

STATE OF NEW YORK

9855--A

IN ASSEMBLY

April 24, 2024

Introduced by M. of A. WOERNER, McDONALD, O'DONNELL, BRABENEC -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to permitting the designation of students as ex officio members of school boards; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 3 of section 1702 of the education law, as
2 amended by chapter 314 of the laws of 2005, is amended to read as
3 follows:

4 3. Each union free school district~~[, at the next annual meeting subse-~~
5 ~~quent to the effective date of the chapter of the laws of two thousand~~
6 ~~five which amended this subdivision, may submit to the qualified voters~~
7 ~~of the district for approval, the issue of ex officio student membership~~
8 ~~on the school district's board of education, by a student attending a~~
9 ~~high school within such school district. Upon voter approval, each such~~
10 ~~district]~~ that operates a high school shall establish a process for
11 ~~[student membership selection]~~ designating at least one student as an ex
12 officio member pursuant to paragraph c of this subdivision. If, prior to
13 August fifth, two thousand three, a school district had a policy that
14 allowed a student or students to be ex officio members of the school
15 board, such policy shall be deemed to meet the requirements of this
16 subdivision and shall be deemed to have full legal effect. In any
17 district that contains more than one high school, such process shall
18 take into consideration the number of high schools within the district
19 and provide for a mechanism which allows for fair representation among
20 the schools. Such school district shall allow such selected student or
21 students to serve as [~~an~~] ex officio [~~member~~] members of such district's
22 board of education~~[, and, if so,]~~ and provided further that:

23 a. The ex officio student [~~member~~] members of the board shall be enti-
24 tled to sit with board members at all public meetings and hearings of

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

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1 the board and may participate in [~~all board hearings and meetings~~] other
2 board activities and responsibilities at the discretion of the board.

3 b. The ex officio student [~~member of the board~~] members shall not be
4 allowed to vote, shall not be allowed to attend executive session or any
5 other meetings or hearings not open to the public, and shall not be
6 entitled to receive compensation of any form for participating at board
7 meetings.

8 c. Notwithstanding any other law to the contrary, the ex officio
9 student [~~member~~] members of the board may be any of the following: the
10 student that has been duly elected as student president of the high
11 school; a student duly elected by the student body; a student selected
12 by the high school student government; a student selected by the high
13 school principal; a student selected by the superintendent of schools; a
14 student selected by majority vote of the school board. [~~Provided, howev-~~
15 ~~er, in districts having district-wide student governments or advisory~~
16 ~~committees, the student ex officio member shall be selected by the~~
17 ~~superintendent of schools from among the members of such district-wide~~
18 ~~student governments or advisory committees, subject to ratification by~~
19 ~~majority vote of the school board.~~]

20 d. The ex officio student [~~member shall be a senior at the high school~~
21 ~~and~~] members shall have attended such high school for at least [~~two~~
22 ~~years~~] one year prior to selection.

23 § 2. Subdivision 3-a of section 1702 of the education law is REPEALED.

24 § 3. Subdivision 12 of section 1804 of the education law, as amended
25 by chapter 314 of the laws of 2005, is amended to read as follows:

26 12. Each central school district[~~, at the next annual meeting subse-~~
27 ~~quent to the effective date of the chapter of the laws of two thousand~~
28 ~~five which amended this subdivision, may submit to the qualified voters~~
29 ~~of the district for approval, the issue of ex officio student membership~~
30 ~~on the school district's board of education, by a student attending a~~
31 ~~high school within such school district. Upon voter approval, each such~~
32 ~~district~~] shall establish a process for [~~student membership selection~~]
33 designating at least one student as an ex officio member pursuant to
34 paragraph c of this subdivision. If, prior to August fifth, two thousand
35 three, a school district had a policy that allowed a student or students
36 to be ex officio members of the school board, such policy shall be
37 deemed to meet the requirements of this subdivision and shall be deemed
38 to have full legal effect. In any district that contains more than one
39 high school, such process shall take into consideration the number of
40 high schools within the district and provide for a mechanism which
41 allows for fair representation among the schools. Such school district
42 shall allow such selected student or students to serve as [~~an~~] ex offi-
43 cio [~~member~~] members of such district's board of education[~~, and, if~~
44 ~~so,~~] and provided further that:

45 a. The ex officio student [~~member~~] members of the board shall be enti-
46 tled to sit with board members at all public meetings and hearings of
47 the board and may participate in [~~all board hearings and meetings~~] other
48 board activities and responsibilities at the discretion of the board.

49 b. The ex officio student [~~member~~] members of the board shall not be
50 allowed to vote, shall not be allowed to attend executive session or any
51 other meetings or hearings not open to the public, and shall not be
52 entitled to receive compensation of any form for participating at board
53 meetings.

