

6086

2009-2010 Regular Sessions

I N S E N A T E

July 12, 2009

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

AN ACT to amend the education law, in relation to the governance of the city school system for the city of New York; and creating a temporary commission on public safety in the city school district of the city of New York; and to repeal certain provisions of such law relating thereto

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

1 Section 1. The section heading and paragraph (a) of subdivision 1 of
2 section 2590-b of the education law, as amended by a chapter of the laws
3 of 2009 amending the education law and other laws relating to the New
4 York city board of education, as proposed in legislative bills numbers
5 S.5887 and A.8903-A, are amended to read as follows:

6 Continuation of city board and establishment of community districts;
7 establishment of the city-wide councils on special education, English
8 language learners, THE ARTS, and high schools.

9 (a) The board of education of the city school district of the city of
10 New York is hereby continued. Such board of education shall consist of
11 thirteen appointed members: one member to be appointed by each borough
12 president of the city of New York; and eight members to be appointed by
13 the mayor of the city of New York. The chancellor shall serve as an
14 ex-officio non-voting member of the city board. The city board shall
15 elect its own chairperson from among its voting members. All thirteen
16 appointed members shall serve at the pleasure of the appointing authori-
17 ty and shall not be employed in any capacity by the city of New York, or
18 a subdivision thereof, or the city board. No appointed member of the
19 city board shall also be a member, officer, or employee of any public
20 corporation, authority, or commission where the mayor of the city of New
21 York has a majority of the appointments. Each borough president's
22 appointee shall be a resident of the borough for which the borough pres-

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

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1 ident appointing him or her was elected and shall be the parent of a
2 child attending a public school within the city school district of the
3 city of New York. Each mayoral appointee shall be a resident of the city
4 and [two] ONE shall be [parents] A PARENT of a child attending a public
5 school within the city district, AND ONE SHALL BE A PARENT OF A CHILD
6 WITH AN INDIVIDUALIZED EDUCATION PROGRAM ATTENDING A PUBLIC SCHOOL WITH-
7 IN THE CITY DISTRICT. All parent members shall be eligible to continue
8 to serve on the city board for two years following the conclusion of
9 their child's attendance at a public school within the city district.
10 Any vacancy shall be filled by appointment by the appropriate appointing
11 authority within ninety days of such vacancy. Notwithstanding any
12 provision of local law, the members of the board shall not have staff,
13 offices, or vehicles assigned to them or receive compensation for their
14 services, but shall be reimbursed for the actual and necessary expenses
15 incurred by them in the performance of their duties.

16 S 2. Subdivision 7 of section 2590-b of the education law, as added by
17 a chapter of the laws of 2009 amending the education law and other laws
18 relating to the New York city board of education, as proposed in legis-
19 lative bills numbers S.5887 and A.8903-A is renumbered subdivision 8 and
20 a new subdivision 7 is added to read as follows:

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

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

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

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

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

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

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

49 (B) THE CITY-WIDE COUNCIL ON THE ARTS SHALL HAVE THE POWER TO:

50 (I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY
51 INVOLVING THE ARTS;

52 (II) ISSUE AN ANNUAL REPORT ON COMPLIANCE WITH STATE REGULATIONS
53 GOVERNING ARTS EDUCATION, THE EFFECTIVENESS OF THE CITY DISTRICT IN
54 PROVIDING ARTS INSTRUCTION AND PROGRAMMING TO PUBLIC SCHOOL STUDENTS,
55 AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE
56 ADEQUACY, EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

1 (III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND
2 DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING THE DESIGN, IMPLEMEN-
3 TATION AND EFFECTIVENESS ON ARTS CURRICULUM AND PROGRAMMING IN THE
4 SCHOOLS.

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

11 S 3. Section 2590-c of the education law, as amended by a chapter of
12 the laws of 2009 amending the education law and other laws relating to
13 the New York city board of education, as proposed in legislative bills
14 numbers S.5887 and A.8903-A, is REPEALED and a new section 2590-c is
15 added to read as follows:

16 S 2590-C. COMPOSITION OF COMMUNITY DISTRICT EDUCATION COUNCILS. 1.

17 (A) EACH COMMUNITY DISTRICT SHALL BE GOVERNED BY A COMMUNITY DISTRICT
18 EDUCATION COUNCIL TO CONSIST OF ELEVEN VOTING MEMBERS TO BE ELECTED FOR
19 A TERM OF TWO YEARS, SUBJECT TO THE TERMS OF SUBDIVISION TWO OF THIS
20 SECTION, AND TO SERVE WITHOUT COMPENSATION, AND TWO NON-VOTING MEMBERS
21 WHICH ARE HIGH SCHOOL STUDENTS RESIDING IN THE DISTRICT TO BE APPOINTED
22 BY THE SUPERINTENDENT, IN COLLABORATION WITH THE DISTRICT HIGH SCHOOL
23 PRINCIPALS, TO SERVE FOR A TERM OF ONE YEAR WITHOUT COMPENSATION. NO
24 VOTING MEMBER SHALL SERVE MORE THAN TWO TERMS. EACH SUCH COUNCIL SHALL
25 SELECT ONE OF ITS MEMBERS TO SERVE AS CHAIRPERSON. NOTWITHSTANDING ANY
26 PROVISIONS OF LAW TO THE CONTRARY, THE COMMUNITY DISTRICT EDUCATION
27 COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY
28 BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS: (1) PREPARE MEETING
29 NOTICES, AGENDAS AND MINUTES; (2) RECORD AND MAINTAIN ACCOUNTS OF
30 PROCEEDINGS AND OTHER BOARD MEETINGS; AND (3) PREPARE BRIEFING MATERIALS
31 AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. EACH COUN-
32 CIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION
33 AND DISCHARGE OF THE SECRETARY.

