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:

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

3. Each union free school district[~~, at the next annual meeting subsequent to the effective date of the chapter of the laws of two thousand five which amended this subdivision, may submit to the qualified 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~~] **that operates a high school** 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 **and hearings** of

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

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

b. The ex officio student [~~member of the board~~] members shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public, 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 duly elected by the student body; 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, the student ex officio member 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 shall be a senior at the high school and~~] members shall have attended such high school for at least [~~two years~~] one year prior to selection.

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 Subdivision 3-a of section 1702 of the education law is REPEALED.

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

12. Each central school district[~~, at the next annual meeting subsequent to the effective date of the chapter of the laws of two thousand five which amended this subdivision, may submit to the qualified 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 and hearings of the board and may participate in [~~all board hearings and meetings~~] other board activities and responsibilities at the discretion of the board.

b. The ex officio student [~~member~~] members of the board shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public, 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 duly elected by the student body; 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, the student ex officio member 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 shall be a senior at the high school and~~] **members** shall have attended such high school for at least [~~two years~~] **one year** prior to selection.

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

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

2. Each central high school district[~~, at the next annual meeting and election subsequent to the effective date of the chapter of the laws of two thousand five which added this subdivision, may submit to the qualified 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 shall provide for a mechanism which allows for fair representation among the schools. Such district shall allow such selected student **or students** to serve as [~~an~~] ex officio [~~member~~] **members** of such board of education, and[~~, if so,~~] 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 **and hearings** of the board and **may** participate in [~~all board hearings and meetings~~] **other board activities and responsibilities at the discretion of the board**.

b. The ex officio student [~~member~~] **members** of the board shall not be allowed to vote, shall not be allowed to attend executive session **or any other meetings or hearings not open to the public**, 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 duly elected by the student body; 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, student ex officio 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 shall be a senior at the high school and~~] members shall have attended such high school for at least [~~two years~~] one year prior to selection.

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

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

10. Each small city school district[~~, at the next annual meeting subsequent to the effective date of the chapter of the laws of two thousand five which amended this subdivision, may submit to the qualified 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 and hearings of the board and may participate in [~~all board hearings and meetings~~] other board activities and responsibilities at the discretion of the board.

b. The ex officio student [~~member~~] members of the board shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public, 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, the student ex officio member 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. 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; and supervisory districts with more than twenty component districts shall have at least three ex officio student members.

b. Each supervisory district shall establish a process for determining which component district or districts shall select the ex officio student members each school year. 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. Each supervisory district shall also establish a process by which such component district or districts shall select the ex officio student member or members, provided that such members shall be students who have attended a high school within their component district for at least one year and who participate in a program administered by the supervisory district.

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

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

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

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

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

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

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

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

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

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

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

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