necessary or appropriate after consultation with the community
48 superintendents;

49 (c) Purchasing services on a city-wide, regional or community district
50 basis subject to subdivision thirty-six of this section;

51 (d) Reinforce and foster connections to institutions of higher educa-
52 tion to promote student achievement.

53 14. Develop and furnish pre-service and in-service training programs
54 for principals and other employees throughout the city district. In
55 addition, the chancellor shall prepare and annually update a training
56 plan for participating parents, and school personnel, which shall

1 include, at minimum, such training as may be required for exercise of
2 their responsibilities, full participation and compliance with the
3 provisions of this section. The chancellor shall, in addition, within
4 amounts appropriated, allocate sufficient funds directly and to the
5 superintendents for teacher and principal training to meet identified
6 needs for school improvement.

7 15. Promote the involvement and appropriate input of all members of
8 the school community pursuant to the provisions of this article, includ-
9 ing parents, teachers, and other school personnel, including:

10 (a) establishing a parents' association or a parent-teachers' associ-
11 ation in each school under the chancellor's jurisdiction; and ensuring
12 that the districts do the same; THE CHANCELLOR SHALL ENSURE THAT MEET-
13 INGS OF SUCH PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS
14 SHALL COMPLY WITH SECTION FOUR HUNDRED FOURTEEN OF THIS CHAPTER;

15 (b) pursuant to a plan prepared in consultation with associations of
16 parents, and representatives of teachers, supervisors, paraprofessionals
17 and other school personnel within the city district, and promulgated no
18 later than January thirty-first, nineteen hundred ninety-eight, (i)
19 taking all necessary steps to ensure that no later than October first,
20 nineteen hundred ninety-nine, the city district and the community
21 districts are in full compliance, and remain in compliance thereafter,
22 with state and federal law and regulations concerning school-based
23 management and shared decision-making, including section 100.11 of the
24 commissioner's regulations, in a manner which balances participation by
25 parents with participation by school personnel in advising in the deci-
26 sions devolved to schools pursuant to sections twenty-five hundred nine-
27 ty-i and twenty-five hundred ninety-r of this article, and (ii) pursuant
28 to such plan providing for appropriate training to any parent and school
29 personnel who participate in the [school-based] SCHOOL BASED management
30 and shared decision-making process;

31 (b-1) school based management teams developed pursuant to paragraph
32 (b) of this subdivision shall possess the following powers and duties:

33 (i) develop an annual school comprehensive educational plan [that is
34 aligned with] AND CONSULT ON THE SCHOOL-BASED BUDGET PURSUANT TO SECTION
35 TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE. SUCH SCHOOL COMPREHENSIVE
36 EDUCATIONAL PLAN SHALL BE DEVELOPED CONCURRENTLY WITH THE DEVELOPMENT OF
37 THE SCHOOL-BASED BUDGET SO THAT IT MAY INFORM THE DECISION-MAKING PROC-
38 ESS AND RESULT IN THE ALIGNMENT OF THE COMPREHENSIVE EDUCATIONAL PLAN
39 AND the [school based] SCHOOL-BASED budget FOR THE ENSUING SCHOOL YEAR.
40 Such plan shall be submitted to the [district] COMMUNITY superintendent
41 ALONG WITH THE PRINCIPAL'S WRITTEN JUSTIFICATION DEMONSTRATING THAT THE
42 SCHOOL-BASED BUDGET PROPOSAL IS ALIGNED WITH THE SCHOOL'S COMPREHENSIVE
43 EDUCATIONAL PLAN AND THE SCHOOL BASED MANAGEMENT TEAM'S RESPONSE TO SUCH
44 JUSTIFICATION PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION
45 TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE. IN THE CASE OF SPECIAL-
46 IZED, ACADEMIC, VOCATIONAL, AND OTHER HIGH SCHOOLS THAT ARE NOT UNDER
47 THE JURISDICTION OF A COMMUNITY SUPERINTENDENT, SUCH PLAN SHALL BE
48 SUBMITTED TO THE CHANCELLOR PURSUANT TO SUBDIVISION E OF SECTION TWEN-
49 TY-FIVE HUNDRED NINETY-R OF THIS ARTICLE. THE CHANCELLOR SHALL ENSURE
50 THAT THE COMPREHENSIVE EDUCATIONAL PLAN OF EVERY SCHOOL WITHIN THE CITY
51 DISTRICT IS EASILY ACCESSIBLE and be made available for public
52 inspection INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE;

53 (ii) hold at least one meeting per month during the school year. Each
54 monthly meeting shall be held at a time that is convenient for the
55 parent representatives;

1 (iii) provide notice of monthly meetings that is consistent with the
2 open meetings law;
3 (iv) have parent members of such teams make recommendations, consist-
4 ent with the chancellor's regulations, on the selection of the school
5 principal AND HAVE ALL MEMBERS BE CONSULTED PRIOR TO THE APPOINTMENT OF
6 ANY PRINCIPAL CANDIDATE TO ITS SCHOOL;
7 (v) undergo initial and ongoing training that will allow its members
8 to carry out their duties effectively; [and]
9 (VI) DISPUTE ANY DECISION MADE BY THE PRINCIPAL TO THE COMMUNITY
10 SUPERINTENDENT PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS
11 ARTICLE WHERE MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAM, OTHER THAN
12 THE PRINCIPAL, REACH A CONSENSUS THAT THE DECISION IS INCONSISTENT WITH
13 THE GOALS AND POLICIES SET FORTH IN THE SCHOOL'S EXISTING COMPREHENSIVE
14 EDUCATIONAL PLAN; AND
15 (VII) PROVIDE TO THE COMMUNITY SUPERINTENDENT AN ANNUAL ASSESSMENT OF
16 THE SCHOOL PRINCIPAL'S RECORD OF DEVELOPING AN EFFECTIVE SHARED DECI-
17 SION-MAKING RELATIONSHIP WITH SCHOOL BASED MANAGEMENT TEAM MEMBERS; AND
18 (c) developing, in consultation with associations of parents in the
19 city district, and implementing no later than October first, nineteen
20 hundred ninety-eight, a parental bill of rights which provides for, at
21 minimum:
22 (i) reasonable access by parents, persons in parental relation and
23 guardians to schools, classrooms, and academic and attendance records of
24 their own children, consistent with federal and state laws, provided
25 that such access does not disrupt or interfere with the regular school
26 process;
27 (ii) the rights of parents, persons in parental relation and guardians
28 to take legal action and appeal the decisions of the school adminis-
29 tration, as authorized by law;
30 (iii) the right of parents, persons in parental relation and guardians
31 to have information on their own child's educational materials;
32 (iv) access to and information about all public meetings, hearings of
33 the chancellor, the city board, the community superintendents, the
34 community district education councils, and the schools; and
35 (v) access to information regarding programs that allow students to
36 apply for admission where appropriate to schools outside a student's own
37 attendance zone.
38 16. Promulgate such rules and regulations as he or she may determine
39 to be necessary or convenient to accomplish the purposes of this act,
40 not inconsistent with the provisions of this article and the city-wide
41 educational policies of the city board.
42 16-a. Create standards, policies, and objectives and promulgate regu-
43 lations directly related to maintaining the internal fiscal integrity of
44 administrative operations by the chancellor, the community districts,
45 and the schools.
46 17. Possess those powers and duties described in section twenty-five
47 hundred fifty-four of this title, the exercise of which shall be in a
48 manner not inconsistent with the provisions of this article and the
49 city-wide educational policies of the city board.
50 18. Possess those powers and duties contained in section nine hundred
51 twelve of this chapter and those provisions of article fifteen of this
52 chapter which relate to non-public schools, those powers and duties
53 contained in section five hundred twenty-two of the New York city char-
54 ter, and those powers and duties contained in article seventy-three of
55 this chapter, the exercise of which shall be in a manner not inconsist-

ent with the provisions of this article and the city-wide educational 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. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. Furthermore, the division of criminal justice services is authorized to submit the fingerprints to the federal bureau of investigation for a national criminal history record check.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with subdivisions thirty-six and thirty-seven of this section.

22. Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

23. Develop an educational facilities master plan, and revisions thereto, as defined in section twenty-five hundred ninety-o of this article.

24. Develop and implement a five-year educational facilities capital plan, and amendments thereto, as defined in section twenty-five hundred ninety-p of this article. The chancellor shall also appoint a person, who reports directly to the chancellor or his or her designee, to assist in the development and implementation of such plan and amendments thereto and to oversee the school buildings program.

25. On the chancellor's own initiative, or at the request of a community superintendent, transfer a principal employed by a community school district pursuant to an agreement with the employee organization representing such principals. The chancellor shall establish a procedure for consulting with affected parents to explain any such transfer. Consistent with section twenty-five hundred ninety-i of this article, including without limitation subdivision three thereof, and subdivision one thereof with respect to the rights and obligations of a school to which a principal is transferred, in addition to any other law providing for the transfer of principals, the chancellor also may cause the transfer or removal of principals for persistent educational failure, conflicts of interest, and ethics violations, and may require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance.

26. Establish educational and experience qualifications and requirements for all custodial positions including, but not limited to, custodians and custodial engineers and develop standards for evaluating the performance of all such individuals, subject to approval of the city board. Such performance standards shall include, but not be limited to: the cleanliness of facilities; adequacy and timeliness of minor repairs; maintenance of good working order of facilities and grounds; general facilities improvement; and emergency services. The chancellor shall promulgate regulations setting forth the respective responsibilities of the district plant manager, which shall include regular consultation and ongoing reports to the community superintendent, and the principal of each school for evaluating the performance of the custodial employees assigned to his or her school, in accordance with such performance standards, and such performance evaluations shall be given dominant weight in any decision for the purposes of: advancement; continued employment;

1 building transfers; and other performance incentives. The responsibility
2 of the principal of each school in the evaluation of custodial employees
3 may be a matter for collective bargaining with collective bargaining
4 representatives for principals.