34 (B) THE NINE ELECTED VOTING MEMBERS OF EACH COMMUNITY DISTRICT EDUCA-
35 TION COUNCIL SHALL BE DISTRIBUTED AMONG DESIGNATED CATEGORIES AS
36 FOLLOWS:

37 (1) ONE MEMBER WHO IS, AT THE TIME OF HIS OR HER ELECTION, A PARENT
38 WHOSE CHILD IS ATTENDING A SCHOOL UNDER THE JURISDICTION OF THE COMMUNI-
39 TY DISTRICT AND WHO RECEIVES SPECIAL EDUCATION AND RELATED SERVICES
40 PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER;

41 (2) ONE MEMBER WHO IS, AT THE TIME OF HIS OR HER ELECTION, A PARENT OF
42 A STUDENT AT A DISTRICT SCHOOL WHO IS AN ENGLISH LANGUAGE LEARNER;

43 (3) ONE MEMBER WHO IS, AT THE TIME OF HIS OR HER ELECTION, A PARENT OF
44 A STUDENT AT A HIGH SCHOOL LOCATED WITHIN THE DISTRICT;

45 (4) SIX MEMBERS FROM THE GENERAL POOL OF ELIGIBLE CANDIDATES, PROVIDED
46 THAT ANY SUCH MEMBER MAY ALSO MEET THE CRITERIA OF ONE OR MORE OTHER
47 CATEGORIES IN THIS PARAGRAPH;

48 (5) ONLY ONE MEMBER MAY BE A PARENT OF A STUDENT WHO ATTENDS A CHARTER
49 SCHOOL, IF SUCH PARENT DOES NOT ALSO HAVE A CHILD WHO ATTENDS A DISTRICT
50 SCHOOL; AND

51 (6) NO SCHOOL IN A DISTRICT MAY HAVE MORE THAN ONE PARENT REPRESENTATIVE ON A DISTRICT EDUCATION COUNCIL.

52 2. NINE VOTING MEMBERS OF THE COMMUNITY DISTRICT EDUCATION COUNCIL
53 SHALL BE ELECTED AT AN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS IN
54 THE CITY OF NEW YORK TO BE HELD ON THE FIRST TUESDAY IN MAY IN THE YEAR
55

1 TWO THOUSAND TEN AND EVERY SECOND YEAR THEREAFTER, FOR A TERM COMMENCING
2 ON THE FIRST DAY OF JULY NEXT FOLLOWING.

3 3. (A) EVERY REGISTERED VOTER RESIDING IN A COMMUNITY DISTRICT, EVERY
4 PARENT OF A CHILD ATTENDING ANY SCHOOL UNDER THE JURISDICTION OF THE
5 COMMUNITY DISTRICT EDUCATION COUNCIL OF SUCH DISTRICT, AND EVERY PARENT
6 OF A CHILD RECEIVING SPECIAL EDUCATION AND RELATED SERVICES UNDER ARTI-
7 CLE EIGHTY-NINE OF THIS CHAPTER AND SUCH SERVICES ARE BEING PROVIDED
8 PRIMARILY WITHIN THE GEOGRAPHICAL BOUNDARIES OF SUCH COMMUNITY DISTRICT
9 WHO IS A RESIDENT OF THE CITY OF NEW YORK FOR AT LEAST THIRTY DAYS AND
10 AT LEAST EIGHTEEN YEARS OF AGE SHALL BE ELIGIBLE TO VOTE AT SUCH
11 ELECTION FOR THE MEMBERS OF SUCH COMMUNITY DISTRICT EDUCATION COUNCIL,
12 EXCEPT THAT NO PERSON MAY VOTE MORE THAN ONCE OR IN MORE THAN ONE COMMU-
13 NITY DISTRICT, AND NO PERSON SHALL HAVE THE RIGHT TO REGISTER OR VOTE AT
14 ANY COMMUNITY DISTRICT EDUCATION COUNCIL ELECTION WHO WOULD NOT BE QUAL-
15 IFIED TO REGISTER OR VOTE AT ANY ELECTION IN ACCORDANCE WITH THE
16 PROVISIONS OF SECTION 5-106 OF THE ELECTION LAW.

17 (B) THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHALL PROVIDE FOR
18 THE PERSONAL AND MAIL REGISTRATION, AND CANCELLATION OF REGISTRATION, OF
19 PERSONS QUALIFIED BY THIS SUBDIVISION TO VOTE AS "PARENTS," IN A MANNER
20 DETERMINED JOINTLY BY THE BOARD OF ELECTIONS AND THE CITY BOARD. EACH
21 PARENT SHALL BE OFFERED THE OPPORTUNITY TO REGISTER AS A PARENT VOTER AT
22 THE TIME SUCH PARENT REGISTERS HIS CHILD WITH THE SCHOOL AND AT SUCH
23 OTHER TIMES AS THE BOARD OF ELECTIONS DEEMS NECESSARY TO ACHIEVE THE
24 REGISTRATION OF THE MAXIMUM NUMBER OF PARENTS POSSIBLE. THE REGISTRATION
25 PROCESS SHALL PROVIDE A PROCEDURE FOR DETERMINING WHEN SUCH PARENTS
26 SHALL CEASE TO BE ELIGIBLE TO VOTE AS PARENT VOTERS BECAUSE THEIR CHILD
27 NO LONGER ATTENDS A SCHOOL UNDER THE JURISDICTION OF THE COMMUNITY
28 DISTRICT EDUCATION COUNCIL.

29 (C) IN JANUARY NEXT PRECEDING EACH COMMUNITY DISTRICT EDUCATION COUN-
30 CIL ELECTION, THE CITY BOARD SHALL PROVIDE WRITTEN NOTICE TO EVERY
31 PARENT OF A CHILD ATTENDING SCHOOL UNDER THE JURISDICTION OF EVERY
32 COMMUNITY DISTRICT EDUCATION COUNCIL OF SUCH PARENT'S RIGHT TO VOTE IN
33 THE COMMUNITY DISTRICT EDUCATION COUNCIL ELECTION, THE METHOD AND TIME
34 BY WHICH A PARENT MAY REGISTER TO VOTE, AND A FORM BY WHICH SUCH PARENT
35 MAY REGISTER BY MAIL.

36 (D) THE BOARD OF ELECTIONS SHALL CERTIFY QUALIFIED REGISTRATIONS
37 PURSUANT TO THE CERTIFICATION PROCEDURES AGREED TO BY THE BOARD OF
38 ELECTIONS AND THE CITY BOARD. THE BOARD OF ELECTIONS SHALL CERTIFY ALL
39 QUALIFIED REGISTRATIONS AND TRANSMIT NOTICE OF SUCH CERTIFICATION TO THE
40 CITY BOARD PROMPTLY.

41 4. (A) EVERY REGISTERED VOTER RESIDING IN A COMMUNITY DISTRICT AND
42 EVERY PARENT OF A CHILD ATTENDING ANY SCHOOL UNDER THE JURISDICTION OF
43 THE COMMUNITY DISTRICT EDUCATION COUNCIL OF SUCH DISTRICT WHO IS A RESI-
44 DENT OF THE CITY OF NEW YORK FOR AT LEAST NINETY DAYS PRIOR TO THE DATE
45 OF THE ELECTION, AND AT LEAST EIGHTEEN YEARS OF AGE SHALL BE ELIGIBLE
46 FOR MEMBERSHIP ON SUCH COMMUNITY DISTRICT EDUCATION COUNCIL, PROVIDED
47 THAT SUCH PERSON NOT BE DISQUALIFIED FROM REGISTERING FOR OR VOTING AT
48 AN ELECTION UNDER THE PROVISIONS OF SECTION 5-106 OF THE ELECTION LAW OR
49 INELIGIBLE TO SERVE, UNDER THE PROVISIONS OF PARAGRAPH (B) OF THIS
50 SUBDIVISION. NO PERSON MAY SERVE ON MORE THAN ONE COMMUNITY DISTRICT
51 EDUCATION COUNCIL OR ON BOTH A COMMUNITY DISTRICT EDUCATION COUNCIL AND
52 THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION OR THE CITY-WIDE COUNCIL ON
53 HIGH SCHOOLS. A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL SHALL
54 BE INELIGIBLE TO BE EMPLOYED BY THE COMMUNITY DISTRICT EDUCATION COUNCIL
55 OF WHICH HE OR SHE IS A MEMBER, ANY OTHER COMMUNITY DISTRICT EDUCATION
56 COUNCIL, THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, THE CITY-WIDE COUN-

1 CIL ON HIGH SCHOOLS OR THE CITY BOARD. NO PERSON SHALL BE ELIGIBLE FOR
2 MEMBERSHIP ON A COMMUNITY DISTRICT EDUCATION COUNCIL IF HE OR SHE HOLDS
3 ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION
4 EXCEPT THAT OF DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE,
5 JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE. AN
6 OFFICER OF A PARENTS' ASSOCIATION SHALL BE ELIGIBLE FOR MEMBERSHIP ON A
7 COMMUNITY DISTRICT EDUCATION COUNCIL PROVIDED THAT HE OR SHE RESIGN SUCH
8 PARENTS' ASSOCIATION POSITION UPON ELECTION TO THE COUNCIL.

9 (B) A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED
10 FROM A COMMUNITY SCHOOL BOARD, COMMUNITY DISTRICT EDUCATION COUNCIL, OR
11 THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION OR THE CITY-WIDE COUNCIL ON
12 HIGH SCHOOLS FOR ANY OF THE FOLLOWING SHALL BE PERMANENTLY INELIGIBLE
13 FOR APPOINTMENT OR ELECTION TO ANY COMMUNITY DISTRICT EDUCATION COUNCIL:

14 (1) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON
15 SUCH CITY-WIDE COUNCIL, COMMUNITY SCHOOL BOARD OR COMMUNITY DISTRICT
16 EDUCATION COUNCIL; OR

17 (2) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR
18 HER SERVICE UPON SUCH CITY-WIDE COUNCIL, COMMUNITY SCHOOL BOARD OR
19 COMMUNITY DISTRICT EDUCATION COUNCIL.

20 (C) A PERSON MAY BE ELIGIBLE AND MAY BE NOMINATED AS A MEMBER IN ONE
21 OR MORE CATEGORIES BUT MAY ONLY BE PERMITTED TO SERVE AS A REPRESENTATIVE
22 OF ONE SUCH CATEGORY.

23 5. EACH REGISTERED VOTER SHALL VOTE AT SUCH POLLING PLACE WITHIN HIS
24 OR HER COMMUNITY DISTRICT AS SHALL BE DESIGNATED BY THE BOARD OF
25 ELECTIONS IN THE CITY OF NEW YORK OR MAY VOTE AS A REGISTERED PARENT
26 VOTER, BUT NOT BOTH. EACH PERSON VOTING AS A REGISTERED PARENT SHALL
27 VOTE AT SUCH POLLING PLACE WITHIN THE COMMUNITY DISTRICT IN WHICH HIS OR
28 HER CHILD IS ATTENDING SCHOOL AS SHALL BE DESIGNATED BY THE BOARD OF
29 ELECTIONS IN THE CITY OF NEW YORK. IN THE EVENT A PARENT HAS CHILDREN
30 ATTENDING SCHOOL IN DIFFERENT COMMUNITY DISTRICTS, THE PARENT MAY VOTE
31 AT EITHER POLLING PLACE DESIGNATED FOR EACH OF THE COMMUNITY DISTRICTS
32 BY THE BOARD OF ELECTIONS, BUT NOT BOTH. THE POLLS OF SUCH ELECTIONS
33 SHALL BE OPEN BETWEEN THE HOURS OF SIX O'CLOCK IN THE FORENOON AND NINE
34 O'CLOCK IN THE EVENING ON THE DAYS OF ELECTIONS.

35 6. (A) THE PROVISIONS OF THE ELECTION LAW WITH RESPECT TO REGISTRATION
36 OF VOTERS, NOMINATION OF CANDIDATES, DECLINATION OF NOMINATIONS, FILLING
37 OF VACANCIES IN NOMINATIONS, NOTICES TO CANDIDATES, OBJECTIONS TO
38 PETITIONS, RULINGS THEREON, JUDICIAL PROCEEDINGS, CAMPAIGN RECEIPTS AND
39 EXPENDITURES, CONDUCT OF THE ELECTION, INCLUDING THE USE OF VOTING
40 MACHINES, COUNTING AND CANVASSING OF VOTES, AND ALL OTHER MATTERS SO FAR
41 AS APPLICABLE SHALL GOVERN THE ELECTION OF COMMUNITY DISTRICT EDUCATION
42 COUNCIL MEMBERS; PROVIDED, HOWEVER, THAT: (1) CANDIDATES FOR COMMUNITY
43 DISTRICT EDUCATION COUNCIL MEMBER SHALL BE NOMINATED BY PETITIONS IN
44 ACCORDANCE WITH REGULATIONS, NOT INCONSISTENT WITH THE PROVISIONS OF
45 THIS ARTICLE, PROMULGATED BY THE BOARD OF ELECTIONS IN THE CITY OF NEW
46 YORK. SUCH PETITIONS SHALL BE FILED WITH THE BOARD OF ELECTIONS AT LEAST
47 FOUR WEEKS BEFORE THE ELECTION;

