STATE OF NEW YORK

10499

IN ASSEMBLY

May 30, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Benedetto) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to school governance in the city of New York; 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 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

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

Section 1. The section heading and subdivision 1 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, paragraph (a) of subdivision 1 as amended by section 43-b of part YYY of chapter 59 of the laws of 2019, are amended to read as follows:

Continuation of city board and establishment of community districts; establishment of the city-wide councils on special education, English language learners, [~~and~~] high schools**, and district seventy-five**. 1. (a) The board of education of the city school district of the city of New York is hereby continued.

(1) (A) Such board of education shall consist of thirteen appointed members: one member to be appointed by each borough president of the city of New York; and eight members to be appointed by the mayor of the city of New York.

(B) Commencing on July first, two thousand twenty, the board of education shall consist of fifteen members: one member to be appointed by each borough president of the city of New York, one member to be elected by community district education council presidents, and nine members to be appointed by the mayor of the city of New York. On or before December thirty-first, two thousand nineteen, the chancellor shall promulgate regulations establishing a process for community district education council presidents to elect a member of the board, and processes for

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

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removal of such member and for the filling of such position in the event of a vacancy. The first member elected by community district education council presidents pursuant to such regulations shall take office on July first, two thousand twenty and shall serve a term that ends on June thirtieth, two thousand twenty-two. Thereafter, the member elected by community district education council presidents shall serve for a two year term commencing on July first.

(C) Commencing on August fifteenth, two thousand twenty-two, the board of education shall consist of twenty-three members: one member to be appointed by each borough president of the city of New York; five members, one from each borough of the city of New York, to be elected by community district education council presidents; and thirteen members to be appointed by the mayor of the city of New York. The term of the first member elected by community district education council presidents pursuant to clause (B) of this subparagraph shall be extended and end on August fourteenth, two thousand twenty-two. On or before July fifteenth, two thousand twenty-two, the chancellor shall promulgate regulations establishing a process for community district education council presidents to elect members of the board, and processes for removal of such members and for the filling of such positions in the event of a vacancy. All appointed members and members elected by the community education council presidents pursuant to such regulations shall take office on August fifteenth, two thousand twenty-two and shall serve a term that ends on June thirtieth, two thousand twenty-three. Thereafter, appointed members and the members elected by community district education council presidents shall serve for a one year term commencing on July first.

(2) The chancellor **and comptroller of the city of New York** shall serve as [~~an~~] ex-officio non-voting [~~member~~] **members** of the city board.

(3) The city board shall elect its own chairperson from among its voting members.

(4) All appointed members shall serve for [~~terms coterminous with the terms of their appointing authority~~] **a one year term**, provided that any member may be removed [~~at the pleasure of~~] **for good cause, provided that voting against the appointing authority's direction shall not be cause for removal, by** the appointing authority, who shall provide written notice to the **member and** public explaining the reasons therefor at least ten days in advance of the removal **and provide the member a full and fair opportunity to refute such reasons before removal**.

(5) Except for the chancellor, no board members shall be employed in any capacity by the city of New York, or a subdivision thereof, or the city board.

(6) No appointed or elected member of the city board shall also be a member, officer, or employee of any public corporation, authority, or commission where the mayor of the city of New York has a majority of the appointments.

(7) Each borough president's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the city school district of the city of New York.

(8) Each mayoral appointee shall be a resident of the city and [~~two~~] **four** shall be parents of a child attending a public school within the city district**, provided that at least one appointee shall be the parent of a child with an individualized education program, at least one appointee shall be the parent of a child who is in a bilingual or English as a second language program conducted pursuant to section thirty-two hundred four of this chapter, and at least one appointee shall be**

the parent of a child who is attending a district seventy-five school or program.

(9) All parent members shall be eligible to continue to serve on the city board for two years following the conclusion of their child's attendance at a public school within the city district.

(10) Any vacancy **other than by an expiration of term** shall be filled by appointment by the appropriate appointing authority within ninety days of such vacancy **and shall serve for the remainder of the unexpired term**.

(11) Notwithstanding any provision of local law, the members of the board shall not have staff, offices, or vehicles assigned to them or receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(12) Every appointed and elected member of the city board shall, within the first three months of his or her term, complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a city board member, as well as a training course on the powers, functions and duties of the city board.