5 27. [Develop] PROMULGATE REGULATIONS, in conjunction with each commu-
6 nity superintendent, ESTABLISHING a plan for providing access to school
7 facilities in each community school district, when not in use for school
8 purposes, in accordance with the provisions of section four hundred
9 fourteen of this chapter. Such plan shall set forth a reasonable system
10 of fees not to exceed the actual costs and specify that no part of any
11 fee shall directly or indirectly benefit or be deposited into an account
12 which inures to the benefit of the custodians or custodial engineers.

13 29. Promulgate regulations establishing educational, managerial, and
14 administrative qualifications, performance record criteria, and perform-
15 ance standards for the positions of superintendent and principal.

16 30. Select and appoint a community superintendent, in compliance with
17 the qualifications required by subdivision twenty-nine of this section
18 and subject to the provisions of subdivision two of section twenty-five
19 hundred ninety-j of this article, AND IN CONSULTATION WITH THE CORRE-
20 SPONDING COMMUNITY DISTRICT EDUCATION COUNCIL, at a salary to be fixed
21 within the budgetary allocation therefor.

22 31. Intervene in any district or school which is persistently failing
23 to achieve educational results and standards approved by the city board
24 or established by the state board of regents, or has failed to improve
25 its educational results and student achievement in accordance with such
26 standards or state or city board requirements, or in any school or
27 district in which there exists, in the chancellor's judgment, a state of
28 uncontrolled or unaddressed violence. The chancellor may, in addition to
29 exercising any other powers authorized by this article, require such
30 school principal, or district as the case may be, to prepare a correc-
31 tive action plan, with a timetable for implementation of steps accepta-
32 ble to the chancellor to reach improvement goals consistent with city
33 board standards and educational results. The chancellor may require the
34 school or district to alter or improve the corrective action plan, or
35 may directly modify the plan. The chancellor shall monitor implementa-
36 tion of the plan, and, if the school or district fails to implement it,
37 may supersede any inconsistent decision of the school principal, commu-
38 nity district education council or community superintendent; assume
39 joint or direct control of the operation of the school or district to
40 implement the corrective action plan; or take any other action author-
41 ized by this article. Any action of the chancellor to supercede an
42 inconsistent decision of the school principal, community district educa-
43 tion council or community superintendent, or to assume joint or direct
44 control of the operation of the school or district pursuant to this
45 subdivision may be appealed to the city board in accordance with section
46 twenty-five hundred ninety-g of this article.

47 32. Appoint a deputy, for each borough of the city of New York,
48 responsible for coordinating and periodically meeting and consulting
49 with the borough president, the chancellor and the community superinten-
50 dents in the borough on borough-specific issues and issues of borough-
51 wide significance, including the provision of services in support of
52 schools and community districts such as transportation, purchasing,
53 capital planning, and coordination with municipal services, and chancel-
54 lor and city board policy with respect to the high schools.

1 33. Require community school board members to participate in training
2 and retraining in order to promote district and school performance and
3 student achievement, as a continuing condition for membership.

4 35. Take all necessary steps to promote the effectiveness and integri-
5 ty of school-based budgeting pursuant to section twenty-five hundred
6 ninety-r of this article, including the obligations imposed by subdivi-
7 sion thirty-seven of this section.

8 36. Develop a procurement policy for the city school district of the
9 city of New York and the COMMUNITY districts and public schools there-
10 in[. Such policy shall] TO ensure the wise and prudent use of public
11 money in the best interest of the taxpayers of the state; guard against
12 favoritism, improvidence, extravagance, fraud, and corruption; and
13 ensure that contracts are awarded consistent with law and on the basis
14 of best value, including, but not limited to, the following criteria:
15 quality, cost and efficiency.

16 (A) Such POLICY SHALL SPECIFICALLY INCLUDE:

17 (I) A COMPETITIVE SEALED BIDDING PROCESS FOR THE AWARDING OF CONTRACTS
18 IN WHICH SEALED BIDS ARE PUBLICLY SOLICITED AND OPENED AND THAT A
19 CONTRACT IS AWARDED TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER;

20 (II) PROCESSES FOR AWARDING CONTRACTS USING ALTERNATIVES TO COMPET-
21 ITIVE SEALED BIDDING WHERE COMPETITIVE SEALED BIDDING IS NOT PRACTICABLE
22 OR NOT ADVANTAGEOUS, IN WHICH CASE THE MOST COMPETITIVE ALTERNATIVE
23 METHOD OF PROCUREMENT, WHICH IS APPROPRIATE UNDER THE CIRCUMSTANCES,
24 SHALL BE USED CONSISTENT WITH THE REQUIREMENTS OF SUBPARAGRAPH (VII) OF
25 THIS PARAGRAPH;

26 (III) MEASURES TO ENHANCE THE ABILITY OF MINORITY AND WOMEN OWNED
27 BUSINESS ENTERPRISES TO COMPETE FOR CONTRACTS AND TO ENSURE THEIR MEAN-
28 INGFUL PARTICIPATION IN THE PROCUREMENT PROCESS;

29 (IV) THE MANNER FOR ADMINISTERING CONTRACTS AND OVERSEEING THE
30 PERFORMANCE OF CONTRACTS AND CONTRACTORS;

31 (V) STANDARDS AND PROCEDURES TO BE USED IN DETERMINING WHETHER BIDDERS
32 ARE RESPONSIBLE;

33 (VI) CIRCUMSTANCES UNDER WHICH PROCUREMENT MAY BE USED FOR THE
34 PROVISION OF TECHNICAL, CONSULTANT OR PERSONAL SERVICES;

35 (VII) REQUIRING WRITTEN JUSTIFICATION FOR THE BASIS, INCLUDING THE
36 EFFICIENCY, BENEFIT, AND NECESSITY, FOR AWARDING A CONTRACT USING
37 PROCUREMENT METHODS OTHER THAN COMPETITIVE SEALED BIDDING INCLUDING
38 COMPETITIVE SEALED PROPOSALS AND SOLE SOURCE CONTRACTS, AND FOR AWARDING
39 TECHNICAL, CONSULTANT, OR PERSONAL SERVICES CONTRACTS, FRANCHISES, REVO-
40 CABLE CONSENTS, OR CONCESSIONS. SUCH WRITTEN JUSTIFICATION SHALL BE
41 FILED WITH THE COMPTROLLER OF THE CITY OF NEW YORK ALONG WITH THE CORRE-
42 SPONDING CONTRACT, FRANCHISE, REVOCABLE CONSENT, OR CONCESSION;

43 (VIII) MAINTAINING A FILE FOR EVERY CONTRACT FRANCHISE, REVOCABLE
44 CONSENT, AND CONCESSION CONTAINING INFORMATION PERTAINING TO THE SOLIC-
45 ITATION, AWARD AND MANAGEMENT OF EVERY SUCH CONTRACT OR AGREEMENT. SUCH
46 FILE SHALL CONTAIN COPIES OF EACH DETERMINATION, WRITING OR FILING
47 REQUIRED BY THIS SUBDIVISION AND SHALL BE OPEN TO PUBLIC INSPECTION WITH
48 ADEQUATE PROTECTION FOR INFORMATION WHICH IS CONFIDENTIAL;

49 (IX) A PROCESS FOR THE FILING OF ALL CONTRACTS, FRANCHISES, REVOCABLE
50 CONSENTS, AND CONCESSIONS WITH THE COMPTROLLER OF THE CITY OF NEW YORK;

51 (X) A PROCESS FOR EMERGENCY PROCUREMENT IN THE CASE OF AN UNFORESEEN
52 DANGER TO LIFE, SAFETY, PROPERTY OR A NECESSARY SERVICE PROVIDED THAT
53 SUCH PROCUREMENT SHALL BE MADE WITH SUCH COMPETITION AS IS PRACTICABLE
54 UNDER THE CIRCUMSTANCES AND THAT A WRITTEN DETERMINATION OF THE BASIS
55 FOR THE EMERGENCY PROCUREMENT SHALL BE REQUIRED AND FILED WITH THE COMP-

1 TROLLER OF THE CITY OF NEW YORK WHEN SUCH EMERGENCY CONTRACT IS FILED
2 WITH SUCH COMPTROLLER; AND

3 (XI) PROCEDURES FOR THE FAIR AND EQUITABLE RESOLUTION OF CONTRACT
4 DISPUTES.

5 (B) CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
6 SION SUCH policy shall also include: [(a)] (I) standards for quality,
7 function, and utility of all material goods, supplies, and services
8 purchased by the chancellor, superintendents, or schools; [(b)] regu-
9 lations for the purchase of material goods, supplies, and services by
10 the chancellor, the superintendents, and the schools, including clearly
11 articulated procedures which require a clear statement of product spec-
12 ifications, requirements or work to be performed, a documentable process
13 of soliciting bids, proposals, or other offers, and a balanced and fair
14 method, established in advance of receipt of offers, for evaluating
15 offers and awarding contracts; (c)] (II) regulations which enable super-
16 intendents and schools to purchase material goods, supplies, and
17 services directly from vendors or suppliers when such products are
18 available at prices or other terms more economically beneficial for the
19 purposes of the acquiring superintendent or school; and [(d)] (III)
20 regulations shall include repair services and building supplies, as
21 defined in such regulations, for expenditures from each district's minor
22 repair and purchasing funds pursuant to section twenty-five hundred
23 ninety-r of this article.

