Eighth Extraordinary Session

I N S E N A T E

June 29, 2009

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- 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 New York city board of education, chancellor, community councils and community superintendents; to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, in relation to extending certain provisions of such chapter relating to certain contracts of the authority; to amend the public authorities law, in relation to extending certain provisions; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to extending certain provisions of such chapter; and providing for the repeal of certain provisions of the education law relating thereto

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

Section 1. Section 2590-b of the education law, as added by chapter 330 of the laws of 1969, the section heading and subdivision 2 as amended and subdivision 4 as added by chapter 123 of the laws of 2003, subdivision 1 as added by chapter 91 of the laws of 2002 and subdivision 3 as amended by chapter 727 of the laws of 1994, is amended to read as follows:

S 2590-b. Continuation of city board and establishment of community districts; establishment of the city-wide [council on special education] COUNCILS ON SPECIAL EDUCATION, ENGLISH LANGUAGE LEARNERS, AND HIGH SCHOOLS. 1. (a) The board of education of the city school district of the city of New York is hereby continued. Such board of education shall consist of thirteen APPOINTED members: one member to be appointed by

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

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each borough president of the city of New York; [seven] AND EIGHT members to be appointed by the mayor of the city of New York[; and the]. THE chancellor SHALL SERVE AS AN EX-OFFICIO NON-VOTING MEMBER OF THE CITY BOARD. [The chancellor shall serve as the chairperson of the city board.] THE CITY BOARD SHALL ELECT ITS OWN CHAIRPERSON FROM AMONG ITS VOTING MEMBERS. All [twelve] THIRTEEN appointed members shall serve at the pleasure of the appointing authority and shall not be employed in any capacity by the city of New York, or a subdivision thereof, or the city board. NO APPOINTED MEMBER OF THE CITY BOARD SHALL ALSO BE A MEMBER, OFFICER, OR EMPLOYEE OF ANY PUBLIC CORPORATION, AUTHORITY, OR COMMISSION WHERE THE MAYOR OF THE CITY OF NEW YORK HAS A MAJORITY OF THE APPOINTMENTS. Each borough president's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the city school district of the city of New York. Each mayoral appointee shall be a resident of the city AND TWO SHALL BE PARENTS OF A CHILD ATTENDING A PUBLIC SCHOOL WITHIN THE CITY DISTRICT. ALL PARENT MEMBERS SHALL BE ELIGIBLE TO CONTINUE TO SERVE ON THE CITY BOARD FOR TWO YEARS FOLLOWING THE CONCLUSION OF THEIR CHILD'S ATTENDANCE AT A PUBLIC SCHOOL WITHIN THE CITY DISTRICT. Any vacancy shall be filled by appointment by the appropriate appointing authority WITHIN NINETY DAYS OF SUCH VACANCY. Notwithstanding any provision of local law, the members of the board shall not have staff, offices, or vehicles assigned to them or receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The city board shall hold at least [twelve] ONE REGULAR PUBLIC [meetings] MEETING per MONTH. AT LEAST ONE REGULAR PUBLIC MEETING SHALL BE HELD IN EACH BOROUGH OF THE CITY OF NEW YORK PER year; any additional meetings may be called at the request of the [chancellor] CHAIRPERSON. THE CITY BOARD SHALL CONSIDER APPROPRIATE PUBLIC ACCOMMODATIONS WHEN SELECTING A VENUE SO AS TO MAXIMIZE PARTICIPATION BY PARENTS AND THE COMMUNITY.

(C) (I) NOTICE OF THE TIME, PLACE AND AGENDA FOR ALL CITY BOARD REGULAR PUBLIC MEETINGS SHALL BE PUBLICLY PROVIDED, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE, AND SPECIFICALLY CIRCULATED TO ALL COMMUNITY SUPERINTENDENTS, COMMUNITY DISTRICT EDUCATION COUNCILS, COMMUNITY BOARDS, AND SCHOOL BASED MANAGEMENT TEAMS, AT LEAST TEN BUSINESS DAYS IN ADVANCE OF SUCH MEETING.

(II) A CITY BOARD REGULAR PUBLIC MEETING AGENDA SHALL BE COMPRISED OF A LIST AND BRIEF DESCRIPTION OF THE SUBJECT MATTER BEING CONSIDERED, IDENTIFICATION OF ALL ITEMS SUBJECT TO A CITY BOARD VOTE, AND THE NAME, OFFICE, ADDRESS, EMAIL ADDRESS AND TELEPHONE NUMBER OF A CITY DISTRICT REPRESENTATIVE, KNOWLEDGEABLE ON THE AGENDA, FROM WHOM ANY INFORMATION MAY BE OBTAINED AND TO WHOM WRITTEN COMMENTS MAY BE SUBMITTED CONCERNING ITEMS ON SUCH AGENDA.

(D) THE CHAIRPERSON OF THE CITY BOARD SHALL ENSURE THAT AT EVERY REGULAR PUBLIC MEETING THERE IS A SUFFICIENT PERIOD OF TIME TO ALLOW FOR PUBLIC COMMENT ON ANY TOPIC ON THE AGENDA PRIOR TO ANY CITY BOARD VOTE.

(E) MINUTES OF ALL CITY BOARD REGULAR PUBLIC MEETINGS SHALL BE MADE PUBLICLY AVAILABLE, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, IN A TIMELY MANNER BUT NO LATER THAN THE SUBSEQUENT REGULAR CITY BOARD MEETING.

2. (a) There shall be a community council for each community district created pursuant to this article.

(b) The city board shall define, adjust, alter, maintain and adopt the boundaries of the community districts pursuant to this chapter no later than February first, nineteen hundred ninety-five. There shall be no less than thirty nor more than thirty-seven community districts.

(c) The city board may readjust or alter the districts in such plan only once in every ten years, commencing with the year two thousand four. The city board in conjunction with the chancellor and the community council representatives, shall prepare and make public a plan to ensure the smooth transition of pupils and school personnel, creation of new boards, and allocation of school facilities and resources among the districts established pursuant to paragraph (b) of this subdivision. Prior to the adoption of the transition plan, the city board shall hold one or more public hearings in each borough. The city board shall make the transition plan available not less than three weeks before the first such public hearing. Upon receipt of comments, the city board, in conjunction with the chancellor and the community council representatives, shall prepare a revised transition plan, if necessary and make such plan available to the public for comment.

3. (a) The redistricting advisory study group established prior to the effective date of this paragraph for the purpose of study and making recommendations on community school district boundaries, is hereby continued and shall perform the duties required herein.

(b) The study group shall prepare a report containing recommendations for dividing the city into no more than thirty-seven community districts.

(c) In preparation of its recommendations for dividing the city into community districts, the study group shall ensure that the recommendations provide for the most effective delivery of educational services and shall be guided by the following criteria:

(1) each community district shall: (i) be a suitable size for efficient policy-making and economic management; (ii) contain a reasonable number of pupils; (iii) be compact and contiguous, contained within county lines, and to the maximum extent possible, keep intact communities and neighborhoods; and (iv) bear a rational relationship to geographic areas for which the city of New York plans and provides services;

(2) to the extent possible, keep existing lines intact;

(3) the common and special education needs of the communities and school children involved;

(4) effective utilization of existing and planned school facilities;

(5) minimum disruption of existing and planned elementary school-junior high/middle school-high school feeder patterns;

(6) transportation facilities;

(7) additional administrative costs involved in the creation of such new districts; and

(8) ensure fair and effective representation of racial and language groups pursuant to the Voting Rights Act of 1965, as amended;

(9) notwithstanding the provisions of this subparagraph and subparagraphs one through eight of this paragraph: (i) the residents of the county of New York in school district ten as it existed prior to the implementation of this paragraph shall continue to remain in school district ten as such district is comprised; (ii) the boundaries of community district thirty-one shall continue to remain as they are currently comprised; and (iii) no county shall have fewer community school districts than in existence on the effective date of this paragraph.

(d) The study group shall hold one or more public hearings in each borough before final adoption of its recommendations. The study group shall make its recommendations available to the public for inspection and comment not less than one month before the first such public hearing. Following its consideration of the comments received on the recommendations, the study group shall prepare a report containing its final recommendations. The study group shall submit its report to the city board and make such report available to the public for inspection no later than November first, nineteen hundred ninety-four.

(e) The city board of education shall hold public hearings in each borough on the recommendations submitted by the study group and may adopt, revise or reject in whole or in part such recommendations, or, may request the study group to submit adjusted recommendations. The final recommendations shall be adopted by the city board of education no later than February first, nineteen hundred ninety-five to take effect July first, nineteen hundred ninety-six, provided that such revised boundaries adopted by the city board pursuant to this chapter shall be used for purposes of community school board elections to be held on the first Tuesday in May, nineteen hundred ninety-six.

(f) Provided, however, that the city board may make minor adjustments, (i) to correct errors that may occur in the district lines adopted by the city board, or (ii) upon showing a change in circumstances. Any such limited revisions to community school district lines may occur between the effective date of this paragraph and the city board readjustment scheduled in the year two thousand four.

(g) No public hearings required pursuant to this subdivision shall be held during the months of July and August. All public hearings shall be held at a time and place designated to maximize community and parent participation. Notice of all such public hearings shall be provided in a timely manner to all print and electronic media and shall be widely distributed to all interested parties, so as to maximize participation by parents and the community. In addition such notice shall be posted in each school building and district office.

4. a. There shall be a city-wide council on special education created pursuant to this section. The city-wide council on special education shall consist of eleven voting members and one non-voting member, as follows:

(1) nine voting members who shall be parents of students [who receive services pursuant to article eighty-nine of this chapter] WITH INDIVIDUALIZED EDUCATION PROGRAMS, to be selected by parents of students [who receive such services] WITH INDIVIDUALIZED EDUCATION PROGRAMS pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(2) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and will make a significant contribution to improving special education in the city district. Such members shall serve a two year term; and

(3) one non-voting member who is a high school senior [receiving services pursuant to article eighty-nine of this chapter] WITH AN INDIVIDUALIZED EDUCATION PROGRAM, appointed by the administrator designated by the chancellor to supervise [city-wide] special education programs. Such member shall serve a one year term.

b. [Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the

duties and responsibilities of the city-wide council on special education.

c.] The city-wide council on special education shall have the power to:

(1) advise and comment on any educational or instructional policy involving the provision of services [pursuant to article eighty-nine of this chapter] FOR STUDENTS WITH DISABILITIES;

(2) advise and comment on the process of establishing committees and/or subcommittees on special education in community school districts pursuant to section forty-four hundred two of this chapter;

(3) issue an annual report on the effectiveness of the city district in providing services [pursuant to article eighty-nine of this chapter] TO STUDENTS WITH DISABILITIES and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(4) hold at least one meeting per month open to the public and during which the public may discuss issues facing students with disabilities.

[d. The city-wide council on special education 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 city-wide council on special education meetings; and (3) prepare briefing materials and other related informational materials for such meetings. The city-wide council on special education shall be responsible for the appointment, supervision, evaluation and discharge of the secretary.

e. No person may serve on both the city-wide council on special education and a community district education council. A member of the city-wide council on special education shall be ineligible to be employed by such council, any community district education council, or the city board. No person shall be eligible for membership on the city-wide council on special education if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

A person who has been convicted of a felony, or has been removed from the city-wide council on special education, a community school board, or community district education council for any of the following shall be permanently ineligible for appointment to the city-wide council on special education: (1) an act of malfeasance directly related to his or her service on such city-wide council on special education, community school board or community district education council; or (2) conviction of a crime, if such crime is directly related to his or her service upon such city-wide council on special education, community school board or community district education council.

f. (1) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of the city-wide council on special education 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 special education shall declare a vacancy to the chancellor.

(2)] C. Vacancies shall be filled for an unexpired term by the city-wide council on special education, pursuant to a process developed by the chancellor that shall include consultation with parents of students [who receive services pursuant to article eighty-nine of this chapter]

WITH INDIVIDUALIZED EDUCATIONAL PROGRAMS; PROVIDED HOWEVER, THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

5. (A) THERE SHALL BE A CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS CREATED PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS SHALL CONSIST OF ELEVEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS:

(I) NINE VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS WHO ARE IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM CONDUCTED PURSUANT TO SECTION THIRTY-TWO HUNDRED FOUR OF THIS CHAPTER, TO BE SELECTED BY PARENTS OF STUDENTS WHO RECEIVE SUCH SERVICES PURSUANT TO A REPRESENTATIVE PROCESS DEVELOPED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM;

(II) TWO VOTING MEMBERS APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK, WHO SHALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND KNOWLEDGE IN THE EDUCATION OF ENGLISH LANGUAGE LEARNERS AND WILL MAKE A SIGNIFICANT CONTRIBUTION TO IMPROVING BILINGUAL AND ENGLISH AS A SECOND LANGUAGE PROGRAMS IN THE CITY DISTRICT. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM; AND

(III) ONE NON-VOTING MEMBER WHO IS A HIGH SCHOOL SENIOR WHO IS OR HAS BEEN IN A BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAM, APPOINTED BY THE ADMINISTRATOR DESIGNATED BY THE CHANCELLOR TO SUPERVISE SUCH PROGRAMS. SUCH MEMBER SHALL SERVE A ONE YEAR TERM.

(B) THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS SHALL HAVE THE POWER TO:

(I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY INVOLVING BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAMS;

(II) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT IN PROVIDING SERVICES TO ENGLISH LANGUAGE LEARNERS AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

(III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING ENGLISH LANGUAGE LEARNERS.

