

8016

I N S E N A T E

June 3, 2016

Introduced by Sens. FLANAGAN, MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof; to amend the education law, in relation to the New York city school district system and establishing an education inspector for the New York city school district; and to amend the New York city charter and the education law, in relation to the New York city community school district system and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 34 of chapter 91 of the laws of 2002 amending the
2 education law and other laws relating to reorganization of the New York
3 city school construction authority, board of education and community
4 boards, as amended by section 1 of subpart D of part B of chapter 20 of
5 the laws of 2015, is amended to read as follows:
6 S 34. This act shall take effect July 1, 2002; provided, that sections
7 one through twenty, twenty-four, and twenty-six through thirty of this
8 act shall expire and be deemed repealed [June 30, 2016] JUNE 30, 2017;
9 provided, further, that notwithstanding any provision of article 5 of
10 the general construction law, on [June 30, 2016] JUNE 30, 2017 the
11 provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13,
12 subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivi-
13 sions 17 and 21 of section 2554 of the education law as repealed by
14 section three of this act, subdivision 1 of section 2590-b of the educa-
15 tion law as repealed by section six of this act, paragraph (a) of subdivi-
16 sion 2 of section 2590-b of the education law as repealed by section
17 seven of this act, section 2590-c of the education law as repealed by

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

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1 section eight of this act, paragraph c of subdivision 2 of section
2 2590-d of the education law as repealed by section twenty-six of this
3 act, subdivision 1 of section 2590-e of the education law as repealed by
4 section twenty-seven of this act, subdivision 28 of section 2590-h of
5 the education law as repealed by section twenty-eight of this act,
6 subdivision 30 of section 2590-h of the education law as repealed by
7 section twenty-nine of this act, subdivision 30-a of section 2590-h of
8 the education law as repealed by section thirty of this act shall be
9 revived and be read as such provisions existed in law on the date imme-
10 diately preceding the effective date of this act; provided, however,
11 that sections seven and eight of this act shall take effect on November
12 30, 2003; provided further that the amendments to subdivision 25 of
13 section 2554 of the education law made by section two of this act shall
14 be subject to the expiration and reversion of such subdivision pursuant
15 to section 12 of chapter 147 of the laws of 2001, as amended, when upon
16 such date the provisions of section four of this act shall take effect.

17 S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
18 amending the education law and other laws relating to the New York city
19 board of education, chancellor, community councils and community super-
20 intendants, as amended by section 2 of subpart D of part B of chapter 20
21 of the laws of 2015, is amended to read as follows:

22 12. any provision in sections one, two, three, four, five, six, seven,
23 eight, nine, ten and eleven of this act not otherwise set to expire
24 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
25 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
26 and be deemed repealed [June 30, 2016] JUNE 30, 2017.

27 S 3. Paragraph (a) of subdivision 1 of section 2590-b of the education
28 law, as amended by chapter 345 of the laws of 2009, is amended to read
29 as follows:

30 (a) The board of education of the city school district of the city of
31 New York is hereby continued. Such board of education shall consist of
32 thirteen appointed members: one member to be appointed by each borough
33 president of the city of New York; and eight members to be appointed by
34 the mayor of the city of New York. The chancellor AND THE EDUCATION
35 INSPECTOR shall serve as [an] ex-officio non-voting [member] MEMBERS of
36 the city board. The city board shall elect its own chairperson from
37 among its voting members. All thirteen appointed members shall serve at
38 the pleasure of the appointing authority and shall not be employed in
39 any capacity by the city of New York, or a subdivision thereof, or the
40 city board. No appointed member of the city board shall also be a
41 member, officer, or employee of any public corporation, authority, or
42 commission where the mayor of the city of New York has a majority of the
43 appointments. ANY LOBBYIST OR CLIENT OF A LOBBYIST, REGISTERED WITH THE
44 NEW YORK CITY CLERK, SHALL NOT BE ELIGIBLE TO SERVE AS AN APPOINTED
45 MEMBER FOR A PERIOD OF TWO YEARS FROM THE LAST ENGAGEMENT OF LOBBYING OR
46 LOBBYING ACTIVITIES, AS SUCH TERMS ARE DEFINED BY SUBDIVISION (C) OF
47 SECTION 3-211 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. Each
48 borough president's appointee shall be a resident of the borough for
49 which the borough president appointing him or her was elected and shall
50 be the parent of a child attending a public school within the city
51 school district of the city of New York. Each mayoral appointee shall
52 be a resident of the city and two shall be parents of a child attending
53 a public school within the city district. All parent members shall be
54 eligible to continue to serve on the city board for two years following
55 the conclusion of their child's attendance at a public school within the
56 city district. Any vacancy shall be filled by appointment by the appro-