24 (C) THE CHANCELLOR SHALL BE RESPONSIBLE FOR CERTIFYING THAT THE PROCE-
25 DURAL REQUISITES PURSUANT TO THIS SUBDIVISION AND SECTION TWENTY-FIVE
26 HUNDRED NINETY-G OF THIS ARTICLE HAVE BEEN MET, PRIOR TO THE FILING ANY
27 CONTRACT AWARDED BY A PROCUREMENT METHOD OTHER THAN COMPETITIVE SEALED
28 BIDDING, OR PRIOR TO FILING ANY TECHNICAL, CONSULTANT, OR PERSONAL
29 SERVICES CONTRACT, FRANCHISE, REVOCABLE CONSENT, OR CONCESSION WITH THE
30 COMPTROLLER OF THE CITY OF NEW YORK. THE CORPORATION COUNSEL FOR THE
31 CITY OF NEW YORK SHALL CERTIFY PRIOR TO THE FILING OF SUCH CONTRACT OR
32 AGREEMENT WITH THE COMPTROLLER OF THE CITY OF NEW YORK, THAT THE CITY
33 DISTRICT HAS LEGAL AUTHORITY TO AWARD EACH SUCH CONTRACT OR AGREEMENT.

34 (D) (I) NO CONTRACT, FRANCHISE, REVOCABLE CONSENT OR CONCESSION SHALL
35 BE IMPLEMENTED UNTIL A COPY HAS BEEN FILED WITH THE COMPTROLLER OF THE
36 CITY OF NEW YORK AND EITHER SUCH COMPTROLLER HAS REGISTERED IT OR THIRTY
37 DAYS HAVE ELAPSED FROM THE DATE OF FILING, WHICHEVER IS SOONER, UNLESS
38 AN OBJECTION HAS BEEN FILED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARA-
39 GRAPH, OR THE COMPTROLLER OF THE CITY OF NEW YORK HAS GROUNDS FOR NOT
40 REGISTERING SUCH CONTRACT OR AGREEMENT UNDER SUBPARAGRAPH (II) OF THIS
41 PARAGRAPH.

42 (II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARA-
43 GRAPH, THE COMPTROLLER OF THE CITY OF NEW YORK SHALL REGISTER SUCH
44 CONTRACT OR AGREEMENT WITHIN THIRTY DAYS UNLESS SUCH COMPTROLLER HAS
45 INFORMATION INDICATING THAT:

46 (1) THERE REMAINS NO UNEXPENDED AND UNAPPLIED BALANCE OF THE APPROPRI-
47 ATION OR FUND APPLICABLE THERETO, SUFFICIENT TO PAY THE ESTIMATED
48 EXPENSE OF EXECUTING SUCH CONTRACT OR AGREEMENT;

49 (2) A CERTIFICATION REQUIRED PURSUANT TO THIS PARAGRAPH HAS NOT BEEN
50 MADE; OR

51 (3) THE PROPOSED VENDOR HAS BEEN DEBARRED BY THE CITY OF NEW YORK.

52 (III) THE COMPTROLLER OF THE CITY OF NEW YORK MAY, WITHIN THIRTY DAYS
53 OF THE DATE OF FILING OF THE CONTRACT, FRANCHISE, REVOCABLE CONSENT OR
54 CONCESSION WITH HIS OR HER OFFICE, OBJECT IN WRITING TO THE REGISTRATION
55 OF SUCH CONTRACT OR AGREEMENT, IF IN SUCH COMPTROLLER'S JUDGMENT THERE
56 IS SUFFICIENT REASON TO BELIEVE THAT THERE IS POSSIBLE CORRUPTION IN THE

1 LETTING OF SUCH CONTRACT OR AGREEMENT OR THAT THE PROPOSED CONTRACTOR IS
2 INVOLVED IN CORRUPT ACTIVITY. SUCH OBJECTION SHALL BE DELIVERED WITHIN
3 SUCH THIRTY DAY PERIOD TO THE MAYOR OF THE CITY OF NEW YORK SETTING
4 FORTH IN DETAIL THE GROUNDS FOR THE NEW YORK CITY COMPTROLLER'S DETERMI-
5 NATION. THE MAYOR OF THE CITY OF NEW YORK MAY REQUIRE REGISTRATION OF
6 THE CONTRACT OR AGREEMENT DESPITE THE NEW YORK CITY COMPTROLLER'S
7 OBJECTIONS IF THE MAYOR OF THE CITY OF NEW YORK HAS RESPONDED TO SUCH
8 COMPTROLLER'S OBJECTIONS IN WRITING, INDICATING:

9 (1) THE CORRECTIVE ACTIONS IF ANY, THAT HAVE BEEN TAKEN OR WILL BE
10 TAKEN IN RESPONSE TO SUCH COMPTROLLER'S OBJECTIONS, OR

11 (2) THE REASONS WHY THE MAYOR OF THE CITY OF NEW YORK DISAGREES WITH
12 SUCH COMPTROLLER'S OBJECTIONS.

13 SUCH RESPONSE BY THE MAYOR OF THE CITY OF NEW YORK SHALL NOT SERVE AS
14 THE BASIS FOR FURTHER OBJECTION BY THE NEW YORK CITY COMPTROLLER, AND
15 SUCH COMPTROLLER SHALL REGISTER THE CONTRACT, FRANCHISE, REVOCABLE
16 CONSENT OR CONCESSION WITHIN TEN DAYS OF RECEIPT OF THE MAYOR OF THE
17 CITY OF NEW YORK'S RESPONSE.

18 (E) THE REQUIREMENTS OF PARAGRAPHS (C) AND (D) OF THIS SUBDIVISION
19 SHALL NOT APPLY TO AN EMERGENCY CONTRACT AWARDED PURSUANT TO SUBPARA-
20 GRAPH (X) OF PARAGRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT THE CHAN-
21 CELLOR SHALL COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (C) AND (D) OF
22 THIS SUBDIVISION AS SOON AS PRACTICABLE.

23 37. Establish guidelines and a system of internal controls, including
24 internal administrative controls and internal accounting controls, with
25 provisions for internal audits, as such terms are defined in section
26 nine hundred fifty of the executive law. Such system shall also include
27 a system of internal control review designed to identify weaknesses and
28 identify actions to rectify them; a clear and concise statement of the
29 generally applicable management policies and standards made available to
30 each officer and employee relevant to fiscal and expenditure control, in
31 addition to education and training efforts to ensure adequate under-
32 standing of internal control standards and evaluation techniques; and
33 the designation of an internal control officer for each community
34 district, each of whom shall report to the chancellor and the auditor
35 general, to execute a regular internal audit function, which shall oper-
36 ate in accordance with generally accepted governmental auditing stand-
37 ards. The internal auditors for the community districts shall operate in
38 cooperation with the auditor general, appointed by the chancellor, who
39 shall, in addition to the functions of the internal auditors, monitor
40 and conduct random audits of school districts at least once every two
41 years for fraud, waste, and mismanagement. Notwithstanding any
42 provision of state law or state or city regulation, the internal audi-
43 tors, and the auditor general, shall be entitled, upon their request, to
44 all and any documents and materials bearing in their judgment on the
45 finances and cost-effectiveness of the schools and the school districts
46 that is in the possession of the community districts, the schools, or
47 any officer thereof.

48 38. To exercise all of the duties and responsibilities of the employ-
49 ing board as set forth in section three thousand twenty-a of this chap-
50 ter with respect to any member of the teaching or supervisory staff of
51 schools under the jurisdiction of the community district education coun-
52 cils. The chancellor shall exercise all such duties and responsibilities
53 for all community districts or may delegate the exercise of all such
54 duties and responsibilities to all of the community superintendents of
55 the city district.

1 38-a. To exercise all of the duties and responsibilities of the
2 employing board as set forth in section three thousand twenty-a of this
3 chapter with respect to any member of the teaching or supervisory staff
4 of schools which are not covered under subdivision thirty-eight of this
5 section. Provided, however that the city board shall maintain jurisdic-
6 tion over any consequence resulting from an employee waiver of a hear-
7 ing, as provided for in paragraph (d) of subdivision two of section
8 three thousand twenty-a of this chapter.

9 39. (a) Prescribe regulations and by-laws requiring members of the
10 city board, the chancellor, and any other officer or employee in schools
11 and programs under the jurisdiction of the city board and the chancellor
12 to make annual written disclosure to the chancellor, of the following
13 information:

14 (i) the employment by the city school board or any community district
15 education council of any person related within the third degree of
16 consanguinity or affinity to the person making disclosure, including the
17 employment of any such person for which a two-thirds vote was required
18 under paragraph [e] (E) of subdivision four of section twenty-five
19 hundred ninety-j of this article, with a notation of the date such vote
20 was taken.

21 (ii) the source of any income, reimbursement, gift, or other form of
22 compensation for services rendered, together with a description of such
23 services.

24 (b) The chancellor shall review, at least once annually, compliance
25 with the requirements of subdivisions five and six of section twenty-
26 five hundred ninety-e of this article and regulations or by-laws
27 prescribed in this subdivision. Any community district education council
28 member, community superintendent, or other officer or employee required
29 to make disclosure, who fails to make such disclosure, shall be notified
30 in writing of his or her failure to do so and given thirty days within
31 which to comply.

32 (d) Willful failure to make full and timely disclosure shall consti-
33 tute cause for removal from office of any member of the city board or
34 for any other officer or employee disciplinary action and such other
35 penalty as may be provided by law.

36 (e) Disclosures made pursuant to the requirements of this subdivision
37 and any notification of failure to make disclosures shall be made avail-
38 able for public inspection during regular business hours on regular
39 business days.

40 40. (a) Prescribe regulations and by-laws requiring members of the
41 city board, the chancellor, and, for good cause shown, any other officer
42 or employee in schools and programs under the jurisdiction of the city
43 board and the chancellor, to submit to the chancellor, in the discretion
44 of the chancellor, financial reports for themselves and their spouses.

