

8016--A

I N   S E N A T E

June 3, 2016

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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.