

STATE OF NEW YORK

1408

2013-2014 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2013

Introduced by Sens. MONTGOMERY, DILAN -- read twice and ordered printed,
and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the superintendent of
the New York city school district

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

- 1 Section 1. Section 3003 of the education law is amended by adding a
2 new subdivision 6 to read as follows:
3 6. Notwithstanding any other provision of law, the commissioner shall
4 not issue a waiver from the requirements of subdivision one of this
5 section to any person nominated to exercise the powers described in
6 section twenty-five hundred ninety-h of this chapter and who is known as
7 the superintendent or chancellor of the New York city school district,
8 nor shall the commissioner grant a school district leader certificate to
9 an individual who fails to meet the requirements of such subdivision.
10 § 2. This act shall take effect immediately.

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

LBD04049-01-3

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1408

SPONSOR: MONTGOMERY

TITLE OF BILL: An act to amend the education law, in relation to the superintendent of the New York city school district

PURPOSE: To ensure that the education commissioner cannot issue a waiver allowing an unqualified individual to be appointed to the position of chancellor of the New York City school district.

SUMMARY OF PROVISIONS: This bill amends section 3003 of the education law by adding a new subdivision 6. The new subdivision 6 would bar the education commissioner from issuing a waiver from the qualifications required for a person to serve as the superintendent or chancellor of the NYC school district.

EXISTING LAW: Under current law, a superintendent of a school district must have completed sixty semester hours in graduate courses approved by the commissioner, and must have completed three years of teaching experience satisfactory to the commissioner in public or non-public schools. Furthermore, the candidate for superintendent must have successfully (1) completed a New York State program (or its equivalent if out of state) leading to a professional certificate as a school district leader in the educational leadership service, or (2) performed on the New York State assessment for school district leadership.

When a candidate lacks those educational or experiential requirements, the commissioner of education may nonetheless issue a superintendent's certificate for that candidate. The commissioner is empowered to grant an exception (waiver) to the education or experience requirements if he finds that the candidate has "exceptional training and experience" which are the "substantial equivalent of such requirements."

Although the commissioner's regulations clearly state that the request for the professional certificate must come from the board, there is a strong argument that the mayoral control statute presumes that the authority to request a waiver would rest with the Mayor.

JUSTIFICATION: This legislation will ensure that only qualified professionals in the education field are appointed to the position of Chancellor/Superintendent of the New York City school district, the largest public school district in the State of New York. Under current law, these qualifications can be waived, resulting in disastrous consequences for school children when major education-related decisions are made by unqualified individuals. By prohibiting waivers and thus removing mayoral control over the selection of the chancellor, we can ensure that the leader of NYC schools is truly qualified to work in the education system.

LEGISLATIVE HISTORY: 2011-2012: S.7398 - Died in Committee

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