45 (b) The frequency and period of coverage, the designation of persons
46 to submit such reports by name, title, or income level, or by a combina-
47 tion thereof, and the content of such reports, including minimum dollar
48 amounts, shall be determined by the chancellor, and such reports may
49 include but not necessarily be limited to the following:

50 (i) amount and source of income for services rendered, together with a
51 description of such services;

52 (ii) amount and source of gifts, capital gains, reimbursements for
53 expenditures, and honoraria;

54 (iii) investments in securities and real property;

55 (iv) amount of debts and names of creditors;

1 (v) outstanding loans and other forms of indebtedness due to person
2 reporting or spouse, by name and amounts; and

3 (vi) trusts and other fiduciary relationships and their assets in
4 which a beneficial interest is held.

5 (c) Willful failure to file required financial reports shall consti-
6 tute cause for removal from office of any member of the city board or
7 for any other officer or employee disciplinary action and such other
8 penalty as may be provided by law.

9 41. Appoint and set salaries for staff in non-represented managerial
10 titles.

11 42. (a) To dispose of such personal property used in the schools and
12 other buildings of the city of New York under the charge of the city
13 board as shall no longer be required for use therein. Such disposition
14 shall be made in the name of the city of New York and for such city.

15 (b) The chancellor may sell, at prices as may be agreed upon, such
16 manufactured articles or other products of any school of the district,
17 day and evening, as may not be utilized by the city board, and all
18 moneys realized by the sale thereof shall be paid into the city treasury
19 and shall at once be appropriated by the city to a special fund to be
20 administered by the city board for such purposes as such board, in its
21 discretion, may determine. All other moneys realized by the sale of
22 personal property shall be paid into the city treasury and shall at once
23 be appropriated by the city to the special school fund of the city board
24 for use in the borough in which the property sold was situated.

25 (c) Such method of disposal shall be deemed not to apply to the dispo-
26 sition of school books pursuant to subdivision forty-three of this
27 section.

28 43. To dispose of, to the best advantage of the city of New York,
29 either by sale or on the basis of money allowance for waste paper, all
30 books delivered to the several public schools of such city that have
31 been discarded either by reason of being obsolete, no longer required by
32 the course of study, worn by long usage, or mutilated by accident. If
33 disposal is made by sale, it shall be to the highest bidder, and the
34 money realized shall be paid into the city treasury and shall at once be
35 appropriated by the city to the special school fund of the city board
36 entitled "supplies". If disposal is made on the basis of money allowance
37 for waste paper, it shall be to the highest bidder. Such discarded books
38 may be disposed of without public advertisement or entry into a formal
39 contract. Should the discarded books be in such condition that no sale
40 or exchange can be made, or should there be reason to believe that such
41 discarded books have become infected through disease among the pupils,
42 or should the superintendent of schools certify that such discarded
43 books contain erroneous, inaccurate, obsolete, or antiquated subject
44 matter, illustrations, maps, charts, or other material, the committee on
45 supplies of the board of education, if such books cannot be sold, given
46 away, or otherwise salvaged as waste paper without danger to the public
47 health, may authorize their destruction by fire, in which event the
48 superintendent of school supplies shall obtain and file in his or her
49 office a certificate that such books have been so destroyed, signed by
50 the principal of the school in which the books are located.

51 44. To provide the proper book or books in which he or she shall cause
52 the class teachers under the direction and supervision of the principal
53 to enter the names, ages, and residences of the pupils attending the
54 school, the name of the parent or guardian of each pupil, and the days
55 on which the pupils shall have attended respectively, and the aggregate
56 attendance of each pupil during the year, and also the day upon which

1 the school shall have been visited by the superintendent of schools or
2 by an associate superintendent of schools or by an assistant superinten-
3 dent, or by members of the city board, or by members of the community
4 district education council, or by any of them, which entry shall be
5 verified by such oath or affirmation of the principal as may be
6 prescribed by the chancellor. Such books shall be preserved as the prop-
7 erty of the chancellor and shall at all times be open to inspection by
8 members of the city board, by members of the community councils and by
9 the superintendent of schools, or by any associate superintendent of
10 schools, or by the assistant superintendents.

11 45. Make rules and regulations for the conduct, operation, and mainte-
12 nance of extra classroom activities and for the safeguarding, account-
13 ing, and audit of all moneys received and derived therefrom. In the case
14 of any extra classroom activity as it shall deem proper, and notwith-
15 standing the provisions of section twenty-five hundred thirty of this
16 title, it may direct that the moneys received or derived from the
17 conduct, operation, or maintenance of such an extra classroom activity
18 be deposited with the auditor, who in such event shall be the treasurer
19 of such an extra classroom activity, the moneys of which are required to
20 be so deposited. In the procurement of articles and services for the
21 conduct, operation, and maintenance of a cafeteria or restaurant
22 service, the chancellor shall be subject to applicable provisions of
23 law, except that said chancellor need not have duly advertised for esti-
24 mates in order to contract for such articles or services in an amount
25 exceeding one thousand dollars. The chancellor shall also have power to
26 assign any officers or employees to perform such duties as he or she may
27 prescribe in connection with an extra classroom activity and to desig-
28 nate such officers and employees when so assigned from whom a bond shall
29 be required for faithful performance of their duties and to fix the sum
30 in which each such bond shall be given.

31 46. To maintain, through such representatives as he or she may desig-
32 nate, an effective visitation and inspection of all schools and classes
33 maintained in institutions controlled by the department of correction of
34 the city of New York.

35 47. To assign, in his or her discretion, one or more employees of the
36 city board to serve as trial examiner with power to conduct investi-
37 gations and hearings on behalf of the chancellor. Each trial examiner
38 shall report the result of any such investigation or hearing to the
39 chancellor.

40 48. TO HOLD A PUBLIC MEETING IN EACH COMMUNITY DISTRICT, IN CONJUNC-
41 TION WITH THE COMMUNITY DISTRICT EDUCATION COUNCIL, DURING A TWO YEAR
42 PERIOD, BEGINNING WITH THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL
43 YEAR, IN ORDER TO REPORT ON PUBLIC SCHOOL FINANCES, STUDENT PERFORMANCE,
44 AND EDUCATIONAL GOALS AND PRIORITIES OF THE CITY DISTRICT AND TO RECEIVE
45 AND RESPOND TO PUBLIC COMMENTS AND CONCERNS. THE CHANCELLOR SHALL DIRECT
46 THE COMMUNITY SUPERINTENDENT TO PROVIDE PUBLIC NOTICE OF SUCH MEETING IN
47 ORDER TO MAXIMIZE THE PARTICIPATION OF PARENTS, STUDENTS, AND ALL OTHER
48 INTERESTED PARTIES.

49 49. TO PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING
50 ALL MATTERS RELATING TO THE CITY DISTRICT AS REQUESTED BY THE DIRECTOR
51 OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK OR THE COMP-
52 TROLLER OF THE CITY OF NEW YORK, IN A TIMELY FASHION.

53 50. TO ISSUE AN ANNUAL REPORT ON THE PARTICIPATION OF MINORITY AND
54 WOMEN OWNED BUSINESS ENTERPRISES IN THE CITY DISTRICT'S PROCUREMENT
55 PROCESS INCLUDING THE NUMBER OF CONTRACTS AWARDED TO MINORITY AND WOMEN
56 OWNED BUSINESS ENTERPRISES, THE PERCENT OF CONTRACTS AWARDED TO MINORITY

1 AND WOMEN OWNED BUSINESS ENTERPRISES OF THE TOTAL NUMBER OF ALL CITY
2 DISTRICT CONTRACTS, THE AGGREGATE VALUE OF ALL CONTRACTS AWARDED TO
3 MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES, AND THE PERCENT OF THE
4 AGGREGATE VALUE OF CONTRACTS AWARDED TO MINORITY AND WOMEN OWNED BUSI-
5 NESS ENTERPRISES OF THE TOTAL AGGREGATE VALUE OF ALL CITY DISTRICT
6 CONTRACTS.

7 51. PROPOSE A POLICY FOR CITY BOARD APPROVAL THAT PROMOTES THE
8 RECRUITMENT AND RETENTION OF A WORKFORCE AT THE CITY DISTRICT, COMMUNITY
9 DISTRICT, AND SCHOOL LEVEL THAT CONSIDERS THE DIVERSITY OF THE STUDENTS
10 ATTENDING THE PUBLIC SCHOOLS WITHIN THE CITY DISTRICT. THE CHANCELLOR
11 SHALL ISSUE AN ANNUAL REPORT OUTLINING THE INITIATIVES TAKEN TO ENHANCE
12 DIVERSITY AND EQUITY IN RECRUITMENT AND RETENTION AND THE IMPACTS OF
13 SUCH INITIATIVES TO THE WORKFORCE AT THE CITY DISTRICT, COMMUNITY
14 DISTRICT AND SCHOOL LEVEL.