48 (2) NOMINATING PETITIONS SHALL BE SIGNED BY NOT FEWER THAN TWO HUNDRED
49 REGISTERED VOTERS RESIDING IN SUCH COMMUNITY DISTRICT, OR PERSONS ELIGIBLE
50 TO VOTE AS REGISTERED PARENTS IN SUCH COMMUNITY DISTRICT;

51 (3) EACH CANDIDATE SHALL BE NOMINATED BY A SEPARATE PETITION AND NO
52 ELECTOR SHALL SIGN MORE THAN ONE SUCH PETITION. SHOULD AN ELECTOR SIGN
53 MORE THAN ONE SUCH PETITION, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT
54 UPON THE PETITION FIRST SIGNED;

55 (4) NO CANDIDATE SHALL BE IDENTIFIED BY POLITICAL PARTY OR OTHER
56 ORGANIZATIONAL AFFILIATION ON THE NOMINATING PETITIONS OR THE BALLOT;

1 (5) EACH CANDIDATE'S NOMINATING PETITION SHALL IDENTIFY WHICH CATEGORY
2 OF COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERSHIP HE OR SHE IS SEEKING;

3 (6) CERTIFICATION OF ACCEPTANCE OR DECLINATION ARE NOT REQUIRED TO BE
4 ACKNOWLEDGED; AND

5 (7) THE ORDER OF THE NAMES OF CANDIDATES ON THE BALLOT SHALL BE DETER-
6 MINED IN THE SAME MANNER AS THE ORDER OF NAMES OF CANDIDATES IN A PRIMA-
7 RY ELECTION. THE CATEGORIES SHALL BE LISTED WITH THE GENERAL CATEGORY
8 FIRST, THEN THE REMAINING CATEGORIES IN ALPHABETICAL ORDER I.E. (A)
9 GENERAL REPRESENTATIVE; (B) ENGLISH LANGUAGE LEARNERS REPRESENTATIVE;
10 (C) HIGH SCHOOL REPRESENTATIVE; AND (D) SPECIAL EDUCATION REPRESENTATIVE.
11 TATIVE.

12 (B) NOTWITHSTANDING THE PROVISIONS OF SECTION 14-102 OF THE ELECTION
13 LAW TO THE CONTRARY, ALL RECEIPTS AND CONTRIBUTIONS RECEIVED BY A CANDI-
14 DATE FOR COMMUNITY DISTRICT EDUCATION COUNCIL OR A POLITICAL COMMITTEE
15 ON BEHALF OF A CANDIDATE FOR COMMUNITY DISTRICT EDUCATION COUNCIL FROM
16 ANY ONE CONTRIBUTOR MUST BE SPECIFICALLY ACCOUNTED FOR BY SEPARATE ITEMS
17 IN SUCH CANDIDATE'S OR COMMITTEE'S FINANCIAL DISCLOSURE STATEMENT.

18 (C) AT EACH ELECTION, ANY CANDIDATE FOR COMMUNITY DISTRICT EDUCATION
19 COUNCIL MEMBER SHALL BE ENTITLED TO EXERCISE ALL THE RIGHTS GRANTED BY
20 SECTION 8-500 OF THE ELECTION LAW TO A POLITICAL PARTY OR INDEPENDENT
21 BODY IN REGARD TO THE APPOINTMENT OF WATCHERS AND CHALLENGERS FOR THE
22 POLLS.

23 (D) ANY PUBLIC HEARING HELD BY THE BOARD OF ELECTIONS OR THE CITY
24 BOARD WITH RESPECT TO THE COMMUNITY SCHOOL BOARD ELECTIONS OR TO CANDI-
25 DATES FOR COMMUNITY DISTRICT EDUCATION COUNCILS MUST BE STENOGRAPHICALLY
26 TRANSCRIBED OR RECORDED IN ANOTHER MANNER AND SUCH TRANSCRIPTS OR WRIT-
27 TEN RECORDS OF SUCH RECORDINGS MUST BE MADE AVAILABLE FOR PUBLIC
28 INSPECTION AT THE OFFICES OF THE CITY BOARD AND THE BOARD OF ELECTIONS.

29 (E) ANY DECISION RENDERED BY THE BOARD OF ELECTIONS OR THE CITY BOARD
30 WITH RESPECT TO CANDIDATES FOR COMMUNITY DISTRICT EDUCATION COUNCILS
31 MUST BE WRITTEN AND MADE AVAILABLE FOR PUBLIC INSPECTION WITHIN SEVEN
32 DAYS OF ITS ISSUANCE AT THE OFFICES OF THE CITY BOARD AND THE BOARD OF
33 ELECTIONS. SUCH WRITTEN DECISION SHALL INCLUDE THE FACTUAL AND LEGAL
34 BASIS FOR ITS ISSUANCE AND A RECORD OF THE VOTE OF EACH BOARD MEMBER OR
35 COMMISSIONER OF ELECTIONS WHO PARTICIPATED IN THE DECISION.

36 7. THE MEMBERS OF EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL BE
37 ELECTED BY PROPORTIONAL REPRESENTATION IN ACCORDANCE WITH THE FOLLOWING
38 RULES:

39 (A) PAPER BALLOTS. COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS SHALL
40 BE VOTED FOR, IN ACCORDANCE WITH THE INSTRUCTIONS PROVIDED IN PARAGRAPH
41 (C) OF THIS SUBDIVISION, ON PAPER BALLOTS ON WHICH THE CANDIDATES ARE
42 LISTED BY NAME AND BY CATEGORY ONLY. THE BALLOTS SHALL CONFORM TO THE
43 PROVISIONS OF THE ELECTION LAW FOR PAPER BALLOTS, SO FAR AS APPLICABLE,
44 EXCEPT AS TO SIZE AND AS HEREINAFTER PROVIDED. THE BALLOTS SHALL CONTAIN
45 A SQUARE FOR VOTING BEFORE EACH CANDIDATE'S NAME.

46 (B) ORDER OF NAMES ON BALLOT. THE NAMES OF THE CANDIDATES SHALL BE
47 PRINTED IN THE ALPHABETICAL ORDER OF THEIR SURNAMES, EXCEPT THAT THEY
48 SHALL BE ROTATED BY POLLING PLACES BY TRANSPOSING THE FIRST NAMED CANDI-
49 DATE TO THE BOTTOM OF THE ORDER AT EACH SUCCEEDING POLLING PLACE; SO
50 THAT EACH NAME SHALL APPEAR FIRST AND IN EACH OTHER POSITION IN AN EQUAL
51 NUMBER, AS NEARLY AS POSSIBLE, OF THE POLLING PLACES.