(b) The city board shall hold at least one regular public meeting per month. At least one regular public meeting shall be held in each borough of the city of New York per year; any additional meetings may be called at the request of the chairperson. The city board shall consider appropriate public accommodations when selecting a venue so as to maximize participation by parents and the community.

(c) (i) Notice of the time, place and agenda for all city board regular public meetings shall be publicly provided, including via the city board's official internet web site, and specifically circulated to all community superintendents, community district education councils, community boards, and school based management teams, at least ten business days in advance of such meeting.

(ii) A city board regular public meeting agenda shall be comprised of a list and brief description of the subject matter being considered, identification of all items subject to a city board vote, and the name, office, address, email address and telephone number of a city district representative, knowledgeable on the agenda, from whom any information may be obtained and to whom written comments may be submitted concerning items on such agenda.

(iii) A city board meeting that includes an item subject to a city board vote related to approval of a school closure or significant change in school utilization including the phase-out, grade reconfiguration, re-siting, or co-location of a school pursuant to paragraph h of subdivision one of section twenty-five hundred ninety-g of this article shall be held in the borough of the city of New York where the school that is subject to such proposed school closing or significant change in school utilization is located.

(d) The chairperson of the city board shall ensure that at every regular public meeting there is a sufficient period of time to allow for public comment on any topic on the agenda prior to any city board vote.

(e) Minutes of all city board regular public meetings shall be made publicly available, including via the city board's official internet website, in a timely manner but no later than the subsequent regular city board meeting.

§ 2. Subdivision 7 of section 2590-b of the education law is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

7. (a) There shall be a city-wide council on district seventy-five created pursuant to this section. The city-wide council for district seventy-five shall consist of eleven voting members and one non-voting member, as follows:

(i) nine voting members who shall be parents of students receiving city-wide special education services in a district seventy-five school or program to be selected by parents of students who receive such services pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(ii) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with disabilities and who will make a significant contribution to improving special education in the city district. Such members shall serve a two year term; and

(iii) one non-voting member who is a high school senior appointed by the administrator designated by the chancellor to supervise district seventy-five schools and programs. Such member shall serve a one year term.

(b) The city-wide council on district seventy-five shall have the power to:

(i) advise and comment on any educational or instructional policy involving the provision of district seventy-five services;

(ii) issue an annual report on the effectiveness of the city district in providing services to district seventy-five students and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(iii) hold at least one meeting per month open to the public and during which the public may discuss issues facing district seventy-five students.

(c) Vacancies shall be filled for an unexpired term by the city-wide council for district seventy-five, pursuant to a process developed by the chancellor that shall include consultation with parents of students attending district seventy-five schools or programs; provided, however, that where a vacancy occurs in a position appointed by the public advocate, the public advocate shall appoint a member to serve the remainder of the unexpired term.

§ 3. Subdivisions 1, 4, 5 and 6 of section 2590-c of the education law, subdivision 1 as amended by section 43-c of part YYY of chapter 59 of the laws of 2019, subdivisions 4 and 6 as amended by chapter 345 of the laws of 2009, subparagraph 2 of paragraph (b) of subdivision 6 as amended by chapter 103 of the laws of 2014 and subdivision 5 as amended by section 2 of subpart B of part II of chapter 55 of the laws of 2019, are amended to read as follows:

1. Each community district shall be governed by a community district education council. The community councils shall consist of [~~eleven~~] twelve voting members and [~~one~~] two non-voting [~~member~~] members, as follows:

(a) (1) For councils whose terms begin prior to two thousand twenty, nine voting members shall be parents whose children are attending a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district, or have attended a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two

years. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process. Provided, however, that a parent of a pre-kindergarten pupil shall vacate his or her membership on such community district education council where the parent no longer has a child that attends a school or pre-kindergarten program offered by a school under the jurisdiction of the community district.

(2) For councils whose terms begin in two thousand twenty-one and thereafter, nine voting members shall be parents whose children are attending a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district, or have attended a school under the jurisdiction of the community district within the preceding two years, and shall be elected by parents of children attending such schools and pre-kindergarten programs in accordance with a process developed by the chancellor pursuant to subdivision eight of this section. Provided, however, that a parent of a pre-kindergarten pupil shall vacate his or her membership on such community district education council when the parent no longer has a child that attends a school or pre-kindergarten program offered by a school under the jurisdiction of the community district.