15 S 8. Section 2590-i of the education law, as added by chapter 720 of
16 the laws of 1996, paragraph (c) of subdivision 2 as amended by chapter
17 91 of the laws of 2002, is amended to read as follows:

18 S 2590-i. Powers and duties of schools; principals; provisions for the
19 transfer of jurisdiction of high schools. 1. The principal shall be the
20 administrative and instructional leader of the school. Subject to the
21 regulations of the chancellor and applicable collective bargaining
22 agreements and obligations, the principal shall be responsible for the
23 day to day operation of the school and shall carry out these duties in
24 consultation with parents, teachers and other staff, AND THE SCHOOL
25 BASED MANAGEMENT TEAM pursuant to section twenty-five hundred ninety-h
26 of this article including:

27 (a) promote an equal educational opportunity for students in the
28 school,

29 (b) subject to school-based budgeting pursuant to section twenty-five
30 hundred ninety-r of this article,

31 (c) subject to collective bargaining obligations and agreements, the
32 budget applicable to the school, and the other provisions of this arti-
33 cle including section twenty-five hundred ninety-j of this article, to
34 make recommendation on staff selection, including through the establish-
35 ment of appropriate objective criteria consistent with chancellor's
36 regulations for filling vacancies based upon the school's instructional
37 and facility needs,

38 (d) subject to the standards and assessments promulgated by the chan-
39 cellor, to develop school-based curricula and syllabi for instruction,
40 and to address other matters relating to the instruction of students,
41 including the selection of texts from lists approved by the chancellor
42 and instructional materials, consistent with regulations of the commis-
43 sioner, and subject to the approval of the superintendent, or chancellor
44 in the case of schools under the jurisdiction of the city board,

45 (e) subject to the approval of the superintendent, or, where appropri-
46 ate, the chancellor and within the limits of funds made available there-
47 for, to enhance teacher and staff development relevant to increasing
48 student achievement, support extended day programs, school reform
49 programs, and pupil-support services,

50 (f) enhance pupil support services by coordinating related programs,

51 (g) to make or arrange for minor repairs as delegated by the chancel-
52 lor or superintendent pursuant to regulations of the chancellor, or as
53 otherwise authorized by law subject to subdivisions thirty-six and thir-
54 ty-seven of section twenty-five hundred ninety-h of this article,

55 (h) subject to subdivisions thirty-six and thirty-seven of section
56 twenty-five hundred [nine-h] NINETY-H of this article, identifying and

1 purchasing equipment and supplies that can be purchased for less than if
2 purchased through purchasing arrangements entered into through the city
3 board, the chancellor or the superintendent,

4 (i) to manage and operate the school building and other facilities
5 under its jurisdiction.

6 2. (a) The principal may be removed or transferred by the superinten-
7 dent or the chancellor for persistent educational failure of the school
8 or other cause. Removals may be caused pursuant to section three thou-
9 sand twenty-a of this chapter if applicable. Transfers may be caused
10 pursuant to subdivision twenty-five of section twenty-five hundred nine-
11 ty-h of this article. Any such removal or transfer may be appealed to
12 the city board, during which time the superintendent may appoint an
13 acting principal subject to the approval of the chancellor. Provided
14 however that such appointee must meet qualifications pursuant to para-
15 graph [(d)] (C) of this subdivision. Persistent educational failure of
16 the school shall be defined in regulations of the chancellor to include
17 a pattern of poor or declining achievement; a pattern of poor or declin-
18 ing attendance; disruption or violence; and continuing failure to meet
19 chancellor's performance standards or other standards.

20 (b) The principal may be required by the chancellor or the superinten-
21 dent to participate in training or other forms of staff development or
22 to address identified areas of educational need and promote student
23 achievement and school performance.

24 (c) Principals shall be selected consistent with regulations of the
25 chancellor establishing a process that promotes parental and staff
26 involvement in the recruitment, screening, interviewing and recommenda-
27 tion of candidates. Candidates must meet the requirements of regu-
28 lations of the chancellor establishing educational, managerial, and
29 administrative qualifications, including evaluation of each candidate's
30 record of performance in comparable positions. In the case of schools
31 under the jurisdiction of the community districts, a candidate approved
32 by a community superintendent PURSUANT TO PARAGRAPH (E) OF SUBDIVISION
33 ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE may nonethe-
34 less, before assuming the position, be rejected by the chancellor for
35 cause. IN THE CASE OF SCHOOLS NOT UNDER THE JURISDICTION OF THE COMMU-
36 NITY DISTRICTS, THE CHANCELLOR SHALL ADDITIONALLY CONSULT WITH MEMBERS
37 OF THE SCHOOL BASED MANAGEMENT TEAM PRIOR TO APPOINTING A PRINCIPAL
38 CANDIDATE TO ANY SUCH SCHOOL.

39 3. Provisions for transfer of jurisdiction of high schools. Pursuant
40 to regulations of the chancellor approved by the city board, any high
41 school, other than a special senior academic or vocational high school
42 of city-wide competitive admission, may be transferred from the juris-
43 diction of the city board to the jurisdiction of the community district
44 in which it is located, or from such community district to the city
45 board, upon the consent of the chancellor and the community superinten-
46 dent. In such event, the chancellor and the superintendent shall prompt-
47 ly take all necessary steps to effectuate the transfer.

48 S 9. Paragraph b of subdivision 3 of section 2590-p of the education
49 law, as amended by chapter 123 of the laws of 2003, is amended to read
50 as follows:

51 b. Commencing on November first, nineteen hundred ninety-three, and
52 every five years thereafter, the chancellor shall submit a proposed
53 five-year educational facilities capital plan to take effect on the
54 succeeding July first to each community district education council,
55 which shall conduct a public hearing and shall prepare and submit recom-
56 mendations to the chancellor on or before January first of the ensuing

1 year with respect to matters in the plan that involve that school
2 district. The chancellor shall consider the recommendations received
3 from the community district education councils, and, on or before Febru-
4 ary first of such year, shall submit a final proposed five-year educa-
5 tional facilities capital plan to the city board for its approval PURSU-
6 ANT TO PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED
7 NINETY-G OF THIS ARTICLE. [On or before March first of such year, the
8 city board shall approve the five-year educational facilities capital
9 plan submitted by the chancellor.]

10 S 10. Section 2590-r of the education law, as added by chapter 720 of
11 the laws of 1996, is amended to read as follows:

12 S 2590-r. School based budgeting and expenditure reporting. The chan-
13 cellor shall, in consultation with the city board and community district
14 superintendents, establish in regulations a comprehensive process of
15 school-based budgeting and expenditure reporting no later than November
16 first, nineteen hundred ninety-eight. Notwithstanding any provision of
17 section twenty-five hundred ninety-q of this article to the contrary,
18 such regulations shall include provisions for:

19 a. the allocation of projected revenues among community districts and
20 their schools on the basis of objective formulae developed by the chan-
21 cellor, after consultation with the community [boards] COUNCILS, commu-
22 nity superintendents and the mayor, and approved by the city board, such
23 formulae shall reflect the relative educational needs of the community
24 districts and their schools to the maximum extent feasible;

25 b. (I) FOLLOWING RELEASE OF THE EXECUTIVE BUDGET OF THE CITY OF NEW
26 YORK BY THE MAYOR OF THE CITY OF NEW YORK, THE CHANCELLOR TO INFORM THE
27 PRINCIPAL OF EACH SCHOOL OF THAT SCHOOL'S PRELIMINARY BUDGET ALLOCATION,
28 AND the principal [of each school] to propose a school-based [expendi-
29 ture] budget, after CONSULTING WITH MEMBERS OF THE SCHOOL BASED MANAGE-
30 MENT TEAM AND soliciting input pursuant to [section] SECTIONS twenty-
31 five hundred ninety-h, and twenty-five hundred ninety-i of this article
32 on budget priorities from all members of the school community;

33 (II) FOR SCHOOLS UNDER THE JURISDICTION OF A COMMUNITY SUPERINTENDENT,
34 THE PRINCIPAL SHALL BE REQUIRED TO PROVIDE WRITTEN JUSTIFICATION, IN A
35 FORM AND MANNER PRESCRIBED BY THE COMMUNITY SUPERINTENDENT PURSUANT TO
36 PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F
37 OF THIS ARTICLE, TO DEMONSTRATE THAT THE SCHOOL-BASED BUDGET PROPOSAL IS
38 ALIGNED WITH THE SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN;

39 c. the review, modification [and], approval AND CERTIFICATION of the
40 proposed school budget [by the] FOR SCHOOLS UNDER THE JURISDICTION OF A
41 community superintendent PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF
42 SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE;

43 d. within amounts estimated by the chancellor, the aggregation of the
44 proposed school-based budgets, as modified and approved by the community
45 superintendent, with a proposed budget for the administrative and opera-
46 tional expenses of the community superintendent and community [board]
47 COUNCIL, as developed by the community superintendent, for submission to
48 the chancellor;

49 e. the chancellor to develop a school-based budgeting process for
50 schools under his or her jurisdiction consistent with this section WHICH
51 SHALL REQUIRE THAT: (I) EACH PRINCIPAL PROVIDE WRITTEN JUSTIFICATION
52 DEMONSTRATING THAT THE SCHOOL-BASED BUDGET IS ALIGNED WITH SUCH SCHOOL'S
53 COMPREHENSIVE EDUCATIONAL PLAN; (II) THE SCHOOL BASED MANAGEMENT TEAM
54 SUBMIT COMMENTS REGARDING SUCH JUSTIFICATION; AND (III) THE CHANCELLOR
55 CERTIFY THAT THE SCHOOL-BASED BUDGET IS SUFFICIENTLY ALIGNED WITH SUCH