(C) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS WHO RECEIVE SERVICES FOR ENGLISH LANGUAGE LEARNERS; PROVIDED HOWEVER, THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

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

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

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

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

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

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

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

(B) THE CITY-WIDE COUNCIL ON HIGH SCHOOLS SHALL HAVE THE POWER TO:

(I) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY INVOLVING HIGH SCHOOLS;

(II) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT IN PROVIDING SERVICES TO HIGH SCHOOL STUDENTS AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND

(III) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING HIGH SCHOOLS.

(C) 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 ATTENDING PUBLIC HIGH SCHOOL; PROVIDED, HOWEVER, THAT WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY THE PUBLIC ADVOCATE, THE PUBLIC ADVOCATE SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

7. (A) MEMBERS OF THE CITY-WIDE COUNCILS ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE CITY-WIDE COUNCIL ON WHICH THEY SERVE.

(B) EACH SUCH CITY-WIDE COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS:

(I) PREPARE MEETING NOTICES, AGENDAS AND MINUTES;

(II) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND MEETINGS; AND

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

EACH CITY-WIDE COUNCIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY.

(C) NO PERSON MAY SERVE AT THE SAME TIME ON MORE THAN ONE CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION, NOR MAY ANY PERSON SERVE AT THE SAME TIME ON SUCH A CITY-WIDE COUNCIL AND ANY COMMUNITY DISTRICT EDUCATION COUNCIL.

(D) A MEMBER OF A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION SHALL BE INELIGIBLE TO BE EMPLOYED BY ANY SUCH COUNCIL, ANY COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD.

(E) NO PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF

DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE.

(F) A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED FROM A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION OR COMMUNITY DISTRICT EDUCATION COUNCIL FOR ANY OF THE FOLLOWING SHALL BE PERMANENTLY INELIGIBLE FOR APPOINTMENT TO A CITY-WIDE COUNCIL:

(I) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON SUCH CITY-WIDE COUNCIL OR COMMUNITY DISTRICT EDUCATION COUNCIL; OR

(II) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR HER SERVICE UPON SUCH CITY-WIDE COUNCIL OR COMMUNITY DISTRICT EDUCATION COUNCIL.

(G) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS LAW CREATING A VACANCY, A MEMBER OF A CITY-WIDE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF SUCH CITY-WIDE 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 SUCH CITY-WIDE COUNCIL SHALL DECLARE A VACANCY TO THE CHANCELLOR.

S 2. Section 2590-c of the education law, as added by chapter 123 of the laws of 2003, is amended to read as follows:

S 2590-c. Composition of community district education councils. 1. Each community district shall be governed by a community district education council. The community councils shall consist of eleven voting members and one non-voting member, as follows:

(a) Nine voting members shall be parents whose children are attending a school under the jurisdiction of the community district, OR HAVE ATTENDED A SCHOOL UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT WITHIN THE PRECEDING TWO YEARS, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two years. PRESIDENTS AND OFFICERS OF PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS WHO ARE CANDIDATES IN THE SELECTION PROCESS PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE TO CAST VOTES IN SUCH SELECTION PROCESS. THE ASSOCIATION SHALL ELECT A MEMBER TO VOTE IN THE PLACE OF EACH SUCH PRESIDENT OR OFFICER FOR THE PURPOSES OF THE SELECTION PROCESS.

(b) Two voting members shall be appointed by the borough presidents corresponding to such district. Such appointees shall be residents of, or own or operate a business in, the district and shall be individuals with extensive business, trade, or education experience and knowledge, who will make a significant contribution to improving education in the district. Such members shall serve for a term of two years and may only be reappointed for one additional two year term.

(c) One non-voting member who is a high school senior residing in the district, appointed by the superintendent from among the elected student leadership. Such member shall serve for a one year term.

Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the community council.

2. For the initial community council, such members must be selected on or before October thirty-first, two thousand three, with terms commencing on December first, two thousand three. Thereafter, commencing in May of two thousand five, the selection of community council members shall occur on the second Tuesday in May, with terms commencing on the following July first.

3. Each such council shall select one of its voting members to serve as chair.

4. 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: (a) prepare meeting notices, agendas and minutes; (b) record and maintain accounts of proceedings and other council meetings; and (c) 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.

5. No person may serve on more than one community council or on [both] the city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, OR THE CITY-WIDE COUNCIL ON HIGH SCHOOLS and a community council. A member of a community council shall be ineligible to be employed by the community council of which he or she is a member, any other community council, the city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, or the city board. No person shall be eligible for membership on a community council if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

A person who has been convicted of a felony, or has been removed from a community school board, community district education council, or the city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, OR THE CITY-WIDE COUNCIL ON HIGH SCHOOLS for any of the following shall be permanently ineligible for appointment to any community district education council: (a) an act of malfeasance directly related to his or her service on [such] THE city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, community school board or community district education council; or (b) conviction of a crime, if such crime is directly related to his or her service upon [such] THE city-wide council on special education, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS, THE CITY-WIDE COUNCIL ON HIGH SCHOOLS, community school board or community district education council.

Any decision rendered by the chancellor or the city board with respect to the eligibility or qualifications of the nominees for community district education councils must be written and made available for public inspection within seven days of its issuance at the office of the chancellor and the city board. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member who participated in the decision, if applicable.

6. (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 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 community council shall declare a vacancy to the chancellor.

(b) (1) Vacancies IN POSITIONS THAT WERE NOT APPOINTED BY A BOROUGH PRESIDENT 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.

(2) IF SUCH VACANCY RESULTS IN THE COUNCIL NOT HAVING AT LEAST ONE MEMBER WHO IS A PARENT OF A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, OR RESULTS IN THE COUNCIL NOT HAVING AT LEAST ONE MEMBER WHO IS A PARENT OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE COMMUNITY COUNCIL SHALL SELECT A PARENT HAVING SUCH QUALIFICATIONS TO FILL THE VACANCY.

(c) If the vacancy is not filled by the community council within sixty days after it is declared due to a tie vote for such appointment, the chancellor shall vote with the community council, to break such tie vote. If the community 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 council to do so pursuant to section twenty-five hundred ninety-1 of this article.

(D) WHERE A VACANCY OCCURS IN A POSITION APPOINTED BY A BOROUGH PRESIDENT, THE BOROUGH PRESIDENT SHALL APPOINT A MEMBER TO SERVE THE REMAINDER OF THE UNEXPIRED TERM.

7. (a) Each community council shall prepare and submit to the city board a performance report every month. The information provided shall include community council members' attendance records; participation in community council committees and other community council activities; visits to schools; and voting records on major issues before the community council.

(b) The city board shall review and consolidate the performance reports into one comprehensive city district-wide report, which shall be disseminated to the community and the media semiannually.

8. The chancellor shall: (a) develop a process to ensure a uniform election process for parent associations and parent-teacher associations. Such process shall ensure uniformity with respect to timing of elections and the structure and size of the body.

(b) develop a process for nomination of candidates for community council membership. Such process will outline in detail the procedure which must be followed to present a name for consideration, [shall prohibit officers of any parent association or parent-teacher association from being nominated,] may include qualifications and prohibitions in addition to those outlined in this section and may allow for an interview process for nominees.

(c) develop selection procedures for community council members which shall attempt to ensure membership that reflects a representative cross-section of the communities within the school district and diversity of the student population including those with particular educational needs, shall include consideration of the enrollment figures within each community district and the potential disparity of such enrollment from school to school within the district, and shall ensure that, to the extent possible, a school may have no more than one parent representative on the community council. SUCH PROCEDURES SHALL ENSURE THAT AT LEAST ONE POSITION ON THE COMMUNITY COUNCIL IS FILLED BY A PARENT OF A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, AND AT LEAST ONE POSITION IS FILLED BY A PARENT OF A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM, AND SHALL ALLOW FOR THE SEVEN REMAINING POSITIONS TO BE FILLED BY PARENTS WHO ARE OTHERWISE ELIGIBLE.

(d) promulgate rules and regulations requiring financial disclosure by the nominees and policies prohibiting political endorsements of and campaign contributions to nominees.

(e) beginning in January of each school year and continuing until the date of selection, ensure the distribution of guides to parents in addition to information regarding community council roles, functions, and activities, including upcoming parents' association and parent-teacher association elections, candidate information, and the nature of the selection process.

Prior to the adoption of the processes, procedures, rules or regulations set forth in this subdivision, the chancellor shall ensure that there is an inclusive public process which allows for sufficient public input from parents and the community including public hearings. All such processes, procedures, rules or regulations must be final in sufficient time to assure for an orderly implementation and notification of such processes, procedures, rules or regulations to allow for full community participation in the nomination and selection processes and procedures.

S 3. Subdivision 1 of section 2590-d of the education law, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

1. The city board and the chancellor shall prescribe such by-laws and regulations as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE. THE CITY BOARD BY-LAWS SHALL INCLUDE A PROCESS BY WHICH ANY MEMBER OF THE CITY BOARD MAY REQUEST THAT ITEMS BE PLACED ON THE CITY BOARD'S AGENDA. SUCH REQUEST MAY BE MADE AT A CITY BOARD REGULAR PUBLIC MEETING OR PRIOR TO SUCH MEETING. IF A MEMBER OF THE CITY BOARD REQUESTS THAT AN ITEM BE PLACED ON THE AGENDA AT A REGULAR PUBLIC MEETING OF THE CITY BOARD, THEN THE CHAIRPERSON SHALL RESPOND TO THE REQUEST AT SUCH MEETING. IF A MEMBER OF THE CITY BOARD REQUESTS THAT AN ITEM BE PLACED ON THE AGENDA AT ANY TIME PRIOR TO A REGULAR PUBLIC MEETING OF THE CITY BOARD, THEN THE CHAIRPERSON SHALL RESPOND TO THE REQUEST AT ANY TIME PRIOR TO THE SUBSEQUENT REGULAR PUBLIC MEETING. Said by-laws and regulations shall be published and indexed and revised at least annually. Copies of such by-laws and regulations shall be made available for public inspection VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE, at the offices of the city board, each community council, the office of the commissioner of education, and the legislative library in Albany, and at such other places as the city board may deem proper.

S 4. Section 2590-e of the education law is amended by adding two new subdivisions 20 and 21 to read as follows:

20. CONSULT ON THE SELECTION OF A COMMUNITY SUPERINTENDENT PURSUANT TO SUBDIVISION THIRTY OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

21. HOLD A JOINT PUBLIC HEARING WITH THE CHANCELLOR OR DEPUTY CHANCELLOR, OR IN THE CASE OF A PROPOSED SIGNIFICANT CHANGE IN SCHOOL UTILIZATION THE CHANCELLOR OR HIS OR HER DESIGNEE, AND THE IMPACTED SCHOOL BASED MANAGEMENT TEAM REGARDING ANY PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, OF ANY PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT PURSUANT TO SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

S 5. Section 2590-f of the education law, as added by chapter 720 of the laws of 1996, paragraphs (s) and (t) of subdivision 1 and subdivisions 2 and 3 as amended and paragraph (u) of subdivision 1 as added by chapter 123 of the laws of 2003, is amended 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 COMMUNITY superintendent shall have the following powers and duties AS SUPERINTENDENT OF SCHOOLS FOR THE COMMUNITY DISTRICT, WHICH SHALL BE EXERCISED IN A MANNER TO ENSURE THE IMPLEMENTATION OF ALL PROVISIONS OF LAW, RULES AND REGULATIONS RELATING TO THE MANAGEMENT OF THE SCHOOLS AND THE DELIVERY OF INSTRUCTIONAL SERVICES:

(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 her or his powers and duties to such subordinate officers or employees of her or his community district as she or he deems appropriate, AT HIS OR HER SOLE DISCRETION, 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 SCREENING committee [including parents, teachers, and school support personnel, who shall be selected and shall operate in a manner prescribed by chancellor's regulations] CONSISTENT WITH REGULATIONS OF THE CHANCELLOR ESTABLISHING A PROCESS THAT PROMOTES PARENTAL AND STAFF INVOLVEMENT IN THE RECRUITMENT, SCREENING, INTERVIEWING AND RECOMMENDATION OF CANDIDATES AND CONSISTENT WITH QUALIFICATIONS ESTABLISHED THROUGH CHANCELLOR'S REGULATIONS.

(e) to appoint or reject the principal AND ASSISTANT 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] CONSISTENT WITH REGULATIONS OF THE CHANCELLOR ESTABLISHING A PROCESS THAT PROMOTES PARENTAL AND STAFF INVOLVEMENT IN THE RECRUITMENT, SCREENING, INTERVIEWING AND RECOMMENDATION OF CANDIDATES, AND AFTER CONSULTING WITH MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAM. CANDIDATES MUST MEET THE REQUIREMENTS OF REGULATIONS OF THE CHANCELLOR ESTABLISHING EDUCATIONAL, MANAGERIAL, AND ADMINISTRATIVE QUALIFICATIONS, INCLUDING EVALUATION OF EACH CANDIDATE'S RECORD OF PERFORMANCE IN COMPARABLE POSITIONS AND SHALL BE SUBJECT TO THE CHANCELLOR'S POWER TO REJECT SUCH APPOINTMENTS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

(f) to SUPERVISE AND 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, DEVELOPING AN EFFECTIVE SHARED DECISION-MAKING RELATIONSHIP WITH THE SCHOOL BASED MANAGEMENT TEAM, and maintaining school discipline; THE COMMUNITY SUPERINTENDENT SHALL HAVE ACCESS TO ALL SCHOOL RECORDS THAT HE OR SHE DEEMS NECESSARY AND SHALL CONSIDER COMMENTS CONTAINED WITHIN AN ASSESSMENT MADE BY THE SCHOOL BASED MANAGEMENT TEAM, PURSUANT TO SUBPARAGRAPH (VII) OF PARAGRAPH (B-1) OF SUBDIVISION FIFTEEN OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, WHEN CARRYING OUT SUCH EVALUATIONS.

