*** § 2590-h. Powers and duties of chancellor.** The office of chancellor of the city district is hereby continued. Such 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:

1. Control and operate:

(a) academic and vocational senior high schools until such time as the same may be transferred to the jurisdiction of appropriate community district education councils pursuant to this article;

(b) all specialized senior high schools. The special high schools shall include the present schools known as:

The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, and such further schools which the city board may designate from time to time. The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(c) all special education programs and services conducted pursuant to this chapter;

(d) subject to the provisions of section twenty-five hundred ninety-i of this article, devolving powers to the schools, city-wide programs for city-wide services to a substantial number of persons from more than one community district, including transportation; food services; payroll and personnel functions, including pension and retirement services; and enforcement of laws and regulations promoting equal opportunity in employment, access to public accommodations and facilities, equal opportunity in education, and preventing and addressing unlawful discrimination; provided, however, that a community district may also operate within its district programs which provide similar services otherwise authorized by this article.

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that the chancellor shall consult with the affected community district education council before:

(a) substantially expanding or reducing such an existing school or program within a community district;

(b) initially utilizing a community district school or facility for such a school or program;

(c) instituting any new program within a community district.

2-a. (a) Notwithstanding any other provision to the contrary, prepare an educational impact statement regarding 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 located within the city district.

(b) Such educational impact statement shall include the following information regarding the proposed school closing or significant change in school utilization:

(i) the current and projected pupil enrollment of the affected school, the prospective need for such school building, the ramifications of such school closing or significant change in school utilization upon the community, initial costs and savings resulting from such school closing

or significant change in school utilization, the potential disposability of any closed school;

(ii) the impacts of the proposed school closing or significant change in school utilization to any affected students;

(iii) an outline of any proposed or potential use of the school building for other educational programs or administrative services;

(iv) the effect of such school closing or significant change in school utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;

(v) the type, age, and physical condition of such school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;

(vi) the ability of other schools in the affected community district to accommodate pupils following the school closure or significant change in school utilization; and

(vii) information regarding such school's academic performance including whether such school has been identified as a school under registration review or has been identified as a school requiring academic progress, a school in need of improvement, or a school in corrective action or restructuring status.

(c) Such educational impact statement shall be made publicly available, including via the city board's official internet website, and a copy shall also be filed with the city board, the impacted community council, community boards, community superintendent, and school based management team at least six months in advance of the first day of school in the succeeding school year.

(d) No sooner than thirty days, but no later than forty-five days following the filing of the educational impact statement, the chancellor or deputy chancellor, or in the case of a proposed significant change in school utilization the chancellor or his or her designee, shall hold a joint public hearing with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, and shall allow all interested parties an opportunity to present comments or concerns regarding the proposed school closing or significant change in school utilization. The chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize

the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district.

(d-1) So long as the revised proposal does not impact any school other than a school that was identified in the initial educational impact statement, the chancellor, after receiving public input, may substantially revise the proposed school closing or significant change in school utilization provided that the chancellor shall prepare a revised educational impact statement, in the form prescribed in paragraph (b) of this subdivision, and publish and file such educational impact statement in the same manner as prescribed in paragraph (c) of this subdivision. No sooner than fifteen days following the filing of such revised educational impact statement, the chancellor or deputy chancellor, or in the case of a significant change in school utilization the chancellor or his or her designee, shall hold a joint public hearing with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization and shall allow all interested parties an opportunity to present comments and concerns regarding such proposal. The chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district.

(e) Except as otherwise provided in paragraph (f) of this subdivision, all proposed school closings or significant changes in school utilization shall be approved by the city board pursuant to section twenty-five hundred ninety-g of this article and shall not take effect until all the provisions of this subdivision have been satisfied and the school year in which such city board approval was granted, has ended.

(f) In the event that the chancellor determines that a school closing or significant change in school utilization is immediately necessary for the preservation of student health, safety or general welfare, the chancellor may temporarily close a public school or adopt a significant change in the school's utilization on an emergency basis. Such emergency

school closing or significant change in school utilization shall only remain in effect for six months, during such time the chancellor shall comply with the requirements of this subdivision in order for such school closure or significant change in school utilization to extend beyond the six month period.

3. Subject to the approval of the city board, develop a plan to provide for the establishment of comprehensive high schools within the city district so that every community district shall have available to its graduates further education and a comprehensive high school. Such plan may provide for the conversion of academic and vocational high schools and may be amended or modified from time to time.

4. Appoint teacher-aides for the schools and programs under his or her jurisdiction within the budgetary allocation therefor.

5. Retain jurisdiction over all employees who are required in connection with the performance of duties with respect to the design, construction, operation and maintenance of all school buildings in the city school district. Such employees shall have all rights accorded them under the provisions of the civil service law, including manner of appointment, classification, promotion, transfer and removal including an opportunity to be heard provided, however, that each custodian shall be responsible for the performance of his or her duties to the principal of the school who shall be responsible to the district superintendent.

6. Employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be his or her 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 the city board or the chancellor and one or more community boards, the city board or the chancellor shall be represented by the corporation counsel of the city of New York.

7. To continue existing voluntary programs or to establish new programs under which students may choose to attend a public school in another community district.

8. Promulgate minimum clear educational standards, curriculum requirements and frameworks, and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to

(i) compliance with such educational standards and other requirements, and

(ii) the educational effectiveness of such schools and programs, in a manner not inconsistent with the policies of the city board.

9. Furnish community district education councils and the city board periodically with the results of such examinations and evaluations and to make the same public.

10. Require each community superintendent to make an annual report covering all matters relating to schools under the district's jurisdiction including, but not limited to, the evaluation of the educational effectiveness of such schools and programs connected therewith.

11. Require such community district education council or superintendent to make such number of periodic reports as may be necessary to accomplish the purposes of this chapter.

