

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

6086--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (II) ISSUE AN ANNUAL REPORT ON COMPLIANCE WITH STATE REGULATIONS
54 GOVERNING ARTS EDUCATION, THE EFFECTIVENESS OF THE CITY DISTRICT IN
55 PROVIDING ARTS INSTRUCTION AND PROGRAMMING TO PUBLIC SCHOOL STUDENTS,

1 AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE
2 ADEQUACY, EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

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

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

13 S 3. Paragraph (a) of subdivision 1 of section 2590-c of the educa-
14 tion law, as amended by a chapter of the laws of 2009 amending the
15 education law and other laws relating to the New York city board of
16 education, as proposed in legislative bills numbers S.5887 and A.8903-A,
17 is amended to read as follows:

18 (a) Nine voting members shall be parents whose children are attending
19 a school under the jurisdiction of the community district, or have
20 attended a school under the jurisdiction of the community district with-
21 in the preceding two years, PROVIDED, HOWEVER, THAT NO TWO VOTING PARENT
22 MEMBERS MAY HAVE A CHILD IN THE SAME SCHOOL, and shall be selected by
23 the [presidents and officers of the parents' association or parent-
24 teachers' association] PARENTS OR PERSONS IN PARENTAL RELATION TO CHIL-
25 DREN ATTENDING PUBLIC SCHOOLS IN THE DISTRICT PURSUANT TO REGULATIONS
26 PROMULGATED BY THE CHANCELLOR. Such members shall serve for a term of
27 two years, AND MAY NOT SERVE MORE THAN TWO TERMS. Presidents and offi-
28 cers of parents' associations or parent-teachers' associations who are
29 candidates in the selection process pursuant to this section shall not
30 be eligible to cast votes in such selection process. The association
31 shall elect a member to vote in the place of each such president or
32 officer for the purposes of the selection process.

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.