

5585

2009-2010 Regular Sessions

I N S E N A T E

May 19, 2009

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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
11 no less than seven days prior to a meeting, unless the chair shall
12 make available in writing on the day of the meeting the facts which
13 necessitate an immediate vote. [The agendas for such meetings shall be
14 available three days prior to the meetings and shall be considered
15 public records.] Eight trustees attending shall be a quorum for the
16 transaction of business and, unless a greater number is required by the
17 by-laws, the act of a majority of the members present at any meeting
18 shall be the act of the board. The board shall hold at least two public
19 hearings each year. One public hearing shall be held during the spring
20 semester and one public hearing shall be held in the fall semester. The
21 purpose of such hearings shall be to receive testimony and statements
22 from concerned individuals about university issues. The board shall fix
23 the time, place, duration and format of each hearing. At least three
24 members of the board shall attend each hearing. At least thirty days

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

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1 notice of the hearing shall be given by the chairman of the board to all
2 members of the board, to all presidents of state operated campuses, to
3 the chair of faculty-senate bodies of state operated campuses, to all
4 student government presidents of state operated campuses, to the certi-
5 fied or recognized employee organizations representing employees of the
6 state university and to the media. Such notice shall contain the time
7 and place of the public hearing.

8 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE
9 ELECTRONICALLY AVAILABLE ON THE STATE UNIVERSITY OF NEW YORK WEBSITE
10 THREE DAYS PRIOR TO THE MEETINGS AND SHALL BE CONSIDERED A PUBLIC
11 RECORD. THE MINUTES, ATTENDANCE, TRANSCRIPTS AND VOTING RECORD FOR ANY
12 SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY AVAILABLE
13 ON THE STATE UNIVERSITY OF NEW YORK WEBSITE NO LESS THAN SEVEN DAYS
14 AFTER THE MEETING AND SHALL BE CONSIDERED PUBLIC RECORDS. INFORMATION
15 POSTED ON THE STATE UNIVERSITY OF NEW YORK WEBSITE REGARDING BOARD OF
16 TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS ARCHIVED DATA FOR A MINIMUM
17 OF TEN YEARS.

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

20 4. A. The board may elect an executive committee of not less than five
21 members, who, in intervals between meetings of the board may transact
22 such business of the state university as the board may from time to time
23 authorize, except to grant degrees or to make removals from office. The
24 student member of the board shall be a member of such committee. A
25 majority of the whole of the executive committee, but in any event not
26 less than four members, attending shall be a quorum for the transaction
27 of business and the act of a majority of the members of the executive
28 committee present at any meeting thereof shall be the act of such
29 committee.

30 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES, INCLUDING
31 MEETINGS OF ANY COMMITTEES AND SUBCOMMITTEES UNDER THE PURVIEW OF THE
32 BOARD OF TRUSTEES, SHALL BE AVAILABLE ELECTRONICALLY ON THE STATE
33 UNIVERSITY OF NEW YORK WEBSITE THREE DAYS PRIOR TO THE MEETINGS AND
34 SHALL BE CONSIDERED A PUBLIC RECORD. THE ATTENDANCE, MINUTES, TRAN-
35 SCRIPTS AND VOTING RECORD FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES
36 SHALL BE ELECTRONICALLY AVAILABLE ON THE STATE UNIVERSITY OF NEW YORK
37 WEBSITE NO LESS THAN SEVEN DAYS AFTER THE MEETING AND SHALL BE CONSID-
38 ERED PUBLIC RECORDS. INFORMATION POSTED ON THE STATE UNIVERSITY OF NEW
39 YORK WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE
40 SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

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

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

47 3. Meetings of the board of trustees. (a) The by-laws of the board of
48 trustees shall provide for regular meetings. At least seven days notice
49 of every regular meeting and a copy of the agenda for that meeting shall
50 be mailed to the usual address of each trustee. Resolutions for the
51 consideration of the board of trustees must be mailed to the usual
52 address of each trustee no less than seven days prior to a meeting,
53 unless the chair shall make available in writing on the day of the meet-
54 ing the facts which necessitate an immediate vote. The agendas for such
55 meetings shall be available ELECTRONICALLY ON THE CITY UNIVERSITY OF NEW
56 YORK WEBSITE three days prior to the meetings and shall be considered

