STATE OF NEW YORK

2744

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

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

AN ACT to amend the education law, in relation to mayoral control of the city school district of the city of Buffalo; to repeal certain provisions of the education law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "city of Buffalo school district governance reform act".

§ 2. The education law is amended by adding a new article 52-B to read as follows:

ARTICLE 52-B

CITY OF BUFFALO SCHOOL DISTRICT SYSTEM

Section 2591-a. Application of article.
2591-b. Definitions.
2591-c. Board of education; composition.
2591-d. Board of education; powers and duties.
2591-e. Superintendent of schools; appointment; powers and duties.
2591-f. Community schools advisory councils; composition; powers and duties.
2591-g. Appointment of teachers, administrators, supervisors and other employees.
2591-h. School principals; selection process; powers and duties.
2591-i. Budgetary and fiscal processes.
2591-j. Custody and disbursement of funds.

§ 2591-a. Application of article. This article shall apply to the city school district of the city of Buffalo.

§ 2591-b. Definitions. As used in this article, the following terms shall mean:

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

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1. Board of education. The term "board of education" or "board" shall mean the board of education of the city school district of the city of Buffalo, established pursuant to section twenty-five hundred ninety-one-c of this article.

2. City. The term "city" shall mean the city of Buffalo.

3. City district. The term "city district" shall mean the city school district of the city of Buffalo.

4. Common council. The term "common council" shall mean the common council of the city of Buffalo.

5. Commissioner. The term "commissioner" shall mean the commissioner of the state education department.

6. Council district. The term "council district" shall mean the six districts into which the city of Buffalo is divided pursuant to the charter of such city for the purposes of electing district council members.

7. Community schools advisory council. The term "community schools advisory council" or "advisory council" shall mean the advisory council established pursuant to section twenty-five hundred ninety-one-f of this article.

8. Mayor. The term "mayor" shall mean the mayor of the city of Buffalo.

9. Superintendent or superintendent of schools. The term "superintendent" or "superintendent of schools" shall mean the superintendent of the city school district of the city of Buffalo.

§ 2591-c. Board of education; composition. 1. The board of education of the city of Buffalo is hereby continued. Such board may be commonly known and referred to as the education commission of the city of Buffalo.

2. The board shall consist of nine members appointed by the mayor.

(a) The mayor shall make every effort to appoint a member from each council district.

(b) Every member shall be a resident of the city.

(c) All members shall possess extensive educational, educational administration, health or mental health, business or trade experience and knowledge, or is capable of making a significant contribution to improving the education of the students of the city district.

3. All members shall serve two year terms. All members shall serve at the pleasure of the appointing authority. A member may be removed from office by the appointing authority during his or her term for good cause shown, after notice and opportunity to be heard. A member who refuses or fails to attend three successive meetings of such board vacates his or her office by refusal to serve. Any vacancy shall be filled by the appointing authority within thirty days of the vacancy.

4. Members shall be paid a salary of not more than $5,000 per annum, and shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the board.

5. (a) No person shall be eligible for the office of member of the board who is not a qualified voter under section 5-102 of the election law of such city school district. No person shall hold at the same time the office of member of the board and any other elective office nor shall such person be a candidate for any other elective office at the same time he or she is a member of the board.

(b) No member of the board shall be employed by the city or the city district or shall be a member of any public corporation, authority, commission or entity in which the mayor has a majority of appointments.

6. The board shall hold at least one regular public meeting per month. The board shall consider appropriate public accommodations when selecting a venue so as to maximize participation by parents and the community. Notice of the time, place and agenda for all board regular public meetings shall be publicly provided, including via the board's official internet web site, at least ten business days in advance of such meeting.

7. All members shall be required to prepare and file financial disclosure statements pursuant to the charter of the city of Buffalo.

§ 2591-d. Board of education; powers and duties. 1. The board shall advise the superintendent on matters of policy affecting the welfare of the city school district and its pupils. The board shall exercise no executive power and perform no executive or administrative functions.

2. The board shall perform any duty imposed upon boards of education or trustees of common schools under this chapter or other statutes, or the rules of the regents and regulations of the commissioner so far as they may be applicable to the school or other educational affairs of a city, and not inconsistent with the provisions of this article.

3. Except as otherwise provided in this article, the board shall for all purposes be the government or public employer of all persons appointed or assigned to work for the city district.

4. The board shall also have the power and duty to:

(a) approve standards, policies, and objectives proposed by the superintendent directly related to educational achievement and student performance;

(b) approve any other standards, policies, and objectives as specifically authorized or required by federal or state law or regulation;

(c) approve a protocol developed by the superintendent relating to school closures pursuant to section twenty-five hundred ninety-one-e of this article;

(d) approve a procurement policy developed by the superintendent pursuant to section twenty-five hundred ninety-one-e of this article;

(e) approve the purchase of such apparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and programs in the city district;

(f) approve a plan developed by the superintendent to ensure that all instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability, as defined in section forty-four hundred one of this chapter, and for each student who is a qualified individual with a disability as defined in the rehabilitation act of nineteen hundred ninety-three (29 U.S.C. 701), as amended, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. As part of such plan, the superintendent shall amend the city district's procurement policies to give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. For purposes of this subdivision, "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format, as defined in the regulations of the commissioner. When an electronic file is provided, the plan shall specify how the format will be accessed by students and/or how the district shall

convert to an accessible format. Such plan shall identify the needs of students residing in the district for alternative format materials. Such plan shall also specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials. Such plans shall include procedures to address the need to obtain materials in alternative format without delay for disabled students who move into the school district during the school year;

(g) approve the establishment of such free elementary schools, high schools, community schools, training schools, vocational and industrial schools, kindergartens, nursery schools, technical schools, night schools, part-time or continuation schools, vocation schools, schools for adults, schools for physically or mentally handicapped or delinquent children or such other schools or classes as the superintendent shall deem necessary to meet the needs and demands of the city;

(h) authorize the general courses of study which shall be given in the schools and to approve the content of such courses before they become operative;

(i) authorize and approve the textbooks to be used in the schools under its jurisdiction;

(j) perform such other duties and possess such other powers as may be required to administer the affairs placed under its control and management, to execute all powers vested in it, and to promote the best interests of the students, schools and other activities committed to its care;

(k) approve transportation, home-teaching or special classes, as defined under sections forty-four hundred one and forty-four hundred two of this chapter for physically or mentally handicapped and delinquent children. Such transportation, home-teaching or special classes, when provided pursuant to this subdivision, shall be granted to all such children irrespective of the school they legally attend;

(l) approve any contract proposed by the superintendent for the transportation of children to and from any school or institution of learning whenever in the judgment of the superintendent such transportation is required because of the remoteness of the school to the pupil or for the promotion of the best interests of such children. Any such contract may be made for a period not exceeding five years, notwithstanding any provision of state or local law;

(m) approve, outside the territorial limits of the city district but within the state or within an adjoining state, the provision of education for children resident within the city district whenever in the judgment of the board, approved by the commissioner, the health or welfare of such children makes such provision necessary or desirable, and the average daily attendance of such pupils shall be included in the average daily attendance of such district as certified to the commissioner in the report of the board;

(n) approve the process developed by the superintendent for the recruitment, screening and selection of candidates for school principals; and

(o) approve the processes developed by the superintendent for the selection of members to the community schools advisory councils pursuant to section twenty-five hundred ninety-one-f of this article.

5. The board shall adopt a policy proposed by the superintendent that promotes the recruitment and retention of a workforce at the city district that considers the diversity of the students attending the public schools within the city district. The board shall review at a regular public meeting an annual report issued by the superintendent

outlining the initiatives taken to enhance diversity and equity in recruitment and retention and the impacts of such initiatives to the city workforce.

§ 2591-e. Superintendent of schools; appointment; powers and duties. 1. The superintendent of schools shall be appointed by the mayor. The superintendent may be removed by the appointing authority without prior approval.

2. The superintendent shall have the following powers and duties:

(a) To be the chief executive officer of the city district, and shall be a non-voting ex officio member of the board.

(b) Control and operate all pre-kindergarten, elementary, secondary and special education schools, programs and services under the jurisdiction of the city district.

(c) Promulgate minimum clear educational standards, curriculum requirements and frameworks and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to:

(i) compliance with such educational standards and other requirements, and

(ii) the educational effectiveness of such schools and programs, in a manner not inconsistent with the policies of the board.

(d) Prepare the content of each course of study authorized by the board. The content of each such course shall be submitted to the board for its approval and, when approved, the superintendent shall cause such courses of study to be used in the grades, classes and schools for which they are authorized.

(e) Prepare and file a budget estimate with the board of education for the city district pursuant to section twenty-five hundred ninety-one-i of this article.

(f) Recommend suitable lists of textbooks to be used in the schools.

(g) Promulgate policies establishing educational, managerial, and administrative qualifications, performance record criteria, and performance standards for the positions of principal.

(h) Establish, subject to the approval of the board, a publicly inclusive process for the recruitment, screening and selection of candidates for school principals.

(i) Appoint and have supervision and direction of associate, assistant, and other superintendents, directors, supervisors, principals, teachers, attendance officers, janitors and other persons employed in the management of the schools or the other educational activities of the city authorized by this article.

(j) Transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to suspend an associate, assistant or other superintendent, director, supervisor, principal, teacher or other employee until such time when all facts relating to the case shall be submitted to the board for its consideration and action.

(k) Have supervision and direction over the enforcement and observance of the courses of study, the examination and promotion of pupils, and over all other matters pertaining to playgrounds, medical inspection, recreation and social center work, libraries, lectures and all other educational activities and interest under the management, direction and control of the board.

(l) Promote the involvement and appropriate input of all members of the school community, including parents, teachers, and other school

personnel, including, establishing a parents' association or a parent-teachers' association in each school in the city district.