54 c. Notwithstanding any other law to the contrary, the ex officio
55 student [~~member~~] members of the board may be any of the following: the
56 student that has been duly elected as student president of the high

1 school; a student duly elected by the student body; a student selected
2 by the high school student government; a student selected by the high
3 school principal; a student selected by the superintendent of schools; a
4 student selected by majority vote of the school board. [~~Provided, howev-~~
5 ~~er, in districts having district-wide student governments or advisory~~
6 ~~committees, the student ex officio member shall be selected by the~~
7 ~~superintendent of schools from among the members of such district-wide~~
8 ~~student governments or advisory committees, subject to ratification by~~
9 ~~majority vote of the school board.~~]

10 d. The ex officio student [~~member shall be a senior at the high school~~
11 ~~and~~] members shall have attended such high school for at least [~~two~~
12 ~~years~~] one year prior to selection.

13 § 4. Subdivision 12-a of section 1804 of the education law is
14 REPEALED.

15 § 5. Subdivision 2 of section 1901 of the education law, as added by
16 chapter 314 of the laws of 2005, is amended to read as follows:

17 2. Each central high school district[~~, at the next annual meeting and~~
18 ~~election subsequent to the effective date of the chapter of the laws of~~
19 ~~two thousand five which added this subdivision, may submit to the quali-~~
20 ~~fied voters of the district for approval the issue of ex officio student~~
21 ~~membership, on the school district's board of education, by a student~~
22 ~~attending a high school within such school district. Upon voter~~
23 ~~approval, each such district~~] shall establish a process for [~~student~~
24 ~~membership selection~~] designating at least one student as an ex officio
25 member pursuant to paragraph c of this subdivision. If, prior to August
26 fifth, two thousand three, a school district had a policy that allowed a
27 student or students to be ex officio members of the school board, such
28 policy shall be deemed to meet the requirements of this subdivision and
29 shall be deemed to have full legal effect. In any district that contains
30 more than one high school, such process shall take into consideration
31 the number of high schools within the district and shall provide for a
32 mechanism which allows for fair representation among the schools. Such
33 district shall allow such selected student or students to serve as [~~an~~
34 ex officio [~~member~~] members of such board of education, and[~~, if so,~~
35 provided further that:

36 a. The ex officio student [~~member~~] members of the board shall be enti-
37 tled to sit with board members at all public meetings and hearings of
38 the board and may participate in [~~all board hearings and meetings~~] other
39 board activities and responsibilities at the discretion of the board.

40 b. The ex officio student [~~member~~] members of the board shall not be
41 allowed to vote, shall not be allowed to attend executive session or any
42 other meetings or hearings not open to the public, and shall not be
43 entitled to receive compensation of any form for participating at board
44 meetings.

45 c. Notwithstanding any other law to the contrary, the ex officio
46 student [~~member~~] members of the board may be any of the following: the
47 student that has been duly elected as student president of the high
48 school; a student duly elected by the student body; a student selected
49 by the high school student government; a student selected by the high
50 school principal; a student selected by the superintendent of schools; a
51 student selected by majority vote of the school board. [~~Provided, howev-~~
52 ~~er, in districts having district-wide student governments or advisory~~
53 ~~committees, student ex officio members shall be selected by the super-~~
54 ~~intendent of schools from among the members of such district-wide~~
55 ~~student governments or advisory committees, subject to ratification by~~
56 ~~majority vote of the school board.~~]

1 d. The ex officio student [~~member shall be a senior at the high school~~
2 ~~and~~] members shall have attended such high school for at least [~~two~~
3 ~~years~~] one year prior to selection.

4 § 6. Subdivision 3 of section 1901 of the education law is REPEALED.

5 § 7. Subdivision 10 of section 2502 of the education law, as amended
6 by chapter 314 of the laws of 2005, is amended to read as follows:

7 10. Each small city school district[~~, at the next annual meeting~~
8 ~~subsequent to the effective date of the chapter of the laws of two thou-~~
9 ~~sand five which amended this subdivision, may submit to the qualified~~
10 ~~voters of the district for approval, the issue of ex officio student~~
11 ~~membership on the school district's board of education, by a student~~
12 ~~attending a high school within such school district. Upon voter~~
13 ~~approval, each such district]~~ shall establish a process for [~~student~~
14 ~~membership selection~~] designating at least one student as an ex officio
15 member pursuant to paragraph c of this subdivision. If, prior to August
16 fifth, two thousand three, a school district had a policy that allowed a
17 student or students to be ex officio members of the school board, such
18 policy shall be deemed to meet the requirements of this subdivision and
19 shall be deemed to have full legal effect. In any district that contains
20 more than one high school, such process shall take into consideration
21 the number of high schools within the district and provide for a mech-
22 anism which allows for fair representation among the schools. Such
23 school district shall allow such selected student or students to serve
24 as [~~an~~] ex officio [~~member~~] members of such district's board of educa-
25 tion[~~, and, if so,~~] and provided further that:

26 a. The ex officio student [~~member~~] members of the board shall be enti-
27 tled to sit with board members at all public meetings and hearings of
28 the board and may participate in [~~all board hearings and meetings~~] other
29 board activities and responsibilities at the discretion of the board.

