

CHAPTER 407

AN ACT to amend the education law, in relation to the consolidation of boards of trustees of public colleges which are parts of the public school system in any city of a million inhabitants or more, into one board of higher education, and the establishment of collegiate centers.

Became a Law April 16, 1926, with the approval of the Governor. Passed, three-fifths being present.

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

Art. 44A
added to
L. 1909,
ch. 21
(revision
of L. 1910,
ch. 140).

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended generally by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended by adding thereto a new article, to be article forty-four-a to read as follows:

ARTICLE 44-A.

BOARD OF HIGHER EDUCATION IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE.

Section 1142. Establishment.

1143. Powers and duties.

1144. Establishment of collegiate centers.

§ 1142. **Establishment.** A board of higher education is hereby established in each city of the state of a population of one million or more in which, at the time this article takes effect, there are maintained public institutions of higher learning which confers degrees, which are supported out of public funds and which are under the control of separate boards of trustees. The said board of higher education of the said city shall govern and administer that part of the public school system within the city which is of collegiate grade and which leads to academic, technical and professional degrees. The said board shall consist of citizens who are residents of the city, as follows: The members of the boards of trustees of the existing public institutions of higher learning who are appointed by the mayor, and three unattached members who shall be appointed by the mayor of the city within thirty days after this article takes effect. The president of the board of education of the said city shall also be a member ex-officio of the board of higher education. The first three unattached members appointed by the mayor shall be residents of the borough with the largest public high school registration at the time this article takes effect; their successors may, in the discretion of the mayor, be residents of any borough; but the mayor shall so make his appointments to the included educational boards and to the unattached group that within ten years after this act takes effect there shall be and continue to be upon the board of higher education at least four members from each of the two boroughs of largest population as determined by the most recent state census, at least one member from

the borough of smallest population and at least three members from each of the remaining boroughs. The mayor shall designate one of the three unattached members to serve until July first, nineteen hundred and twenty-eight, one to serve until July first, nineteen hundred and thirty-one, and one to serve until July first, nineteen hundred and thirty-four; their successors shall be appointed for full terms of nine years. The manner of appointment, service and removal of unattached members shall be the same as that prescribed by law for the appointed trustees of the institutions included in the board of higher education.

§ 1143. **Powers and duties.** The board of higher education of each such city shall be a separate and distinct body corporate, shall have the duties and powers of trustees of colleges as set forth in this chapter, unless otherwise specifically provided in this article, and the institutions and educational units which they shall conduct shall be part of the common school system and shall have the powers and privileges of colleges and shall be subject to the visitation of the regents of the university of the state of New York. The boards of trustees of any existing public institutions of higher learning shall continue to conduct and develop, as part of the common school system, the educational work which they respectively control, for a period of three years after which the control of the educational work of said institutions shall rest solely in the board of higher education, though each of said boards is hereby authorized, in its discretion, by resolution duly passed at a meeting legally held, to turn over for administration and control, any branch or division of its work, to the board of higher education of such city at any time. From the time when the said board of higher education shall assume sole control as aforesaid the said board of higher education shall administer all educational units controlled by it, as and under the general name and title of the college of the city in which the said units are located; but each unit of such college shall be given an appropriate and distinctive designation, and any existing unit, constituting a college for women, shall retain its present, distinctive name. The board of higher education shall select and acquire all new sites hereafter to be designated for public higher education in such city, and in relation to public higher education in the said city, they shall procure and pass upon all plans for buildings on newly acquired sites, shall supervise their erection, shall organize their faculties, shall approve and administer their courses leading to academic, professional and technical certificates, diplomas and degrees, shall appoint their officers of administration and instruction, shall prepare all their budgets and shall generally control and administer all public education in the said city beyond the high school level, except that which, at the time this article becomes law, is conducted and controlled by the existing public institutions of higher learning as herein provided and the teacher training courses which are now conducted by the board of education of the said city. In the establishment of future centers of instruction, they may, in their discretion, set them up as administrative divisions of

one or more of the existing institutions of higher learning; or they may establish them as distinctive educational units. All laws in force at the time this act takes effect relative to any existing public college of the city in which the board of higher education is established, not inconsistent with the provisions of this act, are hereby declared to be applicable to the educational system hereby established under the board of higher education.

The board shall control and keep up the buildings and grounds purchased by the city and occupied and used by institutions and units controlled by it; allow and regulate the use, gratuitously or otherwise, of said property for other than college purposes and prescribe the fees, if any, that persons, associations or corporations allowed to use it may charge; purchase materials, services, equipment and supplies. But the board shall not sell, transfer or otherwise dispose of land and buildings purchased by city funds. They may, however, accept and administer for college purpose, gifts of land, bequests, trusts, money and buildings from private sources and erect buildings on college land out of money not furnished by the city; and gifts of money, endowments, fees, interest and other income not derived from public taxation or the public credit shall be administered by them for collegiate purposes in connection with the units under their control. The board shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of teachers and other employees therein; establish and conduct courses and curricula and prescribe conditions of student admission, attendance and discharge. The board shall furnish the benefits of collegiate education gratuitously to citizens who are actual residents of the city and who are qualified for admission to any regular undergraduate course of study leading to a baccalaureate degree and to any course of study in any preparatory, training or model school connected with any institution under their control; and they may furnish gratuitously or otherwise for male and female students, actual residents or employees of said city and non-matriculated students, additional technical, professional and special courses of study and other educational advantages. In all courses and courses of study they may, in their discretion, require students to pay library, laboratory, locker and breakage fees and meet the cost of books and consumable supplies. The board shall, on the recommendation of its faculty or faculties, grant the certificates, diplomas and degrees which were announced in the bulletins of the existing public institutions of higher learning published for the term beginning immediately prior to the taking effect of this article, and also such other degrees and honors as the regents may hereafter specifically authorize them or any included board of trustees to grant. The board shall report to the board of estimate and apportionment, or like financial body of the city, annually on or before the first day of September, an estimate of the total sum of money which will be required for the ensuing calendar year for the support, maintenance and operation of each of its schools, colleges, divisions, and

