

2146

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. FLANAGAN -- 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 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:

1 Section 1. Section 204 of the education law is amended to read as
2 follows:
3 S 204. Meetings and absences. 1. (A) The regents may provide for regu-
4 lar meetings[, and the chancellor, or the commissioner of education, or
5 any five regents, may at any time call a special meeting of the board of
6 regents and fix the time and place therefor; and at least ten days'
7 notice of every meeting shall be mailed to the usual address of each
8 regent. If any regent shall fail to attend three consecutive meetings,
9 without excuse accepted as satisfactory by the regents, he may be deemed
10 to have resigned and the regents shall then report the vacancy to the
11 legislature, which shall fill it] OF THE BOARD OF REGENTS AND ANY
12 COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF. NOTICE
13 OF TIME AND PLACE FOR ALL REGULAR PUBLIC MEETINGS OF THE BOARD OF
14 REGENTS AND ANY COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS
15 THEREOF SHALL BE PUBLICLY PROVIDED AT LEAST SEVEN DAYS IN ADVANCE OF
16 SUCH MEETING. SUCH NOTICE OF TIME, PLACE AND AGENDA SHALL BE DISTRIBUTED
17 VIA THE BOARD'S OFFICIAL INTERNET WEBSITE AND SPECIFICALLY DISTRIBUTED
18 BY UNITED STATES POSTAL SERVICE TO ALL REGENTS AT THEIR USUAL ADDRESSES
19 AND, IF A MEETING OF A COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER
20 SUBGROUPS THEREOF, BY SUCH MEANS, INCLUDING BUT NOT LIMITED TO THE
21 UNITED STATES POSTAL SERVICE OR ELECTRONIC MEANS, AS DETERMINED BY THE
22 COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR OTHER SUBGROUPS THEREOF. AN
23 AGENDA FOR A REGULAR PUBLIC MEETING OF THE BOARD SHALL BE COMPRISED OF A
24 LIST OF ALL ITEMS TO BE CONSIDERED WITH A DESCRIPTION OF THE SUBJECT
25 MATTER OF EACH SUCH ITEM AND SHALL BE POSTED AT LEAST THREE DAYS IN

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

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1 ADVANCE OF THE MEETING; PROVIDED HOWEVER, THAT IN AN INSTANCE OF A
2 HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD MAY INCLUDE ADDITIONAL
3 ITEMS TO THE AGENDA WITH LESS THAN THREE DAYS NOTICE. IN AN INSTANCE OF
4 A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD SHALL USE BEST EFFORTS TO
5 MAKE PUBLIC ANY CHANGES TO THE AGENDA PRIOR TO THE REGULAR MEETING. THE
6 NOTICE AND AGENDA SHALL BE CONSIDERED A PUBLIC RECORD.

7 (B) THE CHANCELLOR OR THE COMMISSIONER, OR ANY FIVE REGENTS, MAY AT
8 ANY TIME CALL A SPECIAL MEETING OF THE BOARD OF REGENTS AND FIX THE TIME
9 AND PLACE THEREFOR. NOTICE OF TIME, PLACE AND AGENDA FOR ALL SPECIAL
10 PUBLIC MEETINGS OF THE BOARD OF REGENTS SHALL BE PUBLICLY PROVIDED AT
11 LEAST THREE DAYS IN ADVANCE OF SUCH MEETING. SUCH NOTICE OF TIME, PLACE
12 AND AGENDA SHALL BE DISTRIBUTED VIA THE BOARD'S OFFICIAL INTERNET
13 WEBSITE AND SPECIFICALLY CIRCULATED ACCORDING TO THE RULES AND REGU-
14 LATIONS OF THE REGENTS TO ALL REGENTS. THE BOARD OF REGENTS SPECIAL
15 PUBLIC MEETING AGENDA SHALL BE COMPRISED OF A LIST OF ALL ITEMS TO BE
16 CONSIDERED WITH A DESCRIPTION OF THE SUBJECT MATTER OF EACH SUCH ITEM;
17 PROVIDED HOWEVER, THAT IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY EMER-
18 GENCY, THE BOARD MAY INCLUDE ADDITIONAL ITEMS TO THE AGENDA WITH LESS
19 THAN THREE DAYS NOTICE. IN AN INSTANCE OF A HEALTH OR PUBLIC SAFETY
20 EMERGENCY, THE BOARD SHALL USE BEST EFFORTS TO MAKE PUBLIC ANY CHANGES
21 TO THE AGENDA PRIOR TO THE SPECIAL MEETING. THE NOTICE AND AGENDA SHALL
22 BE CONSIDERED A PUBLIC RECORD.

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

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

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

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