LEXSEE 2003 NY ALS 123

NEW YORK ADVANCE LEGISLATIVE SERVICE

STATENET

Copyright © 2003 by Information for Public Affairs, Inc.

NEW YORK 226TH ANNUAL LEGISLATIVE SESSION
2003-2004 Regular Sessions

CHAPTER 123

SENATE BILL 5688

2003 N.Y. ALS 123; 2003 N.Y. LAWS 123; 2003 N.Y. S.N. 5688

BILL TRACKING SUMMARY FOR THIS DOCUMENT

SYNOPSIS: AN ACT to amend the education law, in relation to establishing the community district education council within the New York city community school district system; and providing for the repeal of such provisions upon the expiration thereof and 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 chapters

NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED **<A]**
[D> Text within these symbols is deleted **<D]**

To view the next section, type .np* TRANSMIT.
To view a specific section, transmit p* and the section number. e.g. p*1

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

[*1] Section 1. Subdivisions 4, 8 and 9 of section 2590-a of the education law, subdivision 4 as added by chapter 330 of the laws of 1969, subdivision 8 as added by chapter 3 of the laws of 1970 and subdivision 9 as added by chapter 738 of the laws of 1988, are amended to read as follows:

4. Community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** . The term "community **[D>** board **<D] [A>** COUNCIL **<A]** " shall mean the **[D>** board of education **<D] [A>** COMMUNITY DISTRICT EDUCATION COUNCIL **<A]** of a community district **[A>** ESTABLISHED PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-C OF THIS ARTICLE **<A]** .

[D> 8. Registered voter. The term "registered voter" shall mean an elector of the city of New York under the election law. **<D]**

9. Educational facilities. The term "educational facilities" shall mean land and the improvements thereon for use in connection with any educational activity to be undertaken or provided by the city board or any community **[D>** school board **<D] [A>** COUNCIL **<A]** or any facility attendant thereto or any facility necessary, useful or desirable in connection with such activity.

[*2] Section 2. The section heading and subdivision 2 of section 2590-b of the education law, the section heading as added by chapter 330 of the laws of 1969, subdivision 2 as amended by chapter 727 of the laws of 1994, are amended and a new subdivision 4 is added to read as follows:

Continuation of city board and establishment of community districts **[A>** ; ESTABLISHMENT OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION **<A]** .

2. **[A>** (A) THERE SHALL BE A COMMUNITY COUNCIL FOR EACH COMMUNITY DISTRICT CREATED PURSUANT TO THIS ARTICLE. **<A]**

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

(c) The city board may readjust or alter the districts in such plan only once in every ten years, commencing with the year two thousand four. The city board in conjunction with the chancellor and the community **[D>** school boards **<D]** council **[A>** REPRESENTATIVES **<A]** , shall prepare and make public a plan to ensure the smooth transition of pupils and school personnel, creation of new boards, and allocation of school facilities and resources among the districts established pursuant to paragraph (b) of this subdivision. Prior to the adoption of the transition plan, the city board shall hold one or more public hearings in each borough. The city board shall make the transition plan available not less than three weeks before the first such public hearing. Upon receipt of comments, the city board, in conjunction with the chancellor and the community **[D>** school boards **<D]** council **[A>** REPRESENTATIVES **<A]** , shall prepare a revised transition plan, if necessary and make such plan available to the public for comment. **[D>** A final transition plan shall be adopted by the city board by November fifteenth, nineteen hundred ninety-five. **<D]**

[A> 4. A. THERE SHALL BE A CITY-WIDE COUNCIL ON SPECIAL EDUCATION CREATED PURSUANT TO THIS SECTION. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL CONSIST OF ELEVEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS: **<A]**

[A> (1) NINE VOTING MEMBERS WHO SHALL BE PARENTS OF STUDENTS WHO RECEIVE SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER, TO BE SELECTED BY PARENTS OF STUDENTS WHO RECEIVE SUCH SERVICES PURSUANT TO A REPRESENTATIVE PROCESS DEVELOPED BY THE CHANCELLOR. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM; (2) TWO VOTING MEMBERS APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK, WHO SHALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND KNOWLEDGE IN THE AREAS OF EDUCATING, TRAINING OR EMPLOYING INDIVIDUALS WITH HANDICAPPING CONDITIONS AND WILL MAKE A SIGNIFICANT CONTRIBUTION TO IMPROVING SPECIAL EDUCATION IN THE CITY DISTRICT. SUCH MEMBERS SHALL SERVE A TWO YEAR TERM; AND (3) ONE NON-VOTING MEMBER WHO IS A HIGH SCHOOL SENIOR RECEIVING SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER, APPOINTED BY THE ADMINISTRATOR DESIGNATED BY THE CHANCELLOR TO SUPERVISE CITY-WIDE SPECIAL EDUCATION PROGRAMS. SUCH MEMBER SHALL SERVE A ONE YEAR TERM. **<A]**

[A> B. MEMBERS SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION. **<A]**

[A> C. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL HAVE THE POWER TO: **<A]**

[A> (1) ADVISE AND COMMENT ON ANY EDUCATIONAL OR INSTRUCTIONAL POLICY INVOLVING THE PROVISION OF SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER; (2) ADVISE AND COMMENT ON THE PROCESS OF ESTABLISHING COMMITTEES AND/OR SUBCOMMITTEES ON SPECIAL EDUCATION IN COMMUNITY SCHOOL DISTRICTS PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OF THIS CHAPTER; (3) ISSUE AN ANNUAL REPORT ON THE EFFECTIVENESS OF THE CITY DISTRICT IN PROVIDING SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER AND MAKING RECOMMENDATIONS, AS APPROPRIATE, ON HOW TO IMPROVE THE EFFICIENCY AND DELIVERY OF SUCH SERVICES; AND (4) HOLD AT LEAST ONE MEETING PER MONTH OPEN TO THE PUBLIC AND DURING WHICH THE PUBLIC MAY DISCUSS ISSUES FACING STUDENTS WITH DISABILITIES. **<A]**

[A> D. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY BOARD WHO SHALL PERFORM THE FOLLOWING FUNCTIONS: (1) PREPARE MEETING NOTICES, AGENDAS AND MINUTES; (2) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER CITY-WIDE COUNCIL ON SPECIAL EDUCATION MEETINGS; AND (3) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY. **<A]**

[A> E. NO PERSON MAY SERVE ON BOTH THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION AND A COMMUNITY DISTRICT EDUCATION COUNCIL. A MEMBER OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL BE INELIGIBLE TO BE EMPLOYED BY SUCH COUNCIL, ANY COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY BOARD. NO PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE. **<A]**

