

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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

AN ACT to amend the education law, in relation to the board of education in the city of Rochester; and to repeal certain provisions of such law relating thereto

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

- 1     Section 1. The opening paragraph of section 2554 of the education law,  
2     as amended by chapter 91 of the laws of 2002, is amended to read as  
3     follows:  
4     THE BOARD OF EDUCATION IN A CITY SHALL EXERCISE NO EXECUTIVE POWER AND  
5     PERFORM NO EXECUTIVE OR ADMINISTRATIVE FUNCTION. Subject to the  
6     provisions of this chapter, the board of education in a city, except the  
7     city board of the city of New York, shall have the power and it shall be  
8     its duty:  
9     S 2. Subdivision 2 of section 2554 of the education law, as amended by  
10    chapter 27 of the laws of 2012, is amended to read as follows:  
11    2. To create, abolish, maintain and consolidate such positions, divi-  
12    sions, boards or bureaus as, in its judgment, may be necessary for the  
13    proper and efficient administration of its work; to appoint a super-  
14    intendent of schools, such associate, assistant, district and other  
15    superintendents, [examiners,] directors, supervisors, principals, teach-  
16    ers, lecturers, special instructors, medical inspectors, nurses, audi-  
17    tors, attendance officers, secretaries, clerks, custodians, janitors and  
18    other employees and other persons or experts in educational, social or  
19    recreational work or in the business management or direction of its  
20    affairs as said board shall determine necessary for the efficient  
21    management of the schools and other educational, social, recreational  
22    and business activities; provided, however, that in the city school  
23    districts of the cities of Buffalo[, Rochester,] and Syracuse appoint-

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

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1 ment of associate, assistant and district superintendents, and other  
2 supervising staff who are excluded from the right to bargain collective-  
3 ly pursuant to article fourteen of the civil service law shall, within  
4 the amounts budgeted for such positions, be by the superintendent of  
5 such city school district AND THOSE SO APPOINTED SHALL BE IN THE UNCLAS-  
6 SIFIED SERVICE UPON SUCH APPOINTMENT FOR CIVIL SERVICE AND RELATED  
7 PURPOSES NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN THE CITY  
8 SCHOOL DISTRICT OF THE CITY OF ROCHESTER APPOINTMENT OF ASSOCIATE,  
9 ASSISTANT, DISTRICT SUPERINTENDENTS AND OTHER CERTIFIED AND UNCERTIFIED  
10 SUPERVISING STAFF AND RELATED ADMINISTRATIVE STAFF WHO ARE EXCLUDED FROM  
11 THE RIGHT TO BARGAIN COLLECTIVELY PURSUANT TO ARTICLE FOURTEEN OF THE  
12 CIVIL SERVICE LAW SHALL, WITHIN AMOUNTS BUDGETED FOR SUCH POSITIONS, BE  
13 BY THE SUPERINTENDENT OF SUCH CITY SCHOOL DISTRICT AND THOSE SO  
14 APPOINTED SHALL BE IN THE UNCLASSIFIED SERVICE UPON SUCH APPOINTMENT FOR  
15 CIVIL SERVICE AND RELATED PURPOSES NOTWITHSTANDING ANY OTHER PROVISION  
16 OF LAW; and to determine their duties except as otherwise provided here-  
17 in.

18 S 3. Subdivision 2-a of section 2554 of the education law is REPEALED  
19 and five new subdivisions 2-a, 2-b, 28, 29 and 30 are added to read as  
20 follows:

