

STATE OF NEW YORK

8903--A

2009-2010 Regular Sessions

IN ASSEMBLY

June 14, 2009

Introduced by M. of A. SILVER, NOLAN, FARRELL, TOWNS, V. LOPEZ, PHEFFER, BENEDETTO, HYER-SPENCER -- Multi-Sponsored by -- M. of A. BENJAMIN, BING, CARROZZA, CLARK, COOK, CYMBROWITZ, ESPAILLAT, GIANARIS, KELLNER, LANCMAN, MARKEY, MAYERSOHN, MENG, ORTIZ, PERALTA, P. RIVERA -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the New York city board of education, chancellor, community councils and community superintendents; to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, in relation to extending certain provisions of such chapter relating to certain contracts of the authority; to amend the public authorities law, in relation to extending certain provisions; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to extending certain provisions of such chapter; and providing for the repeal of certain provisions of the education law relating thereto

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

1 Section 1. Section 2590-b of the education law, as added by chapter
2 330 of the laws of 1969, the section heading and subdivision 2 as
3 amended and subdivision 4 as added by chapter 123 of the laws of 2003,
4 subdivision 1 as added by chapter 91 of the laws of 2002 and subdivision
5 3 as amended by chapter 727 of the laws of 1994, is amended to read as
6 follows:

7 § 2590-b. Continuation of city board and establishment of community
8 districts; establishment of the city-wide [~~council on special education~~]

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

LBD14366-07-9

1 councils on special education, English language learners, and high
2 schools. 1. (a) The board of education of the city school district of
3 the city of New York is hereby continued. Such board of education shall
4 consist of thirteen appointed members: one member to be appointed by
5 each borough president of the city of New York; ~~[seven]~~ and eight
6 members to be appointed by the mayor of the city of New York~~[-, and~~
7 ~~the].~~ The chancellor shall serve as an ex-officio non-voting member of
8 the city board. ~~[The chancellor shall serve as the chairperson of the~~
9 ~~city board.]~~ The city board shall elect its own chairperson from among
10 its voting members. All ~~[twelve]~~ thirteen appointed members shall serve
11 at the pleasure of the appointing authority and shall not be employed in
12 any capacity by the city of New York, or a subdivision thereof, or the
13 city board. No appointed member of the city board shall also be a
14 member, officer, or employee of any public corporation, authority, or
15 commission where the mayor of the city of New York has a majority of the
16 appointments. Each borough president's appointee shall be a resident of
17 the borough for which the borough president appointing him or her was
18 elected and shall be the parent of a child attending a public school
19 within the city school district of the city of New York. Each mayoral
20 appointee shall be a resident of the city and two shall be parents of a
21 child attending a public school within the city district. All parent
22 members shall be eligible to continue to serve on the city board for two
23 years following the conclusion of their child's attendance at a public
24 school within the city district. Any vacancy shall be filled by appoint-
25 ment by the appropriate appointing authority within ninety days of such
26 vacancy. Notwithstanding any provision of local law, the members of the
27 board shall not have staff, offices, or vehicles assigned to them or
28 receive compensation for their services, but shall be reimbursed for the
29 actual and necessary expenses incurred by them in the performance of
30 their duties.

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

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

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

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

54 (e) Minutes of all city board regular public meetings shall be made
55 publicly available, including via the city board's official internet

1 website, in a timely manner but no later than the subsequent regular
2 city board meeting.

3 2. (a) There shall be a community council for each community district
4 created pursuant to this article.

5 (b) The city board shall define, adjust, alter, maintain and adopt the
6 boundaries of the community districts pursuant to this chapter no later
7 than February first, nineteen hundred ninety-five. There shall be no
8 less than thirty nor more than thirty-seven community districts.

9 (c) The city board may readjust or alter the districts in such plan
10 only once in every ten years, commencing with the year two thousand
11 four. The city board in conjunction with the chancellor and the communi-
12 ty council representatives, shall prepare and make public a plan to
13 ensure the smooth transition of pupils and school personnel, creation of
14 new boards, and allocation of school facilities and resources among the
15 districts established pursuant to paragraph (b) of this subdivision.
16 Prior to the adoption of the transition plan, the city board shall hold
17 one or more public hearings in each borough. The city board shall make
18 the transition plan available not less than three weeks before the first
19 such public hearing. Upon receipt of comments, the city board, in
20 conjunction with the chancellor and the community council represen-
21 tatives, shall prepare a revised transition plan, if necessary and make
22 such plan available to the public for comment.

23 3. (a) The redistricting advisory study group established prior to the
24 effective date of this paragraph for the purpose of study and making
25 recommendations on community school district boundaries, is hereby
26 continued and shall perform the duties required herein.

27 (b) The study group shall prepare a report containing recommendations
28 for dividing the city into no more than thirty-seven community
29 districts.

30 (c) In preparation of its recommendations for dividing the city into
31 community districts, the study group shall ensure that the recommenda-
32 tions provide for the most effective delivery of educational services
33 and shall be guided by the following criteria:

34 (1) each community district shall: (i) be a suitable size for effi-
35 cient policy-making and economic management; (ii) contain a reasonable
36 number of pupils; (iii) be compact and contiguous, contained within
37 county lines, and to the maximum extent possible, keep intact communi-
38 ties and neighborhoods; and (iv) bear a rational relationship to
39 geographic areas for which the city of New York plans and provides
40 services;

41 (2) to the extent possible, keep existing lines intact;

42 (3) the common and special education needs of the communities and
43 school children involved;

44 (4) effective utilization of existing and planned school facilities;

45 (5) minimum disruption of existing and planned elementary school-jun-
46 ior high/middle school-high school feeder patterns;

47 (6) transportation facilities;

48 (7) additional administrative costs involved in the creation of such
49 new districts; and

50 (8) ensure fair and effective representation of racial and language
51 groups pursuant to the Voting Rights Act of 1965, as amended;

52 (9) notwithstanding the provisions of this subparagraph and subpara-
53 graphs one through eight of this paragraph: (i) the residents of the
54 county of New York in school district ten as it existed prior to the
55 implementation of this paragraph shall continue to remain in school
56 district ten as such district is comprised; (ii) the boundaries of

1 community district thirty-one shall continue to remain as they are
2 currently comprised; and (iii) no county shall have fewer community
3 school districts than in existence on the effective date of this para-
4 graph.

5 (d) The study group shall hold one or more public hearings in each
6 borough before final adoption of its recommendations. The study group
7 shall make its recommendations available to the public for inspection
8 and comment not less than one month before the first such public hear-
9 ing. Following its consideration of the comments received on the recom-
10 mendations, the study group shall prepare a report containing its final
11 recommendations. The study group shall submit its report to the city
12 board and make such report available to the public for inspection no
13 later than November first, nineteen hundred ninety-four.

14 (e) The city board of education shall hold public hearings in each
15 borough on the recommendations submitted by the study group and may
16 adopt, revise or reject in whole or in part such recommendations, or,
17 may request the study group to submit adjusted recommendations. The
18 final recommendations shall be adopted by the city board of education no
19 later than February first, nineteen hundred ninety-five to take effect
20 July first, nineteen hundred ninety-six, provided that such revised
21 boundaries adopted by the city board pursuant to this chapter shall be
22 used for purposes of community school board elections to be held on the
23 first Tuesday in May, nineteen hundred ninety-six.

24 (f) Provided, however, that the city board may make minor adjustments,
25 (i) to correct errors that may occur in the district lines adopted by
26 the city board, or (ii) upon showing a change in circumstances. Any such
27 limited revisions to community school district lines may occur between
28 the effective date of this paragraph and the city board readjustment
29 scheduled in the year two thousand four.

30 (g) No public hearings required pursuant to this subdivision shall be
31 held during the months of July and August. All public hearings shall be
32 held at a time and place designated to maximize community and parent
33 participation. Notice of all such public hearings shall be provided in a
34 timely manner to all print and electronic media and shall be widely
35 distributed to all interested parties, so as to maximize participation
36 by parents and the community. In addition such notice shall be posted in
37 each school building and district office.

38 4. a. There shall be a city-wide council on special education created
39 pursuant to this section. The city-wide council on special education
40 shall consist of eleven voting members and one non-voting member, as
41 follows:

42 (1) nine voting members who shall be parents of students ~~[who receive~~
43 ~~services pursuant to article eighty-nine of this chapter]~~ with individ-
44 ualized education programs, to be selected by parents of students ~~[who~~
45 ~~receive such services]~~ with individualized education programs pursuant
46 to a representative process developed by the chancellor. Such members
47 shall serve a two year term;

48 (2) two voting members appointed by the public advocate of the city of
49 New York, who shall be individuals with extensive experience and know-
50 ledge in the areas of educating, training or employing individuals with
51 handicapping conditions and will make a significant contribution to
52 improving special education in the city district. Such members shall
53 serve a two year term; and

54 (3) one non-voting member who is a high school senior ~~[receiving~~
55 ~~services pursuant to article eighty-nine of this chapter]~~ with an indi-
56 vidualized education program, appointed by the administrator designated

1 by the chancellor to supervise ~~[city-wide]~~ special education programs.
2 Such member shall serve a one year term.

3 b. ~~[Members shall not be paid a salary or stipend, but shall be reim-~~
4 ~~bursed for all actual and necessary expenses directly related to the~~
5 ~~duties and responsibilities of the city wide council on special educa-~~
6 ~~tion.~~

7 ~~c.]~~ The city-wide council on special education shall have the power
8 to:

9 (1) advise and comment on any educational or instructional policy
10 involving the provision of services ~~[pursuant to article eighty nine of~~
11 ~~this chapter] for students with disabilities;~~

12 (2) advise and comment on the process of establishing committees
13 and/or subcommittees on special education in community school districts
14 pursuant to section forty-four hundred two of this chapter;

15 (3) issue an annual report on the effectiveness of the city district
16 in providing services ~~[pursuant to article eighty nine of this chapter]~~
17 ~~to students with disabilities~~ and making recommendations, as appropri-
18 ate, on how to improve the efficiency and delivery of such services; and

19 (4) hold at least one meeting per month open to the public and during
20 which the public may discuss issues facing students with disabilities.

