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

4996

2011-2012 Regular Sessions

I N A S S E M B L Y

February 10, 2011

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

AN ACT to amend the education law and the New York city charter, in relation to the reorganization of the New York city school construction authority, board of education and community boards; 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; to amend chapter 345 of the laws of 2009, amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to extending the effectiveness of such chapter; and to repeal subdivision 36 of section 2590-h of the education law relating to certain powers and duties of the chancellor

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

Section 1. Subdivision 1 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

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 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 AND SHALL ATTEND ALL MEETINGS EXCEPT EXECUTIVE SESSIONS CONDUCTED BY THE CITY BOARD. The city board BY A MAJORITY VOTE shall elect its own chairperson from among its voting members FOR A TERM OF FOUR YEARS. All thirteen appointed members shall serve [at the pleasure of] A TERM COTERMINOUS WITH THAT OF the appointing authority and shall not be

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

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employed in any capacity, SHALL BE SUBJECT TO REMOVAL FOR CAUSE 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 FOR THE UNEXPIRED TERM 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; PROVIDED, HOWEVER, THAT THE CHAIRPERSON SHALL BE ALLOCATED THE FUNDS AS ARE NECESSARY TO CARRY OUT HIS OR HER DUTIES AND FUNCTIONS, INCLUDING FUNDS TO RETAIN AND EMPLOY AN ADEQUATE STAFF.

(b) The city board shall hold at least one regular public 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 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.

(F)(I) THE CITY BOARD SHALL HOLD AT A MINIMUM TWELVE PUBLIC HEARINGS HELD ON A MONTHLY BASIS. SUCH HEARINGS CAN BE PART OF OR IN ADDITION TO THE TWELVE MEETINGS HELD PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, ANY OTHER PUBLIC HEARING OR MEETING SCHEDULED PURSUANT TO THIS SECTION.

(II) PUBLIC HEARINGS PROVIDED FOR BY THIS SECTION SHALL INCLUDE A DESCRIPTION OF ALL CITY-WIDE EDUCATIONAL PLANS TO BE PROPOSED FOR THE CITY BOARD THAT AFFECTS: (A) EDUCATIONAL STANDARDS AND POLICY PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTI-

CLE; (B) PROPOSALS PURSUANT TO SUBDIVISION TWO OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE; (C) BUDGETARY PROPOSALS ADOPTED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Q OF THIS ARTICLE; (D) CONTRACTS OVER ONE HUNDRED THOUSAND DOLLARS PURSUANT TO SUBDIVISION FIVE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS ARTICLE; AND (E) EDUCATIONAL FACILITIES CAPITAL PLAN PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION TWENTY-FIVE HUNDRED NINETY-P OF THIS ARTICLE. SUCH PUBLIC HEARINGS, SHALL BE SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, EXCEPT PUBLIC HEARINGS OF THE CITY BOARD ON ALL OTHER MATTERS SHALL, UNLESS OTHERWISE PROVIDED FOR BY LAW, BE SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, EXCEPT FOR THE PUBLIC COMMENTS REQUIREMENTS IN SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE.

(G) ALL CITY BOARD MEETINGS AND HEARINGS ARE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

S 2. Paragraph (c) of subdivision 2 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(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] ANY READJUSTMENTS OR ALTERATIONS OF THE DISTRICTS PROVIDED FOR BY THIS SUBDIVISION, the city board shall hold one or more public hearings in each borough[. The], SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, EXCEPT THAT THE city board shall make the [transition] REVISED 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] REDISTRICTING plan, if necessary and make such plan available to the public for comment.

S 3. Subdivisions 4 and 7 of section 2590-c of the education law, as amended by chapter 345 of the laws of 2009, are amended to read as follows:

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; AND (D) PREPARE PUBLIC HEARING NOTICES, AGENDAS AND MINUTES FOR PUBLIC HEARINGS HELD PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE. Each council shall be responsible for the appointment, supervision, evaluation and discharge of the secretary.

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. SUCH DISTRICT-WIDE REPORT SHALL BE PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS OF COMPLETION.

(C) MEETINGS OF THE COMMUNITY DISTRICT EDUCATION COUNCILS SHALL BE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

S 4. Subdivision 1 and the opening paragraph of subdivision 2 of section 2590-d of the education law, subdivision 1 as amended by chapter 345 of the laws of 2009 and the opening paragraph of subdivision 2, as amended by chapter 123 of the laws of 2003, are 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, PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE and at such other places as the city board may deem proper.

Each community council 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. Such by-laws and regulations shall be filed with the city board and the commissioner of education and shall be made available for inspection by the public at the offices of the community council AND PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE. Such by-laws shall include, but not be limited to the following requirements:

S 5. Subdivisions 8, 14, 17 and 18 of section 2590-e of the education law, subdivision 8 as amended and subdivisions 14, 17 and 18 as added by chapter 123 of the laws of 2003, are amended to read as follows:

8. Each year prepare a school district report card pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. SCHOOL DISTRICT REPORT CARDS SHALL BE PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS OF COMPLETION. Such report card shall include measures of the academic performance of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on

the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the requests to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

14. Hold public meetings at least every month with the superintendent during which the public may speak so that parents and the community have a voice and a public forum to air their concerns. PUBLIC MEETINGS PROVIDED FOR BY THIS SECTION SHALL BE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

17. Hold a public hearing on the district's annual capacity plans, recommended by the superintendent and based on data from the chancellor on enrollment/utilization for each school within the district and submit such plan, upon approval by the community council, to the chancellor for his or her approval and implementation. PUBLIC HEARINGS REQUIRED BY THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE.

18. (A) Provide input, as it deems necessary, to the chancellor and the city board on matters of concern to the district, INCLUDING BUT NOT LIMITED TO, PARTICIPATION OF ALL PUBLIC HEARINGS, AND THE RIGHT TO PROVIDE COMMENTS AT ALL CITY BOARD MEETINGS, SUBJECT TO THE RULES PROMULGATED BY THE CHANCELLOR.

(B) THE CHANCELLOR AND THE CITY BOARD SHALL ON A TIMELY BASIS AND UPON WRITTEN REQUEST, PROVIDE ALL INFORMATION AND DATA TO A COMMUNITY DISTRICT EDUCATION COUNCIL NECESSARY TO PERFORM ITS DUTIES UNDER THIS SECTION.

S 6. The opening paragraph of subdivision 1 of section 2590-f of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

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 AND SHALL BE ALLOCATED THE FUNDS AS ARE NECESSARY TO CARRY OUT SUCH POWERS AND DUTIES, INCLUDING FUNDS TO RETAIN AND EMPLOY AN ADEQUATE STAFF:

S 7. The opening paragraph and subdivision 5 of section 2590-g of the education law, as amended by chapter 345 of the laws of 2009, are amended to read as follows:

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, EXCEPT AS OTHERWISE PROVIDED BY LAW, THE POWER AND DUTY OF THE BOARD SHALL BE EXERCISED BY A MAJORITY VOTE OF THE MEMBERS. The board shall have the power and duty to:

5. (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] HUNDRED THOUSAND 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.

S 8. Subdivisions 2, 3, 9, 15, 21, 24 and 27 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, paragraph (a) of subdivision 15 as amended by chapter 101 of the laws of 2010 and the closing paragraph of subdivision 15 as added by chapter 518 of the laws of 2010, are amended and two new subdivisions 9-a and 22-a are added to read as follows:

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 AND HOLD PUBLIC HEARINGS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE 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.

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, SUBJECT TO PUBLIC HEARINGS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE.

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, INCLUDING BUT NOT LIMITED TO PUBLISHING ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS OF COMPLETION.

9-A. DEVELOP, SUBJECT TO THE APPROVAL OF THE CITY BOARD BY A MAJORITY VOTE OF ITS MEMBERS, AN ANNUAL EDUCATIONAL PLAN FOR THE CITY SCHOOL DISTRICT FOR THE CURRENT FISCAL YEAR THAT PROVIDES THE ANNUAL PRIORITIES

AND PROGRAMS ALIGNED WITH THE BUDGET. SUCH PLAN SHALL BE MADE PUBLIC AND SUBMITTED TO THE CITY BOARD ON OR BEFORE OCTOBER FIRST OF EACH YEAR. THE CITY BOARD SHALL HOLD AT LEAST ONE HEARING PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE. SUCH PLAN SHALL PROVIDE THE FOLLOWING INFORMATION: (A) NEEDS ASSESSMENT FINDINGS; (B) STATEMENT OF THE POLICY PRIORITIES, INCLUDING OVERALL GOALS AND OBJECTIVES; (C) KEY PRIORITIES AND STRATEGIES OR PROGRAMS FOR IMPROVING INSTRUCTIONAL PROGRAMS; STUDENT OUTCOMES; STUDENT TIME ON TASK; SPECIAL EDUCATION PROGRAMS AND SERVICE DELIVERY; PROFESSIONAL DEVELOPMENT; MIDDLE AND HIGH SCHOOL RESTRUCTURING; AVAILABILITY AND QUALITY OF FULL-DAY PRE-KINDERGARTEN PROGRAMS; PARENTAL INVOLVEMENT AND CONSULTATION; AVAILABILITY AND QUALITY OF VOCATIONAL HIGH SCHOOLS; AND ANY OTHER EDUCATIONAL MATTERS DEEMED NECESSARY; (D) PERFORMANCE GOALS AND MEASURES FOR EACH PRIORITY AND STRATEGY OR PROGRAM; AND (E) ESTIMATED FUNDING APPROPRIATIONS FOR EACH STRATEGY OR PROGRAM.

