

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

February 3, 2010

Introduced by M. of A. GLICK, LUPARDO, JAFFEE, PEOPLES-STOKES, CASTRO, N. RIVERA, STIRPE, ENGLEBRIGHT, MAISEL, KAVANAGH, O'DONNELL, JACOBS, ROSENTHAL -- Multi-Sponsored by -- M. of A. BARRON, BRENNAN, CHRISTENSEN, COLTON, CRESPO, DeLMONTE, DUPREY, ERRIGO, ESPAILLAT, GABRYSZAK, GALEF, GIBSON, GOTTFRIED, GUNTHER, HEVESI, HIKIND, HYER-SPENCER, LANCMAN, MARKEY, MAYERSOHN, McDONOUGH, McKEVITT, MENG, MILLMAN, NOLAN, PHEFFER, QUINN, REILLY, SAYWARD, SKARTADOS, SPANO, SWEENEY, THIELE, TOWNSEND, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 semester and one public hearing shall be held in the fall semester. The
2 purpose of such hearings shall be to receive testimony and statements
3 from concerned individuals about university issues. The board shall fix
4 the time, place, duration and format of each hearing. At least three
5 members of the board shall attend each hearing. At least thirty days
6 notice of the hearing shall be given by the chairman of the board to all
7 members of the board, to all presidents of state operated campuses, to
8 the chair of faculty-senate bodies of state operated campuses, to all
9 student government presidents of state operated campuses, to the certi-
10 fied or recognized employee organizations representing employees of the
11 state university and to the media. Such notice shall contain the time
12 and place of the public hearing.

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

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

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

39 B. THE AGENDA FOR ANY MEETING OF ANY COMMITTEE AND SUBCOMMITTEE OF THE
40 BOARD OF TRUSTEES SHALL BE AVAILABLE ELECTRONICALLY ON THE STATE UNIVER-
41 SITY OF NEW YORK WEBSITE THREE DAYS PRIOR TO THE MEETING UNLESS AN EXEC-
42 UTIVE COMMITTEE MEETING HAS BEEN CALLED, IN WHICH CASE AN AGENDA MUST BE
43 AVAILABLE TWENTY-FOUR HOURS IN ADVANCE, AND SHALL BE CONSIDERED A PUBLIC
44 RECORD. A SUMMARY OF RESOLUTIONS AND ACTIONS BY THE COMMITTEE OR SUBCOM-
45 MITTEE FOR ANY SUCH MEETING SHALL BE ELECTRONICALLY AVAILABLE ON THE
46 STATE UNIVERSITY OF NEW YORK WEBSITE NO LATER THAN SEVEN DAYS AFTER THE
47 MEETING AND SHALL BE CONSIDERED A PUBLIC RECORD. THE APPROVED MINUTES,
48 ATTENDANCE, VOTING RECORD, AND EITHER TRANSCRIPTS OR VIDEO RECORD, FOR
49 ANY SUCH MEETING MUST BE POSTED NO LATER THAN SEVEN DAYS FOLLOWING THE
50 APPROVAL BY THE BOARD, COMMITTEE OR SUBCOMMITTEE. INFORMATION POSTED ON
51 THE STATE UNIVERSITY OF NEW YORK WEBSITE REGARDING SUCH MEETINGS SHALL
52 REMAIN ON THE SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

53 C. ANY SUCH MEETING OF A COMMITTEE OR SUBCOMMITTEE OF THE BOARD OF
54 TRUSTEES SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE
55 PUBLIC OFFICERS LAW.

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

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

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

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

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

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

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

3 (iii) At least thirty days notice of the hearing shall be given by the
4 chairperson of the board of trustees to all of the trustees, to all
5 presidents of educational units, to the chair of faculty-senate bodies
6 of educational units, to all student government presidents of educa-
7 tional units, to the borough president, the members of the city council,
8 the members of the board of estimate, the local community boards of the
9 borough where the hearing is to be held and to the media. The notice
10 shall contain the time, place and date of the public hearing. SUCH
11 INFORMATION SHALL BE MADE ELECTRONICALLY AVAILABLE ON THE CITY UNIVERSI-
12 TY OF NEW YORK WEBSITE. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL
13 BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS
14 LAW.

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

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

18 7. A. The board of trustees shall provide for the holding of regular
19 meetings and such special meetings at the call of the chairman, as may
20 be necessary. A majority of the trustees shall constitute a quorum for
21 the transaction of any business and the act of the majority of the trus-
22 tees present at any meeting shall be deemed the act of the board.

23 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE
24 AVAILABLE ELECTRONICALLY ON THE HIGHER EDUCATION SERVICES CORPORATION
25 WEBSITE THREE DAYS PRIOR TO THE MEETINGS AND SHALL BE CONSIDERED A
26 PUBLIC RECORD. THE ATTENDANCE, MINUTES, VOTING RECORD, AND EITHER TRAN-
27 SCRIPTS OR VIDEO RECORD, FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES
28 SHALL BE ELECTRONICALLY AVAILABLE ON THE HIGHER EDUCATION SERVICES
29 CORPORATION WEBSITE NO LATER THAN SEVEN DAYS AFTER THE MEETING AND SHALL
30 BE CONSIDERED PUBLIC RECORDS. INFORMATION POSTED ON THE HIGHER EDUCATION
31 SERVICES CORPORATION WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS SHALL
32 REMAIN ON THE SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

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

35 S 4. This act shall take effect immediately.