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

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:

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

PART A

Section 1. Section 34 of 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, as amended by section 1 of subpart D of part B of chapter 20 of the laws of 2015, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed [June 30, 2016] JUNE 30, 2017; provided, further, that notwithstanding any provision of article 5 of the general construction law, on [June 30, 2016] JUNE 30, 2017 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 2. Subdivision 12 of section 17 of 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, as amended by section 2 of subpart D of part B of chapter 20 of the laws of 2015, 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, 2016] JUNE 30, 2017.

S 3. Paragraph (a) of 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:

(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. The city board shall elect its own chairperson from among its voting members. All thirteen appointed members shall serve at the pleasure of the appointing authori-

ty and shall not be employed in any capacity 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. ANY LOBBYIST OR CLIENT OF A LOBBYIST, REGISTERED WITH THE NEW YORK CITY CLERK, SHALL NOT BE ELIGIBLE TO SERVE AS AN APPOINTED MEMBER FOR A PERIOD OF TWO YEARS FROM THE LAST ENGAGEMENT OF LOBBYING OR LOBBYING ACTIVITIES, AS SUCH TERMS ARE DEFINED BY SUBDIVISION (C) OF SECTION 3-211 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. 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 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.

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

12-A. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT, AS REQUESTED BY MEMBERS AND OFFICERS OF THE SENATE, ASSEMBLY, AND GOVERNOR'S OFFICE, IN A TIMELY FASHION. SUCH INFORMATION SHALL BE MAINTAINED AND UPDATED IN A TIMELY FASHION AND SHALL AT A MINIMUM INCLUDE DATA RELATING TO: (A) NEW YORK CITY DEPARTMENT OF EDUCATION SCHOOL CHARACTERISTICS INCLUDING GRADES SERVED, NUMBER OF TEACHERS, STUDENT ENROLLMENT, SCHOOL TYPE, SCHOOL CHARACTERISTICS, QUALITY REVIEW SCORES, GRADUATION RATES AND AVERAGE CLASS SIZE; (B) NEW YORK CITY DEPARTMENT OF EDUCATION PRINCIPAL CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF EXPERIENCE AND TENURE STATUS; (C) NEW YORK CITY DEPARTMENT OF EDUCATION TEACHER CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF TEACHING EXPERIENCE, TENURE STATUS, SUBJECT AREA TAUGHT, NUMBER OF STUDENTS TAUGHT, NUMBER OF CLASSES TAUGHT PER DAY AND ATTRITION RATE; (D) NEW YORK CITY DEPARTMENT OF EDUCATION STUDENT CHARACTERISTICS INCLUDING GRADE LEVEL, SCHOOL ATTENDANCE, AND OTHER DEMOGRAPHICS; (E) GIFTED AND TALENTED PROGRAMS APPLICATION DATA INCLUDING ADMISSION DECISIONS, STUDENT DEMOGRAPHICS AND STUDENT TEST SCORES; (F) PRE-KINDERGARTEN PROGRAMS INCLUDING PROGRAM LOCATIONS, CAPACITY, STUDENT ENROLLMENT, NUMBER OF TEACHERS, TEACHER CHARACTERISTICS, STUDENT ATTENDANCE, STUDENT DEMOGRAPHICS AND EFFECTIVENESS DATA; (G) FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION SCHOOLS INCLUDING DEPARTMENT FUNDING BY DOLLARS, EXPENDITURES BY CATEGORY AND EXTERNAL FUNDING IN DOLLARS; (H) FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION PROGRAMS INCLUDING DEPARTMENT FUNDING IN DOLLARS, AND EXTERNAL FUNDING IN DOLLARS; AND (I) GENERAL NEW YORK CITY DEPARTMENT OF EDUCATION BUDGET. PROVIDED, HOWEVER, THAT ALL INQUIRIES MADE IN ACCORDANCE WITH THIS SUBDIVISION SHALL COMPLY WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