21 ~~[d. The city wide council on special education may appoint a secre-~~
22 ~~tary, pursuant to the policies of the city board who shall perform the~~
23 ~~following functions: (1) prepare meeting notices, agendas and minutes;~~
24 ~~(2) record and maintain accounts of proceedings and other city wide~~
25 ~~council on special education meetings; and (3) prepare briefing materi-~~
26 ~~als and other related informational materials for such meetings. The~~
27 ~~city wide council on special education shall be responsible for the~~
28 ~~appointment, supervision, evaluation and discharge of the secretary.~~

29 e. No person may serve on both the city wide council on special educa-
30 tion and a community district education council. A member of the city-
31 wide council on special education shall be ineligible to be employed by
32 such council, any community district education council, or the city
33 board. No person shall be eligible for membership on the city wide coun-
34 cil on special education if he or she holds any elective public office
35 or any elective or appointed party position except that of delegate or
36 alternate delegate to a national, state, judicial or other party conven-
37 tion, or member of a county committee.

38 A person who has been convicted of a felony, or has been removed from
39 the city wide council on special education, a community school board, or
40 community district education council for any of the following shall be
41 permanently ineligible for appointment to the city wide council on
42 special education: (1) an act of malfeasance directly related to his or
43 her service on such city wide council on special education, community
44 school board or community district education council; or (2) conviction
45 of a crime, if such crime is directly related to his or her service upon
46 such city wide council on special education, community school board or
47 community district education council.

48 f. (1) In addition to the conditions enumerated in the public officers
49 law creating a vacancy, a member of the city wide council on special
50 education who refuses or neglects to attend three meetings of such coun-
51 cil of which he or she is duly notified, without rendering in writing a
52 good and valid excuse therefore vacates his or her office by refusal to
53 serve. Each absence and any written excuse rendered shall be included
54 within the official written minutes of such meeting. After the third
55 unexcused absence the city wide council on special education shall
56 declare a vacancy to the chancellor.

1 ~~(2)~~ c. Vacancies shall be filled for an unexpired term by the city-
2 wide council on special education, pursuant to a process developed by
3 the chancellor that shall include consultation with parents of students
4 [who receive services pursuant to article eighty nine of this chapter]
5 with individualized educational programs; provided however, that where a
6 vacancy occurs in a position appointed by the public advocate, the
7 public advocate shall appoint a member to serve the remainder of the
8 unexpired term.

9 5. (a) There shall be a city-wide council on English language learners
10 created pursuant to this section. The city-wide council on English
11 language learners shall consist of eleven voting members and one non-
12 voting member, as follows:

13 (i) nine voting members who shall be parents of students who are in a
14 bilingual or English as a second language program conducted pursuant to
15 section thirty-two hundred four of this chapter, to be selected by
16 parents of students who receive such services pursuant to a represen-
17 tative process developed by the chancellor. Such members shall serve a
18 two year term;

19 (ii) two voting members appointed by the public advocate of the city
20 of New York, who shall be individuals with extensive experience and
21 knowledge in the education of English language learners and will make a
22 significant contribution to improving bilingual and English as a second
23 language programs in the city district. Such members shall serve a two
24 year term; and

25 (iii) one non-voting member who is a high school senior who is or has
26 been in a bilingual or English as a second language program, appointed
27 by the administrator designated by the chancellor to supervise such
28 programs. Such member shall serve a one year term.

29 (b) The city-wide council on English language learners shall have the
30 power to:

31 (i) advise and comment on any educational or instructional policy
32 involving bilingual or English as a second language programs;

33 (ii) issue an annual report on the effectiveness of the city district
34 in providing services to English language learners and making recommen-
35 dations, as appropriate, on how to improve the efficiency and delivery
36 of such services; and

37 (iii) hold at least one meeting per month open to the public and
38 during which the public may discuss issues facing English language lear-
39 ners.

40 (c) Vacancies shall be filled for an unexpired term by the city-wide
41 council on English language learners, pursuant to a process developed by
42 the chancellor that shall include consultation with parents of students
43 who receive services for English language learners; provided however,
44 that where a vacancy occurs in a position appointed by the public advo-
45 cate, the public advocate shall appoint a member to serve the remainder
46 of the unexpired term.

47 6. (a) There shall be a city-wide council on high schools created
48 pursuant to this section. The city-wide council on high schools shall
49 consist of thirteen voting members and one non-voting member, as
50 follows:

51 (i) ten voting members who shall be parents of students attending
52 public high schools. Two members representing each borough shall be
53 selected by presidents and officers of the parents' associations or
54 parent-teachers' associations in the relevant borough, pursuant to a
55 process established by the chancellor. Such members shall serve a two
56 year term;

1 (ii) one voting member who shall be a parent of a high school student
2 with an individualized education program. Such member shall be appointed
3 by the city-wide council on special education, and shall serve a two
4 year term;

5 (iii) one voting member who shall be a parent of a student in a bilin-
6 gual or English as a second language program conducted in a public high
7 school. Such member shall be appointed by the city-wide council on
8 English language learners, and shall serve a two year term;

9 (iv) one voting member appointed by the public advocate of the city of
10 New York, who shall be a resident of the city and shall have extensive
11 business, trade, or education experience and knowledge who will make a
12 significant contribution to improving education in the city district.
13 Such member shall serve for a term of two years; and

14 (v) one non-voting member who is a public high school senior,
15 appointed by the chancellor pursuant to a process developed by the chan-
16 cellor. Such member shall serve a one year term.

17 Officers of parents' associations or parent-teachers' associations who
18 are candidates in the selection process established by the chancellor
19 pursuant to this subdivision shall not be eligible to cast votes in such
20 selection process. The association shall elect a member to vote in the
21 place of each such officer for purposes of the selection process.

22 (b) The city-wide council on high schools shall have the power to:

23 (i) advise and comment on any educational or instructional policy
24 involving high schools;

25 (ii) issue an annual report on the effectiveness of the city district
26 in providing services to high school students and making recommenda-
27 tions, as appropriate, on how to improve the efficiency and delivery of
28 such services; and

29 (iii) hold at least one meeting per month open to the public and
30 during which the public may discuss issues facing high schools.

31 (c) Vacancies shall be filled for an unexpired term by the city-wide
32 council on high schools, pursuant to a process developed by the chancel-
33 lor that shall include consultation with parents of students attending
34 public high school; provided, however, that where a vacancy occurs in a
35 position appointed by the public advocate, the public advocate shall
36 appoint a member to serve the remainder of the unexpired term.

37 7. (a) Members of the city-wide councils established pursuant to this
38 section shall not be paid a salary or stipend, but shall be reimbursed
39 for all actual and necessary expenses directly related to the duties and
40 responsibilities of the city-wide council on which they serve.

41 (b) Each such city-wide council may appoint a secretary, pursuant to
42 the policies of the city board, who shall perform the following func-
43 tions:

44 (i) prepare meeting notices, agendas and minutes;

45 (ii) record and maintain accounts of proceedings and meetings; and

46 (iii) prepare briefing materials and other related informational mate-
47 rials for such meetings.

48 Each city-wide council shall be responsible for the appointment,
49 supervision, evaluation and discharge of the secretary.

50 (c) No person may serve at the same time on more than one city-wide
51 council established pursuant to this section, nor may any person serve
52 at the same time on such a city-wide council and any community district
53 education council.

54 (d) A member of a city-wide council established pursuant to this
55 section shall be ineligible to be employed by any such council, any
56 community district education council, or the city board.

1 (e) No person shall be eligible for membership on a city-wide council
2 established pursuant to this section if he or she holds any elective
3 public office or any elective or appointed party position except that of
4 delegate or alternate delegate to a national, state, judicial or other
5 party convention, or member of a county committee.

6 (f) A person who has been convicted of a felony, or has been removed
7 from a city-wide council established pursuant to this section or commu-
8 nity district education council for any of the following shall be perma-
9 nently ineligible for appointment to a city-wide council:

10 (i) an act of malfeasance directly related to his or her service on
11 such city-wide council or community district education council; or

12 (ii) conviction of a crime, if such crime is directly related to his
13 or her service upon such city-wide council or community district educa-
14 tion council.

15 (g) In addition to the conditions enumerated in the public officers
16 law creating a vacancy, a member of a city-wide council established
17 pursuant to this section who refuses or neglects to attend three meet-
18 ings of such city-wide council of which he or she is duly notified,
19 without rendering in writing a good and valid excuse therefor vacates
20 his or her office by refusal to serve. Each absence and any written
21 excuse rendered shall be included within the official written minutes of
22 such meeting. After the third unexcused absence such city-wide council
23 shall declare a vacancy to the chancellor.

24 § 2. Section 2590-c of the education law, as added by chapter 123 of
25 the laws of 2003, is amended to read as follows:

26 § 2590-c. Composition of community district education councils. 1.
27 Each community district shall be governed by a community district educa-
28 tion council. The community councils shall consist of eleven voting
29 members and one non-voting member, as follows:

30 (a) Nine voting members shall be parents whose children are attending
31 a school under the jurisdiction of the community district, or have
32 attended a school under the jurisdiction of the community district with-
33 in the preceding two years, and shall be selected by the presidents and
34 officers of the parents' association or parent-teachers' association.
35 Such members shall serve for a term of two years. Presidents and offi-
36 cers of parents' associations or parent-teachers' associations who are
37 candidates in the selection process pursuant to this section shall not
38 be eligible to cast votes in such selection process. The association
39 shall elect a member to vote in the place of each such president or
40 officer for the purposes of the selection process.

41 (b) Two voting members shall be appointed by the borough presidents
42 corresponding to such district. Such appointees shall be residents of,
43 or own or operate a business in, the district and shall be individuals
44 with extensive business, trade, or education experience and knowledge,
45 who will make a significant contribution to improving education in the
46 district. Such members shall serve for a term of two years and may only
47 be reappointed for one additional two year term.

48 (c) One non-voting member who is a high school senior residing in the
49 district, appointed by the superintendent from among the elected student
50 leadership. Such member shall serve for a one year term.

