



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee

FROM: John B. King, Jr.

SUBJECT: Proposed amendment of section 105.3 of the Regulations of the Commissioner of Education, relating to Special Act School Districts

DATE: July 7, 2010

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

Summary

Issue for Discussion

Should the Regents approve the proposed amendment of section 105.3 of the Commissioner's Regulations, relating to the appointment of public members of boards of education of special act school districts?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed regulation will be presented to the P-12 Education Committee for discussion at the July 2010 Regents meeting.

Procedural History

N/A

Background Information

Commissioner's Regulations §105.3(b) generally provides for uniform, consecutive four-year terms for all public members that commence on the first day of a school year (July 1st) and end on the last day of the fourth school year thereafter (June 30th). However, because of the unavailability of persons willing to serve at the prescribed times, it is not possible for the Commissioner to appoint public members in

accordance with the current language in the regulation. The proposed amendment will provide more flexibility for the appointment of public members based upon their availability to serve.

A Notice of Proposed Rule Making was published in the June 30, 2010 State Register. Supporting materials are available upon request from the Secretary to the Board of Regents.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at the September 2010 Regents meeting, with an effective date of October 6, 2010.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF
EDUCATION

Pursuant to Education Law sections 101, 207, 305, 308 and 309 and Chapters 628 and 629 of the Laws of 2004

Section 105.3 of the Regulations of the Commissioner of Education is amended, effective October 6, 2010, as follows:

§ 105.3 Appointment of public members.

(a) . . .

(b) The full term of office of a public member shall be 4 [school] years, [provided that the public members initially appointed in the 2005-06 school year shall be appointed for the balance of the term commencing on July 1, 2005 and ending on June 30, 2009, and provided further that after such initial appointments,] commencing and ending on such dates as determined by the Commissioner, provided that the term of public members may be changed in accordance with subdivision 3 of section 2105 of the Education Law upon at least sixty days advance notice to the Commissioner.

(c) In the event a public member vacates his or her office during its term pursuant to section 2112 of the Education Law, the Commissioner may appoint an eligible person in the manner prescribed in this section for the remaining balance of the term of office, or [may fill such position by appointment] for a full term [commencing on July 1 next succeeding the date on which the vacancy occurred] commencing and ending on such dates as determined by the Commissioner.

(d) . . .