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 public school under the chancellor's jurisdiction; and ensuring that the districts and charter schools located within the city district 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 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 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 budget for the ensuing school year. Such plan shall be submitted to the 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 AND SHALL BE PUBLISHED ON THE SCHOOL DISTRICT'S OR SCHOOL BASED MANAGEMENT TEAM'S WEBSITE. 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] ENSURE ALL monthly meetings [that is consistent with the open meetings law] SHALL BE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS 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;

(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; AND

(VI) THE CHANCELLOR, THE CITY BOARD, THE COMMUNITY DISTRICT EDUCATION COUNCILS, SUPERINTENDENTS AND PRINCIPALS OF SCHOOLS, SHALL ON A TIMELY BASIS AND UPON WRITTEN REQUEST, PROVIDE ALL INFORMATION AND DATA TO A SCHOOL LEADERSHIP TEAM NECESSARY TO PERFORM ITS DUTIES UNDER THIS SECTION.

The chancellor shall by rule or regulation provide for the involvement including membership, in any parents' association or parent-teacher association established pursuant to this subdivision, of a grandparent

who is in parental relation to a child who attends a school within the jurisdiction of the community school district. For purposes of this subdivision, a grandparent shall be considered to be in parental relation to a child when such grandparent has assumed care of such child because such child's parents are not available due to death, imprisonment, mental illness, living outside the state, abandonment of the child, or other circumstances. A determination of whether a grandparent is in parental relation to a child shall be based upon the individual circumstances surrounding guardianship and custodial care of such child.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with [subdivisions thirty-six and] SUBDIVISION thirty-seven of this section AND SECTION TWENTY-FIVE HUNDRED NINETY-V OF THIS ARTICLE.

22-A. TAKE ALL NECESSARY STEPS TO INTEGRATE THE CENTRALIZED ACCOUNTING AND BUDGETING SYSTEM OF THE CITY SCHOOL DISTRICT INTO THE FINANCIAL MANAGEMENT SYSTEM OF THE CITY OF NEW YORK THAT WAS IMPLEMENTED PURSUANT TO SECTION EIGHT HUNDRED SIXTY-ONE OF THE NEW YORK CITY CHARTER AND TO COMPLETE SUCH INTEGRATION OF SYSTEMS NO LATER THAN JULY FIRST, TWO THOUSAND TWELVE.

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. CONDUCT PUBLIC HEARINGS, PROVIDED FOR IN SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, ON SUCH FIVE YEAR FACILITIES CAPITAL PLAN. 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.

27. 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. SUCH PLAN SHALL ONLY BE IMPLEMENTED, SUBJECT TO A PUBLIC HEARING AS PROVIDED FOR IN SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, AND SHALL BE PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS AFTER ADOPTION.

S 9. The opening paragraph and paragraphs (g) and (h) of subdivision 1 of section 2590-i of the education law, as amended by chapter 345 of the laws of 2009, are amended to read as follows:

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, MEMBERS OF SCHOOL LEADERSHIP TEAMS and other staff, and the school based management team pursuant to section twenty-five hundred ninety-h of this article including:

(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] SUBDIVISION thirty-seven of section twenty-five hundred ninety-h of this article AND TO SECTION TWENTY-FIVE HUNDRED NINETY-V OF THIS ARTICLE,

(h) subject to [subdivisions thirty-six and] SUBDIVISION thirty-seven of section twenty-five hundred ninety-h of this article AND TO SECTION TWENTY-FIVE HUNDRED NINETY-V 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,

S 10. Section 2590-o of the education law, as added by chapter 738 of the laws of 1988, is amended by adding a new subdivision 3-a to read as follows:

3-A. NO LATER THAN JANUARY FIRST, TWO THOUSAND TWELVE, THE CHANCELLOR SHALL PREPARE AND SUBMIT A PRELIMINARY PROPOSED REVISION TO THE EDUCATIONAL FACILITIES MASTER PLAN TO THE CITY BOARD AND TO EACH COMMUNITY SCHOOL BOARD. THIS PROPOSED REVISION SHALL REFLECT THE PROGRESS ACHIEVED DURING THE FIRST THREE YEARS OF THE MASTER PLAN AND SHALL INCORPORATE SUCH CHANGES TO THE MASTER PLAN AS THE CHANCELLOR DEEMS NECESSARY. EACH SUCH COMMUNITY SCHOOL BOARD SHALL CONDUCT A PUBLIC HEARING AND SHALL PREPARE AND SUBMIT RECOMMENDATIONS TO THE CHANCELLOR ON OR BEFORE MARCH FIRST, TWO THOUSAND TWELVE WITH RESPECT TO MATTERS IN THE PLAN THAT INVOLVE THAT SCHOOL DISTRICT. THE CHANCELLOR SHALL CONSIDER THE RECOMMENDATIONS RECEIVED FROM THE COMMUNITY SCHOOL BOARDS, AND, ON OR BEFORE APRIL FIRST, TWO THOUSAND TWELVE, SHALL SUBMIT A FINAL PROPOSED REVISION TO THE MASTER PLAN TO THE CITY BOARD FOR ITS APPROVAL. ON OR BEFORE MAY FIRST OF SUCH YEAR, THE CITY BOARD SHALL APPROVE BY A MAJORITY VOTE OF ITS MEMBERS THE REVISION TO THE EDUCATIONAL FACILITIES MASTER PLAN SUBMITTED BY THE CHANCELLOR.

S 11. Paragraph b of subdivision 3 of section 2590-p of the education law, as amended by section 9 of chapter 345 of the laws of 2009, 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 SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE 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 ALL PUBLIC COMMENTS AND TESTIMONY PROVIDED FOR AT PUBLIC HEARINGS, 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 BY A MAJORITY VOTE OF ITS MEMBERS pursuant to paragraph (d) of subdivision one of section twenty-five hundred ninety-g of this article. THE CITY BOARD SHALL HOLD PUBLIC HEARINGS ON SUCH FINAL PROPOSED FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN, PRIOR TO THE APPROVAL PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE.

S 12. Subdivision 5 of section 2590-p of the education law, as added by chapter 738 of the laws of 1988, paragraph a as amended by chapter 91 of the laws of 2002, is amended to read as follows:

5. a. The chancellor may in his or her discretion, SUBJECT TO PARAGRAPH B OF THIS SUBDIVISION, submit amendments to an approved five-year educational facilities capital plan to the city board, mayor, and city council for their approval.

b. The chancellor shall submit such amendments in the event (i) the estimated cost of any program element shall increase by more than ten percent from the estimate contained in the plan, (ii) a project will not

be commenced within six months from the date set forth in the plan, (iii) a project to be performed at an identified educational facility is proposed to be performed at a different educational facility or (iv) a project not identified in the plan, other than projects to be performed pursuant to paragraph h of subdivision two of this section, is proposed to be initiated.

c. In the event the city shall appropriate an amount less than the amount proposed to be funded by the city in the then approved five-year educational facilities capital plan, or in the event an appropriation shall be reduced below such level as provided in subdivision four of this section, the chancellor shall prepare and submit to the city board for its approval an amendment to such plan to reflect the reduced amount of funding from the city.

d. If the effect of any plan amendment would require an additional appropriation by the city, no such amendment shall be implemented unless and until the city shall make such additional appropriation.

e. Amendments submitted by the chancellor as described in paragraph c and in clauses (iii) and (iv) of paragraph b of this subdivision shall also be submitted to each affected community [school board] DISTRICT EDUCATION COUNCIL, which [may] SHALL conduct a public hearing and prepare and submit recommendations to the city board within forty-five days of such submission. PUBLIC HEARINGS PROVIDED FOR BY THIS SECTION SHALL BE CONDUCTED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE, EXCEPT THAT AN EXPEDITED COMMENT AND ASSESSMENT PERIOD, AS DEFINED IN SUCH SECTION, SHALL BE USED.

