

3900

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 28, 2015

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Introduced by M. of A. BRENNAN, ROBINSON, COLTON, CRESPO, COOK, WEPRIN,  
ABINANTI -- Multi-Sponsored by -- M. of A. ABBATE, GOTTFRIED, MARKEY  
-- read once and referred to the Committee on Education

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of subdivision 1 of section 2590-b of the  
2     education law, as amended by chapter 345 of the laws of 2009, is amended  
3     and a new paragraph (a-1) is added to read as follows:  
4     (a) The board of education of the city school district of the city of  
5     New York is hereby continued. Such board of education shall consist of  
6     thirteen appointed members: one member to be appointed by each borough  
7     president of the city of New York; and eight members to be appointed by  
8     the mayor of the city of New York. The chancellor shall serve as an  
9     ex-officio non-voting member of the city board. The city board shall  
10    elect its own chairperson from among its voting members. [All thirteen  
11    appointed members shall serve at the pleasure of the appointing authori-  
12    ty and] THE TERM OF OFFICE OF EACH MEMBER SHALL BE TWO YEARS, COMMENCING  
13    THE FIRST DAY OF SEPTEMBER, TWO THOUSAND FIFTEEN AND EVERY TWO YEARS  
14    THEREAFTER. NO MEMBER shall [not] be employed in any capacity by the  
15    city of New York, or a subdivision thereof, or the city board. No  
16    appointed member of the city board shall also be a member, officer, or  
17    employee of any public corporation, authority, or commission where the  
18    mayor of the city of New York has a majority of the appointments. Each  
19    borough president's appointee shall be a resident of the borough for  
20    which the borough president appointing him or her was elected and shall  
21    be the parent of a child attending a public school within the city  
22    school district of the city of New York. Each mayoral appointee shall  
23    be a resident of the city and two shall be parents of a child attending  
24    a public school within the city district. All parent members shall be

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

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1 eligible to continue to serve on the city board for two years following  
2 the conclusion of their child's attendance at a public school within the  
3 city district. Any vacancy shall be filled FOR THE UNEXPIRED TERM by  
4 appointment by the appropriate appointing authority within ninety days  
5 of such vacancy. Notwithstanding any provision of local law, the members  
6 of the board shall not have staff, offices, or vehicles assigned to them  
7 or receive compensation for their services, but shall be reimbursed for  
8 the actual and necessary expenses incurred by them in the performance of  
9 their duties. BOARD MEMBERS SHALL PERFORM EACH OF THEIR DUTIES AS BOARD  
10 MEMBERS, INCLUDING BUT NOT LIMITED TO THOSE IMPOSED BY THIS SECTION, IN  
11 GOOD FAITH AND WITH THAT DEGREE OF DILIGENCE, CARE AND SKILL WHICH AN  
12 ORDINARILY PRUDENT PERSON IN LIKE POSITION WOULD USE UNDER SIMILAR  
13 CIRCUMSTANCES, AND MAY TAKE INTO CONSIDERATION THE VIEWS AND POLICIES OF  
14 ANY ELECTED OFFICIAL OR BODY, OR ANY OTHER PERSON, AND ULTIMATELY APPLY  
15 INDEPENDENT JUDGMENT IN THE BEST INTEREST OF THE SCHOOL DISTRICT, AND  
16 ITS MISSION. AT THE TIME THAT EACH MEMBER TAKES AND SUBSCRIBES HIS OR  
17 HER OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF A  
18 CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN WHICH AMENDED THIS PARAGRAPH  
19 IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED HIS OR HER OATH OF  
20 OFFICE, SUCH MEMBER SHALL EXECUTE AN ACKNOWLEDGMENT IN THE FORM DEVELOPED  
21 BY THE AUTHORITIES BUDGET OFFICE PURSUANT TO PARAGRAPH (I) OF  
22 SUBDIVISION ONE OF SECTION SIX OF THE PUBLIC AUTHORITIES LAW, IN WHICH  
23 THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER  
24 ROLE, AND FIDUCIARY RESPONSIBILITIES AS SET FORTH IN THIS SUBDIVISION,  
25 AND ACKNOWLEDGES THAT HE OR SHE UNDERSTANDS HIS OR HER DUTY OF LOYALTY  
26 AND CARE TO THE SCHOOL DISTRICT AND COMMITMENT TO THE SCHOOL DISTRICT'S  
27 MISSION.

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

33 S 2. This act shall take effect immediately; provided however, that  
34 the amendments to subdivision 1 of section 2590-b of the education law  
35 made by section one of this act shall not affect the expiration and  
36 repeal of such subdivision and shall expire and be deemed repealed there-  
37 with.