

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:

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-two, each member,
24 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.

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1 free association or Indian library shall be required to complete a mini-
2 imum of two hours of trustee education on an annual basis from an
3 approved provider.

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

6 (1) board development;

7 (2) budget development and/or finances;

8 (3) financial oversight;

9 (4) human resources and personnel;

10 (5) library board organization and meetings;

11 (6) library policies;

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

13 (8) public relations and advocacy;

14 (9) strategic plan and related topics; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 § 2. This act shall take effect immediately.