S 13. Paragraph c of subdivision 6 of section 2590-p of the education law, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

c. The chancellor shall prepare preliminary scopes (i) for each project contained within the program elements defined in paragraphs a and b of subdivision two of this section and, where appropriate, paragraph g of subdivision two of this section, (ii) for each major modernization project contained in paragraph c of such subdivision two, and (iii) for each new construction project contained in paragraph d of such subdivision two, and shall transmit such preliminary scopes to the affected community district education councils. The community district education council [may] SHALL hold hearings on such scope SUBJECT TO THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE; provided, however, that the community district education council must submit any comments to the chancellor no later than thirty days following the date of submission, AND THAT AN EXPEDITED COMMENT AND ASSESSMENT PERIOD AS DEFINED IN SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE BE UTILIZED. The chancellor shall consider the comments in preparing the scope that he or she will submit to the director of management and budget of the city pursuant to paragraph d of this subdivision.

S 14. Paragraph (a) of subdivision 4 and subdivisions 10, 11 and 13 of section 2590-q of the education law, paragraph (a) of subdivision 4 and subdivisions 10 and 11 as amended by chapter 123 of the laws of 2003 and subdivision 13 as amended by chapter 91 of the laws of 2002, are amended to read as follows:

(a) estimates, as adopted by the city board BY A MAJORITY VOTE OF THE MEMBERS, of the total sum of money which it deems necessary for the operation of the city district (other than functions to be financed from funds provided for in the capital budget of the city) during the next fiscal year of the city, together with the estimates submitted by the community district education councils;

10. Notwithstanding any provisions of law to the contrary, any moneys appropriated to or authorized for expenditure by the city board BY A MAJORITY VOTE OF THE MEMBERS including moneys so appropriated to finance innovative programs or activities by community district education councils (but other than moneys so appropriated for the exercise of powers or duties reserved to the city board) may be allocated by the chancellor to any community district education council. Allocations made pursuant to this subdivision shall be based on the needs of the recipient community district education councils, considered in conjunction with the needs of the schools and programs under the jurisdiction of the city board, in the case of moneys appropriated for innovative programs or activities, the relative merit of the programs or activities proposed by the respective community district education councils.

11. The chancellor shall perform all functions in connection with article seventy-three of this chapter; provided that the chancellor shall allocate to the community district education councils the state funds apportioned to the city district pursuant to such article seventy-three, less the amount of such funds necessary to enable the chancellor to carry out his or her responsibilities, on the basis of an objective formula established by the chancellor and approved by the city board annually BY A MAJORITY VOTE OF THE MEMBERS, after consultation with the community district education councils and the mayor, which formula shall reflect the relative educational needs of the community districts to the maximum extent feasible.

13. The city board, BY A MAJORITY VOTE OF THE MEMBERS, through the chancellor shall perform all functions in connection with the capital budget as provided in chapter nine of the charter of the city of New York, except as otherwise provided herein.

S 15. Subdivisions a, h and n of section 2590-r of the education law, as amended by chapter 345 of the laws of 2009, are amended to read as follows:

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 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; PROVIDED THAT SUCH REGULATIONS SHALL INCLUDE A PROCESS MANDATING THAT PRIOR TO APPROVAL BY THE CITY BOARD OF SUCH FORMULAE, OR AMENDMENTS THERETO, THE CHANCELLOR SHALL CONDUCT PUBLIC HEARINGS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE;

h. a comprehensive system of public reporting, INCLUDING BUT NOT LIMITED TO PUBLICATION ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS OF ENACTMENT, 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;

n. a collaborative school-based planning process involving parents, teachers, SCHOOL LEADERSHIP TEAMS OR OTHER SCHOOL-BASED MANAGEMENT TEAMS, other school personnel and, where appropriate, students to effectuate the purposes of this section. THE COLLABORATIVE SCHOOL-BASED PLANNING PROCESS SHALL INCLUDE AT LEAST ONE PUBLIC HEARING ON EACH ANNUAL SCHOOL-BASED BUDGET, PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-Y OF THIS ARTICLE.

S 16. The education law is amended by adding four new sections 2590-v, 2590-w, 2590-x and 2590-y to read as follows:

S 2590-V. PROCUREMENT POLICY AND COMPTROLLER AUDITS. 1. ALL GOODS, SERVICES OR CONSTRUCTION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL BE PROCURED AS PRESCRIBED IN CHAPTER THIRTEEN OF THE NEW YORK CITY CHARTER. NO CONTRACT SHALL BE IMPLEMENTED UNTIL (A) A COPY HAS BEEN FILED WITH THE CITY COMPTROLLER AND (B) THE CITY COMPTROLLER HAS REGISTERED IT IN ACCORDANCE WITH SECTION THREE HUNDRED TWENTY-EIGHT OF THE NEW YORK CITY CHARTER.

2. THE CITY COMPTROLLER SHALL HAVE THE POWER TO AUDIT THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, INCLUDING BUT NOT LIMITED TO THE CITY DISTRICT'S OPERATIONS AND PROGRAMS, AND SHALL EXERCISE THE POWERS AND DUTIES AS SET FORTH IN SUBDIVISIONS B, C, D AND E OF SECTION NINETY-THREE OF THE NEW YORK CITY CHARTER IN CONDUCTING AUDITS OF THE CITY DISTRICT.

3. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH OR IMPAIR THE STATE COMPTROLLER'S POWERS AND DUTIES TO AUDIT THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

S 2590-W. POWERS AND DUTIES OF THE CITY INDEPENDENT BUDGET OFFICE APPLYING TO THE CITY SCHOOL DISTRICT. 1. THE INDEPENDENT BUDGET OFFICE ESTABLISHED PURSUANT TO CHAPTER ELEVEN OF THE NEW YORK CITY CHARTER SHALL BE AUTHORIZED TO SECURE SUCH INFORMATION, DATA, ESTIMATES AND STATISTICS FROM THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AS THE DIRECTOR OF THE OFFICE DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNCTIONS AND DUTIES OF THE OFFICE, AND THE CITY DISTRICT SHALL PROVIDE SUCH INFORMATION IN A TIMELY FASHION AND IN THE FORMAT REQUESTED BY THE OFFICE, INCLUDING GENERATING INFORMATION MAINTAINED ELECTRONICALLY. THE DIRECTOR 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.

2. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH ANNUALLY REPORTS THAT PROVIDE INFORMATION DATA, AND ANALYSIS FOR THE CITY DISTRICT RELATING TO THE FOLLOWING SUBJECTS: (A) CLASS SIZES AND THEIR DISTRIBUTION; (B) SCHOOL OVERCROWDING AND ITS DISTRIBUTION; (C) STATUS OF THE FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN; (D) OPERATIONAL AND CAPITAL BUDGET FUNDS RECEIVED AND EXPENDED IN CONNECTION WITH THE MAJOR FUNCTIONS OF THE CITY DISTRICT; (E) HEADCOUNT OF THE CITY DISTRICT DISAGGREGATED BY FUNCTION AND OFFICE; (F) GRADUATION RATES AND TRENDS; AND (G) TEST RESULTS AND PROGRESS ASSESSMENTS AND TRENDS. IN ADDITION, THE OFFICE SHALL FROM TIME TO TIME PUBLISH REPORTS RELATING TO THE CITY DISTRICT AS MAY BE APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND MATTERS RELATING TO REVENUES, EXPENDITURES, FINANCIAL MANAGEMENT PRACTICES AND RELATED MATTERS.

3. THE APPROPRIATIONS AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET OFFICE DURING EACH FISCAL YEAR AS REQUIRED PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE OF THE NEW YORK CITY CHARTER SHALL NOT BE LESS THAN FIFTEEN PERCENTUM OF THE APPROPRIATIONS AVAILABLE TO PAY FOR THE EXPENSES OF THE OFFICE OF MANAGEMENT AND BUDGET DURING SUCH FISCAL YEAR.

