§ 2554. Powers and duties of board of education. * Subject to the provisions of this chapter, the board of education in a city, except the city board of the city of New York, shall have the power and it shall be its duty:

* NB Effective until June 30, 2028

* Subject to the provisions of this chapter, the board of education in a city shall have the power and it shall be its duty:

* NB Effective June 30, 2028

1. To 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 of education 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, except that the provisions of subdivision six of section sixteen hundred four and subdivision eight of section seventeen hundred nine of this chapter shall not be applicable to a board of education in any city having a population of over thirty-five thousand in which the title to the school property is vested in the city.

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 of the cities 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.

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. 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.

* 3. To appoint, in a city having a population of one million or more, notwithstanding the provisions of any local laws or charter to the contrary, a superintendent of schools emeritus, whose duty it shall be to consult and advise with the educational officers as and when requested by the superintendent of schools. No person shall be eligible for such appointment unless he shall have served in the positions of superintendent of schools, associate superintendent and district superintendent or assistant superintendent, and whose total period of service in such position shall have been at least ten years in a city having a population of one million or more. He shall receive for the duration of his life such annual salary as the board of education and the mayor or like financial authority shall determine at the time of his appointment, but he shall not receive a retirement allowance or any other benefit from the teachers' retirement system or any other pension fund, and upon his death his beneficiaries and/or his estate shall not be entitled to any benefits from any pension fund as a result of his service.

* NB Repealed July 1, 2002 and revived on June 30, 2028

4. To 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 rules and regulations for the preservation of such property.

* 5. To dispose, in the city of New York, of such personal property used in the schools and other buildings of the city of New York under the charge of the board of education of such city as shall no longer be required for use therein. Such disposition shall be made in the name of the city of New York and for such city.

Such board may sell, at prices as may be agreed upon, such manufactured articles or other products of any of its schools, day and evening, as may not be utilized by the board of education and all moneys realized by the sale thereof shall be paid into the city treasury and

shall at once be appropriated by the city to a special fund to be administered by the board of education for such purposes as such board, in its discretion, may determine. All other moneys realized by the sale of personal property shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the board of education for use in the borough in which the property sold was situated.

Such method of disposal shall be deemed not to apply to the disposition of school books pursuant to subdivision eight of this section.

* NB Repealed July 1, 2002 and revived on June 30, 2028

6. To lease property required for the purpose of furnishing school accommodations for schools administered by the board of education and to prepare and execute leases therefor. To be eligible for aid pursuant to subdivision six of section thirty-six hundred two of this chapter, any such lease shall be approved by the commissioner prior to execution; the leased space shall meet requirements for access by individuals with disabilities to both facilities and programs, as defined in regulations of the commissioner; the requirements set forth in paragraphs a, b, c, d and f of subdivision one of section four hundred three-b of this chapter shall be met, except for the requirement of voter approval; and the leased space shall be used to house programs for pupils in grades prekindergarten through twelve, other than programs funded pursuant to section forty-four hundred ten of this chapter, with minimal associated administrative and support services space as approved by the commissioner.

7. To purchase and furnish 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 interests under its management and control. To provide textbooks or other supplies to all the children attending the schools of such cities in which free textbooks or other supplies were lawfully provided prior to June eighth, nineteen hundred seventeen.

* 7-a. To develop a plan 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 board of education shall amend its 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.

* NB Effective until June 30, 2028

* 7-a. To develop a plan 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; provided that in the city school

district of the city of New York, such plan shall be developed by the chancellor of the city district. As part of such plan, the board of education shall amend its 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.

* NB Effective June 30, 2028

* 8. To dispose of, in the city of New York, to the best advantage of the city of New York, either by sale or on the basis of money allowance for waste paper all books delivered to the several public schools of such city that have been discarded either by reason of being obsolete, no longer required by the course of study, worn by long usage or mutilated by accident. If disposal is made by sale it shall be to the highest bidder and the money realized shall be paid into the city treasury and shall at once be appropriated by the city to the special school fund of the board of education entitled "supplies". If disposal is made on the basis of money allowance for waste paper, it shall be to the highest bidder. Such discarded books may be disposed of without public advertisement or entry into a formal contract. Should the discarded books be in such condition that no sale or exchange can be made, or should there be reason to believe that such discarded books have become infected through disease among the pupils, or should the superintendent of schools certify that such discarded books contain

erroneous, inaccurate, obsolete or antiquated subject matter, illustrations, maps, charts or other material, the committee on supplies of the board of education, if such books cannot be sold, given away or otherwise salvaged as waste paper without danger to the public health, may authorize their destruction by fire, in which event the superintendent of school supplies shall obtain and file in his office a certificate that such books have been so destroyed, signed by the principal of the school in which the books are located.

* NB Repealed July 1, 2002 and revived on June 30, 2028

9. To establish and maintain such free elementary schools, high 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 such board shall deem necessary to meet the needs and demands of the city.

10. To 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 the education law 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.

11. To 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.

12. To authorize and determine the textbooks to be used in the schools under its jurisdiction.

13. a. To prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board and the transaction of its business affairs, for the general management, operation, control, maintenance and

discipline of the schools, and of all other educational, social or recreational activities and other interests under its charge or direction.