52 (C) INSTRUCTIONS TO VOTERS. THE INSTRUCTIONS TO VOTERS SHALL READ AS
53 FOLLOWS:

54 INSTRUCTIONS

55 MARK YOUR CHOICES WITH X MARKS.

1 PUT AN X MARK IN THE SQUARE OPPOSITE THE NAME OF YOUR SIX CHOICE(S)
2 FOR GENERAL REPRESENTATIVE.

3 PUT AN X MARK IN THE SQUARE OPPOSITE THE NAME OF YOUR CHOICE FOR
4 ENGLISH LANGUAGE LEARNERS REPRESENTATIVE.

5 PUT AN X MARK IN THE SQUARE OPPOSITE THE NAME OF YOUR CHOICE FOR HIGH
6 SCHOOL REPRESENTATIVE.

7 PUT AN X MARK IN THE SQUARE OPPOSITE THE NAME OF YOUR CHOICE FOR
8 SPECIAL EDUCATION REPRESENTATIVE.

9 TO VOTE FOR A PERSON IN THE GENERAL REPRESENTATIVE CATEGORY WHOSE NAME
10 IS NOT PRINTED ON THIS BALLOT, WRITE HIS OR HER NAME ON A BLANK LINE
11 UNDER THE NAMES OF THE CANDIDATES.

12 IF YOU TEAR OR DEFACE OR WRONGLY MARK THIS BALLOT, DRAW LINES ACROSS
13 ITS FACE TO PREVENT ITS BEING USED, RETURN IT AND OBTAIN ANOTHER.

14 (D) CENTRAL COUNT. PRIOR TO EVERY ELECTION AT WHICH COMMUNITY DISTRICT
15 EDUCATION COUNCIL MEMBERS ARE TO BE ELECTED, THE BOARD OF ELECTIONS
16 SHALL DESIGNATE A CENTRAL COUNTING PLACE FOR EACH COMMUNITY DISTRICT
17 WHERE THE BALLOTS SHALL BE BROUGHT TOGETHER AND COUNTED PUBLICLY; SHALL
18 APPOINT FOR EACH CENTRAL COUNTING PLACE A BOARD OF TWO COMPETENT
19 PERSONS, TO ACT AS DIRECTORS OF THE COUNT FOR SUCH COUNTING PLACE; SHALL
20 EMPLOY A SUFFICIENT STAFF OF ASSISTANTS FOR EACH COUNTING PLACE, AND
21 SHALL MAKE SUITABLE ARRANGEMENTS FOR THE COUNTING AND RECORDING OF THE
22 BALLOTS, SUBJECT TO THE PROVISIONS OF THIS ARTICLE. IF THE BOARD OF
23 ELECTIONS AND THE CITY BOARD DETERMINE IT TO BE FEASIBLE AND DESIRABLE,
24 THE BOARD OF ELECTIONS MAY PROVIDE FOR THE COUNTING OF THE BALLOTS BY
25 ANY COMBINATION OF ELECTRONIC, MECHANICAL OR OTHER DEVICES TO CARRY OUT
26 THE PROVISIONS OF THIS SECTION. THE BOARD OF ELECTIONS SHALL PREPARE AND
27 PROVIDE ALL NECESSARY FORMS AND EQUIPMENT.

28 (E) ASSEMBLING BALLOTS. AS SOON AS THE POLLS HAVE CLOSED, THE ELECTION
29 OFFICIALS ASSIGNED BY THE BOARD OF ELECTIONS AT EACH POLLING PLACE SHALL
30 SEAL THE BALLOT BOXES WITHOUT OPENING THEM AND SHALL SEND THEM AT ONCE,
31 AS THE BOARD OF ELECTIONS MAY DIRECT, TO THE CENTRAL COUNTING PLACE FOR
32 THE DISTRICT WITH A RECORD OF THE NUMBER OF BALLOTS FOR COMMUNITY
33 DISTRICT EDUCATION COUNCIL MEMBER WHICH HAVE BEEN VOTED IN THEIR POLLING
34 PLACE.

35 (F) CHECKING NUMBER OF BALLOTS. AT THE CENTRAL COUNTING PLACE THE
36 NUMBER OF BALLOTS FOR COMMUNITY DISTRICT EDUCATION COUNCIL MEMBER FOUND
37 IN EACH BALLOT BOX SHALL BE RECORDED AND COMPARED WITH THE RECORD SENT
38 FROM THE CORRESPONDING POLLING PLACE. THE RECORDS THUS COMPARED SHALL
39 BE MADE AVAILABLE TO THE PUBLIC WITH NOTATIONS EXPLAINING ANY
40 CORRECTIONS OR CHANGES MADE THEREIN. DISCREPANCIES WHICH CANNOT BE
41 RECONCILED SHALL BE SHOWN ON THE RECORD. ALL BALLOTS FOUND IN THE
42 BALLOT BOXES WHICH BEAR NO EVIDENCE OF HAVING BEEN IMPROPERLY CAST SHALL
43 BE ACCEPTED.

44 (G) SORTING OF BALLOTS. BALLOTS SHALL BE SORTED BY POLLING PLACES IN
45 AN ORDER DETERMINED BY LOT.

46 (H) RULES FOR VALIDITY. IF A BALLOT DOES NOT CLEARLY SHOW WHICH CANDI-
47 DATES THE VOTER PREFERS TO ALL OTHERS IN EACH CATEGORY OR IF IT CONTAINS
48 THE SIGNATURE OF THE VOTER, IT SHALL BE HELD AS INVALID. EVERY BALLOT
49 NOT THUS INVALID SHALL BE COUNTED ACCORDING TO THE INTENT OF THE VOTER
50 SO FAR AS THAT CAN BE CLEARLY ASCERTAINED, WHETHER MARKED ACCORDING TO
51 THE INSTRUCTIONS PRINTED ON IT OR NOT. NO BALLOT SHALL BE HELD INVALID
52 BECAUSE IT IS MARKED IN INK OR PENCIL DIFFERENT FROM THE ONE SUPPLIED AT
53 THE POLLING PLACE, OR BECAUSE THE NAMES OF CANDIDATES THEREON HAVE BEEN
54 STRICKEN OUT BY THE VOTER.

