

8016--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to teacher certification in public charter schools (Part B); to amend the education law, in relation to documentation demonstrating a school district has fully implemented standards and procedures for conducting annual teacher and principal evaluations; and to amend chapter 53 of the laws of 2016, enacting the aid to localities budget, in relation to making additional appropriations therein (Part C)

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

1 Section 1. This act enacts into law major components of legislation
2 relating to education within New York state. Each component is wholly
3 contained within a Part identified as Parts A through C. The effective
4 date for each particular provision contained within such Part is set
5 forth in the last section of such Part. Any provision in any section
6 contained within a Part, including the effective date of the Part, which
7 makes a reference to a section "of this act", when used in connection
8 with that particular component, shall be deemed to mean and refer to the
9 corresponding section of the Part in which it is found. Section three of
10 this act sets forth the general effective date of this act.

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

LBD15669-17-6

1

PART A

2 Section 1. Section 34 of chapter 91 of the laws of 2002 amending the
3 education law and other laws relating to reorganization of the New York
4 city school construction authority, board of education and community
5 boards, as amended by section 1 of subpart D of part B of chapter 20 of
6 the laws of 2015, is amended to read as follows:

7 S 34. This act shall take effect July 1, 2002; provided, that sections
8 one through twenty, twenty-four, and twenty-six through thirty of this
9 act shall expire and be deemed repealed [June 30, 2016] JUNE 30, 2017;
10 provided, further, that notwithstanding any provision of article 5 of
11 the general construction law, on [June 30, 2016] JUNE 30, 2017 the
12 provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13,
13 subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivi-
14 sions 17 and 21 of section 2554 of the education law as repealed by
15 section three of this act, subdivision 1 of section 2590-b of the educa-
16 tion law as repealed by section six of this act, paragraph (a) of subdivi-
17 sion 2 of section 2590-b of the education law as repealed by section
18 seven of this act, section 2590-c of the education law as repealed by
19 section eight of this act, paragraph c of subdivision 2 of section
20 2590-d of the education law as repealed by section twenty-six of this
21 act, subdivision 1 of section 2590-e of the education law as repealed by
22 section twenty-seven of this act, subdivision 28 of section 2590-h of
23 the education law as repealed by section twenty-eight of this act,
24 subdivision 30 of section 2590-h of the education law as repealed by
25 section twenty-nine of this act, subdivision 30-a of section 2590-h of
26 the education law as repealed by section thirty of this act shall be
27 revived and be read as such provisions existed in law on the date imme-
28 diately preceding the effective date of this act; provided, however,
29 that sections seven and eight of this act shall take effect on November
30 30, 2003; provided further that the amendments to subdivision 25 of
31 section 2554 of the education law made by section two of this act shall
32 be subject to the expiration and reversion of such subdivision pursuant
33 to section 12 of chapter 147 of the laws of 2001, as amended, when upon
34 such date the provisions of section four of this act shall take effect.

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

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

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

48 (a) The board of education of the city school district of the city of
49 New York is hereby continued. Such board of education shall consist of
50 thirteen appointed members: one member to be appointed by each borough
51 president of the city of New York; and eight members to be appointed by
52 the mayor of the city of New York. The chancellor shall serve as an
53 ex-officio non-voting member of the city board. The city board shall
54 elect its own chairperson from among its voting members. All thirteen
55 appointed members shall serve at the pleasure of the appointing authori-

1 ty and shall not be employed in any capacity by the city of New York, or
2 a subdivision thereof, or the city board. No appointed member of the
3 city board shall also be a member, officer, or employee of any public
4 corporation, authority, or commission where the mayor of the city of New
5 York has a majority of the appointments. ANY LOBBYIST OR CLIENT OF A
6 LOBBYIST, REGISTERED WITH THE NEW YORK CITY CLERK, SHALL NOT BE ELIGIBLE
7 TO SERVE AS AN APPOINTED MEMBER FOR A PERIOD OF TWO YEARS FROM THE LAST
8 ENGAGEMENT OF LOBBYING OR LOBBYING ACTIVITIES, AS SUCH TERMS ARE DEFINED
9 BY SUBDIVISION (C) OF SECTION 3-211 OF THE ADMINISTRATIVE CODE OF THE
10 CITY OF NEW YORK. Each borough president's appointee shall be a resident
11 of the borough for which the borough president appointing him or her was
12 elected and shall be the parent of a child attending a public school
13 within the city school district of the city of New York. Each mayoral
14 appointee shall be a resident of the city and two shall be parents of a
15 child attending a public school within the city district. All parent
16 members shall be eligible to continue to serve on the city board for two
17 years following the conclusion of their child's attendance at a public
18 school within the city district. Any vacancy shall be filled by appoint-
19 ment by the appropriate appointing authority within ninety days of such
20 vacancy. Notwithstanding any provision of local law, the members of the
21 board shall not have staff, offices, or vehicles assigned to them or
22 receive compensation for their services, but shall be reimbursed for the
23 actual and necessary expenses incurred by them in the performance of
24 their duties.

