

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

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I N A S S E M B L Y

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Introduced by M. of A. GLICK, LUPARDO, JAFFEE, PEOPLES-STOKES, CASTRO, N. RIVERA, STIRPE, ENGLEBRIGHT, MAISEL -- Multi-Sponsored by -- M. of A. CHRISTENSEN, COLTON, CRESPO, DeLMONTE, DUPREY, ERRIGO, ESPAILLAT, GABRYSZAK, GALEF, GIBSON, GOTTFRIED, GUNTHER, HIKIND, LANCMAN, MARKEY, McDONOUGH, McKEVITT, NOLAN, PHEFFER, QUINN, REILLY, SAYWARD, SKARTADOS, SPANO, SWEENEY, THIELE, TOWNSEND, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring the board of trustees of SUNY, CUNY and HESC to make publicly available agendas and subsequent meeting records

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

1 Section 1. Subdivisions 2 and 4 of section 353 of the education law,
2 as amended by chapter 552 of the laws of 1985, are amended to read as
3 follows:
4 2. A. The board may provide for regular meetings, and the chairman, or
5 the vice-chairman, or any eight members by petition, may at any time
6 call a special meeting of the board of trustees and fix the time and
7 place therefor; and at least seven days notice of every meeting shall be
8 mailed to the usual address of each trustee, unless such notice be
9 waived by a majority of the board. Resolutions for the consideration of
10 the board of trustees must be mailed to the usual address of each trustee no less than seven days prior to a meeting, unless the chair shall
11 make available in writing on the day of the meeting the facts which
12 necessitate an immediate vote. [The agendas for such meetings shall be
13 available three days prior to the meetings and shall be considered
14 public records.] Eight trustees attending shall be a quorum for the
15 transaction of business and, unless a greater number is required by the
16 by-laws, the act of a majority of the members present at any meeting
17 shall be the act of the board. The board shall hold at least two public
18 hearings each year. One public hearing shall be held during the spring
19 semester and one public hearing shall be held in the fall semester. The
20 purpose of such hearings shall be to receive testimony and statements
21 from concerned individuals about university issues. The board shall fix
22

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

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1 the time, place, duration and format of each hearing. At least three
2 members of the board shall attend each hearing. At least thirty days
3 notice of the hearing shall be given by the chairman of the board to all
4 members of the board, to all presidents of state operated campuses, to
5 the chair of faculty-senate bodies of state operated campuses, to all
6 student government presidents of state operated campuses, to the certi-
7 fied or recognized employee organizations representing employees of the
8 state university and to the media. Such notice shall contain the time
9 and place of the public hearing.

10 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE
11 ELECTRONICALLY AVAILABLE ON THE STATE UNIVERSITY OF NEW YORK WEBSITE
12 THREE DAYS PRIOR TO THE MEETINGS UNLESS AN EXECUTIVE COMMITTEE MEETING
13 HAS BEEN CALLED IN WHICH AN AGENDA MUST BE AVAILABLE FORTY-EIGHT HOURS
14 IN ADVANCE, AND SHALL BE CONSIDERED A PUBLIC RECORD. A SUMMARY OF RESOL-
15 UTIONS, BOARD ACTIONS, AND VOTING RECORD FOR ANY SUCH MEETING OF THE
16 BOARD OF TRUSTEES SHALL BE ELECTRONICALLY AVAILABLE ON THE STATE UNIVER-
17 SITY OF NEW YORK WEBSITE NO LATER THAN SEVEN DAYS AFTER THE MEETING AND
18 SHALL BE CONSIDERED PUBLIC RECORDS. THE APPROVED MINUTES, ATTENDANCE,
19 TRANSCRIPTS AND VOTING RECORD FOR ANY SUCH MEETING MUST BE POSTED NO
20 LATER THAN SEVEN DAYS FOLLOWING THEIR APPROVAL BY THE BOARD. INFORMA-
21 TION POSTED ON THE STATE UNIVERSITY OF NEW YORK WEBSITE REGARDING BOARD
22 OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS ARCHIVED DATA FOR A
23 MINIMUM OF TEN YEARS.