1 public records. THE ATTENDANCE, MINUTES, TRANSCRIPTS AND VOTING RECORD
2 FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY
3 AVAILABLE ON THE CITY UNIVERSITY OF NEW YORK WEBSITE NO LESS THAN SEVEN
4 DAYS AFTER THE MEETING AND SHALL BE CONSIDERED PUBLIC RECORDS. INFORMA-
5 TION POSTED ON THE CITY UNIVERSITY OF NEW YORK WEBSITE REGARDING BOARD
6 OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS ARCHIVED DATA FOR A
7 MINIMUM OF TEN YEARS. All meetings shall be held in accordance with
8 article seven of the public officers law.

9 (b) The chairperson, the vice chairperson or any five trustees acting
10 by petition, may at any time call a special meeting of the board of
11 trustees and fix the time and place therefor. Each trustee shall receive
12 telephonic or written notice of a special meeting at least [two] THREE
13 days prior to the special meeting. AN AGENDA FOR SUCH MEETING, INCLUD-
14 ING MEETINGS OF ANY COMMITTEES AND SUBCOMMITTEES UNDER THE PURVIEW OF
15 THE BOARD OF TRUSTEES, SHALL BE AVAILABLE ELECTRONICALLY ON THE CITY
16 UNIVERSITY OF NEW YORK WEBSITE THREE DAYS PRIOR TO THE SPECIAL MEETING
17 OF THE BOARD AND SHALL BE CONSIDERED A PUBLIC RECORD. THE ATTENDANCE,
18 MINUTES, TRANSCRIPTS AND VOTING RECORD FOR ANY SUCH MEETING OF THE BOARD
19 OF TRUSTEES SHALL BE ELECTRONICALLY AVAILABLE ON THE CITY UNIVERSITY OF
20 NEW YORK WEBSITE NO LESS THAN SEVEN DAYS AFTER THE MEETING AND SHALL BE
21 CONSIDERED PUBLIC RECORDS. INFORMATION POSTED ON THE CITY UNIVERSITY OF
22 NEW YORK WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE
23 SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS. ANY SUCH MEETING OF
24 THE BOARD OF TRUSTEES SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE
25 SEVEN OF THE PUBLIC OFFICERS LAW.

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

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

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

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

37 (iii) At least thirty days notice of the hearing shall be given by the
38 chairperson of the board of trustees to all of the trustees, to all
39 presidents of educational units, to the chair of faculty-senate bodies
40 of educational units, to all student government presidents of educa-
41 tional units, to the borough president, the members of the city council,
42 the members of the board of estimate, the local community boards of the
43 borough where the hearing is to be held and to the media. The notice
44 shall contain the time, place and date of the public hearing. SUCH
45 INFORMATION SHALL BE MADE ELECTRONICALLY AVAILABLE ON THE CITY UNIVERSI-
46 TY OF NEW YORK WEBSITE. ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL
47 BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS
48 LAW.

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

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

52 7. A. The board of trustees shall provide for the holding of regular
53 meetings and such special meetings at the call of the chairman, as may
54 be necessary. A majority of the trustees shall constitute a quorum for
55 the transaction of any business and the act of the majority of the trus-
56 tees present at any meeting shall be deemed the act of the board.

1 B. THE AGENDA FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE
2 AVAILABLE ELECTRONICALLY ON THE HIGHER EDUCATION SERVICES CORPORATION
3 WEBSITE THREE DAYS PRIOR TO THE MEETINGS AND SHALL BE CONSIDERED A
4 PUBLIC RECORD. THE ATTENDANCE, MINUTES, TRANSCRIPTS AND VOTING RECORD
5 FOR ANY SUCH MEETING OF THE BOARD OF TRUSTEES SHALL BE ELECTRONICALLY
6 AVAILABLE ON THE HIGHER EDUCATION SERVICES CORPORATION WEBSITE NO LESS
7 THAN SEVEN DAYS AFTER THE MEETING AND SHALL BE CONSIDERED PUBLIC
8 RECORDS. INFORMATION POSTED ON THE HIGHER EDUCATION SERVICES CORPORATION
9 WEBSITE REGARDING BOARD OF TRUSTEE MEETINGS SHALL REMAIN ON THE SITE AS
10 ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

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

13 S 4. This act shall take effect immediately.