STATE OF NEW YORK

5175

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. REILLY -- 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 New York

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

Section 1. Paragraph (a) of subdivision 1 of section 2590-b of the education law, as amended by section 43-b of part YYY of chapter 59 of the laws of 2019, is amended and a new paragraph (f) is added to read as follows:

(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 the public advocate of the city of New York,** one member to be appointed by each borough president of the city of New York; and [~~eight~~] **seven** 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 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

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

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community district education council presidents shall serve for a two year term commencing on July first.

(2) The chancellor shall serve as an ex-officio non-voting member 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[~~, provided that any member may be removed at the pleasure of the appointing authority, who shall provide written notice to the public explaining the reasons therefor at least ten days in advance of the 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. **The public advocate's appointee shall be a resident of the city of New York.**

(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 **and three shall have expertise in an area that will assist the city board in achieving its purpose**.

(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 shall be filled by appointment by the appropriate appointing authority within ninety days of such vacancy.

(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) All appointees shall serve for a term of two years and shall not be removed without just cause. Any recommendation for the removal of an appointee shall be made by the appointing authority and shall be approved only by a majority vote of the other twelve members. There shall be no limit on the amount of terms an appointee can serve.

(f) There shall be an advisory study group to report on the city board established under this subdivision. The advisory study group shall:

(i) be chaired by the public advocate;

(ii) consist of five members to be appointed by the five borough presidents, who shall each appoint one member, and each appointee shall serve under the same residency and term limit requirements pursuant to subdivision (a) of this section;

(iii) hold at least one meeting annually to discuss the effectiveness of the city board in accomplishing its purpose; and

(iv) issue a report every five years on the effectiveness of the city board in accomplishing its purpose and make recommendations on how to improve the efficiency and quality of the city board's performance.

§ 2. The opening paragraph of section 2590-h of the education law, as amended by section 43-d of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

The office of chancellor of the city district is hereby continued. Such chancellor shall **be appointed by the mayor after the mayor proposes three candidates to the panel for education policy and the panel for education policy makes a recommendation based on which candidate is the most qualified. The chancellor shall** serve at the pleasure of and be employed by the mayor of the city of New York by contract. The chancellor shall meet the requirements of subdivision one of section three thousand three of this chapter[~~, provided that a person who has been issued a certificate as superintendent of schools pursuant to subdivision three of such section may serve as chancellor on the basis of such certificate for no longer than six months~~]. The length of such contract shall not exceed by more than two years the term of office of the mayor authorizing such contract. The chancellor shall receive a salary to be fixed by the mayor within the budgetary allocation therefor. He or she shall exercise all his or her powers and duties in a manner not inconsistent with the city-wide educational policies of the city board. The chancellor shall have the following powers and duties as the superintendent of schools and chief executive officer for the city district, which the chancellor shall exercise to promote an equal educational opportunity for all students in the schools of the city district, promote fiscal and educational equity, increase student achievement and school performance and encourage local school-based innovation, including the power and duty to:

§ 3. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to subdivision 1 of section 2590-b of the education law made by section one of this act shall not affect the expiration of such subdivision and such section and shall be deemed to expire therewith; provided further, that the amendments to the opening paragraph of section 2590-h of the education law made by section two of this act shall not affect the expiration of such section and shall be deemed to expire therewith.