13. Perform the following functions throughout the city district; provided, however, that the chancellor and any community district education council may agree that any such function may be appropriately performed by the community district education council with respect to the schools and programs under its jurisdiction:

(a) Technical assistance to community districts and schools;

(b) Such warehouse space on a regional basis as he or she determines to be necessary or appropriate after consultation with the community superintendents;

(c) Purchasing services on a city-wide, regional or community district basis subject to subdivision thirty-six of this section;

(d) Reinforce and foster connections to institutions of higher

education to promote student achievement.

14. Develop and furnish pre-service and in-service training programs for principals and other employees throughout the city district. In addition, the chancellor shall prepare and annually update a training plan for participating parents, and school personnel, which shall include, at minimum, such training as may be required for exercise of their responsibilities, full participation and compliance with the provisions of this section. The chancellor shall, in addition, within amounts appropriated, allocate sufficient funds directly and to the superintendents for teacher and principal training to meet identified needs for school improvement.

15. Promote the involvement and appropriate input of all members of the school community pursuant to the provisions of this article, including parents, teachers, and other school personnel, including:

(a) establishing a parents' association or a parent-teachers' association in each public school under the chancellor's jurisdiction; and ensuring that the districts and charter schools located within the city district do the same; the chancellor shall ensure that meetings of such parents' associations or parent-teachers' associations shall comply with section four hundred fourteen of this chapter;

(b) pursuant to a plan prepared in consultation with associations of parents, and representatives of teachers, supervisors, paraprofessionals and other school personnel within the city district, and promulgated no later than January thirty-first, nineteen hundred ninety-eight, (i) taking all necessary steps to ensure that no later than October first, nineteen hundred ninety-nine, the city district and the community districts are in full compliance, and remain in compliance thereafter, with state and federal law and regulations concerning school-based management and shared decision-making, including section 100.11 of the commissioner's regulations, in a manner which balances participation by parents with participation by school personnel in advising in the decisions devolved to schools pursuant to sections twenty-five hundred ninety-i and twenty-five hundred ninety-r of this article, and (ii) pursuant to such plan providing for appropriate training to any parent and school personnel who participate in the school based management and

shared decision-making process;

(b-1) school based management teams developed pursuant to paragraph (b) of this subdivision shall possess the following powers and duties:

(i) develop an annual school comprehensive educational plan and consult on the school-based budget pursuant to section twenty-five hundred ninety-r of this article. Such school comprehensive educational plan shall be developed concurrently with the development of the school-based budget so that it may inform the decision-making process and result in the alignment of the comprehensive educational plan and the school-based budget for the ensuing school year. Such plan shall be submitted to the community superintendent along with the principal's written justification demonstrating that the school-based budget proposal is aligned with the school's comprehensive educational plan and the school based management team's response to such justification pursuant to paragraph (h) of subdivision one of section twenty-five hundred ninety-f of this article. In the case of specialized, academic, vocational, and other high schools that are not under the jurisdiction of a community superintendent, such plan shall be submitted to the chancellor pursuant to subdivision e of section twenty-five hundred ninety-r of this article. The chancellor shall ensure that the comprehensive educational plan of every school within the city district is easily accessible and be made available for public inspection including via the city board's official internet website;

(ii) hold at least one meeting per month during the school year. Each monthly meeting shall be held at a time that is convenient for the parent representatives;

(iii) provide notice of monthly meetings that is consistent with the open meetings law;

(iv) have parent members of such teams make recommendations, consistent with the chancellor's regulations, on the selection of the school principal and have all members be consulted prior to the appointment of any principal candidate to its school;

(v) undergo initial and ongoing training that will allow its members to carry out their duties effectively;

(vi) dispute any decision made by the principal to the community superintendent pursuant to section twenty-five hundred ninety-f of this article where members of the school based management team, other than

the principal, reach a consensus that the decision is inconsistent with the goals and policies set forth in the school's existing comprehensive educational plan; and

(vii) provide to the community superintendent an annual assessment of the school principal's record of developing an effective shared decision-making relationship with school based management team members; and

(c) developing, in consultation with associations of parents in the city district, and implementing no later than October first, nineteen hundred ninety-eight, a parental bill of rights which provides for, at minimum:

(i) reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children, consistent with federal and state laws, provided that such access does not disrupt or interfere with the regular school process;

(ii) the rights of parents, persons in parental relation and guardians to take legal action and appeal the decisions of the school administration, as authorized by law;

(iii) the right of parents, persons in parental relation and guardians to have information on their own child's educational materials;

(iv) access to and information about all public meetings, hearings of the chancellor, the city board, the community superintendents, the community district education councils, and the schools; and

(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.

The chancellor shall by rule or regulation provide for the involvement including membership, in any parents' association or parent-teacher association established pursuant to this subdivision, of a grandparent who is in parental relation to a child who attends a school within the jurisdiction of the community school district. For purposes of this subdivision, a grandparent shall be considered to be in parental relation to a child when such grandparent has assumed care of such child because such child's parents are not available due to death, imprisonment, mental illness, living outside the state, abandonment of the child, or other circumstances. A determination of whether a grandparent is in parental relation to a child shall be based upon the individual circumstances surrounding guardianship and custodial care of such child.

16. Promulgate such rules and regulations as he or she may determine to be necessary or convenient to accomplish the purposes of this act, not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

16-a. Create standards, policies, and objectives and promulgate regulations directly related to maintaining the internal fiscal integrity of administrative operations by the chancellor, the community districts, and the schools.

17. Possess those powers and duties described in section twenty-five hundred fifty-four of this title, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the city-wide educational policies of the city board.

18. Possess those powers and duties contained in section nine hundred twelve of this chapter and those provisions of article fifteen of this chapter which relate to non-public schools, those powers and duties contained in section five hundred twenty-two of the New York city charter, and those powers and duties contained in article seventy-three of this chapter, the exercise of which shall be in a manner not

inconsistent with the provisions of this article and the city-wide educational policies of the city board.

19. Delegate any of his or her powers and duties to such subordinate officers or employees as he or she deems appropriate and to modify or rescind any power and duty so delegated.

