

EDUCATION LAW
TITLE II. SCHOOL DISTRICT ORGANIZATION
ARTICLE 52-A. NEW YORK CITY COMMUNITY SCHOOL DISTRICT SYSTEM

NY CLS Educ § 2590 (2003)

§ 2590. Application of article

This article shall apply to the city school district of the city of New York.

NY CLS Educ § 2590-a (2003)

§ 2590-a. Definitions

As used in this article, the following terms shall mean:

1. City district. The term "city district" shall mean the city school district of the city of New York.

2. Community district. The term "community district" shall mean a community school district created or to be created within the city district under the provisions of this article.

3. City board. The term "city board" shall mean the board of education of the city district.

4. [Repealed June 30, 2009] Community [fig 1] district education council. The term "community [fig 2] council" shall mean the [fig 3] community district education council of a community district established pursuant to section twenty-five hundred ninety-c of this article.

5. Chancellor. The term "chancellor" shall mean the chancellor of the city district.

6. Community superintendent. The term "community superintendent" shall mean the superintendent of schools of a community district.

7. Parent. The term "parent" shall mean a person in parental relation to a child, as that phrase is defined in subdivision ten of section two of this chapter.

8. [Deleted]

9. [Repealed June 30, 2009] Educational facilities.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 [fig 1] council or any facility attendant thereto or any facility necessary, useful or desirable in connection with such activity.

10. (Added, L 1988) Project. The term "project" shall mean, with respect to an educational facilities capital plan, (a) the performance, at a specified educational facility, of one or more program elements, as defined in paragraph a, b, c or d of subdivision two of section twenty-five hundred ninety-p of this article; or (b) the performance of the program elements defined in paragraphs f and g of such subdivision or any system replacement identified in paragraph e of such subdivision.

NY CLS Educ § 2590-b (2003)

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

1. (Added, L 2002) [Until June 30, 2009]

(a) The board of education of the city school district of the city of New York is hereby continued. Such board of education shall consist of thirteen members: one member to be appointed by each borough president of the city of New York; seven members to be appointed by the mayor of the city of New York; and the chancellor. The chancellor shall serve as the chairperson of the city board. All twelve appointed members shall serve at the pleasure of the appointing authority and shall not be employed in any capacity by the city of New York, or a subdivision thereof, or the city board. Each borough president's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the city school district of the city of New York. Each mayoral appointee shall be a resident of the city. Any vacancy shall be filled by appointment by the appropriate appointing authority. Notwithstanding any provision of local law, the members of the board shall not have staff, offices, or vehicles assigned to them or receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The city board shall hold at least twelve meetings per year; any additional meetings may be called at the request of the chancellor.

1. [Eff June 30, 2009]

(a) The board of education of the city school district of the city of New York is hereby continued. Such board of education shall consist of seven members, a member to be appointed by each borough president of the city of New York and two by the mayor. Each borough president appointee shall be a resident of the borough for which the borough president appointing him was elected. Two members at large shall be appointed by the mayor of the city of New York. Each mayoral appointee shall be a resident of such city. The term of office of each member shall be four years, commencing the first day of July, nineteen hundred seventy-four and every four years thereafter. A vacancy occurring other than by expiration of term of a member appointed by a borough president shall be filled for the unexpired term by appointment by the appropriate borough president of a person who is a resident of such borough. The mayor shall fill vacancies for an unexpired term of any of his appointees. The president of the board shall be chosen by the members. Notwithstanding any provision of local law, the members of the board shall receive compensation for their services as follows: \$ 20,000 for the board president and \$ 15,000 for each board member and shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The members to be appointed by the borough presidents shall be appointed not earlier than April first, nineteen hundred seventy-four and not later than June first, nineteen hundred seventy-four and their successors thereafter.

The mayor of the city of New York shall appoint two members not earlier than April first, nineteen hundred seventy-four and not later than June first, nineteen hundred seventy-four and their successors thereafter.

2. (a) [Until June 30, 2009] There shall be a community [fig 1] council for each community district created pursuant to this article.

(a) [Eff June 30, 2009] There shall be a community board for each community district created pursuant to this article.