(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, PROVIDED HOWEVER, THAT THE COMMUNITY SUPERINTENDENT SHALL ONLY APPROVE A SCHOOL-BASED BUDGET PROPOSAL AFTER CERTIFYING THAT IT IS SUFFICIENTLY ALIGNED WITH ITS CORRESPONDING SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN. THE COMMUNITY SUPERINTENDENT SHALL PRESCRIBE THE FORM AND MANNER IN WHICH PRINCIPALS MUST SUBMIT WRITTEN JUSTIFICATION TO DEMONSTRATE THAT THE PROPOSED SCHOOL-BASED BUDGET IS ALIGNED WITH THE SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN, AND SHALL ALSO INCLUDE A PROVISION ALLOWING FOR THE SCHOOL BASED MANAGEMENT TEAM TO RESPOND TO SUCH JUSTIFICATION. THE COMMUNITY SUPERINTENDENT SHALL CONSIDER THE PRINCIPAL'S WRITTEN JUSTIFICATION, ALONG WITH ANY RESPONSE PROVIDED BY THE SCHOOL BASED MANAGEMENT TEAM, PRIOR TO MAKING SUCH CERTIFICATION.

(H-1) TO ESTABLISH A PROCESS THAT ALLOWS FOR SCHOOL BASED MANAGEMENT TEAM MEMBERS, OTHER THAN THE PRINCIPAL, TO DISPUTE ANY DECISION MADE BY THE PRINCIPAL WHERE SUCH TEAM MEMBERS REACH A CONSENSUS THAT THE DECISION IS INCONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THEIR SCHOOL'S EXISTING COMPREHENSIVE EDUCATIONAL PLAN. THE COMMUNITY SUPERINTENDENT SHALL PROVIDE A WRITTEN RESPONSE TO THE SCHOOL BASED MANAGEMENT TEAM AND THE PRINCIPAL THAT INCLUDES THE INFORMATION REVIEWED AND THE BASIS FOR THE COMMUNITY SUPERINTENDENT'S DECISION REGARDING SUCH DISPUTE.

(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 section twenty-five hundred ninety-h of this article, for services and supplies provided by the chancellor, the COMMUNITY superintendent, or purchased by the schools, and to provide for minor repairs to all school buildings and other buildings and sites under the district's jurisdiction.

(k) subject to subdivision three of section twenty-five hundred ninety-e of this article and this section, to approve or disapprove matters relating to the instruction of students, including the power to disapprove school choices with respect to selection of textbooks and other instructional materials.

(l) (1) TO PROVIDE ASSISTANCE AND DIRECT SUPPORT TO PARENTS IN ACCESSING INFORMATION, ADDRESSING CONCERNS AND RESPONDING TO COMPLAINTS RELATING TO THEIR CHILD'S EDUCATION THAT CANNOT BE RESOLVED AT THE SCHOOL LEVEL.

(2) to operate administrative offices and similar facilities, including social centers, and recreational and extracurricular programs, under the district's jurisdiction, and the duty to support the operation of school facilities. THE COMMUNITY SUPERINTENDENT SHALL ESTABLISH A CENTRAL OFFICE WITHIN THE DISTRICT AND HIRE AND SUPERVISE SUFFICIENT STAFF TO DIRECTLY INTERACT WITH PARENTS, RESPOND TO INFORMATION REQUESTS, RECEIVE INPUT AND COMMENTS, ASSIST THE COMMUNITY SUPERINTENDENT IN RESOLVING COMPLAINTS IN A TIMELY MANNER, AND WORK TO DEVELOP A COOPERATIVE RELATIONSHIP WITH PARENTS AND THE SCHOOL COMMUNITY.

(m) subject to regulations or resolutions of the city board, to operate cafeteria or restaurant services for pupils and teachers and for the use by the community for school related functions and activities and to furnish meals to the elderly, sixty years of age or older, of the district. Charges shall be sufficient to meet the direct cost of preparing and serving such meals, reducible by available reimbursements.

(n) to maintain discipline in the educational and other facilities under the jurisdiction of the district, including the duty to assist the schools in maintaining discipline.

(o) to employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be the district's attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter; provided, however, that in actions or proceedings between community districts or between a community district and the city board, each community district may be represented by its own counsel.

(p) in compliance with rules and regulations of the commissioner, promulgated pursuant to section one hundred one-a of this chapter, to give written notice to the family court pursuant to subdivision three of section seven hundred fifty-eight-a and subdivision three of section 353.6 of the family court act of the desire of any school under the jurisdiction of the community district to act in the supervision of certain juveniles while performing services for the public good.

(q) to take all necessary steps to ensure the integrity of community district operations, consistent with STANDARDS, POLICIES, OBJECTIVES, AND regulations [promulgated by the chancellor and the city board] OF THE CITY DISTRICT.

(r) where so authorized by the chancellor, to exercise the chancellor's powers under subdivision thirty-one of section twenty-five hundred ninety-h of this article.

(s) to provide written notice and other related information described in [paragraph (b) of] subdivision [four] FORTY-EIGHT of section twenty-five hundred [ninety-c] NINETY-H of this article to every parent of a child, including a child with a disability, attending a school under the jurisdiction of his or her community district education council as directed by the chancellor.

(t) notwithstanding any provisions of law to the contrary, to exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter pursuant to a delegation of the chancellor under section twenty-five hundred ninety-h of this article.

(u) to provide relevant data to the community district education council to encourage informed and adequate public discussion on student achievement and the state of each school within the district.

(V) TO HOLD AT LEAST TWO PUBLIC FORUMS WITHIN THE DISTRICT, DURING EACH SCHOOL YEAR, FOR THE PURPOSE OF REPORTING ON THE DISTRICT'S PERFORMANCE, INCLUDING PROGRESS MADE TOWARD ACHIEVING THE DISTRICT COMPREHENSIVE EDUCATIONAL PLAN GOALS, DISCUSSING PLANS FOR IMPROVEMENT, AND RECEIVING PARENTAL AND COMMUNITY COMMENTS AND CONCERNS; THE COMMUNITY SUPERINTENDENT SHALL ENSURE THAT NOTICE FOR THE PUBLIC FORUMS IS POSTED IN A MANNER TO MAXIMIZE THE PARTICIPATION OF PARENTS, STUDENTS AND SCHOOL PERSONNEL AND IS SPECIFICALLY CIRCULATED TO MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAMS, COMMUNITY DISTRICT EDUCATION COUNCIL AND THE RELEVANT COMMUNITY BOARDS.

(W) TO PROVIDE NOTICE OF ANY PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE RECONFIG-

URATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOR ANY PUBLIC SCHOOL WITHIN THE COMMUNITY DISTRICT TO ALL IMPACTED PARENTS, INCLUDING INFORMATION AS TO WHERE A COPY OF THE EDUCATIONAL IMPACT STATEMENT, OR REVISED EDUCATIONAL IMPACT STATEMENT IF APPLICABLE, MAY BE OBTAINED AND THE DATE OF ANY HEARING ON SUCH SCHOOL CLOSURE OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION PURSUANT TO SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

2. In exercising such powers and duties each community superintendent shall comply with all applicable provisions of law, by-laws, rules or regulations, directives or agreements of the chancellor and his or her community district education council and with the city-wide 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 PROVIDED HOWEVER, THAT THE CHANCELLOR SHALL ENSURE THAT COMMUNITY SUPERINTENDENTS ARE ASSIGNED TO TASKS PREDOMINANTLY WITHIN THEIR OWN COMMUNITY DISTRICTS AND THAT IN NO EVENT SHALL COMMUNITY SUPERINTENDENTS BE ASSIGNED ANY TASK WHICH WOULD IMPAIR THEIR ABILITY TO EXERCISE THE POWERS AND DUTIES ENUMERATED WITHIN THIS SECTION, SUCH AS RESPONDING TO PARENTAL COMMENTS AND CONCERNS, APPOINTING AND EVALUATING PRINCIPALS, APPROVING SCHOOL-BASED BUDGETS, OVERSEEING EDUCATIONAL INSTRUCTION, PROVIDING ACCESS TO INFORMATION AND ASSISTING WITH RESOLVING COMPLAINTS.

3. No person who has served as a member of a community district education council may be employed by that board or the COMMUNITY 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.

S 6. Section 2590-g of the education law, as amended by chapter 91 of the laws of 2002, subdivision 4 as amended by chapter 123 of the laws of 2003, is amended 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 school district and its pupils. The board shall exercise no executive power and perform no executive or administrative functions. Nothing herein contained 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. The board shall have the power and duty to:

1. (a) approve standards, policies, AND objectives[, and regulations] proposed by the chancellor directly related to educational achievement and student performance; [and]

(b) consider and approve any other standards, policies, AND objectives[, and regulations] as specifically authorized or required by state or federal law or regulation;

(C) APPROVE ALL REGULATIONS PROPOSED BY THE CHANCELLOR OR THE CITY BOARD AND ANY AMENDMENTS MADE THERETO;

(D) APPROVE THE EDUCATIONAL FACILITIES CAPITAL PLAN, AND ANY AMENDMENTS REQUIRING CITY BOARD APPROVAL PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-P OF THIS ARTICLE, FOLLOWING ANY APPLICABLE HEARINGS CONDUCTED BY THE COMMUNITY DISTRICT EDUCATION COUNCILS;

(E) APPROVE ANNUAL ESTIMATES OF THE TOTAL SUM OF MONEY WHICH IT DEEMS NECESSARY FOR THE OPERATION OF THE CITY DISTRICT AND THE CAPITAL BUDGET PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Q OF THIS ARTICLE;

(F) APPROVE THE ALLOCATION OF PROJECTED REVENUES AMONG COMMUNITY DISTRICTS AND THEIR SCHOOLS PURSUANT TO SUBDIVISION A OF SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE AND TO APPROVE THE AGGREGATION OF THE COMMUNITY DISTRICT BUDGETS, WITH A PROPOSED BUDGET FOR ADMINISTRATIVE AND OPERATIONAL EXPENDITURES OF THE CITY BOARD AND THE CHANCELLOR, FOLLOWING A PUBLIC HEARING PURSUANT TO SUBDIVISION F OF SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE;

(G) APPROVE A PROCUREMENT POLICY FOR THE CITY DISTRICT, AND ANY AMENDMENTS MADE THERETO, DEVELOPED PURSUANT TO SUBDIVISION THIRTY-SIX OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE; AND

(H) APPROVE PROPOSALS FOR ALL SCHOOL CLOSURES OR SIGNIFICANT CHANGES IN SCHOOL UTILIZATION INCLUDING THE PHASE-OUT, GRADE RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOLLOWING ANY HEARING PURSUANT TO SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE.

2. for all purposes, be the government or public employer of all persons appointed or assigned by the city board or the community districts; provided, however, that the chancellor shall have the authority to appoint staff pursuant to subdivision forty-one of section twenty-five hundred ninety-h of this article;

2-A. ADOPT A POLICY PROPOSED BY THE CHANCELLOR THAT PROMOTES THE RECRUITMENT AND RETENTION OF A WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT AND SCHOOL LEVEL THAT CONSIDERS THE DIVERSITY OF THE STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE CITY DISTRICT. THE CITY BOARD SHALL REVIEW AT A REGULAR PUBLIC MEETING AN ANNUAL REPORT ISSUED BY THE CHANCELLOR OUTLINING THE INITIATIVES TAKEN TO ENHANCE DIVERSITY AND EQUITY IN RECRUITMENT AND RETENTION AND THE IMPACTS OF SUCH INITIATIVES TO THE WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT AND SCHOOL LEVEL;

3. serve as the appeal board as provided in section twenty-five hundred ninety-l of this article, and subject to such powers, duties, and restrictions as were in effect before the effective date of this section;

4. subject to the provisions of section twenty-five hundred ninety-i of this article, maintain such jurisdiction over city-wide educational policies governing the special, academic, vocational, and other high schools authorized by this article before the effective date of this section as the respective community district education councils maintain over the schools within their jurisdiction, which shall not be construed to require or authorize the day-to-day supervision or the administration of the operations of such schools.

5. [Approve contracts that would significantly impact the provision of educational services or programming within the district.] (A) APPROVE ANY CONTRACT AWARDED BY THE CITY DISTRICT OR THE COMMUNITY DISTRICTS WHERE:

(I) SUCH CONTRACT WAS LET BY A PROCUREMENT METHOD OTHER THAN COMPETITIVE SEALED BIDDING PURSUANT TO SUBDIVISION THIRTY-SIX OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO COMPETITIVE SEALED PROPOSALS, OR SOLE SOURCE CONTRACTS;

(II) SUCH CONTRACT PROVIDES FOR TECHNICAL, CONSULTANT OR PERSONAL SERVICES;

(III) THE VALUE OF SUCH CONTRACT EXCEEDS, OR PROJECTS AN ANNUAL EXPENDITURE EXCEEDING ONE MILLION DOLLARS; OR

(IV) THE VALUE OF ANY CONTRACTS AWARDED TO A SINGLE ENTITY EXCEEDS ONE MILLION DOLLARS ANNUALLY;

(B) APPROVE ALL FRANCHISES, REVOCABLE CONSENTS, AND CONCESSIONS AWARDED BY THE CITY DISTRICT OR THE COMMUNITY DISTRICTS.