20. Ensure compliance with qualifications established for all personnel employed in the city district, including the taking of fingerprints as a prerequisite for licensure and/or employment of such personnel. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. Furthermore, the division of criminal justice services is authorized to submit the fingerprints to the federal bureau of investigation for a national criminal history record check.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with subdivisions thirty-six and thirty-seven of this section.

22. Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

23. Develop an educational facilities master plan, and revisions thereto, as defined in section twenty-five hundred ninety-o of this article.

24. Develop and implement a five-year educational facilities capital plan, and amendments thereto, as defined in section twenty-five hundred ninety-p of this article. The chancellor shall also appoint a person, who reports directly to the chancellor or his or her designee, to assist in the development and implementation of such plan and amendments thereto and to oversee the school buildings program.

25. On the chancellor's own initiative, or at the request of a

community superintendent, transfer a principal employed by a community school district pursuant to an agreement with the employee organization representing such principals. The chancellor shall establish a procedure for consulting with affected parents to explain any such transfer. Consistent with section twenty-five hundred ninety-i of this article, including without limitation subdivision three thereof, and subdivision one thereof with respect to the rights and obligations of a school to which a principal is transferred, in addition to any other law providing for the transfer of principals, the chancellor also may cause the transfer or removal of principals for persistent educational failure, conflicts of interest, and ethics violations, and may require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance.

26. Establish educational and experience qualifications and requirements for all custodial positions including, but not limited to, custodians and custodial engineers and develop standards for evaluating the performance of all such individuals, subject to approval of the city board. Such performance standards shall include, but not be limited to: the cleanliness of facilities; adequacy and timeliness of minor repairs; maintenance of good working order of facilities and grounds; general facilities improvement; and emergency services. The chancellor shall promulgate regulations setting forth the respective responsibilities of the district plant manager, which shall include regular consultation and ongoing reports to the community superintendent, and the principal of each school for evaluating the performance of the custodial employees assigned to his or her school, in accordance with such performance standards, and such performance evaluations shall be given dominant weight in any decision for the purposes of: advancement; continued employment; building transfers; and other performance incentives. The responsibility of the principal of each school in the evaluation of custodial employees may be a matter for collective bargaining with collective bargaining representatives for principals.

27. Promulgate regulations, in conjunction with each community superintendent, establishing a plan for providing access to school facilities in each community school district, when not in use for school

purposes, in accordance with the provisions of section four hundred fourteen of this chapter. Such plan shall set forth a reasonable system of fees not to exceed the actual costs and specify that no part of any fee shall directly or indirectly benefit or be deposited into an account which inures to the benefit of the custodians or custodial engineers.

29. Promulgate regulations establishing educational, managerial, and administrative qualifications, performance record criteria, and performance standards for the positions of superintendent and principal.

30. Select and appoint a community superintendent, in compliance with the qualifications required by subdivision twenty-nine of this section and subject to the provisions of subdivision two of section twenty-five hundred ninety-j of this article, and in consultation with the corresponding community district education council, at a salary to be fixed within the budgetary allocation therefor.

31. Intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board or established by the state board of regents, or has failed to improve its educational results and student achievement in accordance with such standards or state or city board requirements, or in any school or district in which there exists, in the chancellor's judgment, a state of uncontrolled or unaddressed violence. The chancellor may, in addition to exercising any other powers authorized by this article, require such school principal, or district as the case may be, to prepare a corrective action plan, with a timetable for implementation of steps acceptable to the chancellor to reach improvement goals consistent with city board standards and educational results. The chancellor may require the school or district to alter or improve the corrective action plan, or may directly modify the plan. The chancellor shall monitor implementation of the plan, and, if the school or district fails to implement it, may supersede any inconsistent decision of the school principal, community district education council or community superintendent; assume joint or direct control of the operation of the school or district to implement the corrective action plan; or take any other action authorized by this article. Any action of the chancellor to

supercede an inconsistent decision of the school principal, community district education council or community superintendent, or to assume joint or direct control of the operation of the school or district pursuant to this subdivision may be appealed to the city board in accordance with section twenty-five hundred ninety-g of this article.

32. Appoint a deputy, for each borough of the city of New York, responsible for coordinating and periodically meeting and consulting with the borough president, the chancellor and the community superintendents in the borough on borough-specific issues and issues of borough-wide significance, including the provision of services in support of schools and community districts such as transportation, purchasing, capital planning, and coordination with municipal services, and chancellor and city board policy with respect to the high schools.

33. Require community school board members to participate in training and retraining in order to promote district and school performance and student achievement, as a continuing condition for membership.

35. Take all necessary steps to promote the effectiveness and integrity of school-based budgeting pursuant to section twenty-five hundred ninety-r of this article, including the obligations imposed by subdivision thirty-seven of this section.

36. Develop a procurement policy for the city school district of the city of New York and the community districts and public schools therein to ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud, and corruption; and ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to, the following criteria: quality, cost and efficiency.

(a) Such policy shall specifically include:

(i) a competitive sealed bidding process for the awarding of contracts in which sealed bids are publicly solicited and opened and that a contract is awarded to the lowest responsive, responsible bidder;

(ii) processes for awarding contracts using alternatives to

competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, in which case the most competitive alternative method of procurement, which is appropriate under the circumstances, shall be used consistent with the requirements of subparagraph (vii) of this paragraph;

* (iii) measures to enhance the ability of minority and women owned business enterprises pursuant to section thirteen hundred four of the New York city charter and a certified business as defined in section three hundred ten of the executive law, including firms certified pursuant to article fifteen-A of the executive law and firms certified as minority and women owned business enterprises pursuant to section thirteen hundred four of the New York city charter, to compete for contracts and to ensure their meaningful participation in the procurement process. The school district shall have the authority to use the same measures, to enhance minority and women owned business enterprise participation as are available to the city of New York pursuant to article five-A of the general municipal law, section thirteen hundred four of the New York city charter, paragraphs one and two of subdivision i of section three hundred eleven of the New York city charter, and section 6-129 of the administrative code of the city of New York;