1 puate appointing authority within ninety days of such vacancy. Notwith-
2 standing any provision of local law, the members of the board shall not
3 have staff, offices, or vehicles assigned to them or receive compen-
4 sation for their services, but shall be reimbursed for the actual and
5 necessary expenses incurred by them in the performance of their duties.

6 S 4. Section 2590-g of the education law is amended by adding a new
7 subdivision 12-a to read as follows:

8 12-A. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING
9 ALL MATTERS RELATING TO THE CITY DISTRICT, AS REQUESTED BY MEMBERS AND
10 OFFICERS OF THE SENATE, ASSEMBLY, AND GOVERNOR'S OFFICE, IN A TIMELY
11 FASHION. SUCH INFORMATION SHALL BE MAINTAINED AND UPDATED IN A TIMELY
12 FASHION AND SHALL AT A MINIMUM INCLUDE DATA RELATING TO: (A) NEW YORK
13 CITY DEPARTMENT OF EDUCATION SCHOOL CHARACTERISTICS INCLUDING GRADES
14 SERVED, NUMBER OF TEACHERS, STUDENT ENROLLMENT, SCHOOL TYPE, SCHOOL
15 CHARACTERISTICS, QUALITY REVIEW SCORES, GRADUATION RATES AND AVERAGE
16 CLASS SIZE; (B) NEW YORK CITY DEPARTMENT OF EDUCATION PRINCIPAL CHARAC-
17 TERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF
18 EXPERIENCE AND TENURE STATUS; (C) NEW YORK CITY DEPARTMENT OF EDUCATION
19 TEACHER CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION
20 LEVEL, YEARS OF TEACHING EXPERIENCE, TENURE STATUS, SUBJECT AREA TAUGHT,
21 NUMBER OF STUDENTS TAUGHT, NUMBER OF CLASSES TAUGHT PER DAY AND ATTRI-
22 TION RATE; (D) NEW YORK CITY DEPARTMENT OF EDUCATION STUDENT CHARACTER-
23 ISTICS INCLUDING GRADE LEVEL, SCHOOL ATTENDANCE, AND OTHER DEMOGRAPHICS;
24 (E) GIFTED AND TALENTED PROGRAMS APPLICATION DATA INCLUDING ADMISSION
25 DECISIONS, STUDENT DEMOGRAPHICS AND STUDENT TEST SCORES; (F) PRE-KINDER-
26 GARTEN PROGRAMS INCLUDING PROGRAM LOCATIONS, CAPACITY, STUDENT ENROLL-
27 MENT, NUMBER OF TEACHERS, TEACHER CHARACTERISTICS, STUDENT ATTENDANCE,
28 STUDENT DEMOGRAPHICS AND EFFECTIVENESS DATA; (G) FUNDING FOR NEW YORK
29 CITY DEPARTMENT OF EDUCATION SCHOOLS INCLUDING DEPARTMENT FUNDING BY
30 DOLLARS, EXPENDITURES BY CATEGORY AND EXTERNAL FUNDING IN DOLLARS; (H)
31 FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION PROGRAMS INCLUDING
32 DEPARTMENT FUNDING IN DOLLARS, AND EXTERNAL FUNDING IN DOLLARS; AND (I)
33 GENERAL NEW YORK CITY DEPARTMENT OF EDUCATION BUDGET. PROVIDED, HOWEV-
34 ER, THAT ALL INQUIRIES MADE IN ACCORDANCE WITH THIS SUBDIVISION SHALL
35 COMPLY WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

36 S 5. Subdivision 2 of section 2590-p of the education law is amended
37 by adding a new paragraph i to read as follows:

38 I. OVERCROWDING AND UNDERUTILIZATION. THE PLAN SHALL IDENTIFY THE TEN
39 MOST OVERCROWDED AND THE TEN MOST UNDERUTILIZED SCHOOL BUILDINGS AND
40 SHALL DETAIL STEPS TO BE TAKEN TO ADDRESS SUCH ISSUES.