(b) Two voting members shall be appointed by the borough presidents corresponding to such district. Such appointees shall be residents of, or own or operate a business in, the district and shall be individuals with extensive business, trade, or education experience and knowledge, who will make a significant contribution to improving education in the district. Such members shall serve for a term of two years.

(c) One **voting member shall be a parent whose child is attending a district seventy-five school or program, or has attended a district seventy-five school or program within the preceding two years, and shall be elected by parents of children attending such schools or programs in accordance with a process developed by the chancellor. Such member shall serve for a term of two years.**

(d) Two non-voting [~~member~~] **members** who [~~is a~~] **are** high school [~~senior~~] **seniors** residing in the district, **shall be** appointed by the superintendent from among the elected student leadership. Such [~~member~~] **members** shall serve for a one year term.

Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the community council.

4. Notwithstanding any provisions of law to the contrary, the community district education council may appoint [~~a secretary~~] **an administrative assistant**, pursuant to the policies of the city board, who shall perform the following functions: (a) prepare meeting notices, agendas and minutes; (b) record and maintain accounts of proceedings and other council meetings; and (c) prepare briefing materials and other related informational materials for such meetings. Each council shall be responsible for the appointment, supervision, evaluation and discharge of the [~~secretary~~] **administrative assistant**.

5. No person may serve on more than one community council or on the city-wide council on special education, the city-wide council on English language learners, [~~or~~] the city-wide council on high schools**, or the city-wide council on district seventy-five** and a community council. A member of a community council shall be ineligible to be employed by the

community council of which he or she is a member, any other community council, the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, **the city-wide council on district seventy-five,** or the city board. No person shall be eligible for membership on a community 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.

A person may be permanently ineligible for appointment to any community district education council for any of the following: (a) an act of malfeasance directly related to his or her service on the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, **the city-wide council on district seventy-five,** community school board or community district education council; or (b) conviction of a crime, provided that any such conviction shall be considered in accordance with article twenty-three-A of the correction law.

Any decision rendered by the chancellor or the city board with respect to the eligibility or qualifications of the nominees for community district education councils must be written and made available for public inspection within seven days of its issuance at the office of the chancellor and the city board. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member who participated in the decision, if applicable.

6. (a) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of a community district education council who refuses or neglects to attend three meetings of such council of which he or she is duly notified, without rendering in writing a good and valid excuse therefore vacates his or her office by refusal to serve. Each absence and any written excuse rendered shall be included within the official written minutes of such meeting. After the third unexcused absence the community council shall declare a vacancy to the chancellor.

(b) (1) Vacancies in positions that were not appointed by a borough president **or elected by parents of children attending district seventy-five schools or programs** shall be filled for an unexpired term by the community district education council after consultation with the presidents' council or other consultative body representing parents' associations and other educational groups within the district. Recommendations made by such parents and other educational groups shall be submitted in writing and included within the record of the meeting at which the vacancy is filled.

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

(c) If the vacancy is not filled by the community council within sixty days after it is declared due to a tie vote for such appointment, the chancellor shall vote with the community council, to break such tie vote. If the community council has failed to fill the vacancy within sixty days after it is declared because of any other reason, the chan-

cellor shall order the community council to do so pursuant to section twenty-five hundred ninety-1 of this article.

(d) Where a vacancy occurs in a position appointed by a borough president, the borough president shall appoint a member to serve the remainder of the unexpired term.

(e) Where a vacancy occurs in a position elected by parents of children attending district seventy-five schools or programs, the chancellor shall develop a process for parents of children attending district seventy-five schools or programs to select a member to serve the remainder of the unexpired term.

§ 4. Subdivisions 7, 19 and 20 of section 2590-e of the education law, subdivision 7 as amended and subdivision 19 as added by chapter 123 of the laws of 2003, subdivision 20 as amended by section 43-a of part YYY of chapter 59 of the laws of 2019, are amended to read as follows:

7. participate in training and continuing education programs pursuant to the provisions of this subdivision.

(1) Community district education council members shall participate in training to acquaint them with the powers, functions and duties of community council members, as well as the powers of other governing and administering authorities that affect education including the powers of the commissioner, city board, chancellor and community superintendents. Such participation shall be completed no later than three months from the date in which a community council member takes office for the first time.

(2) Each community district education council member shall be required to participate in continuing education programs on an annual basis as defined by the chancellor. Participation in training pursuant to paragraph one of this subdivision by a community district education council member who takes office for the first time shall be deemed to satisfy the requirements of this subdivision for the first year of such member's term.