1 SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN AFTER REVIEWING THE PRINCIPAL'S
2 JUSTIFICATION AND THE SCHOOL BASED MANAGEMENT TEAM'S COMMENTS;
3 f. the aggregation of the community district budgets, as modified and
4 approved by the chancellor, with a proposed budget for administrative
5 and operational expenditures of the city board and the chancellor, as
6 prepared by the chancellor, for submission to and adoption by the city
7 board after a public hearing;
8 g. after final adoption of the budget for the city district by the
9 mayor and city council, a process of distributing any reductions or
10 increases required by such adoption in an equitable manner which consid-
11 ers the relative needs of community districts and schools to the maximum
12 extent feasible and for modifying the proposed budget accordingly. Such
13 process shall include an analysis of the relative funding levels of the
14 state, the city, the federal government, and other sources of funds; a
15 comparison of the level of such funding against previous years' total
16 appropriations and actual expenditures; and an analysis of the distrib-
17 ution of funds;
18 h. a comprehensive system of public reporting on the final enacted
19 budget including the levels of appropriation provided by the city, the
20 state and the federal government with a comparison of the level of such
21 funding against previous years' totals, and an explanation of the final
22 budget;
23 i. procedures for schools, superintendents and the chancellor to
24 modify and reallocate monies in the enacted budget;
25 j. a uniform system of budget requests, reports and appropriations.
26 Such units of appropriation shall include (i) such compensation and
27 benefits for staff; (ii) instruction and for pupil services, including
28 costs for purchases, library services, instructional materials, and all
29 other school-based instructional and instructional support costs attrib-
30 utable to other than personal services; (iii) administrative and non-in-
31 structional cost and (iv) extra-curricular activities;
32 k. the provision of appropriate technical support and training to
33 school personnel, parents and other participants in school-based budget-
34 ing;
35 l. a comprehensive planning and monitoring process to promote the
36 implementation of school-based budgeting;
37 m. an annual update of a capital plan by the superintendent with
38 participation of principals and schools, addressing health and safety,
39 maintenance, capacity and technology; and
40 n. a collaborative school-based planning process involving parents,
41 teachers, other school personnel and, where appropriate, students to
42 effectuate the purposes of this section.
43 S 11. The education law is amended by adding three new sections
44 2590-t, 2590-u, and 2590-v to read as follows:
45 S 2590-T. NEW YORK CITY COMPTROLLER AUDITS. THE COMPTROLLER OF THE
46 CITY OF NEW YORK SHALL HAVE THE AUTHORITY TO CONDUCT OPERATIONAL AND
47 PROGRAMMATIC AUDITS, IN ADDITION TO FINANCIAL AUDITS, OF THE CITY
48 DISTRICT TO THE SAME EXTENT THAT SUCH COMPTROLLER HAS SUCH AUTHORITY FOR
49 AGENCIES OF THE CITY OF NEW YORK.
50 S 2590-U. NEW YORK CITY INDEPENDENT BUDGET OFFICE REPORTS. 1. THE
51 INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL BE AUTHORIZED TO
52 PROVIDE ANALYSIS AND ISSUE PUBLIC REPORTS REGARDING FINANCIAL AND EDUCA-
53 TIONAL MATTERS OF THE CITY DISTRICT, TO ENHANCE OFFICIAL AND PUBLIC
54 UNDERSTANDING OF SUCH MATTERS INCLUDING BUT NOT LIMITED TO:
55 (A) STUDENT GRADUATION AND DROPOUT DATA;
56 (B) STUDENT ENROLLMENT PROJECTIONS;

1 (C) SCHOOL UTILIZATION, CLASS SIZES AND PUPIL-TO-TEACHER RATIOS;
2 (D) STUDENT ASSESSMENT DATA;
3 (E) THE DELIVERY OF SERVICES TO STUDENTS WHO ARE IN BILINGUAL OR
4 ENGLISH AS A SECOND LANGUAGE PROGRAMS;
5 (F) THE DELIVERY OF SERVICES TO STUDENTS WITH DISABILITIES;
6 (G) THE UTILIZATION OF FEDERAL FUNDS INCLUDING FUNDS PURSUANT TO TITLE
7 I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF NINETEEN HUNDRED
8 SIXTY-FIVE, AS AMENDED, DIRECTED AT PARENTAL INVOLVEMENT; AND
9 (H) MATTERS RELATING TO CITY DISTRICT FINANCES.

10 2. IN ADDITION TO THE APPROPRIATION AVAILABLE PURSUANT TO SECTION TWO
11 HUNDRED FIFTY-NINE OF THE NEW YORK CITY CHARTER, THE CITY OF NEW YORK
12 SHALL APPROPRIATE DURING EACH FISCAL YEAR AN AMOUNT TO THE INDEPENDENT
13 BUDGET OFFICE OF THE CITY OF NEW YORK NOT LESS THAN TWO AND ONE-HALF PER
14 CENTUM OF THE APPROPRIATIONS AVAILABLE TO PAY FOR THE EXPENSES OF THE
15 OFFICE OF MANAGEMENT AND BUDGET OF THE CITY OF NEW YORK DURING EACH
16 FISCAL YEAR, TO CARRY OUT THE DUTIES AND FUNCTIONS ASSIGNED IN THIS
17 SUBDIVISION.

18 3. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW
19 YORK SHALL BE AUTHORIZED TO SECURE SUCH INFORMATION, DATA, ESTIMATES AND
20 STATISTICS FROM THE CITY BOARD, THE NEW YORK CITY SCHOOL CONSTRUCTION
21 AUTHORITY AND THE CHANCELLOR AS SUCH DIRECTOR DETERMINES TO BE NECESSARY
22 FOR THE PERFORMANCE OF THE FUNCTIONS AND DUTIES OF SUCH OFFICE, AND THE
23 CITY BOARD, THE NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY AND THE
24 CHANCELLOR SHALL PROVIDE SUCH INFORMATION, TO THE EXTENT THAT IT IS
25 AVAILABLE, IN A TIMELY FASHION AND IN THE FORM WHICH THE DIRECTOR OF THE
26 INDEPENDENT BUDGET OFFICE DEEMS MOST APPROPRIATE. THE DIRECTOR OF THE
27 INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL NOT BE ENTITLED
28 TO OBTAIN RECORDS WHICH ARE PROTECTED BY THE PRIVILEGES FOR
29 ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY WORK PRODUCT, AND MATERIAL
30 PREPARED FOR LITIGATION.

31 4. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW
32 YORK SHALL ENSURE THAT SUCH OFFICE USES UP-TO-DATE APPROPRIATE AND
33 PROFESSIONALLY ACCEPTED METHODOLOGIES IN PRODUCING ANNUAL DATA REPORTS
34 RELATED TO THE CITY DISTRICT AND THAT SUCH METHODOLOGIES USED ARE IDEN-
35 TIFIED IN SUCH REPORTS.

36 S 2590-V. ESTABLISHMENT OF THE CITY-WIDE INDEPENDENT PARENT ORGANIZA-
37 TION AND PARENT ACADEMY. 1. A CITY-WIDE INDEPENDENT PARENT ORGANIZA-
38 TION, FUNDED THROUGH A THREE MILLION DOLLAR APPROPRIATION FROM THE ANNU-
39 AL BUDGET OF THE NEW YORK CITY COMMUNITY SCHOOL DISTRICT IS HEREBY
40 CREATED. THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION SHALL PERFORM
41 THE FOLLOWING FUNCTIONS:

42 (A) PROVIDE PARENTS WITH ONGOING TRAINING THAT WILL ASSIST IN THE
43 EXERCISE OF PARENTAL RESPONSIBILITIES AND FULL PARTICIPATION WITHIN THE
44 CITY DISTRICT;

45 (B) PROVIDE PARENTS WITH THE ADVISORY, LEGAL AND TECHNICAL SUPPORT
46 REQUIRED FOR EXERCISE OF PARENTAL RESPONSIBILITIES AND FULL PARTIC-
47 IPATION WITHIN THE CITY DISTRICT; AND

48 (C) SUCH ENTITY SHALL BE CALLED THE PARENT ACADEMY.

49 2. (A) THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION SHALL BE MANAGED
50 BY AN EXECUTIVE COMMITTEE, HEREAFTER REFERRED TO AS THE CITY-WIDE EXECU-
51 TIVE COMMITTEE, WHICH SHALL CONSIST OF THIRTEEN VOTING MEMBERS WHO SHALL
52 BE PARENTS OF STUDENTS CURRENTLY ENROLLED IN THE CITY DISTRICT.

53 (B) MEMBERS OF THE CITY-WIDE EXECUTIVE COMMITTEE SHALL BE ELECTED BY
54 SECRET BALLOT BY PARENTS OF STUDENTS CURRENTLY ENROLLED IN THE CITY
55 DISTRICT PURSUANT TO REGULATIONS PROMULGATED BY THE PUBLIC ADVOCATE.
56 SUCH ELECTION PROCESS SHALL INCORPORATE PROCEDURES NECESSARY TO REFLECT

1 THE MULTICULTURAL, GEOGRAPHIC AND SOCIOECONOMIC DIVERSITY OF THE
2 CITY-WIDE STUDENT POPULATION, INCLUDING ENGLISH LANGUAGE LEARNERS, AND
3 PARENTS OF STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS. MEMBERS OF
4 THE EXECUTIVE COMMITTEE SHALL SERVE TWO-YEAR TERMS. THIRTEEN MEMBERS OF
5 THE EXECUTIVE COMMITTEE SHALL BE ELECTED IN TWO THOUSAND NINE.

6 (C) THE EXECUTIVE COMMITTEE OF THE CITY-WIDE INDEPENDENT PARENT ORGAN-
7 IZATION SHALL HAVE THE POWER TO:

8 (1) EMPLOY AND SUPERVISE ADMINISTRATIVE AND PROFESSIONAL STAFF OF THE
9 PARENT ACADEMY;

10 (2) CREATE A BUDGET FOR THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION
11 AND THE PARENT ACADEMY CREATED PURSUANT TO THIS SECTION;

12 (3) DISTRIBUTE FUNDS FOR THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION
13 AND THE PARENT ACADEMY CREATED PURSUANT TO THIS SECTION;

14 (4) ADVISE AND COMMENT ON THE PROCESS OF ESTABLISHING CHAPTERS OF THE
15 INDEPENDENT PARENT ORGANIZATION IN COMMUNITY SCHOOL DISTRICTS AND INDI-
16 VIDUAL NEW YORK CITY PUBLIC SCHOOLS;

17 (5) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING
18 WHICH THE PUBLIC MAY DISCUSS ISSUES FACING STUDENTS IN THE NEW YORK CITY
19 PUBLIC SCHOOL SYSTEM; AND

20 (6) ESTABLISH RULES AND REGULATIONS FOR THE ORGANIZATION AND FUNCTION-
21 ING OF LOCAL CHAPTERS OF THE INDEPENDENT PARENT ORGANIZATION ESTABLISHED
22 PURSUANT TO THIS SECTION.

