

5739

2009-2010 Regular Sessions

I N S E N A T E

June 2, 2009

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

AN ACT to amend the education law, in relation to the reform of the system of school governance in the city school district of the city of New York; to repeal certain provisions of such law relating thereto; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings. Bronx, Kings, New York, Queens and
2 Richmond counties, including the five Boroughs of New York city contain
3 a population of approximately 8.25 million people. Approximately 1.1
4 million youth attend public schools in the New York city public school
5 system. For the last six years, this public school system, by act of
6 this legislature, has been governed by mayoral control.
7 Mayoral control will sunset in June 2009. Hearings have been held on
8 behalf of the senate by the democratic taskforce on school governance,
9 the assembly education committee, and by the New York city public
10 advocate's commission. The legislature has received recommendations from
11 individuals, from the New York city council, the united federation of
12 teachers, from other groups, and from the mayor of the city of New York.
13 There is a general, if not unanimous agreement, that changes in school
14 governance are needed to provide improved transparency, accountability,
15 and representation of parent, teacher and student views in the deci-
16 sion-making process at the central and local district levels and at
17 school site level.
18 The unacceptable conditions of New York city public schools with
19 regard to graduation rates, literacy and numeracy, scientific, artistic,
20 and civic knowledge and engagement for the majority of its students have
21 persisted despite numerous changes in governance structures and proce-
22 dures over the past 40 years. There is presently no explicit artic-

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

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1 ulation of the goals of education in New York city, or how to achieve
2 these goals.

3 The legislature therefore determines that it is necessary to establish
4 a commission on public education.

5 S 2. Section 2590-b of the education law is REPEALED and a new section
6 2590-b is added to read as follows:

7 S 2590-B. CONTINUATION OF THE CITY BOARD AND ESTABLISHMENT OF COMMUNI-
8 TY DISTRICTS; ESTABLISHMENT OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCA-
9 TION; ESTABLISHMENT OF THE CITY-WIDE COUNCIL ON HIGH SCHOOLS. 1. (A)
10 THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW
11 YORK IS HEREBY CONTINUED. SUCH BOARD OF EDUCATION SHALL CONSIST OF
12 FIFTEEN VOTING MEMBERS AND ONE NON-VOTING MEMBER. THE VOTING MEMBERSHIP
13 ON THE BOARD SHALL BE COMPOSED AS FOLLOWS: SIX MEMBERS TO BE PARENTS WHO
14 ARE ELECTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION; THREE MEMBERS
15 TO BE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK; ONE MEMBER TO BE
16 APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK; ONE MEMBER TO
17 BE APPOINTED BY THE COUNCIL OF THE CITY OF NEW YORK BY MAJORITY VOTE;
18 AND FOUR "EXPERT" MEMBERS SELECTED BY THE OTHER VOTING MEMBERS OF THE
19 BOARD, THROUGH A COLLABORATIVE PROCESS PURSUANT TO PARAGRAPH (C) OF THIS
20 SUBDIVISION. THE ONE NON-VOTING MEMBER SHALL BE APPOINTED BY THE COMP-
21 TROLLER OF THE CITY OF NEW YORK AND SHALL HAVE EXPERTISE IN FINANCIAL
22 AND BUDGETARY MATTERS. ALL MEMBERS SHALL SERVE FOUR-YEAR FIXED TERMS
23 BEGINNING IN JANUARY, EXCEPT THOSE MEMBERS WHO BEGIN THEIR TERMS IN THE
24 FIRST JANUARY AFTER THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO THE
25 FOLLOWING STAGGERED TERM EXPIRATION SCHEDULE: THE FOUR EXPERTS' TERMS
26 SHALL EXPIRE IN JANUARY, TWO THOUSAND TWELVE; THE PUBLIC ADVOCATE, CITY
27 COUNCIL, AND COMPTROLLER APPOINTEES' TERMS SHALL EXPIRE IN JANUARY, TWO
28 THOUSAND THIRTEEN; THE THREE MAYORAL APPOINTEES' TERMS SHALL EXPIRE IN
29 JANUARY, TWO THOUSAND FOURTEEN; AND THE SIX PARENTS' TERMS SHALL EXPIRE
30 IN JANUARY, TWO THOUSAND FIFTEEN. THEREAFTER, ALL MEMBERS SHALL SERVE
31 FIXED TERMS WITH EXPIRATION DATES FOUR YEARS AFTER THEIR RESPECTIVE
32 COMMENCEMENT DATES. NO MEMBER SHALL BE EMPLOYED IN ANY CAPACITY BY THE
33 DEPARTMENT, AND NO APPOINTED MEMBER SHALL BE A GOVERNMENT EMPLOYEE OR
34 EMPLOYED BY AN ENTITY WITH A CONTRACT OF OVER FIFTY THOUSAND DOLLARS PER
35 YEAR WITH THE CITY. EACH MEMBER SHALL BE A RESIDENT OF THE CITY. A BOARD
36 MEMBER MAY BE REMOVED FOR CAUSE BY A MAJORITY OF THE VOTING BOARD
37 MEMBERS. ANY VACANCY IN AN APPOINTED POSITION SHALL BE FILLED BY
38 APPOINTMENT BY THE APPROPRIATE APPOINTING AUTHORITY AND ONLY TO SERVE
39 OUT THE TIME REMAINING IN THAT TERM. NOTWITHSTANDING ANY PROVISION OF
40 LOCAL LAW, THE MEMBERS OF THE BOARD SHALL NOT HAVE STAFF, OFFICES, OR
41 VEHICLES ASSIGNED TO THEM OR RECEIVE COMPENSATION FOR THEIR SERVICES,
42 BUT SHALL BE REIMBURSED FOR THE ACTUAL AND NECESSARY EXPENSES INCURRED
43 BY THEM IN THE PERFORMANCE OF THEIR DUTIES.

44 (B) THE SIX PARENT MEMBERS SHALL BE PARENTS, AS OF THE DATE THEIR TERM
45 BEGINS, OF ONE OR MORE STUDENTS WHO CURRENTLY ATTEND OR HAVE WITHIN THE
46 LAST FIVE YEARS ATTENDED ONE OR MORE SCHOOLS IN THE CITY DISTRICT. AT
47 LEAST ONE OF THESE MEMBERS MUST ALSO BE A PARENT OF A SPECIAL EDUCATION
48 CHILD. THIS MEMBER SHALL BE ELECTED BY THE CITY-WIDE COUNCIL ON SPECIAL
49 EDUCATION CREATED PURSUANT TO THIS SECTION IN CONJUNCTION WITH THE
50 SPECIAL EDUCATION REPRESENTATIVE ON THE CITY-WIDE COUNCIL OF HIGH
51 SCHOOLS CREATED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-C OF THIS
52 ARTICLE AND THE SPECIAL EDUCATION REPRESENTATIVES OF EACH OF THE COMMU-
53 NITY DISTRICT EDUCATION COUNCILS. ANY MEMBER ELECTED BY THE CITY-WIDE
54 COUNCIL ON SPECIAL EDUCATION, THE SPECIAL EDUCATION REPRESENTATIVE OF
55 THE CITY-WIDE COUNCIL OF HIGH SCHOOLS AND THE SPECIAL EDUCATION REPRE-
56 SENTATIVES OF EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL BE THE

1 PARENT OF A STUDENT WHO RECEIVES SERVICES PURSUANT TO ARTICLE
2 EIGHTY-NINE OF THIS CHAPTER, INCLUDING ANY SERVICES MANDATED BY AN INDI-
3 VIDUALIZED EDUCATION PROGRAM, AS THAT TERM IS DEFINED PURSUANT TO
4 SECTION 1401 OF TITLE TWENTY OF THE UNITED STATES CODE. THE REMAINING
5 FIVE MEMBERS SHALL EACH REPRESENT A DISCRETE GEOGRAPHICAL AREA WITHIN
6 THE CITY DISTRICT, WITH EACH GEOGRAPHICAL AREA HAVING ROUGHLY THE SAME
7 STUDENT POPULATION, AND SHALL BE ELECTED BY MEMBERS OF THE COMMUNITY
8 DISTRICT EDUCATION COUNCILS WITHIN THEIR RESPECTIVE GEOGRAPHICAL AREA,
9 THE BOUNDARIES OF SUCH GEOGRAPHICAL AREAS TO BE INITIALLY DETERMINED BY
10 THE COMMISSIONER, IN CONSULTATION WITH THE PUBLIC ADVOCATE, WHO WILL
11 ADVISE THE BOARD OF ELECTIONS OF THE DETERMINATIONS. SUCH BOUNDARIES
12 SHALL BE RE-DETERMINED THEREAFTER BY THE BOARD, WITH ITS FIRST DETERMI-
13 NATION OF SUCH BOUNDARIES TO BE COMPLETED BY FEBRUARY FIRST, TWO THOU-
14 SAND THIRTEEN, AND EVERY TEN YEARS THEREAFTER, IN EACH INSTANCE TAKING
15 INTO ACCOUNT RECENT CENSUS DATA AND ANY CHANGES IN DISTRICT BOUNDARIES.
16 THE ELECTIONS FOR THESE SIX MEMBERS SHALL TAKE PLACE ON THE CITY'S
17 PRIMARY ELECTION DAY ON THE SECOND TUESDAY OF SEPTEMBER, WITH THE FIRST
18 ELECTION TO TAKE PLACE ON THE SECOND TUESDAY OF SEPTEMBER OF THE YEAR
19 THIS SECTION TAKES EFFECT. THE YEAR THIS SECTION TAKES EFFECT, THE
20 MEMBER WHO IS A PARENT OF A CHILD RECEIVING SPECIAL EDUCATION SERVICES
21 SHALL BE ELECTED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, THE
22 SPECIAL EDUCATION REPRESENTATIVE OF THE CITY-WIDE COUNCIL OF HIGH
23 SCHOOLS, AND EACH COMMUNITY DISTRICT EDUCATION COUNCIL, WITH EACH COMMU-
24 NITY DISTRICT EDUCATION COUNCIL TO HAVE ONE VOTE IN SUCH ELECTION. SUCH
25 MEMBER SHALL SERVE A ONE-YEAR TERM, AND A SPECIAL ELECTION SHALL BE HELD
26 TO ELECT A MEMBER WHO IS A PARENT OF A CHILD RECEIVING SPECIAL EDUCATION
27 SERVICES THE FOLLOWING SEPTEMBER AFTER THE COMMUNITY EDUCATION DISTRICTS
28 ARE RECONSTITUTED PURSUANT TO THIS SECTION.

29 (C) THE COLLABORATIVE PROCESS BY WHICH THE FOUR "EXPERT" VOTING
30 MEMBERS ARE SELECTED BY THE ELEVEN OTHER VOTING MEMBERS OF THE BOARD
31 SHALL PROCEED AS FOLLOWS: (1) THERE SHALL BE AN OPEN NOMINATION PROCESS
32 AT THE VERY FIRST BOARD MEETING FOLLOWING A VACANCY (INCLUDING AT THE
33 VERY FIRST MEETING OF THE FIRST BOARD CONSTITUTED UNDER THIS SECTION,
34 WHEN THERE ARE FOUR VACANCIES), ANY NOMINEE SHALL BE PHYSICALLY PRESENT
35 AT THAT MEETING TO BE ELIGIBLE, AND THERE SHALL BE NO SELF-NOMINATIONS
36 OR NOMINATIONS BY ANY VOTING MEMBER OF THE BOARD; (2) THE NOMINEES WHO
37 ACCEPT THEIR NOMINATIONS SHALL COMPLETE AN APPLICATION PREPARED BY THE
38 BOARD, WHICH SHALL INCLUDE QUESTIONS DESIGNED TO ELICIT THE NOMINEE'S
39 EXPERTISE IN EDUCATION POLICY AND/OR IN SPECIFIC AREAS OF EDUCATIONAL
40 EXPERIENCE NOT OTHERWISE REPRESENTED ON THE BOARD; (3) NO LATER THAN AT
41 THE VERY NEXT NON-EMERGENCY MEETING OF THE BOARD, THE NOMINEES SHALL
42 SUBMIT THEIR COMPLETED APPLICATIONS TO THE BOARD; (4) AT THE VERY NEXT
43 NON-EMERGENCY MEETING OF THE BOARD, THE ELEVEN VOTING MEMBERS MAY
44 DISCUSS THE NOMINEES AND THEIR QUALIFICATIONS AND THEN SHALL EACH SUBMIT
45 A BALLOT WITH THE NAMES OF THE NOMINEES FOR WHOM THEY VOTE, WITH THE
46 NUMBER OF NAMES EQUAL TO THE NUMBER OF VACANCIES; AND (5) THE NOMINEE OR
47 NOMINEES RECEIVING THE GREATEST NUMBER OF VOTES SHALL IMMEDIATELY FILL
48 THE VACANCY OR VACANCIES.

49 (D) THE CHAIRPERSON OF THE CITY BOARD SHALL BE CHOSEN EVERY FOUR YEARS
50 FROM AMONG THE FIFTEEN VOTING MEMBERS BY A MAJORITY VOTE. IN THE FIRST
51 BOARD CONSTITUTED UNDER THIS SECTION, THE CHAIRPERSON SHALL BE CHOSEN BY
52 A MAJORITY VOTE OF THE ELEVEN VOTING MEMBERS AS THEIR FIRST ORDER OF
53 BUSINESS AT THEIR VERY FIRST MEETING, PRIOR TO THEIR SELECTION OF THE
54 FOUR "EXPERT" MEMBERS AT A SUBSEQUENT MEETING PURSUANT TO PARAGRAPH (C)
55 OF THIS SUBDIVISION.

1 (E) THE CITY BOARD SHALL HOLD AT LEAST TWELVE MEETINGS PER YEAR; ANY
2 ADDITIONAL MEETINGS MAY BE CALLED AT THE REQUEST OF THE CHAIRPERSON OF
3 THE BOARD.

4 (F) CONTACT INFORMATION, INCLUDING E-MAIL ADDRESSES, OF ALL CITY BOARD
5 MEMBERS SHALL BE MADE AVAILABLE TO THE PUBLIC; MINUTES AND TRANSCRIPTS
6 OF EVERY BOARD MEETING SHALL BE POSTED ON THE BOARD'S WEBSITE WITHIN ONE
7 WEEK FOLLOWING THE MEETING; AND ALL MEETINGS SHALL BE VIDEO RECORDED AND
8 MADE AVAILABLE AS A LIVE WEBCAST ON THE BOARD'S WEBSITE, WHICH VIDEO
9 RECORDING SHALL BE ARCHIVED TO THE BOARD'S WEBSITE WITHIN ONE BUSINESS
10 DAY FOLLOWING THE MEETING.

11 (G) ANY MEMBER OF THE CITY BOARD SHALL HAVE THE POWER TO PUT AN ITEM
12 ON THE AGENDA OR A BUDGET QUESTION OR POLICY ISSUE TO A VOTE WITH THE
13 ASSENT OF AT LEAST ONE-THIRD OF THE VOTING MEMBERS. ANY MEMBER OF THE
14 BOARD SHALL HAVE THE POWER TO PROPOSE THAT THE INDEPENDENT ACCOUNTABIL-
15 ITY OFFICE ANALYZE THE RESULTS OF POLICIES OR SPENDING PRIORITIES
16 ADOPTED BY THE BOARD, OR TO PROPOSE THAT AN INDEPENDENT RESEARCH STUDY
17 BE COMMISSIONED TO DO SO; SUCH A PROPOSAL SHALL BE ADOPTED ONLY UPON THE
18 MAJORITY ASSENT OF THE VOTING MEMBERS OF THE BOARD.

19 2. (A) THERE SHALL BE A COMMUNITY DISTRICT EDUCATION COUNCIL FOR EACH
20 COMMUNITY DISTRICT CREATED PURSUANT TO THIS ARTICLE.

21 (B) THE CITY BOARD SHALL DEFINE, ADJUST, ALTER, MAINTAIN AND ADOPT THE
22 BOUNDARIES OF THE COMMUNITY DISTRICTS PURSUANT TO THIS SECTION NO LATER
23 THAN FEBRUARY FIRST, TWO THOUSAND THIRTEEN. THERE SHALL BE NO FEWER
24 THAN THIRTY NOR MORE THAN THIRTY-SEVEN COMMUNITY DISTRICTS.

25 (C) THE CITY BOARD MAY READJUST OR ALTER THE DISTRICTS IN SUCH PLAN
26 ONLY ONCE IN EVERY TEN YEARS, IN THE YEAR FOLLOWING THE FEDERAL CENSUS.
27 THE CITY BOARD IN CONJUNCTION WITH THE CHANCELLOR AND THE COMMUNITY
28 DISTRICT EDUCATION COUNCIL REPRESENTATIVES, SHALL PREPARE AND MAKE
29 PUBLIC A PLAN TO ENSURE THE SMOOTH TRANSITION OF PUPILS AND SCHOOL
30 PERSONNEL, CREATION OF NEW BOARDS, AND ALLOCATION OF SCHOOL FACILITIES
31 AND RESOURCES AMONG THE DISTRICTS ESTABLISHED PURSUANT TO PARAGRAPH (B)
32 OF THIS SUBDIVISION. PRIOR TO THE ADOPTION OF THE TRANSITION PLAN, THE
33 CITY BOARD SHALL HOLD ONE OR MORE PUBLIC HEARINGS IN EACH BOROUGH. THE
34 CITY BOARD SHALL MAKE THE TRANSITION PLAN AVAILABLE NOT LESS THAN THREE
35 WEEKS BEFORE THE FIRST SUCH PUBLIC HEARING. UPON RECEIPT OF COMMENTS,
36 THE CITY BOARD, IN CONJUNCTION WITH THE CHANCELLOR AND THE COMMUNITY
37 DISTRICT EDUCATION COUNCIL REPRESENTATIVES, SHALL PREPARE A REVISED
38 TRANSITION PLAN, IF NECESSARY AND MAKE SUCH PLAN AVAILABLE TO THE PUBLIC
39 FOR COMMENT.