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

54 2. For the initial community council, such members must be selected on
55 or before October thirty-first, two thousand three, with terms commenc-
56 ing on December first, two thousand three. Thereafter, commencing in May

1 of two thousand five, the selection of community council members shall
2 occur on the second Tuesday in May, with terms commencing on the follow-
3 ing July first.

4 3. Each such council shall select one of its voting members to serve
5 as chair.

6 4. Notwithstanding any provisions of law to the contrary, the communi-
7 ty district education council may appoint a secretary, pursuant to the
8 policies of the city board, who shall perform the following functions:

9 (a) prepare meeting notices, agendas and minutes; (b) record and main-
10 tain accounts of proceedings and other council meetings; and (c) prepare
11 briefing materials and other related informational materials for such
12 meetings. Each council shall be responsible for the appointment, super-
13 vision, evaluation and discharge of the secretary.

14 5. No person may serve on more than one community council or on ~~[both]~~
15 the city-wide council on special education, the city-wide council on
16 English language learners, or the city-wide council on high schools and
17 a community council. A member of a community council shall be ineligible
18 to be employed by the community council of which he or she is a member,
19 any other community council, the city-wide council on special education,
20 the city-wide council on English language learners, the city-wide coun-
21 cil on high schools, or the city board. No person shall be eligible for
22 membership on a community council if he or she holds any elective public
23 office or any elective or appointed party position except that of dele-
24 gate or alternate delegate to a national, state, judicial or other party
25 convention, or member of a county committee.

26 A person who has been convicted of a felony, or has been removed from
27 a community school board, community district education council, or the
28 city-wide council on special education, the city-wide council on English
29 language learners, or the city-wide council on high schools for any of
30 the following shall be permanently ineligible for appointment to any
31 community district education council: (a) an act of malfeasance directly
32 related to his or her service on ~~[such]~~ the city-wide council on special
33 education, the city-wide council on English language learners, the city-
34 wide council on high schools, community school board or community
35 district education council; or (b) conviction of a crime, if such crime
36 is directly related to his or her service upon ~~[such]~~ the city-wide
37 council on special education, the city-wide council on English language
38 learners, the city-wide council on high schools, community school board
39 or community district education council.

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

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

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

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

(c) If the vacancy is not filled by the community council within sixty days after it is declared due to a tie vote for such appointment, the chancellor shall vote with the community council, to break such tie vote. If the community council has failed to fill the vacancy within sixty days after it is declared because of any other reason, the chancellor shall order the community council to do so pursuant to section twenty-five hundred ninety-1 of this article.

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

7. (a) Each community council shall prepare and submit to the city board a performance report every month. The information provided shall include community council members' attendance records; participation in community council committees and other community council activities; visits to schools; and voting records on major issues before the community council.

(b) The city board shall review and consolidate the performance reports into one comprehensive city district-wide report, which shall be disseminated to the community and the media semiannually.

8. The chancellor shall: (a) develop a process to ensure a uniform election process for parent associations and parent-teacher associations. Such process shall ensure uniformity with respect to timing of elections and the structure and size of the body.

(b) develop a process for nomination of candidates for community council membership. Such process will outline in detail the procedure which must be followed to present a name for consideration, ~~[shall prohibit officers of any parent association or parent teacher association from being nominated,~~] may include qualifications and prohibitions in addition to those outlined in this section and may allow for an interview process for nominees.

(c) develop selection procedures for community council members which shall attempt to ensure membership that reflects a representative cross-section of the communities within the school district and diversity of the student population including those with particular educational needs, shall include consideration of the enrollment figures within each community district and the potential disparity of such enrollment from school to school within the district, and shall ensure that, to the extent possible, a school may have no more than one parent representative on the community council. Such procedures shall ensure that at least one position on the community council is filled by a parent of a student who is an English language learner, and at least one position is filled by a parent of a student with an individualized education

1 program, and shall allow for the seven remaining positions to be filled
2 by parents who are otherwise eligible.

3 (d) promulgate rules and regulations requiring financial disclosure by
4 the nominees and policies prohibiting political endorsements of and
5 campaign contributions to nominees.

6 (e) beginning in January of each school year and continuing until the
7 date of selection, ensure the distribution of guides to parents in addi-
8 tion to information regarding community council roles, functions, and
9 activities, including upcoming parents' association and parent-teacher
10 association elections, candidate information, and the nature of the
11 selection process.

12 Prior to the adoption of the processes, procedures, rules or regu-
13 lations set forth in this subdivision, the chancellor shall ensure that
14 there is an inclusive public process which allows for sufficient public
15 input from parents and the community including public hearings. All such
16 processes, procedures, rules or regulations must be final in sufficient
17 time to assure for an orderly implementation and notification of such
18 processes, procedures, rules or regulations to allow for full community
19 participation in the nomination and selection processes and procedures.

20 § 3. Subdivision 1 of section 2590-d of the education law, as amended
21 by chapter 123 of the laws of 2003, is amended to read as follows:

22 1. The city board and the chancellor shall prescribe such by-laws and
23 regulations as may be necessary to make effectual the provisions of this
24 chapter and for the conduct of the proceedings of said board consistent
25 with the requirements of this article. The city board by-laws shall
26 include a process by which any member of the city board may request that
27 items be placed on the city board's agenda. Such request may be made at
28 a city board regular public meeting or prior to such meeting. If a
29 member of the city board requests that an item be placed on the agenda
30 at a regular public meeting of the city board, then the chairperson
31 shall respond to the request at such meeting. If a member of the city
32 board requests that an item be placed on the agenda at any time prior to
33 a regular public meeting of the city board, then the chairperson shall
34 respond to the request at any time prior to the subsequent regular
35 public meeting. Said by-laws and regulations shall be published and
36 indexed and revised at least annually. Copies of such by-laws and regu-
37 lations shall be made available for public inspection via the city
38 board's official internet web site, at the offices of the city board,
39 each community council, the office of the commissioner of education, and
40 the legislative library in Albany, and at such other places as the city
41 board may deem proper.

42 § 4. Section 2590-e of the education law is amended by adding two new
43 subdivisions 20 and 21 to read as follows:

44 20. Consult on the selection of a community superintendent pursuant to
45 subdivision thirty of section twenty-five hundred ninety-h of this arti-
46 cle.

47 21. Hold a joint public hearing with the chancellor or deputy chancel-
48 lor, or in the case of a proposed significant change in school utiliza-
49 tion the chancellor or his or her designee, and the impacted school
50 based management team regarding any proposed school closing or signif-
51 icant change in school utilization, including the phase-out, grade
52 reconfiguration, re-siting, or co-location of schools, of any public
53 school located within the community district pursuant to subdivision
54 two-a of section twenty-five hundred ninety-h of this article.

55 § 5. Section 2590-f of the education law, as added by chapter 720 of
56 the laws of 1996, paragraphs (s) and (t) of subdivision 1 and subdivi-

sions 2 and 3 as amended and paragraph (u) of subdivision 1 as added by chapter 123 of the laws of 2003, is amended to read as follows:

§ 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 [including parents, teachers, and school support personnel, who shall be selected and shall operate in a manner prescribed by chancellor's regulations] 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, [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] 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.

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

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

21 (h-1) to establish a process that allows for school based management
22 team members, other than the principal, to dispute any decision made by
23 the principal where such team members reach a consensus that the deci-
24 sion is inconsistent with the goals and policies set forth in their
25 school's existing comprehensive educational plan. The community super-
26 intendent shall provide a written response to the school based manage-
27 ment team and the principal that includes the information reviewed and
28 the basis for the community superintendent's decision regarding such
29 dispute.

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

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

41 (k) subject to subdivision three of section twenty-five hundred nine-
42 ty-e of this article and this section, to approve or disapprove matters
43 relating to the instruction of students, including the power to disap-
44 prove school choices with respect to selection of textbooks and other
45 instructional materials.

46 (1) (1) to provide assistance and direct support to parents in access-
47 ing information, addressing concerns and responding to complaints relat-
48 ing to their child's education that cannot be resolved at the school
49 level.

50 (2) to operate administrative offices and similar facilities, includ-
51 ing social centers, and recreational and extracurricular programs, under
52 the district's jurisdiction, and the duty to support the operation of
53 school facilities. The community superintendent shall establish a
54 central office within the district and hire and supervise sufficient
55 staff to directly interact with parents, respond to information
56 requests, receive input and comments, assist the community superinten-

1 dent in resolving complaints in a timely manner, and work to develop a
2 cooperative relationship with parents and the school community.

3 (m) subject to regulations or resolutions of the city board, to oper-
4 ate cafeteria or restaurant services for pupils and teachers and for the
5 use by the community for school related functions and activities and to
6 furnish meals to the elderly, sixty years of age or older, of the
7 district. Charges shall be sufficient to meet the direct cost of prepar-
8 ing and serving such meals, reducible by available reimbursements.

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

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

19 (p) in compliance with rules and regulations of the commissioner,
20 promulgated pursuant to section one hundred one-a of this chapter, to
21 give written notice to the family court pursuant to subdivision three of
22 section seven hundred fifty-eight-a and subdivision three of section
23 353.6 of the family court act of the desire of any school under the
24 jurisdiction of the community district to act in the supervision of
25 certain juveniles while performing services for the public good.

26 (q) to take all necessary steps to ensure the integrity of community
27 district operations, consistent with standards, policies, objectives,
28 and regulations [promulgated by the chancellor and the city board] of
29 the city district.

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

33 (s) to provide written notice and other related information described
34 in ~~[paragraph (b) of]~~ subdivision ~~[four]~~ forty-eight of section twenty-
35 five hundred ~~[ninety-e]~~ ninety-h of this article to every parent of a
36 child, including a child with a disability, attending a school under the
37 jurisdiction of his or her community district education council as
38 directed by the chancellor.

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

44 (u) to provide relevant data to the community district education coun-
45 cil to encourage informed and adequate public discussion on student
46 achievement and the state of each school within the district.