(C) NOTWITHSTANDING PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, CITY BOARD APPROVAL SHALL NOT BE REQUIRED FOR ANY CONTRACT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION OR ANY OTHER FEDERAL AGENCY, IF THE PRICE IS LOWER THAN THE PREVAILING MARKET PRICE, OR THE NEW YORK STATE OFFICE OF GENERAL SERVICES OR ANY OTHER STATE AGENCY, IF THE PRICE IS LOWER THAN THE PREVAILING MARKET PRICE, OR FOR ANY CONTRACT MADE DIRECTLY BY AN INDIVIDUAL SCHOOL.

6. Approve litigation settlements only when such settlement would significantly impact the provision of educational services or programming within the district.

6-A. APPROVE BY-LAWS FOR THE CITY BOARD PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-D OF THIS ARTICLE.

7. ALL ITEMS REQUIRING CITY BOARD APPROVAL SHALL BE BY A PUBLIC VOTE AT A REGULAR PUBLIC MEETING, CONSISTENT WITH THE REQUIREMENTS CONTAINED WITHIN SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-B OF THIS ARTICLE, AND SUCH ITEMS SHALL NOT BECOME EFFECTIVE UNTIL AFTER SUCH VOTE OCCURS EXCEPT AS EXPRESSLY AUTHORIZED IN SUBDIVISION NINE OF THIS SECTION.

8. (A) PRIOR TO THE APPROVAL OF ANY PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION, UNDERTAKE A PUBLIC REVIEW PROCESS TO AFFORD THE PUBLIC AN OPPORTUNITY TO SUBMIT COMMENTS ON THE PROPOSED ITEM. SUCH PUBLIC REVIEW PROCESS SHALL INCLUDE NOTICE OF THE ITEM UNDER CITY BOARD CONSIDERATION WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, AND SPECIFICALLY CIRCULATED TO ALL COMMUNITY SUPERINTENDENTS, COMMUNITY DISTRICT EDUCATION COUNCILS, COMMUNITY BOARDS, AND SCHOOL BASED MANAGEMENT TEAMS, AT LEAST FORTY-FIVE DAYS IN ADVANCE OF ANY CITY BOARD VOTE ON SUCH ITEM. NOTICE OF THE PROPOSED ITEM UNDER CITY BOARD CONSIDERATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE SUBJECT, PURPOSE AND SUBSTANCE OF THE PROPOSED ITEM UNDER CONSIDERATION;

(II) INFORMATION REGARDING WHERE THE FULL TEXT OF THE PROPOSED ITEM MAY BE OBTAINED;

(III) THE NAME, OFFICE, ADDRESS, EMAIL AND TELEPHONE NUMBER OF A CITY DISTRICT REPRESENTATIVE, KNOWLEDGEABLE ON THE ITEM UNDER CONSIDERATION, FROM WHOM ANY INFORMATION MAY BE OBTAINED CONCERNING SUCH ITEM;

(IV) DATE, TIME AND PLACE OF ANY HEARING REGARDING THE PROPOSED ITEM, IF APPLICABLE;

(V) DATE, TIME AND PLACE OF THE CITY BOARD MEETING AT WHICH THE CITY BOARD WILL VOTE ON THE PROPOSED ITEM; AND

(VI) INFORMATION ON HOW TO SUBMIT WRITTEN OR ORAL COMMENTS REGARDING THE ITEM UNDER CONSIDERATION.

(B) IN THE EVENT THAT A PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION IS SUBSTANTIALLY REVISED AT ANY TIME FOLLOWING THE PUBLIC NOTICE PROVIDED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE CITY BOARD SHALL ISSUE A REVISED PUBLIC NOTICE. SUCH REVISED NOTICE SHALL BE AVAILABLE AT LEAST FIFTEEN DAYS IN ADVANCE OF ANY CITY BOARD VOTE ON THE PROPOSED ITEM, BUT IN NO EVENT SHALL THE CITY BOARD VOTE ON ANY SUCH ITEM WITHIN FORTY-FIVE DAYS FROM THE INITIAL PUBLIC NOTICE PROVIDED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. REVISED PUBLIC NOTICE OF THE ITEM UNDER CITY BOARD CONSIDERATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE SUBJECT, PURPOSE AND SUBSTANCE OF THE REVISED ITEM UNDER CONSIDERATION;

(II) IDENTIFICATION OF ALL SUBSTANTIAL REVISIONS TO THE ITEM;

(III) A SUMMARY OF ALL PUBLIC COMMENTS RECEIVED ON SUCH ITEM FOLLOWING THE INITIAL PUBLIC NOTICE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION;

(IV) INFORMATION REGARDING WHERE THE FULL TEXT OF THE REVISED ITEM MAY BE OBTAINED;

(V) THE NAME, OFFICE, ADDRESS, EMAIL AND TELEPHONE NUMBER OF A CITY DISTRICT REPRESENTATIVE, KNOWLEDGEABLE ON THE ITEM UNDER CONSIDERATION, FROM WHOM ANY INFORMATION MAY BE OBTAINED CONCERNING SUCH ITEM;

(VI) DATE, TIME AND PLACE OF ANY HEARING REGARDING THE ITEM, IF APPLICABLE;

(VII) DATE, TIME AND PLACE OF THE CITY BOARD MEETING AT WHICH THE CITY BOARD WILL VOTE ON THE ITEM; AND

(VIII) INFORMATION ON HOW TO SUBMIT WRITTEN OR ORAL COMMENTS REGARDING THE ITEM UNDER CONSIDERATION.

(C) FOLLOWING THE PUBLIC REVIEW PROCESS PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION BUT PRIOR TO VOTING ON ANY PROPOSED ITEM LISTED IN SUBDIVISION ONE OF THIS SECTION, THE CITY BOARD SHALL MAKE AVAILABLE TO THE PUBLIC, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE, AN ASSESSMENT OF ALL PUBLIC COMMENTS CONCERNING THE ITEM UNDER CONSIDERATION RECEIVED PRIOR TO TWENTY-FOUR HOURS BEFORE THE CITY BOARD MEETING AT WHICH SUCH ITEM IS SUBJECT TO A VOTE. SUCH ASSESSMENT SHALL INCLUDE:

(I) A SUMMARY AND AN ANALYSIS OF THE ISSUES RAISED AND SIGNIFICANT ALTERNATIVES SUGGESTED;

(II) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVES WERE NOT INCORPORATED INTO THE PROPOSED ITEM;

(III) A DESCRIPTION OF ANY CHANGES MADE TO THE PROPOSED ITEM AS A RESULT OF PUBLIC COMMENTS RECEIVED; AND

(IV) INFORMATION AS TO WHERE THE FULL TEXT OF ANY APPROVED ITEM MAY BE OBTAINED.

9. IN THE EVENT THE CITY BOARD OR THE CHANCELLOR DETERMINES THAT IMMEDIATE ADOPTION OF ANY ITEM REQUIRING CITY BOARD APPROVAL IS NECESSARY FOR THE PRESERVATION OF STUDENT HEALTH, SAFETY OR GENERAL WELFARE AND THAT COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION SEVEN OR EIGHT OF THIS SECTION WOULD BE CONTRARY TO THE PUBLIC INTEREST, THEN SUCH PROPOSED ITEM MAY BE ADOPTED ON AN EMERGENCY BASIS. THE CITY BOARD OR CHANCELLOR SHALL PROVIDE WRITTEN JUSTIFICATION FOR SUCH DETERMINATION AND MAKE SUCH JUSTIFICATION PUBLICLY AVAILABLE INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEB SITE. EXCEPT AS EXPRESSLY AUTHORIZED FOR SCHOOL CLOSURES OR SIGNIFICANT CHANGES IN SCHOOL UTILIZATIONS PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE, ALL EMERGENCY ADOPTIONS SHALL ONLY REMAIN IN EFFECT FOR SIXTY DAYS, DURING SUCH TIME THE CITY BOARD SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION IN ORDER FOR THE ADOPTION OF THE ITEM TO BECOME PERMANENT.

10. RESPOND, AT A REGULAR PUBLIC MEETING, TO THE RECOMMENDATIONS RAISED IN THE ANNUAL REPORTS ISSUED BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, THE CITY-WIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS AND THE CITY-WIDE COUNCIL ON HIGH SCHOOLS.

11. CONDUCT AN ANNUAL SURVEY TO ALLOW PARENTS, TEACHERS AND SCHOOL PERSONNEL TO EVALUATE THE PERFORMANCE OF THE CITY BOARD AND THE CHANCELLOR WITH REGARDS TO CITY DISTRICT RESOURCES, OVERSIGHT AND CURRICULUM. THE RESULTS OF SUCH SURVEY SHALL BE MADE PUBLICLY AVAILABLE INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE.

12. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT AS REQUESTED BY THE DIRECTOR OF

THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK OR THE COMPTROLLER OF THE CITY OF NEW YORK, IN A TIMELY FASHION.

S 7. Section 2590-h of the education law, as amended by chapter 720 of the laws of 1996, the opening paragraph, subdivisions 16, 17, 18, 29, 36 and 37 as amended and subdivisions 16-a, 30, 38-a, 41, 42, 43, 45, 46 and 47 as added by chapter 91 of the laws of 2002, paragraph (a) of subdivision 1, subdivisions 2, 9, 11, 13, 15, 31, 38, 39, 40 and 44 as amended and paragraph (b-1) of subdivision 15 as added by chapter 123 of the laws of 2003, subdivision 20 as amended by chapter 100 of the laws of 2003 and paragraph (b) of subdivision 39 and paragraph (c) of subdivision 40 as amended by chapter 285 of the laws of 2007, is amended to read as follows:

S 2590-h. Powers and duties of chancellor. The office of chancellor of the city district is hereby continued. Such chancellor shall serve at the pleasure of and be employed by the mayor of the city of New York by contract. The length of such contract shall not exceed by more than two years the term of office of the mayor authorizing such contract. The chancellor shall receive a salary to be fixed by the mayor within the budgetary allocation therefor. He or she shall exercise all his or her powers and duties in a manner not inconsistent with the city-wide educational policies of the city board. The chancellor shall have the following powers and duties as the superintendent of schools and chief executive officer for the city district, which the chancellor shall exercise to promote an equal educational opportunity for all students in the schools of the city district, promote fiscal and educational equity, increase student achievement and school performance and encourage local school-based innovation, including the power and duty to:

1. Control and operate:

(a) academic and vocational senior high schools until such time as the same may be transferred to the jurisdiction of appropriate community district education councils pursuant to this article;

(b) all specialized senior high schools. The special high schools shall include the present schools known as:

The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, and such further schools which the city board may designate from time to time. The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(c) all special education programs and services conducted pursuant to this chapter;

(d) subject to the provisions of section twenty-five hundred ninety-i of this article, devolving powers to the schools, city-wide programs for city-wide services to a substantial number of persons from more than one community district, including transportation; food services; payroll and personnel functions, including pension and retirement services; and enforcement of laws and regulations promoting equal opportunity in employment, access to public accommodations and facilities, equal opportunity in education, and preventing and addressing unlawful discrimination; provided, however, that a community district may also operate within its district programs which provide similar services otherwise authorized by this article.

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such

schools and programs as he or she may determine; provided, however, that the chancellor shall consult with the affected community district education council before:

(a) substantially expanding or reducing such an existing school or program within a community district;

(b) initially utilizing a community district school or facility for such a school or program;

(c) instituting any new program within a community district.

2-A. (A) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, PREPARE AN EDUCATIONAL IMPACT STATEMENT REGARDING ANY PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, INCLUDING THE PHASE-OUT, GRADE RECONFIGURATION, RE-SITING, OR CO-LOCATION OF SCHOOLS, FOR ANY PUBLIC SCHOOL LOCATED WITHIN THE CITY DISTRICT.

(B) SUCH EDUCATIONAL IMPACT STATEMENT SHALL INCLUDE THE FOLLOWING INFORMATION REGARDING THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION:

(I) THE CURRENT AND PROJECTED PUPIL ENROLLMENT OF THE AFFECTED SCHOOL, THE PROSPECTIVE NEED FOR SUCH SCHOOL BUILDING, THE RAMIFICATIONS OF SUCH SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION UPON THE COMMUNITY, INITIAL COSTS AND SAVINGS RESULTING FROM SUCH SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, THE POTENTIAL DISPOSABILITY OF ANY CLOSED SCHOOL;

(II) THE IMPACTS OF THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION TO ANY AFFECTED STUDENTS;

(III) AN OUTLINE OF ANY PROPOSED OR POTENTIAL USE OF THE SCHOOL BUILDING FOR OTHER EDUCATIONAL PROGRAMS OR ADMINISTRATIVE SERVICES;

(IV) THE EFFECT OF SUCH SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION ON PERSONNEL NEEDS, THE COSTS OF INSTRUCTION, ADMINISTRATION, TRANSPORTATION, AND OTHER SUPPORT SERVICES;

(V) THE TYPE, AGE, AND PHYSICAL CONDITION OF SUCH SCHOOL BUILDING, MAINTENANCE, AND ENERGY COSTS, RECENT OR PLANNED IMPROVEMENTS TO SUCH SCHOOL BUILDING, AND SUCH BUILDING'S SPECIAL FEATURES;

(VI) THE ABILITY OF OTHER SCHOOLS IN THE AFFECTED COMMUNITY DISTRICT TO ACCOMMODATE PUPILS FOLLOWING THE SCHOOL CLOSURE OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION; AND

(VII) INFORMATION REGARDING SUCH SCHOOL'S ACADEMIC PERFORMANCE INCLUDING WHETHER SUCH SCHOOL HAS BEEN IDENTIFIED AS A SCHOOL UNDER REGISTRATION REVIEW OR HAS BEEN IDENTIFIED AS A SCHOOL REQUIRING ACADEMIC PROGRESS, A SCHOOL IN NEED OF IMPROVEMENT, OR A SCHOOL IN CORRECTIVE ACTION OR RESTRUCTURING STATUS.

