S T A T E O F N E W Y O R K

3750

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CLARK, WRIGHT, GREENE, MILLMAN, RAMOS, ROBINSON -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, DIAZ, FARRELL, HEASTIE, JOHN, LIFTON, McENENY, PAULIN, TITUS -- read once and referred to the Committee on Education

AN ACT creating a temporary state commission to examine the degree and effect of segregation in primary and secondary schools; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. There is established within the department of education a temporary state commission to examine and review the degree of segregation in primary and secondary schools; here and after referred to as the commission. The commission shall have the following functions, powers and duties:

a. To appoint an executive director who shall act in accordance with the policies of the commission. The commission may delegate authority to the executive director to act in the name of the commission between meetings of the commission provided such delegation is in writing and the specific powers to be delegated are enumerated;

b. To appoint such other staff as are necessary to carry out its duties under this section;

c. To conduct investigations in connection with: the level of segregation in New York's primary and secondary schools; any correlation between segregation and inadequate school funding; and the long-term economic impact of inadequate educational resources on segregated students and society;

d. To make an annual report to the governor and the legislature not later than July first of each year which shall include its recommendations. The commission shall make such further interim reports to the governor, or to the governor and legislature, as it shall deem advis-

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

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able, or as shall be required to do by the governor, the temporary president of the senate or the speaker of the assembly;

e. To conduct any investigation authorized by this section at any place within the state; and to maintain offices, hold meetings and function at any place within the state as it may deem necessary;

f. To conduct private and public hearings and to designate one or more members of the commission or of its staff to preside over any such hearings; and

g. To administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation.

S 2. The commission shall consist of ten members, to be known as commissioners to be appointed as follows: Two members of the commission shall be appointed by the governor, two by the temporary president of the senate, two by the minority leader of the senate, two by the speaker of the assembly and two by the minority leader of the assembly, each to serve a three year term. No more than five members shall belong to the same political party. No member or employee of the commission shall hold any other public office or public employment and no member shall be employed as a lobbyist. The governor shall designate the chairperson of the commission from among the members thereof, who shall serve as chairperson at the pleasure of the governor. The chairperson or any six members of the commission may call a meeting. Any vacancy occurring on the commission shall be filled within 60 days of its occurrence in the same manner as the original appointment. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. A person appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she succeeds. Six members of the commission shall constitute a quorum and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy. Members of the commission may be removed by the governor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

S 3. The members of the commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

S 4. The commission may request and shall receive from every department, division, board, bureau, commission or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

S 5. This act shall take effect July 1, 2009 and shall expire March 31, 2012, when upon such date the provisions of this act shall be deemed repealed.