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

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

10 2. In exercising such powers and duties each community superintendent
11 shall comply with all applicable provisions of law, by-laws, rules or
12 regulations, directives or agreements of the chancellor and his or her
13 community district education council and with the city-wide educational
14 policies established by the city board and his or her community district
15 education council, including performance standards addressed to adminis-
16 tration and educational effectiveness, and any requirements for continu-
17 ing training and education, embodied in standards, circulars or regu-
18 lations promulgated by the chancellor provided however, that the
19 chancellor shall ensure that community superintendents are assigned to
20 tasks predominantly within their own community districts and that in no
21 event shall community superintendents be assigned any task which would
22 impair their ability to exercise the powers and duties enumerated within
23 this section, such as responding to parental comments and concerns,
24 appointing and evaluating principals, approving school-based budgets,
25 overseeing educational instruction, providing access to information and
26 assisting with resolving complaints.

27 3. No person who has served as a member of a community district educa-
28 tion council may be employed by that board or the community superinten-
29 dent of that district within a period of three years after the termi-
30 nation of such service unless such person qualifies for the position
31 pursuant to a competitive examination and applicable provisions of the
32 civil service law.

33 § 6. Section 2590-g of the education law, as amended by chapter 91 of
34 the laws of 2002, subdivision 4 as amended by chapter 123 of the laws of
35 2003, is amended to read as follows:

36 § 2590-g. Powers and duties of the city board. The city board shall
37 advise the chancellor on matters of policy affecting the welfare of the
38 city school district and its pupils. The board shall exercise no execu-
39 tive power and perform no executive or administrative functions. Noth-
40 ing herein contained shall be construed to require or authorize the
41 day-to-day supervision or the administration of the operations of any
42 school within the city school district of the city of New York. The
43 board shall have the power and duty to:

44 1. (a) approve standards, policies, and objectives[, ~~and regulations~~]
45 proposed by the chancellor directly related to educational achievement
46 and student performance; [~~and~~]

47 (b) consider and approve any other standards, policies, and objec-
48 tives[, ~~and regulations~~] as specifically authorized or required by state
49 or federal law or regulation;

50 (c) approve all regulations proposed by the chancellor or the city
51 board and any amendments made thereto;

52 (d) approve the educational facilities capital plan, and any amend-
53 ments requiring city board approval pursuant to section twenty-five
54 hundred ninety-p of this article, following any applicable hearings
55 conducted by the community district education councils;

1 (e) approve annual estimates of the total sum of money which it deems
2 necessary for the operation of the city district and the capital budget
3 pursuant to section twenty-five hundred ninety-q of this article;

4 (f) approve the allocation of projected revenues among community
5 districts and their schools pursuant to subdivision a of section twen-
6 ty-five hundred ninety-r of this article and to approve the aggregation
7 of the community district budgets, with a proposed budget for adminis-
8 trative and operational expenditures of the city board and the cancel-
9 lor, following a public hearing pursuant to subdivision f of section
10 twenty-five hundred ninety-r of this article;

11 (g) approve a procurement policy for the city district, and any amend-
12 ments made thereto, developed pursuant to subdivision thirty-six of
13 section twenty-five hundred ninety-h of this article; and

14 (h) approve proposals for all school closures or significant changes
15 in school utilization including the phase-out, grade reconfiguration,
16 re-siting, or co-location of schools, following any hearing pursuant to
17 subdivision two-a of section twenty-five hundred ninety-h of this arti-
18 cle.

19 2. for all purposes, be the government or public employer of all
20 persons appointed or assigned by the city board or the community
21 districts; provided, however, that the chancellor shall have the author-
22 ity to appoint staff pursuant to subdivision forty-one of section twen-
23 ty-five hundred ninety-h of this article;

24 2-a. adopt a policy proposed by the chancellor that promotes the
25 recruitment and retention of a workforce at the city district, community
26 district and school level that considers the diversity of the students
27 attending the public schools within the city district. The city board
28 shall review at a regular public meeting an annual report issued by the
29 chancellor outlining the initiatives taken to enhance diversity and
30 equity in recruitment and retention and the impacts of such initiatives
31 to the workforce at the city district, community district and school
32 level;

33 3. serve as the appeal board as provided in section twenty-five
34 hundred ninety-l of this article, and subject to such powers, duties,
35 and restrictions as were in effect before the effective date of this
36 section;

37 4. subject to the provisions of section twenty-five hundred ninety-i
38 of this article, maintain such jurisdiction over city-wide educational
39 policies governing the special, academic, vocational, and other high
40 schools authorized by this article before the effective date of this
41 section as the respective community district education councils maintain
42 over the schools within their jurisdiction, which shall not be construed
43 to require or authorize the day-to-day supervision or the administration
44 of the operations of such schools.

45 ~~5. [Approve contracts that would significantly impact the provision of~~
46 ~~educational services or programming within the district.]~~ (a) Approve
47 any contract awarded by the city district or the community districts
48 where:

49 (i) such contract was let by a procurement method other than compet-
50 itive sealed bidding pursuant to subdivision thirty-six of section twen-
51 ty-five hundred ninety-h of this article, including but not limited to
52 competitive sealed proposals, or sole source contracts;

53 (ii) such contract provides for technical, consultant or personal
54 services;

55 (iii) the value of such contract exceeds, or projects an annual
56 expenditure exceeding one million dollars; or

1 (iv) the value of any contracts awarded to a single entity exceeds one
2 million dollars annually;

3 (b) Approve all franchises, revocable consents, and concessions
4 awarded by the city district or the community districts.

5 (c) Notwithstanding paragraphs (a) and (b) of this subdivision, city
6 board approval shall not be required for any contract with the United
7 States General Services Administration or any other federal agency, if
8 the price is lower than the prevailing market price, or the New York
9 state office of general services or any other state agency, if the price
10 is lower than the prevailing market price, or for any contract made
11 directly by an individual school.

12 6. Approve litigation settlements only when such settlement would
13 significantly impact the provision of educational services or program-
14 ming within the district.

15 6-a. Approve by-laws for the city board pursuant to section twenty-
16 five hundred ninety-d of this article.

17 7. All items requiring city board approval shall be by a public vote
18 at a regular public meeting, consistent with the requirements contained
19 within subdivision one of section twenty-five hundred ninety-b of this
20 article, and such items shall not become effective until after such vote
21 occurs except as expressly authorized in subdivision nine of this
22 section.

23 8. (a) Prior to the approval of any proposed item listed in subdivi-
24 sion one of this section, undertake a public review process to afford
25 the public an opportunity to submit comments on the proposed item. Such
26 public review process shall include notice of the item under city board
27 consideration which shall be made available to the public, including via
28 the city board's official internet website, and specifically circulated
29 to all community superintendents, community district education councils,
30 community boards, and school based management teams, at least forty-five
31 days in advance of any city board vote on such item. Notice of the
32 proposed item under city board consideration shall include:

33 (i) a description of the subject, purpose and substance of the
34 proposed item under consideration;

35 (ii) information regarding where the full text of the proposed item
36 may be obtained;

37 (iii) the name, office, address, email and telephone number of a city
38 district representative, knowledgeable on the item under consideration,
39 from whom any information may be obtained concerning such item;

40 (iv) date, time and place of any hearing regarding the proposed item,
41 if applicable;

42 (v) date, time and place of the city board meeting at which the city
43 board will vote on the proposed item; and

44 (vi) information on how to submit written or oral comments regarding
45 the item under consideration.

46 (b) In the event that a proposed item listed in subdivision one of
47 this section is substantially revised at any time following the public
48 notice provided pursuant to paragraph (a) of this subdivision, the city
49 board shall issue a revised public notice. Such revised notice shall be
50 available at least fifteen days in advance of any city board vote on the
51 proposed item, but in no event shall the city board vote on any such
52 item within forty-five days from the initial public notice provided
53 pursuant to paragraph (a) of this subdivision. Revised public notice of
54 the item under city board consideration shall include:

55 (i) a description of the subject, purpose and substance of the revised
56 item under consideration;

1 (ii) identification of all substantial revisions to the item;
2 (iii) a summary of all public comments received on such item following
3 the initial public notice pursuant to paragraph (a) of this subdivision;
4 (iv) information regarding where the full text of the revised item may
5 be obtained;
6 (v) the name, office, address, email and telephone number of a city
7 district representative, knowledgeable on the item under consideration,
8 from whom any information may be obtained concerning such item;
9 (vi) date, time and place of any hearing regarding the item, if appli-
10 cable;
11 (vii) date, time and place of the city board meeting at which the city
12 board will vote on the item; and
13 (viii) information on how to submit written or oral comments regarding
14 the item under consideration.
15 (c) Following the public review process pursuant to paragraph (a) or
16 (b) of this subdivision but prior to voting on any proposed item listed
17 in subdivision one of this section, the city board shall make available
18 to the public, including via the city board's official internet web
19 site, an assessment of all public comments concerning the item under
20 consideration received prior to twenty-four hours before the city board
21 meeting at which such item is subject to a vote. Such assessment shall
22 include:
23 (i) a summary and an analysis of the issues raised and significant
24 alternatives suggested;
25 (ii) a statement of the reasons why any significant alternatives were
26 not incorporated into the proposed item;
27 (iii) a description of any changes made to the proposed item as a
28 result of public comments received; and
29 (iv) information as to where the full text of any approved item may be
30 obtained.
31 9. In the event the city board or the chancellor determines that imme-
32 diate adoption of any item requiring city board approval is necessary
33 for the preservation of student health, safety or general welfare and
34 that compliance with the requirements of subdivision seven or eight of
35 this section would be contrary to the public interest, then such
36 proposed item may be adopted on an emergency basis. The city board or
37 chancellor shall provide written justification for such determination
38 and make such justification publicly available including via the city
39 board's official internet web site. Except as expressly authorized for
40 school closures or significant changes in school utilizations pursuant
41 to paragraph (f) of subdivision two-a of section twenty-five hundred
42 ninety-h of this article, all emergency adoptions shall only remain in
43 effect for sixty days, during such time the city board shall comply with
44 the requirements of this subdivision in order for the adoption of the
45 item to become permanent.
46 10. Respond, at a regular public meeting, to the recommendations
47 raised in the annual reports issued by the city-wide council on special
48 education, the city-wide council on English language learners and the
49 city-wide council on high schools.
50 11. Conduct an annual survey to allow parents, teachers and school
51 personnel to evaluate the performance of the city board and the chancel-
52 lor with regards to city district resources, oversight and curriculum.
53 The results of such survey shall be made publicly available including
54 via the city board's official internet website.
55 12. Provide information, data, estimates and statistics regarding all
56 matters relating to the city district as requested by the director of

1 the independent budget office of the city of New York or the comptroller
2 of the city of New York, in a timely fashion.