41 S 6. Section 2590-q of the education law is amended by adding a new
42 subdivision 19 to read as follows:

43 19. WITH RESPECT TO SPECIAL, FEDERAL, STATE, AND PRIVATE FUNDS, THE
44 CHANCELLOR SHALL REPORT THE DISTRIBUTION OF SUCH FUNDS BY INDIVIDUAL
45 SCHOOL, AND ON A PER PUPIL BASIS FOR EACH INDIVIDUAL SCHOOL TO THE
46 GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY,
47 AND SPEAKER OF THE CITY COUNCIL ON OR BEFORE MAY FIRST OF EACH YEAR.

48 S 7. The opening paragraph of section 2590-r of the education law, as
49 amended by chapter 345 of the laws of 2009, is amended to read as
50 follows:

51 The chancellor shall, in consultation with the city board and communi-
52 ty district superintendents, establish in regulations a comprehensive
53 process of school-based budgeting and expenditure reporting no later
54 than November first, nineteen hundred ninety-eight. ANY REPORT PREPARED
55 IN ACCORDANCE WITH THIS SECTION SHALL BE PUBLICLY AVAILABLE ON THE
56 WEBSITE OF THE NEW YORK CITY DEPARTMENT OF EDUCATION. Notwithstanding

1 any provision of section twenty-five hundred ninety-q of this article to
2 the contrary, such regulations shall include provisions for:

3 S 8. The education law is amended by adding a new section 2590-v to
4 read as follows:

5 S 2590-V. EDUCATION INSPECTOR. 1. THERE IS HEREBY ESTABLISHED AN
6 EDUCATION INSPECTOR FOR THE NEW YORK CITY SCHOOL DISTRICT, HEREINAFTER
7 IN THIS SECTION REFERRED TO AS THE INSPECTOR, WHO SHALL BE APPOINTED BY
8 THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE AND SHALL
9 HOLD OFFICE AT THE PLEASURE OF THE GOVERNOR. THE INSPECTOR SHALL PROVIDE
10 OVERSIGHT, GUIDANCE, AND TECHNICAL ASSISTANCE RELATED TO THE EDUCATIONAL
11 AND FISCAL POLICIES, PRACTICES, PROGRAMS, AND DECISIONS OF THE CITY
12 DISTRICT, CITY BOARD, CHANCELLOR AND MAYOR OF THE CITY OF NEW YORK. THE
13 INSPECTOR SHALL HAVE EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS:
14 SCHOOL DISTRICT FINANCES; EARLY CHILDHOOD, ELEMENTARY, AND/OR SECONDARY
15 EDUCATION; THE OPERATION OF SCHOOL DISTRICTS IN NEW YORK; EDUCATION OF
16 STUDENTS WITH DISABILITIES; AND/OR EDUCATION OF ENGLISH LANGUAGE LEAR-
17 NERS.

18 2. THE INSPECTOR SHALL BE ENTITLED TO ATTEND ALL MEETINGS OF THE CITY
19 BOARD, INCLUDING EXECUTIVE SESSIONS. THE INSPECTOR SHALL HAVE ACCESS TO
20 ALL EDUCATIONAL FACILITIES AND RECORDS, INCLUDING BUT NOT LIMITED TO
21 ELECTRONIC INFORMATION SYSTEMS, DATABASES, AND PLANNING DOCUMENTS, OF
22 THE CITY BOARD, ANY COMMUNITY DISTRICT EDUCATION COUNCIL, THE DEPARTMENT
23 OF EDUCATION, AND ANY PUBLIC SCHOOL. THE CITY BOARD, MAYOR, CHANCELLOR
24 AND THE DEPARTMENT OF EDUCATION SHALL FULLY COOPERATE WITH REQUESTS FOR
25 INFORMATION MADE BY THE INSPECTOR. THE INSPECTOR MAY ESTABLISH MONTHLY
26 REPORTING REQUIREMENTS UPON THE CITY BOARD, CHANCELLOR, AND/OR THE
27 DEPARTMENT OF EDUCATION CONTAINING ANY INFORMATION REQUIRED BY THE
28 INSPECTOR.

