

2895--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. CLARK, WRIGHT, MILLMAN, RAMOS, ROBINSON --
Multi-Sponsored by -- M. of A. BRENNAN, FARRELL, HEASTIE, LIFTON,
McENENY, PAULIN, TITUS -- read once and referred to the Committee on
Education -- recommitted to the Committee on Education in accordance
with Assembly Rule 3, sec. 2 -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee

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

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

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1 governor, or to the governor and legislature, as it shall deem advis-
2 able, or as shall be required to do by the governor, the temporary pres-
3 ident of the senate or the speaker of the assembly;

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

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

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

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

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

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

45 S 5. This act shall take effect July 1, 2012 and shall expire March
46 31, 2015, when upon such date the provisions of this act shall be deemed
47 repealed.