55 (I) COUNT OF CHOICES. AT THE BEGINNING OF THE COUNT FOR EACH DISTRICT
56 THE BALLOTS SHALL BE SORTED AND COUNTED ACCORDING TO THE CHOICES MARKED

1 ON THEM. THE BALLOTS SHALL BE SO CREDITED TO THE CANDIDATES OF THEIR
2 CHOICE IN EACH CATEGORY IN THE ORDER OF POLLING PLACES CHOSEN BY LOT AS
3 SPECIFIED IN PARAGRAPH (G) OF THIS SUBDIVISION. THE NUMBER OF VALID
4 BALLOTS CAST FOR EACH CANDIDATE IN EACH CATEGORY IN EACH POLLING PLACE
5 AND THE TOTAL NUMBER OF VALID BALLOTS FOR EACH CANDIDATE AND FOR ALL
6 CANDIDATES IN EACH CATEGORY SHALL BE DETERMINED AND RECORDED.

7 (J) TIES. ANY TIE IN ANY CATEGORY SHALL BE DECIDED BY LOT, PROVIDED,
8 HOWEVER, THAT IF ONE OF THE CANDIDATES TIED WITH ONE OTHER PERSON HAS
9 BEEN ELECTED IN ANOTHER CATEGORY, THE TIE SHALL BE DECIDED IN FAVOR OF
10 THE OTHER CANDIDATE.

11 (K) CORRECTION OF ERRORS. IF AT ANY TIME AFTER THE FIRST SORTING OF
12 THE BALLOTS A BALLOT IS FOUND TO HAVE BEEN MISPLACED, IT SHALL BE CRED-
13 ITED TO THE CANDIDATES WHO SHOULD HAVE BEEN CREDITED WITH IT.

14 (L) INELIGIBLE CANDIDATES. IF A CANDIDATE DIES OR IS OFFICIALLY DETER-
15 MINED TO BE INELIGIBLE BEFORE THE COUNTING OF THE BALLOTS IS COMPLETED,
16 ALL CHOICES FOR SUCH CANDIDATE SHALL BE DISREGARDED BUT ALL OTHER CHOIC-
17 ES ON EACH SUCH BALLOT SHALL BE HONORED IN ACCORDANCE WITH THE TERMS OF
18 THIS SECTION.

19 (M) PUBLIC ATTENDANCE AT COUNT. THE CANDIDATES, REPRESENTATIVES OF THE
20 PRESS AND OTHER MEDIA AND, SO FAR AS MAY BE CONSISTENT WITH GOOD ORDER
21 AND CONVENIENCE, THE PUBLIC SHALL BE AFFORDED EVERY FACILITY FOR BEING
22 PRESENT AND WITNESSING THE COUNT.

23 (N) SUPPLEMENTARY REGULATIONS. ADMINISTRATIVE REGULATIONS FOR THE
24 CONDUCT OF ELECTIONS BY PROPORTIONAL REPRESENTATION, NOT INCONSISTENT
25 WITH THE PROVISIONS OF THIS ARTICLE MAY BE MADE BY THE CITY BOARD AND,
26 SUBJECT TO ANY SUCH REGULATION, BY THE BOARD OF ELECTIONS IN THE CITY OF
27 NEW YORK.

28 8. (A) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS
29 LAW CREATING A VACANCY, A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUN-
30 CIL WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF SUCH COUNCIL OF
31 WHICH HE OR SHE IS DULY NOTIFIED, WITHOUT RENDERING IN WRITING A GOOD
32 AND VALID EXCUSE THEREFOR VACATES HIS OR HER OFFICE BY REFUSAL TO SERVE.
33 EACH ABSENCE AND ANY WRITTEN EXCUSE RENDERED SHALL BE INCLUDED WITHIN
34 THE OFFICIAL WRITTEN MINUTES OF SUCH MEETING. AFTER THE THIRD UNEXCUSED
35 ABSENCE THE COMMUNITY DISTRICT EDUCATION COUNCIL SHALL DECLARE A VACANCY
36 TO THE CHANCELLOR.

37 (B) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE COMMUNITY
38 DISTRICT EDUCATION COUNCIL AFTER CONSULTATION WITH THE PRESIDENTS' COUN-
39 CIL OR OTHER CONSULTATIVE BODY REPRESENTING PARENTS' ASSOCIATIONS AND
40 OTHER EDUCATIONAL GROUPS WITHIN THE DISTRICT. RECOMMENDATIONS MADE BY
41 SUCH PARENTS AND OTHER EDUCATIONAL GROUPS SHALL BE SUBMITTED IN WRITING
42 AND INCLUDED WITHIN THE RECORD OF THE MEETING AT WHICH THE VACANCY IS
43 FILLED.

44 (C) IF THE VACANCY IS NOT FILLED BY THE COMMUNITY DISTRICT EDUCATION
45 COUNCIL WITHIN SIXTY DAYS AFTER IT IS DECLARED DUE TO A TIE VOTE FOR
46 SUCH APPOINTMENT, THE CHANCELLOR SHALL VOTE WITH THE COMMUNITY DISTRICT
47 EDUCATION COUNCIL, TO BREAK SUCH TIE VOTE. IF THE COMMUNITY DISTRICT
48 EDUCATION COUNCIL HAS FAILED TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER
49 IT IS DECLARED BECAUSE OF ANY OTHER REASON, THE CHANCELLOR SHALL ORDER
50 THE COMMUNITY DISTRICT EDUCATION COUNCIL TO DO SO PURSUANT TO SECTION
51 TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE.

52 9. (A) EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL PREPARE AND
53 SUBMIT TO THE CITY BOARD A PERFORMANCE REPORT EVERY MONTH. THE INFORMA-
54 TION PROVIDED SHALL INCLUDE COMMUNITY DISTRICT EDUCATION COUNCIL
55 MEMBERS' ATTENDANCE RECORDS; PARTICIPATION IN COMMUNITY DISTRICT EDUCA-
56 TION COUNCIL COMMITTEES AND OTHER COMMUNITY DISTRICT EDUCATION COUNCIL

1 ACTIVITIES; VISITS TO SCHOOLS; AND VOTING RECORDS ON MAJOR ISSUES BEFORE
2 THE COMMUNITY DISTRICT EDUCATION COUNCIL.

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

6 10. THE BOARD OF ELECTIONS SHALL PROVIDE AT THE LOCATIONS DESIGNATED
7 AS POLLING PLACES ON THE DAYS OF THE COMMUNITY BOARD ELECTIONS, SUFFI-
8 CIENT EMPLOYEES WHO HAVE RECEIVED FORMAL TRAINING REGARDING THE CONDUCT
9 OF COMMUNITY DISTRICT EDUCATION COUNCIL ELECTIONS, INCLUDING THE PROCE-
10 DURES APPLICABLE TO PARENT VOTERS. THE BOARD OF ELECTIONS OF THE CITY OF
11 NEW YORK SHALL PROVIDE POLLING PLACE EMPLOYEES WHO SPEAK OTHER LANGUAGES
12 AS REQUIRED BY LAW.