(C) SUCH EDUCATIONAL IMPACT STATEMENT SHALL BE MADE PUBLICLY AVAILABLE, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, AND A COPY SHALL ALSO BE FILED WITH THE CITY BOARD, THE IMPACTED COMMUNITY COUNCIL, COMMUNITY BOARDS, COMMUNITY SUPERINTENDENT, AND SCHOOL BASED MANAGEMENT TEAM AT LEAST SIX MONTHS IN ADVANCE OF THE FIRST DAY OF SCHOOL IN THE SUCCEEDING SCHOOL YEAR.

(D) NO SOONER THAN THIRTY DAYS, BUT NO LATER THAN FORTY-FIVE DAYS FOLLOWING THE FILING OF THE EDUCATIONAL IMPACT STATEMENT, THE CHANCELLOR OR DEPUTY CHANCELLOR, OR IN THE CASE OF A PROPOSED SIGNIFICANT CHANGE IN SCHOOL UTILIZATION THE CHANCELLOR OR HIS OR HER DESIGNEE, SHALL HOLD A JOINT PUBLIC HEARING WITH THE IMPACTED COMMUNITY COUNCIL AND SCHOOL BASED MANAGEMENT TEAM, AT THE SCHOOL THAT IS SUBJECT TO THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION, AND SHALL ALLOW ALL INTERESTED PARTIES AN OPPORTUNITY TO PRESENT COMMENTS OR CONCERNS REGARDING THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION. THE CHANCELLOR SHALL ENSURE THAT NOTICE OF SUCH

HEARING IS WIDELY AND CONSPICUOUSLY POSTED IN SUCH A MANNER TO MAXIMIZE THE NUMBER OF AFFECTED INDIVIDUALS THAT RECEIVE NOTICE, INCLUDING PROVIDING NOTICE TO AFFECTED PARENTS AND STUDENTS, AND SHALL ALSO NOTIFY MEMBERS OF THE COMMUNITY BOARDS AND THE ELECTED STATE AND LOCAL OFFICIALS WHO REPRESENT THE AFFECTED COMMUNITY DISTRICT.

(D-1) SO LONG AS THE REVISED PROPOSAL DOES NOT IMPACT ANY SCHOOL OTHER THAN A SCHOOL THAT WAS IDENTIFIED IN THE INITIAL EDUCATIONAL IMPACT STATEMENT, THE CHANCELLOR, AFTER RECEIVING PUBLIC INPUT, MAY SUBSTANTIALLY REVISE THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION PROVIDED THAT THE CHANCELLOR SHALL PREPARE A REVISED EDUCATIONAL IMPACT STATEMENT, IN THE FORM PRESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION, AND PUBLISH AND FILE SUCH EDUCATIONAL IMPACT STATEMENT IN THE SAME MANNER AS PRESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION. NO SOONER THAN FIFTEEN DAYS FOLLOWING THE FILING OF SUCH REVISED EDUCATIONAL IMPACT STATEMENT, THE CHANCELLOR OR DEPUTY CHANCELLOR, OR IN THE CASE OF A SIGNIFICANT CHANGE IN SCHOOL UTILIZATION THE CHANCELLOR OR HIS OR HER DESIGNEE, SHALL HOLD A JOINT PUBLIC HEARING WITH THE IMPACTED COMMUNITY COUNCIL AND SCHOOL BASED MANAGEMENT TEAM, AT THE SCHOOL THAT IS SUBJECT TO THE PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION AND SHALL ALLOW ALL INTERESTED PARTIES AN OPPORTUNITY TO PRESENT COMMENTS AND CONCERNS REGARDING SUCH PROPOSAL. THE CHANCELLOR SHALL ENSURE THAT NOTICE OF SUCH HEARING IS WIDELY AND CONSPICUOUSLY POSTED IN SUCH A MANNER TO MAXIMIZE THE NUMBER OF AFFECTED INDIVIDUALS THAT RECEIVE NOTICE, INCLUDING PROVIDING NOTICE TO AFFECTED PARENTS AND STUDENTS, AND SHALL ALSO NOTIFY MEMBERS OF THE COMMUNITY BOARDS AND THE ELECTED STATE AND LOCAL OFFICIALS WHO REPRESENT THE AFFECTED COMMUNITY DISTRICT.

(E) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (F) OF THIS SUBDIVISION, ALL PROPOSED SCHOOL CLOSINGS OR SIGNIFICANT CHANGES IN SCHOOL UTILIZATION SHALL BE APPROVED BY THE CITY BOARD PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE AND SHALL NOT TAKE EFFECT UNTIL ALL THE PROVISIONS OF THIS SUBDIVISION HAVE BEEN SATISFIED AND THE SCHOOL YEAR IN WHICH SUCH CITY BOARD APPROVAL WAS GRANTED, HAS ENDED.

(F) IN THE EVENT THAT THE CHANCELLOR DETERMINES THAT A SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION IS IMMEDIATELY NECESSARY FOR THE PRESERVATION OF STUDENT HEALTH, SAFETY OR GENERAL WELFARE, THE CHANCELLOR MAY TEMPORARILY CLOSE A PUBLIC SCHOOL OR ADOPT A SIGNIFICANT CHANGE IN THE SCHOOL'S UTILIZATION ON AN EMERGENCY BASIS. SUCH EMERGENCY SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION SHALL ONLY REMAIN IN EFFECT FOR SIX MONTHS, DURING SUCH TIME THE CHANCELLOR SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION IN ORDER FOR SUCH SCHOOL CLOSURE OR SIGNIFICANT CHANGE IN SCHOOL UTILIZATION TO EXTEND BEYOND THE SIX MONTH PERIOD.

3. Subject to the approval of the city board, develop a plan to provide for the establishment of comprehensive high schools within the city district so that every community district shall have available to its graduates further education and a comprehensive high school. Such plan may provide for the conversion of academic and vocational high schools and may be amended or modified from time to time.

4. Appoint teacher-aides for the schools and programs under his or her jurisdiction within the budgetary allocation therefor.

5. Retain jurisdiction over all employees who are required in connection with the performance of duties with respect to the design, construction, operation and maintenance of all school buildings in the city school district. Such employees shall have all rights accorded them under the provisions of the civil service law, including manner of

appointment, classification, promotion, transfer and removal including an opportunity to be heard provided, however, that each custodian shall be responsible for the performance of his OR HER duties to the principal of the school who shall be responsible to the district superintendent.

6. Employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be his or her attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter; provided, however, that in actions or proceedings between the city board or the chancellor and one or more community boards, the city board or the chancellor shall be represented by the corporation counsel of the city of New York.

7. To continue existing voluntary programs or to establish new programs under which students may choose to attend a public school in another community district.

8. Promulgate minimum clear educational standards, curriculum requirements and frameworks, and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to

(i) compliance with such educational standards and other requirements, and

(ii) the educational effectiveness of such schools and programs, in a manner not inconsistent with the policies of the city board.

9. Furnish community district education councils and the city board periodically with the results of such examinations and evaluations and to make the same public.

10. Require each community superintendent to make an annual report covering all matters relating to schools under the district's jurisdiction including, but not limited to, the evaluation of the educational effectiveness of such schools and programs connected therewith.

11. Require such community district education council or superintendent to make such number of periodic reports as may be necessary to accomplish the purposes of this chapter.

13. Perform the following functions throughout the city district; provided, however, that the chancellor and any community district education council may agree that any such function may be appropriately performed by the community district education council with respect to the schools and programs under its jurisdiction:

(a) Technical assistance to community districts and schools;

(b) Such warehouse space on a regional basis as he or she determines to be necessary or appropriate after consultation with the community superintendents;

(c) Purchasing services on a city-wide, regional or community district basis subject to subdivision thirty-six of this section;

(d) Reinforce and foster connections to institutions of higher education to promote student achievement.

14. Develop and furnish pre-service and in-service training programs for principals and other employees throughout the city district. In addition, the chancellor shall prepare and annually update a training plan for participating parents, and school personnel, which shall include, at minimum, such training as may be required for exercise of their responsibilities, full participation and compliance with the provisions of this section. The chancellor shall, in addition, within amounts appropriated, allocate sufficient funds directly and to the superintendents for teacher and principal training to meet identified needs for school improvement.

15. Promote the involvement and appropriate input of all members of the school community pursuant to the provisions of this article, including parents, teachers, and other school personnel, including:

(a) establishing a parents' association or a parent-teachers' association in each school under the chancellor's jurisdiction; and ensuring that the districts do the same; THE CHANCELLOR SHALL ENSURE THAT MEETINGS OF SUCH PARENTS' ASSOCIATIONS OR PARENT-TEACHERS' ASSOCIATIONS SHALL COMPLY WITH SECTION FOUR HUNDRED FOURTEEN OF THIS CHAPTER;

(b) pursuant to a plan prepared in consultation with associations of parents, and representatives of teachers, supervisors, paraprofessionals and other school personnel within the city district, and promulgated no later than January thirty-first, nineteen hundred ninety-eight, (i) taking all necessary steps to ensure that no later than October first, nineteen hundred ninety-nine, the city district and the community districts are in full compliance, and remain in compliance thereafter, with state and federal law and regulations concerning school-based management and shared decision-making, including section 100.11 of the commissioner's regulations, in a manner which balances participation by parents with participation by school personnel in advising in the decisions devolved to schools pursuant to sections twenty-five hundred ninety-i and twenty-five hundred ninety-r of this article, and (ii) pursuant to such plan providing for appropriate training to any parent and school personnel who participate in the [school-based] SCHOOL BASED management and shared decision-making process;

(b-1) school based management teams developed pursuant to paragraph (b) of this subdivision shall possess the following powers and duties:

(i) develop an annual school comprehensive educational plan [that is aligned with] AND CONSULT ON THE SCHOOL-BASED BUDGET PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE. SUCH SCHOOL COMPREHENSIVE EDUCATIONAL PLAN SHALL BE DEVELOPED CONCURRENTLY WITH THE DEVELOPMENT OF THE SCHOOL-BASED BUDGET SO THAT IT MAY INFORM THE DECISION-MAKING PROCESS AND RESULT IN THE ALIGNMENT OF THE COMPREHENSIVE EDUCATIONAL PLAN AND the [school based] SCHOOL-BASED budget FOR THE ENSUING SCHOOL YEAR. Such plan shall be submitted to the [district] COMMUNITY superintendent ALONG WITH THE PRINCIPAL'S WRITTEN JUSTIFICATION DEMONSTRATING THAT THE SCHOOL-BASED BUDGET PROPOSAL IS ALIGNED WITH THE SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN AND THE SCHOOL BASED MANAGEMENT TEAM'S RESPONSE TO SUCH JUSTIFICATION PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE. IN THE CASE OF SPECIALIZED, ACADEMIC, VOCATIONAL, AND OTHER HIGH SCHOOLS THAT ARE NOT UNDER THE JURISDICTION OF A COMMUNITY SUPERINTENDENT, SUCH PLAN SHALL BE SUBMITTED TO THE CHANCELLOR PURSUANT TO SUBDIVISION E OF SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE. THE CHANCELLOR SHALL ENSURE THAT THE COMPREHENSIVE EDUCATIONAL PLAN OF EVERY SCHOOL WITHIN THE CITY DISTRICT IS EASILY ACCESSIBLE and be made available for public inspection INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE;

(ii) hold at least one meeting per month during the school year. Each monthly meeting shall be held at a time that is convenient for the parent representatives;

(iii) provide notice of monthly meetings that is consistent with the open meetings law;

(iv) have parent members of such teams make recommendations, consistent with the chancellor's regulations, on the selection of the school principal AND HAVE ALL MEMBERS BE CONSULTED PRIOR TO THE APPOINTMENT OF ANY PRINCIPAL CANDIDATE TO ITS SCHOOL;

(v) undergo initial and ongoing training that will allow its members to carry out their duties effectively; [and]

(VI) DISPUTE ANY DECISION MADE BY THE PRINCIPAL TO THE COMMUNITY SUPERINTENDENT PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE WHERE MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAM, OTHER THAN THE PRINCIPAL, REACH A CONSENSUS THAT THE DECISION IS INCONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE SCHOOL'S EXISTING COMPREHENSIVE EDUCATIONAL PLAN; AND

(VII) PROVIDE TO THE COMMUNITY SUPERINTENDENT AN ANNUAL ASSESSMENT OF THE SCHOOL PRINCIPAL'S RECORD OF DEVELOPING AN EFFECTIVE SHARED DECISION-MAKING RELATIONSHIP WITH SCHOOL BASED MANAGEMENT TEAM MEMBERS; AND

(c) developing, in consultation with associations of parents in the city district, and implementing no later than October first, nineteen hundred ninety-eight, a parental bill of rights which provides for, at minimum:

(i) reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children, consistent with federal and state laws, provided that such access does not disrupt or interfere with the regular school process;

(ii) the rights of parents, persons in parental relation and guardians to take legal action and appeal the decisions of the school administration, as authorized by law;

(iii) the right of parents, persons in parental relation and guardians to have information on their own child's educational materials;

(iv) access to and information about all public meetings, hearings of the chancellor, the city board, the community superintendents, the community district education councils, and the schools; and

(v) access to information regarding programs that allow students to apply for admission where appropriate to schools outside a student's own attendance zone.