S 2590-X. POWERS AND DUTIES OF THE PUBLIC ADVOCATE APPLYING TO THE CITY SCHOOL DISTRICT. 1. THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK, ELECTED PURSUANT TO SECTION TWENTY-FOUR OF THE NEW YORK CITY CHARTER, SHALL BE AUTHORIZED TO (A) MONITOR THE OPERATION OF THE PUBLIC INFORMATION AND SERVICE COMPLAINT PROGRAMS OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND MAKE PROPOSALS TO IMPROVE SUCH PROGRAMS; (B) REVIEW COMPLAINTS OF A RECURRING AND MULTI-BOROUGH OR CITY-WIDE NATURE RELATING TO SERVICES AND PROGRAMS, AND MAKE PROPOSALS TO IMPROVE THE RESPONSE OF THE CITY SCHOOL DISTRICT TO SUCH COMPLAINTS; (C) RECEIVE INDIVIDUAL

COMPLAINTS CONCERNING SERVICES PROVIDED BY THE CITY SCHOOL DISTRICT AND OTHER ADMINISTRATIVE ACTIONS OF THE CITY SCHOOL DISTRICT; AND (D) INVESTIGATE AND OTHERWISE ATTEMPT TO RESOLVE SUCH INDIVIDUAL COMPLAINTS EXCEPT FOR THOSE WHICH (I) ANOTHER CITY AGENCY OR THE CITY SCHOOL DISTRICT IS REQUIRED BY LAW TO ADJUDICATE, (II) MAY BE RESOLVED THROUGH A GRIEVANCE MECHANISM ESTABLISHED BY COLLECTIVE BARGAINING AGREEMENT OR CONTRACT, OR (III) INVOLVE ALLEGATIONS OF CONDUCT WHICH MAY CONSTITUTE A VIOLATION OF CRIMINAL LAW OR A CONFLICT OF INTEREST. IF THE PUBLIC ADVOCATE RECEIVES A COMPLAINT WHICH IS SUBJECT TO A PROCEDURE DESCRIBED IN SUBPARAGRAPHS (I) OR (II) OF PARAGRAPH (D) OF THIS SUBDIVISION, THE PUBLIC ADVOCATE SHALL ADVISE THE COMPLAINANT OF THE APPROPRIATE PROCEDURE FOR THE RESOLUTION OF SUCH COMPLAINT. IF THE PUBLIC ADVOCATE RECEIVES A COMPLAINT OF THE TYPE DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (D) OF THIS SUBDIVISION, THE PUBLIC ADVOCATE SHALL PROMPTLY REFER THE MATTER IN ACCORDANCE WITH SUBDIVISION K OF SECTION TWENTY-FOUR OF THE NEW YORK CITY CHARTER.

2. UPON AN INITIAL DETERMINATION THAT A COMPLAINT MAY BE VALID, THE PUBLIC ADVOCATE SHALL REFER IT TO THE APPROPRIATE AGENCY OR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. IF SUCH AGENCY OR THE CITY SCHOOL DISTRICT DOES NOT RESOLVE THE COMPLAINT WITHIN A REASONABLE TIME, THE PUBLIC ADVOCATE MAY CONDUCT AN INVESTIGATION AND MAKE SPECIFIC RECOMMENDATIONS TO THE AGENCY OR THE CITY SCHOOL DISTRICT FOR RESOLUTION OF THE COMPLAINT. IF, WITHIN A REASONABLE TIME AFTER THE PUBLIC ADVOCATE HAS COMPLETED AN INVESTIGATION AND SUBMITTED RECOMMENDATIONS TO AN AGENCY OR THE CITY SCHOOL DISTRICT, SUCH AGENCY OR THE CITY SCHOOL DISTRICT HAS FAILED TO RESPOND IN A SATISFACTORY MANNER TO THE RECOMMENDATIONS, THE PUBLIC ADVOCATE MAY ISSUE A REPORT TO THE COUNCIL AND THE MAYOR. SUCH REPORT SHALL DESCRIBE THE CONCLUSIONS OF THE INVESTIGATION AND MAKE SUCH RECOMMENDATIONS FOR ADMINISTRATIVE, LEGISLATIVE, OR BUDGETARY ACTION, TOGETHER WITH THEIR FISCAL IMPLICATIONS, AS THE PUBLIC ADVOCATE DEEMS NECESSARY TO RESOLVE THE INDIVIDUAL COMPLAINT OR COMPLAINTS OR TO ADDRESS THE UNDERLYING PROBLEMS DISCOVERED IN THE INVESTIGATION.

3. IN ADDITION TO OTHER DUTIES AND RESPONSIBILITIES, THE PUBLIC ADVOCATE SHALL BE AUTHORIZED TO REVIEW THE PROGRAMS OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. SUCH REVIEWS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANNUAL EVALUATIONS OF: (A) THE IMPLEMENTATION OF THE REQUIREMENTS FOR COTERMINALITY OF LOCAL SERVICES CONTAINED IN ALL SUBDIVISIONS OF SECTION TWENTY-SEVEN HUNDRED FOUR OF THE NEW YORK CITY CHARTER; (B) THE EFFECTIVENESS OF THE PUBLIC INFORMATION AND SERVICE COMPLAINT PROGRAMS OF THE CITY SCHOOL DISTRICT; AND (C) THE RESPONSIVENESS OF THE CITY SCHOOL DISTRICT TO INDIVIDUAL AND GROUP REQUESTS FOR DATA OR INFORMATION REGARDING THE CITY SCHOOL DISTRICT'S STRUCTURE, ACTIVITIES AND OPERATIONS. THE PUBLIC ADVOCATE SHALL SUBMIT ANY REPORTS DOCUMENTING OR SUMMARIZING SUCH REVIEWS TO THE COUNCIL, MAYOR AND APPROPRIATE AGENCY OR THE CITY SCHOOL DISTRICT AND SHALL INCLUDE IN SUCH REPORTS HIS OR HER RECOMMENDATIONS FOR ADDRESSING THE PROBLEMS IDENTIFIED AND THE FISCAL IMPLICATIONS OF SUCH RECOMMENDATIONS.

4. EXCEPT FOR THOSE MATTERS WHICH INVOLVE CONDUCT WHICH MAY CONSTITUTE A VIOLATION OF CRIMINAL LAW OR A CONFLICT OF INTEREST, THE PUBLIC ADVOCATE SHALL BE AUTHORIZED, AT THE REQUEST OF A RESIDENT, TAXPAYER, COMMUNITY BOARD, COUNCIL MEMBER OR BOROUGH PRESIDENT, OR ON HIS OR HER OWN MOTION, TO INQUIRE INTO ANY ALLEGED FAILURE OF A CITY OFFICER OR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO COMPLY WITH ANY PROVISION OF THE CHARTER. IF AS A RESULT OF SUCH INQUIRY, THE PUBLIC ADVOCATE CONCLUDES THAT THERE IS ANY SUBSTANTIAL FAILURE TO COMPLY WITH ANY PROVISION OF THE CHARTER, HE OR SHE SHALL SUBMIT A PRELIMINARY

REPORT DOCUMENTING THE CONCLUSIONS OF THE INQUIRY TO THE OFFICER OR OFFICERS AND THE HEAD OF THE CITY SCHOOL DISTRICT INVOLVED WITHIN A REASONABLE TIME AFTER SUBMITTING SUCH PRELIMINARY REPORT. THE PUBLIC ADVOCATE SHALL ISSUE A FINAL REPORT TO THE COUNCIL, MAYOR, AND THE CITY SCHOOL DISTRICT DOCUMENTING THE CONCLUSIONS OF THE INQUIRY.

5. THE PUBLIC ADVOCATE SHALL HAVE TIMELY ACCESS TO THOSE RECORDS AND DOCUMENTS OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK WHICH THE PUBLIC ADVOCATE DEEMS NECESSARY TO COMPLETE THE INVESTIGATIONS, INQUIRIES AND REVIEWS REQUIRED BY THIS SECTION. IF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK DOES NOT COMPLY WITH THE PUBLIC ADVOCATE'S REQUEST FOR SUCH RECORDS AND DOCUMENTS, THE PUBLIC ADVOCATE MAY REQUEST AN APPROPRIATE COMMITTEE OF THE COUNCIL TO REQUIRE THE PRODUCTION OF SUCH RECORDS AND DOCUMENTS PURSUANT TO SECTION TWENTY-NINE OF THE NEW YORK CITY CHARTER. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THOSE RECORDS AND DOCUMENTS OF THE CITY SCHOOL DISTRICT FOR WHICH A CLAIM OF PRIVILEGE MAY PROPERLY BE RAISED OR WHICH ARE PREPARED OR MAINTAINED BY THE DEPARTMENT OF INVESTIGATION FOR USE IN ANY INVESTIGATION AUTHORIZED BY CHAPTER THIRTY-FOUR OF THE NEW YORK CITY CHARTER.

6. BEFORE MAKING PUBLIC ANY PORTION OF ANY DRAFT, PRELIMINARY OR FINAL REPORT RELATING TO THE OPERATIONS OR ACTIVITIES OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK OR A CITY OFFICER OF THE CITY SCHOOL DISTRICT, THE PUBLIC ADVOCATE SHALL SEND A COPY OF THE DRAFT REPORT TO THE HEAD OF THE CITY SCHOOL DISTRICT AND ANY SUCH OFFICER DISCUSSED IN SUCH REPORT AND PROVIDE THE OFFICER AND THE CITY SCHOOL DISTRICT, IN WRITING, WITH A REASONABLE DEADLINE FOR THEIR REVIEW AND RESPONSE. THE PUBLIC ADVOCATE SHALL INCLUDE IN ANY REPORT, OR PORTION THEREOF, WHICH IS MADE PUBLIC A COPY OF ALL SUCH OFFICER AND CITY SCHOOL DISTRICT RESPONSES.