29 2-A. THE INSPECTOR MAY APPEAL ANY DECISION OF THE CITY BOARD TO THE
30 COMMISSIONER PURSUANT TO SECTION THREE HUNDRED TEN OF THIS CHAPTER. UPON
31 APPEAL THE CITY BOARD MUST DEMONSTRATE THAT THEIR ACTION WAS IN THE BEST
32 INTERESTS OF THE STUDENTS OF THE CITY OF NEW YORK. THE INSPECTOR SHALL
33 BE DEEMED TO BE AN AGGRIEVED PARTY AND SHALL BE CONSIDERED TO HAVE
34 STANDING TO BRING SUCH APPEAL.

35 2-B. THE INSPECTOR SHALL INVESTIGATE AND REVIEW ALL APPOINTMENTS TO
36 THE CITY BOARD AND ALL CONTRACTS RATIFIED BY THE CITY BOARD FOR
37 CONFLICTS OF INTEREST AND SELF-DEALING. IF THE INSPECTOR FINDS THAT
38 THERE IS A CONFLICT OF INTEREST OR SELF-DEALING IN ANY APPOINTMENT OR
39 CONTRACT, HE OR SHE SHALL HAVE THE AUTHORITY TO VOID SUCH APPOINTMENT OR
40 CONTRACT. ACTIONS TAKEN BY THE INSPECTOR IN ACCORDANCE WITH THIS SUBDI-
41 VISION MAY BE APPEALED TO THE COMMISSIONER, PURSUANT TO SECTION THREE
42 HUNDRED TEN OF THIS CHAPTER.

43 2-C. THE INSPECTOR SHALL HAVE ACCESS TO RESOLUTIONS PASSED BY ALL
44 COMMUNITY DISTRICT EDUCATION COUNCILS AND CITY-WIDE EDUCATION COUNCILS.
45 IN THE EVENT THAT THE INSPECTOR DETERMINES A RESOLUTION CONTAINS A
46 GRIEVANCE THAT HAS NOT BEEN RESPONDED TO BY THE CHANCELLOR FOR A PERIOD
47 OF FORTY-FIVE DAYS OR MORE, THE INSPECTOR SHALL INVESTIGATE SUCH GRIEV-
48 ANCE. THE INSPECTOR SHALL NOTIFY THE COMMISSIONER AND THE PUBLIC OF HIS
49 OR HER FINDINGS IN WRITING.

50 3. (A) THE INSPECTOR SHALL BE REQUIRED TO:

51 (I) EVALUATE AND MAKE RECOMMENDATIONS ON THE CURRENT PROCESS THE CITY
52 DISTRICT HAS FOR DISTRIBUTING FUNDING TO SCHOOLS AND IF SUCH DISTRIB-
53 UTION OCCURS IN A MANNER THAT IS FAIR, EQUITABLE, AND TRANSPARENT;

54 (II) EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE DISCIPLINARY
55 PROCEDURES FOR STUDENTS, TEACHERS, AND OTHER STAFF AND THE OVERALL SAFE-
56 TY OF SCHOOLS IN THE CITY DISTRICT;

1 (III) EVALUATE AND MAKE RECOMMENDATIONS ON THE DISCIPLINARY PROCESS
2 FOR STAFF THAT ENGAGES IN BEHAVIOR THAT IS DANGEROUS OR OTHERWISE UNBE-
3 COMING OF THE PROFESSION;

4 (IV) EVALUATE AND MAKE RECOMMENDATIONS ON THE CITY DISTRICTS POLICY
5 FOR DETERMINING CO-LOCATIONS OF CHARTER SCHOOLS AND POLICY FOR COMPLI-
6 ANCE WITH PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT
7 HUNDRED FIFTY-THREE OF THIS CHAPTER;

8 (V) EVALUATE AND MAKE RECOMMENDATIONS ON HOW THE CITY DISTRICT CAN
9 ATTRACT AND RETAIN HIGHLY EFFECTIVE AND EFFECTIVE TEACHERS IN SCHOOLS,
10 ESPECIALLY THOSE DEEMED TO BE FAILING OR PERSISTENTLY FAILING;