13 11. BEGINNING IN OCTOBER OF THE SCHOOL YEAR IN WHICH THE COMMUNITY
14 SCHOOL ELECTION WILL TAKE PLACE, AND CONTINUING UNTIL THE DATE OF
15 ELECTION, THE CITY BOARD SHALL ENSURE THE DISTRIBUTION OF VOTER GUIDES
16 TO PARENTS IN ADDITION TO INFORMATION REGARDING COMMUNITY DISTRICT
17 EDUCATION COUNCIL ROLES, FUNCTIONS, AND ACTIVITIES, INCLUDING UPCOMING
18 ELECTIONS, VOTER REGISTRATION, CANDIDATE INFORMATION, AND THE NATURE OF
19 THE ELECTION PROCESS TO PARENTS AND TO THE GENERAL PUBLIC THROUGH CITY-
20 WIDE AND LOCAL MEDIA. THE CITY BOARD AND THE BOARD OF ELECTIONS OF THE
21 CITY OF NEW YORK SHALL USE FOREIGN LANGUAGE AND ETHNIC NEWSPAPERS AND
22 TELEVISION STATIONS TO MAXIMIZE MINORITY PARTICIPATION IN THE ELECTORAL
23 PROCESS.

24 12. ONE VOTING MEMBER OF THE COMMUNITY DISTRICT EDUCATION COUNCIL
25 SHALL BE APPOINTED BY THE APPLICABLE BOROUGH PRESIDENT.

26 13. ONE VOTING MEMBER OF THE COMMUNITY DISTRICT EDUCATION COUNCIL WILL
27 BE SELECTED BY THE COUNCIL FROM THE RESIDENTS IN THE DISTRICT. EACH
28 COMMUNITY DISTRICT EDUCATION COUNCIL SHALL SUBMIT ITS PROPOSED ELECTORAL
29 PROCESS TO THE CITY BOARD WITHIN SIX MONTHS FOLLOWING THE EFFECTIVE DATE
30 OF THIS SECTION.

31 14. FOR THE PURPOSES OF THIS SECTION, THE TERM "PARENT OF A CHILD"
32 SHALL INCLUDE A LEGAL GUARDIAN OF A CHILD.

33 S 4. The opening paragraph of section 2590-h of the education law, as
34 amended by a chapter of the laws of 2009 amending the education law and
35 other laws relating to the New York city board of education, as proposed
36 in legislative bills numbers S.5887 and A.8903-A, is amended to read as
37 follows:

38 The office of chancellor of the city district is hereby continued.
39 Such chancellor shall serve at the pleasure of and be employed by the
40 mayor of the city of New York by contract. The length of such contract
41 shall not exceed by more than two years the term of office of the mayor
42 authorizing such contract. The chancellor shall receive a salary to be
43 fixed by the mayor within the budgetary allocation therefor. ANY CHAN-
44 CELLOR APPOINTED AFTER JULY FIRST, TWO THOUSAND NINE, AT THE TIME OF
45 APPOINTMENT, SHALL POSSESS THE VALID CERTIFICATION APPLICABLE TO SCHOOL
46 SUPERINTENDENTS PURSUANT TO PART 80 OF THE NEW YORK STATE CODES, RULES
47 AND REGULATIONS AND THE COMMISSIONER SHALL NOT CONSIDER ANY APPLICATIONS
48 FOR A WAIVER OF SUCH CERTIFICATE. He or she shall exercise all his or
49 her powers and duties in a manner not inconsistent with the city-wide
50 educational policies of the city board. The chancellor shall have the
51 following powers and duties as the superintendent of schools and chief
52 executive officer for the city district, which the chancellor shall
53 exercise to promote an equal educational opportunity for all students in
54 the schools of the city district, promote fiscal and educational equity,
55 increase student achievement and school performance and encourage local
56 school-based innovation, including the power and duty to:

1 S 5. Subdivisions 1 and 2 of section 306 of the education law, subdi-
2 vision 1 as amended by chapter 298 of the laws of 1957, are amended to
3 read as follows:

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

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

23 S 6. The education law is amended by adding a new section 2590-v to
24 read as follows:

25 S 2590-V. PARENT TRAINING CENTERS. 1. EACH BOROUGH PRESIDENT SHALL BE
26 RESPONSIBLE FOR A PARENT TRAINING CENTER IN HIS/HER BOROUGH, TO BE KNOWN
27 AS THE BRONX PARENT TRAINING CENTER, MANHATTAN PARENT TRAINING CENTER,
28 BROOKLYN PARENT TRAINING CENTER, QUEENS PARENT TRAINING CENTER, AND THE
29 STATEN ISLAND PARENT TRAINING CENTER, FOR THE SUPPORT AND TRAINING OF
30 PARENTS OR PERSONS IN PARENTAL RELATION TO A STUDENT OR STUDENTS ATTEND-
31 ING PUBLIC SCHOOL IN THE CITY OF NEW YORK, COORDINATING, WHERE APPROPRI-
32 ATE, WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. EACH
33 BOROUGH'S PARENT TRAINING CENTER SHALL OPERATE IN MULTIPLE LOCATIONS IN
34 ITS RESPECTIVE BOROUGH, WITH AN EMPHASIS ON PROVIDING RESOURCES AND
35 TRAINING IN AREAS WHERE THERE IS LOW OVERALL ACADEMIC ACHIEVEMENT BY
36 STUDENTS OR WHERE THERE IS A HIGH DENSITY OF ENGLISH LANGUAGE LEARNING
37 STUDENTS OR LOW-INCOME FAMILIES.