21 2-A. IN ITS DISCRETION TO ADOPT A RESOLUTION ESTABLISHING THE OFFICE  
22 OF AUDITOR, AND AT ANY TIME AFTER THE ESTABLISHMENT OF THE OFFICE OF  
23 AUDITOR, TO ADOPT A RESOLUTION ABOLISHING THE OFFICE; PROVIDED, HOWEVER,  
24 THAT THE SCHOOL DISTRICT OF THE CITY OF ROCHESTER SHALL ADOPT A RESOL-  
25 UTION ESTABLISHING THE OFFICE OF AUDITOR, AND SHALL NOT ABOLISH SUCH  
26 OFFICE. A BOARD OF EDUCATION WHICH HAS ESTABLISHED THE OFFICE OF AUDITOR  
27 SHALL APPOINT AN AUDITOR WHO SHALL HOLD SUCH POSITION SUBJECT TO THE  
28 PLEASURE OF THE BOARD. NO PERSON SHALL BE ELIGIBLE FOR APPOINTMENT TO  
29 THE OFFICE OF AUDITOR WHO SHALL BE A MEMBER OF THE BOARD OF EDUCATION OR  
30 THE SUPERINTENDENT OF SCHOOLS OR WHO SHALL HOLD ANY OTHER POSITION OR  
31 PERFORM IN ANY CAPACITY WITHIN THE SCHOOL DISTRICT. WHEN THE OFFICE OF  
32 AUDITOR SHALL HAVE BEEN ESTABLISHED AND AN AUDITOR QUALIFIED, THE POWERS  
33 AND DUTIES OF THE BOARD OF EDUCATION WITH RESPECT TO AUDITING ACCOUNTS,  
34 CHARGES, CLAIMS OR DEMANDS AGAINST THE CITY SCHOOL DISTRICT SHALL  
35 DEVOLVE UPON AND THEREAFTER BE EXERCISED BY SUCH AUDITOR, DURING THE  
36 CONTINUANCE OF THE OFFICE. THE AUDITOR SHALL HAVE ACCESS TO AND MAY  
37 DEMAND PRODUCTION OF ANY RECORDS OF THE SCHOOL DISTRICT, INCLUDING BUT  
38 NOT LIMITED TO ESTIMATES OF REVENUES, EXPENSES, INDEBTEDNESS AND CAPITAL  
39 NEEDS AND PLANS, WHETHER IN DRAFT OR FINAL FORM WITH ALL BACK-UP INFOR-  
40 MATION AND WORK PAPERS, AND WHETHER BEFORE OR AFTER SUBMISSION TO OR  
41 APPROVAL BY THE SCHOOL BOARD.

42 2-B. IN ITS DISCRETION TO ASSIGN AN EXAMINER WITH POWER TO CONDUCT  
43 INVESTIGATIONS AND HEARINGS ON BEHALF OF THE BOARD OF EDUCATION. EACH  
44 EXAMINER SHALL HAVE ACCESS TO AND MAY REQUIRE THE PRODUCTION OF BOOKS,  
45 PAPERS AND OTHER DOCUMENTS AND INFORMATION MATERIAL RELATED TO ANY  
46 INVESTIGATION OR HEARING. EACH EXAMINER SHALL CONCLUDE AND REPORT THE  
47 RESULT OF ANY SUCH INVESTIGATION OR HEARING TO THE BOARD OF EDUCATION NO  
48 LATER THAN SIX MONTHS AFTER THE DATE OF AUTHORIZATION OF SUCH INVESTI-  
49 GATION OR HEARING.

50 28. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO AUTHORIZE  
51 CONTRACTS FOR GOODS AND SERVICES IN AMOUNTS OF FIFTY THOUSAND DOLLARS OR  
52 MORE.

53 29. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, UPON RECEIPT  
54 FROM THE SUPERINTENDENT, TO REVIEW AND EITHER RETURN TO THE SUPERINTEN-  
55 DENT FOR AMENDMENT OR APPROVE AND FILE WITH THE MAYOR, PURSUANT TO  
56 SECTION TWENTY-FIVE HUNDRED SEVENTY-SIX OF THIS ARTICLE, THE ANNUAL

1 ITEMIZED ESTIMATE AND CAPITAL PLAN FOR THE DISTRICT. SUCH BUDGET AND  
2 CAPITAL PLAN SHALL INCLUDE MULTI-YEAR PROJECTIONS OF REVENUES, EXPENSES,  
3 INDEBTEDNESS AND CAPITAL NEEDS.

4 30. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO DEVELOP  
5 JOINTLY, WITH THE SUPERINTENDENT, POLICIES AND PROCEDURES FOR THE  
6 HIRING, FIRING AND EVALUATION OF ALL EMPLOYEES OF THE DISTRICT.

