

6503

I N   S E N A T E

January 21, 2016

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed to the Committee on 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 regular  
4 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  
26 ADVANCE OF THE MEETING; PROVIDED HOWEVER, THAT IN AN INSTANCE OF A  
27 HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD MAY INCLUDE ADDITIONAL  
28 ITEMS TO THE AGENDA WITH LESS THAN THREE DAYS NOTICE. IN AN INSTANCE OF

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

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1 A HEALTH OR PUBLIC SAFETY EMERGENCY, THE BOARD SHALL USE BEST EFFORTS TO  
2 MAKE PUBLIC ANY CHANGES TO THE AGENDA PRIOR TO THE REGULAR MEETING. THE  
3 NOTICE AND AGENDA SHALL BE CONSIDERED A PUBLIC RECORD.

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

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

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

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

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