(m) Create standards, policies and objectives directly related to maintaining the internal fiscal integrity of administrative operations of the city district.

(n) Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

(o) Develop, subject to the approval of the board, a procurement policy for the city district, consistent with the provisions of section one hundred three of the general municipal law and MWBE goals, which policy shall include provisions for emergency procurements; a plan to ensure that all instructional materials are available in a usable alternative format for disabled students pursuant to subdivision four of section twenty-five hundred ninety-one-d of this article; and shall also include the requirement that the board must approve any contract awarded by the city district or the superintendent where:

(i) such contract was let by a procurement method other than competitive sealed bidding, including but not limited to competitive sealed proposals, or sole source contracts. In the case of a sole source contract, prior to the submission of the contract for approval, the corporation counsel of the city shall certify that the legal and procedural requisites for the solicitation and award of a sole source contract have been complied with;

(ii) such contract provides for technical, consultant, or personal services;

(iii) the value of such contract exceeds, or projects an annual expenditure exceeding, fifty thousand dollars; or

(iv) the value of any contracts awarded to a single entity exceeds fifty thousand dollars annually.

(p) Provide transportation, home-teaching or special classes for physically or mentally disabled and delinquent children. Such transportation, home-teaching or special classes, when provided pursuant to this paragraph, shall be granted to all such children irrespective of the school they legally attend.

(q) Issue an annual report on the participation of minority and women owned business enterprises in the city district's procurement process.

(r) Enforce all provisions of law and all policies relating to the management of the schools and other educational, social and recreational activities under the direction of the board.

(s) Create, abolish, and consolidate such positions, divisions, boards or bureaus as may be necessary for the proper and efficient administration of the city district.

(t) Have the care, custody, control and safekeeping of all school property or other property of the city used for educational, social or recreational work and not specifically placed by law under the control of some other body or officer, and to prescribe policies for the preservation of such property.

(u) Establish and maintain libraries which may be open to the public, to organize and maintain public lecture courses, and to establish and equip playgrounds, recreation centers, social centers, and reading rooms from such funds as this chapter or other statutes authorize and the state appropriates for such purposes, and from such other funds as may be provided therefor from local taxation or other sources.

(v) Conduct and maintain such extra classroom activities, including the operation of cafeterias or restaurant service for pupils and teach-

ers, as the superintendent, from time to time, shall deem proper. Such cafeterias or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents, sixty years of age or older, of the district. Charges shall be sufficient to meet the direct cost of preparing and serving such meals, reducible by available reimbursements.

(w) In his or her discretion, purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board.

(x) Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (i) contacted and informed of the intervening circumstances which make such transportation impractical and (ii) such student had been delivered to his or her parent or legal guardian.

(y) Quarterly, prepare a school district report card in accordance with subdivision twenty-four of section twenty-five hundred fifty-four of this title to be submitted to the mayor, the board of education, the temporary president of the senate, the speaker of the assembly, and the governor and such report card shall be publicly available through the city school district website for the community to review.

(z) In his or her discretion, to provide under a group insurance policy or policies issued by any insurance company or insurance companies authorized to do business in this state or under a group contract issued by one or more corporations subject to article forty-three of the insurance law, life insurance or accident and health insurance benefits or medical and surgical benefits or hospital service benefits or any two or more of such kinds of benefits to teachers and other employees of the school district who participate in a plan or plans, as hereinafter provided. The disbursing officer of the school district is authorized to deduct from the salary of such participant with his or her prior consent, in writing, the sums representing the participant's share of the premium or premiums which are payable by such officer to such insurance company or corporation. The superintendent is authorized to pay from such moneys as are available for the purpose, a share of the cost of such benefit or benefits in such amount as is required to be paid under such group insurance policy or policies or group contract or contracts by the board, as employer. The sum to be paid by the superintendent under such policy or policies or contract or contracts, in the discretion of the superintendent, may be any percentage of the total cost of the benefit or benefits including the whole thereof.

(aa) Develop a process, to be approved by the board, for the selection of members to the community schools advisory councils pursuant to section twenty-five hundred ninety-one-f of this article.

3. Notwithstanding any other provisions of law to the contrary, public schools within the city district shall be closed pursuant to the requirements of this subdivision.

(a) The superintendent shall develop a protocol for school closures that shall be approved by the board of education. Such protocol shall include the establishment of quantifiable standards and criteria for every proposed school closure that address:

(i) the school's academic performance, including standards and criteria to identify for closure the persistently lowest-achieving schools in the city school district that take into account student performance on existing state assessments and graduation rates;

(ii) the school's responsiveness to previous school improvement or turnaround efforts; and

(iii) the current and projected pupil enrollment of the affected school and the prospective need for such school building.

