

5384

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. SQUADRON, MONSERRATE, ONORATO, PARKER -- read twice
and ordered printed, and when printed to be committed to the Committee
on Education

AN ACT to amend the education law and the New York city charter, in
relation to enacting the "New York city department of education
accountability act"; and to repeal certain provisions of the education
law relating thereto

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

1 Section 1. This act shall be known and may be cited as the "New York
2 city department of education accountability act".
3 S 2. Legislative findings. The legislature hereby finds and declares
4 that transparency, fiscal accountability, community involvement and
5 governmental oversight are essential ingredients in providing educa-
6 tional services and opportunities to the children of the city of New
7 York. To achieve these objectives, the department of education of the
8 city of New York should comply with the provisions of the charter of the
9 city of New York.
10 S 3. Subdivision 5 of section 2590-a of the education law is REPEALED
11 and two new subdivisions 5 and 11 are added to read as follows:
12 5. NEW YORK CITY COMMISSIONER OF EDUCATION. THE TERM "NEW YORK CITY
13 COMMISSIONER OF EDUCATION" SHALL MEAN THE INDIVIDUAL FORMERLY KNOWN AS
14 THE CHANCELLOR, WHO SHALL BE THE OPERATIONAL AND ADMINISTRATIVE HEAD OF
15 THE DEPARTMENT OF EDUCATION, AND WHO SHALL BE APPOINTED IN ACCORDANCE
16 WITH THE TERMS OF THIS ARTICLE. WHENEVER THE FORMER CHANCELLOR IS
17 REFERRED TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT PERTAINING TO
18 THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES HEREBY TRANSFERRED AND
19 ASSIGNED, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO REFER TO THE
20 NEW YORK CITY COMMISSIONER OF EDUCATION.
21 11. DEPARTMENT OF EDUCATION. THE TERM "DEPARTMENT OF EDUCATION" SHALL
22 MEAN THE ENTITY RESPONSIBLE FOR OPERATING, MANAGING AND PROVIDING EDUCA-
23 TIONAL SERVICES WITHIN THE CITY DISTRICT, AND FOR PURPOSES OF COMPLYING
24 WITH ARTICLE FIFTY-TWO-A OF THIS CHAPTER, THE "NEW YORK CITY COMMUNITY
25 SCHOOL DISTRICT SYSTEM," SHALL COMPLY WITH THE CHARTER OF THE CITY OF

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

LBD10449-09-9

1 NEW YORK AND BE AN "AGENCY" OF THE CITY AS THAT TERM IS DEFINED IN
2 SECTIONS ONE THOUSAND FORTY-ONE, ELEVEN HUNDRED FIFTY AND TWENTY-SIX
3 HUNDRED ONE OF SUCH CHARTER, PROVIDED THAT (A) SECTION TWENTY-EIGHT OF
4 SUCH CHARTER DOES NOT APPLY TO THE POWERS AND DUTIES DELEGATED TO THE
5 CITY BOARD PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWEN-
6 TY-FIVE HUNDRED NINETY-G OF THIS ARTICLE OR THE POWERS AND DUTIES DELEG-
7 ATED TO THE COMMISSIONER PURSUANT TO SUBDIVISIONS EIGHT AND THIRTY-ONE
8 OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, AND (B) CHAPTER
9 THIRTEEN OF SUCH CHARTER DOES NOT APPLY TO THE POWERS AND RESPONSIBIL-
10 ITIES DELEGATED TO PRINCIPALS PURSUANT TO SECTION TWENTY-FIVE HUNDRED
11 NINETY-I OF THIS ARTICLE.

12 S 4. The section heading of section 2590-b of the education law, as
13 amended by chapter 123 of the laws of 2003, is amended and a new subdi-
14 vision 1-a is added to read as follows:

15 Continuation of city board and establishment of community districts;
16 establishment of the city-wide council on special education; ESTABLISH-
17 MENT OF THE DEPARTMENT OF EDUCATION.

18 1-A. DEPARTMENT OF EDUCATION. THERE IS HEREBY ESTABLISHED THE DEPART-
19 MENT OF EDUCATION OF THE CITY OF NEW YORK, RESPONSIBLE FOR OPERATING,
20 MANAGING AND PROVIDING EDUCATIONAL SERVICES WITHIN THE CITY DISTRICT,
21 AND FOR PURPOSES OF COMPLYING WITH ARTICLE FIFTY-TWO-A OF THIS CHAPTER,
22 THE "NEW YORK CITY COMMUNITY SCHOOL DISTRICT SYSTEM," SHALL COMPLY WITH
23 THE CHARTER OF THE CITY OF NEW YORK AND BE AN "AGENCY" OF THE CITY AS
24 THAT TERM IS DEFINED IN SECTIONS ONE THOUSAND FORTY-ONE, ELEVEN HUNDRED
25 FIFTY AND TWENTY-SIX HUNDRED ONE OF SUCH CHARTER, PROVIDED THAT (A)
26 SECTION TWENTY-EIGHT OF SUCH CHARTER DOES NOT APPLY TO THE POWERS AND
27 DUTIES DELEGATED TO THE CITY BOARD PURSUANT TO PARAGRAPH (A) OF SUBDIVI-
28 SION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE OR THE
29 POWERS AND DUTIES DELEGATED TO THE COMMISSIONER PURSUANT TO SUBDIVISIONS
30 EIGHT AND THIRTY-ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS
31 ARTICLE, AND (B) CHAPTER THIRTEEN OF SUCH CHARTER DOES NOT APPLY TO THE
32 POWERS AND RESPONSIBILITIES DELEGATED TO PRINCIPALS PURSUANT TO SECTION
33 TWENTY-FIVE HUNDRED NINETY-I OF THIS ARTICLE.

34 S 5. The chapter heading of chapter 20 of the New York city charter is
35 amended to read as follows:

36 DEPARTMENT OF EDUCATION

37 S 6. The New York city charter is amended by adding a new section 519
38 to read as follows:

39 S 519. DEPARTMENT; COMMISSIONER; RESPONSIBILITIES. THERE SHALL BE A
40 DEPARTMENT OF EDUCATION TO OPERATE, MANAGE AND PROVIDE EDUCATIONAL
41 SERVICES WITHIN THE SCHOOL DISTRICT OF THE CITY OF NEW YORK IN ACCORD-
42 ANCE WITH THE STATE EDUCATION LAW, THE HEAD OF WHICH SHALL BE THE NEW
43 YORK CITY COMMISSIONER OF EDUCATION, WHOSE APPOINTMENT, TENURE, POWERS
44 AND DUTIES SHALL BE DETERMINED IN ACCORDANCE WITH STATE LAW.

45 S 7. Notwithstanding any other provision of law, on and after the
46 effective date of this act, any place in the law which refers to the
47 chancellor in the city of New York, shall be deemed to refer to the New
48 York city commissioner of education as defined in subdivision five of
49 section 2590-a of the education law as added by section three of this
50 act.

51 S 8. This act shall take effect immediately, provided however that the
52 amendments to the section heading of section 2590-b of the education law
53 made by section four of this act shall not affect the expiration of such
54 section heading and shall be deemed to expire therewith.