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I N   A S S E M B L Y

May 2, 2012

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

AN ACT to amend the education law, in relation to reforming the boards of education of the city school districts of the city of Yonkers and the city of New York

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

1     Section 1. Subdivision 3 of section 2553 of the education law, as  
2     added by chapter 242 of the laws of 1974, is amended to read as follows:  
3     3. In the city school district of the city of Yonkers members of the  
4     board of education shall be appointed from the city at large by the  
5     mayor and shall be for terms of five years each, to begin on the first  
6     Tuesday in May. BOARD MEMBERS SHALL PERFORM EACH OF THEIR DUTIES AS  
7     BOARD MEMBERS, INCLUDING BUT NOT LIMITED TO THOSE IMPOSED BY THIS  
8     SECTION, IN GOOD FAITH AND WITH THAT DEGREE OF DILIGENCE, CARE AND SKILL  
9     WHICH AN ORDINARILY PRUDENT PERSON IN LIKE POSITION WOULD USE UNDER  
10    SIMILAR CIRCUMSTANCES, AND MAY TAKE INTO CONSIDERATION THE VIEWS AND  
11    POLICIES OF ANY ELECTED OFFICIAL OR BODY, OR ANY OTHER PERSON, AND ULTI-  
12    MATELY APPLY INDEPENDENT JUDGMENT IN THE BEST INTEREST OF THE SCHOOL  
13    DISTRICT, AND ITS MISSION. AT THE TIME THAT EACH MEMBER TAKES AND  
14    SUBSCRIBES HIS OR HER OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE  
15    EFFECTIVE DATE OF A CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH  
16    AMENDED THIS SUBDIVISION IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED  
17    HIS OR HER OATH OF OFFICE, SUCH MEMBER SHALL EXECUTE AN ACKNOWLEDGMENT  
18    IN THE FORM DEVELOPED BY THE AUTHORITIES BUDGET OFFICE PURSUANT TO PARA-  
19    GRAPH (I) OF SUBDIVISION ONE OF SECTION SIX OF THE PUBLIC AUTHORITIES  
20    LAW, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS  
21    HIS OR HER ROLE, AND FIDUCIARY RESPONSIBILITIES AS SET FORTH IN THIS  
22    SUBDIVISION, AND ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER DUTY  
23    OF LOYALTY AND CARE TO THE SCHOOL DISTRICT AND COMMITMENT TO THE SCHOOL  
24    DISTRICT'S MISSION.  
25    S 2. Paragraph (a) of subdivision 1 of section 2590-b of the education  
26    law, as amended by chapter 345 of the laws of 2009, is amended and a new  
27    paragraph (a-1) is added to read as follows:  
28    (a) The board of education of the city school district of the city of  
29    New York is hereby continued. Such board of education shall consist of  
30    thirteen appointed members: one member to be appointed by each borough

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

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1 president of the city of New York; and eight members to be appointed by  
2 the mayor of the city of New York. The chancellor shall serve as an  
3 ex-officio non-voting member of the city board. The city board shall  
4 elect its own chairperson from among its voting members. [All thirteen  
5 appointed members shall serve at the pleasure of the appointing authori-  
6 ty and] THE TERM OF OFFICE OF EACH MEMBER SHALL BE TWO YEARS, COMMENCING  
7 THE FIRST DAY OF SEPTEMBER, TWO THOUSAND TWELVE AND EVERY TWO YEARS  
8 THEREAFTER. NO MEMBER shall [not] be employed in any capacity by the  
9 city of New York, or a subdivision thereof, or the city board. No  
10 appointed member of the city board shall also be a member, officer, or  
11 employee of any public corporation, authority, or commission where the  
12 mayor of the city of New York has a majority of the appointments. Each  
13 borough president's appointee shall be a resident of the borough for  
14 which the borough president appointing him or her was elected and shall  
15 be the parent of a child attending a public school within the city  
16 school district of the city of New York. Each mayoral appointee shall  
17 be a resident of the city and two shall be parents of a child attending  
18 a public school within the city district. All parent members shall be  
19 eligible to continue to serve on the city board for two years following  
20 the conclusion of their child's attendance at a public school within the  
21 city district. Any vacancy shall be filled FOR THE UNEXPIRED TERM by  
22 appointment by the appropriate appointing authority within ninety days  
23 of such vacancy. Notwithstanding any provision of local law, the members  
24 of the board shall not have staff, offices, or vehicles assigned to them  
25 or receive compensation for their services, but shall be reimbursed for  
26 the actual and necessary expenses incurred by them in the performance of  
27 their duties. BOARD MEMBERS SHALL PERFORM EACH OF THEIR DUTIES AS BOARD  
28 MEMBERS, INCLUDING BUT NOT LIMITED TO THOSE IMPOSED BY THIS SECTION, IN  
29 GOOD FAITH AND WITH THAT DEGREE OF DILIGENCE, CARE AND SKILL WHICH AN  
30 ORDINARILY PRUDENT PERSON IN LIKE POSITION WOULD USE UNDER SIMILAR  
31 CIRCUMSTANCES, AND MAY TAKE INTO CONSIDERATION THE VIEWS AND POLICIES OF  
32 ANY ELECTED OFFICIAL OR BODY, OR ANY OTHER PERSON, AND ULTIMATELY APPLY  
33 INDEPENDENT JUDGMENT IN THE BEST INTEREST OF THE SCHOOL DISTRICT, AND  
34 ITS MISSION. AT THE TIME THAT EACH MEMBER TAKES AND SUBSCRIBES HIS OR  
35 HER OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF A  
36 CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED THIS PARAGRAPH  
37 IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED HIS OR HER OATH OF  
38 OFFICE, SUCH MEMBER SHALL EXECUTE AN ACKNOWLEDGMENT IN THE FORM DEVEL-  
39 OPED BY THE AUTHORITIES BUDGET OFFICE PURSUANT TO PARAGRAPH (I) OF  
40 SUBDIVISION ONE OF SECTION SIX OF THE PUBLIC AUTHORITIES LAW, IN WHICH  
41 THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER  
42 ROLE, AND FIDUCIARY RESPONSIBILITIES AS SET FORTH IN THIS SUBDIVISION,  
43 AND ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER DUTY OF LOYALTY  
44 AND CARE TO THE SCHOOL DISTRICT AND COMMITMENT TO THE SCHOOL DISTRICT'S  
45 MISSION.

46 (A-1) THE MEMBERS TO BE APPOINTED BY THE BOROUGH PRESIDENTS SHALL BE  
47 APPOINTED NOT LATER THAN JULY FIRST, TWO THOUSAND TWELVE AND THEIR  
48 SUCCESSORS THEREAFTER. THE MEMBERS TO BE APPOINTED BY THE MAYOR OF THE  
49 CITY OF NEW YORK SHALL BE APPOINTED NOT LATER THAN AUGUST FIRST, TWO  
50 THOUSAND TWELVE AND THEIR SUCCESSORS THEREAFTER.

51 S 3. This act shall take effect immediately; provided however, that  
52 the amendments to subdivision 1 of section 2590-b of the education law  
53 made by section two of this act shall not affect the expiration and  
54 repeal of such subdivision and shall expire and be deemed repealed ther-  
55ewith.