11 (VI) EVALUATE AND MAKE RECOMMENDATIONS ON THE CITY DISTRICTS CURRENT
12 PROCESS FOR EDUCATING STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE
13 LEARNERS AND IF THESE STUDENTS ARE RECEIVING ALL OF THE SERVICES THEY
14 ARE ENTITLED TO;

15 (VII) EVALUATE AND MAKE RECOMMENDATIONS ON HOW WELL THE CITY DISTRICT
16 IS ENGAGING PARENTS AND COMMUNITY MEMBERS;

17 (VIII) EVALUATE AND MAKE RECOMMENDATIONS ON THE EDUCATION GOALS AND
18 POLICIES OF THE MAYOR, CHANCELLOR, AND CITY BOARD AND ANY PROGRESS MADE
19 ON GOALS AND POLICIES IN EFFECT AT THE TIME OF THIS SECTION TAKING
20 EFFECT; AND

21 (IX) EVALUATE AND MAKE RECOMMENDATIONS ON ANY OTHER AREA OF EDUCATION
22 PERTINENT TO THE CITY DISTRICT AS DETERMINED BY THE INSPECTOR.

23 (B) THE INSPECTOR SHALL REPORT THE EVALUATIONS AND RECOMMENDATIONS
24 REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION TO THE GOVERNOR, TEMPORARY
25 PRESIDENT OF THE SENATE, AND SPEAKER OF THE ASSEMBLY BY MAY FIRST, TWO
26 THOUSAND SEVENTEEN.

27 S 9. Paragraphs 20 and 21 of subdivision d and subdivision i of
28 section 2800 of the New York city charter, paragraph 20 of subdivision d
29 and subdivision i as amended and paragraph 21 of subdivision d as added
30 by a vote of the people of the city of New York at the general election
31 held in November 1989, are amended and a new paragraph 22 is added to
32 subdivision d to read as follows:

33 (20) Within budgetary appropriations for such purposes, disseminate
34 information about city services and programs, process complaints,
35 requests, and inquiries of residents of the community district; [and]

36 (21) Conduct substantial public outreach, including identifying the
37 organizations active in the community district, maintaining a list of
38 the names and mailing addresses of such community organizations, and
39 making such names and, with the consent of the organization, mailing
40 addresses available to the public upon request[.]; AND

41 (22) COORDINATE WITH THE COMMUNITY EDUCATION COUNCIL, AS ESTABLISHED
42 UNDER ARTICLE FIFTY-TWO-A OF THE EDUCATION LAW, WHOSE BOUNDARIES ARE
43 EQUAL TO THOSE OF THE COMMUNITY DISTRICT. THIS COORDINATION SHALL
44 INCLUDE, BUT SHALL NOT BE LIMITED TO, MAKING SPACE AVAILABLE FOR MONTHLY
45 MEETINGS, HELPING TO PUBLICIZE MEETINGS OF THE COMMUNITY EDUCATION COUN-
46 CIL, ALLOWING COMMUNITY BOARD STAFF TO PROVIDE CLERICAL AND ADMINISTRA-
47 TIVE SUPPORT TO THE MEMBERS OF THE COMMUNITY EDUCATION COUNCIL, RECEIV-
48 ING REPORTS FROM THE COMMUNITY EDUCATION COUNCIL INCLUDING AN ANNUAL
49 REPORT CARD ON THE CONDITION OF SCHOOLS IN THE COMMUNITY DISTRICT AND
50 ANY PROPOSED OR PENDING CHANGES IN EDUCATION POLICY, AND HELPING DISSEM-
51 INATE INFORMATION ON EDUCATION ISSUES PREPARED BY THE COMMUNITY EDUCA-
52 TION COUNCIL TO PARENTS AND OTHER COMMUNITY ORGANIZATIONS AND MEMBERS.