7. THE ANNUAL REPORT ON THE ACTIVITIES OF HIS OR HER OFFICE PRESENTED BY THE PUBLIC ADVOCATE TO THE CITY COUNCIL PURSUANT TO SUBDIVISION N OF SECTION TWENTY-FOUR OF THE NEW YORK CITY CHARTER SHALL INCLUDE ANY RELEVANT DATA, ANALYSIS, FINDINGS, RECOMMENDATIONS AND CHARTER COMPLIANCE INFORMATION RELATING TO THE CITY SCHOOL DISTRICT AND ANY OTHER INFORMATION RELATING TO THE CITY SCHOOL DISTRICT DEEMED APPROPRIATE BY THE PUBLIC ADVOCATE.

S 2590-Y. PUBLIC NOTICE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, PROPOSALS SUBJECT TO THIS SECTION SHALL NOT BE ADOPTED BY THE CHANCELLOR, CITY BOARD, OR THE COMMUNITY DISTRICT EDUCATION COUNCILS, AS DESCRIBED IN THIS ARTICLE, UNLESS THE PUBLIC PROCESS SET FORTH IN THIS SECTION IS FOLLOWED. ALL PUBLIC HEARINGS PROVIDED FOR IN THIS SECTION SHALL BE SUBJECT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION. ALL DECISIONS MADE PURSUANT TO THIS SECTION SHALL BE DEVELOPED THROUGH A PUBLIC PROCESS IN CONSULTATION WITH PARENTS OF STUDENTS OR PERSONS IN PARENTAL RELATION TO STUDENTS, TEACHERS, ADMINISTRATORS, MEMBERS OF COMMUNITY DISTRICT EDUCATION COUNCILS AND MEMBERS OF SCHOOL LEADERSHIP TEAMS AND HELD AT A TIME AND PLACE DESIGNATED TO MAXIMIZE THEIR PARTICIPATION, WHICH SHALL INCLUDE AT LEAST ONE PUBLIC HEARING. FOR ALL HEARINGS WHICH SUBJECT MATTER AFFECTS THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, AT LEAST ONE PUBLIC HEARING SHALL BE HELD WITHIN EACH COUNTY OF THE CITY.

1. THE CHANCELLOR, CITY BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL SHALL EACH DESIGNATE A HEARING OFFICER WHO SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS SECTION.

2. UNLESS CIRCUMSTANCES REQUIRING EMERGENCY PROCEDURES SUBJECT TO SUBDIVISION FOURTEEN OF THIS SECTION EXIST, ALL PUBLIC HEARINGS SHALL BE SCHEDULED AT LEAST SEVEN DAYS PRIOR TO THE HEARING.

3. (A) ALL NOTICES OF PUBLIC HEARINGS SCHEDULED AT LEAST SEVEN DAYS PRIOR THERETO SHALL BE GIVEN TO THE NEWS MEDIA AND LOCAL PUBLICATIONS AND SHALL BE CONSPICUOUSLY POSTED IN ONE OR MORE DESIGNATED PUBLIC LOCATIONS, INCLUDING IN AFFECTED SCHOOLS AND SCHOOL DISTRICT OFFICES, AT LEAST SEVENTY-TWO HOURS BEFORE SUCH HEARINGS; HOWEVER ALL SUCH NOTICES SHALL BE PLACED IN THE CITY RECORD OF THE CITY OF NEW YORK AND ON THE CITY SCHOOL DISTRICT'S WEBSITE AT LEAST SEVEN DAYS PRIOR TO ANY PUBLIC HEARING.

(B) PUBLIC NOTICE OF THE TIME AND PLACE OF PUBLIC HEARINGS HELD PURSUANT TO SUBDIVISION FOURTEEN OF THIS SECTION SHALL BE GIVEN, TO THE EXTENT PRACTICABLE, TO THE NEWS MEDIA AND LOCAL PUBLICATIONS AND SHALL BE CONSPICUOUSLY POSTED IN ONE OR MORE DESIGNATED PUBLIC LOCATIONS, INCLUDING IN AFFECTED SCHOOLS AND SCHOOL DISTRICT OFFICES AT A REASONABLE TIME PRIOR THERETO.

(C) NOTICES MAY ALSO BE INCLUDED IN SCHOOL DISTRICT MAILINGS AND DISTRIBUTIONS, OR IN ANY OTHER MANNER UPON INPUT TO THE CHANCELLOR, CITY BOARD OR COMMUNITY DISTRICT EDUCATION COUNCILS FOR PARENTS, STAFF OR SCHOOL LEADERSHIP TEAMS TO MAXIMIZE DISTRIBUTION OF SUCH NOTICES.

(D) NOTICES SHALL BE PROVIDED TO: (I) ANY AFFECTED COMMUNITY DISTRICT EDUCATION COUNCIL OR COUNCILS, SPECIAL EDUCATION COUNCIL OR COUNCILS OR SCHOOL LEADERSHIP TEAM OR TEAMS; AND (II) THE OFFICES OF THE MEMBERS OF THE CITY COUNCIL, AND NEW YORK STATE ASSEMBLY AND SENATE WHOSE DISTRICT CONTAINS A SCHOOL AFFECTED BY ANY PROPOSAL WHICH IS THE SUBJECT MATTER OF A HEARING, AND TO THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK.

4. FOR ALL PUBLIC HEARINGS WHICH SUBJECT MATTER IMPACTS MORE THAN ONE COMMUNITY DISTRICT OR SCHOOL, NOTICE SHALL BE PLACED IN RELEVANT WEBSITES AND SCHOOL OFFICES OF ALL SUCH COMMUNITY DISTRICTS OR SCHOOLS, AND MEDIA COVERING EACH COMMUNITY DISTRICT OR SCHOOLS.

5. ALL NOTICES SHALL BE TRANSLATED INTO THE LANGUAGES OTHER THAN ENGLISH THAT ARE MOST COMMONLY SPOKEN IN THE COMMUNITY DISTRICT OR COMMUNITY DISTRICTS AFFECTED BY THE SUBJECT MATTER OF A HEARING.

6. FOR ANY MATTERS RELATED TO ARTICLE EIGHTY-NINE OF THIS CHAPTER OR THAT AFFECT SPECIAL EDUCATION SERVICES OR STUDENTS WITH DISABILITIES, NOTICE SHALL BE PROVIDED TO EACH MEMBER OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION.

7. (A) THE HEARING OFFICER SHALL PROVIDE REASONABLE NOTICE TO THE PUBLIC OF EACH PUBLIC HEARING, AND PUBLIC COMMENT PERIOD, PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. PUBLIC HEARINGS NOTICES MAY INCLUDE NOTICE OF PUBLIC COMMENT PERIODS OR THE HEARING OFFICER MAY ELECT TO PROVIDE FOR SEPARATE NOTICE IF THE COMMENT PERIOD BEGINS PRIOR TO OR AFTER THE PUBLIC HEARING DATE. UPON SUCH ELECTION, PUBLIC COMMENT NOTICES SHALL BE SENT PURSUANT TO THE SAME REQUIREMENTS AS PROVIDED FOR PUBLIC HEARING NOTICES.

(B) PUBLIC HEARING AND PUBLIC COMMENT NOTICES SHALL INCLUDE, AT A MINIMUM:

(I) THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING OR DATE;

(II) A DESCRIPTION OF THE PROCESS FOR SUBMITTING WRITTEN COMMENTS, INCLUDING, BUT NOT LIMITED TO, THE HEARING OFFICER'S ADDRESS TO WHICH COMMENTS MAY BE SENT AND THE DATE BY WHICH COMMENTS MUST BE RECEIVED BY THE HEARING OFFICER;

(III) A GENERAL DESCRIPTION OF THE SUBJECT MATTER OF THE HEARING;

(IV) A DETAILED DESCRIPTION OF ANY PROPOSED MODIFICATIONS, IF APPLICABLE, INCLUDING SUCH IMPACT:

(A) ON A SCHOOL LEVEL;

(B) BY PROGRAM AREA, INCLUDING DETAILS CONCERNING PROPOSED PROGRAM MODIFICATIONS;