3 § 7. Section 2590-h of the education law, as amended by chapter 720 of
4 the laws of 1996, the opening paragraph, subdivisions 16, 17, 18, 29, 36
5 and 37 as amended and subdivisions 16-a, 30, 38-a, 41, 42, 43, 45, 46
6 and 47 as added by chapter 91 of the laws of 2002, paragraph (a) of
7 subdivision 1, subdivisions 2, 9, 11, 13, 15, 31, 38, 39, 40 and 44 as
8 amended and paragraph (b-1) of subdivision 15 as added by chapter 123 of
9 the laws of 2003, subdivision 20 as amended by chapter 100 of the laws
10 of 2003 and paragraph (b) of subdivision 39 and paragraph (c) of subdi-
11 vision 40 as amended by chapter 285 of the laws of 2007, is amended to
12 read as follows:

13 § 2590-h. Powers and duties of chancellor. The office of chancellor
14 of the city district is hereby continued. Such chancellor shall serve at
15 the pleasure of and be employed by the mayor of the city of New York by
16 contract. The length of such contract shall not exceed by more than two
17 years the term of office of the mayor authorizing such contract. The
18 chancellor shall receive a salary to be fixed by the mayor within the
19 budgetary allocation therefor. He or she shall exercise all his or her
20 powers and duties in a manner not inconsistent with the city-wide educa-
21 tional policies of the city board. The chancellor shall have the
22 following powers and duties as the superintendent of schools and chief
23 executive officer for the city district, which the chancellor shall
24 exercise to promote an equal educational opportunity for all students in
25 the schools of the city district, promote fiscal and educational equity,
26 increase student achievement and school performance and encourage local
27 school-based innovation, including the power and duty to:

28 1. Control and operate:

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

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

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

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

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

55 2. Establish, control and operate new schools or programs of the types
56 specified in subdivision one of this section, or to discontinue any such

1 schools and programs as he or she may determine; provided, however, that
2 the chancellor shall consult with the affected community district educa-
3 tion council before:

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

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

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

9 2-a. (a) Notwithstanding any other provision to the contrary, prepare
10 an educational impact statement regarding any proposed school closing or
11 significant change in school utilization, including the phase-out, grade
12 reconfiguration, re-siting, or co-location of schools, for any public
13 school located within the city district.

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

17 (i) the current and projected pupil enrollment of the affected school,
18 the prospective need for such school building, the ramifications of such
19 school closing or significant change in school utilization upon the
20 community, initial costs and savings resulting from such school closing
21 or significant change in school utilization, the potential disposability
22 of any closed school;

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

25 (iii) an outline of any proposed or potential use of the school build-
26 ing for other educational programs or administrative services;

27 (iv) the effect of such school closing or significant change in school
28 utilization on personnel needs, the costs of instruction, adminis-
29 tration, transportation, and other support services;

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

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

36 (vii) information regarding such school's academic performance includ-
37 ing whether such school has been identified as a school under registra-
38 tion review or has been identified as a school requiring academic
39 progress, a school in need of improvement, or a school in corrective
40 action or restructuring status.

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

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

1 hearing is widely and conspicuously posted in such a manner to maximize
2 the number of affected individuals that receive notice, including
3 providing notice to affected parents and students, and shall also notify
4 members of the community boards and the elected state and local offi-
5 cials who represent the affected community district.

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

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

34 (f) In the event that the chancellor determines that a school closing
35 or significant change in school utilization is immediately necessary for
36 the preservation of student health, safety or general welfare, the chan-
37 cellor may temporarily close a public school or adopt a significant
38 change in the school's utilization on an emergency basis. Such emergency
39 school closing or significant change in school utilization shall only
40 remain in effect for six months, during such time the chancellor shall
41 comply with the requirements of this subdivision in order for such
42 school closure or significant change in school utilization to extend
43 beyond the six month period.

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

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

52 5. Retain jurisdiction over all employees who are required in
53 connection with the performance of duties with respect to the design,
54 construction, operation and maintenance of all school buildings in the
55 city school district. Such employees shall have all rights accorded them
56 under the provisions of the civil service law, including manner of

1 appointment, classification, promotion, transfer and removal including
2 an opportunity to be heard provided, however, that each custodian shall
3 be responsible for the performance of his or her duties to the principal
4 of the school who shall be responsible to the district superintendent.

5 6. Employ or retain counsel subject to the powers and duties of the
6 corporation counsel of the city of New York to be his or her attorney
7 and counsel pursuant to subdivision a of section three hundred ninety-
8 four of the New York city charter; provided, however, that in actions or
9 proceedings between the city board or the chancellor and one or more
10 community boards, the city board or the chancellor shall be represented
11 by the corporation counsel of the city of New York.

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

15 8. Promulgate minimum clear educational standards, curriculum require-
16 ments and frameworks, and mandatory educational objectives applicable to
17 all schools and programs throughout the city district, and examine and
18 evaluate periodically all such schools and programs with respect to

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

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

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

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

30 11. Require such community district education council or superinten-
31 dent to make such number of periodic reports as may be necessary to
32 accomplish the purposes of this chapter.

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

38 (a) Technical assistance to community districts and schools;

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

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

44 (d) Reinforce and foster connections to institutions of higher educa-
45 tion to promote student achievement.

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

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

4 (a) establishing a parents' association or a parent-teachers' associ-
5 ation in each school under the chancellor's jurisdiction; and ensuring
6 that the districts do the same; the chancellor shall ensure that meet-
7 ings of such parents' associations or parent-teachers' associations
8 shall comply with section four hundred fourteen of this chapter;

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

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

27 (i) develop an annual school comprehensive educational plan [~~that is~~
28 ~~aligned with~~] and consult on the school-based budget pursuant to section
29 twenty-five hundred ninety-r of this article. Such school comprehensive
30 educational plan shall be developed concurrently with the development of
31 the school-based budget so that it may inform the decision-making proc-
32 ess and result in the alignment of the comprehensive educational plan
33 and the [~~school-based~~] school-based budget for the ensuing school year.
34 Such plan shall be submitted to the [~~district~~] community superintendent
35 along with the principal's written justification demonstrating that the
36 school-based budget proposal is aligned with the school's comprehensive
37 educational plan and the school based management team's response to such
38 justification pursuant to paragraph (h) of subdivision one of section
39 twenty-five hundred ninety-f of this article. In the case of special-
40 ized, academic, vocational, and other high schools that are not under
41 the jurisdiction of a community superintendent, such plan shall be
42 submitted to the chancellor pursuant to subdivision e of section twen-
43 ty-five hundred ninety-r of this article. The chancellor shall ensure
44 that the comprehensive educational plan of every school within the city
45 district is easily accessible and be made available for public
46 inspection including via the city board's official internet website;

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

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

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

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

3 (vi) dispute any decision made by the principal to the community
4 superintendent pursuant to section twenty-five hundred ninety-f of this
5 article where members of the school based management team, other than
6 the principal, reach a consensus that the decision is inconsistent with
7 the goals and policies set forth in the school's existing comprehensive
8 educational plan; and

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

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

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

21 (ii) the rights of parents, persons in parental relation and guardians
22 to take legal action and appeal the decisions of the school adminis-
23 tration, as authorized by law;

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

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

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

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

36 16-a. Create standards, policies, and objectives and promulgate regu-
37 lations directly related to maintaining the internal fiscal integrity of
38 administrative operations by the chancellor, the community districts,
39 and the schools.

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

44 18. Possess those powers and duties contained in section nine hundred
45 twelve of this chapter and those provisions of article fifteen of this
46 chapter which relate to non-public schools, those powers and duties
47 contained in section five hundred twenty-two of the New York city char-
48 ter, and those powers and duties contained in article seventy-three of
49 this chapter, the exercise of which shall be in a manner not inconsis-
50 tent with the provisions of this article and the city-wide educational
51 policies of the city board.

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

55 20. Ensure compliance with qualifications established for all person-
56 nel employed in the city district, including the taking of fingerprints

1 as a prerequisite for licensure and/or employment of such personnel.
2 Every set of fingerprints taken pursuant to this subdivision shall be
3 promptly submitted to the division of criminal justice services where it
4 shall be appropriately processed. Furthermore, the division of criminal
5 justice services is authorized to submit the fingerprints to the federal
6 bureau of investigation for a national criminal history record check.

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

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

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

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

21 25. On the chancellor's own initiative, or at the request of a commu-
22 nity superintendent, transfer a principal employed by a community school
23 district pursuant to an agreement with the employee organization repres-
24 enting such principals. The chancellor shall establish a procedure for
25 consulting with affected parents to explain any such transfer. Consist-
26 ent with section twenty-five hundred ninety-i of this article, including
27 without limitation subdivision three thereof, and subdivision one there-
28 of with respect to the rights and obligations of a school to which a
29 principal is transferred, in addition to any other law providing for the
30 transfer of principals, the chancellor also may cause the transfer or
31 removal of principals for persistent educational failure, conflicts of
32 interest, and ethics violations, and may require principals to partic-
33 ipate in training and other remedial programs to address identified
34 factors affecting student achievement and school performance.

35 26. Establish educational and experience qualifications and require-
36 ments for all custodial positions including, but not limited to, custo-
37 dians and custodial engineers and develop standards for evaluating the
38 performance of all such individuals, subject to approval of the city
39 board. Such performance standards shall include, but not be limited to:
40 the cleanliness of facilities; adequacy and timeliness of minor repairs;
41 maintenance of good working order of facilities and grounds; general
42 facilities improvement; and emergency services. The chancellor shall
43 promulgate regulations setting forth the respective responsibilities of
44 the district plant manager, which shall include regular consultation and
45 ongoing reports to the community superintendent, and the principal of
46 each school for evaluating the performance of the custodial employees
47 assigned to his or her school, in accordance with such performance stan-
48 dards, and such performance evaluations shall be given dominant weight
49 in any decision for the purposes of: advancement; continued employment;
50 building transfers; and other performance incentives. The responsibility
51 of the principal of each school in the evaluation of custodial employees
52 may be a matter for collective bargaining with collective bargaining
53 representatives for principals.

