S T A T E O F N E W Y O R K

6671--A

Cal. No. 279

I N S E N A T E

February 26, 2014

Introduced by Sens. FLANAGAN, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, substituted by Assembly Bill No. 121, substitution reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to meetings and absences of the board of regents

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

Section 1. Section 204 of the education law is amended to read as follows:

S 204. Meetings and absences. 1. (A) The regents may provide for regular meetings[, and the chancellor, or the commissioner of education, or any five regents, may at any time call a special meeting of the board of regents and fix the time and place therefor; and at least ten days' notice of every meeting shall be mailed to the usual address of each regent. If any regent shall fail to attend three consecutive meetings, without excuse accepted as satisfactory by the regents, he may be deemed to have resigned and the regents shall then report the vacancy to the legislature, which shall fill it] OF THE BOARD OF REGENTS AND ANY COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF. NOTICE OF TIME AND PLACE FOR ALL REGULAR PUBLIC MEETINGS OF THE BOARD OF REGENTS AND ANY COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF SHALL BE PUBLICLY PROVIDED AT LEAST SEVEN DAYS IN ADVANCE OF SUCH MEETING. SUCH NOTICE OF TIME, PLACE AND AGENDA SHALL BE DISTRIBUTED VIA THE BOARD'S OFFICIAL INTERNET WEBSITE AND SPECIFICALLY DISTRIBUTED BY UNITED STATES POSTAL SERVICE TO ALL REGENTS AT THEIR USUAL ADDRESSES AND, IF A MEETING OF A COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF, BY SUCH MEANS, INCLUDING BUT NOT LIMITED TO THE UNITED STATES POSTAL SERVICE OR ELECTRONIC MEANS, AS DETERMINED BY THE COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF. AN AGENDA FOR A REGULAR PUBLIC MEETING OF THE BOARD SHALL BE COMPRISED OF A LIST OF ALL ITEMS TO BE CONSIDERED WITH A DESCRIPTION OF THE SUBJECT

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

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MATTER OF EACH SUCH ITEM AND SHALL BE POSTED AT LEAST THREE DAYS IN ADVANCE OF THE MEETING; PROVIDED HOWEVER, THAT IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD MAY INCLUDE ADDITIONAL ITEMS TO THE AGENDA WITH LESS THAN THREE DAYS NOTICE. IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD SHALL USE BEST EFFORTS TO MAKE PUBLIC ANY CHANGES TO THE AGENDA PRIOR TO THE REGULAR MEETING. THE NOTICE AND AGENDA SHALL BE CONSIDERED A PUBLIC RECORD.

(B) THE CHANCELLOR OR THE COMMISSIONER, OR ANY FIVE REGENTS, MAY AT ANY TIME CALL A SPECIAL MEETING OF THE BOARD OF REGENTS AND FIX THE TIME AND PLACE THEREFOR. NOTICE OF TIME, PLACE AND AGENDA FOR ALL SPECIAL PUBLIC MEETINGS OF THE BOARD OF REGENTS SHALL BE PUBLICLY PROVIDED AT LEAST THREE DAYS IN ADVANCE OF SUCH MEETING. SUCH NOTICE OF TIME, PLACE AND AGENDA SHALL BE DISTRIBUTED VIA THE BOARD'S OFFICIAL INTERNET WEBSITE AND SPECIFICALLY CIRCULATED ACCORDING TO THE RULES AND REGULATIONS OF THE REGENTS TO ALL REGENTS. THE BOARD OF REGENTS SPECIAL PUBLIC MEETING AGENDA SHALL BE COMPRISED OF A LIST OF ALL ITEMS TO BE CONSIDERED WITH A DESCRIPTION OF THE SUBJECT MATTER OF EACH SUCH ITEM; PROVIDED HOWEVER, THAT IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD MAY INCLUDE ADDITIONAL ITEMS TO THE AGENDA WITH LESS THAN THREE DAYS NOTICE. IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD SHALL USE BEST EFFORTS TO MAKE PUBLIC ANY CHANGES TO THE AGENDA PRIOR TO THE SPECIAL MEETING. THE NOTICE AND AGENDA SHALL BE CONSIDERED A PUBLIC RECORD.

2. ANY MEETING OF THE BOARD OF REGENTS AND ANY COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

3. A SUMMARY OF COMMITTEE REPORTS, ANY OTHER MINUTES, AND ATTENDANCE OF THE BOARD OF REGENTS FOR EITHER REGULAR OR SPECIAL MEETINGS SHALL BE ELECTRONICALLY AVAILABLE ON THE BOARD OF REGENTS WEBSITE AT THE CLOSE OF EACH BOARD MEETING AND SHALL BE CONSIDERED A PUBLIC RECORD. THE VIDEO RECORDING OF ANY REGULAR FULL BOARD MEETING SHALL BE POSTED NO LATER THAN FIVE DAYS FOLLOWING THE MEETING OF THE BOARD. ANY MEETING SUMMARIES AND ACTIONS TAKEN SHALL BE POSTED ON THE BOARD OF REGENTS WEBSITE WITHIN FIVE DAYS OF APPROVAL BY THE BOARD. INFORMATION POSTED ON THE BOARD OF REGENTS WEBSITE SHALL REMAIN ON THE SITE AS ARCHIVED DATA FOR A MINIMUM OF TEN YEARS.

4. IF ANY REGENT SHALL FAIL TO ATTEND THREE CONSECUTIVE MEETINGS, WITHOUT EXCUSE ACCEPTED AS SATISFACTORY BY THE REGENTS, THAT REGENT MAY BE DEEMED TO HAVE RESIGNED AND THE REGENTS SHALL THEN REPORT THE VACANCY TO THE LEGISLATURE WHICH SHALL FILL IT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.