STATE OF NEW YORK

4494

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

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:

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

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

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

(ii) As used in this paragraph:

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

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

(iii) In the event the city board or the chancellor determines that immediate adoption of any item requiring city board approval is necessary for the preservation of student health, safety or general welfare and that compliance with the quorum requirements of this subdivision would be contrary to the public interest, then such proposed item may be adopted at a meeting of the city board on an emergency basis. The city board or chancellor shall provide written justification for such determination and make such justification publicly available including via the city board's official internet web site. All emergency adoptions shall only remain in effect for sixty days, during such time the city

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

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board shall comply with the requirements of this subdivision in order for the adoption of the item to become permanent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) date, time and place of any hearing regarding the item, if applicable;

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

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

(c) Following the public review process pursuant to paragraph (a) or (b) of this subdivision but prior to voting on any proposed item listed in subdivision one of this section, the city board shall make available

to the public, including via the city board's official internet web site, an assessment of all public comments concerning the item under consideration received prior to twenty-four hours before the city board meeting at which such item is subject to a vote. Such assessment shall include:

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

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

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

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

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

(ii) As used in this paragraph:

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

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

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

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