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

3437

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CLARK -- Multi-Sponsored by -- M. of A. BRENNAN, COOK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a citizens education finance review committee to ensure that equity in the provision of state assistance to school districts is achieved

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

Section 1. The education law is amended by adding a new article 76 to read as follows:

ARTICLE 76
CITIZENS EDUCATION FINANCE REVIEW COMMITTEE

SECTION 3750. SHORT TITLE.
3751. DEFINITIONS.
3752. CITIZENS EDUCATION FINANCE REVIEW COMMITTEE.
3753. POWERS AND DUTIES.
3754. REGIONAL ADVISORY COMMITTEES.
3755. REPORTS.
3756. FUNDING.

S 3750. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CITIZENS EDUCATION FINANCE REVIEW ACT".

S 3751. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL MEAN:

1. "COMMITTEE" SHALL MEAN THE CITIZENS EDUCATION FINANCE REVIEW COMMITTEE.

2. "REGIONAL COMMITTEE" SHALL MEAN A REGIONAL ADVISORY COMMITTEE.

3. "COMMITTEE STAFF" SHALL MEAN THE OFFICERS AND EMPLOYEES EMPLOYED BY THE COMMITTEE.

S 3752. CITIZENS EDUCATION FINANCE REVIEW COMMITTEE. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT AN INDEPENDENT CITIZENS EDUCATION

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

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FINANCE REVIEW COMMITTEE. THE COMMITTEE SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED AS FOLLOWS:

(A) THREE MEMBERS SHALL BE APPOINTED BY THE REGENTS;

(B) TWO MEMBERS SHALL BE APPOINTED BY THE STATE COMPTROLLER;

(C) ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(D) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(E) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(F) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

2. ALL PERSONS APPOINTED TO THE COMMITTEE SHALL HAVE EXTENSIVE EXPERIENCE IN THE FIELDS OF FINANCE, ACCOUNTING AND EDUCATION POLICY ANALYSIS, AND SHALL BE BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE STATE.

3. THE COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT, VICE PRESIDENT, ASSOCIATE VICE PRESIDENT, TREASURER AND SECRETARY. THE MEMBERS OF THE COMMITTEE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE. THE COMMITTEE SHALL INITIALLY MEET WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE AND SHALL THEREAFTER MEET AT THE CALL OF THE PRESIDENT OF THE COMMITTEES OR AT THE REQUEST OF THE REGENTS.

4. OF THE MEMBERS INITIALLY APPOINTED TO THE COMMITTEE: ONE MEMBER APPOINTED BY THE REGENTS AND ONE APPOINTED BY THE STATE COMPTROLLER SHALL SERVE A TERM OF ONE YEAR; ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL SERVE FOR TERMS OF TWO YEARS; ONE MEMBER APPOINTED BY THE STATE COMPTROLLER, ONE MEMBER APPOINTED BY THE REGENTS AND ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE TERMS OF THREE YEARS; AND THE REMAINING MEMBERS SHALL SERVE TERMS OF FOUR YEARS. THEREAFTER, ALL MEMBERS SHALL SERVE TERMS OF FOUR YEARS. ALL VACANCIES ON THE COMMITTEE SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. ALL MEMBERS APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM.

5. TO THE MAXIMUM EXTENT FEASIBLE, THE COMMITTEE SHALL BE ENTITLED TO REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES, RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS IT MAY REQUEST TO CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE.

6. THE COMMITTEE SHALL EMPLOY AND AT PLEASURE REMOVE SUCH OFFICERS AND EMPLOYEES AS IT SHALL DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION WITH THE AMOUNTS MADE AVAILABLE THEREFOR. THE COMMITTEE SHALL APPOINT AN EXECUTIVE DIRECTOR TO SUPERVISE THE COMMITTEE STAFF.

7. THE DEPARTMENT SHALL PROVIDE SUITABLE FACILITIES, EQUIPMENT AND SUPPLIES TO THE COMMITTEE AND COMMITTEE STAFF TO ENABLE THEM TO ACT PURSUANT TO THIS ARTICLE.

S 3753. POWERS AND DUTIES. THE COMMITTEE AND THE COMMITTEE STAFF, ACTING ON BEHALF OF THE COMMITTEE, SHALL HAVE THE POWER AND DUTY TO ESTABLISH A MONITORING SYSTEM TO OVERSEE THE ENFORCEMENT AND ENHANCEMENT OF THE DELIVERY OF QUALITY PUBLIC EDUCATION TO ALL STUDENTS PURSUANT TO THIS CHAPTER. IN ADDITION, THE COMMITTEE AND COMMITTEE STAFF SHALL ANNU-

ALLY EVALUATE THE FORMULAS AND EXPENDITURES FOR STATE ASSISTANCE TO SCHOOL DISTRICTS PURSUANT TO THIS TITLE TO DETERMINE WHETHER SUCH FORMULAS AND EXPENDITURES PROVIDE SUFFICIENT SUPPORT TO PUBLIC EDUCATION AS REQUIRED BY LAW.

S 3754. REGIONAL ADVISORY COMMITTEES. THE COMMITTEE SHALL ESTABLISH A REGIONAL ADVISORY COMMITTEE IN EACH JUDICIAL DISTRICT OF THE UNIFIED COURT SYSTEM. EACH REGIONAL COMMITTEE SHALL HAVE THE SAME POWERS AND DUTIES AS THE COMMITTEE HAS PURSUANT TO SECTION THIRTY-SEVEN HUNDRED FIFTY-THREE OF THIS ARTICLE WITH REGARD TO THE SCHOOL DISTRICTS WITHIN THE REGIONAL COMMITTEE'S JUDICIAL DISTRICT, AND SHALL ISSUE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS THEREON, TO THE COMMITTEE ON A QUARTERLY BASIS AND AT SUCH TIMES AS MAY BE REQUESTED BY THE COMMITTEE. THE MEMBERS OF THE REGIONAL ADVISORY COMMITTEES SHALL HAVE THE SAME QUALIFICATIONS AS REQUIRED OF COMMITTEE MEMBERS PURSUANT TO SUBDIVISION TWO OF SECTION THIRTY-SEVEN HUNDRED FIFTY-TWO OF THIS ARTICLE.

S 3755. REPORTS. THE COMMITTEE SHALL ISSUE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS PURSUANT TO THIS ARTICLE ON A QUARTERLY BASIS TO THE REGENTS, STATE COMPTROLLER, GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE SENATE AND MINORITY LEADER OF THE ASSEMBLY.

S 3756. FUNDING. THE COMMITTEE SHALL BE AUTHORIZED TO OPERATE TO THE EXTENT MONEYS ARE APPROPRIATED, CREDITED OR TRANSFERRED THERETO. PROVIDED THAT THE COMMITTEE MAY ACCEPT DONATIONS AND CONTRIBUTIONS FROM ANY SOURCE.

S 2. This act shall take effect immediately.