

2295

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

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:

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

3 ARTICLE 76
4 CITIZENS EDUCATION FINANCE REVIEW
5 COMMITTEE

6 SECTION 3750. SHORT TITLE.

7 3751. DEFINITIONS.

8 3752. CITIZENS EDUCATION FINANCE REVIEW COMMITTEE.

9 3753. POWERS AND DUTIES.

10 3754. REGIONAL ADVISORY COMMITTEES.

11 3755. REPORTS.

12 3756. FUNDING.

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

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

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

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

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

22 S 3752. CITIZENS EDUCATION FINANCE REVIEW COMMITTEE. 1. THERE IS HERE-
23 BY 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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1 FINANCE REVIEW COMMITTEE. THE COMMITTEE SHALL CONSIST OF NINE MEMBERS TO
2 BE APPOINTED AS FOLLOWS:

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

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

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

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

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

10 (F) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
11 BLY.

12 2. ALL PERSONS APPOINTED TO THE COMMITTEE SHALL HAVE EXTENSIVE EXPERI-
13 ENCE IN THE FIELDS OF FINANCE, ACCOUNTING AND EDUCATION POLICY ANALYSIS,
14 AND SHALL BE BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE
15 STATE.

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

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

37 5. TO THE MAXIMUM EXTENT FEASIBLE, THE COMMITTEE SHALL BE ENTITLED TO
38 REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILI-
39 TIES, RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD,
40 BUREAU, COMMISSION OR AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION
41 THEREOF, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS
42 IT MAY REQUEST TO CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTI-
43 CLE.

44 6. THE COMMITTEE SHALL EMPLOY AND AT PLEASURE REMOVE SUCH OFFICERS AND
45 EMPLOYEES AS IT SHALL DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNC-
46 TIONS AND FIX THEIR COMPENSATION WITH THE AMOUNTS MADE AVAILABLE THERE-
47 FOR. THE COMMITTEE SHALL APPOINT AN EXECUTIVE DIRECTOR TO SUPERVISE THE
48 COMMITTEE STAFF.

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

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

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

5 S 3754. REGIONAL ADVISORY COMMITTEES. THE COMMITTEE SHALL ESTABLISH A
6 REGIONAL ADVISORY COMMITTEE IN EACH JUDICIAL DISTRICT OF THE UNIFIED
7 COURT SYSTEM. EACH REGIONAL COMMITTEE SHALL HAVE THE SAME POWERS AND
8 DUTIES AS THE COMMITTEE HAS PURSUANT TO SECTION THIRTY-SEVEN HUNDRED
9 FIFTY-THREE OF THIS ARTICLE WITH REGARD TO THE SCHOOL DISTRICTS WITHIN
10 THE REGIONAL COMMITTEE'S JUDICIAL DISTRICT, AND SHALL ISSUE A REPORT OF
11 ITS FINDINGS AND RECOMMENDATIONS THEREON, TO THE COMMITTEE ON A QUARTER-
12 LY BASIS AND AT SUCH TIMES AS MAY BE REQUESTED BY THE COMMITTEE. THE
13 MEMBERS OF THE REGIONAL ADVISORY COMMITTEES SHALL HAVE THE SAME QUALI-
14 FICATIONS AS REQUIRED OF COMMITTEE MEMBERS PURSUANT TO SUBDIVISION TWO
15 OF SECTION THIRTY-SEVEN HUNDRED FIFTY-TWO OF THIS ARTICLE.

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

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

25 S 2. This act shall take effect immediately.