[A> A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED FROM THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, A COMMUNITY SCHOOL BOARD, OR COMMUNITY DISTRICT EDUCATION COUNCIL FOR ANY OF THE FOLLOWING SHALL BE PERMANENTLY INELIGIBLE FOR APPOINTMENT TO THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION: (1) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL; OR (2) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR HER SERVICE UPON SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL. **<A]**

[A> F. (1) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS LAW CREATING A VACANCY, A MEMBER OF THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF SUCH COUNCIL OF WHICH HE OR SHE IS DULY NOTIFIED, WITHOUT RENDERING IN WRITING A GOOD AND VALID EXCUSE THEREFORE VACATES HIS OR HER OFFICE BY REFUSAL TO SERVE. EACH ABSENCE AND ANY WRITTEN EXCUSE RENDERED SHALL BE INCLUDED WITHIN THE OFFICIAL WRITTEN MINUTES OF SUCH MEETING. AFTER THE THIRD UNEXCUSED ABSENCE THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION SHALL DECLARE A VACANCY TO THE CHANCELLOR. **<A]**

[A> (2) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM BY THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, PURSUANT TO A PROCESS DEVELOPED BY THE CHANCELLOR THAT SHALL INCLUDE CONSULTATION WITH PARENTS OF STUDENTS WHO RECEIVE SERVICES PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER. **<A]**

[*3] Section 3. The education law is amended by adding a new section 2590-c to read as follows:

[A> SECTION 2590-C. COMPOSITION OF COMMUNITY DISTRICT EDUCATION COUNCILS. 1. EACH COMMUNITY DISTRICT SHALL BE GOVERNED BY A COMMUNITY DISTRICT EDUCATION COUNCIL. THE COMMUNITY COUNCILS SHALL CONSIST OF ELEVEN VOTING MEMBERS AND ONE NON-VOTING MEMBER, AS FOLLOWS: **<A]**

[A> (A) NINE VOTING MEMBERS SHALL BE PARENTS WHOSE CHILDREN ARE ATTENDING A SCHOOL UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT AND SHALL BE SELECTED BY THE PRESIDENTS AND OFFICERS OF THE PARENTS' ASSOCIATION OR PARENT-TEACHERS' ASSOCIATION. SUCH MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS. **<A]**

[A> (B) TWO VOTING MEMBERS SHALL BE APPOINTED BY THE BOROUGH PRESIDENTS CORRESPONDING TO SUCH DISTRICT. SUCH APPOINTEES SHALL BE RESIDENTS OF, OR OWN OR OPERATE A BUSINESS IN, THE DISTRICT AND SHALL BE INDIVIDUALS WITH EXTENSIVE BUSINESS, TRADE, OR EDUCATION EXPERIENCE AND KNOWLEDGE, WHO WILL MAKE A SIGNIFICANT CONTRIBUTION TO IMPROVING EDUCATION IN THE DISTRICT. SUCH MEMBERS SHALL SERVE FOR A

TERM OF TWO YEARS AND MAY ONLY BE REAPPOINTED FOR ONE ADDITIONAL TWO YEAR TERM. **<A]**

[A> (C) ONE NON-VOTING MEMBER WHO IS A HIGH SCHOOL SENIOR RESIDING IN THE DISTRICT, APPOINTED BY THE SUPERINTENDENT FROM AMONG THE ELECTED STUDENT LEADERSHIP. SUCH MEMBER SHALL SERVE FOR A ONE YEAR TERM. **<A]**

[A> MEMBERS SHALL NOT BE PAID A SALARY OR STIPEND, BUT SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY EXPENSES DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF THE COMMUNITY COUNCIL. **<A]**

[A> 2. FOR THE INITIAL COMMUNITY COUNCIL, SUCH MEMBERS MUST BE SELECTED ON OR BEFORE OCTOBER THIRTY-FIRST, TWO THOUSAND THREE, WITH TERMS COMMENCING ON DECEMBER FIRST, TWO THOUSAND THREE. THEREAFTER, COMMENCING IN MAY OF TWO THOUSAND FIVE, THE SELECTION OF COMMUNITY COUNCIL MEMBERS SHALL OCCUR ON THE SECOND TUESDAY IN MAY, WITH TERMS COMMENCING ON THE FOLLOWING JULY FIRST. **<A]**

[A> 3. EACH SUCH COUNCIL SHALL SELECT ONE OF ITS VOTING MEMBERS TO SERVE AS CHAIR. **<A]**

[A> 4. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE COMMUNITY DISTRICT EDUCATION COUNCIL MAY APPOINT A SECRETARY, PURSUANT TO THE POLICIES OF THE CITY BOARD, WHO SHALL PERFORM THE FOLLOWING FUNCTIONS: (A) PREPARE MEETING NOTICES, AGENDAS AND MINUTES; (B) RECORD AND MAINTAIN ACCOUNTS OF PROCEEDINGS AND OTHER COUNCIL MEETINGS; AND (C) PREPARE BRIEFING MATERIALS AND OTHER RELATED INFORMATIONAL MATERIALS FOR SUCH MEETINGS. EACH COUNCIL SHALL BE RESPONSIBLE FOR THE APPOINTMENT, SUPERVISION, EVALUATION AND DISCHARGE OF THE SECRETARY. **<A]**

[A> 5. NO PERSON MAY SERVE ON MORE THAN ONE COMMUNITY COUNCIL OR ON BOTH THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION AND A COMMUNITY COUNCIL. A MEMBER OF A COMMUNITY COUNCIL SHALL BE INELIGIBLE TO BE EMPLOYED BY THE COMMUNITY COUNCIL OF WHICH HE OR SHE IS A MEMBER, ANY OTHER COMMUNITY COUNCIL, THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION, OR THE CITY BOARD. NO PERSON SHALL BE ELIGIBLE FOR MEMBERSHIP ON A COMMUNITY COUNCIL IF HE OR SHE HOLDS ANY ELECTIVE PUBLIC OFFICE OR ANY ELECTIVE OR APPOINTED PARTY POSITION EXCEPT THAT OF DELEGATE OR ALTERNATE DELEGATE TO A NATIONAL, STATE, JUDICIAL OR OTHER PARTY CONVENTION, OR MEMBER OF A COUNTY COMMITTEE. **<A]**