(b) The superintendent shall prepare a school closure plan for each proposed closure based on the protocol established pursuant to paragraph (a) of this subdivision that shall include the following information:

(i) the ramifications of such school closure upon the community, initial costs and savings resulting from such school closure, the potential disposability of any closed school;

(ii) the impacts of the proposed school closure to any affected students and the ability of other schools in the affected community to accommodate pupils following the school closure;

(iii) an outline of any proposed or potential use of the school building for other educational programs or administrative services;

(iv) the effect of such school closure on personnel needs, the costs of instruction, administration, transportation, and other support services; and

(v) the type, age, and physical condition of such school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features.

(c) Such school closure plan shall be made publicly available, including via the board of education's official internet website, and a copy shall also be filed with the affected community schools advisory council at least six months in advance of the first day of school in the succeeding school year.

(d) Within sixty days following the filing of the school closure plan, the superintendent shall hold a joint public hearing with the impacted community schools advisory council at the school that is subject to the proposed school closing, and shall allow all interested parties an opportunity to present comments or concerns regarding the proposed school closing. The superintendent shall ensure that notice of such joint 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 the elected state and local officials who represent the affected communities.

(e) The superintendent shall render a decision on all proposed school closures; provided, however, a school closure shall not take effect until all the provisions of this subdivision have been satisfied and the school year in which the decision to close such school was made, has ended.

4. The superintendent shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law in accordance with the provisions of subdivision twenty-five of section twenty-five hundred fifty-four of this title.

5. Nothing in this article shall be construed to authorize the superintendent to be or act as a charter entity pursuant to article fifty-six of this title.

§ 2591-f. Community schools advisory councils; composition; powers and duties. 1. (a) There shall be established a community schools advisory council. The council shall consist of at least six voting members, one from each city school subdistrict, who:

(i) shall be a resident of the city district;

(ii) shall be an eligible voter pursuant to section 5-102 of the election law;

(iii) may be a parent of a child attending a school located within the council district and selected by the presidents and officers of the parents' associations or parent-teachers' associations of schools located in the city school subdistrict;

(iv) may be a teacher within the city school subdistrict; and

(v) may be a community leader in a non-elected role.

(b) Such members shall serve for a term of two years and shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses at the discretion of the board of education.

2. (a) The superintendent shall:

(i) develop selection procedures to be approved by the board for advisory council members which, to the maximum extent possible, shall attempt to ensure a membership that reflects a representative cross-section of the communities within the city school subdistrict and diversity of the student population including those with particular educational needs;

(ii) require financial disclosure by the appointees;

(iii) establish policies prohibiting political endorsements of and campaign contributions to nominees; and

(iv) beginning in September of each school year and continuing until the date of selection, ensure the distribution of informational pamphlets to parents and additional information regarding advisory council roles, functions, and activities, including upcoming parents' association and parent-teachers' association elections, candidate information, and the nature of the selection process.

(b) The advisory council members shall be chosen by the superintendent.

(c) The advisory council shall select one of its voting members to serve as chair, and shall also appoint, from among its members, a secretary, who shall perform the following functions:

(i) prepare meeting notices, agendas and minutes;

(ii) record and maintain accounts of proceedings and other advisory council meetings; and

(iii) prepare briefing materials and other related informational materials for such meetings.

3. (a) No person shall be eligible for membership on the advisory council if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate

to a national, state, judicial or other party convention, or member of a county committee.

(b) A person shall be permanently ineligible for appointment to the advisory council if any of the following applies to them:

(i) an act of malfeasance directly related to his or her service on the advisory council; or

(ii) conviction of a crime, if such crime is directly related to his or her service on the advisory council.

(c) Vacancies shall be filled by the superintendent for an unexpired term.

4. The advisory council shall have the following powers and duties with respect to all pre-kindergarten, primary, community and secondary schools and programs in the council district. The advisory council shall have no executive or administrative powers or functions, but shall have the following powers and duties:

(a) promote achievement of educational standards, a culturally competent environment and objectives relating to the instruction of students.

(b) review, conduct public hearings and comment on the itemized estimate prepared by the superintendent pursuant to section twenty-five hundred ninety-one-i of this article and submit any comments or testimony by the public to the superintendent.

(c) conduct a joint public hearing with the superintendent regarding any proposed school closing of any public school located within the council district pursuant to section twenty-five hundred ninety-one-e of this article.

(d) conduct regular meetings with the superintendent to discuss the current state of the schools in the council district.

(e) review the council district's educational programs and assess their effect on student achievement.

(f) provide input, as it deems necessary, to the superintendent and the board on matters of concern to the city school subdistrict.

(g) examine the issues of special education, English language learners and the health and mental health needs of the district.

§ 2591-g. Appointment of teachers, administrators, supervisors and other employees. 1. Teachers and all other members of the teaching staff of the city district shall be appointed by the superintendent of schools for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the probationary period shall be limited to one year; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a of this chapter, the probationary period shall not exceed two years. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period by the superintendent of schools. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his or her probationary period. Failure to maintain certification as required by this chap-

ter and by the regulations of the commissioner shall be cause for removal.

2. Administrators, principals, directors, supervisors and all other members of the supervising staff shall be appointed by the superintendent for a probationary period of three years. School principals shall be selected pursuant to a publicly-inclusive process for the recruitment, screening and selection of candidates for principal developed by the superintendent and approved by the board. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period by the superintendent of schools.