7 S 4. Subdivision 3 of section 2565 of the education law, as added by  
8 chapter 302 of the laws of 1980, is amended to read as follows:

9 3. Notwithstanding the provisions of subdivisions one and two of this  
10 section, the superintendent of schools of the Rochester city school  
11 district shall serve [at the pleasure of the board of education] FOR A  
12 TERM PURSUANT TO A CONTRACT; provided, however, that such term shall, in  
13 no event, exceed a period of four years. FURTHER, THE SUPERINTENDENT  
14 SHALL NOT BE REMOVED FROM OFFICE EXCEPT UPON THE VOTE OF TWO-THIRDS OF  
15 THE MEMBERS OF THE BOARD.

16 S 5. Subdivision 6 of section 2566 of the education law, as amended by  
17 chapter 27 of the laws of 2012, is amended to read as follows:

18 6. To have supervision and direction of associate, assistant, district  
19 and other superintendents, directors, supervisors, principals, teachers,  
20 lecturers, medical inspectors, nurses, claims auditors, deputy claims  
21 auditors, attendance officers, janitors and other persons employed in  
22 the management of the schools or the other educational activities of the  
23 city authorized by this chapter and under the direction and management  
24 of the board of education, except that in the city school districts of  
25 the cities of Buffalo[, Rochester,] and Syracuse to also appoint, within  
26 the amounts budgeted therefor, such associate, assistant and district  
27 superintendents and all other supervising staff who are excluded from  
28 the right to bargain collectively pursuant to article fourteen of the  
29 civil service law AND THOSE SO APPOINTED SHALL BE IN THE UNCLASSIFIED  
30 SERVICE UPON SUCH APPOINTMENT FOR CIVIL SERVICE AND RELATED PURPOSES  
31 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN THE CITY SCHOOL  
32 DISTRICT OF THE CITY OF ROCHESTER TO ALSO APPOINT, WITHIN AMOUNTS BUDG-  
33 ETED THEREFOR, SUCH ASSOCIATE, ASSISTANT, DISTRICT SUPERINTENDENTS AND  
34 ALL OTHER CERTIFIED AND UNCERTIFIED SUPERVISING STAFF AND RELATED ADMIN-  
35 ISTRATIVE STAFF WHO ARE EXCLUDED FROM THE RIGHT TO BARGAIN COLLECTIVELY  
36 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THOSE SO  
37 APPOINTED SHALL BE IN THE UNCLASSIFIED SERVICE UPON SUCH APPOINTMENT FOR  
38 CIVIL SERVICE AND RELATED PURPOSES NOTWITHSTANDING ANY OTHER PROVISION  
39 OF LAW; to transfer teachers from one school to another, or from one  
40 grade of the course of study to another grade in such course, and to  
41 report immediately such transfers to said board for its consideration  
42 and action; to report to said board of education violations of regu-  
43 lations and cases of insubordination, and to suspend an associate,  
44 assistant, district or other superintendent, director, supervisor,  
45 expert, principal, teacher or other employee until the next regular  
46 meeting of the board, when all facts relating to the case shall be  
47 submitted to the board for its consideration and action.

48 S 6. Section 2566 of the education law is amended by adding four new  
49 subdivisions 10, 11, 12 and 13 to read as follows:

50 10. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO PREPARE  
51 AND DELIVER TO THE BOARD OF EDUCATION FOR REVIEW AND APPROVAL AN ANNUAL  
52 ITEMIZED ESTIMATE AS PROVIDED FOR IN SECTION TWENTY-FIVE HUNDRED SEVEN-  
53 TY-SIX OF THIS ARTICLE AND AN EDUCATIONAL FACILITIES CAPITAL PLAN. EACH  
54 SUCH ESTIMATE AND CAPITAL PLAN SHALL BE AT SUCH LEVEL OF DETAIL AS  
55 NECESSARY SO AS TO ENABLE THE BOARD TO MAKE AN INFORMED REVIEW OF SUCH  
56 ESTIMATE AND CAPITAL. ALSO, EACH SUCH ESTIMATE AND CAPITAL PLAN SHALL

1 INCLUDE A FOUR-YEAR PROJECTION OF ESTIMATED REVENUES, EXPENSES, CAPITAL  
2 NEEDS, AND INDEBTEDNESS.

3 11. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO PREPARE  
4 AND SUBMIT FOR EVERY PERIOD OF TWO MONTHS, IN A FORMAT APPROVED BY THE  
5 BOARD OF EDUCATION AND THE MAYOR, A SUMMARY OF THE DISTRICT'S ACTUAL  
6 REVENUES, EXPENSES, AND INDEBTEDNESS, AND COMPARING THE SAME WITH THE  
7 ANNUAL ESTIMATE.