[A> A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR HAS BEEN REMOVED FROM A COMMUNITY SCHOOL BOARD, COMMUNITY DISTRICT EDUCATION COUNCIL, OR THE CITY-WIDE COUNCIL ON SPECIAL EDUCATION FOR ANY OF THE FOLLOWING SHALL BE PERMANENTLY INELIGIBLE FOR APPOINTMENT TO ANY COMMUNITY DISTRICT EDUCATION COUNCIL: (A) AN ACT OF MALFEASANCE DIRECTLY RELATED TO HIS OR HER SERVICE ON SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL; OR (B) CONVICTION OF A CRIME, IF SUCH CRIME IS DIRECTLY RELATED TO HIS OR HER SERVICE UPON SUCH CITY-WIDE COUNCIL ON SPECIAL EDUCATION, COMMUNITY SCHOOL BOARD OR COMMUNITY DISTRICT EDUCATION COUNCIL. **<A]**

[A> ANY DECISION RENDERED BY THE CHANCELLOR OR THE CITY BOARD WITH RESPECT TO THE ELIGIBILITY OR QUALIFICATIONS OF THE NOMINEES FOR COMMUNITY DISTRICT EDUCATION COUNCILS MUST BE WRITTEN AND MADE AVAILABLE FOR PUBLIC INSPECTION WITHIN SEVEN DAYS OF ITS ISSUANCE AT THE OFFICE OF THE CHANCELLOR AND THE CITY BOARD. SUCH WRITTEN DECISION SHALL INCLUDE THE FACTUAL AND LEGAL BASIS FOR ITS ISSUANCE AND A RECORD OF THE VOTE OF EACH BOARD MEMBER WHO PARTICIPATED IN THE DECISION, IF APPLICABLE. **<A]**

[A> 6. (A) IN ADDITION TO THE CONDITIONS ENUMERATED IN THE PUBLIC OFFICERS LAW CREATING A VACANCY, A MEMBER OF A COMMUNITY DISTRICT EDUCATION COUNCIL WHO REFUSES OR NEGLECTS TO ATTEND THREE MEETINGS OF SUCH COUNCIL OF WHICH HE OR SHE IS DULY NOTIFIED, WITHOUT RENDERING IN WRITING A GOOD AND VALID EXCUSE THEREFORE VACATES HIS OR HER OFFICE BY REFUSAL TO SERVE. EACH ABSENCE AND ANY WRITTEN EXCUSE

RENDERED SHALL BE INCLUDED WITHIN THE OFFICIAL WRITTEN MINUTES OF SUCH MEETING. AFTER THE THIRD UNEXCUSED ABSENCE THE COMMUNITY COUNCIL SHALL DECLARE A VACANCY TO THE CHANCELLOR. **<A]**

[A> (B) VACANCIES 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. **<A]**

[A> (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. **<A]**

[A> 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. **<A]**

[A> (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. **<A]**

[A> 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. **<A]**

[A> (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. **<A]**

[A> (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. **<A]**

[A> (D) PROMULGATE RULES AND REGULATIONS REQUIRING FINANCIAL DISCLOSURE BY THE NOMINEES AND POLICIES PROHIBITING POLITICAL ENDORSEMENTS OF AND CAMPAIGN CONTRIBUTIONS TO NOMINEES. **<A]**

[A> (E) BEGINNING IN JANUARY OF EACH SCHOOL YEAR AND CONTINUING UNTIL THE DATE OF SELECTION, ENSURE THE DISTRIBUTION OF GUIDES TO PARENTS IN ADDITION TO INFORMATION REGARDING COMMUNITY COUNCIL ROLES, FUNCTIONS, AND ACTIVITIES, INCLUDING UPCOMING PARENTS' ASSOCIATION AND PARENT-TEACHER ASSOCIATION ELECTIONS, CANDIDATE INFORMATION, AND THE NATURE OF THE SELECTION PROCESS. **<A]**

[A> PRIOR TO THE ADOPTION OF THE PROCESSES, PROCEDURES, RULES OR REGULATIONS SET FORTH IN THIS SUBDIVISION, THE CHANCELLOR SHALL ENSURE THAT THERE IS AN INCLUSIVE PUBLIC PROCESS WHICH ALLOWS FOR SUFFICIENT PUBLIC INPUT FROM PARENTS AND THE COMMUNITY INCLUDING PUBLIC HEARINGS. ALL SUCH PROCESSES, PROCEDURES, RULES OR REGULATIONS MUST BE FINAL IN SUFFICIENT TIME TO ASSURE FOR AN ORDERLY IMPLEMENTATION AND NOTIFICATION OF SUCH PROCESSES, PROCEDURES, RULES OR REGULATIONS TO ALLOW FOR FULL COMMUNITY PARTICIPATION IN THE NOMINATION AND SELECTION PROCESSES AND PROCEDURES. **<A]**

[*4] Section 4. Section 2590-d of the education law, as amended by chapter 447 of the laws of 1976, subdivision 2 as amended by chapter 720 of the laws of 1996, is amended to read as follows:

2590-d. By-laws; regulations and decisions. 1. The city board and the chancellor shall prescribe such by-laws and regulations as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board. Said by-laws and regulations shall be published and indexed and revised at least annually. Copies of such by-laws and regulations shall be made available for public inspection at the offices of the city board, each community **[D>** board **<D] [A>** COUNCIL **<A]** , the office of the commissioner of education, and the legislative library in Albany, and at such other places as the city board may deem proper.

2. Each community **[D>** board **<D] [A>** COUNCIL **<A]** shall prescribe such by-laws and regulations as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board. Such by-laws and regulations shall be filed with the city board and the commissioner of education and shall be made available for inspection by the public at the offices of the community **[D>** board **<D] [A>** COUNCIL **<A]** . Such by-laws shall include, but not be limited to the following requirements:

a. that there shall be a parents' association or a parent-teachers' association in each school under its jurisdiction; b. that the **[D>** board **<D] [A>** COUNCIL **<A]** , the community superintendent and the principal of each school shall have regular communication with all parents' associations and parent-teachers' associations within the community district, and meet with their elected officers at least quarterly during the school year, to the end that such associations are provided with full factual information pertaining to matters of pupil achievement, including but not limited to: annual reading scores, comparison of the achievement of pupils in comparable grades and schools, as well as the record of achievement of the same children as they progress through the school; provided, however, that such record and scores shall not be disclosed in a manner which will identify individual pupils.