3. Clerks, draftsmen, inspectors, chemists, tabulating machine operators, secretaries, stenographers, copyists, statisticians, janitors, custodians, custodian-engineers and all other administrative employees of the city district, unless otherwise provided in this chapter, shall be appointed for a probationary period provided in the civil service law and regulations based thereon. The service of a person appointed to any of such positions may be discontinued by the superintendent at any time during such probationary period. Such persons who have served the full probationary period shall hold their respective positions during good behavior and efficient and competent service, and shall not be removed except for cause.

4. No principal, supervisor, director, or teacher shall be appointed to the teaching force of a city who does not possess qualifications required under this chapter and under the regulations prescribed by the commissioner for the persons employed in such positions in the schools of the cities of the state, but the superintendent may prescribe additional or higher qualifications for the persons employed in any of such positions.

5. Notwithstanding any other provision of this section, no period in any school year for which there is no required service and/or for which no compensation is provided shall in any event constitute a break or suspension of probationary period or continuity of tenure rights of any of the persons described in this section.

§ 2591-h. School principals; selection process; powers and duties. 1. The principal shall be the administrative and instructional leader of the school.

2. The superintendent shall appoint a principal pursuant to a process, which shall be approved by the board, that promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates for school principal. Candidates must meet the legal and regulatory requirements establishing educational, managerial, and administrative qualifications, including evaluation of each candidate's record of performance in comparable positions.

3. Subject to the regulations of the commissioner and applicable collective bargaining agreements and obligations, the principal shall be responsible for the day to day operation of the school and shall carry out the following duties in consultation with parents, teachers and other staff:

(a) promote an equal educational opportunity for students in the school,

(b) (i) survey the environment of the school and its surroundings and issue an annual report that assesses the need for resources or services, such as increasing safety, improving infrastructure, and other changes that could be implemented to improve or enhance the quality of life of the neighborhood where the school is located.

(ii) in preparing the report, the principal shall, to the maximum extent as practicable, seek and consider comments and input from affected stakeholders, including students, teachers, parents, and other interested community members. The principal shall submit the report and recommendations to the superintendent.

(c) manage and operate the school building and other facilities under his or her jurisdiction.

§ 2591-i. Budgetary and fiscal processes. 1. (a) The superintendent shall prepare annually an itemized estimate for the current or ensuing fiscal year of such sum of money as he or she may deem necessary for the purposes stated in this section, after crediting thereto the amount anticipated in the next apportionment of school funds from the state and the estimated amount to be received from all other sources. Such estimate shall be filed with the board of directors.

(b) Such estimates shall be for the following purposes:

(i) The salary of the superintendent of schools, associate or assistant or other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, attendance officers, clerks, custodians and janitors; and the salary, fees or compensation of all other employees appointed or employed by the superintendent, including staff assigned to the board. In addition, the expenses of personnel utilized to fulfill the internal audit function pursuant to section twenty-one hundred sixteen-b of this title.

(ii) The other necessary incidental and contingent expenses, including ordinary repairs to buildings and the purchase of fuel and light, supplies, textbooks, school apparatus, books, furniture and fixtures and other articles and service necessary for the proper maintenance, operation and support of the schools, libraries and other educational, social or recreational affairs and interests of the city district.

(iii) The remodeling or enlarging of buildings required by the city district, the construction of new buildings for uses authorized by this chapter and the furnishing and equipment thereof, the purchase of real property for new sites, additions to present sites, playgrounds or recreation centers and other educational or social purposes, and to meet any other indebtedness or liability incurred under the provisions of this chapter or other statutes, or any other expenses which the board is authorized to incur. Nothing contained in this chapter shall prevent the financing, in whole or in part, of any expenditure enumerated in this subdivision pursuant to the local finance law.

2. (a) For the purposes of this subdivision, the terms:

(i) "city funds" shall mean funds of the city of Buffalo derived from any source except funds contained within the capital budget, funds from county sales tax revenues shared with such city, funds derived from any federal source and funds derived from any state or private sources over which the city has no discretion, as defined in regulations of the commissioner and approved by the director of the budget.

(ii) "city amount" shall mean the total amount of expenditures funded by city funds for the support of the city district, not including city payments to bond or note holders for debt service payments of such district, as contained within the budget as adopted by such city.

(iii) "base year" shall mean the fiscal year immediately preceding the fiscal year for which the budget referred to in subparagraph (ii) of this paragraph is adopted. The initial base year shall be the fiscal year ending June thirtieth, two thousand fifteen.

(b) The city amount shall not be less than the city amount appropriated in the base year determined at the time of adoption of the budget for the ensuing fiscal year, and shall not be less than the city amount expended in the base year determined as of the end of the school year. Provided, however, in the event the total amount of city funds relied upon to balance such budget is lower than the total amount of city funds appropriated in the base year, as determined at the time of adoption of such budget, the city amount may be reduced by up to the same percentage as the overall percentage decrease in city funds between the base year and the ensuing fiscal year. The city shall not use or spend the city amount for any purposes other than in direct support of the city district.