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

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

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

1 I. OVERCROWDING AND UNDERUTILIZATION: THE PLAN SHALL IDENTIFY THE TEN
2 MOST OVERCROWDED AND THE TEN MOST UNDERUTILIZED SCHOOL BUILDINGS AND
3 SHALL DETAIL STEPS TO BE TAKEN TO ADDRESS SUCH ISSUES.

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

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

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

14 The chancellor shall, in consultation with the city board and communi-
15 ty district superintendents, establish in regulations a comprehensive
16 process of school-based budgeting and expenditure reporting no later
17 than November first, nineteen hundred ninety-eight. ANY REPORT PREPARED
18 IN ACCORDANCE WITH THIS SECTION SHALL BE PUBLICLY AVAILABLE ON THE
19 WEBSITE OF THE NEW YORK CITY DEPARTMENT OF EDUCATION. Notwithstanding
20 any provision of section twenty-five hundred ninety-q of this article to
21 the contrary, such regulations shall include provisions for:

22 S 8. Subparagraph 2 of paragraph (b) of subdivision 6 of section
23 2590-c of the education law, as amended by chapter 103 of the laws of
24 2014, is amended to read as follows:

25 (2) If such vacancy results in the council not having at least one
26 member who is a parent of a student who is an English language learner
27 or who has been an English language learner within the preceding two
28 years, or results in the council not having at least one member who is a
29 parent of a student with an individualized education program, the
30 [community council] BOROUGH PRESIDENT shall select a parent having such
31 qualifications to fill the vacancy.

32 S 9. Paragraph (c) of subdivision 6 of section 2590-c of the education
33 law, as amended by chapter 345 of the laws of 2009, is amended to read
34 as follows:

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

42 S 10. Subdivisions 8 and 14 of section 2590-e of the education law,
43 subdivision 8 as amended and subdivision 14 as added by chapter 123 of
44 the laws of 2003, are amended and two new subdivisions 22 and 23 are
45 added to read as follows:

46 8. Each year prepare a school district report card pursuant to regu-
47 lations of the commissioner, and shall make it publicly available by
48 transmitting it to local newspapers of general circulation, appending it
49 to copies of the proposed budget made publicly available as required by
50 law, making it available for distribution at the annual meeting, SUBMIT
51 IT TO THE COMMUNITY BOARD WHICH SHALL PRESENT SUCH REPORT CARD AT ITS
52 NEXT SCHEDULED MEETING, and otherwise disseminating it as required by
53 the commissioner. Such report card shall include measures of the academ-
54 ic performance of the school district, on a school by school basis, and
55 measures of the fiscal performance of the district, as prescribed by the
56 commissioner. Pursuant to regulations of the commissioner, the report

1 card shall also compare these measures to statewide averages for all
2 public schools, and statewide averages for public schools of comparable
3 wealth and need, developed by the commissioner. Such report card shall
4 include, at a minimum, any information on the school district regarding
5 pupil performance and expenditure per pupil required to be included in
6 the annual report by the requests to the governor and the legislature
7 pursuant to section two hundred fifteen-a of this chapter; and any other
8 information required by the commissioner. School districts (i) identi-
9 fied as having fifteen percent or more of their students in special
10 education, or (ii) which have fifty percent or more of their students
11 with disabilities in special education programs or services sixty
12 percent or more of the school day in a general education building, or
13 (iii) which have eight percent or more of their students with disabili-
14 ties in special education programs in public or private separate educa-
15 tional settings shall indicate on their school district report card
16 their respective percentages as defined in this paragraph and paragraphs
17 (i) and (ii) of this subdivision as compared to the statewide average.