[A> C. THAT COMMUNITY COUNCILS DEVELOP AND IMPLEMENT A PROCESS CONSISTENT WITH PROCEDURES WHICH SHALL BE DEVELOPED BY THE CHANCELLOR FOR COMMUNITY INPUT IN CONNECTION WITH THE ANNUAL EVALUATION OF THE DISTRICT SUPERINTENDENT AND OTHER INSTRUCTIONAL SUPERVISORS ASSIGNED OR APPOINTED TO THE DISTRICT BY THE CHANCELLOR. **<A]**

d. that all meetings of the community **[D>** board **<D] [A>** COUNCIL **<A]** be subject to article seven of the public officers law.

3. Copies of all written decisions rendered by the city board acting as an appeal board pursuant to subdivision ten of section twenty-five hundred ninety-g and copies of all written decisions rendered by the chancellor pursuant to section twenty-five hundred ninety-l shall be published, indexed and revised at least semi-annually. Copies of said decisions shall be made available for public inspection at the offices of the city board, each community **[D>** board **<D] [A>** COUNCIL **<A]** , the office of the commissioner of education, and at such other places as the city board shall deem proper.

[*5] Section 5. Section 2590-e of the education law, as amended by chapter 720 of the laws of 1996, subdivision 9 as added by chapter 385 of the laws of 1998 and subdivision 10 as amended by chapter 510 of the laws of 2001, is amended to read as follows:

2590-e. Powers and duties of community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** . Each community **[D>** board **<D] [A>** COUNCIL **<A]** shall have the following powers and duties to establish educational policies and objectives, not inconsistent with the provisions of this article and the policies established by the city board, with respect to all pre-kindergarten, nursery, kindergarten, elementary, intermediate and junior high schools and programs in connection therewith in the community district. The community **[D>** boards **<D] [A>** COUNCILS **<A]** shall have no executive or administrative powers or functions, but shall have the following powers and duties:

3. promote achievement of educational standards and objectives relating to the instruction of students.

4. cooperate as required by the chancellor in the removal from office pursuant to section twenty-five hundred ninety-l of this article of any community **[D>** board **<D] [A>** COUNCIL **<A]** member for willful, intentional or knowing involvement in the hiring, appointment or assignment of employees other than as specifically authorized in this article.

5. a. require community **[D>** board **<D] [A>** COUNCIL **<A]** members, the community superintendent, and any other officer or employee in schools and programs under the jurisdiction of the community **[D>** boards **<D] [A>** COUNCILS, **<A]** to make annual written disclosure, in accordance with regulations and bylaws of the city board developed in consultation with the community **[D>** boards **<D] [A>** COUNCILS **<A]** , to the community **[D>** board **<D] [A>** COUNCIL **<A]** and the city board, of the following information:

(1) the employment by the city school board or any community **[D>** board **<D] [A>** COUNCIL **<A]** of any person related within the third degree of consanguinity or affinity to the person making disclosure, including the employment of any such person for which a two-thirds vote was required under paragraph e of subdivision four of section twenty-five hundred ninety-j of this chapter with a notation of the date such vote was taken.

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

(3) the source of any financial contribution made within the year preceding the election or the term of office of a community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** member to assist in the election or reelection of such member of the community **[D>** board **<D] [A>** COUNCIL **<A]** , and the amount of such contribution, consistent with any applicable regulations of the city board and the board of elections.

b. willful or repeated failure to make full and timely disclosure shall constitute cause for removal from office of any member of a community **[D>** board **<D] [A>** COUNCIL **<A]** or for any other officer or employee disciplinary action and such other penalty as provided by law.

c. all written disclosures required hereunder shall be filed with the community **[D>** board **<D] [A>** COUNCIL **<A]** and the city board and shall be available for public inspection during regular business hours on regular business days.

6. require community **[D>** board **<D] [A>** COUNCIL **<A]** members, candidates for community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** , the community superintendent and, for good cause shown, any other officer or employee in schools and programs under the jurisdiction of the community **[D>** boards **<D] [A>** COUNCILS **<A]** to submit to the city board and the community **[D>** boards **<D] [A>** COUNCILS **<A]** , in accordance with regulations and bylaws of the city board developed in consultation with the community **[D>** boards **<D] [A>** COUNCILS **<A]** , financial reports for themselves and their spouses, provided that in the case of community **[D>** board **<D] [A>** COUNCIL **<A]** members and candidates for community **[D>** boards **<D] [A>** COUNCILS **<A]** the statement of financial disclosure and the frequency with which it must be filed must satisfy at least the requirements and standards for disclosure of section seventy-three-a of the public officers law.

a. the frequency and period of coverage, the designation of persons to submit such reports by name, title or income level or by a combination thereof, and the content of such reports, including minimum dollar amounts, shall be determined by the city board.

b. willful or repeated failure to file required financial reports or make other required disclosures shall constitute cause for removal from office of any member of a community **[D>** board **<D] [A>** COUNCIL **<A]** or for any other officer or employee disciplinary action and such other penalty as provided by law. No person may assume office as a community **[D>** board **<D] [A>** COUNCIL **<A]** member without previously complying with this subdivision, subdivision five of this section, and with all applicable financial disclosure requirements promulgated by the board of elections.

7. participate in training and continuing education programs pursuant to the provisions of this subdivision.

(1) Community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** members shall participate in training to acquaint them with the powers, functions and duties of community **[D>** board **<D] [A>** COUNCIL **<A]** members, as well as the powers of other governing and administering authorities that affect education including the powers of the commissioner, city board, chancellor and community superintendents. Such participation shall be completed no later than **[D>** six **<D] [A>** THREE **<A]** months from the date in which a community **[D>** board **<D] [A>** COUNCIL **<A]** member takes office for the first time.

(2) Each community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** member shall be required to participate in continuing education programs on an annual basis as defined by the chancellor. Participation in training pursuant to paragraph one of this subdivision by a community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** member who takes office for the first time shall be deemed to satisfy the requirements of this subdivision for the first year of such member's term.

(3) such training and continuing education programs shall be approved by the chancellor, following consultation with the commissioner, and may be provided by the state education department, the city board, the chancellor or a non-profit provider authorized by the chancellor to provide such training and continuing education programs.

(4) the chancellor is authorized to promulgate regulations regarding providers and their certification, the content and implementation of the training and continuing education programs. Any such regulations shall be developed after consultation with the commissioner.

(5) such training and continuing education programs shall be offered on an annual basis or more frequently, as needed, to enable community **[D>** board **<D] [A>** COUNCIL **<A]** members to comply with this subdivision.

(6) failure of community **[D>** board **<D] [A>** COUNCIL **<A]** members to comply with the training and continuing education requirements mandated by this subdivision shall constitute cause for removal from office pursuant to section twenty-five hundred ninety-1 of this article.