40 3. (A) THE REDISTRICTING ADVISORY STUDY GROUP ESTABLISHED PRIOR TO THE
41 EFFECTIVE DATE OF THIS PARAGRAPH FOR THE PURPOSE OF STUDY AND MAKING
42 RECOMMENDATIONS ON COMMUNITY SCHOOL DISTRICT BOUNDARIES, IS HEREBY
43 CONTINUED AND SHALL PERFORM THE DUTIES REQUIRED IN THIS SUBDIVISION.

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

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

51 (1) EACH COMMUNITY DISTRICT SHALL: (I) BE A SUITABLE SIZE FOR EFFI-
52 CIENT POLICY-MAKING AND ECONOMIC MANAGEMENT; (II) CONTAIN A REASONABLE
53 NUMBER OF PUPILS; (III) BE COMPACT AND CONTIGUOUS, CONTAINED WITHIN
54 COUNTY LINES, AND TO THE MAXIMUM EXTENT POSSIBLE, KEEP INTACT COMMUNI-
55 TIES AND NEIGHBORHOODS; AND (IV) BEAR A RATIONAL RELATIONSHIP TO

1 GEOGRAPHIC AREAS FOR WHICH THE CITY OF NEW YORK PLANS AND PROVIDES
2 SERVICES;
3 (2) TO THE EXTENT POSSIBLE, KEEP EXISTING LINES INTACT;
4 (3) THE COMMON AND SPECIAL EDUCATION NEEDS OF THE COMMUNITIES AND
5 SCHOOL CHILDREN INVOLVED;
6 (4) EFFECTIVE UTILIZATION OF EXISTING AND PLANNED SCHOOL FACILITIES;
7 (5) MINIMUM DISRUPTION OF EXISTING AND PLANNED ELEMENTARY SCHOOL-JUN-
8 IOR HIGH/MIDDLE SCHOOL-HIGH SCHOOL FEEDER PATTERNS;
9 (6) TRANSPORTATION FACILITIES;
10 (7) ADDITIONAL ADMINISTRATIVE COSTS INVOLVED IN THE CREATION OF SUCH
11 NEW DISTRICTS;
12 (8) ENSURE FAIR AND EFFECTIVE REPRESENTATION OF RACIAL AND LANGUAGE
13 GROUPS PURSUANT TO THE VOTING RIGHTS ACT OF 1965, AS AMENDED; AND
14 (9) NOTWITHSTANDING THE PROVISIONS OF THIS SUBPARAGRAPH AND SUBPARA-
15 GRAPHS ONE THROUGH EIGHT OF THIS PARAGRAPH: (I) THE RESIDENTS OF THE
16 COUNTY OF NEW YORK IN SCHOOL DISTRICT TEN AS IT EXISTED PRIOR TO THE
17 IMPLEMENTATION OF THIS PARAGRAPH SHALL CONTINUE TO REMAIN IN SCHOOL
18 DISTRICT TEN AS SUCH DISTRICT IS COMPRISED; (II) THE BOUNDARIES OF
19 COMMUNITY DISTRICT THIRTY-ONE SHALL CONTINUE TO REMAIN AS THEY ARE
20 CURRENTLY COMPRISED; AND (III) NO COUNTY SHALL HAVE FEWER COMMUNITY
21 SCHOOL DISTRICTS THAN IN EXISTENCE ON THE EFFECTIVE DATE OF THIS PARA-
22 GRAPH.
23 (D) THE STUDY GROUP SHALL HOLD ONE OR MORE PUBLIC HEARINGS IN EACH
24 BOROUGH BEFORE FINAL ADOPTION OF ITS RECOMMENDATIONS. THE STUDY GROUP
25 SHALL MAKE ITS RECOMMENDATIONS AVAILABLE TO THE PUBLIC FOR INSPECTION
26 AND COMMENT NOT LESS THAN ONE MONTH BEFORE THE FIRST SUCH PUBLIC HEAR-
27 ING. FOLLOWING ITS CONSIDERATION OF THE COMMENTS RECEIVED ON THE RECOM-
28 MENDATIONS, THE STUDY GROUP SHALL PREPARE A REPORT CONTAINING ITS FINAL
29 RECOMMENDATIONS. THE STUDY GROUP SHALL SUBMIT ITS REPORT TO THE CITY
30 BOARD AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC FOR INSPECTION NO
31 LATER THAN NOVEMBER FIRST, TWO THOUSAND TWELVE.
32 (E) THE CITY BOARD OF EDUCATION SHALL HOLD PUBLIC HEARINGS IN EACH
33 BOROUGH ON THE RECOMMENDATIONS SUBMITTED BY THE STUDY GROUP AND MAY
34 ADOPT, REVISE OR REJECT IN WHOLE OR IN PART SUCH RECOMMENDATIONS, OR,
35 MAY REQUEST THE STUDY GROUP TO SUBMIT ADJUSTED RECOMMENDATIONS. THE
36 FINAL RECOMMENDATIONS SHALL BE ADOPTED BY THE CITY BOARD OF EDUCATION NO
37 LATER THAN FEBRUARY FIRST, TWO THOUSAND THIRTEEN TO TAKE EFFECT JULY
38 FIRST, TWO THOUSAND THIRTEEN, PROVIDED THAT SUCH REVISED BOUNDARIES
39 ADOPTED BY THE CITY BOARD PURSUANT TO THIS SECTION SHALL BE USED FOR
40 PURPOSES OF COMMUNITY SCHOOL BOARD ELECTIONS TO BE HELD ON THE SECOND
41 TUESDAY OF SEPTEMBER, TWO THOUSAND THIRTEEN.
42 (F) PROVIDED, HOWEVER, THAT THE CITY BOARD MAY MAKE MINOR ADJUSTMENTS,
43 (1) TO CORRECT ERRORS THAT MAY OCCUR IN THE DISTRICT LINES ADOPTED BY
44 THE CITY BOARD, OR (2) UPON SHOWING A CHANGE IN CIRCUMSTANCES. ANY SUCH
45 LIMITED REVISIONS TO COMMUNITY SCHOOL DISTRICT LINES MAY OCCUR BETWEEN
46 THE EFFECTIVE DATE OF THIS PARAGRAPH AND THE CITY BOARD READJUSTMENT
47 SCHEDULED IN THE YEAR TWO THOUSAND THIRTEEN.
48 (G) NO PUBLIC HEARINGS REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE
49 HELD DURING THE MONTHS OF JULY AND AUGUST. ALL PUBLIC HEARINGS SHALL BE
50 HELD AT A TIME AND PLACE DESIGNATED TO MAXIMIZE COMMUNITY AND PARENT
51 PARTICIPATION. NOTICE OF ALL SUCH PUBLIC HEARINGS SHALL BE PROVIDED IN A
52 TIMELY MANNER TO ALL PRINT AND ELECTRONIC MEDIA AND SHALL BE WIDELY
53 DISTRIBUTED TO ALL INTERESTED PARTIES, SO AS TO MAXIMIZE PARTICIPATION
54 BY PARENTS AND THE COMMUNITY. IN ADDITION SUCH NOTICE SHALL BE POSTED IN
55 EACH SCHOOL BUILDING AND DISTRICT OFFICE.

1 4. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON SPECIAL EDUCATION CREATED
2 PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION
3 SHALL CONSIST OF ELEVEN VOTING MEMBERS AND TWO NON-VOTING MEMBERS, AS
4 FOLLOWS:

5 (1) TEN VOTING MEMBERS, OF WHOM NO FEWER THAN TWO RESIDE IN EACH
6 BOROUGH OF THE CITY OF NEW YORK, WHO SHALL BE PARENTS OF STUDENTS WHO
7 RECEIVE SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER,
8 INCLUDING ANY SERVICES MANDATED BY AN INDIVIDUALIZED EDUCATION PROGRAM,
9 AS THAT TERM IS DEFINED PURSUANT TO SECTION 1401 OF TITLE TWENTY OF THE
10 UNITED STATES CODE. SUCH MEMBERS SHALL BE SELECTED BY PARENTS OF
11 STUDENTS WHO RECEIVE SUCH SERVICES PURSUANT TO THE ELECTION PROCEDURES
12 SET FORTH IN SECTION TWENTY-FIVE HUNDRED NINETY-C OF THIS ARTICLE, WITH
13 A SEPARATE BALLOT FOR ELECTION OF SUCH MEMBERS. SUCH MEMBERS SHALL SERVE
14 FOUR-YEAR TERMS;

15 (2) ONE VOTING MEMBER APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF
16 NEW YORK, WHO SHALL BE AN INDIVIDUAL WITH EXTENSIVE EXPERIENCE AND KNOW-
17 LEDGE IN THE AREAS OF EDUCATING, TRAINING OR EMPLOYING INDIVIDUALS WITH
18 HANDICAPPING CONDITIONS AND WILL MAKE A SIGNIFICANT CONTRIBUTION TO
19 IMPROVING SPECIAL EDUCATION IN THE CITY DISTRICT. SUCH MEMBER SHALL
20 SERVE A FOUR-YEAR TERM;

21 (3) ONE NON-VOTING MEMBER WHO IS A HIGH SCHOOL STUDENT RECEIVING
22 SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER, INCLUDING ANY
23 SERVICES MANDATED BY AN INDIVIDUALIZED EDUCATION PROGRAM, AS THAT TERM
24 IS DEFINED PURSUANT TO SECTION 1401 OF TITLE TWENTY OF THE UNITED STATES
25 CODE. SUCH MEMBER SHALL BE NOMINATED BY ANY STUDENTS RECEIVING SUCH
26 SERVICES, PRINCIPALS AND TEACHERS IN THE CITY DISTRICT AND SHALL BE
27 APPOINTED BY THE VOTING MEMBERS OF THE CITY-WIDE COUNCIL ON SPECIAL
28 EDUCATION CREATED PURSUANT TO THIS SECTION. SUCH MEMBER SHALL SERVE A
29 ONE-YEAR TERM; AND

30 (4) ONE NON-VOTING MEMBER WHO IS EITHER (I) A RESIDENT OF, OR OWNER OR
31 OPERATOR OF A BUSINESS IN, THE DISTRICT AND AN INDIVIDUAL WITH EXTENSIVE
32 BUSINESS, TRADE, OR EDUCATION EXPERIENCE AND KNOWLEDGE, WHO WILL MAKE A
33 SIGNIFICANT CONTRIBUTION TO IMPROVING EDUCATION IN THE DISTRICT; OR (II)
34 THE PARENT OF A STUDENT WHO RECEIVES SERVICES PURSUANT TO ARTICLE EIGHT-
35 Y-NINE OF THIS CHAPTER INCLUDING ANY SERVICES MANDATED BY AN INDIVIDUAL-
36 IZED EDUCATION PROGRAM, AS THAT TERM IS DEFINED PURSUANT TO SECTION 1401
37 OF TITLE TWENTY OF THE UNITED STATES CODE.

38 (B) MEMBERS SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIM-
39 BURED FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE
40 DUTIES AND RESPONSIBILITIES OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCA-
41 TION.

42 (C) THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL HAVE THE POWER
43 TO:

44 (1) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY
45 INVOLVING THE PROVISION OF SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF
46 THIS CHAPTER;

47 (2) ADVISE AND COMMENT ON THE PROCESS OF ESTABLISHING COMMITTEES
48 AND/OR SUBCOMMITTEES ON SPECIAL EDUCATION IN COMMUNITY SCHOOL DISTRICTS
49 PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OF THIS CHAPTER;

50 (3) REVIEW, ADVISE AND COMMENT ON COMPLIANCE BY THE CITY DISTRICT, ANY
51 COMMUNITY DISTRICT OR ANY INDIVIDUAL SCHOOL WITH SECTION 794 OF TITLE
52 TWENTY-NINE OF THE UNITED STATES CODE AND ANY REGULATIONS PROMULGATED
53 THERETO;

54 (4) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT
55 IN PROVIDING SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER

1 AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFI-
2 CIENCY AND DELIVERY OF SUCH SERVICES; AND

3 (5) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING
4 WHICH THE PUBLIC MAY DISCUSS ISSUES FACING STUDENTS WITH DISABILITIES.

5 (D) THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION MAY APPOINT A SECRE-
6 TARY, PURSUANT TO THE POLICIES OF THE CITY BOARD WHO SHALL PERFORM THE
7 FOLLOWING FUNCTIONS: (1) PREPARE MEETING NOTICES, AGENDAS AND MINUTES;
8 (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER CITY-WIDE
9 COUNCIL ON SPECIAL EDUCATION MEETINGS; AND (3) PREPARE BRIEFING MATERI-
10 ALS AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. THE
11 CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL BE RESPONSIBLE FOR THE
12 APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

13 (E) NO PERSON MAY SERVE ON BOTH THE CITY-WIDE COUNCIL ON SPECIAL
14 EDUCATION AND A COMMUNITY DISTRICT EDUCATION COUNCIL. A MEMBER OF THE
15 CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL BE INELIGIBLE TO BE
16 EMPLOYED BY SUCH COUNCIL, ANY COMMUNITY DISTRICT EDUCATION COUNCIL, OR
17 THE CITY BOARD. NO PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON THE CITY-
18 WIDE COUNCIL ON SPECIAL EDUCATION IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC
19 OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF DELE-
20 GATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY
21 CONVENTION, OR MEMBER OF A COUNTY COMMITTEE.

22 (F) A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED
23 FROM THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, A COMMUNITY SCHOOL
24 BOARD, OR COMMUNITY DISTRICT EDUCATION COUNCIL FOR ANY OF THE FOLLOWING
25 SHALL BE PERMANENTLY INELIGIBLE FOR APPOINTMENT TO THE CITY-WIDE COUNCIL
26 ON SPECIAL EDUCATION: (1) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS
27 OR HER SERVICE ON SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY
28 SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL; OR (2) CONVICTION
29 OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR HER SERVICE UPON
30 SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY SCHOOL BOARD OR
31 COMMUNITY DISTRICT EDUCATION COUNCIL.

32 (G) (1) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFI-
33 CERS LAW CREATING A VACANCY, A MEMBER OF THE CITY-WIDE COUNCIL ON
34 SPECIAL EDUCATION WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF
35 SUCH COUNCIL OF WHICH HE OR SHE IS DULY NOTIFIED, WITHOUT RENDERING IN
36 WRITING A GOOD AND VALID EXCUSE THEREFORE VACATES HIS OR HER OFFICE BY
37 REFUSAL TO SERVE. EACH ABSENCE AND ANY WRITTEN EXCUSE RENDERED SHALL BE
38 INCLUDED WITHIN THE OFFICIAL WRITTEN MINUTES OF SUCH MEETING. AFTER THE
39 THIRD UNEXCUSED ABSENCE THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL
40 DECLARE A VACANCY TO THE CHANCELLOR.

41 (2) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE
42 COUNCIL ON SPECIAL EDUCATION, PURSUANT TO A PROCESS DEVELOPED BY THE
43 CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS WHO
44 RECEIVE SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER.

45 5. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON HIGH SCHOOLS CREATED
46 PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL
47 CONSIST OF TEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS:

48 (1) TEN VOTING MEMBERS, OF WHOM NO FEWER THAN TWO RESIDE IN EACH
49 BOROUGH OF THE CITY OF NEW YORK, WHO SHALL BE PARENTS OF STUDENTS WHO
50 ATTEND A HIGH SCHOOL IN THE BOROUGH. SUCH MEMBERS SHALL BE ELECTED BY
51 ALL HIGH SCHOOL PARENTS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN
52 SECTION TWENTY-FIVE HUNDRED NINETY-C OF THIS ARTICLE, WITH A SEPARATE
53 BALLOT FOR ELECTION OF SUCH MEMBERS. SUCH MEMBERS SHALL SERVE FOUR-YEAR
54 TERMS.

55 (2) AT ALL TIMES, ONE VOTING MEMBER SHALL BE THE PARENT OF A STUDENT
56 WHO RECEIVES SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER,

1 INCLUDING ANY SERVICES MANDATED BY AN INDIVIDUALIZED EDUCATION PROGRAM,
2 AS THAT TERM IS DEFINED PURSUANT TO SECTION 1401 OF TITLE TWENTY OF THE
3 UNITED STATES CODE. SUCH MEMBER SHALL BE NOMINATED FROM A DIFFERENT
4 BOROUGH IN SUBSEQUENT ELECTIONS SUCH THAT EACH BOROUGH SHALL BE REPRESENTED
5 IN A ROTATING FASHION, ONCE EVERY TEN YEARS.

6 (3) ONE VOTING MEMBER SHALL BE A SENIOR ATTENDING A HIGH SCHOOL IN THE
7 CITY DISTRICT. SUCH MEMBER SHALL BE APPOINTED BY THE CHANCELLOR AND
8 SHALL SERVE A ONE-YEAR TERM.

9 (B) MEMBERS SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIM-
10 BURED FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE
11 DUTIES AND RESPONSIBILITIES OF THE CITY-WIDE COUNCIL ON HIGH SCHOOLS.

12 (C) THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL HAVE THE FOLLOWING
13 DUTIES AND RESPONSIBILITIES:

14 (1) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY
15 INVOLVING HIGH SCHOOLS;

16 (2) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF HIGH SCHOOL EDUCATION
17 IN THE CITY DISTRICT AND MAKE RECOMMENDATIONS ON HOW TO IMPROVE
18 SUCH EFFECTIVENESS;

19 (3) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING
20 WHICH THE PUBLIC MAY DISCUSS ISSUES RELATING TO HIGH SCHOOL EDUCATION;

21 (4) NO LESS THAN ONCE EVERY THREE MONTHS, MEET WITH OFFICERS OF THE
22 PARENT ASSOCIATIONS, PARENT-TEACHER ASSOCIATIONS AND INDEPENDENT PARENT
23 ORGANIZATION CREATED PURSUANT TO SECTIONS TWENTY-FIVE HUNDRED NINETY-H
24 AND TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE; AND

25 (5) SELECT A MEMBER TO SERVE AS A CHAIRPERSON OF THE CITY-WIDE COUNCIL
26 ON HIGH SCHOOLS.

27 (D) (1) THE CITY-WIDE COUNCIL ON HIGH SCHOOLS MAY APPOINT A SECRETARY,
28 PURSUANT TO THE POLICIES OF THE CITY BOARD WHO SHALL PERFORM THE FOLLOW-
29 ING FUNCTIONS:

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

31 (II) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER CITY-WIDE
32 COUNCIL ON HIGH SCHOOLS MEETINGS; AND

33 (III) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERIALS
34 FOR SUCH MEETINGS.