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

28 22. APPOINT ONE OF ITS MEMBERS, BY MAJORITY VOTE, TO ITS RESPECTIVE
29 COMMUNITY BOARD ON EITHER YOUTH AND EDUCATION COMMITTEES OR A COMMITTEE
30 THAT FOCUSES ON SIMILAR ISSUES. SUCH MEMBER SHALL SERVE AS A LIAISON
31 BETWEEN THE TWO ENTITIES AND SHALL BE RESPONSIBLE FOR PROVIDING MONTHLY
32 COMMUNITY COUNCIL UPDATES AT COMMUNITY BOARD COMMITTEE MEETINGS AS WELL
33 AS GATHER INPUT ON RELEVANT COMMUNITY COUNCIL AND CITY BOARD ISSUES.
34 SUCH MEMBER SHALL ALSO BE RESPONSIBLE FOR PROVIDING SEMI-ANNUAL UPDATES
35 TO THEIR RESPECTIVE COMMUNITY BOARD REGARDING ANY PROPOSED OR APPROVED
36 SIGNIFICANT CHANGES TO THE SCHOOLS IN THEIR COMMUNITY SCHOOL DISTRICTS.

37 23. COORDINATE WITH THE COMMUNITY BOARD OR BOARDS, ESTABLISHED BY
38 SECTION TWO THOUSAND EIGHT HUNDRED OF THE NEW YORK CITY CHARTER, WHOSE
39 BOUNDARIES OVERLAP TO THOSE OF THE COMMUNITY DISTRICT. THIS COORDINATION
40 ON THE PART OF THE COMMUNITY BOARDS SHALL INCLUDE, BUT SHALL NOT BE
41 LIMITED TO, MAKING SPACE AVAILABLE FOR MONTHLY MEETINGS, HELPING TO
42 PUBLICIZE MEETINGS OF THE COMMUNITY EDUCATION COUNCIL, ALLOWING COMMUNI-
43 TY BOARD STAFF TO PROVIDE CLERICAL AND ADMINISTRATIVE SUPPORT TO THE
44 MEMBERS OF THE COMMUNITY EDUCATION COUNCIL, RECEIVING REPORTS FROM THE
45 COMMUNITY EDUCATION COUNCIL INCLUDING AN ANNUAL REPORT CARD ON THE
46 CONDITION OF SCHOOLS IN THE COMMUNITY DISTRICT AND ANY PROPOSED OR PEND-
47 ING CHANGES IN EDUCATION POLICY, AND HELPING DISSEMINATE INFORMATION ON
48 EDUCATION ISSUES PREPARED BY THE COMMUNITY EDUCATION COUNCIL TO PARENTS
49 AND OTHER COMMUNITY ORGANIZATIONS AND MEMBERS.

50 S 11. Paragraph (v) of subdivision 1 of section 2590-f of the educa-
51 tion law, as added by chapter 345 of the laws of 2009, is amended and
52 three new paragraphs (x), (y) and (z) are added to read as follows:

53 (v) to hold at least two public forums within the district, during
54 each school year, for the purpose of reporting on the district's
55 performance, including progress made toward achieving the district
56 comprehensive educational plan goals, discussing plans for improvement,

1 and receiving parental and community comments and concerns; the communi-
2 ty superintendent shall ensure that notice for the public forums is
3 posted in a manner to maximize the participation of parents, students
4 and school personnel and is specifically circulated to members of the
5 school based management teams, community district education council and
6 the [relevant] community [boards] BOARD.

7 (X) TO PROVIDE COMMUNITY COUNCILS THE NECESSARY STAFF AND FINANCIAL
8 RESOURCES NEEDED TO PREPARE THE DISTRICT REPORT CARD PURSUANT TO SUBDI-
9 VISION EIGHT OF SECTION TWENTY-FIVE HUNDRED NINETY-E OF THIS ARTICLE.
10 SUCH RESOURCES SHALL INCLUDE BUT SHALL NOT BE LIMITED TO (I) INDIVIDUAL
11 SCHOOL AND COMMUNITY DISTRICT DATA AND ANALYSIS TO COMPLETE SUCH REPORT
12 AT LEAST FORTY-FIVE DAYS PRIOR TO THE DEADLINE FOR SUCH REPORT; (II) A
13 STANDARDIZED TEMPLATE AND OUTLINE TO ASSIST COMMUNITY COUNCILS DETERMIN-
14 ING THE CONTENT NECESSARY TO INCLUDE IN SUCH REPORT; AND (III) TIMELINE
15 CONSULTATION AS WELL AS TECHNICAL SUPPORT WITH THE COMMUNITY COUNCILS
16 FOR ON-TIME COMPLETION.

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

22 (Z) TO PROVIDE A WRITTEN RESPONSE WITHIN THIRTY DAYS OF PRODUCTION AND
23 DISTRIBUTION OF THE COMMUNITY COUNCIL'S REPORT CARD INDICATING ITS
24 RECEIPT AND SUBSEQUENT PLAN FOR ITS SCHOOL. SUCH RESPONSE SHALL BE MADE
25 PUBLICLY AVAILABLE NO LATER THAN THIRTY DAYS AFTER ITS SUBMISSION TO
26 SUCH COMMUNITY COUNCIL.

27 S 12. Paragraphs (d) and (d-1) of subdivision 2-a of section 2590-h of
28 the education law, as added by chapter 345 of the laws of 2009, are
29 amended to read as follows:

30 (d) No sooner than thirty days, but no later than forty-five days
31 following the filing of the educational impact statement, the chancellor
32 or deputy chancellor, or in the case of a proposed significant change in
33 school utilization the chancellor or his or her designee, shall hold a
34 joint public hearing with the impacted community council and school
35 based management team, at the school that is subject to the proposed
36 school closing or significant change in school utilization, and shall
37 allow PARENTS, COMMUNITY MEMBERS AND all OTHER interested parties an
38 opportunity to present comments or concerns regarding the proposed
39 school closing or significant change in school utilization. The chancel-
40 lor shall ensure that notice of such hearing is widely and conspicuously
41 posted in such a manner to maximize the number of affected individuals
42 that receive notice, including providing notice to affected parents and
43 students, and shall also notify members of the community boards and the
44 elected state and local officials who represent the affected community
45 district.

46 (d-1) So long as the revised proposal does not impact any school other
47 than a school that was identified in the initial educational impact
48 statement, the chancellor, after receiving public input, may substan-
49 tially revise the proposed school closing or significant change in
50 school utilization provided that the chancellor shall prepare a revised
51 educational impact statement, in the form prescribed in paragraph (b) of
52 this subdivision, and publish and file such educational impact statement
53 in the same manner as prescribed in paragraph (c) of this subdivision.
54 No sooner than fifteen days following the filing of such revised educa-
55 tional impact statement, the chancellor or deputy chancellor, or in the
56 case of a significant change in school utilization the chancellor or his

1 or her designee, shall hold a joint public hearing with the impacted
2 community council and school based management team, at the school that
3 is subject to the proposed school closing or significant change in
4 school utilization and shall allow PARENTS, COMMUNITY MEMBERS AND all
5 OTHER interested parties an opportunity to present comments and concerns
6 regarding such proposal. The chancellor shall ensure that notice of
7 such hearing is widely and conspicuously posted in such a manner to
8 maximize the number of affected individuals that receive notice, includ-
9 ing providing notice to affected parents and students, and shall also
10 notify members of the community boards and the elected state and local
11 officials who represent the affected community district.

12 S 13. This act shall take effect immediately, provided that:

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

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

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

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

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

28 6. sections eight, nine, ten and eleven of this act shall take effect
29 on the one hundred twentieth day after this act shall have become a law;

30 7. the amendments to section 2590-c of the education law, made by
31 sections eight and nine of this act, shall not affect the repeal of such
32 section and shall be deemed repealed therewith;

33 8. the amendments to section 2590-e of the education law, made by
34 section ten of this act, shall not affect the expiration and repeal of
35 such section and shall expire and be deemed repealed therewith;

36 9. the amendments to section 2590-f of the education law, made by
37 section eleven of this act, shall not affect the expiration and rever-
38 sion of such section and shall expire and be deemed repealed therewith;
39 and

40 10. the amendments to section 2590-h of the education law, made by
41 section twelve of this act, shall not affect the expiration and rever-
42 sion of such section and shall expire and be deemed repealed therewith.

43 PART B

44 Section 1. Paragraph (a-1) of subdivision 3 of section 2854 of the
45 education law, as amended by section 1 of subpart A of part B of chapter
46 20 of the laws of 2015, is amended to read as follows:

47 (a-1) The board of trustees of a charter school shall employ and
48 contract with necessary teachers, administrators and other school
49 personnel. Such teachers shall be certified in accordance with the
50 requirements applicable to other public schools; provided, however, that
51 TEACHERS EMPLOYED BY A PUBLIC CHARTER SCHOOL WITH A TEACHER TRAINING
52 PROGRAM WILL HAVE THREE YEARS FROM THEIR EMPLOYMENT START DATE BEFORE
53 THEY MUST SATISFY CERTIFICATION REQUIREMENTS; AND, a charter school may
54 employ as teachers (i) uncertified teachers with at least three years of

1 elementary, middle or secondary classroom teaching experience; (ii)
2 tenured or tenure track college faculty; (iii) individuals with two
3 years of satisfactory experience through the Teach for America program;
4 and (iv) individuals who possess exceptional business, professional,
5 artistic, athletic, or military experience, provided, however, that such
6 teachers described in clauses (i), (ii), (iii), and (iv) of this para-
7 graph shall not in total comprise more than the sum of: (A) thirty per
8 centum of the teaching staff of a charter school, or five teachers,
9 whichever is less; plus (B) five teachers of mathematics, science,
10 computer science, technology, or career and technical education; plus
11 (C) five additional teachers. A teacher certified or otherwise approved
12 by the commissioner shall not be included in the numerical limits estab-
13 lished by the preceding sentence.

14 S 2. Section 2851 of the education law is amended by adding a new
15 subdivision 5 to read as follows:

16 5. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
17 CONTRARY, A CHARTER SCHOOL APPROVED BY A CHARTER ENTITY LISTED IN SUBDI-
18 VISION THREE OF THIS SECTION MAY APPLY AT ANY TIME TO ANOTHER CHARTER
19 ENTITY DEFINED IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION THREE OF THIS
20 SECTION TO REQUEST SUCH OTHER CHARTER ENTITY TO OVERSEE AND SUPERVISE
21 SUCH CHARTER SCHOOL. ALL OBLIGATIONS OF THE PREVIOUS CHARTER ENTITY TO
22 OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMINATE UPON SUCH CHARTER
23 SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS DEFINED IN A SUBDIVISION
24 FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, WITH
25 ANOTHER CHARTER ENTITY, AND THE PREVIOUS CHARTER ENTITY SHALL PROVIDE IN
26 A TIMELY FASHION INFORMATION RELEVANT TO THE CHARTER AS REQUESTED BY
27 SUCH OTHER CHARTER ENTITY.

28 S 3. This act shall take effect immediately.

29 PART C

30 Section 1. Section 3012-d of the education law is amended by adding a
31 new subdivision 11-a to read as follows:

32 11-A. FOR DISTRICTS FOR WHICH ON SEPTEMBER FIRST, TWO THOUSAND
33 SIXTEEN, THERE IS NO APPROVED PLAN, AND SUCH DISTRICTS LOSE AID PURSUANT
34 TO CHAPTER SIXTY-ONE OF THE LAWS OF TWO THOUSAND FIFTEEN AND CHAPTER
35 FIFTY-THREE OF THE LAWS OF TWO THOUSAND SIXTEEN, SUCH DISTRICTS SHALL BE
36 SUBJECT TO A SUPPLEMENTAL APPORTIONMENT OF AID, SUBJECT TO AN APPROPRI-
37 ATION, THAT IS EQUIVALENT TO THE LOSS IN AID DUE TO THE SCHOOL
38 DISTRICT'S FAILURE TO HAVE AN APPROVED ANNUAL TEACHER AND PRINCIPAL
39 EVALUATION PLAN CONSISTENT WITH THE REQUIREMENT OF THIS SECTION, IF A
40 PLAN IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION IS APPROVED BY
41 THE DEPARTMENT BY DECEMBER THIRTY-FIRST, TWO THOUSAND SIXTEEN.

42 S 2. Section 1 of chapter 53 of the laws of 2016, enacting the aid to
43 localities budget, is amended by adding to such section the items under-
44 scored in this section.

45 EDUCATION DEPARTMENT
46 AID TO LOCALITIES 2016-2017

47 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION
48 PROGRAM

49 General Fund
50 Local Assistance Account - 10000

1 NOTWITHSTANDING ANY INCONSISTENT PROVISION
 2 OF LAW, FOR SUPPLEMENTAL GENERAL SUPPORT
 3 FOR PUBLIC SCHOOLS INCLUDING AID FOR SUCH
 4 FISCAL YEARS PAYABLE PURSUANT TO SECTION
 5 3609-D OF THE EDUCATION LAW, AS PROVIDED
 6 HEREIN.

7 NOTWITHSTANDING ANY INCONSISTENT PROVISION
 8 OF LAW, SCHOOL DISTRICTS THAT DO NOT HAVE
 9 APPROVED AND FULLY IMPLEMENTED STANDARDS
 10 AND PROCEDURES FOR CONDUCTING ANNUAL
 11 TEACHER AND PRINCIPAL EVALUATIONS OF
 12 TEACHERS AND PRINCIPALS IN ACCORDANCE WITH
 13 THE REQUIREMENTS OF SECTION 3012-D OF THE
 14 EDUCATION LAW AND THAT HAVE LOST AID
 15 PURSUANT TO CHAPTER 61 OF THE LAWS OF 2015
 16 AND CHAPTER 53 OF THE LAWS OF 2016 SHALL
 17 RECEIVE A SUPPLEMENTAL APPORTIONMENT IN AN
 18 AMOUNT THAT IS THE EQUIVALENT TO THE LOSS
 19 IN AID DUE TO THE SCHOOL DISTRICTS FAILURE
 20 TO HAVE AN APPROVED ANNUAL TEACHER AND
 21 PRINCIPAL EVALUATION PLAN CONSISTENT WITH
 22 THE REQUIREMENTS OF SECTION 3012-D OF THE
 23 EDUCATION LAW BY SEPTEMBER 1 OF THE
 24 CURRENT SCHOOL YEAR.

25 NOTWITHSTANDING ANY INCONSISTENT PROVISION
 26 OF LAW, NO SCHOOL DISTRICT SHALL BE ELIGI-
 27 BLE FOR AN APPORTIONMENT OF SUPPLEMENTAL
 28 GENERAL SUPPORT FOR PUBLIC SCHOOLS FROM
 29 THE FUNDS APPROPRIATED FOR THE 2016-17
 30 SCHOOL YEAR IN EXCESS OF THE AMOUNT APPOR-
 31 TIONED TO SUCH SCHOOL DISTRICT IN THE BASE
 32 YEAR, AS DEFINED IN SUBDIVISION 1 OF
 33 SECTION 3602 OF THE EDUCATION LAW, UNLESS
 34 SUCH SCHOOL DISTRICT HAS SUBMITTED
 35 DOCUMENTATION THAT HAS BEEN APPROVED BY
 36 THE COMMISSIONER OF EDUCATION BY DECEMBER
 37 31 OF THE CURRENT YEAR DEMONSTRATING THAT
 38 IT HAS FULLY IMPLEMENTED THE STANDARDS AND
 39 PROCEDURES FOR CONDUCTING ANNUAL TEACHER
 40 AND PRINCIPAL EVALUATIONS OF TEACHERS AND
 41 PRINCIPALS IN ACCORDANCE WITH THE REQUIRE-
 42 MENTS OF SECTION 3012-D OF THE EDUCATION
 43 LAW AND THE REGULATIONS ISSUED BY THE
 44 COMMISSIONER. PROVIDED FURTHER THAT ANY
 45 APPORTIONMENT WITHHELD PURSUANT TO THIS
 46 APPROPRIATION SHALL NOT OCCUR PRIOR TO
 47 APRIL 1 OF THE CURRENT YEAR AND SHALL NOT
 48 HAVE ANY EFFECT ON THE BASE YEAR CALCU-
 49 LATION FOR USE IN THE SUBSEQUENT SCHOOL
 50 YEAR 2,466,000,000
 51 -----

52 S 3. This act shall take effect immediately; provided, however, that
 53 the provisions of section two of this act shall be deemed to have been
 54 in full force and effect on and after April 1, 2016.

1 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.

10 S 3. This act shall take effect immediately; provided, however, that
11 the applicable effective date of Parts A through C of this act shall be
12 as specifically set forth in the last section of such Parts.