* b. In a city having a population of one million or more, the city board shall prescribe such regulations and by-laws authorizing the chancellor to exercise such of its administrative and ministerial powers as the board may deem necessary to make effectual the provisions of this chapter and for the general management, operation, control, maintenance and discipline of schools, and of all other educational, social or recreational activities and other interests under its charge or direction. If in the exercise of its discretion and in order better to discharge its policy-making and other functions and to provide for the efficient administration of the educational system, the board delegates any of its administrative and ministerial powers to the chancellor, such chancellor shall exercise such delegated powers in the same manner and with the same force and effect as if such powers were given to him under the provisions of the education law.

* NB Repealed July 1, 2002 and revived on June 30, 2028

* 14. To provide in the schools administered by the board of education of the city of New York, the proper book or books, in form as required by the by-laws of the board of education of such city, in which it shall cause the class teachers under the direction and supervision of the principal to enter the names, ages and residences of the pupils attending the school, the name of the parent or guardian of each pupil and the days on which the pupils shall have attended respectively, and the aggregate attendance of each pupil during the year, and also the day upon which the school shall have been visited by the superintendent of schools or by an associate superintendent of schools or by an assistant superintendent, or by members of the board of education, or by members of the local school board, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the board of education of such city. Such books shall be preserved as the property of such board of education and shall at all times be open to inspection by members of such board of education, by members of the local school boards and by the superintendent of schools, or by any associate superintendent of schools, or by the assistant superintendents.

* NB Repealed July 1, 2002 and revived on June 30, 2028

15. a. To 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 schools and other activities committed to its care, and to authorize, or in its discretion to conduct, and maintain such extra classroom activities, including the operation of cafeterias or restaurant service for pupils and teachers, as the board, 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. Such utilization shall be subject to the approval of the board of education. Charges shall be sufficient to meet the direct cost of preparing and serving such meals, reducible by available reimbursements.

* b. In a city having a population of one million or more, the board of education shall make rules and regulations for the conduct, operation and maintenance of extra classroom activities and for the safeguarding, accounting and audit of all moneys received and derived therefrom. In the case of any extra classroom activity as it shall deem proper, and notwithstanding the provisions of section twenty-five hundred thirty of this chapter, it may direct that the moneys received or derived from the conduct, operation or maintenance of such an extra classroom activity be deposited with the auditor of the board of education, who in such event shall be the treasurer of such an extra classroom activity, the moneys of which are required to be so deposited. In the procurement of articles and services for the conduct, operation and maintenance of a cafeteria or restaurant service, the board of education shall be subject to the provisions of subdivision ten of section twenty-five hundred six of this chapter, except that said board of education need not have duly advertised for estimates in order to contract for such articles or services in an amount exceeding one thousand dollars. In such a city, the board of education shall also have power to assign any of its officers or employees to perform such duties as it may prescribe in connection with an extra classroom activity and to designate such of its officers and employees when so assigned from whom a bond shall be

required for faithful performance of their duties and to fix the sum in which each such bond shall be given.

* NB Repealed July 1, 2002 and revived on June 30, 2028

c. For the purposes of this section, a general organization of students of a school conducted under the rules and regulations of the board of education or with its approval, and engaged in extra classroom activities other than the operation of a cafeteria or restaurant service shall be known as a student organization. Unless such student organization is required by the board of education to deposit with the auditor the moneys received or derived from carrying on such extra classroom activity, such moneys shall be subject to the use and disposition of such student organization under the rules and regulations prescribed by the board of education.

* d. The board of education in a city having a population of one million or more shall inquire into the origin of all moneys or other property in the possession of any student organization, on March twenty-third, nineteen hundred thirty-six, and all such moneys which the board of education may find to have been derived from the operation of a cafeteria or restaurant service, it may require to be deposited with the auditor of the board of education and applied to the conduct and operation of a cafeteria or restaurant service, or other extra classroom activity, in such manner and to such extent as the board of education may direct.

* NB Repealed July 1, 2002 and revived on June 30, 2028

* (e) In order to facilitate operation of the school lunch programs administered by the board of education of the city of New York, better to serve the public interest, all persons employed in a cafeteria or lunchroom in any high school under the jurisdiction of this board for one year prior to the date this section takes effect, shall, because of their special training, experience and efficiency, and, notwithstanding any provisions to the contrary in any general, special or local law, be continued in the employment of this board without competitive examination, provided the necessary funds for such continued employment are appropriated by the board. The positions so held by such employees shall be in the noncompetitive class. The New York city civil service commission, however, after notice to any such employee of the reasons

therefore, and after according such employee a hearing, may exclude him from further employment if found by the commission not to be a person of satisfactorily good character. Not later than one year after this section shall take effect, the commission shall determine for which of such positions competitive examinations shall have become feasible, and shall thereupon reclassify the various positions, with the approval of the mayor and the state civil service commission. The then incumbents of such positions shall continue to hold their positions without further examination, provided, however, that all subsequent appointments to such positions shall be made in accordance with the civil service law and rules.

