

6087

2009-2010 Regular Sessions

I N S E N A T E

July 12, 2009

Introduced by Sens. DILAN, PERKINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Rules

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

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

1 Section 1. The section heading and paragraph (a) of subdivision 1 of
2 section 2590-b of the education law, as amended by a chapter of the laws
3 of 2009 amending the education law and other laws relating to the New
4 York city board of education, as proposed in legislative bills numbers
5 S.5887 and A.8903-A, are amended to read as follows:
6 Continuation of city board and establishment of community districts;
7 establishment of the city-wide councils on special education, English
8 language learners, THE ARTS, and high schools.
9 (a) The board of education of the city school district of the city of
10 New York is hereby continued. Such board of education shall consist of
11 thirteen appointed members: one member to be appointed by each borough
12 president of the city of New York; and eight members to be appointed by
13 the mayor of the city of New York. The chancellor shall serve as an
14 ex-officio non-voting member of the city board. The city board shall
15 elect its own chairperson from among its voting members. [All thirteen
16 appointed members shall serve at the pleasure of the appointing authority]
17 EACH VOTING MEMBER SHALL SERVE A TWO YEAR TERM, and shall not be
18 employed in any capacity by the city of New York, or a subdivision thereof,
19 or the city board. No appointed member of the city board shall also
20 be a member, officer, or employee of any public corporation, authority,
21 or commission where the mayor of the city of New York has a majority of
22 the appointments. Each borough president's appointee shall be a resi-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 S 2590-C. COMPOSITION OF COMMUNITY DISTRICT EDUCATION COUNCILS. 1.
19 (A) EACH COMMUNITY DISTRICT SHALL BE GOVERNED BY A COMMUNITY DISTRICT
20 EDUCATION COUNCIL TO CONSIST OF ELEVEN VOTING MEMBERS TO BE ELECTED FOR
21 A TERM OF TWO YEARS, SUBJECT TO THE TERMS OF SUBDIVISION TWO OF THIS
22 SECTION, AND TO SERVE WITHOUT COMPENSATION, AND TWO NON-VOTING MEMBERS
23 WHICH ARE HIGH SCHOOL STUDENTS RESIDING IN THE DISTRICT TO BE APPOINTED
24 BY THE SUPERINTENDENT, IN COLLABORATION WITH THE DISTRICT HIGH SCHOOL
25 PRINCIPALS, TO SERVE FOR A TERM OF ONE YEAR WITHOUT COMPENSATION. NO
26 VOTING MEMBER SHALL SERVE MORE THAN TWO TERMS. EACH SUCH COUNCIL SHALL
27 SELECT ONE OF ITS MEMBERS TO SERVE AS CHAIRPERSON. NOTWITHSTANDING ANY
28 PROVISIONS OF LAW TO THE CONTRARY, THE COMMUNITY DISTRICT EDUCATION
29 COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY
30 BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS: (1) PREPARE MEETING
31 NOTICES, AGENDAS AND MINUTES; (2) RECORD AND MAINTAIN ACCOUNTS OF
32 PROCEEDINGS AND OTHER BOARD MEETINGS; AND (3) PREPARE BRIEFING MATERIALS
33 AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. EACH COUN-
34 CIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION
35 AND DISCHARGE OF THE SECRETARY.

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

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

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

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

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

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

53 (6) NO SCHOOL IN A DISTRICT MAY HAVE MORE THAN ONE PARENT REPRESen-
54 TATIVE ON A DISTRICT EDUCATION COUNCIL.

55 2. NINE VOTING MEMBERS OF THE COMMUNITY DISTRICT EDUCATION COUNCIL
56 SHALL BE ELECTED AT AN ELECTION CONDUCTED BY THE BOARD OF ELECTIONS IN

1 THE CITY OF NEW YORK TO BE HELD ON THE FIRST TUESDAY IN MAY IN THE YEAR
2 TWO THOUSAND TEN AND EVERY SECOND YEAR THEREAFTER, FOR A TERM COMMENCING
3 ON THE FIRST DAY OF JULY NEXT FOLLOWING.