(c) The school district audit report certified to by an independent certified public accountant or an independent accountant pursuant to section twenty-one hundred sixteen-a of this title for the two thousand seventeen--two thousand eighteen school year budget and annually thereafter shall include a certification by the accountant, in a form prescribed by the commissioner upon approval of the director of the budget, as to the city amount expended in the school year covered by such audit report, the city amount in the prior school year, and that the city amount expended in the school year covered by such audit report is in compliance with paragraph (b) of this subdivision.

3. The superintendent may, to meet or respond to emergencies which may arise, submit a special estimate in which items for extraordinary expenses may be submitted to meet such emergencies. Such estimate shall contain a complete statement of the purposes for which the items are requested and the necessity therefor. The same method of procedure shall be followed in submitting such estimate and such estimate shall be subject to the same consideration and action as is required in the submission, consideration and action upon the regular annual estimate submitted by the superintendent. The common council shall have power to make the appropriations requested by the superintendent in such special estimate.

4. The board shall not incur a liability or an expense chargeable against the funds under its control or the city for any purpose in excess of the amount appropriated or available therefor or otherwise authorized by law.

§ 2591-j. Custody and disbursement of funds. 1. Public moneys apportioned to the city by the state and all funds raised or collected by the authorities in the city for school purposes or to be used by the board for any purpose authorized in this article, or any other funds belonging to the city and received from any source whatsoever for similar purposes, shall be paid into the treasury of such city and shall be credited to the board. The funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. The officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city shall require.

2. Such funds shall be disbursed by authority of the board upon written orders drawn on the city treasurer or other fiscal officer of the city. Such orders shall be signed by the superintendent of schools and the claims auditor. Orders shall be numbered consecutively and shall specify the purpose for which they are drawn and the person or corporation to whom they are payable. The claims auditor shall ensure that orders comply with the appropriate policies and procedures of the city school district prior to approval for payment, including with the

procurement policy proposed by the superintendent pursuant to section twenty-five hundred ninety-one-e of this article and approved by the board pursuant to section twenty-five hundred ninety-one-d of this article. Claims against the city school district shall not be paid without prior audit and approval by the claims auditor.

3. Fixed salaries, principal of and interest on indebtedness and amounts becoming due upon lawful contracts for periods exceeding one year may be disbursed without prior audit of the board or the claims auditor. By resolution duly adopted, the board may determine to enter into a contract to provide for the deposit of the periodic payroll of the school district in a bank or trust company for disbursal by it in accordance with provisions of section ninety-six-b of the banking law.

4. It shall be unlawful for a city treasurer or other officer having the custody of such city funds to permit their use for any purpose other than that for which they are lawfully authorized; they shall be paid out only on audit of the claims auditor or as otherwise provided by law. Payments from such funds shall be made only by checks signed by the treasurer or other custodian of such moneys and payable to the person or persons entitled thereto and countersigned by an officer designated by the officer or body having the general control of the financial affairs of such city. The board shall make, in addition to such classification of its funds and accounts as it desires for its own use and information, such further classification of the funds under its management and control and of the disbursements thereof as the officer or body having the general control of the financial affairs of such city, shall require, and such board shall furnish such data in relation to such funds and their disbursements as the financial officer or body of the city shall require.

§ 3. Section 2552 of the education law, as amended by chapter 138 of the laws of 1974, is amended to read as follows:

§ 2552. Board of education. The board of education of each such city school district is hereby continued. The educational affairs in each such city school district shall be under the general management and control of a board of education to consist of not less than three and not more than nine members, to be chosen as hereinafter provided, and to be known as members of the board of education, except that the board of education of the city school district of the city of New York shall be constituted as provided in article fifty-two-A of this [~~chapter~~] title, and except further that the board of education of the city school district of the city of Buffalo shall be constituted as provided in article fifty-two-B of this title. The number of members on the board of education of each such city school district shall continue to be as follows:

a. [~~City school district of the city of Buffalo: nine members.~~

~~b.~~] City school district of the city of Rochester: seven members.

[~~c.~~] b. City school district of the city of Syracuse: seven members.

[~~d.~~] c. City school district of the city of Yonkers: nine members.

