STATE OF NEW YORK

4308--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to school district diversity, equity and inclusion officers

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

Section 1. Subdivision 1 of section 2101 of the education law, as amended by chapter 107 of the laws of 1976, is amended to read as follows:

1. Each common school district shall have one or three trustees as the district determines, a collector except in first class towns and except as may be otherwise provided by law, **a diversity, equity and inclusion officer,** and if the district so decides a treasurer.

§ 2. Section 2102 of the education law, as amended by chapter 737 of the laws of 1992, is amended to read as follows:

§ 2102. Qualifications of officers. Every school district officer must be able to read and write and must be a qualified voter of the district; and each member of a board of education of a union free school district, common school district or a central school district shall have been a resident of the school district, or in the case of a person qualified by subdivision three of section twenty hundred twelve of this chapter to vote in a district election, a resident of the district or reservation, for at least one year prior to the election. Notwithstanding the provisions of any other general or special law to the contrary, a school district treasurer, collector**, diversity, equity and inclusion officer** or clerk need not be a resident of the school district to hold such office in such district.

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

LBD08285-03-4

§ 3. Subdivision 1 of section 2103 of the education law is amended to read as follows:

1. No district superintendent or supervisor is eligible to the office of trustee or member of a board of education, and no trustee or member of a board of education can hold the office of district clerk, collector, **diversity, equity and inclusion officer,** treasurer or librarian, except as otherwise provided by section twenty-one hundred thirty.

§ 4. Section 2103 of the education law is amended by adding a new subdivision 5 to read as follows:

5. An administrative employee of the school district shall be appointed as the school district diversity, equity and inclusion officer.

§ 5. The part heading of part 2 of article 43 of the education law is amended to read as follows:

DISTRICT CLERK; TREASURER; **DIVERSITY, EQUITY AND INCLUSION OFFICER;** COLLECTOR

§ 6. The education law is amended by adding a new section 2131 to read as follows:

§ 2131. Duties of diversity, equity and inclusion officer. It shall be the duty of the diversity, equity and inclusion officer of each school district to develop methods to diversify the personnel of the school district, with an emphasis on diversifying teaching staff. The diversity, equity and inclusion officer shall annually review racial and ethnic disparities within the school district and shall encourage and assist in the recruitment and retention of a more racially and ethnically diverse staff. The diversity, equity and inclusion officer shall also review school district policies and practices and recommend changes to such policies and practices to reduce racial and ethnic disparities in hiring school district employees, particularly teachers. The diversity, equity and inclusion officer shall publish an annual report on the school district's plans, processes and progress in hiring and retaining educators of color. Such report shall be presented to the local board of education and shall be available to the public.

§ 7. Section 1709 of the education law is amended by adding a new subdivision 44 to read as follows:

44. To prepare a report in response to the annual report presented to the board of education by the diversity, equity and inclusion officer pursuant to section twenty-one hundred thirty-one of this title relating to the school district's plans, processes and progress in hiring and retaining educators of color and to submit such report to the department.

§ 8. Section 1804 of the education law is amended by adding a new subdivision 13 to read as follows:

13. The board shall prepare a report in response to the annual report presented to the board of education by the diversity, equity and inclusion officer pursuant to section twenty-one hundred thirty-one of this title relating to the school district's plans, processes and progress in hiring and retaining educators of color and to submit such report to the department.

§ 9. Section 2503 of the education law is amended by adding a new subdivision 22 to read as follows:

22. Shall prepare a report in response to the annual report presented to the board of education by the diversity, equity and inclusion officer pursuant to section twenty-one hundred thirty-one of this title relating to the school district's plans, processes and progress in hiring and

retaining educators of color and to submit such report to the department.

§ 10. Section 2554 of the education law is amended by adding a new subdivision 29 to read as follows:

29. To prepare a report in response to the annual report presented to the board of education by the diversity, equity and inclusion officer pursuant to section twenty-one hundred thirty-one of this title relating to the school district's plans, processes and progress in hiring and retaining educators of color and to submit such report to the department.

§ 11. Section 305 of the education law is amended by adding a new subdivision 61 to read as follows:

61. The commissioner shall prepare an annual report based on the reports submitted to the department by local boards of education on school districts' plans, processes and progress in hiring and retaining educators of color and shall submit such report to the legislature annually.

§ 12. This act shall take effect immediately.