35 (2) THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL BE RESPONSIBLE FOR THE
36 APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

37 (E) NO PERSON MAY SERVE ON BOTH THE CITY-WIDE COUNCIL ON HIGH SCHOOLS
38 AND A COMMUNITY DISTRICT EDUCATION COUNCIL. A MEMBER OF THE CITY-WIDE
39 COUNCIL ON HIGH SCHOOLS SHALL BE INELIGIBLE TO BE EMPLOYED BY SUCH COUNCIL,
40 ANY COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD. NO
41 PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON THE CITY-WIDE COUNCIL ON HIGH
42 SCHOOLS IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR
43 APPOINTED PARTY POSITION EXCEPT THAT OF DELEGATE OR ALTERNATE DELEGATE
44 TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A
45 COUNTY COMMITTEE.

46 (F) A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED
47 FROM THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, A COMMUNITY SCHOOL BOARD, OR
48 COMMUNITY DISTRICT EDUCATION COUNCIL FOR ANY OF THE FOLLOWING SHALL BE
49 PERMANENTLY INELIGIBLE FOR APPOINTMENT TO THE CITY-WIDE COUNCIL ON HIGH
50 SCHOOLS:

51 (1) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON
52 SUCH CITY-WIDE COUNCIL ON HIGH SCHOOLS, COMMUNITY SCHOOL BOARD OR COMMUNITY
53 DISTRICT EDUCATION COUNCIL; OR

54 (2) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR
55 HER SERVICE UPON SUCH CITY-WIDE COUNCIL ON HIGH SCHOOLS, COMMUNITY
56 SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL.

(G)(1) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS LAW CREATING A VACANCY, A MEMBER OF THE CITY-WIDE COUNCIL ON HIGH SCHOOLS WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF SUCH COUNCIL OF WHICH HE OR SHE IS DULY NOTIFIED, WITHOUT RENDERING IN WRITING A GOOD AND VALID EXCUSE THEREFORE VACATES HIS OR HER OFFICE BY REFUSAL TO SERVE. EACH ABSENCE AND ANY WRITTEN EXCUSE RENDERED SHALL BE INCLUDED WITHIN THE OFFICIAL WRITTEN MINUTES OF SUCH MEETING. AFTER THE THIRD UNEXCUSED ABSENCE THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL DECLARE A VACANCY TO THE CHANCELLOR.

(2) 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 WHO ATTEND HIGH SCHOOLS WITHIN THE CITY DISTRICT.

S 3. Section 2590-c of the education law is REPEALED and a new section 2590-c is added to read as follows:

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

(A) EACH COMMUNITY DISTRICT SHALL BE GOVERNED BY A COMMUNITY DISTRICT EDUCATION COUNCIL TO CONSIST OF ELEVEN VOTING MEMBERS TO BE ELECTED FOR A TERM OF FOUR YEARS, SUBJECT TO THE TERMS OF SUBDIVISION TWO OF THIS SECTION, AND TO SERVE WITHOUT COMPENSATION, AND TWO NON-VOTING MEMBERS WHICH ARE HIGH SCHOOL STUDENTS RESIDING IN THE DISTRICT TO BE APPOINTED BY THE SUPERINTENDENT, IN COLLABORATION WITH THE DISTRICT HIGH SCHOOL PRINCIPALS, TO SERVE FOR A TERM OF ONE YEAR WITHOUT COMPENSATION. EACH SUCH COUNCIL SHALL SELECT ONE OF ITS MEMBERS TO SERVE AS CHAIRPERSON. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE COMMUNITY DISTRICT EDUCATION COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS:

(1) PREPARE MEETING NOTICES, AGENDAS AND MINUTES; (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER BOARD MEETINGS; AND (3) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. EACH COUNCIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

(B) THE NINE ELECTED VOTING MEMBERS OF EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL BE DISTRIBUTED AMONG DESIGNATED CATEGORIES AS FOLLOWS:

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

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

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

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

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

2. (A) NINE VOTING MEMBERS OF THE COMMUNITY DISTRICT EDUCATION COUNCIL SHALL BE ELECTED AT AN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK TO BE HELD ON THE FIRST TUESDAY IN MAY IN THE YEAR TWO THOUSAND TEN AND THE YEAR TWO THOUSAND FOURTEEN, AND EVERY SECOND YEAR THEREAFTER, FOR A TERM COMMENCING ON THE FIRST DAY OF JULY NEXT FOLLOWING. WITH THE ELECTION CONDUCTED IN THE YEAR TWO THOUSAND FOURTEEN, FOUR OF THE NINE VOTING MEMBERS WILL BE ELECTED FOR TWO-YEAR TERMS

1 INSTEAD OF FOUR-YEAR TERMS, RESULTING IN AN INITIAL STAGGERED ELECTION
2 WITH FOUR MEMBERS EACH ELECTED FOR TWO YEARS, AND FIVE MEMBERS EACH
3 ELECTED FOR FOUR YEARS. AFTER SUCH ELECTION, ALL MEMBERS RUN FOR FOUR
4 YEAR TERMS.

5 (B) WHOSE TERMS ARE STAGGERED BEGINNING IN THE YEAR TWO THOUSAND FOUR-
6 TEEN IS DETERMINED BY LOTS DRAWN BY THE ELECTORAL BOARD. THE LOTS ARE
7 DRAWN AT THE ELECTORAL BOARD'S MEETING ON THE DAY AFTER THE ELECTION OF
8 THE BOARD OF SUPERVISORS AND IMMEDIATELY UPON CERTIFICATION OF THE
9 ELECTION RESULTS.

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

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

36 (C) IN JANUARY NEXT PRECEDING EACH COMMUNITY DISTRICT EDUCATION COUN-
37 CIL ELECTION, THE CITY BOARD SHALL PROVIDE WRITTEN NOTICE TO EVERY
38 PARENT OF A CHILD ATTENDING SCHOOL UNDER THE JURISDICTION OF EVERY
39 COMMUNITY DISTRICT EDUCATION COUNCIL OF SUCH PARENT'S RIGHT TO VOTE IN
40 THE COMMUNITY DISTRICT EDUCATION COUNCIL ELECTION, THE METHOD AND TIME
41 BY WHICH A PARENT MAY REGISTER TO VOTE, AND A FORM BY WHICH SUCH PARENT
42 MAY REGISTER BY MAIL.

43 (D) THE BOARD OF ELECTIONS SHALL CERTIFY QUALIFIED REGISTRATIONS
44 PURSUANT TO THE CERTIFICATION PROCEDURES AGREED TO BY THE BOARD OF
45 ELECTIONS AND THE CITY BOARD. THE BOARD OF ELECTIONS SHALL CERTIFY ALL
46 QUALIFIED REGISTRATIONS AND TRANSMIT NOTICE OF SUCH CERTIFICATION TO THE
47 CITY BOARD PROMPTLY.

48 4. (A) EVERY REGISTERED VOTER RESIDING IN A COMMUNITY DISTRICT AND
49 EVERY PARENT OF A CHILD ATTENDING ANY SCHOOL UNDER THE JURISDICTION OF
50 THE COMMUNITY DISTRICT EDUCATION COUNCIL OF SUCH DISTRICT WHO IS A RESI-
51 DENT OF THE CITY OF NEW YORK FOR AT LEAST NINETY DAYS PRIOR TO THE DATE
52 OF THE ELECTION, AND AT LEAST EIGHTEEN YEARS OF AGE SHALL BE ELIGIBLE
53 FOR MEMBERSHIP ON SUCH COMMUNITY DISTRICT EDUCATION COUNCIL, PROVIDED
54 THAT SUCH PERSON NOT BE DISQUALIFIED FROM REGISTERING FOR OR VOTING AT
55 AN ELECTION UNDER THE PROVISIONS OF SECTION 5-106 OF THE ELECTION LAW OR
56 INELIGIBLE TO SERVE, UNDER THE PROVISIONS OF PARAGRAPH (B) OF THIS

1 SUBDIVISION. NO PERSON MAY SERVE ON MORE THAN ONE COMMUNITY DISTRICT
2 EDUCATION COUNCIL OR ON BOTH A COMMUNITY DISTRICT EDUCATION COUNCIL AND
3 THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION OR THE CITY-WIDE COUNCIL ON
4 HIGH SCHOOLS. A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL SHALL
5 BE INELIGIBLE TO BE EMPLOYED BY THE COMMUNITY DISTRICT EDUCATION COUNCIL
6 OF WHICH HE OR SHE IS A MEMBER, ANY OTHER COMMUNITY DISTRICT EDUCATION
7 COUNCIL, THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, THE CITY-WIDE COUN-
8 CIL ON HIGH SCHOOLS OR THE CITY BOARD. NO PERSON SHALL BE ELIGIBLE FOR
9 MEMBERSHIP ON A COMMUNITY DISTRICT EDUCATION COUNCIL IF HE OR SHE HOLDS
10 ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION
11 EXCEPT THAT OF DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE,
12 JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE. AN
13 OFFICER OF A PARENTS' ASSOCIATION SHALL BE ELIGIBLE FOR MEMBERSHIP ON A
14 COMMUNITY DISTRICT EDUCATION COUNCIL PROVIDED THAT HE OR SHE RESIGN SUCH
15 PARENTS' ASSOCIATION POSITION UPON ELECTION TO THE COUNCIL.

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

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

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

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

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

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

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

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

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

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

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

(7) THE ORDER OF THE NAMES OF CANDIDATES ON THE BALLOT SHALL BE DETERMINED IN THE SAME MANNER AS THE ORDER OF NAMES OF CANDIDATES IN A PRIMARY ELECTION. THE CATEGORIES SHALL BE LISTED WITH THE GENERAL CATEGORY FIRST, THEN THE REMAINING CATEGORIES IN ALPHABETICAL ORDER I.E. (A) GENERAL REPRESENTATIVE; (B) ENGLISH LANGUAGE LEARNERS REPRESENTATIVE; (C) HIGH SCHOOL REPRESENTATIVE; AND (D) SPECIAL EDUCATION REPRESENTATIVE.

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

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

(D) ANY PUBLIC HEARING HELD BY THE BOARD OF ELECTIONS OR THE CITY BOARD WITH RESPECT TO THE COMMUNITY SCHOOL BOARD ELECTIONS OR TO CANDIDATES FOR COMMUNITY DISTRICT EDUCATION COUNCILS MUST BE STENOGRAPHICALLY TRANSCRIBED OR RECORDED IN ANOTHER MANNER AND SUCH TRANSCRIPTS OR WRITTEN RECORDS OF SUCH RECORDINGS MUST BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICES OF THE CITY BOARD AND THE BOARD OF ELECTIONS.

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

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

(A) PAPER BALLOTS. COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS SHALL BE VOTED FOR, IN ACCORDANCE WITH THE INSTRUCTIONS PROVIDED IN PARAGRAPH

(C) OF THIS SUBDIVISION, ON PAPER BALLOTS ON WHICH THE CANDIDATES ARE LISTED BY NAME AND BY CATEGORY ONLY. THE BALLOTS SHALL CONFORM TO THE PROVISIONS OF THE ELECTION LAW FOR PAPER BALLOTS, SO FAR AS APPLICABLE, EXCEPT AS TO SIZE AND AS HEREINAFTER PROVIDED. THE BALLOTS SHALL CONTAIN A SQUARE FOR VOTING BEFORE EACH CANDIDATE'S NAME.

(B) ORDER OF NAMES ON BALLOT. THE NAMES OF THE CANDIDATES SHALL BE PRINTED IN THE ALPHABETICAL ORDER OF THEIR SURNAMES, EXCEPT THAT THEY

1 SHALL BE ROTATED BY POLLING PLACES BY TRANSPOSING THE FIRST NAMED CANDI-
2 DATE TO THE BOTTOM OF THE ORDER AT EACH SUCCEEDING POLLING PLACE; SO
3 THAT EACH NAME SHALL APPEAR FIRST AND IN EACH OTHER POSITION IN AN EQUAL
4 NUMBER, AS NEARLY AS POSSIBLE, OF THE POLLING PLACES.

5 (C) INSTRUCTIONS TO VOTERS. THE INSTRUCTIONS TO VOTERS SHALL READ AS
6 FOLLOWS:

7 INSTRUCTIONS

8 MARK YOUR CHOICES WITH X MARKS.

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

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

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

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

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

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

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

36 (E) ASSEMBLING BALLOTS. AS SOON AS THE POLLS HAVE CLOSED, THE ELECTION
37 OFFICIALS ASSIGNED BY THE BOARD OF ELECTIONS AT EACH POLLING PLACE SHALL
38 SEAL THE BALLOT BOXES WITHOUT OPENING THEM AND SHALL SEND THEM AT ONCE,
39 AS THE BOARD OF ELECTIONS MAY DIRECT, TO THE CENTRAL COUNTING PLACE FOR
40 THE DISTRICT WITH A RECORD OF THE NUMBER OF BALLOTS FOR COMMUNITY
41 DISTRICT EDUCATION COUNCIL MEMBER WHICH HAVE BEEN VOTED IN THEIR POLLING
42 PLACE.

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

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

54 (H) RULES FOR VALIDITY. IF A BALLOT DOES NOT CLEARLY SHOW WHICH CANDI-
55 DATES THE VOTER PREFERS TO ALL OTHERS IN EACH CATEGORY OR IF IT CONTAINS
56 THE SIGNATURE OF THE VOTER, IT SHALL BE HELD AS INVALID. EVERY BALLOT

1 NOT THUS INVALID SHALL BE COUNTED ACCORDING TO THE INTENT OF THE VOTER
2 SO FAR AS THAT CAN BE CLEARLY ASCERTAINED, WHETHER MARKED ACCORDING TO
3 THE INSTRUCTIONS PRINTED ON IT OR NOT. NO BALLOT SHALL BE HELD INVALID
4 BECAUSE IT IS MARKED IN INK OR PENCIL DIFFERENT FROM THE ONE SUPPLIED AT
5 THE POLLING PLACE, OR BECAUSE THE NAMES OF CANDIDATES THEREON HAVE BEEN
6 STRICKEN OUT BY THE VOTER.

7 (I) COUNT OF CHOICES. AT THE BEGINNING OF THE COUNT FOR EACH DISTRICT
8 THE BALLOTS SHALL BE SORTED AND COUNTED ACCORDING TO THE CHOICES MARKED
9 ON THEM. THE BALLOTS SHALL BE SO CREDITED TO THE CANDIDATES OF THEIR
10 CHOICE IN EACH CATEGORY IN THE ORDER OF POLLING PLACES CHOSEN BY LOT AS
11 SPECIFIED IN PARAGRAPH (G) OF THIS SUBDIVISION. THE NUMBER OF VALID
12 BALLOTS CAST FOR EACH CANDIDATE IN EACH CATEGORY IN EACH POLLING PLACE
13 AND THE TOTAL NUMBER OF VALID BALLOTS FOR EACH CANDIDATE AND FOR ALL
14 CANDIDATES IN EACH CATEGORY SHALL BE DETERMINED AND RECORDED.

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

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

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

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

31 (N) SUPPLEMENTARY REGULATIONS. ADMINISTRATIVE REGULATIONS FOR THE
32 CONDUCT OF ELECTIONS BY PROPORTIONAL REPRESENTATION, NOT INCONSISTENT
33 WITH THE PROVISIONS OF THIS ARTICLE MAY BE MADE BY THE CITY BOARD AND,
34 SUBJECT TO ANY SUCH REGULATION, BY THE BOARD OF ELECTIONS IN THE CITY OF
35 NEW YORK.

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

45 (B) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE COMMUNITY
46 DISTRICT EDUCATION COUNCIL AFTER CONSULTATION WITH THE PRESIDENTS' COUN-
47 CIL OR OTHER CONSULTATIVE BODY REPRESENTING PARENTS' ASSOCIATIONS AND
48 OTHER EDUCATIONAL GROUPS WITHIN THE DISTRICT. RECOMMENDATIONS MADE BY
49 SUCH PARENTS AND OTHER EDUCATIONAL GROUPS SHALL BE SUBMITTED IN WRITING
50 AND INCLUDED WITHIN THE RECORD OF THE MEETING AT WHICH THE VACANCY IS
51 FILLED.

52 (C) IF THE VACANCY IS NOT FILLED BY THE COMMUNITY DISTRICT EDUCATION
53 COUNCIL WITHIN SIXTY DAYS AFTER IT IS DECLARED DUE TO A TIE VOTE FOR
54 SUCH APPOINTMENT, THE CHANCELLOR SHALL VOTE WITH THE COMMUNITY DISTRICT
55 EDUCATION COUNCIL, TO BREAK SUCH TIE VOTE. IF THE COMMUNITY DISTRICT
56 EDUCATION COUNCIL HAS FAILED TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER

1 IT IS DECLARED BECAUSE OF ANY OTHER REASON, THE CHANCELLOR SHALL ORDER
2 THE COMMUNITY DISTRICT EDUCATION COUNCIL TO DO SO PURSUANT TO SECTION
3 TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE.

4 9. (A) EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL PREPARE AND
5 SUBMIT TO THE CITY BOARD A PERFORMANCE REPORT EVERY MONTH. THE INFORMA-
6 TION PROVIDED SHALL INCLUDE COMMUNITY DISTRICT EDUCATION COUNCIL
7 MEMBERS' ATTENDANCE RECORDS; PARTICIPATION IN COMMUNITY DISTRICT EDUCA-
8 TION COUNCIL COMMITTEES AND OTHER COMMUNITY DISTRICT EDUCATION COUNCIL
9 ACTIVITIES; VISITS TO SCHOOLS; AND VOTING RECORDS ON MAJOR ISSUES BEFORE
10 THE COMMUNITY DISTRICT EDUCATION COUNCIL.