(3) such training and continuing education programs shall be approved by the chancellor, following consultation with the commissioner, and may be provided by the state education department, the city board, the chancellor or a nonprofit provider authorized by the chancellor to provide such training and continuing education programs.

(4) the chancellor is authorized to promulgate regulations regarding providers and their certification, the content and implementation of the training and continuing education programs. Any such regulations shall be developed after consultation with the commissioner.

(5) such training and continuing education programs shall be offered **by the chancellor** on an annual basis or more frequently, as needed, to enable community council members to comply with this subdivision.

(6) failure of community council members to comply with the training and continuing education requirements mandated by this subdivision shall constitute cause for removal from office pursuant to section twenty-five hundred ninety-1 of this article.

19. Liaison with school leadership teams as may be necessary [~~and~~]**,** provide assistance to the school leadership teams where possible**, and serve on the district leadership team by designating a representative**.

20. Consult on the selection of a community superintendent pursuant to subdivision thirty of section twenty-five hundred ninety-h of this article. Such consultation shall include an opportunity for the community council to [~~meet with the final candidate or~~] **interview a minimum of three final** candidates the chancellor is considering appointing and to

provide feedback to the chancellor**, which may include a ranked list of such candidates,** prior to the appointment being made.

§ 5. Paragraph (h) of subdivision 1 and subdivision 10 of section 2590-g of the education law, paragraph (h) of subdivision 1 as amended by section 43-f of part YYY of chapter 59 of the laws of 2019, subdivision 10 as added by chapter 345 of the laws of 2009, are amended to read as follows:

(h) approve proposals for all school closures or significant changes in school utilization including the phase-out, grade reconfiguration, re-siting, or co-location of schools, following any hearing pursuant to subdivision two-a of section twenty-five hundred ninety-h of this article. If the city board approves such a proposal that the relevant community council affirmatively voted against pursuant to subdivision twenty-one of section twenty-five hundred ninety-e of this article, the board shall provide such council an explanation for its determination **within thirty days of such determination**.

10. Respond, at a regular public meeting, to the recommendations raised in the annual reports issued by the city-wide council on special education, the city-wide council on English language learners [~~and~~]**,** the city-wide council on high schools **and the city-wide council on district seventy-five**.

§ 6. Subparagraph (v) of paragraph (c) of subdivision 15 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended and a new paragraph (d) is added to read as follows:

(v) access to information regarding programs that allow students to apply for admission where appropriate to schools outside a student's own attendance zone[~~.~~]**; and**

(d) require each public school under the chancellor's jurisdiction to have a parent coordinator who shall be responsible for engaging with and involving parents in the school community by working with the school principal, school personnel, school based management team, parent associations, and community groups to identify parent and related school and community issues. The community district education council of each school shall be consulted prior to the selection of the parent coordinator. Such consultation shall include an opportunity for the community district education council to meet with the final candidate or candidates the school principal is considering selecting and to provide feedback to the principal prior to the selection being made.

§ 7. Section 2590-h of the education law is amended by adding a new subdivision 56 to read as follows:

56. Render written responses to resolutions passed by the city-wide education councils and community district education councils within thirty days of receipt.

§ 8. 1. The commissioner of education shall conduct a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system. Such review and assessment shall include a study of school governance models and best practices utilized by other school districts. The commissioner of education shall contract with an institute of higher education to assist in conducting such review and assessment.

2. The commissioner of education shall hold at least one public hearing in each borough of the city of New York and engage and solicit input from a broad and diverse range of stakeholders and other interested parties, including but not limited to students, parents, teachers, administrators, staff and individuals with experience and expertise in education policy and school governance.

3. The commissioner of education shall issue a report to the governor, the temporary president of the senate, and the speaker of the assembly of its findings and recommendations on or before December 1, 2023.

§ 9. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, as amended by section 43 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2022~~] 2024.

§ 10. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education, and community boards, as amended by section 42 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2022~~] 2024 provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2022~~] 2024 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 11. This act shall take effect immediately; provided that the amendments to sections 2590-b, 2590-c, 2590-e, 2590-g and 2590-h of the education law made by sections one, two, three, four, five, six and seven of this act shall not affect the expiration or repeal of such provisions and shall expire and be deemed repealed therewith.