

2801

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. FITZPATRICK -- read once and referred to the  
Committee on Education

AN ACT to amend the education law, in relation to mandating the trustees  
of common school districts and the board of education of every union  
free school district to establish a code of ethics to be applied to  
the prohibition of the use of school resources for personal gain

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

1 Section 1. Section 1604 of the education law is amended by adding a  
2 new subdivision 43 to read as follows:

3 43. ON OR BEFORE JULY THIRTY-FIRST, TWO THOUSAND TWELVE, AND ANNUALLY  
4 THEREAFTER, THE GOVERNING BODY OF EACH SCHOOL DISTRICT AND EACH BOARD OF  
5 COOPERATIVE EDUCATIONAL SERVICES SHALL REVIEW AND APPROVE A CODE OF  
6 ETHICS THAT SHALL INCLUDE STANDARDS FOR OFFICERS AND EMPLOYEES PROHIBIT-  
7 ING THE USE OF PROPERTY OR RESOURCES OF THE DISTRICT OR BOARD FOR  
8 PERSONAL GAIN. A COPY OF SUCH CODE SHALL BE FILED WITH THE OFFICE OF  
9 THE STATE COMPTROLLER AND THE DEPARTMENT WITHIN THIRTY DAYS OF ITS ANNU-  
10 AL APPROVAL PURSUANT TO THIS SUBDIVISION, AND ANY SUBSEQUENT AMENDMENTS  
11 TO SUCH CODE SHALL BE SO FILED WITHIN THIRTY DAYS OF ADOPTION OF SUCH  
12 AMENDMENT.

13 S 2. Section 1709 of the education law is amended by adding a new  
14 subdivision 36 to read as follows:

15 36. ON OR BEFORE JULY THIRTY-FIRST, TWO THOUSAND TWELVE, AND ANNUALLY  
16 THEREAFTER, THE GOVERNING BODY OF EACH SCHOOL DISTRICT AND EACH BOARD OF  
17 COOPERATIVE EDUCATIONAL SERVICES SHALL REVIEW AND APPROVE A CODE OF  
18 ETHICS THAT SHALL INCLUDE STANDARDS FOR OFFICERS AND EMPLOYEES PROHIBIT-  
19 ING THE USE OF PROPERTY OR RESOURCES OF THE DISTRICT OR BOARD FOR  
20 PERSONAL GAIN. A COPY OF SUCH CODE SHALL BE FILED WITH THE OFFICE OF  
21 THE STATE COMPTROLLER AND THE DEPARTMENT WITHIN THIRTY DAYS OF ITS ANNU-  
22 AL APPROVAL PURSUANT TO THIS SUBDIVISION, AND ANY SUBSEQUENT AMENDMENTS

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

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1 TO SUCH CODE SHALL BE SO FILED WITHIN THIRTY DAYS OF ADOPTION OF SUCH  
2 AMENDMENT.

3 S 3. Paragraph a of subdivision 1 of section 2102-a of the education  
4 law, as amended by chapter 388 of the laws of 2010, is amended to read  
5 as follows:

6 a. Every trustee or voting member of a board of education of a school  
7 district or a board of cooperative educational services, elected or  
8 appointed for a term beginning on or after July first, two thousand  
9 five, shall, within the first year of his or her term, complete a mini-  
10 mum of six hours of training on the financial oversight, accountability  
11 and fiduciary responsibilities of a school board member. SUCH TRAINING  
12 SHALL ALSO INCLUDE EXAMINATION OF THE SCHOOL DISTRICT'S CODE OF ETHICS  
13 AS ESTABLISHED IN SUBDIVISION FORTY-THREE OF SECTION SIXTEEN HUNDRED  
14 FOUR OF THIS TITLE.

15 S 4. Paragraph (a) of subdivision 3 of section 2116-a of the education  
16 law, as amended by section 4 of part A-1 of chapter 58 of the laws of  
17 2006, is amended to read as follows:

18 (a) The school authorities of each school district, except those  
19 employing fewer than eight teachers, but including the city school  
20 districts of the cities of Buffalo and Rochester, shall obtain an annual  
21 audit of its records by an independent certified public accountant or an  
22 independent public accountant. The report of such annual audit shall be  
23 presented to the trustees or board of education by such accountant. The  
24 board of education of the city school district of the city of New York,  
25 districts of such city shall obtain an annual audit by the comptroller  
26 of the city of New York, or by an independent certified public account-  
27 ant or an independent public accountant. Such city school district audit  
28 shall include, but not be limited to, transactions processed at the  
29 level of the central administrative office, the district, and the indi-  
30 vidual school. SUCH AUDIT SHALL ALSO INCLUDE EXAMINATION OF ALL TRANS-  
31 ACTIONS TO ENSURE COMPLIANCE WITH THE SCHOOL DISTRICT'S CODE OF ETHICS  
32 AS ESTABLISHED IN SUBDIVISION FORTY-THREE OF SECTION SIXTEEN HUNDRED  
33 FOUR OF THIS TITLE. The community districts of such city school district  
34 shall obtain an annual audit by the bureau of audit of the board of  
35 education of the city school district of the city of New York or by an  
36 independent certified public accountant or an independent public  
37 accountant. A copy of the audit report in form prescribed by the commis-  
38 sioner and certified by the accountant, or, in the city school district  
39 of the city of New York or the community districts therein, by the  
40 accountant, or the comptroller or bureau of audit, as the case may be,  
41 shall be furnished to the commissioner on or before October fifteenth  
42 following the end of the fiscal year audited, except that such report  
43 shall be furnished to the commissioner on or before January first  
44 following the end of the fiscal year audited for the city school  
45 districts of the cities of Buffalo, Rochester, Syracuse, Yonkers, and  
46 New York and for the community school districts of the city of New York.

47 S 5. This act shall take effect on the first of July next succeeding  
48 the date on which it shall have become a law and shall apply to the  
49 following school year. Effective immediately, the addition, amendment  
50 and/or repeal of any rule or regulation necessary for the implementation  
51 of this act on its effective date are authorized and directed to be made  
52 and completed on or before such effective date.