30 b. The ex officio student [~~member~~] members of the board shall not be
31 allowed to vote, shall not be allowed to attend executive session or any
32 other meetings or hearings not open to the public, and shall not be
33 entitled to receive compensation of any form for participating at board
34 meetings.

35 c. Notwithstanding any other law to the contrary, the ex officio
36 student [~~member~~] members of the board may be any of the following: the
37 student that has been duly elected as student president of the high
38 school; a student selected by the high school student government; a
39 student selected by the high school principal; a student selected by the
40 superintendent of schools; a student selected by majority vote of the
41 school board. [~~Provided, however, in districts having district-wide~~
42 ~~student governments or advisory committees, the student ex officio~~
43 ~~member shall be selected by the superintendent of schools from among the~~
44 ~~members of such district-wide student governments or advisory commit-~~
45 ~~tees, subject to ratification by majority vote of the school board.]~~

46 d. The ex officio student [~~member~~] members shall [~~be a senior at the~~
47 ~~high school and shall~~] have attended such high school for at least [~~two~~
48 ~~years~~] one year prior to selection.

49 § 8. Subdivision 10-a of section 2502 of the education law is
50 REPEALED.

51 § 9. Section 1950 of the education law is amended by adding a new
52 subdivision 2-c to read as follows:

53 2-c. a. Each board of cooperative educational services shall have one
54 or more ex officio student members. Supervisory districts with ten or
55 fewer component districts shall have at least one ex officio student
56 member; supervisory districts with more than ten and fewer than or equal

1 to twenty component districts shall have at least two ex officio student
2 members; and supervisory districts with more than twenty component
3 districts shall have at least three ex officio student members.

4 b. Each supervisory district shall establish a process for determining
5 which component district or districts shall select the ex officio
6 student members each school year. Such process shall take into consid-
7 eration the number of component districts within the supervisory
8 district and provide for a mechanism which allows for fair represen-
9 tation among the component districts. Each supervisory district shall
10 also establish a process by which such component district or districts
11 shall select the ex officio student member or members, provided that
12 such members shall be students who have attended a high school within
13 their component district for at least one year and who participate in a
14 program administered by the supervisory district.

15 c. The ex officio student members of the board shall be entitled to
16 sit with board members at all public meetings and hearings of the board
17 and may participate in other board activities and responsibilities at
18 the discretion of the board.

19 d. The ex officio student members of the board shall not be allowed to
20 vote, shall not be allowed to attend executive session or any other
21 meetings or hearings not open to the public, and shall not be entitled
22 to receive compensation of any form for participating at board meetings.

23 § 10. Section 2552 of the education law, as amended by chapter 138 of
24 the laws of 1974, is amended to read as follows:

25 § 2552. Board of education. The board of education of each such city
26 school district is hereby continued. The educational affairs in each
27 such city school district shall be under the general management and
28 control of a board of education to consist of not less than three and
29 not more than nine members, to be chosen as hereinafter provided, and to
30 be known as members of the board of education, except that the board of
31 education of the city school district of the city of New York shall be
32 constituted as provided in article fifty-two-A of this [~~chapter~~] title.
33 The number of members on the board of education of each such city school
34 district shall continue to be as follows, provided that student ex offi-
35 cio board members as described in subdivision eleven of section twenty-
36 five hundred fifty-three of this article shall not be considered board
37 members for purposes of this section:

38 a. City school district of the city of Buffalo: nine members.

39 b. City school district of the city of Rochester: seven members.

40 c. City school district of the city of Syracuse: seven members.

41 d. City school district of the city of Yonkers: nine members.

42 § 11. Section 2553 of the education law is amended by adding two new
43 subdivisions 1-a and 11 to read as follows:

44 1-a. The provisions of subdivision one of this section shall not apply
45 to ex officio board members, as described in subdivision eleven of this
46 section.

47 11. Notwithstanding the provisions of any other law, each board of
48 education shall establish a process for designating at least one student
49 as an ex officio board member. Ex officio student members shall be
50 entitled to sit with board members at all public meetings and hearings
51 of the board and may participate in other board activities and responsi-
52 bilities at the discretion of the board. Such ex officio student members
53 shall not be allowed to vote, shall not be allowed to attend executive
54 session or any other meetings or hearings not open to the public.

55 § 12. This act shall take effect on the first of July next succeeding
56 the date on which it shall have become a law.