

# STATE OF NEW YORK

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4531

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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Introduced by M. of A. ENGLEBRIGHT, COLTON -- Multi-Sponsored by -- M. of A. PERRY, RIVERA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the office of ombudsman for public schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 103-a  
2 to read as follows:

3 § 103-a. Office of ombudsman for public schools. 1. The office of  
4 ombudsman for public schools is hereby created within the department to  
5 independently investigate complaints of environmental, health and safety  
6 violations and concerns in public schools; and to provide information to  
7 the public on how to file such complaints and the requirements that  
8 public schools must comply with relating to environmental, health and  
9 safety issues. Such office shall act independently of the department,  
10 and shall not be subject to the control or supervision of the regents,  
11 department or commissioner. The office of the ombudsman shall be subject  
12 to the control and supervision of the board thereof.

13 2. The board of the office of ombudsman for public schools shall be  
14 composed of nine members to be appointed by the regents. The members of  
15 such board shall each serve a term of office of five years; provided,  
16 however, that the initial appointees to the board shall serve the  
17 following terms of office: two members shall serve terms of one year;  
18 two members shall serve terms of two years; two members shall serve  
19 terms of three years; two members shall serve terms of four years; and  
20 one member shall serve a term of five years. The members of such board  
21 shall be broadly representative of the geographic areas of the state,  
22 and shall have expressed an active interest in or obtained professional  
23 knowledge in environmental, health and safety conditions in public  
24 schools. The chair of the board shall be designated by the board from

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

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1 amongst its members. Vacancies in the membership of the board shall be  
2 filled in the manner provided for original appointments. The members of  
3 the board shall receive no compensation for their services, but shall be  
4 allowed their actual and necessary expenses incurred in the performance  
5 of their duties pursuant to this section.

6 3. The board of the office of ombudsman for public schools shall have  
7 a quorum of six members for the conduct of business. Such board shall  
8 also:

9 a. promulgate rules and regulations necessary to exercise the powers  
10 and duties of the office of ombudsman for public schools;

11 b. employ and at pleasure remove an executive director and such other  
12 personnel as it may deem necessary for the performance of such office's  
13 functions, and fix their compensation within the amounts made available  
14 therefor;

15 c. hold public hearings;

16 d. have all the powers of a legislative committee pursuant to the  
17 legislative law;

18 e. be entitled to request and receive and shall utilize and be  
19 provided with such facilities, resources and data of the department as  
20 it may reasonably request to carry out properly its powers and duties,  
21 and those of the office;

22 f. be entitled to request and receive and shall utilize and be  
23 provided with such resources, data and information of the department of  
24 health and the department of environmental conservation as it may  
25 reasonably request to carry out properly its powers and duties, and those  
26 of the office;

27 g. be entitled to request and receive and shall utilize and be  
28 provided with such resources, data and information by any school  
29 district as it may reasonably request to properly conduct an investi-  
30 gation of a complaint pursuant to this section;

31 h. establish and operate a toll-free telephone number and an internet  
32 website at which interested persons can obtain information on how to  
33 file a complaint with the office and information on the environmental,  
34 health and safety requirements for public schools;

35 i. establish and conduct a public information campaign to provide  
36 awareness of the powers and duties of such office;

37 j. have subpoena powers and the power to compel the sworn testimony of  
38 any witness which the executive director deems necessary in the scope of  
39 any investigation authorized by this section; and

40 k. receive and investigate complaints from any persons relating to  
41 environmental, health and safety issues in public schools.

42 4. The office of ombudsman for public schools shall, not later than  
43 seven days after the receipt of a complaint, commence an investigation  
44 of such complaint. Not more than thirty days after commencing an inves-  
45 tigation, such office shall send a preliminary written report of the  
46 initial investigation to the complainant. Upon final completion of an  
47 investigation, the office shall send a final report of its findings to  
48 the complainant, the school district, and any local, state and/or feder-  
49 al agency having jurisdiction over the issue investigated, and to the  
50 appropriate district attorney or the attorney general if criminal  
51 violations are alleged to have occurred.

52 5. Annually, on or before September first, the office of ombudsman for  
53 public schools shall submit a report to the governor, temporary presi-  
54 dent of the senate, speaker of the assembly and regents, which shall  
55 include the number and types of complaints received during the previous  
56 school year, the results of the investigations conducted during the

1 previous school year, and recommendations for the improvement of envi-  
2 ronmental, health and safety conditions in public schools.  
3 § 2. This act shall take effect on the first of July next succeeding  
4 the date on which it shall have become a law.