

STATE OF NEW YORK

9855

IN ASSEMBLY

April 24, 2024

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Education

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 of the board and
25 participate in all board hearings and meetings.

26 b. The ex officio student [~~member~~] members of the board shall not be
27 allowed to vote, shall not be allowed to attend executive session, and

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

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1 shall not be entitled to receive compensation of any form for partic-
2 ipating at board meetings.

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

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

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 Subdivision 3-a of section 1702 of the education law is REPEALED.

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

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

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

43 b. The ex officio student [~~member~~] members of the board shall not be
44 allowed to vote, shall not be allowed to attend executive session, and
45 shall not be entitled to receive compensation of any form for partic-
46 ipating at board meetings.

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

1 district-wide student governments or advisory committees, subject to
2 ratification by majority vote of the school board.

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

6 § 4. Subdivision 12-a of section 1804 of the education law is
7 REPEALED.

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

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

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

32 b. The ex officio student [~~member~~] members of the board shall not be
33 allowed to vote, shall not be allowed to attend executive session, and
34 shall not be entitled to receive compensation of any form for partic-
35 ipating at board meetings.

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

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

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

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

53 10. Each small city school district[~~, at the next annual meeting~~
54 ~~subsequent to the effective date of the chapter of the laws of two thou-~~
55 ~~sand five which amended this subdivision, may submit to the qualified~~
56 ~~voters of the district for approval, the issue of ex officio student~~

~~membership on the school district's board of education, by a student attending a high school within such school district. Upon voter approval, each such district~~ shall establish a process for ~~[student membership selection]~~ designating at least one student as an ex officio member pursuant to paragraph c of this subdivision. If, prior to August fifth, two thousand three, a school district had a policy that allowed a student or students to be ex officio members of the school board, such policy shall be deemed to meet the requirements of this subdivision and shall be deemed to have full legal effect. In any district that contains more than one high school, such process shall take into consideration the number of high schools within the district and provide for a mechanism which allows for fair representation among the schools. Such school district shall allow such selected student or students to serve as ~~[an]~~ ex officio ~~[member]~~ members of such district's board of education~~[, and, if so,]~~ and provided further that:

a. The ex officio student ~~[member]~~ members of the board shall be entitled to sit with board members at all public meetings of the board and participate in all board hearings and meetings.

b. The ex officio student ~~[member]~~ members of the board shall not be allowed to vote, shall not be allowed to attend executive session, and shall not be entitled to receive compensation of any form for participating at board meetings.

c. Notwithstanding any other law to the contrary, the ex officio student ~~[member]~~ members of the board may be any of the following: the student that has been duly elected as student president of the high school; a student selected by the high school student government; a student selected by the high school principal; a student selected by the superintendent of schools; a student selected by majority vote of the school board. Provided, however, in districts having district-wide student governments or advisory committees, at least one of the student ex officio ~~[member]~~ members shall be selected by the superintendent of schools from among the members of such district-wide student governments or advisory committees, subject to ratification by majority vote of the school board.

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

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

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

2-c. a. Each board of cooperative educational services shall have one or more ex officio student members. Each supervisory district shall establish a process for designating one or more students as ex officio members. Such process shall take into consideration the number of component districts within the supervisory district and provide for a mechanism which allows for fair representation among the component districts.

b. Such supervisory district and the board of cooperative educational services shall allow such selected students to serve as ex officio members of such board of cooperative educational services. Supervisory districts with ten or fewer component districts shall have at least one ex officio student member; supervisory districts with more than ten and fewer than or equal to twenty component districts shall have at least two ex officio student members; supervisory districts with more than

1 twenty component districts shall have at least three ex officio student
2 members, and provided further that:

3 (1) The ex officio student members of the board shall be entitled to
4 sit with the board members at all public meetings of the board and
5 participate in all board hearings and meetings.

6 (2) The ex officio student members shall not be allowed to vote, shall
7 not be allowed to attend executive session and shall not be entitled to
8 receive any compensation of any form for participating at board meet-
9 ings.

10 (3) Notwithstanding any other law to the contrary, the ex officio
11 student members of the board shall be students who attend a high school
12 within the component districts, who have attended such high school for
13 at least one year, and who participate in a program administered by the
14 board of cooperative educational services of such supervisory district.
15 The ex officio student members shall be selected by the superintendent
16 of the relevant component district or districts in accordance with para-
17 graph a of this subdivision.

18 (4) The school district in which the ex officio student members reside
19 shall provide transportation for such students from their home to the
20 board of cooperative educational services meetings and shall also
21 provide transportation at the end of such meetings to such students'
22 home.

23 § 10. This act shall take effect on the first of July next succeeding
24 the date on which it shall have become a law.