54 27. ~~Develop~~ **Promulgate regulations**, in conjunction with each commu-
55 nity superintendent, **establishing** a plan for providing access to school
56 facilities in each community school district, when not in use for school

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

6 29. Promulgate regulations establishing educational, managerial, and
7 administrative qualifications, performance record criteria, and perform-
8 ance standards for the positions of superintendent and principal.

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

15 31. Intervene in any district or school which is persistently failing
16 to achieve educational results and standards approved by the city board
17 or established by the state board of regents, or has failed to improve
18 its educational results and student achievement in accordance with such
19 standards or state or city board requirements, or in any school or
20 district in which there exists, in the chancellor's judgment, a state of
21 uncontrolled or unaddressed violence. The chancellor may, in addition to
22 exercising any other powers authorized by this article, require such
23 school principal, or district as the case may be, to prepare a correc-
24 tive action plan, with a timetable for implementation of steps accepta-
25 ble to the chancellor to reach improvement goals consistent with city
26 board standards and educational results. The chancellor may require the
27 school or district to alter or improve the corrective action plan, or
28 may directly modify the plan. The chancellor shall monitor implementa-
29 tion of the plan, and, if the school or district fails to implement it,
30 may supersede any inconsistent decision of the school principal, commu-
31 nity district education council or community superintendent; assume
32 joint or direct control of the operation of the school or district to
33 implement the corrective action plan; or take any other action author-
34 ized by this article. Any action of the chancellor to supercede an
35 inconsistent decision of the school principal, community district educa-
36 tion council or community superintendent, or to assume joint or direct
37 control of the operation of the school or district pursuant to this
38 subdivision may be appealed to the city board in accordance with section
39 twenty-five hundred ninety-g of this article.

40 32. Appoint a deputy, for each borough of the city of New York,
41 responsible for coordinating and periodically meeting and consulting
42 with the borough president, the chancellor and the community superinten-
43 dents in the borough on borough-specific issues and issues of borough-
44 wide significance, including the provision of services in support of
45 schools and community districts such as transportation, purchasing,
46 capital planning, and coordination with municipal services, and chancel-
47 lor and city board policy with respect to the high schools.

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

51 35. Take all necessary steps to promote the effectiveness and integri-
52 ty of school-based budgeting pursuant to section twenty-five hundred
53 ninety-r of this article, including the obligations imposed by subdivi-
54 sion thirty-seven of this section.

55 36. Develop a procurement policy for the city school district of the
56 city of New York and the community districts and public schools there-

1 in[~~Such policy shall~~] to ensure the wise and prudent use of public
2 money in the best interest of the taxpayers of the state; guard against
3 favoritism, improvidence, extravagance, fraud, and corruption; and
4 ensure that contracts are awarded consistent with law and on the basis
5 of best value, including, but not limited to, the following criteria:
6 quality, cost and efficiency.

7 (a) Such policy shall specifically include:

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

11 (ii) processes for awarding contracts using alternatives to compet-
12 itive sealed bidding where competitive sealed bidding is not practicable
13 or not advantageous, in which case the most competitive alternative
14 method of procurement, which is appropriate under the circumstances,
15 shall be used consistent with the requirements of subparagraph (vii) of
16 this paragraph;

17 (iii) measures to enhance the ability of minority and women owned
18 business enterprises to compete for contracts and to ensure their mean-
19 ingful participation in the procurement process;

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

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

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

26 (vii) requiring written justification for the basis, including the
27 efficiency, benefit, and necessity, for awarding a contract using
28 procurement methods other than competitive sealed bidding including
29 competitive sealed proposals and sole source contracts, and for awarding
30 technical, consultant, or personal services contracts, franchises, revo-
31 cable consents, or concessions. Such written justification shall be
32 filed with the comptroller of the city of New York along with the corre-
33 sponding contract, franchise, revocable consent, or concession;

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

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

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

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

51 (b) Consistent with the provisions of paragraph (a) of this subdivi-
52 sion such policy shall also include: [~~a~~] (i) standards for quality,
53 function, and utility of all material goods, supplies, and services
54 purchased by the chancellor, superintendents, or schools; [~~b~~] regu-
55 lations for the purchase of material goods, supplies, and services by
56 the chancellor, the superintendents, and the schools, including clearly

1 articulated procedures which require a clear statement of product spec-
2 ifications, requirements or work to be performed, a documentable process
3 of soliciting bids, proposals, or other offers, and a balanced and fair
4 method, established in advance of receipt of offers, for evaluating
5 offers and awarding contracts; (c)] (ii) regulations which enable super-
6 intendents and schools to purchase material goods, supplies, and
7 services directly from vendors or suppliers when such products are
8 available at prices or other terms more economically beneficial for the
9 purposes of the acquiring superintendent or school; and [(d)] (iii)
10 regulations shall include repair services and building supplies, as
11 defined in such regulations, for expenditures from each district's minor
12 repair and purchasing funds pursuant to section twenty-five hundred
13 ninety-r of this article.

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

24 (d) (i) No contract, franchise, revocable consent or concession shall
25 be implemented until a copy has been filed with the comptroller of the
26 city of New York and either such comptroller has registered it or thirty
27 days have elapsed from the date of filing, whichever is sooner, unless
28 an objection has been filed pursuant to subparagraph (iii) of this para-
29 graph, or the comptroller of the city of New York has grounds for not
30 registering such contract or agreement under subparagraph (ii) of this
31 paragraph.

32 (ii) Subject to the provisions of subparagraph (iii) of this para-
33 graph, the comptroller of the city of New York shall register such
34 contract or agreement within thirty days unless such comptroller has
35 information indicating that:

36 (1) there remains no unexpended and unapplied balance of the appropri-
37 ation or fund applicable thereto, sufficient to pay the estimated
38 expense of executing such contract or agreement;

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

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

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

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

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

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

8 (e) The requirements of paragraphs (c) and (d) of this subdivision
9 shall not apply to an emergency contract awarded pursuant to subpara-
10 graph (x) of paragraph (a) of this subdivision, provided that the chan-
11 cancellor shall comply with the requirements of paragraphs (c) and (d) of
12 this subdivision as soon as practicable.

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

38 38. To exercise all of the duties and responsibilities of the employ-
39 ing board as set forth in section three thousand twenty-a of this chap-
40 ter with respect to any member of the teaching or supervisory staff of
41 schools under the jurisdiction of the community district education coun-
42 cils. The chancellor shall exercise all such duties and responsibilities
43 for all community districts or may delegate the exercise of all such
44 duties and responsibilities to all of the community superintendents of
45 the city district.

46 38-a. To exercise all of the duties and responsibilities of the
47 employing board as set forth in section three thousand twenty-a of this
48 chapter with respect to any member of the teaching or supervisory staff
49 of schools which are not covered under subdivision thirty-eight of this
50 section. Provided, however that the city board shall maintain jurisdic-
51 tion over any consequence resulting from an employee waiver of a hear-
52 ing, as provided for in paragraph (d) of subdivision two of section
53 three thousand twenty-a of this chapter.

54 39. (a) Prescribe regulations and by-laws requiring members of the
55 city board, the chancellor, and any other officer or employee in schools
56 and programs under the jurisdiction of the city board and the chancellor

1 to make annual written disclosure to the chancellor, of the following
2 information:

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

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

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

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

25 (e) Disclosures made pursuant to the requirements of this subdivision
26 and any notification of failure to make disclosures shall be made avail-
27 able for public inspection during regular business hours on regular
28 business days.

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

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

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

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

43 (iii) investments in securities and real property;

44 (iv) amount of debts and names of creditors;

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

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

49 (c) Willful failure to file required financial reports shall consti-
50 tute cause for removal from office of any member of the city board or
51 for any other officer or employee disciplinary action and such other
52 penalty as may be provided by law.

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

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

1 board as shall no longer be required for use therein. Such disposition
2 shall be made in the name of the city of New York and for such city.

3 (b) The chancellor may sell, at prices as may be agreed upon, such
4 manufactured articles or other products of any school of the district,
5 day and evening, as may not be utilized by the city board, and all
6 moneys realized by the sale thereof shall be paid into the city treasury
7 and shall at once be appropriated by the city to a special fund to be
8 administered by the city board for such purposes as such board, in its
9 discretion, may determine. All other moneys realized by the sale of
10 personal property shall be paid into the city treasury and shall at once
11 be appropriated by the city to the special school fund of the city board
12 for use in the borough in which the property sold was situated.

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

16 43. To dispose of, to the best advantage of the city of New York,
17 either by sale or on the basis of money allowance for waste paper, all
18 books delivered to the several public schools of such city that have
19 been discarded either by reason of being obsolete, no longer required by
20 the course of study, worn by long usage, or mutilated by accident. If
21 disposal is made by sale, it shall be to the highest bidder, and the
22 money realized shall be paid into the city treasury and shall at once be
23 appropriated by the city to the special school fund of the city board
24 entitled "supplies". If disposal is made on the basis of money allowance
25 for waste paper, it shall be to the highest bidder. Such discarded books
26 may be disposed of without public advertisement or entry into a formal
27 contract. Should the discarded books be in such condition that no sale
28 or exchange can be made, or should there be reason to believe that such
29 discarded books have become infected through disease among the pupils,
30 or should the superintendent of schools certify that such discarded
31 books contain erroneous, inaccurate, obsolete, or antiquated subject
32 matter, illustrations, maps, charts, or other material, the committee on
33 supplies of the board of education, if such books cannot be sold, given
34 away, or otherwise salvaged as waste paper without danger to the public
35 health, may authorize their destruction by fire, in which event the
36 superintendent of school supplies shall obtain and file in his or her
37 office a certificate that such books have been so destroyed, signed by
38 the principal of the school in which the books are located.