(b) [Expires and repealed June 30, 2009] 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) [Expires and repealed June 30, 2009] 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 [fig 1] council representatives, 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 [fig 2] council representatives, shall prepare a revised transition plan, if necessary and make such plan available to the public for comment. [fig 3]

3. (Added, L 1994) (a) The redistricting advisory study group established prior to the effective date of this paragraph for the purpose of study and making recommendations on community school district boundaries, is hereby continued and shall perform the duties required herein.

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

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

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

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

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

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

(5) minimum disruption of existing and planned elementary school-junior high/middle school-high school feeder patterns;

(6) transportation facilities;

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

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

(9) notwithstanding the provisions of this subparagraph and subparagraphs one through eight of this paragraph: (i) the residents of the county of New York in school district ten as it existed prior to the implementation of this paragraph shall continue to remain in school district ten as such district is comprised; (ii) the boundaries of community district thirty-one shall continue to remain as they are currently comprised; and (iii) no county shall have fewer community school districts than in existence on the effective date of this paragraph.

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

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

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

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

4. (Added, L 2003) [Expires and repealed June 30, 2009]

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:

(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.

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.

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

(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.

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.

e. No person may serve on both the city-wide council on special education and a community district education council. A member of the citywide 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 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.

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.

(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.

NY CLS Educ § 2590-c (2003)

§ 2590-c. Composition of community district education councils

1. [Until July 30, 2009, § 2590-c reads as set out below] 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) 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.

(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.

(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.

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.

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.

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

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.

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 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.

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.

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.

(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.

(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.

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.

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

(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.

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.

1. [§ 2590-c is repealed eff Nov 30, 2003 and eff June 30, 2009 it reads as set out below and its section heading reads as follows: "Composition of community boards" [Until July 1, 2004] Each community district shall be governed by a community board to consist of nine members to be elected for a term of three years and to serve without compensation provided, however, that the term of members otherwise due to expire on June thirtieth, two thousand two is hereby extended until June thirtieth, [fig 1] two thousand four. Each such board shall select one of its members to serve as chairman.

Notwithstanding any provisions of law to the contrary, the community board may appoint a board secretary, pursuant to the policies of the city board, who shall perform the following functions: (a) prepare meeting notices, agendas and minutes; and (b) record and maintain accounts of proceedings and other board meetings. Each board shall be responsible for the appointment, supervision, evaluation and discharge of the board secretary.

1. [Eff July 1, 2004] Each community district shall be governed by a community board to consist of nine members to be elected for a term of three years and to serve without compensation. Each such board shall select one of its members to serve as chairman.

Notwithstanding any provisions of law to the contrary, the community board may appoint a board secretary, pursuant to the policies of the city board, who shall perform the following functions: (a) prepare meeting notices, agendas and minutes; and (b) record and maintain accounts of proceedings and other board meetings. Each board shall be responsible for the appointment, supervision, evaluation and discharge of the board secretary.

2. [Expires and repealed June 30, 2004] Such members shall be elected at an election conducted by the board of elections in the city of New York to be held on the first Tuesday in May commencing with the year [fig 1] two thousand four and every third year thereafter for a term commencing on the first day of July next following.

3. [Eff until June 30, 2004] Every registered voter residing in a community district and every parent of a child attending any school under the jurisdiction of the community board of such district who is a citizen of the state, a resident of the city of New York for at least thirty days and at least eighteen years of age shall be eligible to vote at such election for the members of such community board, except that no person may vote more than once or in more than one community district, and no person shall have the right to register or vote at any community board election who would not be qualified to register or vote at any election in accordance with the provisions of section 5-106 of the election law.

(a) The board of elections of the city of New York shall provide for the personal and mail registration, and cancellation of registration, of persons qualified by this subdivision to vote as "parents," in a manner determined jointly by the board of elections and the city board. Each parent shall be offered the opportunity to register as a parent voter at the time such parent registers his child with the school and at such other times as the board of elections deems necessary to achieve the registration of the maximum number of parents possible. The registration process shall provide a procedure for determining when such parents shall cease to be eligible to vote as parent voters because their child no longer attends a school under the jurisdiction of the community board.

(b) In January next preceding each community board election, the city board shall provide written notice to every parent of a child attending school under the jurisdiction of every community board of such parent's right to vote in the community board election, the method and time by which a parent may register to vote, and a form by which such parent may register by mail.

3. [Eff June 30, 2009] Every registered voter residing in a community district and every registered parent of a child attending any school under the jurisdiction of the community board of such district who is a citizen of the state, a resident of the city of New York for at least thirty days and at least eighteen years of age shall be eligible to vote at such election for the members of such community board, except that no person may vote more than once or in more than one community district, and no person shall have the right to register or vote at any community board election who would not be qualified to register or vote at any election in accordance with the provisions of section 5-106 of the election law.

(a) The [fig 1] board of elections of the city of New York shall provide for the personal and mail registration, and cancellation of registration, of persons qualified by this subdivision to vote as "parents," [fig 2] in a manner determined jointly by the board of elections and the city board. Each parent shall be offered the opportunity to register as a parent voter at the time such parent registers his child with the school and at such other times as the [fig 3] board of elections deems necessary to achieve the registration of the maximum number of parents possible. The registration process shall provide a procedure for determining when such parents shall cease to be eligible to vote as parent voters because their child no longer attends a school under the jurisdiction of the community board.

(b) In January next preceding each community board election, the city board shall provide [fig 1] written notice to every parent of a child attending school under the

jurisdiction of every community board of such parent's right to vote in the community board election [fig 2] , the method and time by which a parent may register to vote, and a form by which such parent may register by mail.

(c) (Added, L 1998) The board of elections shall certify qualified registrations pursuant to the certification procedures agreed to by the board of elections and the city board. The board of elections shall certify all qualified registrations and transmit notice of such certification to the city board promptly.

4. [Eff until June 30, 2003]

(a) Every registered voter residing in a community district and every parent of a child attending any school under the jurisdiction of the community board of such district who is a citizen of the state, a resident of the city of New York for at least ninety days prior to the date of the election, and at least eighteen years of age shall be eligible for membership on such community board, provided that such person not be disqualified from registering for or voting at an election under the provisions of section 5-106 of the election law or ineligible to serve, under the provisions of paragraph (b) of this subdivision. No person may serve on more than one community board. A member of a community board shall be ineligible to be employed by the community board of which he is a board member, any other community board or the city board. No person shall be eligible for membership on a community board 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.

(b) A person who has been convicted of a felony, or has been removed from a community school board for any of the following shall be permanently ineligible for appointment or election to any community school board [fig 1] :

(1) an act of malfeasance directly related to his or her service on such community school board; or

(2) conviction of a crime, if such crime is directly related to his or her service upon such community school board.

4. [Eff June 30, 2009]

(a) Every registered voter residing in a community district and every parent of a child attending any school under the jurisdiction of the community board of such district who is a citizen of the state, a resident of the city of New York for at least ninety days prior to the date of the election, and at least eighteen years of age shall be eligible for membership on such community board, provided that such person not be disqualified from registering for or voting at an election under the provisions of section 5-106 of the election law or ineligible to serve, under the provisions of paragraph (b) of this subdivision. No person may serve on more than one community board. A member of a community board shall be ineligible to be employed by the community board of which he is a board member, any other community board or the city board. No person shall be eligible for membership on a community board 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.

(b) A person who has been convicted of a felony, or has been removed from a community school board for any of the following shall be permanently ineligible for appointment or election to any community school board:

(1) an act of malfeasance directly related to his or her service on such community school board; or

(2) conviction of a crime, if such crime is directly related to his or her service upon such community school board.

5. [Eff until Nov 30, 2003] Each registered voter and each person voting as a parent shall vote at such polling place within his community district as shall be designated by the board of elections in the city of New York. The polls of such elections shall be open between the hours of six o'clock in the forenoon and nine o'clock in the evening on the days of elections.

5. [Eff June 30, 2009] Each registered voter [fig 1] shall vote at such polling place within his or her community district as shall be designated by the board of elections in the city of New York or may vote as a registered parent voter, but not both. Each person voting as a registered parent shall vote at such polling place within the community district in which his or her child is attending school as shall be designated by the board of elections in the city of New York. In the event a parent has children attending school in different community districts, the parent may vote at either polling place designated for each of the community districts by the board of elections, but not both. The polls of such elections shall be open between the hours of six o'clock in the forenoon and nine o'clock in the evening on the days of elections.

6. Applicability of the election law.

(a) The provisions of the election law with respect to registration of voters, nomination of candidates, declination of nominations, filling of vacancies in nominations, notices to candidates, objections to petitions, rulings thereon, judicial proceedings, campaign receipts and expenditures, conduct of the election, including the use of voting machines, counting and canvassing of votes, and all other matters so far as applicable shall govern the election of community board members; provided, however, that:

(1) candidates [fig 1] for community board member shall be nominated by petitions in accordance with regulations, not inconsistent with the provisions of this article, promulgated by [fig 2] the board of elections in the city of New York. Such petitions shall be filed with the board of elections at least four weeks before the election;

(2) [Eff until Nov 30, 2003] nominating petitions shall be signed by not fewer than two hundred registered voters residing in such community district, or persons eligible to vote as parents in such community district;

(2) [Eff June 30, 2009] nominating petitions shall be signed by not fewer than two hundred registered voters residing in such community district, or persons eligible to vote as registered parents in such community district;

(3) each candidate shall be nominated by a separate petition and no elector shall sign more than one such petition. Should an elector sign more than one such petition, his or her signature shall be void except upon the petition first signed; [fig 1]

(4) no candidate shall be identified by political party or other organizational affiliation on the nominating petitions or the ballot;

(5) (Added, L 1996) certification of acceptance or declination are not required to be acknowledged; and

(6) (Added, L 1996) the order of the names of candidates on the ballot shall be determined in the same manner as the order of names of candidates in a primary election.

(b) Notwithstanding the provisions of section 14-102 of the election law to the contrary, all receipts and contributions received by a candidate for community board or a political committee on behalf of a candidate for community board from any one contributor must be specifically accounted for by separate items in such candidate's or committee's financial disclosure statement.

(c) At each election, any candidate for community board member shall be entitled [fig 1] to exercise all the rights granted by section 8-500 of the election law to a political party or independent body in regard to the appointment of watchers and challengers for the polls. [fig 2]

(d) (Added, L 1996) Any public hearing held by the board of elections or the city board with respect to the community school board elections or to candidates for community boards must be stenographically transcribed or recorded in another manner and such transcripts or written records of such recordings must be made available for public inspection at the offices of the city board and the board of elections.

(e) (Added, L 1996) Any decision rendered by the board of elections or the city board with respect to candidates for community boards must be written and made available for public inspection within seven days of its issuance at the offices of the city board and the board of elections. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member or commissioner of elections who participated in the decision.

7. [Until Jan 1, 2002; but see 1999 Editor's Note below] The members of each community board shall be elected by proportional representation in accordance with the following rules:

(1) Paper ballots. Community board members shall be voted for, in accordance with the instructions provided in paragraph three, on paper ballots on which the candidates are listed by name only. The ballots shall conform to the provisions of the election law for paper ballots, so far as applicable, except as to size and as hereinafter provided. The ballots shall contain a square for voting before each candidate's name.

(2) Order of names on ballot. The names of the candidates shall be printed in the alphabetical order of their surnames, except that they shall be rotated by polling places by transposing the first named candidate to the bottom of the order at each succeeding polling place; so that each name shall appear first and in each other position in an equal number, as nearly as possible, of the polling places.

(3) Instructions to voters. There shall be no indication on the ballot of a definite number of candidates to be voted for. The instructions to voters shall read as follows:

INSTRUCTIONS

Mark Your Choices with NUMBERS Only.

(Do NOT use X Marks.)

Put the number 1 in the square opposite the name of your first choice.

Put the number 2 opposite your second choice, the number 3 opposite your third choice, and so on. You may mark as many choices as you please.

Do not put the same number opposite more than one name.

To vote for a person whose name is not printed on this ballot, write his name on a blank line under the names of the candidates and put a number in the square opposite to show which choice you wish to give him.

If you tear or deface or wrongly mark this ballot, draw lines across its face to prevent its being used, return it and obtain another.

(4) Central count. Prior to every election at which community board members are to be elected, the board of elections shall designate a central counting place for each community district where the ballots shall be brought together and counted publicly; shall appoint for each central counting place a board of two competent persons, to act as directors of the count for such counting place; shall employ a sufficient staff of assistants for each counting place, and shall make suitable arrangements for the counting and recording of the ballots, subject to the provisions of this article. If the board of elections and the city board determine it to be feasible and desirable, the board of elections may provide for the counting of the ballots by any combination of electronic, mechanical or other devices to carry out the provisions of this section. The board of elections shall prepare and provide all necessary forms and equipment.

(5) Assembling ballots. As soon as the polls have closed, the election officials assigned by the board of elections at each polling place shall seal the ballot boxes without opening them and shall send them at once, as the board of elections may direct, to the central counting place for the district with a record of the number of ballots for community board member which have been voted in their polling place.

(6) Checking number of ballots. At the central counting place the number of ballots for community board member found in each ballot box shall be recorded and compared with the record sent from the corresponding polling place. The records thus compared shall be made available to the public with notations explaining any corrections or changes made therein. Discrepancies which cannot be reconciled shall be shown on the record. All ballots found in the ballot boxes which bear no evidence of having been improperly cast shall be accepted.

(7) Sorting of ballots. Ballots shall be sorted by polling places in an order determined by lot.

(8) Rules for validity. If a ballot does not clearly show which candidate the voter prefers to all others or if it contains the signature of the voter, it shall be held as invalid. Every ballot not thus invalid shall be counted according to the intent of the voter so far as that can be clearly ascertained, whether marked according to the instructions printed on it or not. No ballot shall be held invalid because it is marked in ink or pencil different from the one supplied at the polling place, or because the

names of candidates thereon have been stricken out by the voter. Any cross mark or check mark shall be disregarded, except that a single cross mark or check mark on a ballot on which no number one appears shall be considered equivalent to the number one. If the consecutive numerical order of the numbers on a ballot is broken by the omission of one or more numbers, the smallest number marked shall be taken to indicate the voter's first choice, the next smallest his second, and so on, without regard to the number or numbers omitted.

(9) Count of first choices. At the beginning of the count for each district the ballots shall be sorted and counted according to the first choices marked on them. The ballots shall be so credited to the candidates of their choice in the order of polling places chosen by lot as specified in paragraph seven of this subdivision. The number of valid ballots cast for each candidate as first choice in each polling place and the total number of valid ballots for each candidate and for all candidates shall be determined and recorded.

(10) Single transferable vote. Each candidate shall be credited with one vote for every ballot that is sorted to him as first choice or transferred to him as hereinafter provided, and no ballot shall ever be credited to more than one candidate at the same time.

(11) Quota sufficient to elect. The quota of votes sufficient to elect a community board member shall be determined by dividing the total number of valid ballots cast in the community district by one more than the number of members to be elected for the district and adding one to the result, disregarding fractions. This is the smallest number of ballots which could be received separately by each of as many candidates as are to be elected but not by one more.

(12) Election of candidates with quotas. All candidates whose first-choice ballots equal or exceed the quota shall be declared elected.

(13) Transfer of surplus ballots. All of the surplus ballots in excess of the quota of each candidate so elected shall be transferred from him, each to the unelected candidate indicated on it as next choice among such candidates. The ballots to be so transferred as surplus ballots shall be those last received by the candidate in the count of first choices which show a clear next choice for an unelected candidate. All ballots which show no such clear next choice shall be left to the credit of the candidate of their first choice. If more than one candidate has first-choice ballots in excess of the quota, the surplus ballots of the candidate with most ballots shall be transferred first, then those of the candidate with next most ballots, and so on.

(14) Election of candidates during transfers. Whenever during any transfer of ballots, at any stage of the counting, the number of ballots credited to a candidate becomes equal to the quota, he shall be declared elected and no ballots in excess of the quota shall be transferred to him. Any transferred ballots in excess of the quota which show a next choice for such candidate shall be transferred further at once, each to the next subsequent choice on it for a continuing candidate. A "continuing candidate" is a candidate not yet elected or defeated. If such a ballot shows no such further choice, it shall be set aside as "exhausted".

(15) Defeat of lowest candidates. After the count of first choices and the transfer of all surplus ballots, if any, the candidates having fewest votes to their credit shall be successively defeated and their ballots transferred as hereinafter provided. The one candidate with the fewest votes shall be declared defeated first. If at this point, two or more of the candidates with the next fewest votes, including any such candidates whose names have been written in, have together fewer votes than the candidate next higher in number of votes, they may all be declared defeated together unless this would reduce the number of undefeated candidates below the number to be elected.

(16) Transfer of ballots from defeated candidates. All the ballots of the candidates thus defeated shall be transferred, each to the candidate indicated on it as next choice among the continuing candidates. If a ballot shows no such further choice, it shall be set aside as exhausted. If the same choice is marked for more than one candidate, it shall be disregarded except as to continuing candidates, but if the next choice for a continuing candidate is marked for more than one continuing candidate, the ballots shall be set aside as exhausted.

(17) Defeat of candidate then lowest. When all the ballots of the candidate or candidates first defeated have been transferred, the one candidate who is then lowest on the poll shall be declared defeated and all his ballots transferred in the same way.

(18) Successive defeats and transfers of ballots. Thereupon the candidate who is then lowest on the poll shall be declared defeated and all his ballots similarly transferred. The lowest candidates shall be declared defeated one at a time and all their ballots transferred until the election is at an end as hereinafter provided.

(19) Order of transfer. When ballots are being transferred from defeated candidates, they shall be transferred in the reverse order to that in which they were credited to the candidate whose ballots are being transferred, except that if no quota can possibly be completed for another candidate during the transfer they may be transferred in any order.

(20) Ties. In deciding any tie a candidate shall be treated as having more votes than another if he was credited with more votes at the end of the last preceding transfer or sorting of ballots at which the numbers of their votes were different. Any tie not thus decided shall be decided by lot.

(21) Election ended when all quotas are completed. If at any time as many candidates as are to be elected have received the quota, the other candidates shall all be declared defeated and the election shall be at an end. Any transfer that is in progress when the last candidate is elected may be completed for the record.

(22) Last candidates elected even if quotas are not completed. If at any time all ballots of any defeated candidates have been transferred and it is impossible to defeat another candidate without reducing the continuing candidates below the number still to be elected, all the continuing candidates shall be declared elected and the election shall be at an end.

(23) Correction of errors. If at any time after the first sorting of the ballots a ballot is found to have been misplaced, it shall be credited to the candidate who should have been credited with it at that stage of the counting or set aside as exhausted if that would have been the proper disposition of it at that stage, and any changes in the

disposition of the ballots composing completed quotas made necessary by the correction shall also be made forthwith. If the number of misplaced ballots found indicates that the list of continuing candidates may be incorrect, so much of the sorting and counting as may be required to correct the error shall be done over again before the count proceeds.

(24) Record of count. A record of the count shall be kept in such form as to show, after each sorting or transfer of ballots, the number thereby credited to each candidate, the number thereby found exhausted, the total for each candidate, the total found exhausted, and the total number of valid ballots found by adding the totals of all candidates and the total found exhausted.

(25) Record and disposition of ballots. Every ballot that is transferred from one candidate to another shall be stamped or marked so as to show all the candidates to whom it is successively credited during the entire course of the count. If in correcting an error, or in recounting ballots, any ballots are re-sorted or re-transferred, every such ballot shall be made to take the same course that it took in the original count unless the correction of an error requires its taking a different course.

(26) Ineligible candidates. If a candidate dies or is officially determined to be ineligible before the counting of the ballots is completed, all choices for such candidate shall be disregarded and every ballot which would otherwise have been counted for him shall be counted for the next choice thereon, if any, instead.

(27) Public attendance at count. The candidates, representatives of the press and other media and, so far as may be consistent with good order and convenience, the public shall be afforded every facility for being present and witnessing the count.

(28) Supplementary regulations. Administrative regulations for the conduct of elections by proportional representation, not inconsistent with the provisions of this article may be made by the city board and, subject to any such regulation, by the board of elections in the city of New York.

