

# STATE OF NEW YORK

7285

## IN SENATE

January 15, 2020

Introduced by Sen. MAY -- 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 requiring members of a board of trustees of public, free association and Indian libraries to complete two hours of continuing education per year

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 260-d  
2 to read as follows:

3 § 260-d. Board of trustees continuing education. 1. For the purposes  
4 of this section, the following terms shall have the following meanings:

5 a. "Trustee education" shall mean the instruction, in-person and/or  
6 online, for members of a board of trustees of a registered public, free  
7 association or Indian library that addresses the powers, functions and  
8 duties of library boards, the financial oversight, accountability and  
9 fiduciary responsibilities of library boards, and the laws, rules and  
10 regulations that govern public, free association and Indian libraries.

11 b. "Annual basis" shall mean within the twelve-month period of a  
12 member's full term of office, in accordance with the provisions of the  
13 library's enabling legislation, incorporation and board-approved bylaws.

14 c. "Approved provider" shall mean an institution or organization  
15 designated as eligible to provide trustee education in accordance with  
16 the requirements of this section. Such approved providers shall include:

17 (1) a public library system;

18 (2) a state or national library association;

19 (3) a state or national association of library trustees;

20 (4) the department; and

21 (5) any other institution or organization approved by the department  
22 or by the public library system of which the library is a member.

23 2. a. Beginning January first, two thousand twenty-one, each member,  
24 elected or appointed, of a board of trustees of a registered public,  
25 free association or Indian library shall be required to complete a mini-  
26 imum of two hours of trustee education on an annual basis from an  
27 approved provider.

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

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1 b. Such trustee education shall consist of instruction and/or activ-  
2 ities in the following subjects:

3 (1) board development;

4 (2) budget development and/or finances;

5 (3) financial oversight;

6 (4) human resources and personnel;

7 (5) library board organization and meetings;

8 (6) library policies;

9 (7) state laws, rules and regulations that affect libraries;

10 (8) public relations and advocacy;

11 (9) strategic plan and related topics; and

12 (10) any other subject areas deemed relevant to the governance of a  
13 library.

14 c. Such trustee education shall be delivered by an approved provider  
15 in an approved format, including:

16 (1) in-person lectures, workshops, courses, seminars or institutes;

17 (2) live or self-paced online lectures, workshops, courses, seminars  
18 or institutes;

19 (3) regional, state or national library association conference  
20 programs;

21 (4) state or national library trustee association conference programs;  
22 and

23 (5) any other format or combination of formats, as approved by the  
24 department or by the public library system of which the library is a  
25 member.

26 3. a. Each member shall demonstrate compliance with the requirements  
27 of this section by filing with the president of the board of trustees  
28 evidence of the completion of at least two hours of trustee education  
29 from an approved provider. Such evidence shall include one of the  
30 following:

31 (1) certificates of completion issued by one or more approved provid-  
32 ers; or

33 (2) a signed self-assurance of completion. Such assurance shall iden-  
34 tify the approved trustee education providers, a description of the  
35 format and content of the completed instruction activities, the date and  
36 time such member began and completed each instruction activity and an  
37 explanation of why a certificate of completion was not available from  
38 such approved providers.

39 b. The president of the board of trustees shall certify to the depart-  
40 ment on an annual basis that each member of the board has completed the  
41 required annual hours of trustee education pursuant to this section.  
42 Such certification shall be submitted to the department on the report  
43 required by section two hundred fifteen of this article.

44 4. a. The office of any member of a board of trustees who fails to  
45 demonstrate compliance with the trustee education requirements estab-  
46 lished by this section for two consecutive years shall automatically be  
47 deemed vacant. Any member whose office has been deemed vacant due to  
48 failure to demonstrate compliance with the requirements of this section  
49 shall only be eligible (1) for reappointment to such office after the  
50 expiration of such member's vacated term, or (2) to run for such office  
51 again at the next election.

52 b. Failure of the board of trustees of any registered public, free  
53 association or Indian library to demonstrate compliance with the  
54 requirements of this section shall be deemed a valid reason for the  
55 rescinding or suspension of such library's registration.

1 5. If circumstances over which any public, free association or Indian  
2 library has no control prevent the board of trustees from meeting the  
3 requirements of this section, such board may apply for a variance. The  
4 application for such variance shall be submitted to the department by  
5 the public library system of which such board is a member and in a time-  
6 ly manner as prescribed by the commissioner. No variance granted pursu-  
7 ant to this subdivision shall be deemed to relieve a public, free asso-  
8 ciation or Indian library of any other obligation imposed by any other  
9 provisions of federal or state law.

10 § 2. This act shall take effect immediately.