

3750

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CLARK, WRIGHT, GREENE, MILLMAN, RAMOS, ROBINSON
-- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, DIAZ,
FARRELL, HEASTIE, JOHN, LIFTON, MCENENY, PAULIN, TITUS -- read once
and referred to the Committee on Education

AN ACT creating a temporary state commission to examine the degree and
effect of segregation in primary and secondary schools; and providing
for the repeal of such provisions upon expiration thereof

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

1 Section 1. There is established within the department of education a
2 temporary state commission to examine and review the degree of segre-
3 gation in primary and secondary schools; here and after referred to as
4 the commission. The commission shall have the following functions,
5 powers and duties:
6 a. To appoint an executive director who shall act in accordance with
7 the policies of the commission. The commission may delegate authority to
8 the executive director to act in the name of the commission between
9 meetings of the commission provided such delegation is in writing and
10 the specific powers to be delegated are enumerated;
11 b. To appoint such other staff as are necessary to carry out its
12 duties under this section;
13 c. To conduct investigations in connection with: the level of segre-
14 gation in New York's primary and secondary schools; any correlation
15 between segregation and inadequate school funding; and the long-term
16 economic impact of inadequate educational resources on segregated
17 students and society;
18 d. To make an annual report to the governor and the legislature not
19 later than July first of each year which shall include its recommenda-
20 tions. The commission shall make such further interim reports to the
21 governor, or to the governor and legislature, as it shall deem advis-

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

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1 able, or as shall be required to do by the governor, the temporary pres-
2 ident of the senate or the speaker of the assembly;

3 e. To conduct any investigation authorized by this section at any
4 place within the state; and to maintain offices, hold meetings and func-
5 tion at any place within the state as it may deem necessary;

6 f. To conduct private and public hearings and to designate one or more
7 members of the commission or of its staff to preside over any such hear-
8 ings; and

9 g. To administer oaths or affirmations, subpoena witnesses, compel
10 their attendance, examine them under oath or affirmation and require the
11 production of any books, records, documents or other evidence it may
12 deem relevant or material to an investigation.

13 S 2. The commission shall consist of ten members, to be known as
14 commissioners to be appointed as follows: Two members of the commission
15 shall be appointed by the governor, two by the temporary president of
16 the senate, two by the minority leader of the senate, two by the speaker
17 of the assembly and two by the minority leader of the assembly, each to
18 serve a three year term. No more than five members shall belong to the
19 same political party. No member or employee of the commission shall hold
20 any other public office or public employment and no member shall be
21 employed as a lobbyist. The governor shall designate the chairperson of
22 the commission from among the members thereof, who shall serve as chair-
23 person at the pleasure of the governor. The chairperson or any six
24 members of the commission may call a meeting. Any vacancy occurring on
25 the commission shall be filled within 60 days of its occurrence in the
26 same manner as the original appointment. A vacancy in the commission
27 shall not impair the right of the remaining members to exercise all the
28 powers of the commission. A person appointed to fill a vacancy shall be
29 appointed for the unexpired term of the member he or she succeeds. Six
30 members of the commission shall constitute a quorum and the commission
31 shall have power to act by majority vote of the total number of members
32 of the commission without vacancy. Members of the commission may be
33 removed by the governor for substantial neglect of duty, gross miscon-
34 duct in office, inability to discharge the powers or duties of office or
35 violation of this section, after written notice and opportunity for a
36 reply.

37 S 3. The members of the commission shall not receive compensation but
38 shall be reimbursed for reasonable expenses incurred in the performance
39 of their official duties.

40 S 4. The commission may request and shall receive from every depart-
41 ment, division, board, bureau, commission or other agency of the state,
42 or of any political subdivision thereof, cooperation and assistance in
43 the performance of its duties.

44 S 5. This act shall take effect July 1, 2009 and shall expire March
45 31, 2012, when upon such date the provisions of this act shall be deemed
46 repealed.