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

9. Subject to paragraph (o) of subdivision one of section twenty-five hundred ninety-f of this article, to employ or retain counsel subject to the powers and duties of the corporation counsel of the city of New York to be the district's attorney and counsel pursuant to subdivision a of section three hundred ninety-four of the New York city charter in actions or proceedings in which the **[D>** board **<D] [A>** COUNCIL **<A]** or any member thereof is a defendant or a respondent.

10. Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

[A> 11. APPROVE ZONING LINES, AS SUBMITTED BY THE SUPERINTENDENT, CONSISTENT WITH THE REGULATIONS OF THE CHANCELLOR, APPLICABLE TO SCHOOLS UNDER THE JURISDICTION OF THE COMMUNITY DISTRICT. **<A]**

[A> 12. HOLD MEETINGS AT LEAST EVERY MONTH WITH THE SUPERINTENDENT TO DISCUSS THE CURRENT STATE OF THE SCHOOLS IN THE DISTRICT AND PROGRESS MADE TOWARD THE

IMPLEMENTATION OF THE DISTRICT'S COMPREHENSIVE EDUCATION PLAN REQUIRED BY THE CHANCELLOR. **<A]**

[A> 13. REVIEW OF THE DISTRICT'S EDUCATIONAL PROGRAMS AND ASSESS THEIR EFFECT ON STUDENT ACHIEVEMENT. **<A]**

[A> 14. HOLD PUBLIC MEETINGS AT LEAST EVERY MONTH WITH THE SUPERINTENDENT DURING WHICH THE PUBLIC MAY SPEAK SO THAT PARENTS AND THE COMMUNITY HAVE A VOICE AND A PUBLIC FORUM TO AIR THEIR CONCERNS. **<A]**

[A> 15. SUBMIT AN ANNUAL EVALUATION OF THE SUPERINTENDENT TO THE CHANCELLOR. **<A]**

[A> 16. SUBMIT AN ANNUAL EVALUATION CONSISTENT WITH PROCEDURES WHICH SHALL BE DEVELOPED BY THE CHANCELLOR OF ALL OTHER INSTRUCTIONAL SUPERVISORY PERSONNEL WHO HAVE RESPONSIBILITY FOR MORE THAN ONE SCHOOL WITHIN THE DISTRICT. **<A]**

[A> 17. HOLD A PUBLIC HEARING ON THE DISTRICT'S ANNUAL CAPACITY PLANS, RECOMMENDED BY THE SUPERINTENDENT AND BASED ON DATA FROM THE CHANCELLOR ON ENROLLMENT/UTILIZATION FOR EACH SCHOOL WITHIN THE DISTRICT AND SUBMIT SUCH PLAN, UPON APPROVAL BY THE COMMUNITY COUNCIL, TO THE CHANCELLOR FOR HIS OR HER APPROVAL AND IMPLEMENTATION. **<A]**

[A> 18. PROVIDE INPUT, AS IT DEEMS NECESSARY, TO THE CHANCELLOR AND THE CITY BOARD ON MATTERS OF CONCERN TO THE DISTRICT. **<A]**

[A> 19. LIAISON WITH SCHOOL LEADERSHIP TEAMS AS MAY BE NECESSARY AND PROVIDE ASSISTANCE TO THE SCHOOL LEADERSHIP TEAMS WHERE POSSIBLE. **<A]**

[*6] Section 6. Paragraphs (s) of subdivision 1, subdivisions 2 and 3 of section 2590-f of the education law, paragraph (s) of subdivision 1 as added by chapter 149 of the laws of 1998, paragraph (s) of subdivision 1 as added by chapter 385 of the laws of 1998, subdivision 2 as amended by chapter 91 of the laws of 2002 and subdivision 3 as added by chapter 720 of the laws of 1996, are amended and subdivision 1 is amended by adding a new paragraph (u) to read as follows:

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

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

[A> (U) TO PROVIDE RELEVANT DATA TO THE COMMUNITY DISTRICT EDUCATION COUNCIL TO ENCOURAGE INFORMED AND ADEQUATE PUBLIC DISCUSSION ON STUDENT ACHIEVEMENT AND THE STATE OF EACH SCHOOL WITHIN THE DISTRICT. **<A]**

2. In exercising such powers and duties each community superintendent shall comply with all applicable provisions of law, by-laws, rules or regulations, directives or agreements of the chancellor and his or her community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and with the city-wide educational policies established by the city board and his or her community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** , including performance standards addressed to administration and educational effectiveness, and any requirements for continuing training and education, embodied in standards, circulars or regulations promulgated by the chancellor.

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

[*7] Section 7. Subdivision 4 of section 2590-g of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

4. subject to the provisions of section twenty-five hundred ninety-i of this article, maintain such jurisdiction over city-wide educational policies governing the special, academic, vocational, and other high schools authorized by this article before the effective date of this section as the respective community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** maintain over the schools within their jurisdiction, which shall not be construed to require or authorize the day-to-day supervision or the administration of the operations of such schools.

[*8] Section 8. Paragraph (a) of subdivision 1 and subdivisions 2, 9, 11, 13, 15, 31, 38, 39, 40 and 44 of section 2590-h of the education law, paragraph (a) of subdivision 1, subdivisions 2, 9, 11, 13 and 15 as amended and subdivision 31 as added by chapter 720 of the laws of 1996, subdivision 38 as added by chapter 385 of the laws of 1998 and subdivisions 39, 40 and 44 as added by chapter 91 of the laws of 2002, are amended to read as follows:

(a) academic and vocational senior high schools until such time as the same may be transferred to the jurisdiction of appropriate community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** pursuant to this article;

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that **[D>** he **<D] [A>** THE CHANCELLOR **<A]** shall consult with the affected community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** before:

(a) substantially expanding or reducing such an existing school or program within a community district; (b) initially utilizing a community district school or facility for such a school or program; (c) instituting any new program within a community district.

9. Furnish community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** and the city board periodically with the results of such examinations and evaluations and to make the same public.

11. Require such community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** or superintendent to make such number of periodic reports as may be necessary to accomplish the purposes of this chapter.

13. Perform the following functions throughout the city district; provided, however, that the chancellor and any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may agree that any such function may be appropriately performed by the community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** with respect to the schools and programs under its jurisdiction:

(a) Technical assistance to community districts and schools; (b) Such warehouse space on a regional basis as he or she determines to be necessary or appropriate after consultation with the community superintendents; (c) Purchasing services on a city-wide, regional or community district basis subject to subdivision thirty-six of this section; (d) Reinforce and foster connections to institutions of higher education to promote student achievement.