* NB Effective until February 22, 2024

* (iii) measures to enhance the ability of minority and women owned business enterprises pursuant to section thirteen hundred four of the New York city charter and a certified business as defined in section three hundred ten of the executive law, including firms certified pursuant to article fifteen-A of the executive law and firms certified as minority and women owned business enterprises pursuant to section thirteen hundred four of the New York city charter, to compete for contracts and to ensure their meaningful participation in the procurement process. The city district shall have the authority to use the same measures to enhance minority and women owned business enterprise and small business participation as are available to the city of New York pursuant to article five-A of the general municipal law, sections thirteen hundred four and thirteen hundred nine of the New York city charter, paragraphs one and two of subdivision i of section three hundred eleven of the New York city charter, and section 6-129 of the

administrative code of the city of New York, provided that these policies may establish that the city district is subject to the rules and goal authorized under subdivision g of section thirteen hundred nine of such charter with respect to a mentoring program established pursuant to this subparagraph, and provided further that, if such policies subjecting the city district to such rules and goal are adopted, the chancellor and the city, acting by the mayor, may enter into a memorandum of understanding relating to mentoring opportunities authorized under this subparagraph;

* NB Effective February 22, 2024

* NB Repealed February 22, 2034 or upon the expiration of this section or subdivision (see chapter 604 of 2023 § 7 sb b)

(iv) the manner for administering contracts and overseeing the performance of contracts and contractors;

(v) standards and procedures to be used in determining whether bidders are responsible;

(vi) circumstances under which procurement may be used for the provision of technical, consultant or personal services;

(vii) requiring written justification for the basis, including the efficiency, benefit, and necessity, for awarding a contract using procurement methods other than competitive sealed bidding including competitive sealed proposals and sole source contracts, and for awarding technical, consultant, or personal services contracts, franchises, revocable consents, or concessions. Such written justification shall be filed with the comptroller of the city of New York along with the corresponding contract, franchise, revocable consent, or concession;

(viii) maintaining a file for every contract franchise, revocable consent, and concession containing information pertaining to the solicitation, award and management of every such contract or agreement. Such file shall contain copies of each determination, writing or filing required by this subdivision and shall be open to public inspection with adequate protection for information which is confidential;

(ix) a process for the filing of all contracts, franchises, revocable consents, and concessions with the comptroller of the city of New York;

* (x) a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable

under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller; and

* NB Effective until May 15, 2024

* (x) a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller;

* NB Effective May 15, 2024 and until May 15, 2029 or until sb 36 expires, whichever is sooner

* (x) a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller; and

* NB Effective May 15, 2029 if sb 36 is still in effect

* (xi) procedures for the fair and equitable resolution of contract disputes.

* NB Effective until May 15, 2024

* (xi) procedures for the fair and equitable resolution of contract disputes; and

* NB Effective May 15, 2024 and until May 15, 2029 or until sb 36 expires, whichever is sooner

* (xi) procedures for the fair and equitable resolution of contract disputes.

* NB Effective May 15, 2029 if sb 36 is still in effect

* (xii) employment goals established in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided,

however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chancellor or his or her designee.

* NB Effective May 15, 2024

* NB Repealed May 15, 2029 or upon the repeal of sb 36, whichever is earlier

(b) Consistent with the provisions of paragraph (a) of this subdivision such policy shall also include: (i) standards for quality, function, and utility of all material goods, supplies, and services purchased by the chancellor, superintendents, or schools; (ii) regulations which enable superintendents and schools to purchase material goods, supplies, and services directly from vendors or suppliers when such products are available at prices or other terms more economically beneficial for the purposes of the acquiring superintendent or school; and (iii) regulations shall include repair services and building supplies, as defined in such regulations, for expenditures from each district's minor repair and purchasing funds pursuant to section twenty-five hundred ninety-r of this article.

(c) The chancellor shall be responsible for certifying that the procedural requisites pursuant to this subdivision and section twenty-five hundred ninety-g of this article have been met, prior to the filing any contract awarded by a procurement method other than competitive sealed bidding, or prior to filing any technical, consultant, or personal services contract, franchise, revocable consent, or concession with the comptroller of the city of New York. The corporation counsel for the city of New York shall certify prior to the filing of such contract or agreement with the comptroller of the city of New York, that the city district has legal authority to award each such contract or agreement.

(d) (i) No contract, franchise, revocable consent or concession shall be implemented until a copy has been filed with the comptroller of the city of New York and either such comptroller has registered it or thirty days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed pursuant to subparagraph (iii) of this paragraph, or the comptroller of the city of New York has grounds for

not registering such contract or agreement under subparagraph (ii) of this paragraph.

(ii) Subject to the provisions of subparagraph (iii) of this paragraph, the comptroller of the city of New York shall register such contract or agreement within thirty days unless such comptroller has information indicating that:

(1) there remains no unexpended and unapplied balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract or agreement;

(2) a certification required pursuant to this paragraph has not been made; or

(3) the proposed vendor has been debarred by the city of New York.

(iii) The comptroller of the city of New York may, within thirty days of the date of filing of the contract, franchise, revocable consent or concession with his or her office, object in writing to the registration of such contract or agreement, if in such comptroller's judgment there is sufficient reason to believe that there is possible corruption in the letting of such contract or agreement or that the proposed contractor is involved in corrupt activity. Such objection shall be delivered within such thirty day period to the mayor of the city of New York setting forth in detail the grounds for the New York city comptroller's determination. The mayor of the city of New York may require registration of the contract or agreement despite the New York city comptroller's objections if the mayor of the city of New York has responded to such comptroller's objections in writing, indicating:

(1) the corrective actions if any, that have been taken or will be taken in response to such comptroller's objections, or

(2) the reasons why the mayor of the city of New York disagrees with such comptroller's objections.

Such response by the mayor of the city of New York shall not serve as the basis for further objection by the New York city comptroller, and such comptroller shall register the contract, franchise, revocable consent or concession within ten days of receipt of the mayor of the city of New York's response.

(e) The requirements of paragraphs (c) and (d) of this subdivision shall not apply to an emergency contract awarded pursuant to

subparagraph (x) of paragraph (a) of this subdivision, provided that the chancellor shall comply with the requirements of paragraphs (c) and (d) of this subdivision as soon as practicable.

37. Establish guidelines and a system of internal controls, including internal administrative controls and internal accounting controls, with provisions for internal audits, as such terms are defined in section nine hundred fifty of the executive law. Such system shall also include a system of internal control review designed to identify weaknesses and identify actions to rectify them; a clear and concise statement of the generally applicable management policies and standards made available to each officer and employee relevant to fiscal and expenditure control, in addition to education and training efforts to ensure adequate understanding of internal control standards and evaluation techniques; and the designation of an internal control officer for each community district, each of whom shall report to the chancellor and the auditor general, to execute a regular internal audit function, which shall operate in accordance with generally accepted governmental auditing standards. The internal auditors for the community districts shall operate in cooperation with the auditor general, appointed by the chancellor, who shall, in addition to the functions of the internal auditors, monitor and conduct random audits of school districts at least once every two years for fraud, waste, and mismanagement. Notwithstanding any provision of state law or state or city regulation, the internal auditors, and the auditor general, shall be entitled, upon their request, to all and any documents and materials bearing in their judgment on the finances and cost-effectiveness of the schools and the school districts that is in the possession of the community districts, the schools, or any officer thereof.

38. To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools under the jurisdiction of the community district education councils. The chancellor shall exercise all such duties and responsibilities for all community districts or may delegate the exercise of all such duties and responsibilities to all of the community

superintendents of the city district.

38-a. To exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools which are not covered under subdivision thirty-eight of this section. Provided, however that the city board shall maintain jurisdiction over any consequence resulting from an employee waiver of a hearing, as provided for in paragraph (d) of subdivision two of section three thousand twenty-a of this chapter.

** 39. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and any other officer or employee in schools and programs under the jurisdiction of the city board and the chancellor to make annual written disclosure to the chancellor, of the following information:

(i) the employment by the city school board or any community district education council of any person related within the third degree of consanguinity or affinity to the person making disclosure, including the employment of any such person for which a two-thirds vote was required under paragraph (e) of subdivision four of section twenty-five hundred ninety-j of this article, with a notation of the date such vote was taken.

(ii) the source of any income, reimbursement, gift, or other form of compensation for services rendered, together with a description of such services.

(b) The chancellor shall review, at least once annually, compliance with the requirements of subdivisions five and six of section twenty-five hundred ninety-e of this article and regulations or by-laws prescribed in this subdivision. Any community district education council member, community superintendent, or other officer or employee required to make disclosure, who fails to make such disclosure, shall be notified in writing of his or her failure to do so and given thirty days within which to comply.

(d) Willful failure to make full and timely disclosure shall constitute cause for removal from office of any member of the city board or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

(e) Disclosures made pursuant to the requirements of this subdivision and any notification of failure to make disclosures shall be made available for public inspection during regular business hours on regular business days.

** NB There are 2 sb (39)'s

** 39. To enter an agreement, in his or her discretion, with the city of New York 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 There are 2 sb (39)'s

** NB Repealed December 1, 2029

40. (a) Prescribe regulations and by-laws requiring members of the city board, the chancellor, and, for good cause shown, any other officer or employee in schools and programs under the jurisdiction of the city board and the chancellor, to submit to the chancellor, in the discretion of the chancellor, financial reports for themselves and their spouses.

(b) The frequency and period of coverage, the designation of persons to submit such reports by name, title, or income level, or by a combination thereof, and the content of such reports, including minimum dollar amounts, shall be determined by the chancellor, and such reports may include but not necessarily be limited to the following:

(i) amount and source of income for services rendered, together with a description of such services;

(ii) amount and source of gifts, capital gains, reimbursements for expenditures, and honoraria;

(iii) investments in securities and real property;

(iv) amount of debts and names of creditors;

(v) outstanding loans and other forms of indebtedness due to person reporting or spouse, by name and amounts; and

(vi) trusts and other fiduciary relationships and their assets in which a beneficial interest is held.

(c) Willful failure to file required financial reports shall constitute cause for removal from office of any member of the city board

or for any other officer or employee disciplinary action and such other penalty as may be provided by law.

41. Appoint and set salaries for staff in non-represented managerial titles.

42. (a) To dispose of such personal property used in the schools and other buildings of the city of New York under the charge of the city board 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.

(b) The chancellor may sell, at prices as may be agreed upon, such manufactured articles or other products of any school of the district, day and evening, as may not be utilized by the city board, 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 city board 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 city board for use in the borough in which the property sold was situated.

(c) Such method of disposal shall be deemed not to apply to the disposition of school books pursuant to subdivision forty-three of this section.

43. To dispose of, 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 city board 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 or her office a certificate that such books have been so destroyed, signed by the principal of the school in which the books are located.

44. To provide the proper book or books in which he or she 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 city board, or by members of the community district education council, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the chancellor. Such books shall be preserved as the property of the chancellor and shall at all times be open to inspection by members of the city board, by members of the community councils and by the superintendent of schools, or by any associate superintendent of schools, or by the assistant superintendents.

45. 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 title, 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, 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 chancellor shall be subject to applicable provisions of law, except that said chancellor need not have duly advertised for estimates in order to contract for such articles or services in an amount exceeding one thousand dollars. The chancellor shall also have power to assign any officers or employees to perform such duties as he or she may prescribe in connection with an extra classroom activity and to designate such 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.

46. To maintain, through such representatives as he or she 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.

47. To assign, in his or her discretion, one or more employees of the city board to serve as trial examiner with power to conduct investigations and hearings on behalf of the chancellor. Each trial examiner shall report the result of any such investigation or hearing to the chancellor.

48. To hold a public meeting in each community district, in conjunction with the community district education council, during a two year period, beginning with the two thousand nine--two thousand ten school year, in order to report on public school finances, student performance, and educational goals and priorities of the city district and to receive and respond to public comments and concerns. The chancellor shall direct the community superintendent to provide public notice of such meeting in order to maximize the participation of parents, students, and all other interested parties.

49. To provide information, data, estimates and statistics regarding all matters relating to the city district as requested by the director of the independent budget office of the city of New York or the comptroller of the city of New York, in a timely fashion.

50. To issue an annual report on the participation of minority and women owned business enterprises in the city district's procurement process including the number of contracts awarded to minority and women owned business enterprises, the percent of contracts awarded to minority and women owned business enterprises of the total number of all city district contracts, the aggregate value of all contracts awarded to minority and women owned business enterprises, and the percent of the aggregate value of contracts awarded to minority and women owned business enterprises of the total aggregate value of all city district contracts.

51. Propose a policy for city board approval that promotes the recruitment and retention of a workforce at the city district, community district, and school level that considers the diversity of the students attending the public schools within the city district. The chancellor shall issue an annual report outlining the initiatives taken to enhance diversity and equity in recruitment and retention and the impacts of such initiatives to the workforce at the city district, community district and school level.

52. To compile an inventory of and issue a written report about the outdoor schoolyards in the city school district, as required by subdivision fourteen of section twenty-five hundred fifty-six of this title.

53. To compile an inventory of, issue a written report, and provide recommendations as required by subdivision fifteen of section twenty-five hundred fifty-six of this title regarding transportable classroom units in the city school district.

54. To establish a charitable fund to receive unrestricted charitable monetary donations made to such fund for use by the city school district for public educational purposes. The monies of such charitable fund shall be deposited and secured in the manner provided by section ten of the general municipal law. The monies of such charitable fund may be invested in the manner provided by section eleven of the general

municipal law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund. At such time and in such amounts as determined by the chancellor, the monies of such charitable fund shall be transferred to the city school district's general fund for expenditure consistent with the charitable purposes of the fund, provided that the amount of taxes to be levied by the city for any school year shall be determined without regard to any such transfer. The city school district shall maintain an accounting of all such deposits, interest or capital gain, transfers, and expenditures.

55. Ensure that all public, nonpublic, and charter school students enrolled in elementary and secondary schools located in the city of New York be provided with additional opportunities to supplement classroom instruction including, but not limited to, visiting educational and cultural sites and institutions such as a Holocaust museum, African American cultural centers and historical landmarks, a Native American museum, Asian American museums and cultural centers, a LatinX American museum, center for women, LGBTQ historical landmarks, and American historical landmarks and monuments.

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

* NB Effective until June 30, 2028

* § 2590-h. Powers and duties of chancellor. The office of chancellor of the city district is hereby continued. It shall be filled by a person employed by the city board by contract for a term not to exceed by more than one year the term of office of the city board authorizing such contract, subject to removal for cause. The chancellor shall receive a salary to be fixed by the city board within the budgetary allocation therefor. He or she shall exercise all his or her powers and duties in a manner not inconsistent with the 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:

1. Control and operate:

(a) academic and vocational senior high schools until such time as the same may be transferred to the jurisdiction of appropriate community boards pursuant to this article;

(b) all specialized senior high schools. The special high schools shall include the present schools known as:

The Bronx High School of Science, Stuyvesant High School, Brooklyn Technical High School, Fiorello H. LaGuardia High School of Music and the Arts in the borough of Manhattan, and such further schools which the city board may designate from time to time. The special schools shall be permitted to maintain a discovery program in accordance with the law in effect on the date preceding the effective date of this section; admissions to the special schools shall be conducted in accordance with the law in effect on the date preceding the effective date of this section;

(c) all special education programs and services conducted pursuant to this chapter;

(d) subject to the provisions of section twenty-five hundred ninety-i of this article, devolving powers to the schools, city-wide programs for city-wide services to a substantial number of persons from more than one community district, including transportation; food services; payroll and personnel functions, including pension and retirement services; and enforcement of laws and regulations promoting equal opportunity in employment, access to public accommodations and facilities, equal opportunity in education, and preventing and addressing unlawful discrimination; provided, however, that a community district may also operate within its district programs which provide similar services otherwise authorized by this article.

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that he shall consult with the affected community board before:

(a) substantially expanding or reducing such an existing school or program within a community district;

(b) initially utilizing a community district school or facility for such a school or program;

(c) instituting any new program within a community district.

3. Subject to the approval of the city board, develop a plan to provide for the establishment of comprehensive high schools within the city district so that every community district shall have available to its graduates further education and a comprehensive high school. Such plan may provide for the conversion of academic and vocational high schools and may be amended or modified from time to time.

4. Appoint teacher-aides for the schools and programs under his or her jurisdiction within the budgetary allocation therefor.

5. Retain jurisdiction over all employees who are required in connection with the performance of duties with respect to the design, construction, operation and maintenance of all school buildings in the city school district. Such employees shall have all rights accorded them under the provisions of the civil service law, including manner of appointment, classification, promotion, transfer and removal including an opportunity to be heard provided, however, that each custodian shall be responsible for the performance of his duties to the principal of the school who shall be responsible to the district superintendent.

6. Employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be his or her 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 the city board or the chancellor and one or more community boards, the city board or the chancellor shall be represented by the corporation counsel of the city of New York.

7. To continue existing voluntary programs or to establish new programs under which students may choose to attend a public school in another community district.

8. Promulgate minimum clear educational standards, curriculum requirements and frameworks, and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to

(i) compliance with such educational standards and other requirements, and

(ii) the educational effectiveness of such schools and programs, in a manner not inconsistent with the policies of the city board.

9. Furnish community boards and the city board periodically with the results of such examinations and evaluations and to make the same public.

10. Require each community superintendent to make an annual report covering all matters relating to schools under the district's jurisdiction including, but not limited to, the evaluation of the educational effectiveness of such schools and programs connected therewith.

11. Require such community board or superintendent to make such number of periodic reports as may be necessary to accomplish the purposes of this chapter.

13. Perform the following functions throughout the city district; provided, however, that the chancellor and any community board may agree that any such function may be appropriately performed by the community board with respect to the schools and programs under its jurisdiction:

(a) Technical assistance to community districts and schools;

(b) Such warehouse space on a regional basis as he or she determines to be necessary or appropriate after consultation with the community superintendents;

(c) Purchasing services on a city-wide, regional or community district basis subject to subdivision thirty-six of this section;

(d) Reinforce and foster connections to institutions of higher education to promote student achievement.

14. Develop and furnish pre-service and in-service training programs for principals and other employees throughout the city district. In addition, the chancellor shall prepare and annually update a training plan for participating parents, and school personnel, which shall include, at minimum, such training as may be required for exercise of their responsibilities, full participation and compliance with the provisions of this section. The chancellor shall, in addition, within amounts appropriated, allocate sufficient funds directly and to the superintendents for teacher and principal training to meet identified needs for school improvement.

15. Promote the involvement and appropriate input of all members of the school community pursuant to the provisions of this article, including parents, teachers, and other school personnel, including:

(a) establishing a parents' association or a parent-teachers' association in each school under the chancellor's jurisdiction; and ensuring that the districts do the same;

(b) pursuant to a plan prepared in consultation with associations of parents, and representatives of teachers, supervisors, paraprofessionals and other school personnel within the city district, and promulgated no later than January thirty-first, nineteen hundred ninety-eight, (i) taking all necessary steps to ensure that no later than October first, nineteen hundred ninety-nine, the city district and the community districts are in full compliance, and remain in compliance thereafter, with state and federal law and regulations concerning school-based management and shared decision-making, including section 100.11 of the commissioner's regulations, in a manner which balances participation by parents with participation by school personnel in advising in the decisions devolved to schools pursuant to sections twenty five hundred ninety-i and twenty-five hundred ninety-r of this article, and (ii) pursuant to such plan providing for appropriate training to any parent and school personnel who participate in the school-based management and shared decision-making process; and

(c) developing, in consultation with associations of parents in the city district, and implementing no later than October first, nineteen hundred ninety-eight, a parental bill of rights which provides for, at

minimum:

(i) reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children, consistent with federal and state laws, provided that such access does not disrupt or interfere with the regular school process;

(ii) the rights of parents, persons in parental relation and guardians to take legal action and appeal the decisions of the school administration, as authorized by law;

(iii) the right of parents, persons in parental relation and guardians to have information on their own child's educational materials;

(iv) access to and information about all public meetings, hearings of the chancellor, the city board, the community superintendents, the community boards, and the schools; and

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

The chancellor shall by rule or regulation provide for the involvement including membership, in any parents' association or parent-teacher association established pursuant to this subdivision, of a grandparent who is in parental relation to a child who attends a school within the jurisdiction of the community school district. For purposes of this subdivision, a grandparent shall be considered to be in parental relation to a child when such grandparent has assumed care of such child because such child's parents are not available due to death, imprisonment, mental illness, living outside the state, abandonment of the child, or other circumstances. A determination of whether a grandparent is in parental relation to a child shall be based upon the individual circumstances surrounding guardianship and custodial care of such child.

16. Promulgate such rules and regulations as he or she may determine to be necessary or convenient to accomplish the purposes of this act, not inconsistent with the provisions of this article and the policies of the city board.

17. Possess those powers and duties described in section twenty-five hundred fifty-four of this chapter, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the policies of the city board.

18. Possess those powers and duties contained in section nine hundred twelve of this chapter and those provisions of article fifteen thereof which relate to non-public schools, those powers and duties contained in section five hundred twenty-two of the New York city charter and those powers and duties contained in article seventy-three of this chapter, the exercise of which shall be in a manner not inconsistent with the provisions of this article and the policies of the city board.

19. Delegate any of his or her powers and duties to such subordinate officers or employees as he or she deems appropriate and to modify or rescind any power and duty so delegated.

20. Ensure compliance with qualifications established for all personnel employed in the city district, including the taking of fingerprints as a prerequisite for licensure and/or employment of such personnel. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. Furthermore, the division of criminal justice services is authorized to submit the fingerprints to the federal bureau of investigation for a national criminal history record check.

21. Perform the functions of the bureau of audit throughout the city district, including ensuring compliance with subdivisions thirty-six and thirty-seven of this section.

22. Establish uniform procedures for record keeping, accounting and reporting throughout the city district, including pupil record keeping, accounting and reporting.

23. Develop an educational facilities master plan, and revisions thereto, as defined in section twenty-five hundred ninety-o of this

article.

24. Develop and implement a five-year educational facilities capital plan, and amendments thereto, as defined in section twenty-five hundred ninety-p of this article. The chancellor shall also appoint a person, who reports directly to the chancellor or his or her designee, to assist in the development and implementation of such plan and amendments thereto and to oversee the school buildings program.

25. On the chancellor's own initiative, or at the request of a community superintendent, transfer a principal employed by a community school district pursuant to an agreement with the employee organization representing such principals. The chancellor shall establish a procedure for consulting with affected parents to explain any such transfer. Consistent with section twenty-five hundred ninety-i of this article, including without limitation subdivision three thereof, and subdivision one thereof with respect to the rights and obligations of a school to which a principal is transferred, in addition to any other law providing for the transfer of principals, the chancellor also may cause the transfer or removal of principals for persistent educational failure, conflicts of interest, and ethics violations, and may require principals to participate in training and other remedial programs to address identified factors affecting student achievement and school performance.

26. Establish educational and experience qualifications and requirements for all custodial positions including, but not limited to, custodians and custodial engineers and develop standards for evaluating the performance of all such individuals, subject to approval of the city board. Such performance standards shall include, but not be limited to: the cleanliness of facilities; adequacy and timeliness of minor repairs; maintenance of good working order of facilities and grounds; general facilities improvement; and emergency services. The chancellor shall promulgate regulations setting forth the respective responsibilities of the district plant manager, which shall include regular consultation and ongoing reports to the community superintendent, and the principal of each school for evaluating the performance of the custodial employees assigned to his or her school, in accordance with such performance

standards, and such performance evaluations shall be given dominant weight in any decision for the purposes of: advancement; continued employment; building transfers; and other performance incentives. The responsibility of the principal of each school in the evaluation of custodial employees may be a matter for collective bargaining with collective bargaining representatives for principals.

27. Develop, in conjunction with each community superintendent, a plan for providing access to school facilities in each community school district, when not in use for school purposes, in accordance with the provisions of section four hundred fourteen of this chapter. Such plan shall set forth a reasonable system of fees not to exceed the actual costs and specify that no part of any fee shall directly or indirectly benefit or be deposited into an account which inures to the benefit of the custodians or custodial engineers.

28. Establish, subject to the approval of the city board, a publicly-inclusive process for the recruitment, screening and selection of district superintendent candidates.

29. Promulgate regulations, subject to the approval of the city board, establishing educational, managerial, and administrative qualifications, performance record criteria, and performance standards for the positions of superintendent and principal.

30. Select a community superintendent from candidates recommended by community boards, based upon compliance with the procedures for selection required by subdivision twenty-eight of this section, the qualifications required by subdivision twenty-nine of this section, and consistent with a model contract developed by the chancellor.

30-a. Remove a community superintendent who fails to comply with the provisions of subdivision two of section twenty-five hundred ninety-f of this article.

31. Intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board

or established by the state board of regents, or has failed to improve its educational results and student achievement in accordance with such standards or state or city board requirements, or in any school or district in which there exists, in the chancellor's judgment, a state of uncontrolled or unaddressed violence. The chancellor may, in addition to exercising any other powers authorized by this article, require such school principal, or district as the case may be, to prepare a corrective action plan, with a timetable for implementation of steps acceptable to the chancellor to reach improvement goals consistent with city board standards and educational results. The chancellor may require the school or district to alter or improve the corrective action plan, or may directly modify the plan. The chancellor shall monitor implementation of the plan, and, if the school or district fails to implement it, may supersede any inconsistent decision of the school principal, community board or community superintendent; assume joint or direct control of the operation of the school or district to implement the corrective action plan; or take any other action authorized by this article. Any action of the chancellor to supercede an inconsistent decision of the school principal, community board or community superintendent, or to assume joint or direct control of the operation of the school or district pursuant to this subdivision may be appealed to the city board in accordance with section twenty-five hundred ninety-g of this article.

32. Appoint a deputy, for each borough of the city of New York, responsible for coordinating and periodically meeting and consulting with the borough president, the chancellor and the community superintendents in the borough on borough-specific issues and issues of borough-wide significance, including the provision of services in support of schools and community districts such as transportation, purchasing, capital planning, and coordination with municipal services, and chancellor and city board policy with respect to the high schools.

33. Require community school board members to participate in training and retraining in order to promote district and school performance and student achievement, as a continuing condition for membership.

35. Take all necessary steps to promote the effectiveness and integrity of school-based budgeting pursuant to section twenty-five hundred ninety-r of this article, including the obligations imposed by subdivision thirty-seven of this section.

36. Develop in consultation with the city board, a procurement policy for the city school district of the city of New York, and the districts and public schools therein. Such policy shall ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud and corruption; and ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to, the following criteria: quality, cost and efficiency. Such policy shall also include: (a) standards for quality, function and utility of all material goods, supplies and services purchased by the chancellor, superintendents or schools; (b) regulations for the purchase of material goods, supplies and services by the chancellor, the superintendents and the schools, including clearly articulated procedures which require a clear statement of product specifications, requirements or work to be performed, a documentable process of soliciting bids, proposals or other offers, and a balanced and fair method, established in advance of receipt of offers, for evaluating offers and awarding contracts; (c) regulations which enable superintendents and schools to purchase material goods, supplies and services directly from vendors or suppliers when such products are available at prices or other terms more economically beneficial for the purposes of the acquiring superintendent or school; and (d) regulations shall include repair services and building supplies, as defined in such regulations, for expenditures from each district's minor repair and purchasing funds pursuant to section twenty-five hundred ninety-r of this article.

37. Establish, subject to the approval of the city board, guidelines and a system of internal controls, including internal administrative controls and internal accounting controls, with provisions for internal audits, as such terms are defined in section nine hundred fifty of the executive law. Such system shall also include a system of internal control review designed to identify weaknesses and identify actions to

rectify them; a clear and concise statement of the generally applicable management policies and standards made available to each officer and employee relevant to fiscal and expenditure control, in addition to education and training efforts to ensure adequate understanding of internal control standards and evaluation techniques; and the designation of an internal control officer for each community district, each of whom shall report to the chancellor and the auditor general, to execute a regular internal audit function which shall operate in accordance with generally accepted governmental auditing standards. The internal auditors for the community districts shall operate in cooperation with the auditor general, appointed by the chancellor subject to the approval of the city board, who shall, in addition to the functions of the internal auditors, monitor and conduct random audits of school districts at least once every two years for fraud, waste and mismanagement. Notwithstanding any provision of state law or state, city or city board regulation, the internal auditors, and the auditor general, shall be entitled, upon their request, to all and any documents and materials bearing in their judgment on the finances and cost-effectiveness of the schools and the school districts that is in the possession of the community districts, the schools, or any officer thereof.

38. to exercise all of the duties and responsibilities of the employing board as set forth in section three thousand twenty-a of this chapter with respect to any member of the teaching or supervisory staff of schools under the jurisdiction of the community boards. The chancellor shall exercise all such duties and responsibilities for all community districts or may delegate the exercise of all such duties and responsibilities to all of the community superintendents of the city district.

* NB Effective June 30, 2028