(29) [Redesignated]

(30) [Redesignated]

(31)--(33) [Deleted]

(34) [Redesignated in part; deleted in part]

7. [Eff Jan 1, 2002; but see 1999 Editor's Note below] Method of election. The members of each community board shall be elected in accordance with the following rules of limited voting:

(a) Community board members shall be voted for on voting machines, in accordance with the provisions of title two of article seven of the election law.

(b) Order of names on ballot. The names of the candidates shall be printed in the alphabetical order of their surnames, except that they shall be rotated by polling places by transposing the first named candidate to the bottom of the order at each succeeding polling place so that each name shall appear first and in each other position in an equal number, as nearly as possible, of the polling places.

(c) **Vote casting.** Each voter is entitled to cast one vote for each candidate to a maximum of four votes. No voter may cast more than one vote for any one candidate.

(d) **Election of candidates.** The nine candidates receiving the greatest number or [of] * votes when ballots are counted in accordance with the provisions of article nine of the election law shall be elected.

* The bracketed word has been inserted by the Publisher.

(e) **Ties.** In the event that more eligible persons than the number remaining to be elected receive an equal number of votes, on notice to the persons receiving the same number of votes, the board of elections in the city of New York shall determine by lot which of those persons is elected.

(f) **Supplementary regulations.** Administrative regulations for the conduct of elections by limited voting, not inconsistent with the provisions of this article, may be made by the board of elections in the city of New York, in consultation with the city board.

8. (Added, L 1988) [Eff until Nov 30, 2003 and eff after June 30, 2009]

(a) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of a community board who refuses or neglects to attend three meetings of his board of which he is duly notified, without rendering in writing a good and valid excuse therefor vacates his 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 board shall declare a vacancy and certify the existence of the vacancy to the chancellor.

(b) Vacancies shall be filled for the unexpired term by the community board 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.

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

9. (Added, L 1998) [Eff June 30, 2009] Public information and education.

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

(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.

10. (Added, L 1998) [Eff June 30, 2009] Polling place procedures. The board of elections shall provide at the locations designated as polling places on the days of the community board elections, sufficient employees who have received formal training regarding the conduct of community board elections, including the procedures applicable to parent voters. The board of elections of the city of New York shall provide polling place employees who speak other languages as required by law.

11. (Added, L 1998) [Eff June 30, 2009] Distribution of information/media. Beginning in October of the school year in which the community school election will take place, and continuing until the date of election, the city board shall ensure the distribution of voter guides to parents in addition to information regarding community board roles, functions, and activities, including upcoming elections, voter registration, candidate information, and the nature of the election process to parents and to the general public through city-wide and local media. The city board and the board of elections of the city of New York should use foreign language and ethnic newspapers and television stations to maximize minority participation in the electoral process.

12. (Added, L 1998) [Eff June 30, 2009] Definition. For the purposes of this section, the term "parent of a child" shall include a parent of a child with a disability, as defined in article eighty-nine of this chapter.

NY CLS Educ § 2590-d (2003)

§ 2590-d. [Expires and repealed June 30, 2009] 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 [fig 1] council, 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 [fig 1] council 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 [fig 2] council. 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 [fig 1] council, 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.

c. (Added, L 2003) [Until June 30, 2009] 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.

c. [Eff June 30, 2009] that districts implement a process for community involvement in connection with the periodic recommendation of superintendent candidates to the chancellor pursuant to regulations of the chancellor, subject to the review and approval of the chancellor, and such involvement in connection with the periodic review of the superintendent's performance.

d. that all meetings of the community [fig 1] council 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 [fig 1] council, the office of the commissioner of education, and at such other places as the city board shall deem proper.

NY CLS Educ § 2590-e (2003)

§ 2590-e. [Expires and repealed June 30, 2009] Powers and duties of community [fig 1] district education council

Each community [fig 1] council 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 [fig 2] councils shall have no executive or administrative powers or functions, but shall have the following powers and duties:

1. [None]

1. [Eff June 30, 2009] employ a community superintendent, selected by the chancellor, by contract for a term not to exceed by more than one year the term of