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

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

[A> (B-1) SCHOOL BASED MANAGEMENT TEAMS DEVELOPED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL POSSESS THE FOLLOWING POWERS AND DUTIES: **<A]**

[A> (I) DEVELOP AN ANNUAL SCHOOL COMPREHENSIVE EDUCATIONAL PLAN THAT IS ALIGNED WITH THE SCHOOL BASED BUDGET. SUCH PLAN SHALL BE SUBMITTED TO THE DISTRICT SUPERINTENDENT AND BE MADE AVAILABLE FOR PUBLIC INSPECTION; **<A]**

[A> (II) HOLD AT LEAST ONE MEETING PER MONTH DURING THE SCHOOL YEAR. EACH MONTHLY MEETING SHALL BE HELD AT A TIME THAT IS CONVENIENT FOR THE PARENT REPRESENTATIVES; **<A]**

[A> (III) PROVIDE NOTICE OF MONTHLY MEETINGS THAT IS CONSISTENT WITH THE OPEN MEETINGS LAW; **<A]**

[A> (IV) HAVE PARENT MEMBERS OF SUCH TEAMS MAKE RECOMMENDATIONS, CONSISTENT WITH THE CHANCELLOR'S REGULATIONS, ON THE SELECTION OF THE SCHOOL PRINCIPAL; **<A]**

[A> (V) UNDERGO INITIAL AND ONGOING TRAINING THAT WILL ALLOW ITS MEMBERS TO CARRY OUT THEIR DUTIES EFFECTIVELY; AND **<A]**

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

(i) reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children, consistent with federal and state laws, provided that such access does not disrupt or interfere with the regular school process; (ii) the rights of parents, persons in parental relation and guardians to take legal action and appeal the decisions of the school administration, as authorized by law; (iii) the right of parents, persons in parental relation and guardians to have information on their own child's educational materials; (iv) access to and information about all public meetings, hearings of the chancellor, the city board, the community superintendents, the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** , and the schools; and (v) access to information regarding programs that allow students to apply for admission where appropriate to schools outside a student's own attendance zone.

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

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

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

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

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

(b) Regulations and by-laws authorized in this subdivision shall apply with equal force and effect to community **[D>** board **<D] [A>** COUNCIL **<A]** members, community superintendents, and all other officers and employees in schools and programs under the jurisdiction of the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** .

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

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

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

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

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

(i) amount and source of income for services rendered, together with a description of such services; (ii) amount and source of gifts, capital gains, reimbursements for expenditures, and honoraria; (iii) investments in securities and real property; (iv) amount of debts and names of creditors; (v) outstanding loans and other forms of indebtedness due to person reporting or spouse, by name and amounts; and (vi) trusts and other fiduciary relationships and their assets in which a beneficial interest is held.

(c) Regulations and by-laws authorized by this subdivision shall apply with equal force and effect to community **[D>** board **<D] [A>** COUNCIL **<A]** members, community superintendents, and all other officers and employees in schools and programs under the jurisdiction of the community **[D>** boards **<D] [A>** COUNCILS **<A]** .

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

44. To provide the proper book or books in which he or she shall cause the class teachers under the direction and supervision of the principal to enter the names, ages, and residences of the pupils attending the school, the name of the parent or guardian of each pupil, and the days on which the pupils shall have attended respectively, and the aggregate attendance of each pupil during the year, and also the day upon which the school shall have been visited by the superintendent of schools or by an associate superintendent of schools or by an assistant superintendent, or by members of the city board, or by members of the community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** , or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the chancellor. Such books shall be preserved as the property of the chancellor and shall at all times be open to inspection by members of the city board, by members of the community **[D>** school boards **<D] [A>** COUNCILS **<A]** and by the superintendent of schools, or by any associate superintendent of schools, or by the assistant superintendents.

[*9] Section 9. Subdivisions 1 and 2-a of section 2590-l of the education law, as amended by chapter 720 of the laws of 1996, are amended to read as follows:

1. (a) If, in the judgment of the chancellor any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and/or superintendent fails to comply with any applicable provisions of law, by-laws, rules or regulations, standards, directives and agreements, he or she may, in addition to or as an alternative to any other remedies authorized by this article, including subdivision thirty-one of section twenty-five hundred ninety-h of this article, issue an order requiring the community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and/or superintendent to

cease its improper conduct or to take required action and consistent with the provisions of this article and the educational and operational policies of the city board, may enforce that order by the use of appropriate means, including:

(i) supersession of the community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and/or superintendent by the chancellor or one or more trustees appointed by him who may be, notwithstanding any other provision of law, employees of the city board with respect to those powers and duties or decisions of such community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and/or superintendent deemed necessary to ensure compliance with the order; and (ii) suspension or removal of the community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and/or superintendent or any member or members thereof.

(b) Prior to the enforcement of any order authorized under this section, the chancellor shall provide an opportunity for conciliation, except that the chancellor without conciliation may suspend or remove one or more members of a community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** or a community superintendent where the conduct (i) is criminal in nature; (ii) poses an immediate danger to the safety or welfare of students or any school staff or employee, or (iii) in the judgment of the chancellor, is contrary to the best interest of the city school district.

2-a. A member of a community **[D>** school district board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may be removed upon a finding that the member willfully, intentionally or knowingly interfered with or was involved in the hiring, appointment or assignment of employees other than as specifically authorized in this article. Such a finding, unless judicially overturned pursuant to article seventy-eight of the civil practice law and rules, shall permanently disqualify that member from employment, contracting or membership with or on any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** or the city board or any employment or contractual relationship, direct or indirect, with the city district, any community district, or any public school in such districts.

[*10] Section 10. Subdivisions 1, 3, 4, 5, 6 and 8 of section 2590-m of the education law, subdivisions 1, 3, 4 and 5 as added by chapter 330 of the laws of 1969, paragraph b of subdivision 3 and subdivision 6 as amended by chapter 91 of the laws of 2002 and subdivision 8 as added by chapter 720 of the laws of 1996, are amended to read as follows:

1. Public moneys apportioned to the city district by the state and all funds raised or collected by the authorities of such city for school purposes or to be used by the city board or by any community board for any purpose authorized by this chapter, or any other funds belonging to the city district or a community district and received from any source whatsoever for school purposes, shall be paid into the city treasury and shall be credited to the city board or to the respective community **[D>** boards **<D] [A>** COUNCILS **<A]** .

