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

10058--A

I N A S S E M B L Y

May 2, 2012

Introduced by M. of A. BRENNAN, ROBINSON, COLTON, CRESPO, COOK, P. RIVERA, WEPRIN, MILLMAN -- Multi-Sponsored by -- M. of A. ABBATE, GOTTFRIED, JACOBS, MARKEY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to reforming the board of education of the city school district of the city of New York

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

Section 1. Paragraph (a) of subdivision 1 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended and a new paragraph (a-1) is added to read as follows:

(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 each borough president of the city of New York; and eight members to be appointed by the mayor of the city of New York. The chancellor shall serve as an ex-officio non-voting member of the city board. The city board shall elect its own chairperson from among its voting members. [All thirteen appointed members shall serve at the pleasure of the appointing authority and] THE TERM OF OFFICE OF EACH MEMBER SHALL BE TWO YEARS, COMMENCING THE FIRST DAY OF SEPTEMBER, TWO THOUSAND TWELVE AND EVERY TWO YEARS THEREAFTER. NO MEMBER 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

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

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the conclusion of their child's attendance at a public school within the city district. Any vacancy shall be filled FOR THE UNEXPIRED TERM 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. BOARD MEMBERS SHALL PERFORM EACH OF THEIR DUTIES AS BOARD MEMBERS, INCLUDING BUT NOT LIMITED TO THOSE IMPOSED BY THIS SECTION, IN GOOD FAITH AND WITH THAT DEGREE OF DILIGENCE, CARE AND SKILL WHICH AN ORDINARILY PRUDENT PERSON IN LIKE POSITION WOULD USE UNDER SIMILAR CIRCUMSTANCES, AND MAY TAKE INTO CONSIDERATION THE VIEWS AND POLICIES OF ANY ELECTED OFFICIAL OR BODY, OR ANY OTHER PERSON, AND ULTIMATELY APPLY INDEPENDENT JUDGMENT IN THE BEST INTEREST OF THE SCHOOL DISTRICT, AND ITS MISSION. AT THE TIME THAT EACH MEMBER TAKES AND SUBSCRIBES HIS OR HER OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF A CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED THIS PARAGRAPH IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED HIS OR HER OATH OF OFFICE, SUCH MEMBER SHALL EXECUTE AN ACKNOWLEDGMENT IN THE FORM DEVELOPED BY THE AUTHORITIES BUDGET OFFICE PURSUANT TO PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SIX OF THE PUBLIC AUTHORITIES LAW, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER ROLE, AND FIDUCIARY RESPONSIBILITIES AS SET FORTH IN THIS SUBDIVISION, AND ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER DUTY OF LOYALTY AND CARE TO THE SCHOOL DISTRICT AND COMMITMENT TO THE SCHOOL DISTRICT'S MISSION.

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

S 2. This act shall take effect immediately; provided however, that the amendments to subdivision 1 of section 2590-b of the education law made by section two of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith.