*** § 2590-f. Community superintendents.** 1. Subject in every case to powers devolved to principals and schools consistent with this article, the community superintendent shall have the following powers and duties as superintendent of schools for the community district, which shall be exercised in a manner to ensure the implementation of all provisions of law, rules and regulations relating to the management of the schools and the delivery of instructional services:

(a) to assist district schools in obtaining waivers from state, federal and city board regulations where appropriate to promote student achievement and school performance.

(b) to delegate any of her or his powers and duties to such subordinate officers or employees of her or his community district as she or he deems appropriate, at his or her sole discretion, and to modify or rescind any power and duty so delegated.

(c) except for the appointment of supervisors pursuant to paragraph (d) of this subdivision, to appoint, define the duties of, assign, promote and discharge all employees, including teacher-aides, of the community district, and fix their compensation and terms of employment within amounts appropriated therefor and not inconsistent with the provisions of this article and any collective bargaining agreement.

(d) to appoint supervisory personnel from candidates screened by a screening committee consistent with regulations of the chancellor establishing a process that promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates and consistent with qualifications established through chancellor's regulations.

(e) to appoint or reject the principal and assistant principal candidates screened by screening committees, consistent with regulations of the chancellor establishing a process that promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates, and after consulting with members of the school based management team. Candidates must meet the requirements of regulations of the chancellor establishing educational, managerial, and administrative qualifications, including evaluation of each candidate's record of performance in comparable positions and shall be subject to the chancellor's power to reject such appointments pursuant to section twenty-five hundred ninety-h of this article.

(f) to supervise and evaluate, at least annually, the performance of principals for every school in the district with respect to educational effectiveness and school performance, including effectiveness of promoting student achievement and parental involvement, developing an effective shared decision-making relationship with the school based management team, and maintaining school discipline; the community superintendent shall have access to all school records that he or she deems necessary and shall consider comments contained within an assessment made by the school based management team, pursuant to subparagraph (vii) of paragraph (b-1) of subdivision fifteen of section twenty-five hundred ninety-h of this article, when carrying out such evaluations.

(g) the authority to transfer or remove principals for persistent educational failure, conflicts of interest, and ethics violations, and to require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance, consistent with sections twenty-five hundred ninety-h, twenty-five hundred ninety-i and twenty-five hundred ninety-l of this article.

(h) to review, modify and approve school-based budgets proposed by the school, pursuant to section twenty-five hundred ninety-r of this article, provided however, that the community superintendent shall only approve a school-based budget proposal after certifying that it is sufficiently aligned with its corresponding school's comprehensive educational plan. The community superintendent shall prescribe the form and manner in which principals must submit written justification to demonstrate that the proposed school-based budget is aligned with the school's comprehensive educational plan, and shall also include a provision allowing for the school based management team to respond to such justification. The community superintendent shall consider the principal's written justification, along with any response provided by the school based management team, prior to making such certification.

(h-1) to establish a process that allows for school based management team members, other than the principal, to dispute any decision made by the principal where such team members reach a consensus that the decision is inconsistent with the goals and policies set forth in their school's existing comprehensive educational plan. The community

superintendent shall provide a written response to the school based management team and the principal that includes the information reviewed and the basis for the community superintendent's decision regarding such dispute.

(i) to retain one or more district fiscal officers to monitor and report on schools' expenditures pursuant to the school-based budgets.

(j) within the amounts appropriated therefor to administer district minor repair and purchasing funds, and make them available to schools consistent with sections twenty-five hundred ninety-i, twenty-five hundred ninety-r, and subdivisions thirty-six and thirty-seven of section twenty-five hundred ninety-h of this article, for services and supplies provided by the chancellor, the community superintendent, or purchased by the schools, and to provide for minor repairs to all school buildings and other buildings and sites under the district's jurisdiction.

(k) subject to subdivision three of section twenty-five hundred ninety-e of this article and this section, to approve or disapprove matters relating to the instruction of students, including the power to disapprove school choices with respect to selection of textbooks and other instructional materials.

(l) (1) to provide assistance and direct support to parents in accessing information, addressing concerns and responding to complaints relating to their child's education that cannot be resolved at the school level.

(2) to operate administrative offices and similar facilities, including social centers, and recreational and extracurricular programs, under the district's jurisdiction, and the duty to support the operation of school facilities. The community superintendent shall establish a central office within the district and hire and supervise sufficient staff to directly interact with parents, respond to information requests, receive input and comments, assist the community superintendent in resolving complaints in a timely manner, and work to develop a cooperative relationship with parents and the school community.

(m) subject to regulations or resolutions of the city board, to operate cafeteria or restaurant services for pupils and teachers and for the use by the community for school related functions and activities and

to furnish meals to the elderly, 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.

(n) to maintain discipline in the educational and other facilities under the jurisdiction of the district, including the duty to assist the schools in maintaining discipline.

(o) to employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be the district's attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter; provided, however, that in actions or proceedings between community districts or between a community district and the city board, each community district may be represented by its own counsel.

(p) in compliance with rules and regulations of the commissioner, promulgated pursuant to section one hundred one-a of this chapter, to give written notice to the family court pursuant to subdivision three of section seven hundred fifty-eight-a and subdivision three of section 353.6 of the family court act of the desire of any school under the jurisdiction of the community district to act in the supervision of certain juveniles while performing services for the public good.

(q) to take all necessary steps to ensure the integrity of community district operations, consistent with standards, policies, objectives, and regulations of the city district.

(r) where so authorized by the chancellor, to exercise the chancellor's powers under subdivision thirty-one of section twenty-five hundred ninety-h of this article.

(s) to provide written notice and other related information described in subdivision forty-eight of section twenty-five hundred ninety-h of this article to every parent of a child, including a child with a disability, attending a school under the jurisdiction of his or her community district education council as directed by the chancellor.

(t) notwithstanding any provisions of law to the contrary, to exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter pursuant to a delegation of the chancellor under section twenty-five hundred ninety-h of this article.

(u) to provide relevant data to the community district education

council to encourage informed and adequate public discussion on student achievement and the state of each school within the district.

(v) to hold at least two public forums within the district, during each school year, for the purpose of reporting on the district's performance, including progress made toward achieving the district comprehensive educational plan goals, discussing plans for improvement, and receiving parental and community comments and concerns; the community superintendent shall ensure that notice for the public forums is posted in a manner to maximize the participation of parents, students and school personnel and is specifically circulated to members of the school based management teams, community district education council and the relevant community boards.

(w) to provide notice of any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school within the community district to all impacted parents, including information as to where a copy of the educational impact statement, or revised educational impact statement if applicable, may be obtained and the date of any hearing on such school closure or significant change in school utilization pursuant to subdivision two-a of section twenty-five hundred ninety-h of this article.

2. In exercising such powers and duties each community superintendent shall comply with all applicable provisions of law, by-laws, rules or regulations, directives or agreements of the chancellor and his or her community district education council and with the city-wide educational policies established by the city board and his or her community district education council, including performance standards addressed to administration and educational effectiveness, and any requirements for continuing training and education, embodied in standards, circulars or regulations promulgated by the chancellor provided however, that the chancellor shall ensure that community superintendents are assigned to tasks predominantly within their own community districts and that in no event shall community superintendents be assigned any task which would impair their ability to exercise the powers and duties enumerated within this section, such as responding to parental comments and concerns, appointing and evaluating principals, approving school-based budgets,

overseeing educational instruction, providing access to information and assisting with resolving complaints.

3. No person who has served as a member of a community district education council may be employed by that board or the community superintendent of that district within a period of three years after the termination of such service unless such person qualifies for the position pursuant to a competitive examination and applicable provisions of the civil service law.

* NB Effective until June 30, 2028

* § 2590-f. Community superintendents. 1. Subject in every case to powers devolved to principals and schools consistent with this article, the superintendent shall have the following powers and duties:

(a) to assist district schools in obtaining waivers from state, federal and city board regulations where appropriate to promote student achievement and school performance.

(b) to delegate any of her or his powers and duties to such subordinate officers or employees of her or his community district as she or he deems appropriate and to modify or rescind any power and duty so delegated.