53 i. Each community board may create committees on matters relating to
54 its duties and responsibilities. It may include on such committees
55 persons with a residence or significant interest in the community who
56 are not members of the board, but each such committee shall have a

1 member of the board as its chairperson. EACH COMMUNITY BOARD SHALL
2 RESERVE A SEAT ON THEIR YOUTH AND EDUCATION COMMITTEE FOR ONE MEMBER OF
3 THEIR RESPECTIVE COMMUNITY EDUCATION COUNCIL, PROVIDED, HOWEVER, THAT IF
4 ANY COMMUNITY BOARD DOES NOT HAVE A YOUTH AND EDUCATION COMMITTEE, SUCH
5 MEMBER OF THEIR RESPECTIVE COMMUNITY EDUCATION COUNCIL SHALL SIT ON A
6 COMMITTEE MOST RELEVANT TO YOUTH AND EDUCATION ISSUES. SUCH MEMBER SHALL
7 BE SELECTED BY MAJORITY VOTE OF THE COMMUNITY EDUCATION COUNCIL. Except
8 as otherwise provided by law, meetings of such committees shall be open
9 to the public.

10 S 10. Subparagraph 2 of paragraph (b) of subdivision 6 of section
11 2590-c of the education law, as amended by chapter 103 of the laws of
12 2014, is amended to read as follows:

13 (2) If such vacancy results in the council not having at least one
14 member who is a parent of a student who is an English language learner
15 or who has been an English language learner within the preceding two
16 years, or results in the council not having at least one member who is a
17 parent of a student with an individualized education program, the
18 [community council] BOROUGH PRESIDENT shall select a parent having such
19 qualifications to fill the vacancy.

20 S 11. Paragraph (c) of subdivision 6 of section 2590-c of the educa-
21 tion law, as amended by chapter 345 of the laws of 2009, is amended to
22 read as follows:

23 (c) If the vacancy is not filled by the community council within sixty
24 days after it is declared due to a tie vote for such appointment, the
25 [chancellor] BOROUGH PRESIDENT shall vote with the community council, to
26 break such tie vote. If the community council has failed to fill the
27 vacancy within sixty days after it is declared because of any other
28 reason, the chancellor shall order the community council to do so pursu-
29 ant to section twenty-five hundred [ninety-1] NINETY-L of this article.

30 S 12. Subdivisions 8 and 14 of section 2590-e of the education law,
31 subdivision 8 as amended and subdivision 14 as added by chapter 123 of
32 the laws of 2003, are amended and a new subdivision 22 is added to read
33 as follows:

34 8. Each year prepare a school district report card pursuant to regu-
35 lations of the commissioner, and shall make it publicly available by
36 transmitting it to local newspapers of general circulation, appending it
37 to copies of the proposed budget made publicly available as required by
38 law, making it available for distribution at the annual meeting, SUBMIT
39 IT TO THE COMMUNITY BOARD WHICH SHALL PRESENT SUCH REPORT CARD AT ITS
40 NEXT SCHEDULED MEETING, and otherwise disseminating it as required by
41 the commissioner. Such report card shall include measures of the academ-
42 ic performance of the school district, on a school by school basis, and
43 measures of the fiscal performance of the district, as prescribed by the
44 commissioner. Pursuant to regulations of the commissioner, the report
45 card shall also compare these measures to statewide averages for all
46 public schools, and statewide averages for public schools of comparable
47 wealth and need, developed by the commissioner. Such report card shall
48 include, at a minimum, any information on the school district regarding
49 pupil performance and expenditure per pupil required to be included in
50 the annual report by the requests to the governor and the legislature
51 pursuant to section two hundred fifteen-a of this chapter; and any other
52 information required by the commissioner. School districts (i) identi-
53 fied as having fifteen percent or more of their students in special
54 education, or (ii) which have fifty percent or more of their students
55 with disabilities in special education programs or services sixty
56 percent or more of the school day in a general education building, or

1 (iii) which have eight percent or more of their students with disabili-
2 ties in special education programs in public or private separate educa-
3 tional settings shall indicate on their school district report card
4 their respective percentages as defined in this paragraph and paragraphs
5 (i) and (ii) of this subdivision as compared to the statewide average.

6 14. Hold public meetings at least every month with the superintendent
7 during which the public may speak so that parents and the community have
8 a voice and a public forum to air their concerns. DURING TWO OF THESE
9 PUBLIC MEETINGS ANNUALLY, THE COMMUNITY DISTRICT COUNCIL MEMBER
10 APPOINTED TO A COMMUNITY BOARD ON EITHER A YOUTH AND EDUCATION COMMITTEE
11 OR A COMMITTEE THAT FOCUSES ON SUCH ISSUES PURSUANT TO SUBDIVISION TWEN-
12 TY-TWO OF THIS SECTION, SHALL PROVIDE UPDATES AS REQUIRED BY SUCH SUBDI-
13 VISION. ONE OF THE TWO REQUIRED MEETINGS SHALL BE THE DISTRIBUTION OF
14 COMMUNITY COUNCIL'S REQUIRED REPORT CARD PURSUANT TO SUBDIVISION EIGHT
15 OF THIS SECTION.