§ 4. Subdivisions 1, 2, 4, 5, 6 and 8 of section 2553 of the education law, subdivision 1 as separately amended by chapters 211 and 441 of the laws of 1980, subdivisions 2, 4 and 5 as added by chapter 242 of the laws of 1974, subdivision 6 as amended by chapter 211 of the laws of 1980 and subdivision 8 as amended by chapter 762 of the laws of 1950 and as renumbered by chapter 330 of the laws of 1969, are amended to read as follows:

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States, who is not quali-

fied to register for or vote at an election in accordance with the provisions of section 5-106 of the election law, and who, in the case of the city school district of the city of Yonkers, has not been a resident of the city school district for which he **or she** is chosen for a period of at least three years immediately preceding the date of his **or her** election or appointment and who, [~~in the case of the city school district of the city of Buffalo, in the case of a member to be elected at large is not a qualified voter of such city school district and who has not been a resident of such district for a period of at least three years immediately preceding the date of his election and in the case of a member elected from a city school subdistrict is not a qualified voter of such city school subdistrict and has not been a resident of the city school district for three years and a resident of the city school subdistrict which he represents or seeks to represent for a period of one year immediately preceding the date of his election, and who,~~] in the case of the city school district of the city of Rochester, is not a qualified voter under section 5-102 of the election law of such city school district; and who in the case of the city school district of the city of Syracuse has not been a qualified voter under section 5-102 of the election law of such city school district for at least ninety days immediately preceding the date of his **or her** election or appointment.

2. In the city school districts of the cities of Rochester and Syracuse the members of such board of education shall be chosen by the voters at large at either a general or municipal election, or at both. [~~In the city school district of the city of Buffalo the members of such board of education shall be chosen pursuant to the provisions of subdivision ten of this section.~~]

4. In the city school districts of the following cities, the terms of such members shall be as follows:

a. Rochester: Four Years;

b. Syracuse: Four Years;

c. Yonkers: Five Years.

5. The terms of one-fifth of all the members of a board of education, or of a fraction as close to one-fifth thereof as possible, shall expire annually on the first Tuesday in May, except in the city school districts of the cities of [~~Buffalo,~~] Rochester and Syracuse.

6. If a vacancy occurs other than by expiration of term in the office of a member of a board of education in a district in which such members are elected at a general or municipal election, such vacancy shall be filled by appointment by the mayor until the next general or municipal election is held, and such vacancy shall then be filled at such election for the unexpired portion of such term, except that in the city school district of the city of Rochester any such vacancy shall be filled pursuant to the provisions of subdivision nine of this section [~~and except further that any such vacancy on the board of education of the city school district of the city of Buffalo shall be filled pursuant to the provisions of subdivision ten of this section~~].

8. A member of a board of education who publicly declares that he **or she** will not accept or serve in the office of member of such board of education, or refuses or neglects to attend three successive meetings of such board, of which he **or she** is duly notified, without rendering a good and valid excuse therefor to the other members of such board of education, vacates his **or her** office by refusal to serve.

§ 5. Subdivision 10 of section 2553 of the education law is REPEALED.

§ 6. The opening paragraph of section 2554 of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

Subject to the provisions of this chapter, the board of education in a city, except the city board of the city of New York **and the board of education of the city school district of the city of Buffalo**, shall have the power and it shall be its duty:

§ 7. Subdivision 2 of section 2554 of the education law, as amended by chapter 27 of the laws of 2012, is amended to read as follows:

2. To create, abolish, maintain and consolidate such positions, divisions, boards or bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work; to appoint a superintendent of schools, such associate, assistant, district and other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, auditors, attendance officers, secretaries, clerks, custodians, janitors and other employees and other persons or experts in educational, social or recreational work or in the business management or direction of its affairs as said board shall determine necessary for the efficient management of the schools and other educational, social, recreational and business activities; provided, however, that in the city school [~~districts~~] **district** of the [~~cities~~] **city** of [~~Buffalo,~~] Rochester[~~, and Syracuse~~] appointment of associate, assistant and district superintendents, and other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law shall, within the amounts budgeted for such positions, be by the superintendent of such city school district; and to determine their duties except as otherwise provided herein.

§ 8. Subdivision 2-a of section 2554 of the education law, as amended by section 16 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

2-a. a. In its discretion to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of the board. In its discretion, the board may adopt a resolution establishing one or more offices of deputy claims auditor who shall act as claims auditor in the absence of the claims auditor. Such claims auditor shall report directly to the board of education. No person shall be eligible for appointment to the office of claims auditor or deputy claims auditor who shall be

(1) a member of the board of education;

(2) a clerk or treasurer of the board of education;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. The positions of claims auditor or deputy claims auditor shall be classified in the exempt class of civil service. The board of education, at any time after the establishment of the office of claims auditor or deputy claims auditor, may adopt a resolution abolishing the office**; provided, however, that the board of education of the city school district of the city of Buffalo shall not abolish such office**. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the board of education with respect to auditing accounts, charges, claims or demands against the city school district shall

devolve upon and thereafter be exercised by such claims auditor, during the continuance of the office. The board of education shall be permitted to delegate the claims audit function to one or more independent entities by using (1) inter-municipal cooperative agreements, or (2) independent contractors, to fulfill this function.

c. When the board of education delegates the claims audit function using an inter-municipal cooperative agreement, shared service authorized by section nineteen hundred fifty of this title, or an independent contractor, the board shall be responsible for auditing all claims for services from the entity providing the delegated claims auditor, either directly or through a delegation to a different independent entity.