* NB Repealed July 1, 2002 and revived on June 30, 2028

16. To compensate, in its discretion, teachers and other employees for loss of personal property but shall provide workmen's compensation coverage as provided in the workmen's compensation law for all teachers and other employees for injuries incurred in actual performance of duty and with respect to teachers and other employees for whom such workmen's compensation coverage is not required in cities of one million or more population, to provide in its discretion for reasonable medical and hospital expenses for injuries incurred in actual performance of duty on or after July first, nineteen hundred sixty-two.

16-a. In its 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 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. Such board of education 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 of education, as employer. The sum to be paid by the board of education under such policy or policies or contract or contracts, in the discretion of such board may be any percentage of the total cost of the benefit or benefits including the whole thereof.

Notwithstanding any provisions of this chapter, subdivision thirty-one-a of section one thousand six hundred four, subdivision thirty-four-a of section one thousand seven hundred nine and subdivision ten-a of section two thousand five hundred three of the education law and this subdivision shall not apply to a city having a population of one million or more inhabitants.

16-b. In its discretion, to 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 of education, trustee, or board of cooperative educational services, or both.

* 17. To maintain, in the city of New York, through such representatives as it may designate, an effective visitation and inspection of all schools and classes maintained in institutions controlled by the department of correction of the city of New York.

* NB Repealed July 1, 2002 and revived on June 30, 2028

18. To provide 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.

19. To provide by contract for the transportation of children to and from any school or institution of learning whenever in its judgment 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 any charter or other provision of law inconsistent herewith.

19-a. In its discretion, to lease a motor vehicle or vehicles for the transportation of children of the district under the same terms and conditions as the board of education of a union free school district, provided, however that no voter approval shall be required.

19-b. To establish a minority scholarship recruitment program by the board of education of the city of Buffalo.

20. To provide, outside the territorial limits of the city school district but within the state or within an adjoining state, for the education of children resident within the city school district whenever in the judgment of the board of education, approved by the commissioner of education, 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 of education.

* 21. To assign, in its discretion, one or more employees of the board in a city having a population of one million or more to serve as trial examiner with power to conduct investigations and hearings on behalf of such board. Each trial examiner shall report the result of any such investigation or hearing to the board.

* NB Repealed July 1, 2002 and revived on June 30, 2028

22. To provide, in its discretion, compensation to a speaker or speakers at commencement day exercises in such amount as may be determined by the board.

23. In its discretion, and with the written consent of any employee,

to deduct from the salary of such employee such amount as may be agreed to by such employee for payment to any credit union doing business in the state of New York as such employee may designate. Any such written authorization may be withdrawn by such employee at any time.

* 24. Each year, the board of education shall prepare a school district report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performances of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner. Pursuant to regulations of the commissioner the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the regents to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

* NB Effective until June 30, 2028

* 24. In every city school district in a city having a population of less than one million inhabitants, each year, the board of education shall prepare a school district report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting

it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performances of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner. Pursuant to regulations of the commissioner the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the regents to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identified as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

* NB Effective June 30, 2028

25. a. 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. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of

fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

b. Upon the recommendation of the superintendent, the board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the commissioner along with the prospective employee's fingerprints, as required by paragraph a of this subdivision. Such appointment shall not commence until notification by the commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five days after such notification of conditional clearance or when the prospective employer is notified of a determination by the commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period, provided that if clearance is granted, the appointment shall continue and the conditional status shall be removed. Prior to commencement of such conditional appointment, the prospective employer shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

c. Upon the recommendation of the superintendent, the board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to paragraph b of this subdivision must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that if conditional clearance is granted, the appointment shall continue as a conditional appointment. Prior to the commencement of such appointment, the prospective employer must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending

criminal charge or criminal conviction in any jurisdiction. An unforeseen emergency vacancy shall be defined as: (i) a vacancy that occurred less than ten business days before the start of any school session, including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance; (ii) when no other qualified person is available to fill the vacancy temporarily; and (iii) when emergency conditional appointment is necessary to maintain services which the district is legally required to provide or services necessary to protect the health, education or safety of students or staff. The provisions of subparagraph (i) of this paragraph shall not apply if the board finds that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

d. Shall develop a policy for the safety of the children who have contact with an employee holding conditional appointment or emergency conditional appointment.

* NB Effective until June 30, 2028

* 25. Shall require, for purposes of a criminal history record check, except in the city school district of the city of New York, 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. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

* NB Effective June 30, 2028

* 26. Shall, upon commencement and termination of employment of an employee by the city school district, provide the commissioner with the name of and position held by such employee.

* NB Effective until June 30, 2028

* 26. Shall, except in the city school district of the city of New York, upon commencement and termination of employment of an employee by the city school district, provide the commissioner with the name of and position held by such employee.

* NB Effective June 30, 2028

27. 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, it shall 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 (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

* 28. To pass a resolution, in the discretion of the board of such district, authorizing the entering of an agreement with the city within such district, for the installation and use of school bus photo violation monitoring systems pursuant to section eleven hundred seventy-four-a of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.

* NB Repealed December 1, 2029