sessions which have been in operation for a year, which estimate shall consist of two parts, (a) the sum of money that will be needed to pay the compensation and salaries of all officers of administration and instruction and other employees of each such center fixed pursuant to the provisions of law and (b) the sum of money that will be needed for all other purposes connected with their maintenance and operation, including the purchase of supplies, materials, equipment, repairs and services. The total sum, including both items, shall not exceed the amount appropriated for these purposes by the city for the then current year, increased or decreased by a per centum thereof equal to the per centum increase or decrease of students registered in the day session of such center on the first day of March of the current calendar year as compared with the students so registered a year earlier, (or if the center was not open for students a year earlier, the initial enrollment shall be used); and the board of estimate and apportionment and the board of aldermen, or like authorities of the city discharging such functions, are authorized and directed to raise and appropriate in the annual budget of the city, to the board, each total sum so estimated, and in addition to appropriate to the said board such further sums, then or at other times, as may be required by law; and the board of estimate and apportionment, or like financial body, may at any time make appropriations to the board, on its own motion, or on their recommendation, for the alteration and construction of buildings, and to meet any emergency or any situation that was not foreseen at the time the annual estimate was prepared. When a center is first opened, the board shall submit an initial estimate of the sum needed for its support, maintenance and operation, based on an estimated original enrollment of students, for the fiscal year or portion thereof immediately following. This estimate shall be acted upon as hereinbefore prescribed for current annual budgets; and in the event that an initial appropriation be for a part of a fiscal year, only, then in making calculation for the succeeding annual appropriation, the initial appropriation shall be taken as the appropriate fractional base. Money appropriated by the city to the board for college purposes, shall be placed in the custody of the comptroller of the city to the credit of said board and all disbursements from such funds shall be made by the said comptroller acting for and in behalf of such board upon requisitions duly audited and signed by the board or by a person or persons appointed by such board, by resolution filed with the comptroller, to act for it. Said comptroller shall audit the said account of the said board in the same manner as he audits the account of the board of education of the city. Any balance of any annual appropriation made by the city to the board, which may be unappropriated for college purposes by the board ninety days after the expiration of the calendar year for which the appropriation was made, shall revert to the city treasury and be credited to such uses as the board of estimate and apportionment or like financial body of the city may direct.

§ 1144. **Establishment of collegiate centers.** The board of higher education shall be called together for its organization meeting by the mayor or the chairman of one of the included boards, within forty days after this article takes effect. It shall organize itself and elect a chairman and secretary. The said board shall have the same powers to acquire sites, buildings, apparatus, and equipment for its institutions as the board of education has for school purposes, and it shall follow the procedure prescribed by law for the board of education in the acquisition of sites, buildings, apparatus and equipment. As soon as possible after organization, the board shall select a suitable site for an educational unit or center under its control and administration in the borough or similar subdivision of the city which has the largest public high school registration at the time this article takes effect. They shall prepare plans and specifications for such buildings, apparatus and equipment as they deem necessary to meet the needs for public higher education in the said borough or similar subdivision, and shall submit an estimate of the money needed to acquire the said site, buildings, apparatus and equipment, to the board of estimate and apportionment of the said city, and the said board of estimate and apportionment of the city, or like financial body, shall raise, in the manner prescribed by law for the raising of funds for school purposes, such sums as it shall approve, and shall appropriate such sums to the board for the purposes hereinabove set forth. When, in its discretion, the board of higher education resolves to establish other centers of instruction, it shall follow the procedure of the board of education in establishing new schools. All officers of instruction in any educational unit established as hereinabove provided, and in any other institution administered and controlled by the board of higher education, who are not members of any other retirement system supported in whole or in part by the said city and who hold appointment to service on annual salaries paid out of appropriations made by the city, shall, upon appointment, become members of the public school teachers' retirement system of the said city and shall have all the obligations, rights, privileges and benefits of new-entrants.

Inconsistent
acts.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are, for the purpose of this act, hereby repealed.

§ 3. This act shall take effect immediately.

CHAPTER 408

AN ACT in relation to union free school district number one of the town of Albion and repealing various acts relating specially thereto.

Became a law April 16, 1926, with the approval of the Governor. Passed, three-fifths being present.

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

District
reestab-
lished.

Section 1. Union free school district number one of the town of Albion as now constituted is hereby continued as a union free