§ 9. Subdivision 1 of section 2563 of the education law, as amended by chapter 228 of the laws of 1971, is amended to read as follows:

1. The annual meeting of a board of education shall be held on the second Tuesday in May, at four o'clock in the afternoon, at which meeting the board shall select a president for the ensuing year, except that the annual meeting of the board of education of the city school [~~district~~] **districts** of the [~~city~~] **cities** of New York **and Buffalo** shall be held on the first Tuesday in July.

§ 10. Subdivision 6 of section 2566 of the education law, as amended by chapter 27 of the laws of 2012, is amended to read as follows:

6. To have supervision and direction of associate, assistant, district and other superintendents, directors, supervisors, principals, teachers, lecturers, medical inspectors, nurses, claims auditors, deputy claims auditors, attendance officers, janitors and other persons employed in the management of the schools or the other educational activities of the city authorized by this chapter and under the direction and management of the board of education, except that in the city school districts of the cities of [~~**Buffalo,**~~] Rochester[~~,~~] and Syracuse to also appoint, within the amounts budgeted therefor, such associate, assistant and district superintendents and all other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law; to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to said board for its consideration and action; to report to said board of education violations of regulations and cases of insubordination, and to suspend an associate, assistant, district or other superintendent, director, supervisor, expert, principal, teacher or other employee until the next regular meeting of the board, when all facts relating to the case shall be submitted to the board for its consideration and action.

§ 11. Subdivision 3 of section 2573 of the education law, as amended by chapter 27 of the laws of 2012, is amended to read as follows:

3. Associate superintendents, examiners and all other employees authorized by section twenty-five hundred fifty-four of this article, except as otherwise provided in subdivision one of this section, shall be appointed by the board of education except that in the city school districts of the cities of [~~**Buffalo,**~~] Rochester[~~,~~] and Syracuse, the associate, assistant and district superintendents and all other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law shall be appointed, within amounts budgeted therefor, by the superintendent of such city school district. In a city having a population of one million or more, such appointments shall be made on nomination of the superintendent of schools. Notwithstanding any other provision in this chapter to the contrary, whenever an associate superintendent of schools in

the employ of the board of education in a city having a population of one million or more fails of reappointment, said person shall be immediately appointed an assistant superintendent of schools with permanent appointment as said term permanent appointment is defined in subdivisions four, five and six of this section. The salary of such assistant superintendent shall be less than the salary of an associate superintendent, but said differential in salary shall not exceed ten per centum of the annual salary of an associate superintendent of schools. When, however, an associate superintendent of schools who fails of reappointment has to his **or her** credit thirty or more years of city service including ten or more years of service as such associate superintendent of schools, he **or she** shall suffer no reduction of salary or of pension prospects while serving as such assistant superintendent of schools.

§ 12. Subdivision 4 of section 2576 of the education law is REPEALED.

§ 13. The terms of office of the members of the board of education of the city of Buffalo shall expire two years after the date of appointment. As of the effective date of this section the mayor of the city of Buffalo shall appoint a board of education for such city school district pursuant to section 2591-c of the education law as added by section two of this act. The mayor shall appoint nine members for a two-year term. The members of the board of education established pursuant to section 2591-c of the education law as added by section two of this act shall take office as of the effective date of this section.

§ 14. Notwithstanding any provisions of law to the contrary, the board of education of the city school district of the city of Buffalo and the city school district of the city of Buffalo, as established pursuant to article 52 of the education law, are prohibited from re-negotiating or otherwise amending any collective bargaining agreements or other contracts that expire or end on a date after the board of education, as established pursuant to section 2591-c of the education law, as added by section two of this act, takes office. With respect to collective bargaining agreements that expire or end prior to the date that the board of education, as established pursuant to section 2591-c of the education law, as added by section two of this act, takes office, the board of education or such city school district may only negotiate and enter into a new contract for a period that ends on December 31, 2016. With respect to contracts, other than collective bargaining agreements, that expire or end prior to the date that the board of education, as established pursuant to section 2591-c of the education law, as added by section two of this act, takes office, or are entered into after the effective date of this act, the board of education or such city school district may only negotiate and enter into a new contract for a period that ends sixty days after the date that the board of education, as established pursuant to section 2591-c of the education law, as added by section two of this act, takes office.

§ 15. The provisions of article 52 of the education law shall continue to apply to the city school district of the city of Buffalo, provided, however, that where any of the provisions of article 52-B of the education law are inconsistent with the provisions of article 52 of the education law pertaining to governance of the city of Buffalo school district, the provisions of article 52 of the education law shall be superseded and the provisions of article 52-B of the education law shall apply.

§ 16. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review,

the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 17. This act shall take effect immediately; provided, however, that the amendments to the opening paragraph of section 2554 of the education law made by section six of this act shall not affect the expiration of such paragraph and shall expire on the same date as such paragraph expires pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or expire and be deemed repealed July 31, 2019, whichever occurs first; provided further that sections two, three, four, seven, nine, ten, eleven, twelve and fifteen of this act shall expire and be deemed repealed July 31, 2019.