23 (D) MEMBERS OF THE CITY-WIDE EXECUTIVE COMMITTEE SHALL NOT BE PAID A
24 SALARY OR STIPEND, BUT SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY
25 EXPENSES DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE
26 CITY-WIDE COUNCIL ON HIGH SCHOOLS.

27 (E) THE EXECUTIVE COMMITTEE OF THE CITY-WIDE INDEPENDENT PARENT ORGAN-
28 IZATION MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY
29 BOARD WHO SHALL PERFORM THE FOLLOWING FUNCTIONS:

30 (1) PREPARE MEETING NOTICES, AGENDAS AND MINUTES;

31 (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER EXECUTIVE
32 COMMITTEE MEETINGS; AND

33 (3) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERI-
34 ALS FOR SUCH MEETINGS. THE EXECUTIVE COMMITTEE SHALL BE RESPONSIBLE FOR
35 THE APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

36 (F) NO PERSON MAY SERVE ON BOTH THE CITY-WIDE EXECUTIVE COMMITTEE AND
37 A COMMUNITY DISTRICT EDUCATION COUNCIL. A MEMBER OF THE CITY-WIDE EXECU-
38 TIVE COMMITTEE SHALL BE INELIGIBLE TO BE EMPLOYED BY SUCH COUNCIL, ANY
39 COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD. NO PERSON SHALL
40 BE ELIGIBLE FOR MEMBERSHIP ON THE EXECUTIVE COMMITTEE OF THE CITY-WIDE
41 INDEPENDENT PARENT ORGANIZATION IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC
42 OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF DELE-
43 GATE OR ALTERANT DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY
44 CONVENTION, OR MEMBER OF A COUNTY COMMITTEE.

45 3. (A) THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION MAY BE REPRES-
46 ENTED LOCALLY BY CHAPTERS FOR EACH SCHOOL IN THE CITY DISTRICT, FORMED
47 BY PARENTS AT THE SCHOOL. SUCH CHAPTERS MAY BE FORMED FROM EXISTING
48 PARENT ASSOCIATIONS CREATED PURSUANT TO SECTION TWENTY-FIVE HUNDRED
49 NINETY-H OF THIS ARTICLE OR MAY BE FORMED INDEPENDENTLY BY INDIVIDUAL
50 PARENTS.

51 (B) EVERY PARENT IN THE SCHOOL REPRESENTED BY A LOCAL CHAPTER OF THE
52 INDEPENDENT PARENT ORGANIZATION SHALL HAVE AN EQUAL VOTE IN THE CHAP-
53 TER'S DECISION-MAKING PROCESS.

54 (C) LOCAL CHAPTERS OF THE INDEPENDENT PARENT ORGANIZATION SHALL HAVE
55 AN EXECUTIVE COMMITTEE RESPONSIBLE FOR ENCOURAGING PARENTS TO DEVELOP
56 PARENTING AND GOVERNING SKILLS IN THE PARENT ACADEMY.

(D) FORMATION OF A LOCAL CHAPTER OF THE INDEPENDENT PARENT ORGANIZATION SHALL ENTITLE PARENTS IN THE RESPECTIVE SCHOOL TO ACCESS THE PARENT ACADEMY ESTABLISHED PURSUANT TO THIS SECTION.

S 12. Paragraph (c) of subdivision 1 of section 414 of the education law, as amended by chapter 257 of the laws of 1976, is amended to read as follows:

(c) For holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public. CIVIC MEETINGS SHALL INCLUDE, BUT NOT BE LIMITED TO, MEETINGS OF PARENT ASSOCIATIONS AND PARENT-TEACHER ASSOCIATIONS.

S 13. Section 19 of chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, as amended by chapter 134 of the laws of 2004, is amended to read as follows:

S 19. This act shall take effect immediately, provided, however, that the provisions of subdivision 6 of section 209 of the civil service law, as added by section four of this act, shall expire and be deemed repealed on and after June 30, 1995, and further provided that the provisions of section 1735 of the public authorities law, as added by section fourteen of this act, shall expire and be deemed repealed on June 30, [2009] 2014.

S 14. Subdivision 1 of section 1735 of the public authorities law, as amended by chapter 410 of the laws of 1999, is amended to read as follows:

1. Notwithstanding the provisions of paragraph b of subdivision one of section seventeen hundred thirty-four of this title, the award of construction contracts by the authority between July first, nineteen hundred eighty-nine and June thirtieth, two thousand [two] FOURTEEN, shall not be subject to the provisions of section one hundred one of the general municipal law.

S 15. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2009] 2015; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2009] 2015 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdi-

1 vision 30-a of section 2590-h of the education law as repealed by
2 section thirty of this act shall be revived and be read as such
3 provisions existed in law on the date immediately preceding the effec-
4 tive date of this act; provided, however, that sections seven and eight
5 of this act shall take effect on November 30, 2003; provided further
6 that the amendments to subdivision 25 of section 2554 of the education
7 law made by section two of this act shall be subject to the expiration
8 and reversion of such subdivision pursuant to section 12 of chapter 147
9 of the laws of 2001, as amended, when upon such date the provisions of
10 section four of this act shall take effect.

11 S 16. Subdivisions 1 and 2 of section 306 of the education law, subdi-
12 vision 1 as amended by chapter 298 of the laws of 1957, are amended to
13 read as follows:

14 1. Whenever it shall be proved to his OR HER satisfaction that any
15 trustee, member of a board of education, clerk, collector, treasurer,
16 district superintendent, superintendent of schools, CHANCELLOR OF THE
17 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, or other school officer is
18 a member of an organization listed as subversive by the board of regents
19 pursuant to the provisions of section three thousand twenty-two of this
20 chapter, or has been guilty of any [wilful] WILLFUL violation or neglect
21 of duty under this chapter, or any other act pertaining to common
22 schools or other educational institution participating in state funds,
23 or [wilfully] WILLFULLY disobeying any decision, order, rule or regu-
24 lation of the regents or of the commissioner [of education], said
25 commissioner, after a hearing at which the school officer shall have the
26 right of representation by counsel, may, by an order under his OR HER
27 hand and seal, which order shall be recorded in his OR HER office,
28 remove such school officer from his OR HER office.

29 2. [Said] THE commissioner [of education] may also withhold from any
30 district or city its share of the public money of the state for [wilful-
31 ly] WILLFULLY disobeying any provision of law or any decision, order or
32 regulation as aforesaid.

33 S 17. 1. A temporary state commission, to be known as the commission
34 on public safety in the city school district of the city of New York,
35 and hereinafter referred to as the commission, is hereby created to
36 examine, evaluate and make recommendations concerning the impact that
37 the current chancellor's regulations and New York police department
38 policies have on student safety, welfare, and achievement. Specifically
39 the commission shall examine at least the following:

40 (a) the impact police and school safety officers have had on student
41 safety and a safe learning environment;

42 (b) the methodology used to determine how many school safety and secu-
43 rity officers are assigned to each school;

44 (c) the impact of law enforcement presence and activities on student
45 rights and emotional welfare;

46 (d) the appropriateness of the chancellor's current regulations; and

47 (e) ways community district superintendents, principals, and law
48 enforcement can work in a collaborative manner to address student safety
49 and provide community district superintendents and principals greater
50 input into law enforcement practices on school grounds.

51 2. The commission shall consist of eleven members, to be appointed as
52 follows: one member to be appointed by the New York city chancellor, one
53 member appointed by the New York city police commissioner, one member by
54 the speaker of the New York city council, one member by the New York
55 city public advocate, one by the collective bargaining unit representing
56 public school teachers, one appointed by the organization representing

1 New York City school supervisors and each borough president shall
2 appoint one parent of a public school student who resides in the
3 borough. The members of the temporary state commission established
4 pursuant to this section shall be appointed no later than September 1,
5 2009 and shall convene the first meeting of the commission no later than
6 January 1, 2010. The commission shall elect a chair, a vice-chair and a
7 secretary from amongst its members. Notwithstanding the provisions of
8 section 74 of the public officers law, section 806 of the general munic-
9 ipal law or any other provision of law, membership on the commission of
10 any state or municipal officer or employee shall not constitute the
11 violation of any code of ethics or a conflict of interest. The commis-
12 sion shall meet at least monthly. Vacancies in the membership of the
13 commission and among its officers shall be filled in the manner provided
14 for original appointments.

15 3. The commission may employ and at pleasure remove such personnel as
16 it may deem necessary for the performance of its functions and fix their
17 compensation within the amount made available therefor.

18 4. The commission may meet within and without the state, shall hold
19 public hearings, and shall have all the powers of a legislative commit-
20 tee pursuant to the legislative law. The commission shall hold at least
21 one hearing in each borough of New York city to solicit input from
22 members of the public, students, and community based organizations. Such
23 hearings shall be publicized in such manner as to solicit maximum public
24 participation. The members of the commission shall select the commission
25 chair.

26 5. The sum of one hundred thousand dollars (\$100,000), or so much
27 thereof as may be necessary, is hereby appropriated to the commission on
28 public education in the city school district of the city of New York out
29 of any moneys in the state treasury in the general fund to the credit of
30 the aid to localities account, not otherwise appropriated, and made
31 immediately available, for the purpose of carrying out the provisions of
32 this section. Such moneys shall be payable on the audit and warrant of
33 the state comptroller on vouchers certified or approved by the New York
34 city chancellor of education in the manner prescribed by law.

