

# STATE OF NEW YORK

---

6756

2019-2020 Regular Sessions

## IN SENATE

September 30, 2019

---

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT directing the Rochester city school district to conduct a referendum regarding the suspension of the school board

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

1 Section 1. There shall be submitted to the voters of the Rochester  
2 city school district, at a special election held on or before December  
3 31, 2020, the following question: "Should the Rochester City School  
4 Board be suspended for a period of five years and the superintendent of  
5 the Rochester city school district be empowered to make all administra-  
6 tive decisions in their place in consultation with and under the leader-  
7 ship of the New York State Education Department?"

8 § 2. (a) Such question shall be submitted in the manner provided in  
9 the election law, and the provisions of such law, not inconsistent with  
10 this act, relating to the submission of and to the taking, counting and  
11 returning of the vote and canvassing the results upon a question submit-  
12 ted pursuant to law to the voters of the state shall apply to the ques-  
13 tion herein required to be submitted. The ballots shall be in such form  
14 as prescribed by such law. When the board of elections shall have  
15 completed its canvass of the results of the vote upon such question, it  
16 shall forthwith certify the results of the vote.

17 (b) Where the referendum directed by this act is approved by a majori-  
18 ty of the voters in the school district, the currently elected school  
19 board shall continue to serve in an advisory capacity only. They shall  
20 not receive any compensation during the suspension period but shall  
21 continue to hold regular public meetings. The superintendent shall  
22 provide updates to the board at their regularly scheduled meetings, but  
23 they shall not have the power to take any actions or make administra-  
24 tive, budgetary or policy decisions.

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

LBD13225-02-9

1     § 3. The commissioner of education, in conjunction with the super-  
2     intendent of the Rochester city school district, shall produce a compre-  
3     hensive quarterly report and make sure such report is available to the  
4     Rochester city school board, the members of the assembly and the senate  
5     representing the city of Rochester, the mayor of the city of Rochester,  
6     the governor, the speaker of the assembly and the minority leader of the  
7     assembly, the temporary president of the senate and the minority leader  
8     of the senate and the chairs of the education committees in the assembly  
9     and senate. Such report shall also be published on the school district  
10    website and the education department website.

11    § 4. The education department shall develop guidelines and policies to  
12    implement the provisions of this act. Such guidelines and policies shall  
13    include benchmarks to be met every six months during the suspension  
14    period. Such benchmarks shall include, but not be limited to, graduation  
15    rates, attendance, performance on state mandated standardized tests,  
16    whether students are performing at grade level or below, budgeting and  
17    costs, and evaluation and performance of administrators and professional  
18    staff. The powers invested in the superintendent and a process of over-  
19    sight and local stakeholder engagement shall be developed and imple-  
20    mented by the department.

21    § 5. The superintendent shall develop a plan to expand the use of  
22    community schools within the district.

23    § 6. If the referendum is approved by a majority of the voters in the  
24    school district, the commissioner of education may remove the super-  
25    intendent of the school district and appoint an interim superintendent.

26    § 7. In no case shall the extraordinary powers invested in the super-  
27    intendent or the department of education under this act violate, abro-  
28    gate or undermine any previous collective bargaining agreements. During  
29    the suspension period any new collective bargaining agreements shall be  
30    negotiated by the superintendent or his or her designee and require the  
31    approval of the commissioner of education.

32    § 8. This act shall take effect immediately.