16 22. APPOINT ONE OF ITS MEMBERS, BY MAJORITY VOTE, TO ITS RESPECTIVE
17 COMMUNITY BOARD ON EITHER YOUTH AND EDUCATION COMMITTEES OR A COMMITTEE
18 THAT FOCUSES ON SIMILAR ISSUES. SUCH MEMBER SHALL SERVE AS A LIAISON
19 BETWEEN THE TWO ENTITIES AND SHALL BE RESPONSIBLE FOR PROVIDING MONTHLY
20 COMMUNITY COUNCIL UPDATES AT COMMUNITY BOARD COMMITTEE MEETINGS AS WELL
21 AS GATHER INPUT ON RELEVANT COMMUNITY COUNCIL AND CITY BOARD ISSUES.
22 SUCH MEMBER SHALL ALSO BE RESPONSIBLE FOR PROVIDING SEMI-ANNUAL UPDATES
23 TO THEIR RESPECTIVE COMMUNITY BOARD REGARDING ANY PROPOSED OR APPROVED
24 SIGNIFICANT CHANGES TO THE SCHOOLS IN THEIR COMMUNITY SCHOOL DISTRICTS.

25 S 13. Paragraph (v) of subdivision 1 of section 2590-f of the educa-
26 tion law, as added by chapter 345 of the laws of 2009, is amended and
27 three new paragraphs (x), (y) and (z) are added to read as follows:

28 (v) to hold at least two public forums within the district, during
29 each school year, for the purpose of reporting on the district's
30 performance, including progress made toward achieving the district
31 comprehensive educational plan goals, discussing plans for improvement,
32 and receiving parental and community comments and concerns; the communi-
33 ty superintendent shall ensure that notice for the public forums is
34 posted in a manner to maximize the participation of parents, students
35 and school personnel and is specifically circulated to members of the
36 school based management teams, community district education council and
37 the [relevant] community [boards] BOARD.

38 (X) TO PROVIDE COMMUNITY COUNCILS THE NECESSARY STAFF AND FINANCIAL
39 RESOURCES NEEDED TO PREPARE THE DISTRICT REPORT CARD PURSUANT TO SUBDI-
40 VISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E OF THIS ARTICLE.
41 SUCH RESOURCES SHALL INCLUDE BUT SHALL NOT BE LIMITED TO (I) INDIVIDUAL
42 SCHOOL AND COMMUNITY DISTRICT DATA AND ANALYSIS TO COMPLETE SUCH REPORT
43 AT LEAST FORTY-FIVE DAYS PRIOR TO THE DEADLINE FOR SUCH REPORT; (II) A
44 STANDARDIZED TEMPLATE AND OUTLINE TO ASSIST COMMUNITY COUNCILS DETERMIN-
45 ING THE CONTENT NECESSARY TO INCLUDE IN SUCH REPORT; AND (III) TIMELINE
46 CONSULTATION AS WELL AS TECHNICAL SUPPORT WITH THE COMMUNITY COUNCILS
47 FOR ON-TIME COMPLETION.

48 (Y) TO PUBLISH AND PUBLICIZE COMMUNITY COUNCIL REPORT CARDS, REQUIRED
49 BY SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E OF THIS
50 TITLE, PUBLICLY AVAILABLE ON THE CITY BOARD'S WEBSITE, LOCAL NEWS
51 OUTLETS AS WELL AS TO LOCAL ELECTED OFFICIAL AND COMMUNITY LEADER
52 OFFICES.