35 6. The members of the commission shall receive no compensation for
36 their services, but shall be allowed their actual and necessary expenses
37 incurred in the performance of their duties pursuant to this section.

38 7. To the maximum extent feasible, the commission shall be entitled to
39 request and receive, and shall utilize and be provided with such facili-
40 ties, resources and data of any department, division, board, bureau,
41 commission or agency of the state or any political subdivision thereof
42 as it may reasonably request to properly carry out its powers and duties
43 pursuant to this section. The speaker of the city council shall provide
44 administrative support as necessary for the commission to carry out
45 powers and duties of the commission.

46 8. The commission shall make a report to the chancellor of New York
47 city schools, the city board, the New York city police department, the
48 mayor of New York city, the speaker of the New York city council, the
49 commissioner of education, and the chair and ranking member of the
50 senate and assembly education committees of its findings, conclusions
51 and recommendations on or before June 30, 2010, and shall submit with
52 such report such legislative proposals as it deems necessary to imple-
53 ment its recommendations.

54 9. The temporary state commission established pursuant to this section
55 shall expire and be terminated on the first day next succeeding the date
56 of the submission of its report as provided in subdivision eight of this

1 section, and the chairperson of the temporary commission shall notify
2 the legislative bill drafting commission upon the submission of the
3 commission's report as provided for in subdivision eight of this section
4 in order that the commission may maintain an accurate and timely effec-
5 tive data base of the official text of the laws of the state of New York
6 in furtherance of effecting the provisions of section 44 of the legisla-
7 tive law and section 70-b of the public officers law.

8 S 17-a. Commission on public education in the city of New York. 1.
9 There is hereby established a commission on public education in the city
10 of New York set to establish broad-based community consensus on the
11 future mission, core principles, goals, accountabilities and policy
12 framework for public primary and secondary education in the city of New
13 York; and submit its report and recommendations to the state legislature
14 and the city council of the city of New York for their consideration.

15 2. The commission shall submit its report and recommendations pursuant
16 to subdivision one of this section to the legislature and the city coun-
17 cil of the city of New York by September 30, 2010.

18 3. The commission may consult with such specialists in the field of
19 public education, management, and governance as it chooses. The commis-
20 sion shall draft a report and recommendations that articulate a broad-
21 based community consensus on the future, mission, core principles,
22 goals, accountabilities and policy framework for public primary and
23 secondary education in the city of New York, and which promises trans-
24 parency, systematic constituent involvement in decision-making, high
25 levels of student achievement across all subject areas, and high levels
26 of parent, student and employee involvement and satisfaction.

27 4. Commission members shall serve at the pleasure of the selection
28 committee. The selection committee shall be appointed as follows: one
29 education expert or advocate shall be appointed by each of the governor,
30 the mayor of the city of New York, and each of the chairs of the senate,
31 assembly, and city council education committees. The appointments shall
32 be completed by September 30, 2009. The selection committee shall empa-
33 nel a commission of fifty to sixty members that (a) genuinely reflects
34 the diverse composition of the public school communities within all five
35 boroughs of the city of New York, especially with respect to socioeco-
36 nomic status, race, gender, language, national origin and disability
37 status; and (b) is composed of a majority of members who represent the
38 interests of parents, students, teachers, administrators, and community
39 members in the development of the commission's report and recommenda-
40 tions. The selection committee may select commission members through an
41 open application process in all five boroughs. The selection committee
42 shall advise and consult with the commission concerning the means for
43 establishing a broad-based community consensus on the future, mission,
44 core principles, goals, accountabilities and policy framework for public
45 primary and secondary education in the city of New York. The selection
46 committee may advise and consult with the commission during the drafting
47 process.

48 5. Moneys appropriated by the state shall be used to facilitate train-
49 ing of the commission members in collaborative decision-making proc-
50 esses, for member reimbursement of actual and necessary expenses, for
51 translation services, and for the production of the final report and
52 recommendations. The chancellor of the city school district of the city
53 of New York shall provide administrative and technical support to the
54 commission, and shall provide meeting space as necessary pursuant to
55 subdivision 6 of this section.

1 6. The commission's meetings shall be publicly noticed, at least ten
2 days in advance, and shall be open to the public. The commission shall
3 have the option, but not the obligation, to schedule time for public
4 comment, and that decision shall be noticed in the commission's meeting
5 notice. Commission meetings shall be held at New York city department of
6 education schools in all five boroughs, at no expense to the commission.
7 The New York city board of education shall facilitate such meetings, by
8 making appropriate space and furniture available, and by providing any
9 needed site supervision personnel. The commission may meet as a whole,
10 and in borough or other subcommittees at its discretion. Meeting minutes
11 shall be kept for all meetings, and shall be made available to the
12 public, on a website to be developed by the commission. Contemporaneous-
13 ly with the submission to the legislature of the report and recommenda-
14 tions, the commission shall report to the legislature that its recommen-
15 dations are based on a broad-based community consensus and shall specify
16 the means through which such consensus was established.

17 7. The sum of one hundred thousand dollars (\$100,000), or so much
18 thereof as may be necessary, is hereby appropriated to the commission on
19 public education out of any moneys in the state treasury in the general
20 fund to the credit of the aid to localities account, not otherwise
21 appropriated, and made immediately available, for the purpose of carry-
22 ing out the provisions of this section. Such moneys shall be payable on
23 the audit and warrant of the state comptroller on vouchers certified or
24 approved by the New York city chancellor of education in the manner
25 prescribed by law.

26 S 18. Section 1728 of the public authorities law is amended by adding
27 a new subdivision 18 to read as follows:

28 18. THE AUTHORITY SHALL PROVIDE TO THE NEW YORK CITY INDEPENDENT BUDG-
29 ET OFFICE SUCH INFORMATION, DATA, ESTIMATES AND STATISTICS AS THE DIREC-
30 TOR DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNCTIONS AND
31 DUTIES OF SUCH OFFICE, IN A TIMELY FASHION, AND IN THE FORM WHICH THE
32 DIRECTOR DEEMS MOST APPROPRIATE. THE DIRECTOR OF THE INDEPENDENT BUDGET
33 OFFICE OF THE CITY OF NEW YORK SHALL NOT BE ENTITLED TO OBTAIN RECORDS
34 WHICH ARE PROTECTED BY THE PRIVILEGES FOR ATTORNEY-CLIENT COMMUNI-
35 CATIONS, ATTORNEY WORK PRODUCT, AND MATERIAL PREPARED FOR LITIGATION.

36 S 19. Severability. If any clause, sentence, paragraph, section or
37 part of this act shall be adjudged by any court of competent jurisdic-
38 tion to be invalid and after exhaustion of all further judicial review,
39 the judgment shall not affect, impair or invalidate the remainder there-
40 of, but shall be confined in its operation to the clause, sentence,
41 paragraph, section or part of this act directly involved in the contro-
42 versy in which the judgment shall have been rendered.

43 S 20. This act shall take effect immediately, except that if this act
44 shall have become a law on or after June 30, 2009, this act shall take
45 effect immediately and shall be deemed to have been in full force and
46 effect on and after June 30, 2009; provided that:

47 1. sections one, two, three, four, five, six, seven, eight, nine, ten,
48 eleven and twelve of this act shall take effect June 30, 2009;

49 2. the amendments to section 2590-b of the education law made by
50 section one of this act shall not affect the expiration or repeal of
51 certain provisions of such section and shall expire and be deemed
52 repealed therewith;

53 3. the amendments to section 2590-c of the education law made by
54 section two of this act shall not affect the repeal of such section and
55 shall be deemed repealed therewith;

1 4. the amendments to subdivision 1 of section 2590-d of the education
2 law made by section three of this act shall not affect the expiration of
3 such section and shall be deemed to expire therewith;

4 5. the amendments to section 2590-e of the education law made by
5 section four of this act shall not affect the repeal of such section and
6 shall expire and be deemed repealed therewith;

7 6. the amendments to paragraphs (s) and (t) of subdivision 1 and
8 subdivisions 2 and 3 of section 2590-f of the education law made by
9 section five of this act shall not affect the expiration and reversion
10 of such provisions and shall expire and be deemed repealed therewith;
11 provided further that the amendments to paragraph (u) of subdivision 1
12 of section 2590-f of the education law made by section five of this act
13 shall not affect the repeal of such paragraph and shall expire and be
14 deemed repealed therewith;

15 7. the amendments to section 2590-g of the education law made by
16 section six of this act shall not affect the expiration and reversion of
17 such section and shall expire and be deemed repealed therewith;

18 8. the amendments to section 2590-h of the education law made by
19 section seven of this act shall not affect the expiration and repeal of
20 certain provisions of such section and shall expire and be deemed
21 repealed therewith;

22 9. the amendments to paragraph (c) of subdivision 2 of section 2590-i
23 of the education law made by section eight of this act shall not affect
24 the expiration and reversion of such paragraph and shall expire and be
25 deemed repealed therewith;

26 10. the amendments to subdivision 3 of section 2590-p of the education
27 law made by section nine of this act shall not affect the expiration and
28 reversion of such subdivision and shall expire and be deemed repealed
29 therewith;

30 11. the amendments to section 1735 of the public authorities law made
31 by section thirteen of this act shall not affect the repeal of such
32 section and shall be deemed repealed therewith; and

33 12. any provision in sections one, two, three, four, five, six, seven,
34 eight, nine, ten and eleven of this act not otherwise set to expire
35 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
36 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
37 and be deemed repealed June 30, 2015.