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

7501

2011-2012 Regular Sessions

I N  A S S E M B L Y

May 6, 2011

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the assessment of persistently lowest achieving schools

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. THE COMMISSIONER IN CONJUNCTION WITH A LOCAL SCHOOL DISTRICT MUST CONDUCT AN ASSESSMENT OF ANY SCHOOL IDENTIFIED AS PERSISTENTLY LOWEST ACHIEVING OR IS DEEMED A SCHOOL UNDER REGISTRATION REVIEW. THIS ASSESSMENT IS TO DETERMINE WHAT FACTORS CAUSED THE SCHOOL TO BE IDENTIFIED AS PERSISTENTLY LOWEST ACHIEVING OR DEEMED A SCHOOL UNDER REGISTRATION REVIEW, AS WELL AS IDENTIFIES CORRECTIVE MEASURES NEEDED. THE ASSESSMENT IS TO INCLUDE, BUT NOT BE LIMITED TO: A REVIEW OF STUDENT PLACEMENT POLICIES SET BY THE LOCAL SCHOOL DISTRICT; STUDENT ENROLLMENT AND PERCENTAGE OF ALL SUBGROUPS; DISTRICT RESOURCES; THE NUMBER OF ADMISSIONS WITHIN THE YEAR; AND, PROFESSIONAL DEVELOPMENT PLANS AND THEIR IMPLEMENTATION. THIS ASSESSMENT MUST BE DONE BEFORE IMPLEMENTATION OF ANY OF THE TURNAROUND INTERVENTION MODELS AUTHORIZED UNDER REGULATION. ANY ASSESSMENTS CONDUCTED PURSUANT TO THIS SECTION MUST BE USED TO EVALUATE THE EFFECTIVENESS OF THE AFFECTED SUPERINTENDENTS AND BE CONSIDERED PART OF THEIR REVIEWS FOR CONTRACT RENEWAL PURPOSES.

S 2. Subdivision 3 of section 1711 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

3. Such superintendent shall be under the direction of the board of education, which shall prescribe his or her powers and duties, except as otherwise provided in subdivision two of this section. The superintendent shall be paid a salary, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board, provided, however, that a board of education may

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

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enter into a contract with such superintendent for a period of not less than three and not more than five years, and upon such other terms as shall be mutually acceptable to the parties, including but not limited to, fringe benefits and procedures for termination by either party prior to the expiration of the term of such contract. The services of such a superintendent of schools may be discontinued at any time by a majority vote of the board of education, and upon sixty days notice in writing to the superintendent of schools. The other terms of any such contract, including any provisions relating to an increase in salary, compensation or other benefits, shall not be based on or tied to the terms of any contract or collective bargaining agreement that the board of education has or will enter with the teachers or other employees of the school district, PROVIDED HOWEVER THAT ANY ASSESSMENTS CONDUCTED PURSUANT TO SUBDIVISION FORTY-TWO OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER MUST BE USED TO EVALUATE THE EFFECTIVENESS OF THE AFFECTED SUPERINTENDENTS AND BE CONSIDERED PART OF THEIR REVIEWS FOR CONTRACT RENEWAL PURPOSES.

S 3. Subdivision 1 of section 2507 of the education law, as amended by chapter 590 of the laws of 1995, is amended to read as follows:

1. The superintendent and any associate superintendent of schools in each school district shall hold his position subject to the pleasure of the board of education, except that the superintendent of schools may be appointed for a term of not to exceed five years, provided that the terms or provisions of any employment contract between the superintendent and the board of education relating to an increase in salary, compensation or other benefits, shall not be based on or tied to the terms of any contract or collective bargaining agreement that the board of education has or will enter with the teachers or other employees of the school district, PROVIDED HOWEVER THAT ANY ASSESSMENTS CONDUCTED PURSUANT TO SUBDIVISION FORTY-TWO OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER MUST BE USED TO EVALUATE THE EFFECTIVENESS OF THE AFFECTED SUPERINTENDENTS AND BE CONSIDERED PART OF THEIR REVIEWS FOR CONTRACT RENEWAL PURPOSES.

S 4. Subdivision 1 of section 2565 of the education law, as amended by chapter 41 of the laws of 1996, is amended to read as follows:

1. The superintendent or an associate superintendent of schools of a city in office on June eighth, nineteen hundred seventeen, shall hold his position for the term for which he was chosen and until his successor is chosen. A superintendent or associate superintendent appointed after such date shall hold his position in a city having a population of two hundred fifty thousand or more for a period not to exceed four years from the date of his appointment and in all cities subject to the pleasure of the board of education, except that in all other cities the superintendent of schools may be appointed for a term of not to exceed five years, provided that the terms or provisions of any employment contract between the superintendent and the board of education relating to an increase in salary, compensation or other benefits, shall not be based on or tied to the terms of any contract or collective bargaining agreement that the board of education has or will enter with the teachers or other employees of the school district, PROVIDED HOWEVER THAT ANY ASSESSMENTS CONDUCTED PURSUANT TO SUBDIVISION FORTY-TWO OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER MUST BE USED TO EVALUATE THE EFFECTIVENESS OF THE AFFECTED SUPERINTENDENTS AND BE CONSIDERED PART OF THEIR REVIEWS FOR CONTRACT RENEWAL PURPOSES.

S 5. This act shall take effect immediately.