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (3) EACH CANDIDATE SHALL BE NOMINATED BY A SEPARATE PETITION AND NO
53 ELECTOR SHALL SIGN MORE THAN ONE SUCH PETITION. SHOULD AN ELECTOR SIGN
54 MORE THAN ONE SUCH PETITION, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT
55 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 SHALL BE ROTATED BY POLLING PLACES BY TRANSPOSING THE FIRST NAMED CANDIDATE TO THE BOTTOM OF THE ORDER AT EACH SUCCEEDING POLLING PLACE; SO THAT EACH NAME SHALL APPEAR FIRST AND IN EACH OTHER POSITION IN AN EQUAL NUMBER, AS NEARLY AS POSSIBLE, OF THE POLLING PLACES.

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

INSTRUCTIONS

1 MARK YOUR CHOICES WITH X MARKS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(L) INELIGIBLE CANDIDATES. IF A CANDIDATE DIES OR IS OFFICIALLY DETERMINED TO BE INELIGIBLE BEFORE THE COUNTING OF THE BALLOTS IS COMPLETED, ALL CHOICES FOR SUCH CANDIDATE SHALL BE DISREGARDED BUT ALL OTHER CHOICES ON EACH SUCH BALLOT SHALL BE HONORED IN ACCORDANCE WITH THE TERMS OF THIS SECTION.

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

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

8. (A) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS LAW CREATING A VACANCY, A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL 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 THEREFOR 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 COMMUNITY DISTRICT EDUCATION COUNCIL SHALL DECLARE A VACANCY TO THE CHANCELLOR.

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

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

9. (A) EACH COMMUNITY DISTRICT EDUCATION COUNCIL SHALL PREPARE AND SUBMIT TO THE CITY BOARD A PERFORMANCE REPORT EVERY MONTH. THE INFORMATION PROVIDED SHALL INCLUDE COMMUNITY DISTRICT EDUCATION COUNCIL

1 MEMBERS' ATTENDANCE RECORDS; PARTICIPATION IN COMMUNITY DISTRICT EDUCA-
2 TION COUNCIL COMMITTEES AND OTHER COMMUNITY DISTRICT EDUCATION COUNCIL
3 ACTIVITIES; VISITS TO SCHOOLS; AND VOTING RECORDS ON MAJOR ISSUES BEFORE
4 THE COMMUNITY DISTRICT EDUCATION COUNCIL.

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

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

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

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

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

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

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

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

1 increase student achievement and school performance and encourage local
2 school-based innovation, including the power and duty to:

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

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

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

25 S 6. 1. A temporary state commission, to be known as the commission on
26 public safety in the city school district of the city of New York, and
27 hereinafter referred to as the commission, is hereby created to examine,
28 evaluate and make recommendations concerning the impact that the current
29 chancellor's regulations and New York police department policies have on
30 student safety, welfare, and achievement. Specifically the commission
31 shall examine at least the following:

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

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

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

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

39 2. The commission shall consist of twelve members, to be appointed as
40 follows: one member to be appointed by the New York city chancellor, one
41 member appointed by the New York city police commissioner, one member by
42 the speaker of the New York city council, one member by the New York
43 city public advocate, one by the collective bargaining unit representing
44 public school teachers, one appointed by the organization representing
45 New York city school supervisors, one appointed by the organization
46 representing police officers in the city of New York and each borough
47 president shall appoint one parent of a public school student who
48 resides in the borough. The members of the temporary state commission
49 established pursuant to this section shall be appointed no later than
50 January 15, 2010 and shall convene the first meeting of the commission
51 no later than January 22, 2010. The commission shall elect a chair, a
52 vice-chair and a secretary from amongst its members. Notwithstanding the
53 provisions of section 74 of the public officers law, section 806 of the
54 general municipal law or any other provision of law, membership on the
55 commission of any state or municipal officer or employee shall not
56 constitute the violation of any code of ethics or a conflict of inter-

1 est. The commission shall meet at least monthly. Vacancies in the
2 membership of the commission and among its officers shall be filled in
3 the manner provided for original appointments.

4 3. The commission may meet within and without the state, shall hold
5 public hearings, and shall have all the powers of a legislative commit-
6 tee pursuant to the legislative law. The commission shall hold at least
7 one hearing in each borough of New York city to solicit input from
8 members of the public, students, and community based organizations. Such
9 hearings shall be publicized in such manner as to solicit maximum public
10 participation. The members of the commission shall select the commission
11 chair.