38 2. EACH BOROUGH PARENT TRAINING CENTER SHALL HAVE THE POWER AND THE
39 DUTY TO:

40 A. ASSIST PARENTS AND STUDENTS IN INTERACTING WITH CITY SCHOOL
41 DISTRICT PERSONNEL AND IN DEVELOPING AN UNDERSTANDING OF THE FUNCTION,
42 STRUCTURE AND OPERATIONS OF THE CITY OF NEW YORK DEPARTMENT OF EDUCA-
43 TION, INCLUDING PROVIDING BASIC INFORMATION CONCERNING SCHOOL BUDGET
44 PROCEDURES, FEDERAL, STATE AND CITY LAWS, STRUCTURES AND POLICIES THAT
45 IMPACT EDUCATION, AND THE EFFECT OF SUCH STRATEGIES, PROCEDURES, STRUC-
46 TURES AND POLICIES ON THE EDUCATION BEING PROVIDED BY THE STUDENT'S
47 SCHOOL;

48 B. CONDUCT OUTREACH, RECRUITMENT, TRAINING AND SUPPORT PROGRAMS FOR
49 PARENTS TO (I) INCREASE THEIR CAPACITY TO PARTICIPATE IN AND ENGAGE WITH
50 LOCAL, DISTRICT, AND CITY-WIDE SCHOOL DISTRICT ADMINISTRATION, (II)
51 INCREASE THEIR UNDERSTANDING OF NUTRITION, DIET AND OTHER FACTORS THAT
52 AFFECT A CHILD'S ABILITY TO LEARN AND PARTICIPATE IN SCHOOL, AND (III)
53 INCREASE THEIR ABILITY TO EFFECTIVELY INCREASE STUDENT INTEREST AND
54 ENROLLMENT IN POST-SECONDARY EDUCATIONAL INSTITUTIONS; AND

55 C. IMPLEMENT PROGRAMS TO PROVIDE SUPPORT FOR PARENTS AND ENHANCE
56 PARENTS ABILITY TO SUPPORT STUDENTS EDUCATIONAL SUCCESS.

1 3. EACH BOROUGH PRESIDENT SHALL EMPLOY SUCH ADMINISTRATIVE AND PROFES-
2 SIONAL STAFF AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.
3 THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND THE BOROUGH PRESI-
4 DENTS SHALL WORK COLLABORATIVELY TO ENSURE THAT THE TRAINING AND
5 PROGRAMS PROVIDED PURSUANT TO THIS SECTION ARE CONSISTENT WITH THE POLI-
6 CIES OF THE CITY SCHOOL DISTRICT. THE CITY SCHOOL DISTRICT SHALL PROVIDE
7 EACH PARENT OR PERSON IN PARENTAL RELATION TO A STUDENT WITH WRITTEN
8 MATERIALS INFORMING THEM OF THE SERVICES PROVIDED BY THE BOROUGH PRESI-
9 DENTS PURSUANT TO THIS SECTION.

10 S 7. 1. A temporary state commission, to be known as the commission on
11 public safety in the city school district of the city of New York, and
12 hereinafter referred to as the commission, is hereby created to examine,
13 evaluate and make recommendations concerning the impact that the current
14 chancellor's regulations and New York police department policies have on
15 student safety, welfare, and achievement. Specifically the commission
16 shall examine at least the following:

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

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

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

23 (d) the appropriateness of the chancellor's current regulations.

24 2. The commission shall consist of twelve members, to be appointed as
25 follows: one member to be appointed by the New York city chancellor, one
26 member appointed by the New York city police commissioner, one member by
27 the speaker of the New York city council, one member by the New York
28 city public advocate, one by the collective bargaining unit representing
29 public school teachers, one appointed by the organization representing
30 New York city school supervisors, one appointed by the organization
31 representing police officers in the city of New York and each borough
32 president shall appoint one parent of a public school student who
33 resides in the borough. The members of the temporary state commission
34 established pursuant to this section shall be appointed no later than
35 January 15, 2010 and shall convene the first meeting of the commission
36 no later than January 22, 2010. The commission shall elect a chair, a
37 vice-chair and a secretary from amongst its members. Notwithstanding the
38 provisions of section 74 of the public officers law, section 806 of the
39 general municipal law or any other provision of law, membership on the
40 commission of any state or municipal officer or employee shall not
41 constitute the violation of any code of ethics or a conflict of inter-
42 est. The commission shall meet at least monthly. Vacancies in the
43 membership of the commission and among its officers shall be filled in
44 the manner provided for original appointments.

45 3. The commission may meet within and without the state, shall hold
46 public hearings, and shall have all the powers of a legislative commit-
47 tee pursuant to the legislative law. The commission shall hold at least
48 one hearing in each borough of New York city to solicit input from
49 members of the public, students, and community based organizations. Such
50 hearings shall be publicized in such manner as to solicit maximum public
51 participation. The members of the commission shall select the commission
52 chair.

53 4. The members of the commission shall receive no compensation for
54 their services.

55 5. To the maximum extent feasible, the commission shall be entitled to
56 request and receive, and shall utilize and be provided with such facili-

1 ties, resources and data of any department, division, board, bureau,
2 commission or agency of the state or any political subdivision thereof
3 as it may reasonably request to properly carry out its powers and duties
4 pursuant to this section. The speaker of the city council shall provide
5 administrative support as necessary for the commission to carry out
6 powers and duties of the commission.

7 6. The commission shall make a report to the chancellor of New York
8 city schools, the city board, the New York city police department, the
9 mayor of New York city, the speaker of the New York city council, the
10 commissioner of education, and the chair and ranking member of the
11 senate and assembly education committees of its findings, conclusions
12 and recommendations on or before January 16, 2011, and shall submit with
13 such report such legislative proposals as it deems necessary to imple-
14 ment its recommendations.

15 7. The temporary state commission established pursuant to this section
16 shall expire and be terminated on the first day next succeeding the date
17 of the submission of its report as provided in subdivision 6 of this
18 section, and the chairperson of the temporary commission shall notify
19 the legislative bill drafting commission upon the submission of the
20 commission's report as provided for in subdivision 6 of this section in
21 order that the commission may maintain an accurate and timely effective
22 data base of the official text of the laws of the state of New York in
23 furtherance of effecting the provisions of section 44 of the legislative
24 law and section 70-b of the public officers law.

25 S 8. This act shall take effect immediately; provided, however, that
26 sections one, two, three, and four of this act shall take effect on the
27 same date as a chapter of the laws of 2009 amending the education law
28 and other laws relating to the New York city board of education, as
29 proposed in legislative bills numbers S.5887 and A.8903-A, takes effect;
30 and provided further that the amendments to section 2590-b of the educa-
31 tion law made by sections one and two of this act, section 2590-c of the
32 education law made by section three of this act, and section 2590-h of
33 the education law made by section four of this act, shall not affect the
34 repeal of such provisions and shall expire and be deemed repealed there-
35 with.