STATE OF NEW YORK

4435

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

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:

Section 1. The education law is amended by adding a new section 260-d to read as follows:

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

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

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

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

(1) a public library system;

(2) a state or national library association;

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

(4) the department; and

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

2. a. Beginning January first, two thousand twenty-two, each member, elected or appointed, of a board of trustees of a registered public,

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

LBD04722-01-1

free association or Indian library shall be required to complete a minimum of two hours of trustee education on an annual basis from an approved provider.

b. Such trustee education shall consist of instruction and/or activities in the following subjects:

(1) board development;

(2) budget development and/or finances;

(3) financial oversight;

(4) human resources and personnel;

(5) library board organization and meetings;

(6) library policies;

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

(8) public relations and advocacy;

(9) strategic plan and related topics; and

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

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

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

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

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

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

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

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

(1) certificates of completion issued by one or more approved providers; or

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

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

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

b. Failure of the board of trustees of any registered public, free association or Indian library to demonstrate compliance with the

requirements of this section shall be deemed a valid reason for the rescinding or suspension of such library's registration.

5. If circumstances over which any public, free association or Indian library has no control prevent the board of trustees from meeting the requirements of this section, such board may apply for a variance. The application for such variance shall be submitted to the department by the public library system of which such board is a member and in a timely manner as prescribed by the commissioner. No variance granted pursuant to this subdivision shall be deemed to relieve a public, free association or Indian library of any other obligation imposed by any other provisions of federal or state law.

§ 2. This act shall take effect immediately.