16. Promulgate such rules and regulations as he or she may determine to be necessary or convenient to accomplish the purposes of this act, not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

16-a. Create standards, policies, and objectives and promulgate regulations directly related to maintaining the internal fiscal integrity of administrative operations by the chancellor, the community districts, and the schools.

17. Possess those powers and duties described in section twenty-five hundred fifty-four of this title, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

18. Possess those powers and duties contained in section nine hundred twelve of this chapter and those provisions of article fifteen of this chapter which relate to non-public schools, those powers and duties contained in section five hundred twenty-two of the New York city charter, and those powers and duties contained in article seventy-three of this chapter, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

19. Delegate any of his or her powers and duties to such subordinate officers or employees as he or she deems appropriate and to modify or rescind any power and duty so delegated.

20. Ensure compliance with qualifications established for all personnel employed in the city district, including the taking of fingerprints

as a prerequisite for licensure and/or employment of such personnel. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. Furthermore, the division of criminal justice services is authorized to submit the fingerprints to the federal bureau of investigation for a national criminal history record check.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with subdivisions thirty-six and thirty-seven of this section.

22. Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

23. Develop an educational facilities master plan, and revisions thereto, as defined in section twenty-five hundred ninety-o of this article.

24. Develop and implement a five-year educational facilities capital plan, and amendments thereto, as defined in section twenty-five hundred ninety-p of this article. The chancellor shall also appoint a person, who reports directly to the chancellor or his or her designee, to assist in the development and implementation of such plan and amendments thereto and to oversee the school buildings program.

25. On the chancellor's own initiative, or at the request of a community superintendent, transfer a principal employed by a community school district pursuant to an agreement with the employee organization representing such principals. The chancellor shall establish a procedure for consulting with affected parents to explain any such transfer. Consistent with section twenty-five hundred ninety-i of this article, including without limitation subdivision three thereof, and subdivision one thereof with respect to the rights and obligations of a school to which a principal is transferred, in addition to any other law providing for the transfer of principals, the chancellor also may cause the transfer or removal of principals for persistent educational failure, conflicts of interest, and ethics violations, and may require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance.

26. Establish educational and experience qualifications and requirements for all custodial positions including, but not limited to, custodians and custodial engineers and develop standards for evaluating the performance of all such individuals, subject to approval of the city board. Such performance standards shall include, but not be limited to: the cleanliness of facilities; adequacy and timeliness of minor repairs; maintenance of good working order of facilities and grounds; general facilities improvement; and emergency services. The chancellor shall promulgate regulations setting forth the respective responsibilities of the district plant manager, which shall include regular consultation and ongoing reports to the community superintendent, and the principal of each school for evaluating the performance of the custodial employees assigned to his or her school, in accordance with such performance standards, and such performance evaluations shall be given dominant weight in any decision for the purposes of: advancement; continued employment; building transfers; and other performance incentives. The responsibility of the principal of each school in the evaluation of custodial employees may be a matter for collective bargaining with collective bargaining representatives for principals.

27. [Develop] PROMULGATE REGULATIONS, in conjunction with each community superintendent, ESTABLISHING a plan for providing access to school facilities in each community school district, when not in use for school

purposes, in accordance with the provisions of section four hundred fourteen of this chapter. Such plan shall set forth a reasonable system of fees not to exceed the actual costs and specify that no part of any fee shall directly or indirectly benefit or be deposited into an account which inures to the benefit of the custodians or custodial engineers.

29. Promulgate regulations establishing educational, managerial, and administrative qualifications, performance record criteria, and performance standards for the positions of superintendent and principal.

30. Select and appoint a community superintendent, in compliance with the qualifications required by subdivision twenty-nine of this section and subject to the provisions of subdivision two of section twenty-five hundred ninety-j of this article, AND IN CONSULTATION WITH THE CORRESPONDING COMMUNITY DISTRICT EDUCATION COUNCIL, at a salary to be fixed within the budgetary allocation therefor.

31. Intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board or established by the state board of regents, or has failed to improve its educational results and student achievement in accordance with such standards or state or city board requirements, or in any school or district in which there exists, in the chancellor's judgment, a state of uncontrolled or unaddressed violence. The chancellor may, in addition to exercising any other powers authorized by this article, require such school principal, or district as the case may be, to prepare a corrective action plan, with a timetable for implementation of steps acceptable to the chancellor to reach improvement goals consistent with city board standards and educational results. The chancellor may require the school or district to alter or improve the corrective action plan, or may directly modify the plan. The chancellor shall monitor implementation of the plan, and, if the school or district fails to implement it, may supersede any inconsistent decision of the school principal, community district education council or community superintendent; assume joint or direct control of the operation of the school or district to implement the corrective action plan; or take any other action authorized by this article. Any action of the chancellor to supercede an inconsistent decision of the school principal, community district education council or community superintendent, or to assume joint or direct control of the operation of the school or district pursuant to this subdivision may be appealed to the city board in accordance with section twenty-five hundred ninety-g of this article.

32. Appoint a deputy, for each borough of the city of New York, responsible for coordinating and periodically meeting and consulting with the borough president, the chancellor and the community superintendents in the borough on borough-specific issues and issues of borough-wide significance, including the provision of services in support of schools and community districts such as transportation, purchasing, capital planning, and coordination with municipal services, and chancellor and city board policy with respect to the high schools.

33. Require community school board members to participate in training and retraining in order to promote district and school performance and student achievement, as a continuing condition for membership.

35. Take all necessary steps to promote the effectiveness and integrity of school-based budgeting pursuant to section twenty-five hundred ninety-r of this article, including the obligations imposed by subdivision thirty-seven of this section.

36. Develop a procurement policy for the city school district of the city of New York and the COMMUNITY districts and public schools there-

in[. Such policy shall] TO ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud, and corruption; and ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to, the following criteria: quality, cost and efficiency.

(A) Such POLICY SHALL SPECIFICALLY INCLUDE:

(I) A COMPETITIVE SEALED BIDDING PROCESS FOR THE AWARDING OF CONTRACTS IN WHICH SEALED BIDS ARE PUBLICLY SOLICITED AND OPENED AND THAT A CONTRACT IS AWARDED TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER;

(II) PROCESSES FOR AWARDING CONTRACTS USING ALTERNATIVES TO COMPETITIVE SEALED BIDDING WHERE COMPETITIVE SEALED BIDDING IS NOT PRACTICABLE OR NOT ADVANTAGEOUS, IN WHICH CASE THE MOST COMPETITIVE ALTERNATIVE METHOD OF PROCUREMENT, WHICH IS APPROPRIATE UNDER THE CIRCUMSTANCES, SHALL BE USED CONSISTENT WITH THE REQUIREMENTS OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH;

(III) MEASURES TO ENHANCE THE ABILITY OF MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES TO COMPETE FOR CONTRACTS AND TO ENSURE THEIR MEANINGFUL PARTICIPATION IN THE PROCUREMENT PROCESS;

(IV) THE MANNER FOR ADMINISTERING CONTRACTS AND OVERSEEING THE PERFORMANCE OF CONTRACTS AND CONTRACTORS;

(V) STANDARDS AND PROCEDURES TO BE USED IN DETERMINING WHETHER BIDDERS ARE RESPONSIBLE;

(VI) CIRCUMSTANCES UNDER WHICH PROCUREMENT MAY BE USED FOR THE PROVISION OF TECHNICAL, CONSULTANT OR PERSONAL SERVICES;

(VII) REQUIRING WRITTEN JUSTIFICATION FOR THE BASIS, INCLUDING THE EFFICIENCY, BENEFIT, AND NECESSITY, FOR AWARDING A CONTRACT USING PROCUREMENT METHODS OTHER THAN COMPETITIVE SEALED BIDDING INCLUDING COMPETITIVE SEALED PROPOSALS AND SOLE SOURCE CONTRACTS, AND FOR AWARDING TECHNICAL, CONSULTANT, OR PERSONAL SERVICES CONTRACTS, FRANCHISES, REVOCABLE CONSENTS, OR CONCESSIONS. SUCH WRITTEN JUSTIFICATION SHALL BE FILED WITH THE COMPTROLLER OF THE CITY OF NEW YORK ALONG WITH THE CORRESPONDING CONTRACT, FRANCHISE, REVOCABLE CONSENT, OR CONCESSION;

(VIII) MAINTAINING A FILE FOR EVERY CONTRACT FRANCHISE, REVOCABLE CONSENT, AND CONCESSION CONTAINING INFORMATION PERTAINING TO THE SOLICITATION, AWARD AND MANAGEMENT OF EVERY SUCH CONTRACT OR AGREEMENT. SUCH FILE SHALL CONTAIN COPIES OF EACH DETERMINATION, WRITING OR FILING REQUIRED BY THIS SUBDIVISION AND SHALL BE OPEN TO PUBLIC INSPECTION WITH ADEQUATE PROTECTION FOR INFORMATION WHICH IS CONFIDENTIAL;

(IX) A PROCESS FOR THE FILING OF ALL CONTRACTS, FRANCHISES, REVOCABLE CONSENTS, AND CONCESSIONS WITH THE COMPTROLLER OF THE CITY OF NEW YORK;

(X) A PROCESS FOR EMERGENCY PROCUREMENT IN THE CASE OF AN UNFORESEEN DANGER TO LIFE, SAFETY, PROPERTY OR A NECESSARY SERVICE PROVIDED THAT SUCH PROCUREMENT SHALL BE MADE WITH SUCH COMPETITION AS IS PRACTICABLE UNDER THE CIRCUMSTANCES AND THAT A WRITTEN DETERMINATION OF THE BASIS FOR THE EMERGENCY PROCUREMENT SHALL BE REQUIRED AND FILED WITH THE COMPTROLLER OF THE CITY OF NEW YORK WHEN SUCH EMERGENCY CONTRACT IS FILED WITH SUCH COMPTROLLER; AND

(XI) PROCEDURES FOR THE FAIR AND EQUITABLE RESOLUTION OF CONTRACT DISPUTES.

(B) CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SUCH policy shall also include: [(a)] (I) standards for quality, function, and utility of all material goods, supplies, and services purchased by the chancellor, superintendents, or schools; [(b) regulations for the purchase of material goods, supplies, and services by the chancellor, the superintendents, and the schools, including clearly

articulated procedures which require a clear statement of product specifications, requirements or work to be performed, a documentable process of soliciting bids, proposals, or other offers, and a balanced and fair method, established in advance of receipt of offers, for evaluating offers and awarding contracts; (c)] (II) regulations which enable superintendents and schools to purchase material goods, supplies, and services directly from vendors or suppliers when such products are available at prices or other terms more economically beneficial for the purposes of the acquiring superintendent or school; and [(d)] (III) regulations shall include repair services and building supplies, as defined in such regulations, for expenditures from each district's minor repair and purchasing funds pursuant to section twenty-five hundred ninety-r of this article.

(C) THE CHANCELLOR SHALL BE RESPONSIBLE FOR CERTIFYING THAT THE PROCEDURAL REQUISITES PURSUANT TO THIS SUBDIVISION AND SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE HAVE BEEN MET, PRIOR TO THE FILING ANY CONTRACT AWARDED BY A PROCUREMENT METHOD OTHER THAN COMPETITIVE SEALED BIDDING, OR PRIOR TO FILING ANY TECHNICAL, CONSULTANT, OR PERSONAL SERVICES CONTRACT, FRANCHISE, REVOCABLE CONSENT, OR CONCESSION WITH THE COMPTROLLER OF THE CITY OF NEW YORK. THE CORPORATION COUNSEL FOR THE CITY OF NEW YORK SHALL CERTIFY PRIOR TO THE FILING OF SUCH CONTRACT OR AGREEMENT WITH THE COMPTROLLER OF THE CITY OF NEW YORK, THAT THE CITY DISTRICT HAS LEGAL AUTHORITY TO AWARD EACH SUCH CONTRACT OR AGREEMENT.

(D) (I) NO CONTRACT, FRANCHISE, REVOCABLE CONSENT OR CONCESSION SHALL BE IMPLEMENTED UNTIL A COPY HAS BEEN FILED WITH THE COMPTROLLER OF THE CITY OF NEW YORK AND EITHER SUCH COMPTROLLER HAS REGISTERED IT OR THIRTY DAYS HAVE ELAPSED FROM THE DATE OF FILING, WHICHEVER IS SOONER, UNLESS AN OBJECTION HAS BEEN FILED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, OR THE COMPTROLLER OF THE CITY OF NEW YORK HAS GROUNDS FOR NOT REGISTERING SUCH CONTRACT OR AGREEMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE COMPTROLLER OF THE CITY OF NEW YORK SHALL REGISTER SUCH CONTRACT OR AGREEMENT WITHIN THIRTY DAYS UNLESS SUCH COMPTROLLER HAS INFORMATION INDICATING THAT:

(1) THERE REMAINS NO UNEXPENDED AND UNAPPLIED BALANCE OF THE APPROPRIATION OR FUND APPLICABLE THERETO, SUFFICIENT TO PAY THE ESTIMATED EXPENSE OF EXECUTING SUCH CONTRACT OR AGREEMENT;

(2) A CERTIFICATION REQUIRED PURSUANT TO THIS PARAGRAPH HAS NOT BEEN MADE; OR

(3) THE PROPOSED VENDOR HAS BEEN DEBARRED BY THE CITY OF NEW YORK.