(C) BY STUDENT ACHIEVEMENT PERFORMANCE TARGETS; AND
(D) BY AFFECTED STUDENT POPULATION GROUPINGS, INCLUDING, BUT NOT LIMITED TO:
(1) STUDENTS WITH LIMITED ENGLISH PROFICIENCY AND STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;
(2) STUDENTS IN POVERTY;
(3) STUDENTS WITH DISABILITIES; AND
(4) STUDENTS WITH LOW ACADEMIC ACHIEVEMENT;
(V) INFORMATION ON WHERE TO OBTAIN A COPY OF THE FULL TEXT OF THE PROPOSAL OR SUBJECT MATTER OF THE HEARING; AND
(VI) A DESCRIPTION OF THE PUBLIC HEARING PROCESS, INCLUDING THE PROCEDURES FOR PARTICIPATION AND SUBMISSION OF COMMENTS.
8. PUBLIC HEARINGS SHALL PROVIDE AN OPPORTUNITY FOR ORAL AND WRITTEN COMMENTS TO BE SUBMITTED BY ANY INTERESTED PARTY INCLUDING, BUT NOT LIMITED TO, PARENTS OF STUDENTS OR PERSONS IN PARENTAL RELATION TO STUDENTS, TEACHERS, ADMINISTRATORS, MEMBERS OF THE COMMUNITY DISTRICT EDUCATION COUNCILS OR SCHOOL LEADERSHIP TEAMS, AND ANY DISTINGUISHED EDUCATOR APPOINTED PURSUANT TO SECTION TWO HUNDRED ELEVEN-C OF THIS CHAPTER.
9. (A) EXCEPT AS OTHERWISE PROVIDED FOR BY LAW, THERE SHALL BE A THIRTY DAY PERIOD FOR RECEIPT OF WRITTEN PUBLIC COMMENT ON EACH ISSUE PROPOSED FOR ADOPTION AND THE SUBJECT MATTER OF A HEARING.
(B) AN EXPEDITED COMMENT AND ASSESSMENT PERIOD, SHALL BE REQUIRED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TEN OF THIS SECTION AND SHALL BE DEFINED AS A TEN DAY PERIOD FOR RECEIPT OF WRITTEN PUBLIC COMMENT, AND A SEVEN DAY PERIOD BY THE HEARING OFFICER'S ASSESSMENT AS PROVIDED FOR IN SUBDIVISION TEN OF THIS SECTION.
10. (A) EACH HEARING OFFICER SHALL PREPARE, AND MAKE AVAILABLE UPON REQUEST, A RECORD OF PUBLIC COMMENT RECEIVED, INCLUDING EACH WRITTEN COMMENT RECEIVED AND THE TRANSCRIPT OF ORAL COMMENTS PRESENTED AT ANY PUBLIC HEARING HELD PURSUANT TO THIS SUBDIVISION.
(B) ANY TRANSCRIPT OF THE TESTIMONY PRESENTED AT ALL PUBLIC HEARINGS PROVIDED BY THE HEARING OFFICER SHALL BE MADE AVAILABLE UPON REQUEST AT LEAST SEVEN DAYS PRIOR TO THE ACTUAL VOTE OF THE CITY BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL FOR SUCH PROPOSAL.
(C) NOT LATER THAN TWELVE DAYS, OR SEVEN DAYS FOR AN EXPEDITED COMMENT AND ASSESSMENT PERIOD, AFTER EXPIRATION OF THE PUBLIC COMMENT PERIOD OR CONCLUSION OF PUBLIC HEARINGS, WHICHEVER OCCURS LATER, THE HEARING OFFICER SHALL PREPARE A PUBLIC COMMENT ASSESSMENT, BASED UPON ANY WRITTEN COMMENTS SUBMITTED TO THE HEARING OFFICER AND ANY ORAL COMMENTS PRESENTED AT ANY PUBLIC HEARING HELD PURSUANT TO THIS SUBDIVISION. (I) THE PUBLIC COMMENT ASSESSMENT SHALL CONTAIN:
(A) A SUMMARY OF THE SUBSTANCE OF THE COMMENTS RECEIVED, GROUPED BY SUBJECT MATTER; AND
(B) THE RESPONSE TO EACH SUBSTANTIVE COMMENT, INCLUDING A STATEMENT OF ANY CHANGES MADE TO THE PROPOSAL AS A RESULT OF SUCH COMMENT, OR AN EXPLANATION OF WHY THE COMMENT'S SUGGESTIONS WERE NOT INCORPORATED INTO THE PROPOSAL.
(II) THE PUBLIC COMMENT ASSESSMENT SHALL BE POSTED ON A SCHOOL DISTRICT WEBSITE AND OTHERWISE MADE AVAILABLE UPON REQUEST.
11. (A) THE SCHOOL DISTRICT OR COMMUNITY DISTRICT EDUCATION COUNCIL SHALL NOT ADOPT ANY PROPOSAL FOR APPROVAL PURSUANT TO THIS SECTION UNTIL AFTER: (I) THE THIRTY DAY PUBLIC COMMENT PERIOD HAS ENDED; (II) ALL PUBLIC HEARINGS HAVE BEEN CONDUCTED; (III) THE PUBLIC COMMENT RECORD HAS BEEN PREPARED; AND (IV) THE PUBLIC COMMENT ASSESSMENT HAS BEEN PREPARED AND POSTED ON A SCHOOL DISTRICT WEBSITE.

(B) THE SCHOOL DISTRICT OR COMMUNITY DISTRICT EDUCATION COUNCIL SHALL POST WITHIN FORTY-EIGHT HOURS OF ANY FINALIZED VOTE, ON ITS WEBSITE, THE FULL TEXT OF ALL ADOPTED PROPOSALS SUBJECT TO THIS SECTION.

12. THE CHANCELLOR SHALL PROMULGATE REGULATIONS THAT ASSURE THAT PROCEDURES ARE IN PLACE BY WHICH PARENTS OF STUDENTS OR PERSONS IN PARENTAL RELATION TO STUDENTS, THE COMMUNITY DISTRICT EDUCATION COUNCILS, SCHOOL LEADERSHIP TEAMS, OR ANY OTHER MEMBER OF THE PUBLIC MAY BRING COMPLAINTS CONCERNING IMPLEMENTATION OF THIS SECTION.

(A) SUCH PROCEDURES SHALL PROVIDE THAT COMPLAINTS RELATED TO OPERATIONS OF THE COMMUNITY DISTRICT EDUCATION COUNCILS MAY BE FILED WITH THE COMMUNITY SUPERINTENDENT, AND THAT APPEAL OF THE DETERMINATION OF A COMMUNITY SUPERINTENDENT SHALL BE MADE TO THE CHANCELLOR.

(B) THE DETERMINATION OF THE CHANCELLOR MAY BE APPEALED TO THE COMMISSIONER.

(C) SUCH PROCEDURES SHALL PROVIDE THAT COMPLAINTS RELATED TO OPERATIONS OF THE CHANCELLOR MAY BE FILED WITH THE CITY BOARD.

(D) SUCH PROCEDURES SHALL PROVIDE THAT COMPLAINTS RELATED TO OPERATIONS OF THE CITY BOARD MAY BE FILED WITH THE STATE COMMISSIONER.

13. IN ADDITION TO THE COMPLAINT PROCEDURES ESTABLISHED BY THE CITY SCHOOL DISTRICT PURSUANT TO SUBDIVISION TWELVE OF THIS SECTION, THE CITY SCHOOL DISTRICT SHALL ALSO COMPLY WITH THE FOLLOWING:

(A) THE SCHOOL DISTRICT SHALL DEVELOP A COMPLAINT FORM, WHICH SHALL ALSO INCLUDE INSTRUCTIONS FOR ITS USE, WHICH SHALL BE WRITTEN TO THE EXTENT PRACTICABLE IN PLAIN LANGUAGE AND ORGANIZED IN A MANNER WHICH BEST PROMOTES PUBLIC COMPREHENSION OF THE CONTENTS. THE COMPLAINT FORM SHALL SPECIFY THE LOCATION OR LOCATIONS WHERE A COMPLAINT MAY BE FILED AND THE DEADLINE FOR FILING A COMPLAINT. A SCHOOL DISTRICT SHALL ALSO PROVIDE TRANSLATIONS OF THE COMPLAINT FORM INTO THE LANGUAGES OTHER THAN ENGLISH THAT ARE MOST COMMONLY SPOKEN IN THE SCHOOL DISTRICT.

(B) USE OF THE COMPLAINT FORM IS RECOMMENDED, BUT SHALL NOT BE DEEMED MANDATORY, FOR PURPOSES OF BRINGING A COMPLAINT PURSUANT TO THIS SUBDIVISION. A SCHOOL DISTRICT OR THE COMMISSIONER SHALL ACCEPT A COMPLAINT THAT SUBSTANTIALLY COMPLIES WITH THE SCHOOL DISTRICT'S COMPLAINT PROCEDURES AND THE PROVISIONS OF THIS SUBDIVISION.