24 C. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE CONDUCTED IN
25 ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

26 4. A. The board may elect an executive committee of not less than five
27 members, who, in intervals between meetings of the board may transact
28 such business of the state university as the board may from time to time
29 authorize, except to grant degrees or to make removals from office. The
30 student member of the board shall be a member of such committee. A
31 majority of the whole of the executive committee, but in any event not
32 less than four members, attending shall be a quorum for the transaction
33 of business and the act of a majority of the members of the executive
34 committee present at any meeting thereof shall be the act of such
35 committee.

36 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES, INCLUDING
37 MEETINGS OF ANY COMMITTEES AND SUBCOMMITTEES UNDER THE PURVIEW OF THE
38 BOARD OF TRUSTEES, SHALL BE AVAILABLE ELECTRONICALLY ON THE STATE
39 UNIVERSITY OF NEW YORK WEBSITE THREE DAYS PRIOR TO THE MEETINGS AND
40 SHALL BE CONSIDERED A PUBLIC RECORD. A SUMMARY OF RESOLUTIONS, BOARD
41 ACTIONS, AND VOTING RECORD FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES
42 SHALL BE ELECTRONICALLY AVAILABLE ON THE STATE UNIVERSITY OF NEW YORK
43 WEBSITE NO LATER THAN SEVEN DAYS AFTER THE MEETING AND SHALL BE CONSID-
44 ERED PUBLIC RECORDS. THE APPROVED MINUTES, ATTENDANCE, TRANSCRIPTS AND
45 VOTING RECORD FOR ANY SUCH MEETING MUST BE POSTED NO LATER THAN SEVEN
46 DAYS FOLLOWING THEIR APPROVAL BY THE BOARD. INFORMATION POSTED ON THE
47 STATE UNIVERSITY OF NEW YORK WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS
48 SHALL REMAIN ON THE SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

49 C. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE CONDUCTED IN
50 ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

51 S 2. Subdivision 3 of section 6204 of the education law, as added by
52 chapter 305 of the laws of 1979, paragraph (a) as amended by chapter 552
53 of the laws of 1985 and paragraph (c) as amended by chapter 317 of the
54 laws of 1980, is amended to read as follows:

55 3. Meetings of the board of trustees. (a) The by-laws of the board of
56 trustees shall provide for regular meetings. At least seven days notice

1 of every regular meeting and a copy of the agenda for that meeting shall
2 be mailed to the usual address of each trustee. Resolutions for the
3 consideration of the board of trustees must be mailed to the usual
4 address of each trustee no less than seven days prior to a meeting,
5 unless the chair shall make available in writing on the day of the meet-
6 ing the facts which necessitate an immediate vote. The agendas for such
7 meetings shall be available ELECTRONICALLY ON THE CITY UNIVERSITY OF NEW
8 YORK WEBSITE three days prior to the meetings UNLESS AN EXECUTIVE
9 COMMITTEE MEETING HAS BEEN CALLED IN WHICH AN AGENDA MUST BE AVAILABLE
10 FORTY-EIGHT HOURS IN ADVANCE, and shall be considered public records. A
11 SUMMARY OF RESOLUTIONS, BOARD ACTIONS, AND VOTING RECORD FOR ANY SUCH
12 MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY AVAILABLE ON
13 THE CITY UNIVERSITY OF NEW YORK WEBSITE NO LATER THAN SEVEN DAYS AFTER
14 THE MEETING AND SHALL BE CONSIDERED PUBLIC RECORDS. THE APPROVED
15 MINUTES, ATTENDANCE, TRANSCRIPTS AND VOTING RECORD FOR ANY SUCH MEETING
16 MUST BE POSTED NO LATER THAN SEVEN DAYS FOLLOWING THEIR APPROVAL BY THE
17 BOARD. INFORMATION POSTED ON THE CITY UNIVERSITY OF NEW YORK WEBSITE
18 REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS ARCHIVED
19 DATA FOR A MINIMUM OF TEN YEARS. All meetings shall be held in accord-
20 ance with article seven of the public officers law.