(c) except for the appointment of supervisors pursuant to paragraph (d) of this subdivision, to appoint, define the duties of, assign, promote and discharge all employees, including teacher-aides, of the community district, and fix their compensation and terms of employment within amounts appropriated therefor and not inconsistent with the provisions of this article and any collective bargaining agreement.

(d) to appoint supervisory personnel from candidates screened by a committee including parents, teachers, and school support personnel, who shall be selected and shall operate in a manner prescribed by chancellor's regulations.

(e) to appoint or reject the principal candidates screened by screening committees, in accordance with procedures and criteria prescribed by chancellor's regulations, and subject to the chancellor's power to reject such appointments pursuant to section twenty-five hundred ninety-h of this article.

(f) to evaluate, at least annually, the performance of principals for every school in the district with respect to educational effectiveness

and school performance, including effectiveness of promoting student achievement and parental involvement, and maintaining school discipline.

(g) the authority to transfer or remove principals for persistent educational failure, conflicts of interest, and ethics violations, and to require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance, consistent with sections twenty-five hundred ninety-h, twenty-five hundred ninety-i and twenty-five hundred ninety-l of this article.

(h) to review, modify and approve school-based budgets proposed by the school, pursuant to section twenty-five hundred ninety-r of this article.

(i) to retain one or more district fiscal officers to monitor and report on schools' expenditures pursuant to the school-based budgets.

(j) within the amounts appropriated therefor to administer district minor repair and purchasing funds, and make them available to schools consistent with sections twenty-five hundred ninety-i, twenty-five hundred ninety-r, and subdivisions thirty-six and thirty-seven of section twenty-five hundred ninety-h of this article, for services and supplies provided by the chancellor, the superintendent, or purchased by the schools, and to provide for minor repairs to all school buildings and other buildings and sites under the district's jurisdiction.

(k) subject to subdivision three of section twenty-five hundred ninety-e of this article and this section, to approve or disapprove matters relating to the instruction of students, including the power to disapprove school choices with respect to selection of textbooks and other instructional materials.

(l) to operate administrative offices and similar facilities, including social centers, and recreational and extracurricular programs, under the district's jurisdiction, and the duty to support the operation of school facilities.

(m) subject to regulations or resolutions of the city board, to operate cafeteria or restaurant services for pupils and teachers and for the use by the community for school related functions and activities and to furnish meals to the elderly, 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.

(n) to maintain discipline in the educational and other facilities under the jurisdiction of the district, including the duty to assist the schools in maintaining discipline.

(o) to employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be the district's attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter; provided, however, that in actions or proceedings between community districts or between a community district and the city board, each community district may be represented by its own counsel.

(p) in compliance with rules and regulations of the commissioner, promulgated pursuant to section one hundred one-a of this chapter, to give written notice to the family court pursuant to subdivision three of section seven hundred fifty-eight-a and subdivision three of section 353.6 of the family court act of the desire of any school under the jurisdiction of the community district to act in the supervision of certain juveniles while performing services for the public good.

(q) to take all necessary steps to ensure the integrity of community district operations, consistent with regulations promulgated by the chancellor and the city board.

(r) where so authorized by the chancellor, to exercise the chancellor's powers under subdivision thirty-one of section twenty-five hundred ninety-h of this article.

** (s) to provide written notice and other related information described in paragraph (b) of subdivision three of section twenty-five hundred ninety-c of this article to every parent of a child, including a child with a disability, attending a school under the jurisdiction of his or her community board as directed by the chancellor.

** NB There are 2 par (s)'s

** (s) notwithstanding any provisions of law to the contrary, to exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter pursuant to a delegation of the chancellor under section twenty-five hundred ninety-h of this article.

** NB There are 2 par (s)'s

2. In exercising such powers and duties each community superintendent

shall comply with all applicable provisions of law, by-laws, rules or regulations, directives or agreements of the city board, the chancellor and his or her community board and with the educational policies established by the city board and his or her community board, including performance standards addressed to administration and educational effectiveness, and any requirements for continuing training and education, embodied in standards, circulars or regulations promulgated by the chancellor.

3. No person who has served as a member of a community board may be employed by that board or the superintendent of that district within a period of three years after the termination of such service unless such person qualifies for the position pursuant to a competitive examination and applicable provisions of the civil service law.

* NB Effective June 30, 2028