(C) THE CITY SCHOOL DISTRICT SHALL PROVIDE REASONABLE NOTICE OF THE FOLLOWING:

(I) THE PROCEDURES FOR BRINGING A COMPLAINT CONCERNING IMPLEMENTATION OF THE PROPOSAL;

(II) THE LOCATION OR LOCATIONS WHERE A COMPLAINT FORM MAY BE OBTAINED;

(III) THE LOCATION OR LOCATIONS WHERE A COMPLAINT MAY BE FILED; AND

(IV) THE DEADLINE FOR FILING A COMPLAINT.

(D) THE CITY SCHOOL DISTRICT SHALL PROVIDE TRANSLATIONS OF THE NOTICE OF COMPLAINT PROCEDURES INTO THE LANGUAGES OTHER THAN ENGLISH THAT ARE MOST COMMONLY SPOKEN IN THE SCHOOL DISTRICT.

(E) THE CITY SCHOOL DISTRICT SHALL POST, AND MAKE AVAILABLE FOR DOWNLOADING, ITS NOTICE OF COMPLAINT PROCEDURES AND COMPLAINT FORM ON A CITY SCHOOL DISTRICT WEBSITE AND SHALL MAKE COPIES OF THE COMPLAINT NOTICE AND COMPLAINT FORM AVAILABLE IN SCHOOLS AND SCHOOL DISTRICT OFFICES. A SCHOOL DISTRICT MAY ALSO USE ADDITIONAL METHODS TO PROVIDE NOTICE, INCLUDING, BUT NOT LIMITED TO, COPIES OF THE COMPLAINT NOTICE AND COMPLAINT FORM IN SCHOOL DISTRICT MAILINGS AND DISTRIBUTIONS.

(F) (I) A COMPLAINT SHALL BE COMMENCED WITHIN THE TIME PERIOD ESTABLISHED BY THE SCHOOL DISTRICT OR STATE COMMISSIONER. SUCH TIME PERIOD SHALL PROVIDE FOR THE COMMENCEMENT OF A COMPLAINT WITHIN A REASONABLE, SPECIFIED NUMBER OF DAYS, AS DETERMINED BY THE SCHOOL DISTRICT OR THE COMMISSIONER, FROM THE MAKING OF THE DECISION OR THE PERFORMANCE OF THE

ACT COMPLAINED OF, AND SHALL INCLUDE A PROVISION AUTHORIZING THE SCHOOL DISTRICT TO EXCUSE A FAILURE TO COMMENCE AN APPEAL WITHIN THE TIME SPECIFIED FOR GOOD CAUSE SHOWN.

(II) THE COMMUNITY SUPERINTENDENT OR SUPERINTENDENT, CHANCELLOR, CITY BOARD OR STATE COMMISSIONER, AS APPLICABLE, SHALL MAKE REASONABLE EFFORTS TO INVESTIGATE A COMPLAINT, AND SHALL NOTIFY THE COMPLAINANT IN WRITING OF HIS OR HER COMPLAINT DETERMINATION AND THE BASIS FOR SUCH DETERMINATION WITHIN THIRTY DAYS FROM THE DATE OF RECEIPT OF THE COMPLAINT. THE WRITTEN NOTIFICATION SHALL ALSO PROVIDE AN EXPLANATION OF THE PROCEDURES FOR APPEALING THE COMPLAINT DETERMINATION.

(III) IF THE COMPLAINANT APPEALS THE COMPLAINT DETERMINATION OF A SUPERINTENDENT OR COMMUNITY SUPERINTENDENT, THE CHANCELLOR, CITY BOARD OR STATE COMMISSIONER, SHALL NOTIFY THE COMPLAINANT IN WRITING OF HIS OR HER APPEAL DETERMINATION AND THE BASIS FOR SUCH DETERMINATION WITHIN THIRTY DAYS FROM THE DATE OF RECEIPT OF THE APPEAL.

(IV) APPEALS OF DETERMINATIONS PURSUANT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH SHALL BE COMMENCED WITHIN THE TIME PERIODS FOR SUCH APPEALS AS ESTABLISHED BY THE CITY SCHOOL DISTRICT. IN THE EVENT THE COMPLAINANT DOES NOT RECEIVE THE WRITTEN NOTIFICATION OF DETERMINATION SPECIFIED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH WITHIN THIRTY-FIVE DAYS FROM THE DATE THE SCHOOL DISTRICT RECEIVED THE COMPLAINT, THE COMPLAINANT MAY DEEM THE FAILURE TO PROVIDE SUCH NOTIFICATION AS AN UNSATISFACTORY DETERMINATION AND MAY COMMENCE AN APPEAL TO THE SUPERINTENDENT OR COMMUNITY SUPERINTENDENT, OR TO THE CHANCELLOR OR CITY BOARD OR STATE COMMISSIONER AS APPLICABLE, WITHIN THE TIME PERIOD FOR SUCH APPEALS AS ESTABLISHED BY THE CITY SCHOOL DISTRICT.

14. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE CITY SCHOOL DISTRICT OR COMMUNITY DISTRICT EDUCATION COUNCILS MAY ADOPT PROPOSALS SUBJECT TO THIS SECTION PRIOR TO THE NOTICE AND COMMENT OTHERWISE REQUIRED BY THIS SECTION IF THE IMMEDIATE EFFECTIVENESS OF SUCH PROPOSAL IS NECESSARY TO ADDRESS AN IMMINENT THREAT TO HEALTH, SAFETY, PROPERTY OR A NECESSARY SERVICE. A FINDING OF SUCH IMMINENT THREAT AND THE SPECIFIC REASONS FOR THE FINDING MUST BE MADE IN WRITING BY THE CITY SCHOOL DISTRICT OR COMMUNITY DISTRICT EDUCATION COUNCIL ADOPTING SUCH PROPOSAL AND SHALL BE APPROVED BY THE CITY BOARD BEFORE SUCH PROPOSAL MAY BE MADE EFFECTIVE. THE ADOPTED PROPOSAL AND ACCOMPANYING FINDING SHALL BE MADE PUBLIC FORTHWITH AND SHALL BE PUBLISHED IN THE CITY RECORD AS SOON AS PRACTICABLE, AND POSTED ON THE SCHOOL DISTRICT'S WEBSITE WITHIN FORTY-EIGHT HOURS OF ADOPTION.

(B) A PROPOSAL ADOPTED ON AN EMERGENCY BASIS SHALL NOT REMAIN IN EFFECT FOR LONGER THAN SIXTY DAYS UNLESS THE SCHOOL DISTRICT HAS INITIATED NOTICE AND COMMENT OTHERWISE REQUIRED BY THIS SECTION WITHIN SUCH SIXTY DAY PERIOD AND PUBLISHES WITH SUCH NOTICE A STATEMENT THAT AN EXTENSION OF SUCH RULE ON AN EMERGENCY BASIS IS NECESSARY FOR AN ADDITIONAL SIXTY DAYS TO AFFORD AN OPPORTUNITY FOR NOTICE AND COMMENT AND TO ADOPT A FINAL PROPOSAL AS REQUIRED BY THIS SECTION; PROVIDED THAT NO FURTHER SUCH FINDING OF AN EMERGENCY MAY BE MADE WITH RESPECT TO THE SAME OR A SUBSTANTIALLY SIMILAR PROPOSAL.

S 17. Subdivisions b and c of section 259 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 1989, are amended to read as follows:

b. The appropriations available to pay for the expenses of the independent budget office during each fiscal year shall not be less than [ten percentum] FIFTEEN PER CENTUM of the appropriations available to pay for the expenses of the office of management and budget during such

fiscal year. The director shall appoint such personnel and procure the services of such experts and consultants, within the appropriations available therefor, as may be necessary for the director to carry out the duties and functions assigned herein. Such personnel and experts shall perform such duties as may be assigned to them by the director.

c. The director shall be authorized to secure such information, data, estimates and statistics from the agencies of the city AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK as the director determines to be necessary for the performance of the functions and duties of the office, and such agencies AND THE CITY SCHOOL DISTRICT shall provide such information[, to the extent that it is available,] in a timely fashion AND IN THE FORMAT REQUESTED BY THE DIRECTOR, INCLUDING GENERATING INFORMATION MAINTAINED ELECTRONICALLY. The director 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.