12 4. The members of the commission shall receive no compensation for
13 their services.

14 5. To the maximum extent feasible, the commission shall be entitled to
15 request and receive, and shall utilize and be provided with such facili-
16 ties, resources and data of any department, division, board, bureau,
17 commission or agency of the state or any political subdivision thereof
18 as it may reasonably request to properly carry out its powers and duties
19 pursuant to this section. The speaker of the city council shall provide
20 administrative support as necessary for the commission to carry out
21 powers and duties of the commission.

22 6. The commission shall make a report to the chancellor of New York
23 city schools, the city board, the New York city police department, the
24 mayor of New York city, the speaker of the New York city council, the
25 commissioner of education, and the chair and ranking member of the
26 senate and assembly education committees of its findings, conclusions
27 and recommendations on or before January 16, 2011, and shall submit with
28 such report such legislative proposals as it deems necessary to imple-
29 ment its recommendations.

30 7. The temporary state commission established pursuant to this section
31 shall expire and be terminated on the first day next succeeding the date
32 of the submission of its report as provided in subdivision 6 of this
33 section, and the chairperson of the temporary commission shall notify
34 the legislative bill drafting commission upon the submission of the
35 commission's report as provided for in subdivision 6 of this section in
36 order that the commission may maintain an accurate and timely effective
37 data base of the official text of the laws of the state of New York in
38 furtherance of effecting the provisions of section 44 of the legislative
39 law and section 70-b of the public officers law.

40 S 7. The education law is amended by adding a new section 2590-w to
41 read as follows:

42 S 2590-W. INSPECTOR GENERAL OF EDUCATION. 1. DEFINITIONS. FOR THE
43 PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

44 (A) "INSPECTOR GENERAL" MEANS THE INSPECTOR GENERAL OF EDUCATION
45 CREATED BY THIS SECTION.

46 (B) "ASSISTANT INSPECTOR GENERAL" MEANS AN EDUCATION ASSISTANT INSPEC-
47 TOR GENERAL CREATED BY THIS SECTION.

48 2. APPOINTMENT, COMPENSATION AND REMOVAL. NOTWITHSTANDING ANY OTHER
49 PROVISION OF LAW, THE GOVERNOR SHALL APPOINT THE INSPECTOR GENERAL. THE
50 GOVERNOR SHALL FIX THE COMPENSATION OF THE INSPECTOR GENERAL. THE
51 INSPECTOR GENERAL SHALL APPOINT SUCH ASSISTANT INSPECTOR GENERAL AND
52 OTHER PERSONS AS HE OR SHE DEEMS NECESSARY, DETERMINE THEIR DUTIES AND
53 FIX THEIR COMPENSATION. SUCH ASSISTANT INSPECTOR GENERAL SHALL ASSIST
54 THE INSPECTOR GENERAL IN CARRYING OUT THE INSPECTOR GENERAL'S DUTIES AND
55 RESPONSIBILITIES AS SET FORTH IN THIS SECTION AND SHALL HAVE SUCH POWERS
56 AS GRANTED BY THE INSPECTOR GENERAL UNDER THIS SECTION.

1 3. POWERS, DUTIES AND RESPONSIBILITIES. THE INSPECTOR GENERAL SHALL
2 INVESTIGATE THE IMPACT OF NEW YORK CITY DEPARTMENT OF EDUCATION POLICIES
3 AND PRACTICES ON THE EDUCATIONAL ENVIRONMENT OF NEW YORK CITY SCHOOLS.
4 THE INSPECTOR GENERAL SHALL NOT INVESTIGATE INDIVIDUAL ACTS OF FRAUD OR
5 CORRUPTION. THE INSPECTOR GENERAL SHALL HAVE THE FOLLOWING POWERS,
6 DUTIES AND FUNCTIONS:

7 (A) TO CONDUCT AND SUPERVISE INVESTIGATIONS;

8 (B) TO SUBPOENA WITNESSES, ADMINISTER OATHS OR AFFIRMATIONS, TAKE
9 TESTIMONY AND COMPEL THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS AND
10 DOCUMENTS AS THE INSPECTOR GENERAL MAY DEEM TO BE RELEVANT TO AN INVE-
11 TIGATION UNDERTAKEN PURSUANT TO THIS SECTION;

12 (C) TO SUBMIT A WRITTEN REPORT, ON AN ANNUAL BASIS, TO THE GOVERNOR,
13 LISTING ALL ACTIVITIES UNDERTAKEN TO THE EXTENT SUCH ACTIVITIES CAN BE
14 DISCLOSED; AND

15 (D) TO RECOMMEND LEGISLATIVE AND REGULATORY CHANGES TO THE GOVERNOR.