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

14 10. THE BOARD OF ELECTIONS SHALL PROVIDE AT THE LOCATIONS DESIGNATED
15 AS POLLING PLACES ON THE DAYS OF THE COMMUNITY BOARD ELECTIONS, SUFFI-
16 CIENT EMPLOYEES WHO HAVE RECEIVED FORMAL TRAINING REGARDING THE CONDUCT
17 OF COMMUNITY DISTRICT EDUCATION COUNCIL ELECTIONS, INCLUDING THE PROCE-
18 DURES APPLICABLE TO PARENT VOTERS. THE BOARD OF ELECTIONS OF THE CITY OF
19 NEW YORK SHALL PROVIDE POLLING PLACE EMPLOYEES WHO SPEAK OTHER LANGUAGES
20 AS REQUIRED BY LAW.

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

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

34 13. ONE VOTING MEMBER OF THE COMMUNITY DISTRICT EDUCATION COUNCIL WILL
35 BE SELECTED BY THE COUNCIL FROM THE RESIDENTS IN THE DISTRICT. EACH
36 COMMUNITY DISTRICT EDUCATION COUNCIL SHALL SUBMIT ITS PROPOSED ELECTORAL
37 PROCESS TO THE CITY BOARD WITHIN SIX MONTHS FOLLOWING THE EFFECTIVE DATE
38 OF THIS SECTION.

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

41 S 4. Section 2590-e of the education law is REPEALED and a new section
42 2590-e is added to read as follows:

43 S 2590-E. POWERS AND DUTIES OF COMMUNITY DISTRICT EDUCATION COUNCIL.
44 EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL HAVE THE FOLLOWING
45 POWERS AND DUTIES TO ESTABLISH EDUCATIONAL POLICIES AND OBJECTIVES, NOT
46 INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES ESTAB-
47 LISHED BY THE CITY BOARD, WITH RESPECT TO ALL PRE-KINDERGARTEN, NURSERY,
48 KINDERGARTEN, ELEMENTARY, INTERMEDIATE AND JUNIOR HIGH SCHOOLS, HIGH
49 SCHOOLS, OTHER THAN ANY SPECIAL SENIOR ACADEMIC OR VOCATIONAL HIGH
50 SCHOOL OF CITY-WIDE COMPETITIVE ADMISSION, AND PROGRAMS IN CONNECTION
51 THEREWITH IN THE COMMUNITY DISTRICT. THE COMMUNITY DISTRICT EDUCATION
52 COUNCILS SHALL HAVE NO EXECUTIVE OR ADMINISTRATIVE POWERS OR FUNCTIONS,
53 BUT SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

54 1. EMPLOY A COMMUNITY SUPERINTENDENT, SELECTED BY THE CHANCELLOR IN
55 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, BY CONTRACT FOR A TERM
56 NOT TO EXCEED BY MORE THAN ONE YEAR THE TERM OF OFFICE OF THE COMMUNITY

1 DISTRICT EDUCATION COUNCIL AUTHORIZING SUCH CONTRACT, SUBJECT TO REMOVAL
2 FOR CAUSE, AT A SALARY TO BE FIXED WITHIN THE BUDGETARY ALLOCATION
3 THEREFOR, SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION TWEN-
4 TY-FIVE HUNDRED NINETY-J OF THIS ARTICLE. CONSISTENT WITH PROCEDURES OF
5 THE CHANCELLOR ESTABLISHING A PUBLICLY INCLUSIVE PROCESS FOR THE
6 RECRUITMENT, SCREENING AND SELECTION OF SUPERINTENDENT CANDIDATES, AND
7 REGULATIONS ESTABLISHING EDUCATIONAL, MANAGERIAL, AND ADMINISTRATIVE
8 QUALIFICATIONS AND PERFORMANCE RECORD CRITERIA FOR SUCH POSITION, THE
9 COMMUNITY DISTRICT EDUCATION COUNCIL SHALL SELECT NO MORE THAN THREE
10 FINAL CANDIDATES FOR SUPERINTENDENT FROM CANDIDATES FOR APPOINTMENT, WHO
11 SHALL HAVE BEEN INTERVIEWED AND SCREENED BY AND WITH THE ASSISTANCE OF
12 PARENTS, INCLUDING INPUT FROM THE PRESIDENTS' COUNCIL OR OTHER CONSULTA-
13 TIVE BODY REPRESENTING PARENTS' ASSOCIATIONS AND OTHER EDUCATIONAL
14 GROUPS WITHIN THE DISTRICT, TEACHERS, REPRESENTATIVES OF SCHOOL SUPPORT
15 PERSONNEL, AND ADMINISTRATORS, AND FORWARD SUCH NAMES TO THE CHANCELLOR
16 FOR SELECTION TOGETHER WITH THE REASONS FOR THE RECOMMENDATION OF SUCH
17 CANDIDATES. IF THE CHANCELLOR SHOULD REJECT ALL THE CANDIDATES FOR WRIT-
18 TEN REASONS WITHIN THIRTY DAYS AFTER THE RECEIPT OF THE PROPOSED NAMES,
19 THE COMMUNITY DISTRICT EDUCATION COUNCIL SHALL MAKE ANOTHER SELECTION OF
20 NO MORE THAN FOUR NEW NAMES CONSISTENT WITH SUCH PROCEDURES AND REGU-
21 LATIONS, UNTIL THE CHANCELLOR SELECTS A CANDIDATE. THE CONTRACT OF
22 EMPLOYMENT SHALL BE CONSISTENT WITH A MODEL CONTRACT PROMULGATED BY THE
23 CHANCELLOR WHICH SHALL INCLUDE PROVISIONS FOR REAPPOINTMENT.

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

26 3. COOPERATE AS REQUIRED BY THE CHANCELLOR IN THE REMOVAL FROM OFFICE
27 PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE OF ANY
28 COMMUNITY DISTRICT EDUCATION COUNCIL MEMBER FOR WILLFUL, INTENTIONAL OR
29 KNOWING INVOLVEMENT IN THE HIRING, APPOINTMENT OR ASSIGNMENT OF EMPLOY-
30 EES OTHER THAN AS SPECIFICALLY AUTHORIZED IN THIS ARTICLE.

31 4. (A) REQUIRE COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS, THE
32 COMMUNITY SUPERINTENDENT, AND ANY OTHER OFFICER OR EMPLOYEE IN SCHOOLS
33 AND PROGRAMS UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT EDUCATION
34 COUNCILS, TO MAKE ANNUAL WRITTEN DISCLOSURE, IN ACCORDANCE WITH REGU-
35 LATIONS AND BYLAWS OF THE CITY BOARD DEVELOPED IN CONSULTATION WITH THE
36 COMMUNITY DISTRICT EDUCATION COUNCILS, TO THE COMMUNITY DISTRICT EDUCA-
37 TION COUNCIL AND THE CITY BOARD, OF THE FOLLOWING INFORMATION OR SUCH
38 ALTERNATE INFORMATION AS MAY BE REASONABLY REQUIRED PURSUANT TO FINAN-
39 CIAL DISCLOSURE FORMS WHICH MAY BE PROMULGATED FROM TIME TO TIME BY THE
40 CITY BOARD OR THE CHANCELLOR:

41 (1) THE EMPLOYMENT BY THE CITY SCHOOL BOARD OR ANY COMMUNITY DISTRICT
42 EDUCATION COUNCIL OF ANY PERSON RELATED WITHIN THE THIRD DEGREE OF
43 CONSANGUINITY OR AFFINITY TO THE PERSON MAKING DISCLOSURE, INCLUDING THE
44 EMPLOYMENT OF ANY SUCH PERSON FOR WHICH A TWO-THIRDS VOTE WAS REQUIRED
45 UNDER PARAGRAPH E OF SUBDIVISION FOUR OF SECTION TWENTY-FIVE HUNDRED
46 NINETY-J OF THIS ARTICLE WITH A NOTATION OF THE DATE SUCH VOTE WAS
47 TAKEN.

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

51 (3) THE SOURCE OF ANY FINANCIAL CONTRIBUTION MADE WITHIN THE YEAR
52 PRECEDING THE ELECTION OR THE TERM OF OFFICE OF A COMMUNITY DISTRICT
53 EDUCATION COUNCIL MEMBER TO ASSIST IN THE ELECTION OR REELECTION OF SUCH
54 MEMBER OF THE COMMUNITY DISTRICT EDUCATION COUNCIL, AND THE AMOUNT OF
55 SUCH CONTRIBUTION, CONSISTENT WITH ANY APPLICABLE REGULATIONS OF THE
56 CITY BOARD AND THE BOARD OF ELECTIONS.

1 (B) WILLFUL OR REPEATED FAILURE TO MAKE FULL AND TIMELY DISCLOSURE
2 SHALL CONSTITUTE CAUSE FOR REMOVAL FROM OFFICE OF ANY MEMBER OF A COMMU-
3 NITY DISTRICT EDUCATION COUNCIL OR FOR ANY OTHER OFFICER OR EMPLOYEE
4 DISCIPLINARY ACTION AND SUCH OTHER PENALTY AS PROVIDED BY LAW.

5 (C) ALL WRITTEN DISCLOSURES REQUIRED IN THIS SECTION SHALL BE FILED
6 WITH THE COMMUNITY DISTRICT EDUCATION COUNCIL AND THE CITY BOARD AND
7 SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS
8 ON REGULAR BUSINESS DAYS.

9 5. REQUIRE COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS, CANDIDATES
10 FOR COMMUNITY DISTRICT EDUCATION COUNCILS, THE COMMUNITY SUPERINTENDENT
11 AND, FOR GOOD CAUSE SHOWN, ANY OTHER OFFICER OR EMPLOYEE IN SCHOOLS AND
12 PROGRAMS UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT EDUCATION
13 COUNCILS TO SUBMIT TO THE CITY BOARD AND THE COMMUNITY DISTRICT EDUCA-
14 TION COUNCILS, IN ACCORDANCE WITH REGULATIONS AND BYLAWS OF THE CITY
15 BOARD DEVELOPED IN CONSULTATION WITH THE COMMUNITY DISTRICT EDUCATION
16 COUNCILS, FINANCIAL REPORTS FOR THEMSELVES AND THEIR SPOUSES, PROVIDED
17 THAT IN THE CASE OF COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS AND
18 CANDIDATES FOR COMMUNITY DISTRICT EDUCATION COUNCILS THE STATEMENT OF
19 FINANCIAL DISCLOSURE AND THE FREQUENCY WITH WHICH IT MUST BE FILED MUST
20 SATISFY AT LEAST THE REQUIREMENTS AND STANDARDS FOR DISCLOSURE OF
21 SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW.

22 (A) THE FREQUENCY AND PERIOD OF COVERAGE, THE DESIGNATION OF PERSONS
23 TO SUBMIT SUCH REPORTS BY NAME, TITLE OR INCOME LEVEL OR BY A COMBINA-
24 TION THEREOF, AND THE CONTENT OF SUCH REPORTS, INCLUDING MINIMUM DOLLAR
25 AMOUNTS, SHALL BE DETERMINED BY THE CITY BOARD.

26 (B) WILLFUL OR REPEATED FAILURE TO FILE REQUIRED FINANCIAL REPORTS OR
27 MAKE OTHER REQUIRED DISCLOSURES SHALL CONSTITUTE CAUSE FOR REMOVAL FROM
28 OFFICE OF ANY MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL OR FOR
29 ANY OTHER OFFICER OR EMPLOYEE DISCIPLINARY ACTION AND SUCH OTHER PENALTY
30 AS PROVIDED BY LAW. NO PERSON MAY ASSUME OFFICE AS A COMMUNITY DISTRICT
31 EDUCATION COUNCIL MEMBER WITHOUT PREVIOUSLY COMPLYING WITH THIS SUBDIVI-
32 SION AND WITH ALL APPLICABLE FINANCIAL DISCLOSURE REQUIREMENTS PROMUL-
33 GATED BY THE BOARD OF ELECTIONS.

34 6. PARTICIPATE IN TRAINING AND CONTINUING EDUCATION PROGRAMS PURSUANT
35 TO THE PROVISIONS OF THIS SUBDIVISION:

36 (A) COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS SHALL PARTICIPATE IN
37 TRAINING TO ACQUAINT THEM WITH THE POWERS, FUNCTIONS AND DUTIES OF
38 COMMUNITY DISTRICT EDUCATION COUNCIL MEMBERS, AS WELL AS THE POWERS OF
39 OTHER GOVERNING AND ADMINISTERING AUTHORITIES THAT AFFECT EDUCATION
40 INCLUDING THE POWERS OF THE COMMISSIONER, CITY BOARD, CHANCELLOR AND
41 COMMUNITY SUPERINTENDENTS. SUCH PARTICIPATION SHALL BE COMPLETED NO
42 LATER THAN THREE MONTHS FROM THE DATE IN WHICH A COMMUNITY DISTRICT
43 EDUCATION COUNCIL MEMBER TAKES OFFICE FOR THE FIRST TIME.

44 (B) EACH COMMUNITY DISTRICT EDUCATION COUNCIL MEMBER SHALL BE REQUIRED
45 TO PARTICIPATE IN CONTINUING EDUCATION PROGRAMS ON AN ANNUAL BASIS AS
46 DEFINED BY THE CHANCELLOR. PARTICIPATION IN TRAINING PURSUANT TO THIS
47 SUBDIVISION BY A COMMUNITY DISTRICT EDUCATION COUNCIL MEMBER WHO TAKES
48 OFFICE FOR THE FIRST TIME SHALL BE DEEMED TO SATISFY THE REQUIREMENTS OF
49 THIS SUBDIVISION FOR THE FIRST YEAR OF SUCH MEMBER'S TERM.

50 (C) SUCH TRAINING AND CONTINUING EDUCATION PROGRAMS SHALL BE APPROVED
51 BY THE CHANCELLOR, FOLLOWING CONSULTATION WITH THE COMMISSIONER, AND MAY
52 BE PROVIDED BY THE DEPARTMENT, THE CITY BOARD, THE CHANCELLOR OR A
53 NONPROFIT PROVIDER AUTHORIZED BY THE CHANCELLOR TO PROVIDE SUCH TRAINING
54 AND CONTINUING EDUCATION PROGRAMS.

55 (D) THE CHANCELLOR IS AUTHORIZED TO PROMULGATE REGULATIONS REGARDING
56 PROVIDERS AND THEIR CERTIFICATION, THE CONTENT AND IMPLEMENTATION OF THE

1 TRAINING AND CONTINUING EDUCATION PROGRAMS. ANY SUCH REGULATIONS SHALL
2 BE DEVELOPED AFTER CONSULTATION WITH THE COMMISSIONER.

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

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

10 7. EACH YEAR PREPARE A SCHOOL DISTRICT REPORT CARD PURSUANT TO REGU-
11 LATIONS OF THE COMMISSIONER, AND SHALL MAKE IT PUBLICLY AVAILABLE BY
12 TRANSMITTING IT TO LOCAL NEWSPAPERS OF GENERAL CIRCULATION, APPENDING IT
13 TO COPIES OF THE PROPOSED BUDGET MADE PUBLICLY AVAILABLE AS REQUIRED BY
14 LAW, MAKING IT AVAILABLE FOR DISTRIBUTION AT THE ANNUAL MEETING, AND
15 OTHERWISE DISSEMINATING IT AS REQUIRED BY THE COMMISSIONER. SUCH REPORT
16 CARD SHALL INCLUDE MEASURES OF THE ACADEMIC PERFORMANCE OF THE SCHOOL
17 DISTRICT, ON A SCHOOL BY SCHOOL BASIS, AND MEASURES OF THE FISCAL
18 PERFORMANCE OF THE DISTRICT, AS PRESCRIBED BY THE COMMISSIONER. PURSU-
19 ANT TO REGULATIONS OF THE COMMISSIONER, THE REPORT CARD SHALL ALSO
20 COMPARE THESE MEASURES TO STATEWIDE AVERAGES FOR ALL PUBLIC SCHOOLS, AND
21 STATEWIDE AVERAGES FOR PUBLIC SCHOOLS OF COMPARABLE WEALTH AND NEED,
22 DEVELOPED BY THE COMMISSIONER. SUCH REPORT CARD SHALL INCLUDE, AT A
23 MINIMUM, ANY INFORMATION ON THE SCHOOL DISTRICT REGARDING PUPIL PERFORM-
24 ANCE AND EXPENDITURE PER PUPIL REQUIRED TO BE INCLUDED IN THE ANNUAL
25 REPORT BY THE REQUESTS TO THE GOVERNOR AND THE LEGISLATURE PURSUANT TO
26 SECTION TWO HUNDRED FIFTEEN-A OF THIS CHAPTER; AND ANY OTHER INFORMATION
27 REQUIRED BY THE COMMISSIONER. SCHOOL DISTRICTS (A) IDENTIFIED AS HAVING
28 FIFTEEN PERCENT OR MORE OF THEIR STUDENTS IN SPECIAL EDUCATION, OR (B)
29 WHICH HAVE FIFTY PERCENT OR MORE OF THEIR STUDENTS WITH DISABILITIES IN
30 SPECIAL EDUCATION PROGRAMS OR SERVICES SIXTY PERCENT OR MORE OF THE
31 SCHOOL DAY IN A GENERAL EDUCATION BUILDING, OR (C) WHICH HAVE EIGHT
32 PERCENT OR MORE OF THEIR STUDENTS WITH DISABILITIES IN SPECIAL EDUCATION
33 PROGRAMS IN PUBLIC OR PRIVATE SEPARATE EDUCATIONAL SETTINGS SHALL INDI-
34 CATE ON THEIR SCHOOL DISTRICT REPORT CARD THEIR RESPECTIVE PERCENTAGES
35 AS DEFINED IN THIS PARAGRAPH AND PARAGRAPHS (A) AND (B) OF THIS SUBDIVI-
36 SION AS COMPARED TO THE STATEWIDE AVERAGE.

37 8. SUBJECT TO PARAGRAPH (O) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE
38 HUNDRED NINETY-F OF THIS ARTICLE, TO EMPLOY OR RETAIN COUNSEL SUBJECT TO
39 THE POWERS AND DUTIES OF THE CORPORATION COUNSEL OF THE CITY OF NEW YORK
40 TO BE THE DISTRICT'S ATTORNEY AND COUNSEL PURSUANT TO SUBDIVISION A OF
41 SECTION THREE HUNDRED NINETY-FOUR OF THE NEW YORK CITY CHARTER IN
42 ACTIONS OR PROCEEDINGS IN WHICH THE COUNCIL OR ANY MEMBER THEREOF IS A
43 DEFENDANT OR A RESPONDENT, AND MAY EMPLOY OR RETAIN COUNSEL TO REPRESENT
44 THE COMMUNITY DISTRICT EDUCATION COUNCIL AS A PLAINTIFF OR PETITIONER
45 AGAINST ANY INDIVIDUAL OR ENTITY FOR VIOLATION OF APPLICABLE CITY, STATE
46 OR FEDERAL EDUCATION LAW.

