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

4906

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. MORELLE, GANTT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the chancellor of the state university system to remove the board of trustees of community colleges and establishing the removal procedure

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

Section 1. Section 6306 of the education law is amended by adding a new subdivision 1-b to read as follows:

1-B. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE MAY BE REMOVED BY THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

A. THE FACULTY, STAFF AND STUDENTS OF A COMMUNITY COLLEGE MAY PETITION THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM TO REMOVE ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE PROVIDED THAT SUCH PETITION HAS BEEN APPROVED BY (I) A MAJORITY VOTE OF THE STUDENT GOVERNMENT OF THE COMMUNITY COLLEGE AND (II) A MAJORITY VOTE OF ANY ASSEMBLED BODY OF FULL-TIME FACULTY AND STAFF OF THE COMMUNITY COLLEGE, WHICH BODY SHALL REPRESENT NO LESS THAN TWENTY-FIVE PERCENT OF THE FULL-TIME FACULTY AND STAFF AT SUCH COLLEGE.

B. UPON RECEIPT OF SUCH PETITION AND VERIFICATION OF ITS VALIDITY, THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM SHALL CAUSE NOTICE TO BE SERVED UPON EACH AFFECTED COMMUNITY COLLEGE TRUSTEE EITHER PERSONALLY OR, UPON A FINDING THAT HE OR SHE CANNOT BE SERVED PERSONALLY, BY REGISTERED MAIL, AT HIS OR HER ADDRESS LAST KNOWN TO THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM, TO APPEAR BEFORE SUCH BOARD TO SHOW CAUSE WHY HE OR SHE SHOULD NOT BE REMOVED FROM OFFICE. THEREAFTER, AND NO SOONER THAN FOURTEEN DAYS AFTER SERVICE OF THE NOTICE, THE TRUSTEES OF THE STATE UNIVERSITY SYSTEM SHALL AFFORD THE AFFECTED TRUSTEES OF THE COMMUNITY COLLEGE A REASONABLE OPPORTUNITY TO BE HEARD.

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

LBD08738-01-9

C. IF, AFTER GRANTING THE AFFECTED COMMUNITY COLLEGE TRUSTEE OR TRUSTEES A REASONABLE OPPORTUNITY TO BE HEARD, THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM, BY A THREE-FIFTHS VOTE OF ALL ITS MEMBERS, FINDS THAT ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE HAS VIOLATED ANY LAW OR DULY ENACTED RULE OR REGULATION RELATING TO SUCH COMMUNITY COLLEGE, OR HAS CONTINUED UNAUTHORIZED OR UNSAFE PRACTICES IN CONDUCTING THE BUSINESS OF SUCH COLLEGE, HAS AUTHORIZED OR ENGAGED IN ACTS THAT ARE DETRIMENTAL OR HOSTILE TO THE INTERESTS OF THE COMMUNITY COLLEGE, OR HAS OTHERWISE ACTED INAPPROPRIATELY, THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM, IN ITS DISCRETION, BY A THREE-FIFTHS VOTE OF ALL ITS MEMBERS, MAY RECOMMEND TO THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM THAT THE TRUSTEE OR TRUSTEES OF THE COMMUNITY COLLEGE BE REMOVED FROM OFFICE. THE VOTES OF THE TRUSTEES OF THE STATE UNIVERSITY SYSTEM SHALL BE ENTERED INTO THE RECORD OF THE MINUTES OF THE MEETING AT WHICH THE VOTES ARE TAKEN AND SHALL BE ATTACHED TO SUCH MINUTES AND BECOME PART OF THE RECORD. WITHIN TEN DAYS THEREAFTER, THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM SHALL SUBMIT TO THE CHANCELLOR A WRITTEN RECOMMENDATION THAT ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE BE REMOVED, AND SHALL SET FORTH THEREIN THE REASONS FOR RECOMMENDATION OF REMOVAL. A COPY OF SUCH RECOMMENDATION AND REASONS SHALL BE PROVIDED TO EACH AFFECTED COMMUNITY COLLEGE TRUSTEE.

D. WITHIN THIRTY DAYS OF RECEIPT OF THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM THAT ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE BE REMOVED, THE CHANCELLOR SHALL DETERMINE WHETHER TO REMOVE THE AFFECTED TRUSTEE OR TRUSTEES OF THE COMMUNITY COLLEGE, AND SHALL PROVIDE WRITTEN NOTICE OF HIS DETERMINATION TO THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY SYSTEM AND TO EACH AFFECTED TRUSTEE OF THE COMMUNITY COLLEGE.

E. A TRUSTEE WHO HAS BEEN REMOVED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE ELIGIBLE FOR RE-ELECTION.

S 2. Paragraph c of subdivision 1 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

c. The approval of the establishment of community colleges and four year colleges authorized by article one hundred twenty-six of this chapter, in conformance with the master plan; the provision of standards and regulations covering the organization and operation of their programs, courses and curricula, financing arrangements, state financial assistance, tuition charges and fees, THE REMOVAL OF THE TRUSTEES OF SUCH COLLEGES AS PROVIDED IN SUBDIVISION ONE-B OF SECTION SIXTY-THREE HUNDRED SIX OF THIS CHAPTER, and such other matters as may be involved in the operation of such colleges.

S 3. This act shall take effect immediately.