16 S 8. Operation of a parent and student training center. 1. The Metro-
17 politan Center for Urban Education at New York University, Steinhardt
18 School of Culture, Education, and Human Development shall operate a
19 parent and student training center, known as the parent and student
20 training center ("center") for the support and training of parents or
21 persons in parental relation to a student or students attending public
22 school in the city of New York, and students attending public schools in
23 the city of New York. The center shall design and implement programs for
24 parent and student engagement within public schools in the city of New
25 York, coordinating, where appropriate, with the city school district of
26 the city of New York. The center shall:

27 (a) conduct outreach, recruitment, training and support programs for
28 parents and students in order to increase their capacity to participate
29 in and engage with local, district, and city-wide school governance and
30 participatory structures designed to support and include parental and
31 student input including but not limited to school leadership teams,
32 community education councils, district leadership teams, parent associ-
33 ations, city-wide councils and other existing formal governance and
34 participatory structures designed to support and include parental and
35 student input;

36 (b) implement programs to enhance parents' and students' ability to
37 support students' educational success;

38 (c) assist parents and students in interacting with city school
39 district personnel and in developing an understanding of the function,
40 structure and operations of the city of New York department of educa-
41 tion, including providing basic information concerning school improve-
42 ment strategies, school budget procedures and state and city structures
43 and policies that impact education, and the effect of such strategies,
44 procedures, structures and policies on the education being provided by
45 the student's school; and

46 (d) ensure successful establishment and implementation of student
47 success centers as pilot projects designed to increase the rate of
48 college enrollment and train students to become youth leaders, including
49 administering subcontracts between community-based organizations and the
50 city school district for the implementation of student success centers
51 in public high schools, with preference being given to existing student
52 success centers, providing technical assistance to community-based
53 organizations to successfully implement student success centers, and
54 conducting annual evaluations of each student success center. At least
55 \$600,000 annually of total annual funds appropriated to the center shall

1 be provided in the form of annual subcontracts to student success
2 centers.

3 2. Priority in designing and implementing programs shall be given to
4 schools and districts in which there is low overall academic achievement
5 by students or which have a high density of English language learning
6 students or low-income families. Schools with ineffective parent associ-
7 ations or without parent associations shall receive target support.

8 3. Upon request by the center, the city school district shall provide
9 the center with the names and contact information of the officers of
10 parent associations, members of councils of presidents, members of the
11 chancellor's parent advisory council, members of community education
12 councils, members of school leadership teams, members of district lead-
13 ership teams, and members of the city-wide councils.

14 4. The center shall be strictly non-partisan, shall not engage in
15 issues of advocacy, and shall remain neutral in all policy matters and
16 disputes.

17 S 9. The sum of three million two hundred thousand dollars
18 (\$3,200,000) is hereby appropriated to the parent and student training
19 center created pursuant to section five of this act out of any moneys in
20 the treasury of the city of New York in the fund set aside for the city
21 school district of the city of New York to the credit of the city
22 account not otherwise appropriated, to be paid as follows: (a) the sum
23 of one million six hundred thousand dollars (\$1,600,000) to be paid out
24 during the fiscal year that the center is established; and (b) the sum
25 of one million six hundred thousand dollars (\$1,600,000) to be paid out
26 in the fiscal year immediately following the fiscal year that the center
27 is established.

28 S 10. This act shall take effect immediately; provided, however, that
29 sections one, two, three, and four of this act shall take effect on the
30 same date as a chapter of the laws of 2009 amending the education law
31 and other laws relating to the New York city board of education, as
32 proposed in legislative bills numbers S.5887 and A.8903-A, takes effect;
33 and provided further that the amendments to section 2590-b of the educa-
34 tion law made by sections one and two of this act, section 2590-c of the
35 education law made by section three of this act, and section 2590-h of
36 the education law made by section four of this act, shall not affect the
37 repeal of such provisions and shall expire and be deemed repealed there-
38 with.