



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

**TO:** The Honorable the Members of the Board of Regents

**FROM:** Mark Schaming 

**SUBJECT:** Amendment of §3.12 of the Rules of the Board of Regents  
Relating to Members of the Museum Council and Library  
Council

**DATE:** October 5, 2017

**AUTHORIZATION(s):**  

## SUMMARY

### Issue for Decision (Consent Agenda)

Should the Board of Regents amend §3.12 of the Rules of the Board of Regents relating to members of the Museum Council and Library Council?

### Proposed Handling

The proposed amendment is being presented to the Cultural Education Committee for adoption as a permanent rule at the October 2017 Regents meeting (Attachment A is a copy of the proposed amendment).

### Procedural History

A Notice of Proposed Rule Making was published in the State Register on August 2, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 45-day public comment period, the Department received one comment that was supportive of the proposed amendment (Attachment B is a copy of the Assessment of Public Comment).

## **Background Information**

Currently, §3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; who shall be appointed for five-year terms. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members.

## **Related Regents Item(s)**

January 2012: [Museum Advisory Council](http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/January2012/112ced1.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/January2012/112ced1.pdf>)

May 2017: [Regents Advisory Council on Museums](http://www.regents.nysed.gov/common/regents/files/517cea1.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/517cea1.pdf>)

July 2017: [Amendment Relating to Members of Museum and Library Council](http://www.regents.nysed.gov/common/regents/files/717ced1.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/717ced1.pdf>)

## **Recommendation**

Department staff recommends that the Board of Regents take the following action:

VOTED: That paragraphs (3) and (4) of subdivision (a) of §3.12 of the Rules of the Board of Regents be amended, effective November 1, 2017.

## **Timetable for Implementation**

If adopted at the October 2017 meeting, the proposed amendment will become effective on November 1, 2017.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 206, 207, 210, 214, 215 and 305 of the Education Law.

Paragraphs (3) and (4) of subdivision (a) of section 3.12 of the Rules of the Board of Regents shall be amended to read as follows:

(3) Library, [nine] 15 members. [The terms of the four newly created members shall be so arranged that one shall expire on September 30, 1969, one on September 30, 1970, one on September 30, 1971, and one on September 30, 1972. The terms of the five existing members shall not be disturbed. Thereafter, all] All members shall be appointed to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

(4) Museum, [5] 15 members. One member shall be appointed yearly to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

ASSESSMENT OF PUBLIC COMMENT

COMMENT: One organization indicated that it strongly supports the amendment because it is important step toward growing and diversifying representation on the Council by museum region, size, and type of collection. A broad range of voices from New York's cultural community is important to shape and inform the work of the State Education Department. The step towards diversification is commendable and certainly needed at this point in time.

RESPONSE: No response is necessary because the comment is supportive of the proposed amendment.