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

2122

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. GOLDEN, LANZA, SALAND -- 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 transferring the authority to appoint the commissioner of education from the board of regents to the governor

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

Section 1. Section 101 of the education law is amended to read as follows:

S 101. Education department; regents of the university. There shall continue to be in the state government an education department. The department is charged with the general management and supervision of all public schools and all of the educational work of the state, including the operations of The University of the State of New York and the exercise of all the functions of the education department, of The University of the State of New York, of the regents of the university and of the commissioner of education and the performance of all their powers and duties, which were transferred to the education department by section three hundred twelve of the state departments law or shall have been prescribed by law before March sixteenth, nineteen hundred twenty-seven, whether in terms vested in such department or university or in any sub-department, division or bureau thereof or in such commissioner, board or officer, and such functions, powers and duties shall continue to be vested in the education department continued by this chapter and shall continue to be exercised and performed therein by or through the appropriate officer, sub-department, division or bureau thereof, together with such functions, powers and duties as hereafter may be conferred or imposed upon such department by law. All the provisions of this chapter, in so far as they are not inconsistent with the provisions of this chapter as hereby amended or may be made applicable, shall apply to the

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

LBD07680-01-9

education department continued by this chapter as hereby amended and to The University of the State of New York, the board of regents of the university, the commissioner of education and to the divisions, bureaus and officers in such department. The head of the department shall continue to be the regents of The University of the State of New York[, who shall appoint, and at pleasure may remove, the commissioner of education]. The commissioner SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. THE COMMISSIONER shall continue to be the chief administrative officer of the department. The [regents] GOVERNOR also may appoint and, at pleasure, remove a deputy commissioner of education, who shall perform such duties as the regents may assign to him OR HER by rule and who, in the absence or disability of the commissioner or when a vacancy exists in the office of commissioner, shall exercise and perform the functions, powers and duties conferred or imposed on the commissioner by this chapter. The regents of The University of the State of New York shall continue to constitute a board and The University of the State of New York, which was continued under such name by section two of article eleven of the constitution, shall continue to be governed and all its corporate powers to be exercised by such board.

S 2. Section 302 of the education law is amended to read as follows:

S 302. How chosen. The commissioner of education shall be [elected by a majority vote of the regents] APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. Residence without the state of New York shall not disqualify him from election.

S 3. Section 303 of the education law is amended to read as follows:

S 303. Term of office. The commissioner of education shall serve during the pleasure of the [board of regents] GOVERNOR.

S 4. This act shall take effect immediately upon the adoption by the people of a concurrent resolution entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section 4 of article 5 of the constitution, in relation to the appointment of the commissioner of education".