47 9. WHERE THE DISTRICT HAS PROVIDED TRANSPORTATION TO STUDENTS ENROLLED
48 IN SUCH DISTRICT TO A SCHOOL SPONSORED FIELD TRIP, EXTRACURRICULAR
49 ACTIVITY OR ANY OTHER SIMILAR EVENT, IT SHALL PROVIDE TRANSPORTATION
50 BACK TO EITHER THE POINT OF DEPARTURE OR TO THE APPROPRIATE SCHOOL IN
51 THE DISTRICT, UNLESS THE PARENT OR LEGAL GUARDIAN OF A STUDENT PARTIC-
52 IPATING IN SUCH EVENT HAS PROVIDED THE SCHOOL DISTRICT WITH WRITTEN
53 NOTICE, CONSISTENT WITH DISTRICT POLICY, AUTHORIZING AN ALTERNATIVE FORM
54 OF RETURN TRANSPORTATION FOR SUCH STUDENT OR UNLESS INTERVENING CIRCUM-
55 STANCES MAKE SUCH TRANSPORTATION IMPRACTICAL. IN CASES WHERE INTERVENING
56 CIRCUMSTANCES MAKE TRANSPORTATION OF A STUDENT BACK TO THE POINT OF

1 DEPARTURE OR TO THE APPROPRIATE SCHOOL IN THE DISTRICT IMPRACTICAL, A
2 REPRESENTATIVE OF THE SCHOOL DISTRICT SHALL REMAIN WITH THE STUDENT
3 UNTIL SUCH STUDENT'S PARENT OR LEGAL GUARDIAN HAS BEEN (A) CONTACTED AND
4 INFORMED OF THE INTERVENING CIRCUMSTANCES WHICH MAKE SUCH TRANSPORTATION
5 IMPRACTICAL AND (B) SUCH STUDENT HAD BEEN DELIVERED TO HIS OR HER PARENT
6 OR LEGAL GUARDIAN.

7 10. APPROVE ZONING LINES AND ANY ZONING PROPOSALS THAT WOULD RESULT IN
8 THE OPENING, SITING, CLOSING, LEASE OR SALE OF ANY SCHOOL BUILDING IN
9 THE DISTRICT AND/OR WHICH WOULD RESULT IN THE CLOSING, RELOCATION OR
10 IMPLEMENTATION OF ANY EXISTING OR NEW SCHOOL PROGRAMS IN THE DISTRICT,
11 INCLUDING CHARTER SCHOOLS AND THE RECONFIGURATION OF GRADE LEVELS, IN
12 EACH CASE AS SUBMITTED BY THE SUPERINTENDENT, CONSISTENT WITH THE REGU-
13 LATIONS OF THE CHANCELLOR, APPLICABLE TO SCHOOLS UNDER THE JURISDICTION
14 OF THE COMMUNITY DISTRICT.

15 11. HOLD MEETINGS AT LEAST EVERY MONTH WITH THE SUPERINTENDENT TO
16 DISCUSS THE CURRENT STATE OF THE SCHOOLS IN THE DISTRICT AND PROGRESS
17 MADE TOWARD THE IMPLEMENTATION OF THE DISTRICT'S COMPREHENSIVE EDUCATION
18 PLAN REQUIRED BY THE CHANCELLOR.

19 12. REVIEW OF THE DISTRICT'S EDUCATIONAL PROGRAMS AND ASSESS THEIR
20 EFFECT ON STUDENT ACHIEVEMENT.

21 13. HOLD PUBLIC MEETINGS AT LEAST EVERY MONTH WITH THE SUPERINTENDENT
22 DURING WHICH THE PUBLIC MAY SPEAK SO THAT PARENTS AND THE COMMUNITY HAVE
23 A VOICE AND A PUBLIC FORUM TO AIR THEIR CONCERNS.

24 14. SUBMIT AN ANNUAL EVALUATION OF THE PERFORMANCE AND EFFECTIVENESS
25 OF THE SUPERINTENDENT TO THE CHANCELLOR, TOGETHER WITH A LIST OF GOALS
26 FOR THE UPCOMING YEAR, WHICH MATERIALS SHALL BE SUBMITTED TO THE CHAN-
27 CELLOR WITHIN SIXTY DAYS FOLLOWING THE END OF EACH CALENDAR YEAR.

28 15. SUBMIT AN ANNUAL EVALUATION CONSISTENT WITH PROCEDURES WHICH SHALL
29 BE DEVELOPED BY THE CHANCELLOR OF ALL OTHER INSTRUCTIONAL SUPERVISORY
30 PERSONNEL WHO HAVE RESPONSIBILITY FOR MORE THAN ONE SCHOOL WITHIN THE
31 DISTRICT.

32 16. HOLD A PUBLIC HEARING ON THE DISTRICT'S ANNUAL CAPACITY PLANS,
33 RECOMMENDED BY THE SUPERINTENDENT AND BASED ON DATA FROM THE CHANCELLOR
34 ON ENROLLMENT/UTILIZATION FOR EACH SCHOOL WITHIN THE DISTRICT AND SUBMIT
35 SUCH PLAN, UPON APPROVAL BY THE COMMUNITY DISTRICT EDUCATION COUNCIL, TO
36 THE CHANCELLOR FOR HIS OR HER APPROVAL AND IMPLEMENTATION.

37 17. PROVIDE INPUT, AS IT DEEMS NECESSARY, TO THE CHANCELLOR AND THE
38 CITY BOARD ON MATTERS OF CONCERN TO THE DISTRICT.

39 18. LIAISE WITH SCHOOL LEADERSHIP TEAMS AS MAY BE NECESSARY AND
40 PROVIDE ASSISTANCE TO THE SCHOOL LEADERSHIP TEAMS WHERE POSSIBLE.

41 19. REVIEW ALL PROPOSALS FOR AND APPROVE ANY RESEARCH PERFORMED ON
42 STUDENTS IN THE DISTRICT WITH RESPECT TO WHICH PRIVATE FUNDS IN AN
43 AMOUNT EQUAL TO OR GREATER THAN ONE HUNDRED THOUSAND DOLLARS, IN EACH
44 INSTANCE, HAVE BEEN ALLOCATED.

45 20. REVIEW EACH PROPOSED EDUCATIONAL FACILITY'S CAPITAL PLAN OF THE
46 CHANCELLOR PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-P OF THIS
47 ARTICLE AND PROVIDE COMMENTS TO THE CHANCELLOR PRIOR TO THE RELEASE OF
48 THE DRAFT CAPITAL PLAN FOR PUBLIC COMMENT. THE COMMUNITY DISTRICT EDUCA-
49 TION COUNCIL SHALL PROVIDE THE CHANCELLOR PERIODICALLY WITH INFORMATION
50 ON DEMOGRAPHIC CHANGES, DEVELOPMENT AND IMMIGRATION TRENDS, CHANGES IN
51 THE SPECIAL NEEDS POPULATION AND OTHER DATA REGARDING THE APPLICABLE
52 DISTRICT THAT ARE RELEVANT TO THE PREPARATION OF SUCH PLAN.

53 21. PROVIDE INPUT AND RECOMMENDATIONS TO THE CITY BOARD WITH RESPECT
54 TO ANY MAJOR POLICY INITIATIVES AND BUDGETS, PRIOR TO A FINAL VOTE BY
55 THE CITY BOARD WITH RESPECT TO THE MATTER IN QUESTION.

22. LIAISE AND COLLABORATE WITH LOCAL COMMUNITY BOARDS IN ACCORDANCE WITH REGULATIONS OF THE CHANCELLOR AND APPLICABLE LAWS WITH RESPECT TO MATTERS WHICH AFFECT DISTRICT SCHOOLS OR THE DISTRICT STUDENT AND/OR FAMILY POPULATIONS. THE COMMUNITY DISTRICT EDUCATION COUNCIL MAY PERMIT THE PARTICIPATION OF A REPRESENTATIVE FROM ANY SUCH COMMUNITY BOARD AT MEETINGS OF THE COMMUNITY DISTRICT EDUCATION COUNCIL, AND, SUBJECT TO APPLICABLE LAW, SHALL ARRANGE FOR A REPRESENTATIVE OF THE COMMUNITY DISTRICT EDUCATION COUNCIL TO ATTEND RELEVANT COMMUNITY BOARD MEETINGS WHERE DESIRABLE AND PRACTICABLE.

S 5. Section 2590-f of the education law is REPEALED and a new section 2590-f is added to read as follows:

S 2590-F. COMMUNITY SUPERINTENDENTS. 1. SUBJECT IN EVERY CASE TO POWERS DEVOLVED TO PRINCIPALS AND SCHOOLS CONSISTENT WITH THIS ARTICLE, THE SUPERINTENDENT SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(A) TO ASSIST DISTRICT SCHOOLS IN OBTAINING WAIVERS FROM STATE, FEDERAL AND CITY BOARD REGULATIONS WHERE APPROPRIATE TO PROMOTE STUDENT ACHIEVEMENT AND SCHOOL PERFORMANCE.

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

(C) EXCEPT FOR THE APPOINTMENT OF SUPERVISORS PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, TO APPOINT, DEFINE THE DUTIES OF, ASSIGN, PROMOTE AND DISCHARGE ALL EMPLOYEES, INCLUDING TEACHER-AIDES, OF THE COMMUNITY DISTRICT, AND FIX THEIR COMPENSATION AND TERMS OF EMPLOYMENT WITHIN AMOUNTS APPROPRIATED THEREFOR AND NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND ANY COLLECTIVE BARGAINING AGREEMENT.

(D) TO APPOINT SUPERVISORY PERSONNEL FROM CANDIDATES SCREENED BY A COMMITTEE INCLUDING PARENTS, TEACHERS, AND SCHOOL SUPPORT PERSONNEL, WHO SHALL BE SELECTED AND SHALL OPERATE IN A MANNER PRESCRIBED BY CHANCELLOR'S REGULATIONS.

(E) TO APPOINT OR REJECT THE PRINCIPAL CANDIDATES SCREENED BY SCREENING COMMITTEES, IN ACCORDANCE WITH PROCEDURES AND CRITERIA PRESCRIBED BY CHANCELLOR'S REGULATIONS, AND SUBJECT TO THE CHANCELLOR'S POWER TO REJECT SUCH APPOINTMENTS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

(F) TO EVALUATE, AT LEAST ANNUALLY, THE PERFORMANCE OF PRINCIPALS FOR EVERY SCHOOL IN THE DISTRICT WITH RESPECT TO EDUCATIONAL EFFECTIVENESS AND SCHOOL PERFORMANCE, INCLUDING EFFECTIVENESS OF PROMOTING STUDENT ACHIEVEMENT AND PARENTAL INVOLVEMENT, AND MAINTAINING SCHOOL DISCIPLINE.

(G) THE AUTHORITY TO TRANSFER OR REMOVE PRINCIPALS FOR PERSISTENT EDUCATIONAL FAILURE, CONFLICTS OF INTEREST, AND ETHICS VIOLATIONS, AND TO REQUIRE PRINCIPALS TO PARTICIPATE IN TRAINING AND OTHER REMEDIAL PROGRAMS TO ADDRESS IDENTIFIED FACTORS AFFECTING STUDENT ACHIEVEMENT AND SCHOOL PERFORMANCE, CONSISTENT WITH SECTIONS TWENTY-FIVE HUNDRED NINETY-H, TWENTY-FIVE HUNDRED NINETY-I AND TWENTY-FIVE HUNDRED NINETY-L OF THIS ARTICLE.

(H) TO REVIEW, MODIFY AND APPROVE SCHOOL-BASED BUDGETS PROPOSED BY THE SCHOOL, PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE.

(I) TO RETAIN ONE OR MORE DISTRICT FISCAL OFFICERS TO MONITOR AND REPORT ON SCHOOLS' EXPENDITURES PURSUANT TO THE SCHOOL-BASED BUDGETS.

(J) WITHIN THE AMOUNTS APPROPRIATED THEREFOR TO ADMINISTER DISTRICT MINOR REPAIR AND PURCHASING FUNDS, AND MAKE THEM AVAILABLE TO SCHOOLS CONSISTENT WITH SECTIONS TWENTY-FIVE HUNDRED NINETY-I, TWENTY-FIVE HUNDRED NINETY-R, AND SUBDIVISIONS THIRTY-SIX AND THIRTY-SEVEN OF

1 SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, FOR SERVICES AND
2 SUPPLIES PROVIDED BY THE CHANCELLOR, THE SUPERINTENDENT, OR PURCHASED BY
3 THE SCHOOLS, AND TO PROVIDE FOR MINOR REPAIRS TO ALL SCHOOL BUILDINGS
4 AND OTHER BUILDINGS AND SITES UNDER THE DISTRICT'S JURISDICTION.

5 (K) SUBJECT TO SUBDIVISION TWO OF SECTION TWENTY-FIVE HUNDRED NINETY-E
6 OF THIS ARTICLE AND THIS SECTION, TO APPROVE OR DISAPPROVE MATTERS
7 RELATING TO THE INSTRUCTION OF STUDENTS, INCLUDING THE POWER TO DISAP-
8 PROVE SCHOOL CHOICES WITH RESPECT TO SELECTION OF TEXTBOOKS AND OTHER
9 INSTRUCTIONAL MATERIALS.

10 (L) TO OPERATE ADMINISTRATIVE OFFICES AND SIMILAR FACILITIES, INCLUD-
11 ING SOCIAL CENTERS, AND RECREATIONAL AND EXTRACURRICULAR PROGRAMS, UNDER
12 THE DISTRICT'S JURISDICTION, AND THE DUTY TO SUPPORT THE OPERATION OF
13 SCHOOL FACILITIES.

14 (M) SUBJECT TO REGULATIONS OR RESOLUTIONS OF THE CITY BOARD, TO OPER-
15 ATE CAFETERIA OR RESTAURANT SERVICES FOR PUPILS AND TEACHERS AND FOR THE
16 USE BY THE COMMUNITY FOR SCHOOL RELATED FUNCTIONS AND ACTIVITIES AND TO
17 FURNISH MEALS TO THE ELDERLY, SIXTY YEARS OF AGE OR OLDER, OF THE
18 DISTRICT. CHARGES SHALL BE SUFFICIENT TO MEET THE DIRECT COST OF PREPAR-
19 ING AND SERVING SUCH MEALS, REDUCIBLE BY AVAILABLE REIMBURSEMENTS.

20 (N) TO MAINTAIN DISCIPLINE IN THE EDUCATIONAL AND OTHER FACILITIES
21 UNDER THE JURISDICTION OF THE DISTRICT, INCLUDING THE DUTY TO ASSIST THE
22 SCHOOLS IN MAINTAINING DISCIPLINE.

23 (O) TO EMPLOY OR RETAIN COUNSEL SUBJECT TO THE POWERS AND DUTIES OF
24 THE CORPORATION COUNSEL OF THE CITY OF NEW YORK TO BE THE DISTRICT'S
25 ATTORNEY AND COUNSEL PURSUANT TO SUBDIVISION A OF SECTION THREE HUNDRED
26 NINETY-FOUR OF THE NEW YORK CITY CHARTER; PROVIDED, HOWEVER, THAT IN
27 ACTIONS OR PROCEEDINGS BETWEEN COMMUNITY DISTRICTS OR BETWEEN A COMMUNI-
28 TY DISTRICT AND THE CITY BOARD, EACH COMMUNITY DISTRICT MAY BE REPRES-
29 ENTED BY ITS OWN COUNSEL.

30 (P) IN COMPLIANCE WITH RULES AND REGULATIONS OF THE COMMISSIONER,
31 PROMULGATED PURSUANT TO SECTION ONE HUNDRED ONE-A OF THIS CHAPTER, TO
32 GIVE WRITTEN NOTICE TO THE FAMILY COURT PURSUANT TO SUBDIVISION THREE OF
33 SECTION SEVEN HUNDRED FIFTY-EIGHT-A AND SUBDIVISION THREE OF SECTION
34 353.6 OF THE FAMILY COURT ACT OF THE DESIRE OF ANY SCHOOL UNDER THE
35 JURISDICTION OF THE COMMUNITY DISTRICT TO ACT IN THE SUPERVISION OF
36 CERTAIN JUVENILES WHILE PERFORMING SERVICES FOR THE PUBLIC GOOD.

37 (Q) TO TAKE ALL NECESSARY STEPS TO ENSURE THE INTEGRITY OF COMMUNITY
38 DISTRICT OPERATIONS, CONSISTENT WITH REGULATIONS PROMULGATED BY THE
39 CHANCELLOR AND THE CITY BOARD.

40 (R) WHERE SO AUTHORIZED BY THE CHANCELLOR, TO EXERCISE THE
41 CHANCELLOR'S POWERS UNDER SUBDIVISION THIRTY-ONE OF SECTION TWENTY-FIVE
42 HUNDRED NINETY-H OF THIS ARTICLE.

43 (S) TO PROVIDE WRITTEN NOTICE AND OTHER RELATED INFORMATION DESCRIBED
44 IN PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION TWENTY-FIVE HUNDRED
45 NINETY-C OF THIS ARTICLE TO EVERY PARENT OF A CHILD, INCLUDING A CHILD
46 WITH A DISABILITY, ATTENDING A SCHOOL UNDER THE JURISDICTION OF HIS OR
47 HER COMMUNITY DISTRICT EDUCATION COUNCIL AS DIRECTED BY THE CHANCELLOR.

48 (T) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, TO EXERCISE
49 ALL OF THE DUTIES AND RESPONSIBILITIES OF THE EMPLOYING BOARD AS SET
50 FORTH IN SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER PURSUANT TO A
51 DELEGATION OF THE CHANCELLOR UNDER SECTION TWENTY-FIVE HUNDRED NINETY-H
52 OF THIS ARTICLE.