S 18. Subdivision e of section 260 of the New York city charter is relettered subdivision f and a new subdivision e is added to read as follows:

E. THE DIRECTOR SHALL PUBLISH ANNUALLY REPORTS THAT PROVIDE INFORMATION, DATA AND ANALYSIS FOR THE CITY DISTRICT RELATING TO THE FOLLOWING SUBJECTS: (1) CLASS SIZES AND THEIR DISTRIBUTION; (2) SCHOOL OVERCROWDING AND ITS DISTRIBUTION; (3) STATUS OF THE FIVE-YEAR EDUCATIONAL FACILITIES CAPITAL PLAN; (4) OPERATIONAL AND CAPITAL BUDGET FUNDS RECEIVED AND EXPENDED IN CONNECTION WITH THE MAJOR FUNCTIONS OF THE CITY DISTRICT; (5) HEADCOUNT OF THE CITY DISTRICT DISAGGREGATED BY FUNCTION AND OFFICE; (6) GRADUATION RATES AND TRENDS; AND (7) TEST RESULTS AND PROGRESS ASSESSMENTS AND TRENDS. IN ADDITION, THE OFFICE SHALL FROM TIME TO TIME PUBLISH REPORTS RELATING TO THE CITY DISTRICT AS MAY BE APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND MATTERS RELATING TO REVENUES, EXPENDITURES, FINANCIAL MANAGEMENT PRACTICES AND RELATED MATTERS.

S 19. Subdivisions f, g, h, i, j, l and n of section 24 of the New York city charter, as amended by local law number 19 of the city of New York for the year 1993, are amended to read as follows:

f. In addition to other duties and responsibilities, the public advocate shall serve as the public advocate and shall (1) monitor the operation of the public information and service complaint programs of city agencies AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK and make proposals to improve such programs; (2) review complaints of a recurring and multiborough or city-wide nature relating to services and programs, and make proposals to improve the [city's] response OF THE CITY AND THE CITY SCHOOL DISTRICT to such complaints; (3) receive individual complaints concerning [city] services PROVIDED BY THE CITY AND THE CITY SCHOOL DISTRICT and other administrative actions of city agencies AND THE CITY SCHOOL DISTRICT; and (4) investigate and otherwise attempt to resolve such individual complaints except for those which (i) another city agency OR THE CITY SCHOOL DISTRICT is required by law to adjudicate, (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract, or (iii) involve allegations of conduct which may constitute a violation of criminal law or a conflict of interest. If the public advocate receives a complaint which is subject to a procedure described in items (i) or (ii) of this paragraph, the public advocate shall advise the complainant of the appropriate procedure for the resolution of such complaint. If the public advocate receives a complaint of the type described in item (iii) of this

paragraph, the public advocate shall promptly refer the matter in accordance with subdivision k of this section.

g. The public advocate shall establish procedures for receiving and processing complaints, responding to complainants, conducting investigations, and reporting findings, and shall inform the public about such procedures. Upon an initial determination that a complaint may be valid, the public advocate shall refer it to the appropriate agency OR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. If such agency OR THE CITY SCHOOL DISTRICT does not resolve the complaint within a reasonable time, the public advocate may conduct an investigation and make specific recommendations to the agency OR THE CITY SCHOOL DISTRICT for resolution of the complaint. If, within a reasonable time after the public advocate has completed an investigation and submitted recommendations to an agency OR THE CITY SCHOOL DISTRICT, such agency OR THE CITY SCHOOL DISTRICT has failed to respond in a satisfactory manner to the recommendations, the public advocate may issue a report to the council and the mayor. Such report shall describe the conclusions of the investigation and make such recommendations for administrative, legislative, or budgetary action, together with their fiscal implications, as the public advocate deems necessary to resolve the individual complaint or complaints or to address the underlying problems discovered in the investigation.

h. In addition to other duties and responsibilities, the public advocate may review the programs of city agencies AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. Such reviews shall include, but not be limited to, annual evaluations of: (1) the implementation of the requirements for coterminality of local services contained in all subdivisions of section twenty seven hundred four; (2) the effectiveness of the public information and service complaint programs of city agencies AND THE CITY SCHOOL DISTRICT; and (3) the responsiveness of city agencies AND THE CITY SCHOOL DISTRICT to individual and group requests for data or information regarding the agencies' AND THE CITY SCHOOL DISTRICT'S structure, activities and operations. The public advocate shall submit any reports documenting or summarizing such reviews to the council, mayor and appropriate agency OR THE CITY SCHOOL DISTRICT and shall include in such reports his or her recommendations for addressing the problems identified and the fiscal implications of such recommendations.

i. Except for those matters which involve conduct which may constitute a violation of criminal law or a conflict of interest, the public advocate may, on the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, inquire into any alleged failure of a city officer or agency OR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK to comply with any provision of the charter. If as a result of such inquiry, the public advocate concludes that there is any substantial failure to comply with any provision of the charter, he or she shall submit a preliminary report documenting the conclusions of the inquiry to the officer or officers and the head of each agency OR THE CITY SCHOOL DISTRICT involved. Within a reasonable time after submitting such preliminary report, the public advocate shall issue a final report to the council, mayor, and agency OR THE CITY SCHOOL DISTRICT documenting the conclusions of the inquiry.

j. The public advocate shall have timely access to those records and documents of city agencies AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK which the public advocate deems necessary to complete the investigations, inquiries and reviews required by this section. If a city agency OR THE CITY SCHOOL DISTRICT does not comply with the public

advocate's request for such records and documents, the public advocate may request an appropriate committee of the council to require the production of such records and documents pursuant to section twenty-nine of the charter. The provisions of this subdivision shall not apply to those records and documents of city agencies OR THE CITY SCHOOL DISTRICT for which a claim of privilege may properly be raised or which are prepared or maintained by the department of investigation for use in any investigation authorized by chapter thirty-four of the charter.

l. Before making public any portion of any draft, preliminary or final report relating to the operations or activities of a city officer or agency OR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, the public advocate shall send a copy of the draft report to any such officer, and to the head of any agency OR THE CITY SCHOOL DISTRICT, discussed in such report and provide the officer and agency OR THE CITY SCHOOL DISTRICT, in writing, with a reasonable deadline for their review and response. The public advocate shall include in any report, or portion thereof, which is made public a copy of all such officer and agency OR CITY SCHOOL DISTRICT responses.

n. Not later than the thirty-first day of October of each year, the public advocate shall present to the council a report on the activities of the office during the preceding fiscal year. The report shall include: (1) a statistical summary of the complaints received during such fiscal year, categorized by agency AND THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, type of complaint, agency OR THE CITY SCHOOL DISTRICT response, mode of resolution, and such other factors as the public advocate deems appropriate; (2) an analysis of recurring complaints and the public advocate's recommendations for administrative, legislative or budgetary actions to resolve the underlying problems causing the complaints; (3) a summary of the findings and recommendations of the agency OR THE CITY SCHOOL DISTRICT program reviews conducted during the fiscal year and a summary of the agency OR THE CITY SCHOOL DISTRICT responses to such findings and recommendations; (4) a summary of the charter requirements which, in the opinion of the public advocate are not being implemented by the city agencies OR THE CITY SCHOOL DISTRICT and officers subject to them, including a description of the nature and extent of the failure to comply and a summary of the responses of the agencies OR THE CITY SCHOOL DISTRICT or officers to the public advocate's conclusions; and (5) a summary of improvements in charter compliance since the public advocate's last annual report. The public advocate shall include an assessment of the fiscal implications of any recommendations presented in this report.

S 20. Subdivision 36 of section 2590-h of the education law is REPEALED.

S 21. 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 345 of the laws of 2009, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one, THREE, FIVE through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2015] 2016; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2015] 2016 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 22. Subdivision 12 of section 17 of chapter 345 of the laws of 2009, amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, is amended to read as follows:

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] 2016.

S 23. This act shall take effect immediately; provided, however, that:

(1) the amendments to subdivision 1 of section 2590-b of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed to repeal therewith;

(2) the amendments to subdivision 2 of section 2590-b of the education law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

(3) the amendments to subdivisions 4 and 7 of section 2590-c of the education law made by section three of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith;

(4) the amendments to subdivision 1 and the opening paragraph of subdivision 2 of section 2590-d of the education law made by section four of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(5) the amendments to subdivisions 8, 14, 17 and 18 of section 2590-e of the education law made by section five of this act shall not affect the expiration or repeal of such subdivisions and shall be deemed to expire or repeal therewith;

(6) the amendments to the opening paragraph and subdivision 5 of section 2590-g of the education law made by section seven of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(7) the amendments to section 2590-h of the education law made by section eight of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(8) the amendments to paragraph b of subdivision 3, paragraph a of subdivision 5 and paragraph c of subdivision 6 of section 2590-p of the

education law, made by sections eleven, twelve and thirteen of this act shall not affect the expiration or repeal of such provisions and shall be deemed to expire or repeal therewith;

(9) the amendments to section 2590-q of the education law made by section fourteen of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(10) the amendments to section 2590-r of the education law made by section fifteen of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(11) the amendments to the opening paragraph of subdivision 1 of section 2590-f of the education law made by section six of this act shall not affect the expiration of such section and shall be deemed to expire therewith; and

(12) the amendments to section 2590-i of the education law made by section nine of this act shall not affect the expiration of such section and shall be deemed to expire therewith.