(III) THE COMPTROLLER OF THE CITY OF NEW YORK MAY, WITHIN THIRTY DAYS OF THE DATE OF FILING OF THE CONTRACT, FRANCHISE, REVOCABLE CONSENT OR CONCESSION WITH HIS OR HER OFFICE, OBJECT IN WRITING TO THE REGISTRATION OF SUCH CONTRACT OR AGREEMENT, IF IN SUCH COMPTROLLER'S JUDGMENT THERE IS SUFFICIENT REASON TO BELIEVE THAT THERE IS POSSIBLE CORRUPTION IN THE LETTING OF SUCH CONTRACT OR AGREEMENT OR THAT THE PROPOSED CONTRACTOR IS INVOLVED IN CORRUPT ACTIVITY. SUCH OBJECTION SHALL BE DELIVERED WITHIN SUCH THIRTY DAY PERIOD TO THE MAYOR OF THE CITY OF NEW YORK SETTING FORTH IN DETAIL THE GROUNDS FOR THE NEW YORK CITY COMPTROLLER'S DETERMINATION. THE MAYOR OF THE CITY OF NEW YORK MAY REQUIRE REGISTRATION OF THE CONTRACT OR AGREEMENT DESPITE THE NEW YORK CITY COMPTROLLER'S OBJECTIONS IF THE MAYOR OF THE CITY OF NEW YORK HAS RESPONDED TO SUCH COMPTROLLER'S OBJECTIONS IN WRITING, INDICATING:

(1) THE CORRECTIVE ACTIONS IF ANY, THAT HAVE BEEN TAKEN OR WILL BE TAKEN IN RESPONSE TO SUCH COMPTROLLER'S OBJECTIONS, OR

(2) THE REASONS WHY THE MAYOR OF THE CITY OF NEW YORK DISAGREES WITH SUCH COMPTROLLER'S OBJECTIONS.

SUCH RESPONSE BY THE MAYOR OF THE CITY OF NEW YORK SHALL NOT SERVE AS THE BASIS FOR FURTHER OBJECTION BY THE NEW YORK CITY COMPTROLLER, AND SUCH COMPTROLLER SHALL REGISTER THE CONTRACT, FRANCHISE, REVOCABLE CONSENT OR CONCESSION WITHIN TEN DAYS OF RECEIPT OF THE MAYOR OF THE CITY OF NEW YORK'S RESPONSE.

(E) THE REQUIREMENTS OF PARAGRAPHS (C) AND (D) OF THIS SUBDIVISION SHALL NOT APPLY TO AN EMERGENCY CONTRACT AWARDED PURSUANT TO SUBPARAGRAPH (X) OF PARAGRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT THE CHANCELLOR SHALL COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (C) AND (D) OF THIS SUBDIVISION AS SOON AS PRACTICABLE.

37. Establish guidelines and a system of internal controls, including internal administrative controls and internal accounting controls, with provisions for internal audits, as such terms are defined in section nine hundred fifty of the executive law. Such system shall also include a system of internal control review designed to identify weaknesses and identify actions to rectify them; a clear and concise statement of the generally applicable management policies and standards made available to each officer and employee relevant to fiscal and expenditure control, in addition to education and training efforts to ensure adequate understanding of internal control standards and evaluation techniques; and the designation of an internal control officer for each community district, each of whom shall report to the chancellor and the auditor general, to execute a regular internal audit function, which shall operate in accordance with generally accepted governmental auditing standards. The internal auditors for the community districts shall operate in cooperation with the auditor general, appointed by the chancellor, who shall, in addition to the functions of the internal auditors, monitor and conduct random audits of school districts at least once every two years for fraud, waste, and mismanagement. Notwithstanding any provision of state law or state or city regulation, the internal auditors, and the auditor general, shall be entitled, upon their request, to all and any documents and materials bearing in their judgment on the finances and cost-effectiveness of the schools and the school districts that is in the possession of the community districts, the schools, or any officer thereof.

38. To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools under the jurisdiction of the community district education councils. The chancellor shall exercise all such duties and responsibilities for all community districts or may delegate the exercise of all such duties and responsibilities to all of the community superintendents of the city district.

38-a. To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools which are not covered under subdivision thirty-eight of this section. Provided, however that the city board shall maintain jurisdiction over any consequence resulting from an employee waiver of a hearing, as provided for in paragraph (d) of subdivision two of section three thousand twenty-a of this chapter.

39. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and any other officer or employee in schools and programs under the jurisdiction of the city board and the chancellor

to make annual written disclosure to the chancellor, of the following information:

(i) the employment by the city school board or any community district education council of any person related within the third degree of consanguinity or affinity to the person making disclosure, including the employment of any such person for which a two-thirds vote was required under paragraph [e] (E) of subdivision four of section twenty-five hundred ninety-j of this article, with a notation of the date such vote was taken.

(ii) the source of any income, reimbursement, gift, or other form of compensation for services rendered, together with a description of such services.

(b) The chancellor shall review, at least once annually, compliance with the requirements of subdivisions five and six of section twenty-five hundred ninety-e of this article and regulations or by-laws prescribed in this subdivision. Any community district education council member, community superintendent, or other officer or employee required to make disclosure, who fails to make such disclosure, shall be notified in writing of his or her failure to do so and given thirty days within which to comply.

(d) Willful failure to make full and timely disclosure shall constitute cause for removal from office of any member of the city board or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

(e) Disclosures made pursuant to the requirements of this subdivision and any notification of failure to make disclosures shall be made available for public inspection during regular business hours on regular business days.

40. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and, for good cause shown, any other officer or employee in schools and programs under the jurisdiction of the city board and the chancellor, to submit to the chancellor, in the discretion of the chancellor, financial reports for themselves and their spouses.

(b) The frequency and period of coverage, the designation of persons to submit such reports by name, title, or income level, or by a combination thereof, and the content of such reports, including minimum dollar amounts, shall be determined by the chancellor, and such reports may include but not necessarily be limited to the following:

(i) amount and source of income for services rendered, together with a description of such services;

(ii) amount and source of gifts, capital gains, reimbursements for expenditures, and honoraria;

(iii) investments in securities and real property;

(iv) amount of debts and names of creditors;

(v) outstanding loans and other forms of indebtedness due to person reporting or spouse, by name and amounts; and

(vi) trusts and other fiduciary relationships and their assets in which a beneficial interest is held.

(c) Willful failure to file required financial reports shall constitute cause for removal from office of any member of the city board or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

41. Appoint and set salaries for staff in non-represented managerial titles.

42. (a) To dispose of such personal property used in the schools and other buildings of the city of New York under the charge of the city

board as shall no longer be required for use therein. Such disposition shall be made in the name of the city of New York and for such city.

(b) The chancellor may sell, at prices as may be agreed upon, such manufactured articles or other products of any school of the district, day and evening, as may not be utilized by the city board, and all moneys realized by the sale thereof shall be paid into the city treasury and shall at once be appropriated by the city to a special fund to be administered by the city board for such purposes as such board, in its discretion, may determine. All other moneys realized by the sale of personal property shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the city board for use in the borough in which the property sold was situated.

(c) Such method of disposal shall be deemed not to apply to the disposition of school books pursuant to subdivision forty-three of this section.

43. To dispose of, to the best advantage of the city of New York, either by sale or on the basis of money allowance for waste paper, all books delivered to the several public schools of such city that have been discarded either by reason of being obsolete, no longer required by the course of study, worn by long usage, or mutilated by accident. If disposal is made by sale, it shall be to the highest bidder, and the money realized shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the city board entitled "supplies". If disposal is made on the basis of money allowance for waste paper, it shall be to the highest bidder. Such discarded books may be disposed of without public advertisement or entry into a formal contract. Should the discarded books be in such condition that no sale or exchange can be made, or should there be reason to believe that such discarded books have become infected through disease among the pupils, or should the superintendent of schools certify that such discarded books contain erroneous, inaccurate, obsolete, or antiquated subject matter, illustrations, maps, charts, or other material, the committee on supplies of the board of education, if such books cannot be sold, given away, or otherwise salvaged as waste paper without danger to the public health, may authorize their destruction by fire, in which event the superintendent of school supplies shall obtain and file in his or her office a certificate that such books have been so destroyed, signed by the principal of the school in which the books are located.

44. To provide the proper book or books in which he or she shall cause the class teachers under the direction and supervision of the principal to enter the names, ages, and residences of the pupils attending the school, the name of the parent or guardian of each pupil, and the days on which the pupils shall have attended respectively, and the aggregate attendance of each pupil during the year, and also the day upon which the school shall have been visited by the superintendent of schools or by an associate superintendent of schools or by an assistant superintendent, or by members of the city board, or by members of the community district education council, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the chancellor. Such books shall be preserved as the property of the chancellor and shall at all times be open to inspection by members of the city board, by members of the community councils and by the superintendent of schools, or by any associate superintendent of schools, or by the assistant superintendents.

45. Make rules and regulations for the conduct, operation, and maintenance of extra classroom activities and for the safeguarding, account-

ing, and audit of all moneys received and derived therefrom. In the case of any extra classroom activity as it shall deem proper, and notwithstanding the provisions of section twenty-five hundred thirty of this title, it may direct that the moneys received or derived from the conduct, operation, or maintenance of such an extra classroom activity be deposited with the auditor, who in such event shall be the treasurer of such an extra classroom activity, the moneys of which are required to be so deposited. In the procurement of articles and services for the conduct, operation, and maintenance of a cafeteria or restaurant service, the chancellor shall be subject to applicable provisions of law, except that said chancellor need not have duly advertised for estimates in order to contract for such articles or services in an amount exceeding one thousand dollars. The chancellor shall also have power to assign any officers or employees to perform such duties as he or she may prescribe in connection with an extra classroom activity and to designate such officers and employees when so assigned from whom a bond shall be required for faithful performance of their duties and to fix the sum in which each such bond shall be given.

46. To maintain, through such representatives as he or she may designate, an effective visitation and inspection of all schools and classes maintained in institutions controlled by the department of correction of the city of New York.

47. To assign, in his or her discretion, one or more employees of the city board to serve as trial examiner with power to conduct investigations and hearings on behalf of the chancellor. Each trial examiner shall report the result of any such investigation or hearing to the chancellor.

48. TO HOLD A PUBLIC MEETING IN EACH COMMUNITY DISTRICT, IN CONJUNCTION WITH THE COMMUNITY DISTRICT EDUCATION COUNCIL, DURING A TWO YEAR PERIOD, BEGINNING WITH THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, IN ORDER TO REPORT ON PUBLIC SCHOOL FINANCES, STUDENT PERFORMANCE, AND EDUCATIONAL GOALS AND PRIORITIES OF THE CITY DISTRICT AND TO RECEIVE AND RESPOND TO PUBLIC COMMENTS AND CONCERNS. THE CHANCELLOR SHALL DIRECT THE COMMUNITY SUPERINTENDENT TO PROVIDE PUBLIC NOTICE OF SUCH MEETING IN ORDER TO MAXIMIZE THE PARTICIPATION OF PARENTS, STUDENTS, AND ALL OTHER INTERESTED PARTIES.

49. TO PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT AS REQUESTED BY THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK OR THE COMPTROLLER OF THE CITY OF NEW YORK, IN A TIMELY FASHION.

50. TO ISSUE AN ANNUAL REPORT ON THE PARTICIPATION OF MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES IN THE CITY DISTRICT'S PROCUREMENT PROCESS INCLUDING THE NUMBER OF CONTRACTS AWARDED TO MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES, THE PERCENT OF CONTRACTS AWARDED TO MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES OF THE TOTAL NUMBER OF ALL CITY DISTRICT CONTRACTS, THE AGGREGATE VALUE OF ALL CONTRACTS AWARDED TO MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES, AND THE PERCENT OF THE AGGREGATE VALUE OF CONTRACTS AWARDED TO MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES OF THE TOTAL AGGREGATE VALUE OF ALL CITY DISTRICT CONTRACTS.

51. PROPOSE A POLICY FOR CITY BOARD APPROVAL THAT PROMOTES THE RECRUITMENT AND RETENTION OF A WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT, AND SCHOOL LEVEL THAT CONSIDERS THE DIVERSITY OF THE STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE CITY DISTRICT. THE CHANCELLOR SHALL ISSUE AN ANNUAL REPORT OUTLINING THE INITIATIVES TAKEN TO ENHANCE DIVERSITY AND EQUITY IN RECRUITMENT AND RETENTION AND THE IMPACTS OF

SUCH INITIATIVES TO THE WORKFORCE AT THE CITY DISTRICT, COMMUNITY DISTRICT AND SCHOOL LEVEL.

S 8. Section 2590-i of the education law, as added by chapter 720 of the laws of 1996, paragraph (c) of subdivision 2 as amended by chapter 91 of the laws of 2002, is amended to read as follows:

S 2590-i. Powers and duties of schools; principals; provisions for the transfer of jurisdiction of high schools. 1. The principal shall be the administrative and instructional leader of the school. Subject to the regulations of the chancellor and applicable collective bargaining agreements and obligations, the principal shall be responsible for the day to day operation of the school and shall carry out these duties in consultation with parents, teachers and other staff, AND THE SCHOOL BASED MANAGEMENT TEAM pursuant to section twenty-five hundred ninety-h of this article including:

(a) promote an equal educational opportunity for students in the school,

(b) subject to school-based budgeting pursuant to section twenty-five hundred ninety-r of this article,

(c) subject to collective bargaining obligations and agreements, the budget applicable to the school, and the other provisions of this article including section twenty-five hundred ninety-j of this article, to make recommendation on staff selection, including through the establishment of appropriate objective criteria consistent with chancellor's regulations for filling vacancies based upon the school's instructional and facility needs,

(d) subject to the standards and assessments promulgated by the chancellor, to develop school-based curricula and syllabi for instruction, and to address other matters relating to the instruction of students, including the selection of texts from lists approved by the chancellor and instructional materials, consistent with regulations of the commissioner, and subject to the approval of the superintendent, or chancellor in the case of schools under the jurisdiction of the city board,

(e) subject to the approval of the superintendent, or, where appropriate, the chancellor and within the limits of funds made available therefor, to enhance teacher and staff development relevant to increasing student achievement, support extended day programs, school reform programs, and pupil-support services,

(f) enhance pupil support services by coordinating related programs,

(g) to make or arrange for minor repairs as delegated by the chancellor or superintendent pursuant to regulations of the chancellor, or as otherwise authorized by law subject to subdivisions thirty-six and thirty-seven of section twenty-five hundred ninety-h of this article,

(h) subject to subdivisions thirty-six and thirty-seven of section twenty-five hundred [nine-h] NINETY-H of this article, identifying and purchasing equipment and supplies that can be purchased for less than if purchased through purchasing arrangements entered into through the city board, the chancellor or the superintendent,

(i) to manage and operate the school building and other facilities under its jurisdiction.

