

# STATE OF NEW YORK

401

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. LANZA -- 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 enacting the "New York city board for education policy members public responsibility act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York city board for education policy members public responsi-  
3 bility act".

4 § 2. Subdivision 8 of section 2590-g of the education law is amended  
5 by adding a new paragraph (d) to read as follows:

6 (d)(i) A quorum of the members of the city board must attend any hear-  
7 ing scheduled for purposes of allowing public comments as provided in  
8 this subdivision. The city board shall not vote on any measure for which  
9 a public hearing is required or set by the board unless a quorum of the  
10 members of the city board attended the hearing relating to such measure.

11 (ii) As used in this paragraph:

12 (1) "quorum" means one-half of the members of the city board plus one  
13 additional member; and

14 (2) "attendance" means personally recorded to be present in an offi-  
15 cial capacity during at least seventy-five percent of the hearing.

16 (iii) In the event the city board or the chancellor determines that  
17 immediate adoption of any item requiring city board approval is neces-  
18 sary for the preservation of student health, safety or general welfare  
19 and that compliance with the quorum requirements of this subdivision  
20 would be contrary to the public interest, then such proposed item may be  
21 adopted at a meeting of the city board on an emergency basis. The city  
22 board or chancellor shall provide written justification for such deter-  
23 mination and make such justification publicly available including via  
24 the city board's official internet web site. All emergency adoptions

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

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1 shall only remain in effect for sixty days, during such time the city  
2 board shall comply with the requirements of this subdivision in order  
3 for the adoption of the item to become permanent.

4 § 3. Section 2590-g of the education law, as added by chapter 720 of  
5 the laws of 1996, is amended by adding a new subdivision 8 to read as  
6 follows:

7 8. (a) Prior to the approval of any proposed item listed in subdivi-  
8 sion one of this section, undertake a public review process to afford  
9 the public an opportunity to submit comments on the proposed item. Such  
10 public review process shall include notice of the item under city board  
11 consideration which shall be made available to the public, including via  
12 the city board's official internet website, and specifically circulated  
13 to all community superintendents, community district education councils,  
14 community boards, and school based management teams, at least forty-five  
15 days in advance of any city board vote on such item. Notice of the  
16 proposed item under city board consideration shall include:

17 (i) a description of the subject, purpose and substance of the  
18 proposed item under consideration;

19 (ii) information regarding where the full text of the proposed item  
20 may be obtained;

21 (iii) the name, office, address, email and telephone number of a city  
22 district representative, knowledgeable on the item under consideration,  
23 from whom any information may be obtained concerning such item;

24 (iv) date, time and place of any hearing regarding the proposed item,  
25 if applicable;

26 (v) date, time and place of the city board meeting at which the city  
27 board will vote on the proposed item; and

28 (vi) information on how to submit written or oral comments regarding  
29 the item under consideration.

30 (b) In the event that a proposed item listed in subdivision one of  
31 this section is substantially revised at any time following the public  
32 notice provided pursuant to paragraph (a) of this subdivision, the city  
33 board shall issue a revised public notice. Such revised notice shall be  
34 available at least fifteen days in advance of any city board vote on the  
35 proposed item, but in no event shall the city board vote on any such  
36 item within forty-five days from the initial public notice provided  
37 pursuant to paragraph (a) of this subdivision. Revised public notice of  
38 the item under city board consideration shall include:

39 (i) a description of the subject, purpose and substance of the revised  
40 item under consideration;

41 (ii) identification of all substantial revisions to the item;

42 (iii) a summary of all public comments received on such item following  
43 the initial public notice pursuant to paragraph (a) of this subdivision;

44 (iv) information regarding where the full text of the revised item may  
45 be obtained;

46 (v) the name, office, address, email and telephone number of a city  
47 district representative, knowledgeable on the item under consideration,  
48 from whom any information may be obtained concerning such item;

49 (vi) date, time and place of any hearing regarding the item, if appli-  
50 cable;

51 (vii) date, time and place of the city board meeting at which the city  
52 board will vote on the item; and

53 (viii) information on how to submit written or oral comments regarding  
54 the item under consideration.

55 (c) Following the public review process pursuant to paragraph (a) or  
56 (b) of this subdivision but prior to voting on any proposed item listed

1 in subdivision one of this section, the city board shall make available  
2 to the public, including via the city board's official internet web  
3 site, an assessment of all public comments concerning the item under  
4 consideration received prior to twenty-four hours before the city board  
5 meeting at which such item is subject to a vote. Such assessment shall  
6 include:

7 (i) a summary and an analysis of the issues raised and significant  
8 alternatives suggested;

9 (ii) a statement of the reasons why any significant alternatives were  
10 not incorporated into the proposed item;

11 (iii) a description of any changes made to the proposed item as a  
12 result of public comments received; and

13 (iv) information as to where the full text of any approved item may be  
14 obtained.

15 (d)(i) A quorum of the members of the city board must attend any hear-  
16 ing scheduled for purposes of allowing public comments as provided in  
17 this subdivision. The city board shall not vote on any measure for which  
18 a public hearing is required or set by the board unless a quorum of the  
19 members of the city board attended the hearing relating to such measure.

20 (ii) As used in this paragraph:

21 (1) "quorum" means one-half of the members of the city board plus one  
22 additional member; and

23 (2) "attendance" means personally recorded to be present in an offi-  
24 cial capacity during at least seventy-five percent of the hearing.

25 (iii) In the event the city board or the chancellor determines that  
26 immediate adoption of any item requiring city board approval is neces-  
27 sary for the preservation of student health, safety or general welfare  
28 and that compliance with the quorum requirements of this subdivision  
29 would be contrary to the public interest, then such proposed item may be  
30 adopted at a meeting of the city board on an emergency basis. The city  
31 board or chancellor shall provide written justification for such deter-  
32 mination and make such justification publicly available including via  
33 the city board's official internet web site. All emergency adoptions  
34 shall only remain in effect for sixty days, during such time the city  
35 board shall comply with the requirements of this subdivision in order  
36 for the adoption of the item to become permanent.

37 § 4. This act shall take effect immediately; provided, however, that  
38 the amendments to section 2590-g of the education law made by section  
39 two of this act shall be subject to the expiration and reversion of such  
40 section pursuant to section 34 of chapter 91 of the laws of 2002 and  
41 pursuant to subdivision 12 of section 17 of chapter 345 of the laws of  
42 2009, as amended, when upon such date the provisions of section three of  
43 this act shall take effect.