

8865

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT to amend the education law, in relation to authorizing the
appointment of supervising staff in the city school district of the
city of Syracuse by the superintendent of such district

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

1 Section 1. Subdivision 2 of section 2554 of the education law, as
2 amended by section 2 of part B of chapter 88 of the laws of 2000, is
3 amended to read as follows:
4 2. To create, abolish, maintain and consolidate such positions, divi-
5 sions, boards or bureaus as, in its judgment, may be necessary for the
6 proper and efficient administration of its work; to appoint a super-
7 intendent of schools, such associate, assistant, district and other
8 superintendents, examiners, directors, supervisors, principals, teach-
9 ers, lecturers, special instructors, medical inspectors, nurses, audi-
10 tors, attendance officers, secretaries, clerks, custodians, janitors and
11 other employees and other persons or experts in educational, social or
12 recreational work or in the business management or direction of its
13 affairs as said board shall determine necessary for the efficient
14 management of the schools and other educational, social, recreational
15 and business activities; provided, however, that in the city school
16 districts of the cities of Buffalo [and], Rochester, AND SYRACUSE
17 appointment of associate, assistant and district superintendents, and
18 other supervising staff who are excluded from the right to bargain
19 collectively pursuant to article fourteen of the civil service law
20 shall, within the amounts budgeted for such positions, be by the super-
21 intendent of such city school district; and to determine their duties
22 except as otherwise provided herein.
23 S 2. Subdivision 6 of section 2566 of the education law, as amended by
24 section 18 of subpart F of part C of chapter 97 of the laws of 2011, is
25 amended to read as follows:

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

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1 6. To have supervision and direction of associate, assistant, district
2 and other superintendents, directors, supervisors, principals, teachers,
3 lecturers, medical inspectors, nurses, claims auditors, deputy claims
4 auditors, attendance officers, janitors and other persons employed in
5 the management of the schools or the other educational activities of the
6 city authorized by this chapter and under the direction and management
7 of the board of education, except that in the city school districts of
8 the cities of Buffalo [and], Rochester, AND SYRACUSE to also appoint,
9 within the amounts budgeted therefor, such associate, assistant and
10 district superintendents and all other supervising staff who are
11 excluded from the right to bargain collectively pursuant to article
12 fourteen of the civil service law; to transfer teachers from one school
13 to another, or from one grade of the course of study to another grade in
14 such course, and to report immediately such transfers to said board for
15 its consideration and action; to report to said board of education
16 violations of regulations and cases of insubordination, and to suspend
17 an associate, assistant, district or other superintendent, director,
18 supervisor, expert, principal, teacher or other employee until the next
19 regular meeting of the board, when all facts relating to the case shall
20 be submitted to the board for its consideration and action.

21 S 3. Subdivision 3 of section 2573 of the education law, as amended by
22 section 4 of part B of chapter 88 of the laws of 2000, is amended to
23 read as follows:

24 3. Associate superintendents, examiners and all other employees
25 authorized by section twenty-five hundred fifty-four of this article,
26 except as otherwise provided in subdivision one of this section, shall
27 be appointed by the board of education except that in the city school
28 districts of the cities of Buffalo [and], Rochester, AND SYRACUSE, the
29 associate, assistant and district superintendents and all other super-
30 vising staff who are excluded from the right to bargain collectively
31 pursuant to article fourteen of the civil service law shall be
32 appointed, within amounts budgeted therefor, by the superintendent of
33 such city school district. In a city having a population of one million
34 or more, such appointments shall be made on nomination of the super-
35 intendent of schools. Notwithstanding any other provision in this chap-
36 ter to the contrary, whenever an associate superintendent of schools in
37 the employ of the board of education in a city having a population of
38 one million or more fails of reappointment, said person shall be imme-
39 diately appointed an assistant superintendent of schools with permanent
40 appointment as said term permanent appointment is defined in subdivi-
41 sions four, five and six of this section. The salary of such assistant
42 superintendent shall be less than the salary of an associate superinten-
43 dent, but said differential in salary shall not exceed ten per centum of
44 the annual salary of an associate superintendent of schools. When,
45 however, an associate superintendent of schools who fails of reappoint-
46 ment has to his credit thirty or more years of city service including
47 ten or more years of service as such associate superintendent of
48 schools, he shall suffer no reduction of salary or of pension prospects
49 while serving as such assistant superintendent of schools.

50 S 4. This act shall take effect immediately.