8 12. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO AUTHORIZE  
9 CONTRACTS FOR GOODS AND SERVICES IN AMOUNTS LESS THAN FIFTY THOUSAND  
10 DOLLARS.

11 13. IN THE CITY SCHOOL DISTRICT OF THE CITY OF ROCHESTER, TO DEVELOP  
12 JOINTLY, WITH THE BOARD OF EDUCATION, POLICIES AND PROCEDURES FOR THE  
13 HIRING, FIRING, AND EVALUATION OF ALL EMPLOYEES OF THE DISTRICT.

14 S 7. Subdivision 3 of section 2573 of the education law, as amended by  
15 chapter 27 of the laws of 2012, is amended to read as follows:

16 3. Associate superintendents, examiners and all other employees  
17 authorized by section twenty-five hundred fifty-four of this article,  
18 except as otherwise provided in subdivision one of this section, shall  
19 be appointed by the board of education except that in the city school  
20 districts of the cities of Buffalo[, Rochester,] and Syracuse, the asso-  
21 ciate, assistant and district superintendents and all other supervising  
22 staff who are excluded from the right to bargain collectively pursuant  
23 to article fourteen of the civil service law shall be appointed, within  
24 amounts budgeted therefor, by the superintendent of such city school  
25 district AND THOSE SO APPOINTED SHALL BE IN THE UNCLASSIFIED SERVICE  
26 UPON SUCH APPOINTMENT FOR CIVIL SERVICE AND RELATED PURPOSES NOTWITH-  
27 STANDING ANY OTHER PROVISION OF LAW, AND IN THE CITY SCHOOL DISTRICT OF  
28 THE CITY OF ROCHESTER THE ASSOCIATE, ASSISTANT, DISTRICT SUPERINTENDENTS  
29 AND ALL OTHER CERTIFIED AND UNCERTIFIED SUPERVISING STAFF AND RELATED  
30 ADMINISTRATIVE STAFF WHO ARE EXCLUDED FROM THE RIGHT TO BARGAIN COLLEC-  
31 TIVELY PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL BE  
32 APPOINTED, WITHIN AMOUNTS BUDGETED THEREFOR, BY THE SUPERINTENDENT OF  
33 SUCH CITY SCHOOL DISTRICT AND THOSE SO APPOINTED SHALL BE IN THE UNCLAS-  
34 SIFIED SERVICE UPON SUCH APPOINTMENT FOR CIVIL SERVICE AND RELATED  
35 PURPOSES NOTWITHSTANDING ANY OTHER PROVISION OF LAW. In a city having a  
36 population of one million or more, such appointments shall be made on  
37 nomination of the superintendent of schools. Notwithstanding any other  
38 provision in this chapter to the contrary, whenever an associate super-  
39 intendent of schools in the employ of the board of education in a city  
40 having a population of one million or more fails of reappointment, said  
41 person shall be immediately appointed an assistant superintendent of  
42 schools with permanent appointment as said term permanent appointment is  
43 defined in subdivisions four, five and six of this section. The salary  
44 of such assistant superintendent shall be less than the salary of an  
45 associate superintendent, but said differential in salary shall not  
46 exceed ten per centum of the annual salary of an associate superinten-  
47 dent of schools. When, however, an associate superintendent of schools  
48 who fails of reappointment has to his credit thirty or more years of  
49 city service including ten or more years of service as such associate  
50 superintendent of schools, he shall suffer no reduction of salary or of  
51 pension prospects while serving as such assistant superintendent of  
52 schools.

53 S 8. This act shall take effect July 1, 2016; provided, further, that  
54 the amendments to the opening paragraph of section 2554 of the education  
55 law made by section one of this act shall not affect the expiration of  
56 such paragraph and shall be deemed to expire therewith.