2. (a) The principal may be removed or transferred by the superintendent or the chancellor for persistent educational failure of the school or other cause. Removals may be caused pursuant to section three thousand twenty-a of this chapter if applicable. Transfers may be caused pursuant to subdivision twenty-five of section twenty-five hundred ninety-h of this article. Any such removal or transfer may be appealed to the city board, during which time the superintendent may appoint an

acting principal subject to the approval of the chancellor. Provided however that such appointee must meet qualifications pursuant to paragraph [(d)] (C) of this subdivision. Persistent educational failure of the school shall be defined in regulations of the chancellor to include a pattern of poor or declining achievement; a pattern of poor or declining attendance; disruption or violence; and continuing failure to meet chancellor's performance standards or other standards.

(b) The principal may be required by the chancellor or the superintendent to participate in training or other forms of staff development or to address identified areas of educational need and promote student achievement and school performance.

(c) Principals shall be selected consistent with regulations of the chancellor establishing a process that promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates. Candidates must meet the requirements of regulations of the chancellor establishing educational, managerial, and administrative qualifications, including evaluation of each candidate's record of performance in comparable positions. In the case of schools under the jurisdiction of the community districts, a candidate approved by a community superintendent PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE may nonetheless, before assuming the position, be rejected by the chancellor for cause. IN THE CASE OF SCHOOLS NOT UNDER THE JURISDICTION OF THE COMMUNITY DISTRICTS, THE CHANCELLOR SHALL ADDITIONALLY CONSULT WITH MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAM PRIOR TO APPOINTING A PRINCIPAL CANDIDATE TO ANY SUCH SCHOOL.

3. Provisions for transfer of jurisdiction of high schools. Pursuant to regulations of the chancellor approved by the city board, any high school, other than a special senior academic or vocational high school of city-wide competitive admission, may be transferred from the jurisdiction of the city board to the jurisdiction of the community district in which it is located, or from such community district to the city board, upon the consent of the chancellor and the community superintendent. In such event, the chancellor and the superintendent shall promptly take all necessary steps to effectuate the transfer.

S 9. Paragraph b of subdivision 3 of section 2590-p of the education law, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

b. Commencing on November first, nineteen hundred ninety-three, and every five years thereafter, the chancellor shall submit a proposed five-year educational facilities capital plan to take effect on the succeeding July first to each community district education council, which shall conduct a public hearing and shall prepare and submit recommendations to the chancellor on or before January first of the ensuing year with respect to matters in the plan that involve that school district. The chancellor shall consider the recommendations received from the community district education councils, and, on or before February first of such year, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval PURSUANT TO PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE. [On or before March first of such year, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor.]

S 10. Section 2590-r of the education law, as added by chapter 720 of the laws of 1996, is amended to read as follows:

S 2590-r. School based budgeting and expenditure reporting. The chancellor shall, in consultation with the city board and community district superintendents, establish in regulations a comprehensive process of school-based budgeting and expenditure reporting no later than November first, nineteen hundred ninety-eight. Notwithstanding any provision of section twenty-five hundred ninety-q of this article to the contrary, such regulations shall include provisions for:

a. 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] COUNCILS, 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;

b. (I) FOLLOWING RELEASE OF THE EXECUTIVE BUDGET OF THE CITY OF NEW YORK BY THE MAYOR OF THE CITY OF NEW YORK, THE CHANCELLOR TO INFORM THE PRINCIPAL OF EACH SCHOOL OF THAT SCHOOL'S PRELIMINARY BUDGET ALLOCATION, AND the principal [of each school] to propose a school-based [expenditure] budget, after CONSULTING WITH MEMBERS OF THE SCHOOL BASED MANAGEMENT TEAM AND soliciting input pursuant to [section] 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;

(II) FOR SCHOOLS UNDER THE JURISDICTION OF A COMMUNITY SUPERINTENDENT, THE PRINCIPAL SHALL BE REQUIRED TO PROVIDE WRITTEN JUSTIFICATION, IN A FORM AND MANNER PRESCRIBED BY THE COMMUNITY SUPERINTENDENT PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE, TO DEMONSTRATE THAT THE SCHOOL-BASED BUDGET PROPOSAL IS ALIGNED WITH THE SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN;

c. the review, modification [and], approval AND CERTIFICATION of the proposed school budget [by the] FOR SCHOOLS UNDER THE JURISDICTION OF A community superintendent PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-F OF THIS ARTICLE;

d. 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] COUNCIL, as developed by the community superintendent, for submission to the chancellor;

e. the chancellor to develop a school-based budgeting process for schools under his or her jurisdiction consistent with this section WHICH SHALL REQUIRE THAT: (I) EACH PRINCIPAL PROVIDE WRITTEN JUSTIFICATION DEMONSTRATING THAT THE SCHOOL-BASED BUDGET IS ALIGNED WITH SUCH SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN; (II) THE SCHOOL BASED MANAGEMENT TEAM SUBMIT COMMENTS REGARDING SUCH JUSTIFICATION; AND (III) THE CHANCELLOR CERTIFY THAT THE SCHOOL-BASED BUDGET IS SUFFICIENTLY ALIGNED WITH SUCH SCHOOL'S COMPREHENSIVE EDUCATIONAL PLAN AFTER REVIEWING THE PRINCIPAL'S JUSTIFICATION AND THE SCHOOL BASED MANAGEMENT TEAM'S COMMENTS;

f. 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;

g. 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;

h. 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;

i. procedures for schools, superintendents and the chancellor to modify and reallocate monies in the enacted budget;

j. a uniform system of budget requests, reports and appropriations. Such units of appropriation shall include (i) such compensation and benefits for staff; (ii) 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; (iii) administrative and non-instructional cost and (iv) extra-curricular activities;

k. the provision of appropriate technical support and training to school personnel, parents and other participants in school-based budgeting;

l. a comprehensive planning and monitoring process to promote the implementation of school-based budgeting;

m. an annual update of a capital plan by the superintendent with participation of principals and schools, addressing health and safety, maintenance, capacity and technology; and

n. a collaborative school-based planning process involving parents, teachers, other school personnel and, where appropriate, students to effectuate the purposes of this section.

S 11. The education law is amended by adding two new sections 2590-t and 2590-u to read as follows:

S 2590-T. NEW YORK CITY COMPTROLLER AUDITS. THE COMPTROLLER OF THE CITY OF NEW YORK SHALL HAVE THE AUTHORITY TO CONDUCT OPERATIONAL AND PROGRAMMATIC AUDITS, IN ADDITION TO FINANCIAL AUDITS, OF THE CITY DISTRICT TO THE SAME EXTENT THAT SUCH COMPTROLLER HAS SUCH AUTHORITY FOR AGENCIES OF THE CITY OF NEW YORK.

S 2590-U. NEW YORK CITY INDEPENDENT BUDGET OFFICE REPORTS. 1. THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL BE AUTHORIZED TO PROVIDE ANALYSIS AND ISSUE PUBLIC REPORTS REGARDING FINANCIAL AND EDUCATIONAL MATTERS OF THE CITY DISTRICT, TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF SUCH MATTERS INCLUDING BUT NOT LIMITED TO:

(A) STUDENT GRADUATION AND DROPOUT DATA;

(B) STUDENT ENROLLMENT PROJECTIONS;

(C) SCHOOL UTILIZATION, CLASS SIZES AND PUPIL-TO-TEACHER RATIOS;

(D) STUDENT ASSESSMENT DATA;

(E) THE DELIVERY OF SERVICES TO STUDENTS WHO ARE IN BILINGUAL OR ENGLISH AS A SECOND LANGUAGE PROGRAMS;

(F) THE DELIVERY OF SERVICES TO STUDENTS WITH DISABILITIES;

(G) THE UTILIZATION OF FEDERAL FUNDS INCLUDING FUNDS PURSUANT TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, DIRECTED AT PARENTAL INVOLVEMENT; AND

(H) MATTERS RELATING TO CITY DISTRICT FINANCES.

2. IN ADDITION TO THE APPROPRIATION AVAILABLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE OF THE NEW YORK CITY CHARTER, THE CITY OF NEW YORK SHALL APPROPRIATE DURING EACH FISCAL YEAR AN AMOUNT TO THE INDEPENDENT

BUDGET OFFICE OF THE CITY OF NEW YORK NOT LESS THAN TWO AND ONE-HALF PER CENTUM OF THE APPROPRIATIONS AVAILABLE TO PAY FOR THE EXPENSES OF THE OFFICE OF MANAGEMENT AND BUDGET OF THE CITY OF NEW YORK DURING EACH FISCAL YEAR, TO CARRY OUT THE DUTIES AND FUNCTIONS ASSIGNED IN THIS SUBDIVISION.

3. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL BE AUTHORIZED TO SECURE SUCH INFORMATION, DATA, ESTIMATES AND STATISTICS FROM THE CITY BOARD AND THE CHANCELLOR AS SUCH DIRECTOR DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNCTIONS AND DUTIES OF SUCH OFFICE, AND THE CITY BOARD AND THE CHANCELLOR SHALL PROVIDE SUCH INFORMATION, TO THE EXTENT THAT IT IS AVAILABLE, IN A TIMELY FASHION. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL NOT BE ENTITLED TO OBTAIN RECORDS WHICH ARE PROTECTED BY THE PRIVILEGES FOR ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY WORK PRODUCT, AND MATERIAL PREPARED FOR LITIGATION.

4. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE OF THE CITY OF NEW YORK SHALL ENSURE THAT SUCH OFFICE USES UP-TO-DATE APPROPRIATE AND PROFESSIONALLY ACCEPTED METHODOLOGIES IN PRODUCING ANNUAL DATA REPORTS RELATED TO THE CITY DISTRICT AND THAT SUCH METHODOLOGIES USED ARE IDENTIFIED IN SUCH REPORTS.

S 12. Paragraph (c) of subdivision 1 of section 414 of the education law, as amended by chapter 257 of the laws of 1976, is amended to read as follows:

(c) For holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public. CIVIC MEETINGS SHALL INCLUDE, BUT NOT BE LIMITED TO, MEETINGS OF PARENT ASSOCIATIONS AND PARENT-TEACHER ASSOCIATIONS.

S 13. Section 19 of chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, as amended by chapter 134 of the laws of 2004, is amended to read as follows:

S 19. This act shall take effect immediately, provided, however, that the provisions of subdivision 6 of section 209 of the civil service law, as added by section four of this act, shall expire and be deemed repealed on and after June 30, 1995, and further provided that the provisions of section 1735 of the public authorities law, as added by section fourteen of this act, shall expire and be deemed repealed on June 30, [2009] 2014.

S 14. Subdivision 1 of section 1735 of the public authorities law, as amended by chapter 410 of the laws of 1999, is amended to read as follows:

1. Notwithstanding the provisions of paragraph b of subdivision one of section seventeen hundred thirty-four of this title, the award of construction contracts by the authority between July first, nineteen hundred eighty-nine and June thirtieth, two thousand [two] FOURTEEN, shall not be subject to the provisions of section one hundred one of the general municipal law.

S 15. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2009] 2015; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2009] 2015 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

S 16. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 17. This act shall take effect immediately, except that if this act shall have become a law on or after June 30, 2009, this act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2009; provided that:

1. sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of this act shall take effect June 30, 2009;

2. the amendments to section 2590-b of the education law made by section one of this act shall not affect the expiration or repeal of certain provisions of such section and shall expire and be deemed repealed therewith;

3. the amendments to section 2590-c of the education law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

4. the amendments to subdivision 1 of section 2590-d of the education law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

5. the amendments to section 2590-e of the education law made by section four of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith;

6. the amendments to paragraphs (s) and (t) of subdivision 1 and subdivisions 2 and 3 of section 2590-f of the education law made by

section five of this act shall not affect the expiration and reversion of such provisions and shall expire and be deemed repealed therewith; provided further that the amendments to paragraph (u) of subdivision 1 of section 2590-f of the education law made by section five of this act shall not affect the repeal of such paragraph and shall expire and be deemed repealed therewith;

7. the amendments to section 2590-g of the education law made by section six of this act shall not affect the expiration and reversion of such section and shall expire and be deemed repealed therewith;

8. the amendments to section 2590-h of the education law made by section seven of this act shall not affect the expiration and repeal of certain provisions of such section and shall expire and be deemed repealed therewith;

9. the amendments to paragraph (c) of subdivision 2 of section 2590-i of the education law made by section eight of this act shall not affect the expiration and reversion of such paragraph and shall expire and be deemed repealed therewith;

10. the amendments to subdivision 3 of section 2590-p of the education law made by section nine of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith;

11. the amendments to section 1735 of the public authorities law made by section thirteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, 2015.