39 44. To provide the proper book or books in which he or she shall cause
40 the class teachers under the direction and supervision of the principal
41 to enter the names, ages, and residences of the pupils attending the
42 school, the name of the parent or guardian of each pupil, and the days
43 on which the pupils shall have attended respectively, and the aggregate
44 attendance of each pupil during the year, and also the day upon which
45 the school shall have been visited by the superintendent of schools or
46 by an associate superintendent of schools or by an assistant superinten-
47 dent, or by members of the city board, or by members of the community
48 district education council, or by any of them, which entry shall be
49 verified by such oath or affirmation of the principal as may be
50 prescribed by the chancellor. Such books shall be preserved as the prop-
51 erty of the chancellor and shall at all times be open to inspection by
52 members of the city board, by members of the community councils and by
53 the superintendent of schools, or by any associate superintendent of
54 schools, or by the assistant superintendents.

55 45. Make rules and regulations for the conduct, operation, and mainte-
56 nance of extra classroom activities and for the safeguarding, account-

ing, 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

1 such initiatives to the workforce at the city district, community
2 district and school level.

3 § 8. Section 2590-i of the education law, as added by chapter 720 of
4 the laws of 1996, paragraph (c) of subdivision 2 as amended by chapter
5 91 of the laws of 2002, is amended to read as follows:

6 § 2590-i. Powers and duties of schools; principals; provisions for the
7 transfer of jurisdiction of high schools. 1. The principal shall be the
8 administrative and instructional leader of the school. Subject to the
9 regulations of the chancellor and applicable collective bargaining
10 agreements and obligations, the principal shall be responsible for the
11 day to day operation of the school and shall carry out these duties in
12 consultation with parents, teachers and other staff, and the school
13 based management team pursuant to section twenty-five hundred ninety-h
14 of this article including:

15 (a) promote an equal educational opportunity for students in the
16 school,

17 (b) subject to school-based budgeting pursuant to section twenty-five
18 hundred ninety-r of this article,

19 (c) subject to collective bargaining obligations and agreements, the
20 budget applicable to the school, and the other provisions of this arti-
21 cle including section twenty-five hundred ninety-j of this article, to
22 make recommendation on staff selection, including through the establish-
23 ment of appropriate objective criteria consistent with chancellor's
24 regulations for filling vacancies based upon the school's instructional
25 and facility needs,

26 (d) subject to the standards and assessments promulgated by the chan-
27 cellor, to develop school-based curricula and syllabi for instruction,
28 and to address other matters relating to the instruction of students,
29 including the selection of texts from lists approved by the chancellor
30 and instructional materials, consistent with regulations of the commis-
31 sioner, and subject to the approval of the superintendent, or chancellor
32 in the case of schools under the jurisdiction of the city board,

33 (e) subject to the approval of the superintendent, or, where appropri-
34 ate, the chancellor and within the limits of funds made available there-
35 for, to enhance teacher and staff development relevant to increasing
36 student achievement, support extended day programs, school reform
37 programs, and pupil-support services,

38 (f) enhance pupil support services by coordinating related programs,

39 (g) to make or arrange for minor repairs as delegated by the chancel-
40 lor or superintendent pursuant to regulations of the chancellor, or as
41 otherwise authorized by law subject to subdivisions thirty-six and thir-
42 ty-seven of section twenty-five hundred ninety-h of this article,

43 (h) subject to subdivisions thirty-six and thirty-seven of section
44 twenty-five hundred ~~[nine-h]~~ ninety-h of this article, identifying and
45 purchasing equipment and supplies that can be purchased for less than if
46 purchased through purchasing arrangements entered into through the city
47 board, the chancellor or the superintendent,

48 (i) to manage and operate the school building and other facilities
49 under its jurisdiction.

50 2. (a) The principal may be removed or transferred by the superinten-
51 dent or the chancellor for persistent educational failure of the school
52 or other cause. Removals may be caused pursuant to section three thou-
53 sand twenty-a of this chapter if applicable. Transfers may be caused
54 pursuant to subdivision twenty-five of section twenty-five hundred nine-
55 ty-h of this article. Any such removal or transfer may be appealed to
56 the city board, during which time the superintendent may appoint an

1 acting principal subject to the approval of the chancellor. Provided
2 however that such appointee must meet qualifications pursuant to para-
3 graph ~~[(d)]~~ (c) of this subdivision. Persistent educational failure of
4 the school shall be defined in regulations of the chancellor to include
5 a pattern of poor or declining achievement; a pattern of poor or declin-
6 ing attendance; disruption or violence; and continuing failure to meet
7 chancellor's performance standards or other standards.

8 (b) The principal may be required by the chancellor or the superinten-
9 dent to participate in training or other forms of staff development or
10 to address identified areas of educational need and promote student
11 achievement and school performance.

12 (c) Principals shall be selected consistent with regulations of the
13 chancellor establishing a process that promotes parental and staff
14 involvement in the recruitment, screening, interviewing and recommenda-
15 tion of candidates. Candidates must meet the requirements of regu-
16 lations of the chancellor establishing educational, managerial, and
17 administrative qualifications, including evaluation of each candidate's
18 record of performance in comparable positions. In the case of schools
19 under the jurisdiction of the community districts, a candidate approved
20 by a community superintendent pursuant to paragraph (e) of subdivision
21 one of section twenty-five hundred ninety-f of this article may nonethe-
22 less, before assuming the position, be rejected by the chancellor for
23 cause. In the case of schools not under the jurisdiction of the commu-
24 nity districts, the chancellor shall additionally consult with members
25 of the school based management team prior to appointing a principal
26 candidate to any such school.

27 3. Provisions for transfer of jurisdiction of high schools. Pursuant
28 to regulations of the chancellor approved by the city board, any high
29 school, other than a special senior academic or vocational high school
30 of city-wide competitive admission, may be transferred from the juris-
31 diction of the city board to the jurisdiction of the community district
32 in which it is located, or from such community district to the city
33 board, upon the consent of the chancellor and the community superinten-
34 dent. In such event, the chancellor and the superintendent shall prompt-
35 ly take all necessary steps to effectuate the transfer.

36 § 9. Paragraph b of subdivision 3 of section 2590-p of the education
37 law, as amended by chapter 123 of the laws of 2003, is amended to read
38 as follows:

39 b. Commencing on November first, nineteen hundred ninety-three, and
40 every five years thereafter, the chancellor shall submit a proposed
41 five-year educational facilities capital plan to take effect on the
42 succeeding July first to each community district education council,
43 which shall conduct a public hearing and shall prepare and submit recom-
44 mendations to the chancellor on or before January first of the ensuing
45 year with respect to matters in the plan that involve that school
46 district. The chancellor shall consider the recommendations received
47 from the community district education councils, and, on or before Febru-
48 ary first of such year, shall submit a final proposed five-year educa-
49 tional facilities capital plan to the city board for its approval pursu-
50 ant to paragraph (d) of subdivision one of section twenty-five hundred
51 ninety-g of this article. ~~[On or before March first of such year, the~~
52 ~~city board shall approve the five-year educational facilities capital~~
53 ~~plan submitted by the chancellor.]~~

54 § 10. Section 2590-r of the education law, as added by chapter 720 of
55 the laws of 1996, is amended to read as follows:

1 § 2590-r. School based budgeting and expenditure reporting. The chan-
2 cellor shall, in consultation with the city board and community district
3 superintendents, establish in regulations a comprehensive process of
4 school-based budgeting and expenditure reporting no later than November
5 first, nineteen hundred ninety-eight. Notwithstanding any provision of
6 section twenty-five hundred ninety-q of this article to the contrary,
7 such regulations shall include provisions for:

8 a. the allocation of projected revenues among community districts and
9 their schools on the basis of objective formulae developed by the chan-
10 cellor, after consultation with the community ~~[boards]~~ councils, commu-
11 nity superintendents and the mayor, and approved by the city board, such
12 formulae shall reflect the relative educational needs of the community
13 districts and their schools to the maximum extent feasible;

14 b. (i) following release of the executive budget of the city of New
15 York by the mayor of the city of New York, the chancellor to inform the
16 principal of each school of that school's preliminary budget allocation,
17 and the principal [of each school] to propose a school-based [expendi-
18 ture] budget, after consulting with members of the school based manage-
19 ment team and soliciting input pursuant to [section] sections twenty-
20 five hundred ninety-h, and twenty-five hundred ninety-i of this article
21 on budget priorities from all members of the school community;

22 (ii) for schools under the jurisdiction of a community superintendent,
23 the principal shall be required to provide written justification, in a
24 form and manner prescribed by the community superintendent pursuant to
25 paragraph (h) of subdivision one of section twenty-five hundred ninety-f
26 of this article, to demonstrate that the school-based budget proposal is
27 aligned with the school's comprehensive educational plan;

28 c. the review, modification ~~[and]~~, approval and certification of the
29 proposed school budget ~~[by the]~~ for schools under the jurisdiction of a
30 community superintendent pursuant to paragraph (h) of subdivision one of
31 section twenty-five hundred ninety-f of this article;

32 d. within amounts estimated by the chancellor, the aggregation of the
33 proposed school-based budgets, as modified and approved by the community
34 superintendent, with a proposed budget for the administrative and opera-
35 tional expenses of the community superintendent and community ~~[board]~~
36 council, as developed by the community superintendent, for submission to
37 the chancellor;

38 e. the chancellor to develop a school-based budgeting process for
39 schools under his or her jurisdiction consistent with this section which
40 shall require that: (i) each principal provide written justification
41 demonstrating that the school-based budget is aligned with such school's
42 comprehensive educational plan; (ii) the school based management team
43 submit comments regarding such justification; and (iii) the chancellor
44 certify that the school-based budget is sufficiently aligned with such
45 school's comprehensive educational plan after reviewing the principal's
46 justification and the school based management team's comments;

47 f. the aggregation of the community district budgets, as modified and
48 approved by the chancellor, with a proposed budget for administrative
49 and operational expenditures of the city board and the chancellor, as
50 prepared by the chancellor, for submission to and adoption by the city
51 board after a public hearing;

52 g. after final adoption of the budget for the city district by the
53 mayor and city council, a process of distributing any reductions or
54 increases required by such adoption in an equitable manner which consid-
55 ers the relative needs of community districts and schools to the maximum
56 extent feasible and for modifying the proposed budget accordingly. Such

1 process shall include an analysis of the relative funding levels of the
2 state, the city, the federal government, and other sources of funds; a
3 comparison of the level of such funding against previous years' total
4 appropriations and actual expenditures; and an analysis of the distrib-
5 ution of funds;

6 h. a comprehensive system of public reporting on the final enacted
7 budget including the levels of appropriation provided by the city, the
8 state and the federal government with a comparison of the level of such
9 funding against previous years' totals, and an explanation of the final
10 budget;

11 i. procedures for schools, superintendents and the chancellor to
12 modify and reallocate monies in the enacted budget;

13 j. a uniform system of budget requests, reports and appropriations.
14 Such units of appropriation shall include (i) such compensation and
15 benefits for staff; (ii) instruction and for pupil services, including
16 costs for purchases, library services, instructional materials, and all
17 other school-based instructional and instructional support costs attrib-
18 utable to other than personal services; (iii) administrative and non-in-
19 structional cost and (iv) extra-curricular activities;

20 k. the provision of appropriate technical support and training to
21 school personnel, parents and other participants in school-based budget-
22 ing;

23 l. a comprehensive planning and monitoring process to promote the
24 implementation of school-based budgeting;

25 m. an annual update of a capital plan by the superintendent with
26 participation of principals and schools, addressing health and safety,
27 maintenance, capacity and technology; and

28 n. a collaborative school-based planning process involving parents,
29 teachers, other school personnel and, where appropriate, students to
30 effectuate the purposes of this section.

