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

S. 1177 A. 3338

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law, in relation to the establishment of an office of education legal services in the department of law to provide all legal services to certain school districts

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

Section 1. The executive law is amended by adding a new section 75 to read as follows:

S 75. OFFICE OF EDUCATION LEGAL SERVICES. 1. THERE SHALL BE ESTABLISHED WITHIN THE DEPARTMENT OF LAW A STATEWIDE OFFICE OF EDUCATION LEGAL SERVICES, WHICH PURSUANT TO THE PROVISIONS OF THIS SECTION, SHALL HAVE THE DUTY AND POWER TO PROVIDE ALL LEGAL SERVICES REQUIRED BY SCHOOL DISTRICTS OF THIS STATE CREATED PURSUANT TO THE EDUCATION LAW, AS FURTHER DEFINED IN THIS SUBDIVISION. FOR THE PURPOSES OF THIS SECTION, "SCHOOL DISTRICT" SHALL MEAN ALL SCHOOL DISTRICTS OF THE STATE EXCEPT FOR SCHOOL DISTRICTS IN THE CITIES OF NEW YORK, ALBANY, BUFFALO, ROCHESTER, SYRACUSE AND YONKERS.

2. NOTWITHSTANDING ANY PROVISION OF LAW, THE ATTORNEY GENERAL SHALL APPOINT AND EMPLOY, FIX HIS OR HER COMPENSATION, AND AT PLEASURE REMOVE, A DEPUTY ATTORNEY GENERAL IN CHARGE OF THE OFFICE OF EDUCATION LEGAL SERVICES. THE ATTORNEY GENERAL SHALL APPOINT AND EMPLOY, AND AT PLEASURE REMOVE, SUCH ASSISTANT DEPUTIES AND SUCH OTHER PERSONS AS HE OR SHE DEEMS NECESSARY, DETERMINE THEIR DUTIES, AND FIX THEIR COMPENSATION.

3. ALL APPOINTMENTS PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION SHALL BE SUBJECT TO CIVIL SERVICE EXAMINATION.

4. THE ATTORNEY GENERAL SHALL ESTABLISH REGIONAL OFFICES IN LONG ISLAND, HUDSON/CAPITAL DISTRICT, CENTRAL NEW YORK AND WESTERN NEW YORK

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

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IN ORDER TO MORE EFFECTIVELY DISPENSE THE DUTIES AND POWERS PROVIDED IN THIS SECTION.

5. ALL EXPENSES OF THIS OFFICE SHALL BE A STATE CHARGE.

6. ALL SCHOOL DISTRICTS SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL BE PROHIBITED FROM EMPLOYING ANY LEGAL COUNSEL AND SHALL ALSO BE PROHIBITED FROM EXPENDING ANY PUBLIC FUNDS FOR SUCH PURPOSES.

S 2. This act shall take effect immediately; provided, however, that the office of education legal services shall be established effective July 1, 2010.