21 (b) The chairperson, the vice chairperson or any five trustees acting
22 by petition, may at any time call a special meeting of the board of
23 trustees and fix the time and place therefor. Each trustee shall receive
24 telephonic or written notice of a special meeting at least [two days]
25 FORTY-EIGHT HOURS prior to the special meeting. AN AGENDA FOR SUCH
26 MEETING, INCLUDING MEETINGS OF ANY COMMITTEES AND SUBCOMMITTEES UNDER
27 THE PURVIEW OF THE BOARD OF TRUSTEES, SHALL BE AVAILABLE ELECTRONICALLY
28 ON THE CITY UNIVERSITY OF NEW YORK WEBSITE FORTY-EIGHT HOURS PRIOR TO
29 THE SPECIAL MEETING OF THE BOARD AND SHALL BE CONSIDERED A PUBLIC
30 RECORD. A SUMMARY OF RESOLUTIONS, BOARD ACTIONS, AND VOTING RECORD FOR
31 ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY AVAIL-
32 ABLE ON THE CITY UNIVERSITY OF NEW YORK WEBSITE NO LATER THAN SEVEN DAYS
33 AFTER THE MEETING AND SHALL BE CONSIDERED PUBLIC RECORDS. THE APPROVED
34 MINUTES, ATTENDANCE, TRANSCRIPTS AND VOTING RECORD FOR ANY SUCH MEETING
35 MUST BE POSTED NO LATER THAN SEVEN DAYS FOLLOWING THEIR APPROVAL BY THE
36 BOARD. INFORMATION POSTED ON THE CITY UNIVERSITY OF NEW YORK WEBSITE
37 REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS ARCHIVED
38 DATA FOR A MINIMUM OF TEN YEARS. ANY SUCH MEETING OF THE BOARD OF TRUS-
39 TEES SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC
40 OFFICERS LAW.

41 (c) [The notice provisions of paragraphs (a) and (b) hereof may in any
42 instance be waived by written waiver of at least twelve voting members
43 of the board of trustees.

44 (d)] Nine trustees attending a meeting shall constitute a quorum for
45 the transaction of business by the board of trustees.

46 [(e)] (D) (i) The board of trustees shall hold at least one public
47 hearing each year in each of the five boroughs of the city of New York.
48 The purpose of such hearing shall be to receive testimony and statements
49 from concerned individuals about university issues.

50 (ii) The board of trustees shall fix the time, place, duration and
51 format of each hearing.

52 (iii) At least thirty days notice of the hearing shall be given by the
53 chairperson of the board of trustees to all of the trustees, to all
54 presidents of educational units, to the chair of faculty-senate bodies
55 of educational units, to all student government presidents of educa-
56 tional units, to the borough president, the members of the city council,

1 the members of the board of estimate, the local community boards of the
2 borough where the hearing is to be held and to the media. The notice
3 shall contain the time, place and date of the public hearing. SUCH
4 INFORMATION SHALL BE MADE ELECTRONICALLY AVAILABLE ON THE CITY UNIVERSI-
5 TY OF NEW YORK WEBSITE. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL
6 BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS
7 LAW.

8 (iv) At least three trustees shall attend each hearing.

9 S 3. Subdivision 7 of section 652 of the education law, as added by
10 chapter 942 of the laws of 1974, is amended to read as follows:

11 7. A. The board of trustees shall provide for the holding of regular
12 meetings and such special meetings at the call of the chairman, as may
13 be necessary. A majority of the trustees shall constitute a quorum for
14 the transaction of any business and the act of the majority of the trus-
15 tees present at any meeting shall be deemed the act of the board.

16 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE
17 AVAILABLE ELECTRONICALLY ON THE HIGHER EDUCATION SERVICES CORPORATION
18 WEBSITE THREE DAYS PRIOR TO THE MEETINGS AND SHALL BE CONSIDERED A
19 PUBLIC RECORD. THE ATTENDANCE, MINUTES, TRANSCRIPTS AND VOTING RECORD
20 FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY
21 AVAILABLE ON THE HIGHER EDUCATION SERVICES CORPORATION WEBSITE NO LATER
22 THAN SEVEN DAYS AFTER THE MEETING AND SHALL BE CONSIDERED PUBLIC
23 RECORDS. INFORMATION POSTED ON THE HIGHER EDUCATION SERVICES CORPORATION
24 WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS
25 ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

26 C. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE CONDUCTED IN
27 ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

28 S 4. This act shall take effect immediately.