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

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

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

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

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

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

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

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

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

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

S 10. Subdivisions 8 and 14 of section 2590-e of the education law, subdivision 8 as amended and subdivision 14 as added by chapter 123 of the laws of 2003, are amended and two new subdivisions 22 and 23 are added 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, SUBMIT IT TO THE COMMUNITY BOARD WHICH SHALL PRESENT SUCH REPORT CARD AT ITS NEXT SCHEDULED MEETING, and otherwise disseminating it as required by the commissioner. 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. DURING TWO OF THESE PUBLIC MEETINGS ANNUALLY, THE COMMUNITY DISTRICT COUNCIL MEMBER APPOINTED TO A COMMUNITY BOARD ON EITHER A YOUTH AND EDUCATION COMMITTEE OR A COMMITTEE THAT FOCUSES ON SUCH ISSUES PURSUANT TO SUBDIVISION TWENTY-TWO OF THIS SECTION, SHALL PROVIDE UPDATES AS REQUIRED BY SUCH SUBDIVISION. ONE OF THE TWO REQUIRED MEETINGS SHALL BE THE DISTRIBUTION OF COMMUNITY COUNCIL'S REQUIRED REPORT CARD PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. the amendments to section 2590-g 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;

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

4. the amendments to section 2590-q 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;

5. the amendments to section 2590-r 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;

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

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

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

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

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

PART B

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

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

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

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

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

S 3. This act shall take effect immediately.

PART C

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

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

S 2. Section 1 of chapter 53 of the laws of 2016, enacting the aid to localities budget, is amended by adding to such section the items underscored in this section.

EDUCATION DEPARTMENT
AID TO LOCALITIES 2016-2017

OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION
PROGRAM

General Fund
Local Assistance Account - 10000

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

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, SCHOOL DISTRICTS THAT DO NOT HAVE APPROVED AND FULLY IMPLEMENTED STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL TEACHER AND PRINCIPAL EVALUATIONS OF TEACHERS AND PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 3012-D OF THE EDUCATION LAW AND THAT HAVE LOST AID PURSUANT TO CHAPTER 61 OF THE LAWS OF 2015 AND CHAPTER 53 OF THE LAWS OF 2016 SHALL RECEIVE A SUPPLEMENTAL APPORTIONMENT IN AN AMOUNT THAT IS THE EQUIVALENT TO THE LOSS IN AID DUE TO THE SCHOOL DISTRICTS FAILURE TO HAVE AN APPROVED ANNUAL TEACHER AND PRINCIPAL EVALUATION PLAN CONSISTENT WITH THE REQUIREMENTS OF SECTION 3012-D OF THE EDUCATION LAW BY SEPTEMBER 1 OF THE CURRENT SCHOOL YEAR.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF SUPPLEMENTAL GENERAL SUPPORT FOR PUBLIC SCHOOLS FROM THE FUNDS APPROPRIATED FOR THE 2016-17 SCHOOL YEAR IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH SCHOOL DISTRICT IN THE BASE YEAR, AS DEFINED IN SUBDIVISION 1 OF SECTION 3602 OF THE EDUCATION LAW, UNLESS SUCH SCHOOL DISTRICT HAS SUBMITTED DOCUMENTATION THAT HAS BEEN APPROVED BY THE COMMISSIONER OF EDUCATION BY DECEMBER 31 OF THE CURRENT YEAR DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL TEACHER AND PRINCIPAL EVALUATIONS OF TEACHERS AND PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 3012-D OF THE EDUCATION LAW AND THE REGULATIONS ISSUED BY THE COMMISSIONER. PROVIDED FURTHER THAT ANY APPORTIONMENT WITHHELD PURSUANT TO THIS APPROPRIATION SHALL NOT OCCUR PRIOR TO APRIL 1 OF THE CURRENT YEAR AND SHALL NOT HAVE ANY EFFECT ON THE BASE YEAR CALCULATION FOR USE IN THE SUBSEQUENT SCHOOL YEAR 2,466,000,000

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

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

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