53 (U) TO PROVIDE RELEVANT DATA TO THE COMMUNITY DISTRICT EDUCATION COUN-
54 CIL TO ENCOURAGE INFORMED AND ADEQUATE PUBLIC DISCUSSION ON STUDENT
55 ACHIEVEMENT AND THE STATE OF EACH SCHOOL WITHIN THE DISTRICT.

(V) TO OVERSEE THE COMMUNITY DISTRICT EDUCATION COUNCIL AND ENSURE THAT IT COMPLIES WITH ITS OBLIGATIONS UNDER LAW AND UNDER ANY APPLICABLE REGULATIONS OR RESOLUTIONS OF THE CITY BOARD OR THE CHANCELLOR.

(W) TO HOLD QUARTERLY MEETINGS WITH THE PRESIDENTS' COUNCIL OR OTHER CONSULTATIVE BODY REPRESENTING PARENTS' ASSOCIATIONS AND OTHER EDUCATIONAL GROUPS WITHIN THE DISTRICT.

(X) TO REVIEW AND PROVIDE INPUT IN A TIMELY MANNER ON THE DISTRICT'S COMPREHENSIVE EDUCATION PLAN, THE ANNUAL CAPITAL PLAN, ANY REPORT ON THE ENROLLMENT, CAPACITY, AND UTILIZATION OF CITY SCHOOL BUILDINGS, CLASS SIZE REPORT, MID-YEAR REPORT ON DISTRICT GOALS AND OBJECTIVES, AND THE RELEVANT DISTRICT ANNUAL REPORT CARD.

2. IN EXERCISING SUCH POWERS AND DUTIES EACH COMMUNITY SUPERINTENDENT SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF LAW, BYLAWS, RULES OR REGULATIONS, DIRECTIVES OR AGREEMENTS OF THE CITY BOARD, THE CHANCELLOR AND HIS OR HER COMMUNITY DISTRICT EDUCATION COUNCIL AND WITH THE 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.

3. NO PERSON WHO HAS SERVED AS A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL MAY BE EMPLOYED BY THAT BOARD OR THE 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.

4. EACH COMMUNITY SUPERINTENDENT SHALL SPEND AT LEAST NINETY PERCENT OF HIS OR HER TIME IN THE COMMUNITY DISTRICT TO WHICH HE OR SHE HAS BEEN ASSIGNED, ATTENDING TO HIS OR HER ROLE IN SUPPORTING SCHOOLS AND PARENTS IN THE DISTRICT IN THE MANNER SET FORTH IN THIS SECTION.

S 6. Section 2590-g of the education law is REPEALED and a new section 2590-g is added 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 DISTRICT AND ITS PUPILS. THE BOARD SHALL PERFORM NO EXECUTIVE FUNCTIONS. NOTHING IN THIS SECTION 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. ALL POLICIES, ACTS AND DECISIONS OF THE CITY BOARD SHALL BE SUBJECT TO ALL APPLICABLE FEDERAL, STATE AND CITY LAWS AND REGULATIONS. WITHOUT LIMITING THE FOREGOING, THE BOARD SHALL HAVE THE POWER AND DUTY TO:

1. (A) APPROVE STANDARDS, POLICIES, OBJECTIVES, AND REGULATIONS PROPOSED BY THE CHANCELLOR DIRECTLY RELATED TO EDUCATIONAL ACHIEVEMENT AND STUDENT PERFORMANCE; (B) CONSIDER AND APPROVE ANY OTHER MAJOR STANDARDS, POLICIES, OBJECTIVES, AND REGULATIONS AS SPECIFICALLY AUTHORIZED OR REQUIRED BY STATE OR FEDERAL LAW OR REGULATION; (C) VOTE ON THE OVERALL BUDGET AND THE ALLOCATION OF SPENDING WITHIN THE BUDGET; AND (D) WITH RESPECT TO PARAGRAPHS (A), (B), AND (C) OF THIS SUBDIVISION, THE BOARD SHALL REQUIRE TWO MONTHS' NOTICE IN ADVANCE OF EVERY VOTE, SO THAT CIVIC ORGANIZATIONS, ADVOCACY GROUPS, AND COMMUNITY DISTRICT EDUCATION COUNCILS HAVE THE OPPORTUNITY TO COMMENT IN ADVANCE. THE SIX PARENT MEMBERS OF THE BOARD SHALL READ AND SUMMARIZE THE POSITIONS OF THEIR RESPECTIVE COMMUNITY DISTRICT EDUCATION COUNCILS BEFORE VOTING. THE BOARD MEMBER APPOINTED BY THE PUBLIC ADVOCATE SHALL READ AND SUMMARIZE THE POSITION OF THE INDEPENDENT PARENT ORGANIZATIONS AND OTHER ADVOCACY

1 GROUPS BEFORE VOTING. PUBLIC COMMENT SHALL BE TAKEN BEFORE EVERY VOTE
2 UNDER THIS SUBDIVISION.

3 2. FOR ALL PURPOSES, BE THE GOVERNMENT OR PUBLIC EMPLOYER OF ALL
4 PERSONS APPOINTED OR ASSIGNED BY THE CITY BOARD OR THE COMMUNITY
5 DISTRICTS.

6 3. SERVE AS THE APPEAL BOARD AS PROVIDED IN SECTION TWENTY-FIVE
7 HUNDRED NINETY-L OF THIS ARTICLE, AND SUBJECT TO SUCH POWERS, DUTIES,
8 AND RESTRICTIONS AS WERE IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS
9 SECTION.

10 4. SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-I
11 OF THIS ARTICLE, MAINTAIN SUCH JURISDICTION OVER CITY-WIDE EDUCATIONAL
12 POLICIES GOVERNING THE SPECIAL, ACADEMIC, VOCATIONAL, AND OTHER HIGH
13 SCHOOLS AUTHORIZED BY THIS ARTICLE BEFORE THE EFFECTIVE DATE OF THIS
14 SECTION AS THE RESPECTIVE COMMUNITY DISTRICT EDUCATION COUNCILS MAINTAIN
15 OVER THE SCHOOLS WITHIN THEIR JURISDICTION, WHICH SHALL NOT BE CONSTRUED
16 TO REQUIRE OR AUTHORIZE THE DAY-TO-DAY SUPERVISION OR THE ADMINISTRATION
17 OF THE OPERATIONS OF SUCH SCHOOLS.

18 5. APPROVE LITIGATION SETTLEMENTS ONLY WHEN SUCH SETTLEMENT WOULD
19 SIGNIFICANTLY IMPACT THE PROVISION OF EDUCATIONAL SERVICES OR PROGRAM-
20 MING WITHIN THE DISTRICT.

21 6. APPROVE ALL AGREEMENTS WITH UNIONS.

22 7. EVALUATE THE CHANCELLOR.

23 8. FORM WORKING COMMITTEES OF EXPERTS AND OTHER INTERESTED INDIVID-
24 UALS, SUCH AS BUT NOT LIMITED TO SPECIAL EDUCATION, ENGLISH LANGUAGE
25 LEARNERS, CAPITAL, AND ARTS EDUCATION AS WARRANTED, WHOSE MEMBERS NEED
26 NOT BE MEMBERS OF THE BOARD.

27 9. FORM AN AUDIT COMMITTEE, TO BE FINALIZED BY THE THIRD SCHEDULED
28 NON-EMERGENCY MEETING OF THE CITY BOARD, OF FIVE MEMBERS OF THE CITY
29 BOARD, AT LEAST ONE OF WHOM SHALL BE A PARENT MEMBER, AND ONE OF WHOM
30 SHALL BE THE MEMBER APPOINTED BY THE COMPTROLLER OF THE CITY OF NEW
31 YORK, AND THIS LATTER MEMBER SHALL ALSO SERVE AS CHAIRPERSON OF THE
32 AUDIT COMMITTEE. THE AUDIT COMMITTEE SHALL HAVE ACCESS TO INTERNAL
33 AUDITS AND SHALL ISSUE ANNUAL PUBLIC REPORTS OF THE EXPENDITURES OF
34 PUBLIC AND PRIVATE FUNDS AND CAPITAL SPENDING.

35 10. APPROVE ALL CONTRACTS FOR THE PROVISION OF GOODS AND/OR SERVICES
36 TO BE PAID FOR WITH FUNDS OF ANY DISTRICT. FOR ANY SUCH CONTRACT IN AN
37 AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS OR LESS, THE CITY BOARD MAY
38 DELEGATE PURCHASING AUTHORITY TO THE CHANCELLOR OR THE CHANCELLOR'S
39 DESIGNEES.

40 11. REVIEW AND APPROVE ALL CONTRACTS IN AN AMOUNT EQUAL TO OR GREATER
41 THAN FIVE HUNDRED THOUSAND DOLLARS. WITH RESPECT TO CONSULTING SERVICES,
42 THE BOARD MUST APPROVE CONTRACTS IN EXCESS OF ONE HUNDRED THOUSAND
43 DOLLARS. FOR THE PURPOSE OF THIS SUBDIVISION AND SUBDIVISION TEN OF THIS
44 SECTION, "CONTRACTS" SHALL BE DEEMED TO MEAN ANY NEW CONTRACTS, RENEWALS
45 OR EXTENSIONS THAT INCREASE THE TOTAL AMOUNT ABOVE THE ONE HUNDRED THOU-
46 SAND DOLLARS THRESHOLD. SEVERAL SMALLER CONTRACTS OF SIMILAR DURATION
47 WITH THE SAME VENDOR SHALL BE CONSIDERED A SINGLE CONTRACT FOR PURPOSES
48 OF CITY BOARD REVIEW AND APPROVAL. THE CITY BOARD SHALL APPROVE APPRO-
49 PRIATION OF PRIVATE FUNDS TO DISTRICT PROGRAMS WHEN FUNDING EXCEEDS ONE
50 HUNDRED THOUSAND DOLLARS IN ONE FISCAL YEAR.

51 S 7. The opening paragraph, paragraph (a) of subdivision 1 and subdi-
52 visions 15 and 30 of section 2590-h of the education law are REPEALED
53 and a new opening paragraph, paragraph (a) of subdivision 1 and subdivi-
54 sions 15 and 30 are added to read as follows:

55 THE OFFICE OF CHANCELLOR OF THE CITY DISTRICT IS HEREBY CONTINUED. IT
56 SHALL BE FILLED BY AN EDUCATOR WITH AT LEAST THREE YEARS' EXPERIENCE AS

1 A TEACHER AND THREE YEARS' EXPERIENCE AS A PRINCIPAL, IN EACH INSTANCE
2 IN AN URBAN PUBLIC SCHOOL DISTRICT. THIS REQUIREMENT IS NON-WAIVABLE.
3 THE BOARD SHALL NOMINATE THREE ELIGIBLE CANDIDATES FOR CHANCELLOR NO
4 LATER THAN THE THIRD NON-EMERGENCY MEETING OF THE BOARD FOLLOWING THE
5 COMMENCEMENT OF THE TERM OF OFFICE OF THE MAYOR OF THE CITY OF NEW YORK,
6 AND THE MAYOR SHALL THEN SELECT AND APPOINT ONE OF THE THREE CANDIDATES,
7 NO LATER THAN THE SECOND NON-EMERGENCY MEETING OF THE BOARD FOLLOWING
8 THE COMMENCEMENT OF THE MAYOR'S TERM OF OFFICE. THE CHANCELLOR SHALL BE
9 EMPLOYED BY THE CITY BOARD BY CONTRACT FOR A TERM ALIGNED WITH THE TERM
10 OF THE MAYOR OF THE CITY OF NEW YORK, EXCEPT DURING THE PERIOD OF OVER-
11 LAP BETWEEN THE COMMENCEMENT OF THE MAYOR'S TERM OF OFFICE AND THE
12 APPOINTMENT OF A NEW CHANCELLOR, DURING WHICH TIME THE INCUMBENT CHAN-
13 CELLOR SHALL SERVE. THE CHANCELLOR SHALL BE SUBJECT TO REMOVAL BY THE
14 CITY BOARD FOR CAUSE. THE CHANCELLOR SHALL RECEIVE A SALARY TO BE FIXED
15 BY THE CITY BOARD WITHIN THE BUDGETARY ALLOCATION THEREFOR. THE CHANCEL-
16 LOR SHALL ATTEND ALL MEETINGS OF THE CITY BOARD, BUT THE CHANCELLOR
17 SHALL NOT BE A MEMBER THEREOF, AND SHALL NOT SERVE AS THE CHAIRPERSON
18 THEREOF. HE OR SHE SHALL EXERCISE ALL HIS OR HER POWERS AND DUTIES IN A
19 MANNER NOT INCONSISTENT WITH THE POLICIES OF THE CITY BOARD. ALL POLI-
20 CIES, ACTS AND DECISIONS OF THE CHANCELLOR SHALL BE SUBJECT TO ALL
21 APPLICABLE FEDERAL, STATE AND CITY LAWS AND REGULATIONS. WITHOUT LIMIT-
22 ING THE FOREGOING, THE CHANCELLOR SHALL HAVE THE FOLLOWING POWERS AND
23 DUTIES AS THE SUPERINTENDENT OF SCHOOLS AND CHIEF EXECUTIVE OFFICER FOR
24 THE CITY DISTRICT, WHICH THE CHANCELLOR SHALL EXERCISE TO PROMOTE AN
25 EQUAL EDUCATIONAL OPPORTUNITY FOR ALL STUDENTS IN THE SCHOOLS OF THE
26 CITY DISTRICT, PROMOTE FISCAL AND EDUCATIONAL EQUITY, INCREASE STUDENT
27 ACHIEVEMENT AND SCHOOL PERFORMANCE AND ENCOURAGE LOCAL SCHOOL-BASED
28 INNOVATION, INCLUDING THE POWER AND DUTY TO:

29 (A) ACADEMIC AND VOCATIONAL SENIOR HIGH SCHOOLS UNTIL SUCH TIME AS THE
30 SAME MAY BE TRANSFERRED TO THE JURISDICTION OF APPROPRIATE COMMUNITY
31 DISTRICT EDUCATION COUNCILS PURSUANT TO THIS ARTICLE, WHICH TRANSFERS
32 THE CHANCELLOR SHALL EFFECT IN A TIMELY MANNER;

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

36 (A) IN THE ABSENCE OF A CHAPTER OF THE INDEPENDENT PARENTS ORGANIZA-
37 TION ESTABLISHED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-T OF
38 THIS ARTICLE, ESTABLISHING A PARENTS' ASSOCIATION OR A PARENT-TEACHERS'
39 ASSOCIATION IN EACH SCHOOL UNDER THE CHANCELLOR'S JURISDICTION, AND
40 ENSURING THAT THE DISTRICTS DO THE SAME;

41 (B) PURSUANT TO A PLAN PREPARED IN CONSULTATION WITH ASSOCIATIONS OF
42 PARENTS, AND REPRESENTATIVES OF TEACHERS, SUPERVISORS, PARAPROFESSIONALS
43 AND OTHER SCHOOL PERSONNEL WITHIN THE CITY DISTRICT, AND PROMULGATED NO
44 LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND TEN, (I) TAKING ALL NECES-
45 SARY STEPS TO ENSURE THAT NO LATER THAN OCTOBER FIRST, TWO THOUSAND
46 ELEVEN, THE CITY DISTRICT AND THE COMMUNITY DISTRICTS ARE IN FULL
47 COMPLIANCE, AND REMAIN IN COMPLIANCE THEREAFTER, WITH STATE AND FEDERAL
48 LAW AND REGULATIONS CONCERNING SCHOOL-BASED LEADERSHIP AND SHARED DECI-
49 SION-MAKING, INCLUDING SECTION 100.11 OF NYCRR, IN A MANNER WHICH
50 BALANCES PARTICIPATION BY PARENTS WITH PARTICIPATION BY SCHOOL PERSONNEL
51 IN ADVISING IN THE DECISIONS DEVOLVED TO SCHOOLS PURSUANT TO SECTIONS
52 TWENTY-FIVE HUNDRED NINETY-I AND TWENTY-FIVE HUNDRED NINETY-R OF THIS
53 ARTICLE, AND (II) PURSUANT TO SUCH PLAN AND IN CONJUNCTION WITH THE
54 PARENT ACADEMY ESTABLISHED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINE-
55 TY-T OF THIS ARTICLE, PROVIDING FOR APPROPRIATE TRAINING TO ANY PARENT
56 AND SCHOOL PERSONNEL WHO PARTICIPATE IN THE SCHOOL-BASED LEADERSHIP AND

1 SHARED DECISION-MAKING PROCESS INCLUDING, BUT NOT LIMITED TO, TRAINING
2 FOR DEVELOPING THE SCHOOL-BASED BUDGET AND USE OF THE CITY-DISTRICT'S
3 BUDGETING SYSTEM.

4 (C) SCHOOL-BASED LEADERSHIP TEAMS DEVELOPED PURSUANT TO PARAGRAPH (B)
5 OF THIS SUBDIVISION SHALL POSSESS THE FOLLOWING POWERS AND DUTIES:

6 (I) DEVELOP AN ANNUAL SCHOOL COMPREHENSIVE EDUCATIONAL PLAN WHICH
7 SHALL BE SUBMITTED TO THE DISTRICT SUPERINTENDENT AND BE MADE AVAILABLE
8 FOR PUBLIC INSPECTION;

9 (II) DEVELOP A SCHOOL-BASED BUDGET AND STAFFING PLAN ALIGNED WITH THE
10 COMPREHENSIVE EDUCATIONAL PLAN;

11 (III) COLLABORATE, CONSISTENT WITH SECTION TWENTY-FIVE HUNDRED NINE-
12 TY-I OF THIS ARTICLE AND THE CHANCELLOR'S REGULATIONS, ON THE SELECTION
13 OF THE SCHOOL PRINCIPAL;

14 (IV) COLLABORATE WITH THE DISTRICT SUPERINTENDENT IN THE REGULAR SCHE-
15 DULED PERFORMANCE REVIEW OF THE PRINCIPAL;

16 (V) UNDERGO INITIAL AND ONGOING TRAINING THAT WILL ALLOW ITS MEMBERS
17 TO CARRY OUT THEIR DUTIES EFFECTIVELY, INCLUDING SUCH TRAINING AS MAY BE
18 PROVIDED BY THE PARENT ACADEMY ESTABLISHED PURSUANT TO SECTION
19 TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE;

20 (VI) MONITOR INTERNAL SCHOOL ISSUES, INCLUDING, BUT NOT LIMITED TO,
21 MAINTENANCE OF PHYSICAL CAPITAL, THE RELATIONSHIP BETWEEN TEACHING STAFF
22 AND THE PARENT COMMUNITY, AND PARENTAL CONCERNS REGARDING THE SAFETY AND
23 WELL-BEING OF CHILDREN; AND

24 (VII) PERFORM AN ANNUAL SPACE ASSESSMENT OF THE SCHOOL, BY A
25 WALK-THROUGH OF THE SCHOOL BUILDING.