3. a. Funds credited to the city board shall be disbursed upon written orders of the director of finance of the city signed by the chancellor or such other officer or officers as the city board authorize. Funds credited to a community **[D>** board **<D] [A>** COUNCIL **<A]** shall be disbursed upon written orders of the director of finance of the city signed by the community superintendent and such other officer or officers as such board may authorize.

b. If an auditor shall have been appointed by the chancellor or any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL, **<A]** such orders shall be signed by such auditor; provided, however, that the chancellor and any such **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may in addition require the signature of such other officer or officers as the chancellor may direct or as such **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may by resolution direct.

c. Orders issued under this subdivision shall specify the purpose for which they are drawn and the person to whom they are payable.

4. a. It shall be unlawful for the director of finance of the city to permit any funds placed in his custody under the provisions of this section to be used for any purpose other than that for which they are lawfully authorized.

b. Such funds shall be paid out only on audit of the city board through the chancellor or the community **[D>** board **<D] [A>** COUNCIL **<A]** to which such funds are credited, except as otherwise provided in subdivision five of this section.

c. Payments from such funds shall be made only by checks signed by the director of finance of the city and payable to the person entitled thereto and countersigned by the comptroller of the city of New York.

5. Fixed salaries, principal of and interest on indebtedness and amounts becoming due upon lawful contracts for periods exceeding one year may be disbursed without prior audit by the city board or the **[D>** board **<D] [A>** COUNCIL **<A]** to which such funds are credited.

6. The chancellor, city board and each **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** referred to in this section shall make, in addition to such classification of its funds as it desires for its own use and information, such further classification of the funds credited to it and of the disbursement thereof as the comptroller of the city of New York shall require; provided that the classification of funds by community **[D>** boards **<D] [A>** COUNCILS **<A]** shall be in accordance with the altered schedules developed pursuant to subdivision eight of section twenty-five hundred ninety-i of this article. The chancellor, city board and community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** shall furnish such data in relation to such funds and their disbursements as the comptroller of the city of New York shall require.

8. Notwithstanding any provision of law to the contrary, the powers and duties conferred on a community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** by this section shall be exercised exclusively by the community superintendent employed by such **[D>** board **<D] [A>** COUNCIL **<A]** .

[*11] Section 11. Subdivision 3 and paragraph c of subdivision 6 of section 2590-p of the education law, subdivision 3 as added by chapter 738 of the laws of 1988 and paragraph b of subdivision 3 and paragraph c of subdivision 6 as amended by chapter 91 of the laws of 2002, are amended to read as follows:

3. a. No later than January sixth, nineteen hundred eighty-nine, the chancellor shall, in conjunction with the submission of the educational facilities master plan required by section twenty-five hundred ninety-o of this chapter, submit the initial proposed five-year educational facilities capital plan to each community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** , which shall conduct a public hearing on both the educational facilities master plan and the five-year educational facilities capital plan and shall prepare and submit recommendations to the chancellor on or before February twentieth, nineteen hundred eighty-nine with respect to matters in the plans that involve that school district. The chancellor shall consider the recommendations received from the community **[D>** school boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** on both the proposed educational facilities master plan and the proposed five-year educational facilities capital plan, and, on or before March eighth, nineteen hundred eighty-nine, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval. On or before March twenty-second, nineteen hundred eighty-nine, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor or such plan as is determined by the city board, which shall take effect on July first, nineteen hundred eighty-nine.

b. Commencing on November first, nineteen hundred ninety-three, and every five years thereafter, the chancellor shall submit a proposed five-year educational facilities capital plan to take effect on the succeeding July first to each community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** , which shall conduct a public hearing and shall prepare and submit recommendations to the chancellor on or before January first of the ensuing year with respect to matters in the plan that involve that school district. The chancellor shall consider the recommendations received from the community **[D>** school boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** , and, on or before February first of such year, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval. On or before March first of such year, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor.

c. The chancellor shall prepare preliminary scopes (i) for each project contained within the program elements defined in paragraphs a and b of subdivision two of this section and, where appropriate, paragraph g of subdivision two of this section, (ii) for each major modernization project contained in paragraph c of such subdivision two, and (iii) for each new construction project contained in paragraph d of such subdivision two, and shall transmit such preliminary scopes to the affected community **[D>** school boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** . The community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may hold hearings on such scope; provided, however, that the community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** must submit any comments to the chancellor no later than thirty days following the date of submission. The chancellor shall consider the comments in preparing the scope that he or she will submit to the director of management and budget of the city pursuant to paragraph d of this subdivision.

[*12] Section 12. Subdivisions 1, 4, 5, 6, paragraphs (b) and (c) of subdivision 7, and subdivisions 9, 10, 11, 14, 15, 17 and 18 of section 2590-q of the education law, as amended by chapter 91 of the laws of 2002, are amended to read as follows:

1. The chancellor shall annually advise the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** with respect to the form and content of the budget requests and accompanying fiscal estimates re-

quired to be submitted by the mayor of the city of New York for the next ensuing fiscal year, together with such additional information as he or she may require.

4. On such date as the mayor shall direct, the chancellor shall submit to the mayor:

(a) estimates, as adopted by the city board, of the total sum of money which it deems necessary for the operation of the city district (other than functions to be financed from funds provided for in the capital budget of the city) during the next fiscal year of the city, together with the estimates submitted by the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** ;

(b) estimates of the amount to be received as a result of the apportionment of moneys payable from the state in such fiscal year; and

(c) estimates of the amount to be received for school system expenditures by the city district in such fiscal year from sources other than appropriations of city funds or appropriations or other provisions of funds in the capital budget of the city or apportionment of moneys from the state payable in such fiscal year.

5. All estimates submitted by the chancellor shall be prepared in the manner prescribed by the New York city charter for submission of departmental estimates for current expenses to the mayor and shall set forth the total amounts proposed for programs or activities of the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** in units of appropriation separate from those set forth for programs or activities operated by the city board; provided, however, that nothing shall prevent the inclusion in such estimates of a unit or units of appropriation to be allocated to community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** pursuant to subdivision ten of this section to finance innovative programs or activities by such community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** .

6. In acting on the proposed units of appropriation for programs or activities of community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** , the city council of the city of New York may, subject to the veto of the mayor, increase or decrease the total amount of each such unit of appropriation but, notwithstanding any provision of the New York city charter or any other law to the contrary, it shall not have power to add any other unit of appropriation for one or more community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** .

(b) Not later than thirty days after the amount of such funds becomes determined by adoption of the budget pursuant to subdivision six of this section, by allocation pursuant to subdivisions ten, eleven, fourteen, and fifteen of this section, or otherwise, the chancellor shall transmit to each community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** a statement enumerating the federal, state, city, and private funds which have been allocated thereunder to such community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** for its programs.