31 § 11. The education law is amended by adding two new sections 2590-t
32 and 2590-u to read as follows:

33 § 2590-t. New York city comptroller audits. The comptroller of the
34 city of New York shall have the authority to conduct operational and
35 programmatic audits, in addition to financial audits, of the city
36 district to the same extent that such comptroller has such authority for
37 agencies of the city of New York.

38 § 2590-u. New York city independent budget office reports. 1. The
39 independent budget office of the city of New York shall be authorized to
40 provide analysis and issue public reports regarding financial and educa-
41 tional matters of the city district, to enhance official and public
42 understanding of such matters including but not limited to:

43 (a) student graduation and dropout data;

44 (b) student enrollment projections;

45 (c) school utilization, class sizes and pupil-to-teacher ratios;

46 (d) student assessment data;

47 (e) the delivery of services to students who are in bilingual or
48 English as a second language programs;

49 (f) the delivery of services to students with disabilities;

50 (g) the utilization of federal funds including funds pursuant to title
51 I of the Elementary and Secondary Education Act of nineteen hundred
52 sixty-five, as amended, directed at parental involvement; and

53 (h) matters relating to city district finances.

54 2. In addition to the appropriation available pursuant to section two
55 hundred fifty-nine of the New York city charter, the city of New York
56 shall appropriate during each fiscal year an amount to the independent

1 budget office of the city of New York not less than two and one-half per
2 centum of the appropriations available to pay for the expenses of the
3 office of management and budget of the city of New York during each
4 fiscal year, to carry out the duties and functions assigned in this
5 subdivision.

6 3. The director of the independent budget office of the city of New
7 York shall be authorized to secure such information, data, estimates and
8 statistics from the city board and the chancellor as such director
9 determines to be necessary for the performance of the functions and
10 duties of such office, and the city board and the chancellor shall
11 provide such information, to the extent that it is available, in a time-
12 ly fashion. The director of the independent budget office of the city of
13 New York shall not be entitled to obtain records which are protected by
14 the privileges for attorney-client communications, attorney work prod-
15 uct, and material prepared for litigation.

16 4. The director of the independent budget office of the city of New
17 York shall ensure that such office uses up-to-date appropriate and
18 professionally accepted methodologies in producing annual data reports
19 related to the city district and that such methodologies used are iden-
20 tified in such reports.

21 § 12. Paragraph (c) of subdivision 1 of section 414 of the education
22 law, as amended by chapter 257 of the laws of 1976, is amended to read
23 as follows:

24 (c) For holding social, civic and recreational meetings and enter-
25 tainments, and other uses pertaining to the welfare of the community;
26 but such meetings, entertainment and uses shall be non-exclusive and
27 shall be open to the general public. Civic meetings shall include, but
28 not be limited to, meetings of parent associations and parent-teacher
29 associations.

30 § 13. Section 19 of chapter 738 of the laws of 1988, amending the
31 administrative code of the city of New York, the public authorities law
32 and other laws relating to the New York city school construction author-
33 ity, as amended by chapter 134 of the laws of 2004, is amended to read
34 as follows:

35 § 19. This act shall take effect immediately, provided, however, that
36 the provisions of subdivision 6 of section 209 of the civil service law,
37 as added by section four of this act, shall expire and be deemed
38 repealed on and after June 30, 1995, and further provided that the
39 provisions of section 1735 of the public authorities law, as added by
40 section fourteen of this act, shall expire and be deemed repealed on
41 June 30, ~~2009~~ 2014.

42 § 14. Subdivision 1 of section 1735 of the public authorities law, as
43 amended by chapter 410 of the laws of 1999, is amended to read as
44 follows:

45 1. Notwithstanding the provisions of paragraph b of subdivision one of
46 section seventeen hundred thirty-four of this title, the award of
47 construction contracts by the authority between July first, nineteen
48 hundred eighty-nine and June thirtieth, two thousand ~~two~~ fourteen,
49 shall not be subject to the provisions of section one hundred one of the
50 general municipal law.

51 § 15. Section 34 of chapter 91 of the laws of 2002 amending the educa-
52 tion law and other laws relating to the reorganization of the New York
53 city school construction authority, board of education and community
54 boards, as amended by chapter 123 of the laws of 2003, is amended to
55 read as follows:

1 § 34. This act shall take effect July 1, 2002; provided, that sections
2 one through twenty, twenty-four, and twenty-six through thirty of this
3 act shall expire and be deemed repealed June 30, [2009] 2015; provided,
4 further, that notwithstanding any provision of article 5 of the general
5 construction law, on June 30, [2009] 2015 the provisions of subdivisions
6 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
7 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
8 2554 of the education law as repealed by section three of this act,
9 subdivision 1 of section 2590-b of the education law as repealed by
10 section six of this act, paragraph (a) of subdivision 2 of section
11 2590-b of the education law as repealed by section seven of this act,
12 section 2590-c of the education law as repealed by section eight of this
13 act, paragraph c of subdivision 2 of section 2590-d of the education law
14 as repealed by section twenty-six of this act, subdivision 1 of section
15 2590-e of the education law as repealed by section twenty-seven of this
16 act, subdivision 28 of section 2590-h of the education law as repealed
17 by section twenty-eight of this act, subdivision 30 of section 2590-h of
18 the education law as repealed by section twenty-nine of this act, subdi-
19 vision 30-a of section 2590-h of the education law as repealed by
20 section thirty of this act shall be revived and be read as such
21 provisions existed in law on the date immediately preceding the effec-
22 tive date of this act; provided, however, that sections seven and eight
23 of this act shall take effect on November 30, 2003; provided further
24 that the amendments to subdivision 25 of section 2554 of the education
25 law made by section two of this act shall be subject to the expiration
26 and reversion of such subdivision pursuant to section 12 of chapter 147
27 of the laws of 2001, as amended, when upon such date the provisions of
28 section four of this act shall take effect.

29 § 16. Severability. If any clause, sentence, paragraph, section or
30 part of this act shall be adjudged by any court of competent jurisdic-
31 tion to be invalid and after exhaustion of all further judicial review,
32 the judgment shall not affect, impair or invalidate the remainder there-
33 of, but shall be confined in its operation to the clause, sentence,
34 paragraph, section or part of this act directly involved in the contro-
35 versy in which the judgment shall have been rendered.

36 § 17. This act shall take effect immediately, except that if this act
37 shall have become a law on or after June 30, 2009, this act shall take
38 effect immediately and shall be deemed to have been in full force and
39 effect on and after June 30, 2009; provided that:

40 1. sections one, two, three, four, five, six, seven, eight, nine, ten,
41 eleven and twelve of this act shall take effect June 30, 2009;

42 2. the amendments to section 2590-b of the education law made by
43 section one of this act shall not affect the expiration or repeal of
44 certain provisions of such section and shall expire and be deemed
45 repealed therewith;

46 3. the amendments to section 2590-c of the education law made by
47 section two of this act shall not affect the repeal of such section and
48 shall be deemed repealed therewith;

49 4. the amendments to subdivision 1 of section 2590-d of the education
50 law made by section three of this act shall not affect the expiration of
51 such section and shall be deemed to expire therewith;

52 5. the amendments to section 2590-e of the education law made by
53 section four of this act shall not affect the repeal of such section and
54 shall expire and be deemed repealed therewith;

55 6. the amendments to paragraphs (s) and (t) of subdivision 1 and
56 subdivisions 2 and 3 of section 2590-f of the education law made by

1 section five of this act shall not affect the expiration and reversion
2 of such provisions and shall expire and be deemed repealed therewith;
3 provided further that the amendments to paragraph (u) of subdivision 1
4 of section 2590-f of the education law made by section five of this act
5 shall not affect the repeal of such paragraph and shall expire and be
6 deemed repealed therewith;

7 7. the amendments to section 2590-g of the education law made by
8 section six of this act shall not affect the expiration and reversion of
9 such section and shall expire and be deemed repealed therewith;

10 8. the amendments to section 2590-h of the education law made by
11 section seven of this act shall not affect the expiration and repeal of
12 certain provisions of such section and shall expire and be deemed
13 repealed therewith;

14 9. the amendments to paragraph (c) of subdivision 2 of section 2590-i
15 of the education law made by section eight of this act shall not affect
16 the expiration and reversion of such paragraph and shall expire and be
17 deemed repealed therewith;

18 10. the amendments to subdivision 3 of section 2590-p of the education
19 law made by section nine of this act shall not affect the expiration and
20 reversion of such subdivision and shall expire and be deemed repealed
21 therewith;

22 11. the amendments to section 1735 of the public authorities law made
23 by section thirteen of this act shall not affect the repeal of such
24 section and shall be deemed repealed therewith; and

25 12. any provision in sections one, two, three, four, five, six, seven,
26 eight, nine, ten and eleven of this act not otherwise set to expire
27 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
28 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
29 and be deemed repealed June 30, 2015.