26 (D) SCHOOL-BASED LEADERSHIP TEAMS DEVELOPED PURSUANT TO PARAGRAPH (B)
27 OF THIS SUBDIVISION SHALL CONSIST OF NO FEWER THAN EIGHT AND NO MORE
28 THAN SIXTEEN MEMBERS, SUBJECT TO THE FOLLOWING CONDITIONS:

29 (I) THERE SHALL AT ALL TIMES BE AN EQUAL REPRESENTATION OF PARENTS AND
30 STAFF;

31 (II) THE PRESIDENT OF THE SCHOOL'S PARENT ASSOCIATION, PARENT-TEACHER
32 ASSOCIATION AND INDEPENDENT PARENT ORGANIZATION, ESTABLISHED PURSUANT TO
33 THIS SECTION AND SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE,
34 SHALL BE DESIGNATED A PARENT MEMBER;

35 (III) NOTWITHSTANDING THE FOREGOING, ALL PARENT MEMBERS SHALL BE
36 ELECTED BY SECRET BALLOT FOR TERMS OF TWO YEARS;

37 (IV) THE PRINCIPAL OF THE SCHOOL SHALL BE DESIGNATED A STAFF MEMBER;

38 (V) NO FEWER THAN TWO MEMBERS SHALL BE TEACHERS AT THE SCHOOL, WITH AT
39 LEAST ONE SPECIAL EDUCATION TEACHER WHERE DESIRABLE, AND SHALL BE
40 APPOINTED BY THE LOCAL CHAPTER OF THE UNITED FEDERATION OF TEACHERS FOR
41 TERMS OF TWO YEARS;

42 (VI) WHERE PRACTICAL, ONE MEMBER SHALL BE A MEMBER OF THE SPECIAL
43 SERVICES STAFF, REPRESENTING THE PARAPROFESSIONALS AND OTHER SPECIAL
44 PROVIDERS OF SERVICES TO STUDENTS; AND

45 (VII) FOR HIGH SCHOOLS, STUDENTS MAY BE MEMBERS, BUT NO MORE THAN TWO
46 MEMBERS SHALL BE STUDENTS.

47 (E) SCHOOL-BASED LEADERSHIP TEAMS DEVELOPED PURSUANT TO PARAGRAPH (B)
48 OF THIS SUBDIVISION SHALL HOLD MONTHLY MEETINGS AND PROVIDE NOTICE OF
49 SUCH MEETINGS AS IS CONSISTENT WITH THE OPEN MEETINGS LAW. CHILD CARE
50 SERVICES OR STIPENDS FOR CHILD CARE SERVICES, MADE AVAILABLE FROM THE
51 SCHOOL'S BUDGET, SHALL BE PROVIDED TO MEMBERS AS NECESSARY TO FACILITATE
52 MEETINGS REQUIRING ATTENDANCE BY ALL MEMBERS. VOTING AT SUCH MEETINGS
53 AND IN ALL AFFAIRS OF THE SCHOOL-BASED LEADERSHIP TEAM SHALL BE BY
54 MAJORITY RULE. EACH MEMBER SHALL POSSESS ONE VOTE.

55 (F) DEVELOPING, IN CONSULTATION WITH THE INDEPENDENT PARENT ORGANIZA-
56 TION, COMMUNITY DISTRICT EDUCATION COUNCILS, THE CITY-WIDE COUNCIL ON

1 SPECIAL EDUCATION, THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, DISTRICT PRES-
2 IDENTS' COUNCIL AND THE DISTRICT SUPERINTENDENTS IN THE CITY DISTRICT,
3 AND IMPLEMENTING NO LATER THAN OCTOBER FIRST, TWO THOUSAND TEN, A
4 PARENTAL BILL OF RIGHTS WHICH PROVIDES FOR, AT MINIMUM:

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

10 (II) THE RIGHTS OF PARENTS, PERSONS IN PARENTAL RELATION AND GUARDIANS
11 TO TAKE LEGAL ACTION AND APPEAL THE DECISIONS OF THE SCHOOL ADMINIS-
12 TRATION, AS AUTHORIZED BY LAW;

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

15 (IV) ACCESS TO AND INFORMATION ABOUT ALL PUBLIC MEETINGS, HEARINGS OF
16 THE CHANCELLOR, THE CITY BOARD, THE COMMUNITY SUPERINTENDENTS, THE
17 COMMUNITY DISTRICT EDUCATION COUNCILS, AND THE SCHOOLS; AND

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

21 30. SELECT A COMMUNITY SUPERINTENDENT FROM A LIST OF THREE CANDIDATES
22 RECOMMENDED BY THE APPLICABLE COMMUNITY DISTRICT EDUCATION COUNCIL,
23 BASED UPON COMPLIANCE WITH THE PROCEDURES FOR SELECTION REQUIRED BY
24 SUBDIVISION TWENTY-EIGHT OF THIS SECTION, THE QUALIFICATIONS REQUIRED BY
25 SUBDIVISION TWENTY-NINE OF THIS SECTION, AND CONSISTENT WITH A MODEL
26 CONTRACT DEVELOPED BY THE CHANCELLOR, TAKING INTO ACCOUNT RECOMMENDA-
27 TIONS FROM THE COMMUNITY DISTRICT EDUCATION COUNCILS, WHICH CONTRACT
28 SHALL PROVIDE THAT THE PRIMARY RESPONSIBILITY OF THE SUPERINTENDENT IS
29 TO OVERSEE AND PROVIDE SUPPORT TO SCHOOLS AND PARENTS WITHIN THE APPLI-
30 CABLE DISTRICT.

31 S 8. Section 2590-h of the education law is amended by adding a new
32 subdivision 39 to read as follows:

33 39. (A) APPOINT A DEPUTY RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE
34 INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS CODIFIED IN CHAPTER 33 OF
35 TITLE TWENTY OF THE UNITED STATES CODE.

36 (B) THE DEPUTY SHALL BE AN EDUCATOR WITH AT LEAST THREE YEARS' EXPERI-
37 ENCE AS A TEACHER, A SCHOOL PSYCHOLOGIST, OR RELATED SERVICES PROVIDER
38 AND THREE YEARS' EXPERIENCE AS AN ADMINISTRATOR, IN EACH INSTANCE IN AN
39 URBAN PUBLIC SCHOOL DISTRICT IN THE FIELD OF SPECIAL EDUCATION. THIS
40 REQUIREMENT IS NON-WAIVABLE.

41 S 9. Subdivision 3 of section 2590-i of the education law is REPEALED
42 and a new subdivision 3 is added to read as follows:

43 3. PROVISIONS FOR TRANSFER OF JURISDICTION OF HIGH SCHOOLS. PURSUANT
44 TO REGULATIONS OF THE CHANCELLOR APPROVED BY THE CITY BOARD, ANY HIGH
45 SCHOOL, OTHER THAN A SPECIAL SENIOR ACADEMIC OR VOCATIONAL HIGH SCHOOL
46 OF CITY-WIDE COMPETITIVE ADMISSION, SHALL BE TRANSFERRED, PROMPTLY
47 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, TO THE JURISDICTION OF THE
48 COMMUNITY DISTRICT IN WHICH IT IS LOCATED. THE CHANCELLOR AND THE
49 SUPERINTENDENT SHALL PROMPTLY TAKE ALL NECESSARY STEPS TO EFFECTUATE THE
50 TRANSFER.

51 S 10. Section 2590-r of the education law is REPEALED and a new
52 section 2590-r is added to read as follows:

53 S 2590-R. SCHOOL-BASED BUDGETING AND EXPENDITURE REPORTING. THE CHAN-
54 CELLOR SHALL, IN CONSULTATION WITH THE CITY BOARD AND COMMUNITY DISTRICT
55 SUPERINTENDENTS, ESTABLISH IN REGULATIONS A COMPREHENSIVE PROCESS OF
56 SCHOOL-BASED BUDGETING AND EXPENDITURE REPORTING NO LATER THAN NOVEMBER

FIRST, TWO THOUSAND TEN, AND WHICH SHALL BE MADE AVAILABLE ON THE WEBSITE OF THE CITY BOARD. NOTWITHSTANDING ANY PROVISION OF SECTION TWENTY-FIVE HUNDRED NINETY-Q OF THIS ARTICLE TO THE CONTRARY, SUCH REGULATIONS SHALL INCLUDE PROVISIONS FOR:

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

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

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

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

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

6. THE AGGREGATION OF THE COMMUNITY DISTRICT BUDGETS, AS MODIFIED AND APPROVED BY THE CHANCELLOR, WITH A PROPOSED BUDGET FOR ADMINISTRATIVE AND OPERATIONAL EXPENDITURES OF THE CITY BOARD AND THE CHANCELLOR, AS PREPARED BY THE CHANCELLOR, FOR SUBMISSION TO AND ADOPTION BY THE CITY BOARD AFTER A PUBLIC HEARING;

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

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

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

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

11. THE PROVISION OF APPROPRIATE TECHNICAL SUPPORT AND TRAINING TO SCHOOL-BASED LEADERSHIP TEAMS, PERSONNEL, PARENTS AND OTHER PARTICIPANTS IN SCHOOL-BASED BUDGETING;

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

13. AN ANNUAL UPDATE, TO BE MADE AVAILABLE ON THE WEBSITE OF THE CITY BOARD, OF A CAPITAL PLAN BY THE SUPERINTENDENT WITH PARTICIPATION OF SCHOOL-BASED LEADERSHIP TEAMS, PRINCIPALS, PARENTS AND SCHOOLS, ADDRESSING HEALTH AND SAFETY, MAINTENANCE, CAPACITY AND TECHNOLOGY;

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

15. THE PROVISION OF ALL NECESSARY FUNDING FOR THE INDEPENDENT PARENT ORGANIZATION AND PARENT ACADEMY ESTABLISHED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-T OF THIS ARTICLE, TO BE DRAWN FROM A PERCENTAGE OF THE STATE EDUCATION BUDGET FOR THE CITY DISTRICT.

S 11. The education law is amended by adding a new section 2590-t to read as follows:

S 2590-T. ESTABLISHMENT OF THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION AND PARENT ACADEMY. 1. A CITY-WIDE INDEPENDENT PARENT ORGANIZATION, FUNDED THROUGH A PERCENTAGE OF THE STATE EDUCATION BUDGET FOR THE CITY DISTRICT, SHALL BE ESTABLISHED. THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION SHALL PERFORM THE FOLLOWING FUNCTIONS:

(A) PROVIDE PARENTS WITH SUCH ONGOING TRAINING WHICH, AT A MINIMUM, MAY BE REQUIRED FOR EXERCISE OF THEIR PARENTAL RESPONSIBILITIES AND THEIR FULL PARTICIPATION WITHIN THE CITY DISTRICT INCLUDING, BUT NOT LIMITED TO, PARTICIPATION IN SCHOOL-BASED LEADERSHIP TEAMS DEVELOPED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE;

(B) PROVIDE PARENTS WITH THE ADVISORY, LEGAL AND TECHNICAL SUPPORT WHICH, AT A MINIMUM, MAY BE REQUIRED FOR EXERCISE OF THEIR PARENTAL RESPONSIBILITIES AND THEIR FULL PARTICIPATION WITHIN THE CITY DISTRICT INCLUDING, BUT NOT LIMITED TO, PARTICIPATION IN SCHOOL-BASED LEADERSHIP TEAMS DEVELOPED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE; AND

(C) MAINTAIN A PARENT ACADEMY TO DISTRIBUTE SUCH TRAINING AND ADVISORY, LEGAL AND TECHNICAL SUPPORT AS DESCRIBED IN THIS SECTION.

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

(B) MEMBERS OF THE CITY-WIDE EXECUTIVE COMMITTEE SHALL BE SELECTED BY SECRET BALLOT BY PARENTS OF STUDENTS CURRENTLY ENROLLED IN THE CITY DISTRICT, PURSUANT TO THE BYLAWS OF THE INDEPENDENT PARENT ORGANIZATION. SUCH PROCESS SHALL INCORPORATE PROCEDURES NECESSARY TO REFLECT THE MULTICULTURAL, GEOGRAPHIC AND SOCIOECONOMIC DIVERSITY OF THE CITY-WIDE STUDENT POPULATION. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ELECTED AND SERVE FOR STAGGERED THREE-YEAR TERMS. TERMS SHALL BE STAGGERED SUCH THAT DURING EACH SUBSEQUENT NEW YORK CITY GENERAL ELECTION, FOUR MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ELECTED. TWELVE MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ELECTED IN TWO THOUSAND NINE. OF THOSE ELECTED, THE FOUR MEMBERS WITH THE HIGHEST IN NUMBER OF VOTES SHALL EACH HAVE THREE-YEAR TERMS, THE FOUR MEMBERS WITH THE LOWEST IN NUMBER OF VOTES SHALL EACH HAVE ONE-YEAR TERMS, AND THE REMAINING FOUR MEMBERS SHALL EACH SERVE FOR TWO-YEAR TERMS.

(C) THE EXECUTIVE COMMITTEE OF THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION SHALL HAVE THE POWER TO:

(1) EMPLOY AND SUPERVISE PROFESSIONAL STAFF TO ADMINISTER AND TRAIN PARENTS IN THE PARENT ACADEMY CREATED PURSUANT TO THIS SECTION;

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

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

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

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

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

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

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

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

22 (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER EXECUTIVE
23 COMMITTEE MEETINGS; AND

24 (3) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERI-
25 ALS FOR SUCH MEETINGS.

26 THE EXECUTIVE COMMITTEE SHALL BE RESPONSIBLE FOR THE APPOINTMENT,
27 SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

28 (F) NO PERSON MAY SERVE ON BOTH THE CITY-WIDE EXECUTIVE COMMITTEE AND
29 A COMMUNITY DISTRICT EDUCATION COUNCIL. A MEMBER OF THE CITY-WIDE EXECU-
30 TIVE COMMITTEE SHALL BE INELIGIBLE TO BE EMPLOYED BY SUCH COUNCIL, ANY
31 COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD. NO PERSON SHALL
32 BE ELIGIBLE FOR MEMBERSHIP ON THE EXECUTIVE COMMITTEE OF THE CITY-WIDE
33 INDEPENDENT PARENT ORGANIZATION IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC
34 OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF DELE-
35 GATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY
36 CONVENTION, OR MEMBER OF A COUNTY COMMITTEE.

37 3. (A) THE CITY-WIDE INDEPENDENT PARENT ORGANIZATION MAY BE REPRES-
38 ENTED LOCALLY BY CHAPTERS FOR EACH SCHOOL IN THE CITY DISTRICT, FORMED
39 BY PARENTS AT THE SCHOOL. SUCH CHAPTERS MAY BE FORMED FROM EXISTING
40 PARENT ASSOCIATIONS CREATED PURSUANT TO SECTION TWENTY-FIVE HUNDRED
41 NINETY-H OF THIS ARTICLE OR MAY BE FORMED INDEPENDENTLY BY INDIVIDUAL
42 PARENTS.

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

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

49 (D) FORMATION OF A LOCAL CHAPTER OF THE INDEPENDENT PARENT ORGANIZA-
50 TION SHALL ENTITLE PARENTS IN THE RESPECTIVE SCHOOL TO ACCESS THE PARENT
51 ACADEMY ESTABLISHED PURSUANT TO THIS SECTION.

52 4. (A) A PARENT ACADEMY SHALL BE CREATED PURSUANT TO THIS SECTION TO
53 DISTRIBUTE SUCH TRAINING AND ADVISORY, LEGAL AND TECHNICAL SUPPORT AS
54 DESCRIBED IN THIS SECTION AND AS REQUIRED TO EFFECTUATE.

55 (B) THE PARENT ACADEMY SHALL HAVE LOCAL BRANCHES DEDICATED TO EACH
56 COMMUNITY DISTRICT.

1 S 12. The education law is amended by adding a new section 2590-u to
2 read as follows:

3 S 2590-U. COMPREHENSIVE EDUCATION PLANS AND DISTRICT COMPREHENSIVE
4 EDUCATION PLANS. 1. (A) IN ACCORDANCE WITH THE REGULATIONS OF THE CHAN-
5 CELLOR AND THE COMMISSIONER, EACH SCHOOL LEADERSHIP TEAM SHALL PREPARE
6 AN ANNUAL COMPREHENSIVE EDUCATION PLAN.

7 (B) EACH DISTRICT MANAGEMENT TEAM SHALL REVIEW THE COMPREHENSIVE
8 EDUCATION PLANS WITH RESPECT TO SCHOOLS LOCATED IN ITS DISTRICT AND
9 SHALL INCORPORATE AND REFLECT THE CONTENTS OF SUCH COMPREHENSIVE EDUCA-
10 TION PLANS INTO THE DISTRICT COMPREHENSIVE EDUCATION PLAN.

11 2. EACH DISTRICT COMPREHENSIVE EDUCATION PLAN SHALL BE PREPARED BY THE
12 DISTRICT MANAGEMENT TEAM IN CONSULTATION WITH THE DISTRICT PRESIDENTS'
13 COUNCIL OR OTHER CONSULTATIVE BODY REPRESENTING PARENTS' ASSOCIATIONS
14 AND OTHER EDUCATIONAL GROUPS WITHIN THE DISTRICT, AND SHALL BE COMPLETED
15 WITHIN NINETY DAYS FOLLOWING THE SUBMISSION OF THE RELEVANT COMPREHEN-
16 SIVE EDUCATION PLANS FOR SUCH DISTRICT.

17 S 13. The education law is amended by adding a new section 2590-v to
18 read as follows:

19 S 2590-V. INDEPENDENT ACCOUNTABILITY OFFICE. 1. AN INDEPENDENT
20 ACCOUNTABILITY OFFICE, STAFFED BY EXPERTS ON TESTING AND STATISTICS AND
21 FUNDED THROUGH A PERCENTAGE OF THE STATE EDUCATION BUDGET FOR THE CITY
22 DISTRICT, SHALL BE ESTABLISHED AND HAVE THE POWER AND DUTY TO:

23 (A) ACCESS ALL PERTINENT DATA FROM THE ADMINISTRATION OF THE CITY
24 DISTRICT, INCLUDING TEST SCORES AND GRADUATION RATES, AUDIT REPORTS ON
25 EDUCATIONAL STATISTICS, AND PRODUCE THESE ON A REGULAR BASIS TO THE CITY
26 BOARD AND THE PUBLIC.

27 (B) REVIEW CONTRACTS WITH THIRD-PARTY VENDORS FOR ASSESSMENT AND DATA
28 COLLECTION IN THIS AREA, AND MAKE RECOMMENDATIONS TO THE CITY BOARD
29 REGARDING RENEWAL OR REPLACEMENT OF CONTRACTS AND THIRD-PARTY VENDORS.

30 (C) WORK WITH AN ADVISORY BOARD, WHICH SHALL REPRESENT PARENTS, TEACH-
31 ERS, PRINCIPALS, AND COMMUNITY MEMBERS.

32 (D) BE REPRESENTED BY THE DIRECTOR OF THE INDEPENDENT ACCOUNTABILITY
33 OFFICE AT ALL CITY BOARD MEETINGS TO ANSWER QUESTIONS FROM THE PUBLIC
34 AND MEMBERS OF THE CITY BOARD.

35 2. AN OFFICE OF THE INSPECTOR GENERAL SHALL BE ESTABLISHED AND FUNDED
36 THROUGH A PERCENTAGE OF THE STATE EDUCATION BUDGET FOR THE CITY
37 DISTRICT. THE INSPECTOR GENERAL SHALL BE APPOINTED JOINTLY BY ALL
38 DISTRICT ATTORNEYS FROM THE FIVE BOROUGHES OF THE CITY OF NEW YORK FOR A
39 FIXED FOUR-YEAR TERM. THE INSPECTOR GENERAL SHALL HAVE THE POWER AND
40 DUTY TO:

41 (A) INVESTIGATE THE CENTRAL ADMINISTRATION AND SCHOOL EMPLOYEES OF THE
42 CITY DISTRICT FOR ANY MISMANAGEMENT OR MALFEASANCE.

43 (B) REFER CASES FOR ENFORCEMENT TO THE ATTORNEY GENERAL OF THE STATE
44 OF NEW YORK OR ANY DISTRICT ATTORNEY OF THE CITY OF NEW YORK.

45 (C) RELEASE ALL REPORTS OF SUBSTANTIATED CASES UNREDACTED TO THE CITY
46 BOARD.

47 (D) RELEASE ALL REPORTS OF SUBSTANTIATED CASES TO THE PUBLIC, WITH
48 PORTIONS REDACTED TO THE EXTENT REQUIRED BY THE LAW.

49 (E) ISSUE REPORTS TO THE PUBLIC ON THE REASONS OR CAUSES FOR DELAY
50 WITH RESPECT TO ALL CASES STILL UNDER INVESTIGATION AFTER SIX MONTHS
51 WITHOUT RESOLUTION.

52 (F) ISSUE AN ANNUAL REPORT TO THE PUBLIC OF ACTIVITIES AND RECOMMENDA-
53 TIONS FOR IMPROVEMENTS, TO WHICH THE CITY BOARD AND CHANCELLOR SHALL
54 RESPOND IN WRITING.

55 (G) ATTEND ALL MEETINGS OF THE CITY BOARD TO RESPOND TO QUESTIONS FROM
56 THE PUBLIC AND MEMBERS OF THE CITY BOARD.

1 3. AN INDEPENDENT OFFICE OF THE OMBUDSPERSON SHALL BE ESTABLISHED AND
2 FUNDED THROUGH A PERCENTAGE OF THE STATE EDUCATION BUDGET FOR THE CITY
3 DISTRICT. THE OMBUDSPERSON SHALL BE NOMINATED BY THE PUBLIC ADVOCATE OF
4 THE CITY OF NEW YORK AND APPOINTED BY THE CITY BOARD FOR A FIXED
5 FOUR-YEAR TERM. THE OMBUDSPERSON SHALL HAVE THE POWER AND DUTY TO:

6 (A) MAKE RECOMMENDATIONS TO ADDRESS THE COMPLAINTS OF INDIVIDUAL
7 PARENTS THAT CANNOT BE RESOLVED AT THE COMMUNITY DISTRICT LEVEL, INCLUD-
8 ING THOSE INVOLVING PRESIDENT COUNCILS AND COMMUNITY DISTRICT EDUCATION
9 COUNCILS.

10 (B) SERVE AS THE APPEALS OFFICER FOR REQUESTS UNDER THE FREEDOM OF
11 INFORMATION ACT.

12 (C) REPORT TWICE A YEAR TO THE CITY BOARD ON HIS OR HER ACTIVITIES AND
13 PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS IN POLICIES OR PROCEDURES.

14 (D) ATTEND ALL MEETINGS OF THE CITY BOARD TO RESPOND TO QUESTIONS FROM
15 THE PUBLIC AND MEMBERS OF THE CITY BOARD.

16 4. THE CITY DISTRICT'S FINANCES SHALL BE UNDER THE JURISDICTION OF THE
17 COMPTROLLER OF THE CITY OF NEW YORK. THE COMPTROLLER SHALL HAVE THE
18 FOLLOWING POWERS AND DUTIES IN ADDITION TO HIS OR HER POWERS AND DUTIES
19 AS PROVIDED ELSEWHERE BY LAW:

20 (A) MEET REGULARLY WITH THE CENTRAL ADMINISTRATION'S FINANCE STAFF,
21 FROM WHOM THE COMPTROLLER SHALL RECEIVE FULL ACCESS TO FINANCIAL RECORDS
22 AND DATA.

23 (B) AUDIT ANY PAYMENTS MADE BY ANY CITY DISTRICT SCHOOL OR CITY
24 DISTRICT ENTITY TO CONTRACTORS.

25 (C) MAY MAKE RECOMMENDATIONS TO THE CITY BOARD REGARDING THE TERMI-
26 NATION OF WASTEFUL CONTRACTS.

27 (D) REQUIRE DOCUMENTATION OF CENTRAL ADMINISTRATION EXPENDITURES THAT
28 ARE SHIFTED TO THE SCHOOL LEVEL.

29 (E) REQUIRE THE CENTRAL ADMINISTRATION TO ISSUE SCHOOL-BASED EXPENDI-
30 TURE REPORTS.

31 5. THE INDEPENDENT BUDGET OFFICE, IN ADDITION TO ITS OTHER POWERS AND
32 DUTIES AS PROVIDED ELSEWHERE BY LAW, SHALL HAVE THE POWER AND DUTY TO
33 MEET REGULARLY WITH THE CENTRAL ADMINISTRATION'S FINANCE STAFF, FROM
34 WHOM THE INDEPENDENT BUDGET OFFICE SHALL RECEIVE FULL ACCESS TO FINAN-
35 CIAL RECORDS AND DATA, AND SHALL HAVE THE POWER AND DUTY TO ANALYZE
36 SPENDING PRACTICES WITH RESPECT TO EDUCATIONAL POLICIES.

37 S 14. The education law is amended by adding a new section 2590-w to
38 read as follows:

39 S 2590-w. COMMISSION ON PUBLIC EDUCATION. 1. THERE IS HEREBY ESTAB-
40 LISHED A COMMISSION ON PUBLIC EDUCATION SET TO (A) ESTABLISH BROAD-BASED
41 COMMUNITY CONSENSUS ON THE FUTURE, MISSION, CORE PRINCIPLES, GOALS,
42 ACCOUNTABILITIES AND POLICY FRAMEWORK FOR PUBLIC PRIMARY AND SECONDARY
43 EDUCATION IN NEW YORK CITY; AND (B) DRAFT A CONSTITUTION BASED ON THE
44 FOREGOING WHICH WILL BE CODIFIED BY THE STATE AND NEW YORK CITY, AND
45 WILL BECOME THE FOUNDATION OF AN ANNUAL COMPREHENSIVE EDUCATIONAL PLAN
46 AND BUDGET PROCESS BY WHICH THE PUBLIC SCHOOL DISTRICT OF THE CITY OF
47 NEW YORK WILL BE MANAGED BY THE CIVIL SERVANTS CHARGED TO DO SO, AND
48 WHICH WILL (1) GUARANTEE EVERY CHILD'S RIGHT TO AN EXCELLENT EDUCATION,
49 DISTRIBUTE RESOURCES EQUITABLY ACCORDING TO STUDENT NEEDS AND THE NEEDS
50 OF THE COMMUNITIES SERVED, PROMOTE CURRICULA AND PEDAGOGIES WHICH
51 ENCOURAGE PROBLEM-SOLVING, CRITICAL AND CREATIVE THINKING, REFLECT AND
52 BUILD UPON THE HISTORIES, CULTURES, INTERESTS, LANGUAGES, CAPABILITIES
53 AND SPECIAL NEEDS OF EACH STUDENT, AND ASSESS EDUCATIONAL QUALITY AND
54 STUDENT ACHIEVEMENT IN MULTIPLE AND AUTHENTIC WAYS; AND (2) ASSURE THE
55 PARTICIPATION OF PARENTS, STUDENTS, TEACHERS, ADMINISTRATORS AND COMMU-
56 NITY MEMBERS AND RESOURCES IN DEVELOPING AND IMPLEMENTING THESE GOALS;

1 AND (3) DEVELOP INTERACTIVE PARTNERSHIPS WITH COMMUNITY-BASED GROUPS
2 WHICH SUPPORT THE EDUCATION, DEVELOPMENT, AND CIVIC RESPONSIBILITY OF
3 CHILDREN, AND THE WELL-BEING OF THEIR FAMILIES AND THEIR COMMUNITIES.

4 2. THE COMMISSION SHALL SUBMIT THE DRAFT CONSTITUTION REQUIRED PURSU-
5 ANT TO SUBDIVISION ONE OF THIS SECTION TO THE LEGISLATURE BY JUNE, TWO
6 THOUSAND TEN. THE CONSTITUTION SHALL BE THE BASIS FOR ALL LAWS AND REGU-
7 LATIONS ENACTED BY THE STATE LEGISLATURE, THE NEW YORK CITY CHANCELLOR
8 OF EDUCATION, AND THE NEW YORK CITY COUNCIL, AMONG OTHER AGENCIES AND
9 BODIES, AS THEY PERTAIN TO THE GOVERNANCE OF PUBLIC PRIMARY AND SECOND-
10 ARY EDUCATION IN NEW YORK CITY.

11 3. THE COMMISSION MAY CONSULT WITH SUCH SPECIALISTS IN THE FIELD OF
12 PUBLIC EDUCATION, MANAGEMENT, AND GOVERNANCE AS IT CHOOSES. THE COMMIS-
13 SION SHALL DRAFT A CONSTITUTION THAT ARTICULATES A BROAD-BASED COMMUNITY
14 CONSENSUS ON THE FUTURE, MISSION, CORE PRINCIPLES, GOALS, ACCOUNTABIL-
15 ITIES AND POLICY FRAMEWORK FOR PUBLIC PRIMARY AND SECONDARY EDUCATION IN
16 NEW YORK CITY, AND WHICH PROMISES TRANSPARENCY, SYSTEMATIC CONSTITUENT
17 INVOLVEMENT IN DECISION-MAKING, HIGH LEVELS OF STUDENT ACHIEVEMENT
18 ACROSS ALL SUBJECT AREAS, AND HIGH LEVELS OF PARENT, STUDENT AND EMPLOY-
19 EE INVOLVEMENT AND SATISFACTION.

20 4. COMMISSION MEMBERS SHALL SERVE AT THE PLEASURE OF THE SELECTION
21 COMMITTEE. THE SELECTION COMMITTEE SHALL BE APPOINTED AS FOLLOWS: ONE
22 EDUCATION EXPERT OR ADVOCATE SHALL BE APPOINTED BY EACH OF THE GOVERNOR,
23 THE MAYOR OF THE CITY OF NEW YORK, AND EACH OF THE CHAIRS OF THE SENATE,
24 ASSEMBLY, AND CITY COUNCIL EDUCATION COMMITTEES. THE SELECTION COMMITTEE
25 SHALL EMPANEL A COMMISSION OF FIFTY TO SIXTY MEMBERS THAT (A) GENUINELY
26 REFLECTS THE DIVERSE COMPOSITION OF THE PUBLIC SCHOOL COMMUNITIES WITHIN
27 ALL FIVE BOROUGHS OF NEW YORK CITY, ESPECIALLY WITH RESPECT TO SOCIOECO-
28 NOMIC STATUS, RACE, GENDER, LANGUAGE, NATIONAL ORIGIN AND DISABILITY
29 STATUS; AND (B) IS COMPOSED OF A MAJORITY OF MEMBERS WHO REPRESENT THE
30 INTERESTS OF PARENTS, STUDENTS, TEACHERS, ADMINISTRATORS, AND COMMUNITY
31 MEMBERS IN THE DEVELOPMENT OF THE CONSTITUTION. THE SELECTION COMMITTEE
32 SHALL ADVISE AND CONSULT WITH THE COMMISSION CONCERNING THE MEANS FOR
33 ESTABLISHING A BROAD-BASED COMMUNITY CONSENSUS ON THE FUTURE, MISSION,
34 CORE PRINCIPLES, GOALS, ACCOUNTABILITIES AND POLICY FRAMEWORK FOR PUBLIC
35 PRIMARY AND SECONDARY EDUCATION IN NEW YORK CITY. THE SELECTION COMMIT-
36 TEE MAY ADVISE AND CONSULT WITH THE COMMISSION DURING THE DRAFTING PROC-
37 ESS.

38 5. THE COMMISSION IS HEREBY AUTHORIZED TO RECEIVE FINANCIAL AND IN
39 KIND SUPPORT FROM CHARITABLE FOUNDATIONS, ON BEHALF OF THE STATE OF NEW
40 YORK. MONEYS APPROPRIATED BY THE STATE SHALL BE USED TO FACILITATE
41 TRAINING OF THE COMMISSION MEMBERS IN COLLABORATIVE DECISION-MAKING
42 PROCESSES, FOR MEMBER REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES,
43 AND FOR TRANSLATION SERVICES. IN ADDITION, ANY FUNDS APPROPRIATED SHALL
44 PAY FOR TWO STAFF MEMBERS WHO SHALL FACILITATE THE COMMISSION'S WORK,
45 AND SHALL PAY CONSULTANCY FEES AS NEEDED AND APPROVED BY THE SELECTION
46 COMMITTEE.

47 6. THE COMMISSION'S MEETINGS SHALL BE PUBLICLY NOTICED, AT LEAST TEN
48 DAYS IN ADVANCE, AND SHALL BE OPEN TO THE PUBLIC. THE COMMISSION SHALL
49 HAVE THE OPTION, BUT NOT THE OBLIGATION, TO SCHEDULE TIME FOR PUBLIC
50 COMMENT, AND THAT DECISION SHALL BE NOTICED IN THE COMMISSION'S MEETING
51 NOTICE. COMMISSION MEETINGS SHALL BE HELD AT NEW YORK CITY DEPARTMENT OF
52 EDUCATION SCHOOLS IN ALL FIVE BOROUGHs, AT NO EXPENSE TO THE COMMISSION.
53 THE NEW YORK CITY BOARD OF EDUCATION SHALL FACILITATE SUCH MEETINGS, BY
54 MAKING APPROPRIATE SPACE AND FURNITURE AVAILABLE, AND BY PROVIDING ANY
55 NEEDED SITE SUPERVISION PERSONNEL. THE COMMISSION MAY MEET AS A WHOLE,
56 AND IN BOROUGH OR OTHER SUBCOMMITTEES AT ITS DISCRETION. MEETING MINUTES

1 SHALL BE KEPT FOR ALL MEETINGS, AND SHALL BE MADE AVAILABLE TO THE
2 PUBLIC, ON A WEBSITE TO BE DEVELOPED BY THE COMMISSION. CONTEMPORANEOUS-
3 LY WITH THE SUBMISSION TO THE LEGISLATURE OF THE DRAFT CONSTITUTION, THE
4 COMMISSION SHALL REPORT TO THE LEGISLATURE THAT ITS RECOMMENDATIONS ARE
5 BASED ON A BROAD-BASED COMMUNITY CONSENSUS AND SHALL SPECIFY THE MEANS
6 THROUGH WHICH SUCH CONSENSUS WAS ESTABLISHED.

7 S 15. The sum of eighty thousand dollars (\$80,000), or so much thereof
8 as may be necessary, is hereby appropriated to the commission on public
9 education out of any moneys in the state treasury in the general fund,
10 not otherwise appropriated, and made immediately available, for the
11 purpose of carrying out the provisions of this act. Such moneys shall be
12 payable on the audit and warrant of the comptroller on vouchers certi-
13 fied or approved by the New York city chancellor of education in the
14 manner prescribed by law.

15 S 16. This act shall take effect immediately and shall expire June 30,
16 2015 when upon such date the provisions of this act shall be deemed
17 repealed; provided, that notwithstanding any provision of article 5 of
18 the general construction law, on June 30, 2015 the provisions of section
19 2590-b of the education law as repealed by section two of this act,
20 section 2590-c of the education law as repealed by section three of this
21 act, section 2590-e of the education law as repealed by section four of
22 this act, section 2590-f of the education law as repealed by section
23 five of this act, section 2590-g of the education law as repealed by
24 section six of this act, the opening paragraph, paragraph (a) of subdi-
25 vision 1 and subdivisions 15 and 30 of section 2590-h of the education
26 law as repealed by section seven of this act, subdivision 3 of section
27 2590-i of the education law as repealed by section nine of this act and
28 section 2590-r of the education law as repealed by section ten of this
29 act shall be revived and be read as such provisions existed in law on
30 the date immediately preceding the effective date of this act.