53 (Z) TO PROVIDE A WRITTEN RESPONSE WITHIN THIRTY DAYS OF PRODUCTION AND
54 DISTRIBUTION OF THE COMMUNITY COUNCIL'S REPORT CARD INDICATING ITS
55 RECEIPT AND SUBSEQUENT PLAN FOR ITS SCHOOL. SUCH RESPONSE SHALL BE MADE

1 PUBLICLY AVAILABLE NO LATER THAN THIRTY DAYS AFTER ITS SUBMISSION TO
2 SUCH COMMUNITY COUNCIL.

3 S 14. Paragraphs (d) and (d-1) of subdivision 2-a of section 2590-h of
4 the education law, as added by chapter 345 of the laws of 2009, are
5 amended to read as follows:

6 (d) No sooner than thirty days, but no later than forty-five days
7 following the filing of the educational impact statement, the chancellor
8 or deputy chancellor, or in the case of a proposed significant change in
9 school utilization the chancellor or his or her designee, shall hold a
10 joint public hearing with the impacted community council and school
11 based management team, at the school that is subject to the proposed
12 school closing or significant change in school utilization, and shall
13 allow PARENTS, COMMUNITY MEMBERS AND all OTHER interested parties an
14 opportunity to present comments or concerns regarding the proposed
15 school closing or significant change in school utilization. The chancel-
16 lor shall ensure that notice of such hearing is widely and conspicuously
17 posted in such a manner to maximize the number of affected individuals
18 that receive notice, including providing notice to affected parents and
19 students, and shall also notify members of the community boards and the
20 elected state and local officials who represent the affected community
21 district.

22 (d-1) So long as the revised proposal does not impact any school other
23 than a school that was identified in the initial educational impact
24 statement, the chancellor, after receiving public input, may substan-
25 tially revise the proposed school closing or significant change in
26 school utilization provided that the chancellor shall prepare a revised
27 educational impact statement, in the form prescribed in paragraph (b) of
28 this subdivision, and publish and file such educational impact statement
29 in the same manner as prescribed in paragraph (c) of this subdivision.
30 No sooner than fifteen days following the filing of such revised educa-
31 tional impact statement, the chancellor or deputy chancellor, or in the
32 case of a significant change in school utilization the chancellor or his
33 or her designee, shall hold a joint public hearing with the impacted
34 community council and school based management team, at the school that
35 is subject to the proposed school closing or significant change in
36 school utilization and shall allow PARENTS, COMMUNITY MEMBERS AND all
37 OTHER interested parties an opportunity to present comments and concerns
38 regarding such proposal. The chancellor shall ensure that notice of
39 such hearing is widely and conspicuously posted in such a manner to
40 maximize the number of affected individuals that receive notice, includ-
41 ing providing notice to affected parents and students, and shall also
42 notify members of the community boards and the elected state and local
43 officials who represent the affected community district.

44 S 15. This act shall take effect immediately, provided that:

45 1. the amendments to section 2590-b of the education law made by
46 section three of this act shall not affect the expiration of such
47 section and shall be deemed to expire therewith;

48 2. the amendments to section 2590-g of the education law made by
49 section four of this act shall not affect the expiration of such section
50 and shall be deemed to expire therewith;

51 3. the amendments to section 2590-p of the education law made by
52 section five of this act shall not affect the expiration of such section
53 and shall be deemed to expire therewith;

54 4. the amendments to section 2590-q of the education law made by
55 section six of this act shall not affect the expiration of such section
56 and shall be deemed to expire therewith;

1 5. the amendments to section 2590-r of the education law made by
2 section seven of this act shall not affect the expiration of such
3 section and shall be deemed to expire therewith;

4 6. section 2590-v of the education law as added by section eight of
5 this act shall expire and be deemed repealed June 30, 2017;

6 7. sections nine, ten, eleven, twelve and thirteen of this act shall
7 take effect on the one hundred twentieth day after this act shall have
8 become a law;

9 8. the amendments to section 2590-c of the education law, made by
10 sections ten and eleven of this act, shall not affect the repeal of such
11 section and shall be deemed repealed therewith;

12 9. the amendments to section 2590-e of the education law, made by
13 section twelve of this act, shall not affect the expiration and repeal
14 of such section and shall expire and be deemed repealed therewith;

15 10. the amendments to section 2590-f of the education law, made by
16 section thirteen of this act, shall not affect the expiration and rever-
17 sion of such section and shall expire and be deemed repealed therewith;
18 and

19 11. the amendments to section 2590-h of the education law, made by
20 section fourteen of this act, shall not affect the expiration and rever-
21 sion of such section and shall expire and be deemed repealed therewith.