(c) At the same time, the chancellor shall transmit to the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** a statement of the allocation of the balance of such funds to the several programs administered by him or her and the city board including the distinct amounts assigned to each category of schools and programs set forth in section twenty-five hundred ninety-i of this article and the amount allocated for the operation of the city board, his or her office, and the other administrative bureaus and divisions thereof.

9. Special estimates to meet extraordinary expenses of emergencies which may arise in the course of a fiscal year may be submitted to the chancellor by any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and, pursuant to subdivision six of section twenty-five hundred seventy-six of this title, the chancellor may, in his or her discretion, submit such special estimates to the mayor of the city of New York. The chancellor may also submit special estimates to the mayor in connection with the schools and programs under his or her jurisdiction.

10. Notwithstanding any provisions of law to the contrary, any moneys appropriated to or authorized for expenditure by the city board including moneys so appropriated to finance innovative programs or activities by community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** (but other than moneys so appropriated for the exercise of powers or duties reserved to the city board) may be allocated by the chancellor to any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** . Allocations made pursuant to this subdivision shall be based on the needs of the recipient community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** , considered in conjunction with the needs of the schools and programs under the jurisdiction of the city board, in the case of moneys appropriated for innovative programs or activities, the relative merit of the programs or activities proposed by the respective community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** .

11. The chancellor shall perform all functions in connection with article seventy-three of this chapter; provided that the chancellor shall allocate to the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** the state funds apportioned to the city district pursuant to such article seventy-three, less the amount of such funds necessary to enable the chancellor to carry out his or her responsibilities, on the basis of an objective formula established by the chancellor and approved by the city board annually, after consultation with the community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** and the mayor, which formula shall reflect the relative educational needs of the community districts to the maximum extent feasible.

14. With respect to special, federal, state, and private funds, each community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** may:

(a) contract for and receive funds to be transmitted to the city board and disbursed through the chancellor. No special funds may be used as a means of bringing about the elimination of existing personnel lines, titles, or employees. Community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** may use budget funds allocated and resources obtained within the scope of existing law and contractual obligations to design programs of educational excellence tailored to the needs and peculiar characteristics of the district; (b) enter into contracts necessary or convenient to the discharge of the powers and duties with the city, state, and federal governments, private foundations, agencies and individuals, the city board, and other community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS, **<A]** subject to the approval of the chancellor; (c) in the case of federal or state funds not allocated to the city district on a formula basis, to apply to the funding agency, as a local educational agency, and to accept any funds granted or apportioned in this connection for its use and account; provided, however, that as to federal funds available to areas affected by federal activities pursuant to public law eight hundred seventy-four, community **[D>** boards **<D] [A>** COUNCILS **<A]** shall not be considered local educational agencies and shall have no power to apply directly to the funding agency, but such funds shall be reallocated to community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** by the chancellor in accordance with a formula established by the chancellor and approved by the city board as provided in subdivision ten of this section; and (d) in the case of special funds allocated to the city district on a formula basis, to submit proposals to the chancellor for a review as to form only and prompt transmittal to the funding agency; provided, however, that in the case of such special funds community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** shall not be considered local educational agencies; and provided further that the total amount of such proposals submitted by any community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** shall not exceed the amount of an apportionment made by the chancellor on the basis of a formula established by the chancellor and approved by the city board, after considering the recommendation of the chancellor and after consultation with community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** and the mayor, which formula reflects the same educational and economic factors as the formula for apportionment of such special funds to the city district; and provided further that each community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** shall consult fully with non-public school authorities on a continuing basis with respect to any of such special funds applicable to non-public school programs and students subject to the power and duty of the city board through the chancellor to ensure that applicable provisions of state and federal law and regulations with respect to programs for students in attendance at non-public schools throughout the city district shall be carried out.

15. With respect to special, federal, state, and private funds, the chancellor shall provide community **[D>** boards **<D] [A>** DISTRICT EDUCATION COUNCILS **<A]** with information about the availability of such funds and furnish technical assistance with respect to the preparation of proposals, record keeping, and the administration of such programs.

17. (a) Each community superintendent shall prepare semi-annual reports which shall be due by December fifteenth and April fifteenth of each year. Each report shall include but not be limited to an accounting of all funds received and expended by the subject community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** from all sources, including appropriations for programs and activities of the **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and receipts from external sources.

(b) In addition, a final year-end report shall be due on August fifteenth and shall include an accounting of all funds received and expended by the subject community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** from all sources, including appropriations for programs and activities of the **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** .

(c) Copies of reports outlined in paragraphs (a) and (b) of this subdivision shall be given to the chancellor and the subject community **[D>** board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** and shall be available to the public.

18. Notwithstanding any provision of law to the contrary, the powers and duties conferred on a community **[D>** school board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** by this section shall be exercised exclusively by the community superintendent employed by such **[D>** board **<D] [A>** COUNCIL **<A]** .

[*13] Section 13. Subdivision 3 of section 2801 of the education law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

3. The district code of conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel and shall be approved by the board of education, or other governing body, or by the chancellor of the city school district in the case of the city school district of the city of New York. In the city school district of the city of New York, each community **[D>** school district board **<D] [A>** DISTRICT EDUCATION COUNCIL **<A]** shall be authorized to adopt and implement additional policies, which are consistent with the city district's district-wide code of conduct, to reflect the individual needs of each community school district provided that such additional policies shall require the approval of the chancellor.

[*14] Section 14. Existing rules and regulations continued. Any rule or regulation adopted by any community school board prior to the effective date of this act which is in force and effect on the date this act shall have become a law, and which pertains to any matter within the jurisdiction of a community district council as the successor of such community school board, shall be deemed to have been adopted by the respective community district council as constituted pursuant to the provisions of this act, and such rule or regulation shall continue in full force and effect until it is altered, modified, amended or repealed in the manner as provided by law.

[*15] Section 15. Section 34 of 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, is amended to read as follows:

Section 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, 2009; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, 2009 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on **[D>** June **<D] [A>** NOVEMBER **<A]** 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

[*16] Section 16. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

[*17] Section 17. This act shall take effect immediately; provided, however, that the provisions of this act shall be deemed repealed on the same date as sections 1 through 20, 24 and 26 through 30 of chapter 91 of the laws of 2002.

HISTORY:
Enacted July 9, 2003

SPONSOR: Introduced by Sens. PADAVAN, GOLDEN, KRUGER, LACHMAN, MALTESE, MENDEZ, SABINI, A. SMITH, M. SMITH, VELELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules