



**New York State Assembly**

**Sheldon Silver**  
Speaker



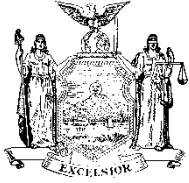
# 2013

## ANNUAL REPORT

Committee on  
**Education**

**Catherine T. Nolan**  
Chair





CATHERINE NOLAN  
37<sup>TH</sup> Assembly District  
Queens County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRWOMAN  
EDUCATION COMMITTEE

COMMITTEES  
Rules  
Veterans  
Ways & Means  
Corporations, Authorities & Commissions

December 15, 2013

The Honorable Sheldon Silver, Speaker  
New York State Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Silver:

I am pleased to present to you my eighth annual report as Chair of the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and help our Majority advance education, a priority during the 2013 session. The Committee was able to achieve success in both State Budget negotiations and through the work of the Committee to provide and increase educational opportunities for all students.

The 2013-14 State Budget increased General Support for Public Schools funding to school districts by \$992.16 million for a total allocation of \$21.23 billion. To ensure additional financial assistance for school districts and to improve the future educational prospects of our students, the budget provided a two-year appropriation for education funding. Increased funding was expected to be approximately \$722 million in the 2014-15 school year which would bring the total for General Support for Public Schools to \$21.9 billion for the 2014-2015 school year.

During the legislative session, the Committee reported numerous pieces of legislation that will improve the educational prospects of all students and provide a safe learning environment. In order to provide for greater oversight and improve the quality of preschool special education (4410) programs in the state, A.7302-A (Nolan)/Chapter 545 of the Laws of 2013 was enacted, which requires that notice be given to the Commissioner of certain 4410 student placements. The law also requires the Commissioner to establish criteria for executive directors of 4410 programs and requires all 4410 programs to be audited by the State Comptroller by March 31, 2018 in order to ensure that funding for these programs is being spent appropriately. In addition to providing mandate relief measures in the State's budget legislation, the Committee passed A.6881 (Benedetto)/Chapter 213 of the laws of 2013 to provide school districts with relief by eliminating the requirement for an additional parent at a meeting of the Committee on Preschool Special Education unless requested prior to the meeting by the parent or member of the CPSE.

The Assembly Majority continued its commitment to ensure that students with disabilities have access to quality programs and services by rejecting a proposal, which would have allowed

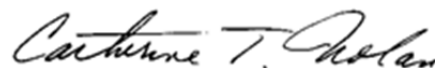
schools to apply to the State Education Department for a waiver from certain special education requirements. The Assembly Majority also included a proposal in the state budget that will require the New York City school district to compile an inventory of all transportation classroom units (TCUs) and provide a report including recommendations from the Chancellor to reduce the number of TCUs. This will assist the city towards reducing the number of TCUs used by schools.

In October of this year the Committee, together with the Sub-committee on Students with Special Needs chaired by Assemblywoman Shelley Mayer, held a roundtable in Yonkers which examined the programs and services offered by Special Act school districts, 853 schools, and 4201 schools to students with disabilities and the challenges that these schools, parents, and students face. The Committee also hosted a meeting with the National Association of Bilingual Educators led by Assemblywoman Carmen Arroyo regarding support for bilingual teachers.

The Committee, which is concerned about protecting student privacy, held a hearing in Albany examining the effects of the storage, use, and the disclosure of personally identifiable student information by school districts and the State Education Department to third-party vendors, as well as the costs associated with collaborating with third-party vendors. The Committee reported two bills and the Assembly passed A.7872-A (Nolan) and A.6059-A (O'Donnell) regarding the release of student information.

As we move forward into 2014, the Committee will continue to fight for adequate funding of public schools and ensure that students are provided with a sound education from prekindergarten through grade 12 that will prepare them for life after high school. On behalf of the Committee, I want to thank you for your continued support and leadership in support of public education and look forward to the 2014 session.

Sincerely,

A handwritten signature in cursive script that reads "Catherine T. Nolan".

Catherine Nolan  
Chair  
Committee on Education

**2013 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON EDUCATION**

**Catherine Nolan, Chair**

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Jane Corwin  
Alfred C. Graf  
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Claudia Tenney  
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Gregory Berck, Esq., Associate Counsel  
Diane Girouard, Analyst  
Peter Hoffman, Committee Assistant  
Charles LeDuc, Committee Clerk  
Jeannine Barcher, Program and Counsel Executive Secretary

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## I. INTRODUCTION

The New York State Constitution states that, “[t]he Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated” (Article 11, Section 1). This constitutional provision establishes the foundation for the areas of responsibility of the Assembly’s Standing Committee on Education.

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary and secondary education for approximately 3 million children attending both public and non-public schools. Within New York State, there are nearly 700 school districts, including the nation’s largest, the New York City School District, which enrolls over one million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education, and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

The Committee works diligently to ensure that the public schools of this large and diverse State provide the range of opportunities that all students need to fulfill their potential. The Committee supports equitable funding and strengthening the quality of public education in the State.

During the 2013 Session, 541 bills were referred to the Education Committee. The Education Committee has broad jurisdiction reaching to all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2013.

## II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

### A. STATE BUDGET HIGHLIGHTS

The Legislature modified the Executive's proposal to increase funding for General Support for Public Schools (GSPS) by \$436.36 million for a total GSPS of \$21.23 billion for the 2013-14 school year, which is a total increase of \$992.16 million over the previous (2012-13) school year. This increase in GSPS funding will allow for an increase in Foundation Aid of \$171.36 over the Executive proposal, for a total of \$15.18 billion, and a restoration of the Gap Elimination Adjustment (GEA) of \$517.5 million, which reduces the total GEA to \$1.64 billion for the 2013-2014 school year, as well as a full reimbursement of expense based aids in addition to other GSPS programs.

The Legislature accepted the Executive's proposal of \$75 million in *New NY Education Reform* Commission grants. Of the \$75 million, \$25 million was allocated to full-day and half-day prekindergarten grants; \$20 million for extended learning time grants; \$15 million for community school grants; \$11 million for master teacher grants; and \$4 million for early college high school grants.

**The following summary provides a brief description of the State Budget:**

#### ***Foundation Aid***

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure that educational resources are distributed to schools in a comprehensive and equitable manner pursuant to the New York State Court of Appeal's *Campaign for Fiscal Equity* decision. The formula is based on the average cost of educating students in successful schools, and is adjusted for regional cost differences, poverty levels, pupils with limited English proficiency and special education needs. In addition, the formula is based on enrollment rather than attendance.

The Legislature funded Foundation Aid at \$15.18 billion for the 2013-14 school year, which is a \$171.34 million increase over the Executive proposal, and a \$171.37 million increase over the 2012-2013 school year.

#### ***Annual Professional Performance Reviews (APPR)***

The Legislature accepted the Executive proposal to link an increase in school aid to approval and implementation of the standards and procedures for conducting Annual Professional Performance Reviews (APPR) of classroom teachers and building principals by September 1<sup>st</sup> of every year. The Legislature restored cuts for future years to prevent an ongoing penalty to schools that missed the January 17, 2013 deadline for a teacher and principal evaluation plan. The Legislature also provided that APPR plans that have been agreed to and implemented will automatically continue into subsequent school years unless a school district and its collective bargaining unit agree to a new or amended APPR plan by September 1<sup>st</sup> of every year. This



provision will ensure that school districts do not lose an increase in state aid for failure to have an APPR plan by September 1<sup>st</sup>.

The Legislature modified the Executive proposal to provide that any school district that did not have an approved APPR plan by the Commissioner by January 17, 2013 and was unable to obtain Commissioner approval prior to May 29, 2013 would participate in an arbitration proceeding before the Commissioner and the Commissioner would determine an APPR plan for such district. While six districts missed the initial deadline, only the New York City school district was unable to receive Commissioner approval prior to May 29, 2013 and, as a result, was subject to the arbitration proceeding. The Council of School Supervisors and Administrators representing building principals in New York City and the New York City school district were able to come to an agreement during the arbitration proceedings and receive Commissioner approval for an APPR plan for building principals. The Commissioner implemented a plan for classroom teachers of the New York City school district on June 1, 2013.

### ***Competitive Grants***

The Legislature modified the Executive's proposal to provide \$75 million in competitive grants to school districts:

- Full-Day and Half-Day Prekindergarten grants (\$25 million): This grant will award money to school districts that establish new full-day and half-day prekindergarten placements and/or convert existing half-day programs into full-day programs. Awards will be targeted to school districts with the highest needs. The Legislature modified the Executive proposal to require that a portion of such grants include half-day placements; ensure grant recipients comply with current teacher certification requirements; and provide that grant recipients implement the pre-kindergarten foundation for the common core standards and adopt approved quality indicators within certain timeframes.
- Extended Learning Time grants (\$20 million): School districts that increase student academic learning time by at least 25% will be eligible for this grant. The Legislature modified the Executive proposal authorizing this grant by providing that the application must consider additional learning time for students in middle school; authorizing school districts to apply in collaboration with not-for-profit community based organizations; and providing that the Commissioner will administer the grant.
- Community School grants (\$15 million): This grant will award funds to school districts that seek to improve student outcomes through the implementation of community schools, which are programs that use school buildings as community hubs to deliver co-located or school linked academic, health, nutrition, counseling, legal, and/or other services to students and their families. The Legislature modified the Executive proposal to provide that the State Council on Children and Families would develop the request for proposals in coordination with the Commissioner; authorize not-for-profit organizations to apply for these grants in collaboration with the New York City school district; authorize the Commissioner to award funding; and include mental health services and

student safety as factors for awards during the grant evaluation process. Awards would target the highest need schools and students.

- Master Teacher grants (\$11 million): This grant establishes a Master Teachers program and will award stipends of \$15,000 per year over a four year period to individual high-performing secondary public school teachers in math, science, and related fields. In order to be eligible for the grant, teachers will be required to receive a rating of “highly effective” on their Annual Professional Performance Review (APPR). The Legislature modified the grant to include the New York City school district; provide that funds sub-allocated to SUNY may only be used to administer the grants; and to provide for collective bargaining provisions.
- Early College High School grant (\$4 million): This grant will support the continuation and expansion of early college high school programs. The Legislature modified the credit requirement to provide that programs would be awarded funds based upon the number of college credits earned annually by participating students.

The 2011-2012 enacted budget established two competitive grant programs, the School District Management Efficiency Awards Program and the School District Performance Improvement Awards Grant, totaling \$500 million to be distributed over a multi-year period. The Legislature accepted the Executive’s provision of \$100 million for these two grants for the 2013-2014 school year.

### ***Early Childhood Education***

The Universal Prekindergarten (UPK) program continues to be a high priority for the Assembly Majority. Through providing high-quality early childhood learning opportunities to four-year-old children for more than a decade, the UPK program has played a vital role in helping students meet higher educational standards and closing student achievement gaps.

The State budget for the 2013-14 school year funded the UPK program at its present law level of \$385.03 million, the same level as under the Executive proposal and an increase of \$6.71 million over the 2012-13 school year.

The Legislature increased funding for Full-Day Kindergarten to its present law level of \$15.49 million, a increase of \$1.67 million from the Executive’s proposal and an increase of \$8.09 million over the 2012-13 school year.

The Legislature modified the Executive proposal to prohibit school districts from receiving Full-Day Kindergarten Conversion Aid more than once by authorizing a one-time waiver from this provision in certain circumstances.

### ***Teacher Programs***

The Legislature restored funding for Teacher Resource and Computer Training Centers at \$10.22 million, and provided an additional \$4 million, for a total of \$14.22 million.

The Legislature accepted the Executive proposal to fund the Teachers of Tomorrow program at \$25 million for the 2013-14 school year, which is the same level of funding provided for the 2012-13 school year. This program was established to assist school districts in the recruitment, retention and certification necessary to increase the supply of qualified teachers in school districts with teacher shortages, especially low-performing schools. The program offers a variety of incentives, such as stipends and tuition reimbursement, to encourage prospective teachers to work in high-need areas.

The Legislature accepted the Executive proposal to fund the Teacher Mentor Intern program at \$2 million for the 2013-14 school year, which is the same level of funding as the 2012-13 school year.

The Legislature accepted the Executive proposal to authorize the State Education Department (SED) to require a higher quality student teaching experience and to establish standards for a teacher and principal bar exam.

### ***Special Education***

The Legislature modified funding for High Cost Excess Cost Aid for special needs students at its present law level of \$516.66 million for the 2013-14 school year, a decrease of \$15.38 million from the Executive proposal and an increase of \$19.32 million over the 2012-2013 school year.

The Legislature modified funding for Private Excess Cost Aid to its present law level of \$356.17 million for the 2013-14 school year, a decrease of \$2.81 million over the Executive proposal and an increase of \$34.76 million over the 2012-13 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.31 million for the 2013-14 school year, which is the same level of funding as the 2012-13 school year.

The Legislature accepted the Executive's proposal to increase Preschool Special Education (4410) funding by \$46.8 million over the 2012-13 school year level for a total of \$983.5 million for the 2013-14 school year.

The Legislature restored \$16.8 million for summer programs for the Blind and Deaf in order to prevent an up-front cost shift onto school districts for these programs by rejecting the Executive proposal to alter the current payment schedule for summer programs for children attending schools for the Blind and Deaf.

The Legislature rejected the Executive proposal to provide that the school district of residence pay for the tuition for these summer programs as opposed to the school district of origin.

The Legislature rejected the Executive proposal to permit schools to apply to SED for a waiver from certain special education requirements.

### ***Preschool Special Education (4410) Oversight***

The Legislature accepted the Executive proposal to provide \$10 million in funds for preschool special education program oversight.

The Legislature provided that the State Education Department (SED) shall develop guidelines on standards and procedures that shall be used by counties when auditing preschool special education providers.

The Legislature accepted the Executive proposal to allow counties to retain 100 percent of any disallowances or overpayments found upon an audit of preschool special education providers.

The Legislature rejected the Executive proposal to allow New York City to select, through a competitive process or other method, preschool special education providers and to establish rates of payment.

### ***BOCES Aid***

BOCES Aid provides aid to reimburse school districts that participate in BOCES shared educational programs and services. The 2013-14 State budget funded this aid category at its present law level of \$728.54 million, which was an increase of \$3.69 million over the Executive proposal, and a total increase of \$29.66 million over the 2012-2013 school year. The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act Districts at the 2012-13 level of \$700,000.

### ***Special Services Aid***

The Legislature increased funding for Special Services Aid to its present law level of \$204.48 million, which is an increase of \$291,868 over the Executive's proposal and an decrease of \$3.59 million over the 2012-13 school year.

### ***Building Aid***

The Legislature provided funding for Building Aid to its present law level of \$2.75 billion, a decrease of \$3.43 million below the Executive's proposal and an increase of \$65.01 million over the 2012-13 school year.

The Legislature modified the Executive proposal and provided funding for Reorganization Building Aid at its present law level of \$26.41 million, a decrease of \$113,794 from the Executive proposal and an increase of \$242,703 over the 2012-2013 school year.

The Legislature expanded a Building Aid waiver provision for school districts that were unable to submit a final certificate of substantial completion for a project and/or complete the final report because of circumstances beyond the control of the district to include the inability of the district to complete a complex project within 18 months.

The Legislature provided for the suspension of the Building Aid amortization reset for two years.

### ***Transportation Aid***

The Legislature modified the Executive's proposal and provided funding for Transportation Aid at its present law level of \$1.72 billion, which is an increase of \$68,636 over the Executive's proposal and an increase of \$59.93 million over the 2012-13 school year.

The Legislature provided that the New York City school district provide after-school transportation for the 2013-14 school year to students in grades K-6 who attend regularly scheduled academic classes from 9:30 A.M. until 4:00 P.M. on weekdays and reside a certain distance away from their school. The New York City school district will be eligible for transportation aid for transportation expenses provided pursuant to these provisions. The school district will not be responsible for paying for this transportation once the school district has incurred costs that would entitle the school district to \$5.6 million in transportation aid. Parents/guardians must request this transportation in writing in accordance with certain time limitations and the Chancellor would be required to take student safety and costs associated with the transportation services into consideration when establishing a transportation plan to comply with these provisions.

### ***Instructional Materials Aid***

The Budget provided present law funding levels for instructional materials aids for the 2013-14 school year:

- **Textbook Aid:** The Legislature modified the Executive proposal to fund Textbook Aid at its present law level of \$180.31 million, which is a decrease of \$1.03 million below the Executive's proposal and an increase of \$864,333 over the 2012-13 school year.
- **Computer Hardware Aid:** The Legislature modified the Executive proposal to fund Computer Hardware at its present law level of \$38.63 million, which is a decrease of \$234,659 from the Executive's proposal and an increase of \$203,831 over the 2012-2013 school year.
- **Computer Software Aid:** The Legislature modified the Executive proposal to fund Computer Software at its present law level of \$46.44 million, which is a decrease of \$251,458 below the Executive's proposal and an increase of \$416,448 over the 2012-13 school year.
- **Library Materials Aid:** The Legislature modified the Executive proposal to fund Library Materials at its present law level \$19.37 million, which is a decrease of \$104,908 below the Executive's proposal and an increase of \$356,113 over the 2012-13 school year.

### ***High Tax Aid***

The Legislature rejected cuts to High Tax Aid and made a full restoration of funding. The Legislature modified the Executive's proposal and provides funding for High Tax Aid at \$223.30 million, an increase of \$68.56 million over the Executive proposal and an increase of \$18.53 million over the 2012-13 school year.

### ***Nonpublic School Aid***

The Legislature provides a total of \$137.57 million in Nonpublic School Aid, which reflects an appropriation of \$94.02 million for Mandated Services Relief Aid and \$43.55 million for the Comprehensive Attendance Policy program. This represents a year-to-year increase of \$13.95 million. The Legislature also added \$4.5 million for Safety Equipment for Nonpublic Schools.

### ***Charter School Transition Aid***

Charter School Transition Aid directs funding to the school districts most impacted by charter school growth and enrollment. The Legislature modified the Executive proposal to fund Charter Transition Aid at its present law level of \$36.23 million, an increase of \$2.75 million over the Executive proposal, and an increase of \$1.62 million over the 2012-13 school year.

### ***Annual Professional Performance Review (APPR) Transition Aid***

The Legislature continues certain provisions authorizing APPR transition grants that would provide reimbursement for certain costs incurred by school districts relating to APPR plans and implementation.

### ***Miscellaneous Aids***

The Legislature accepted the Executive proposal to fund Employment Preparation Education (EPE) at \$96 million, which is the same level of funding as the 2012-13 school year. School districts and BOCES may operate an EPE program to provide services for persons aged 21 and older who have not received a high school diploma or its equivalent.

The Legislature accepted the Executive proposal to fund Incarcerated Youth assistance at \$21 million, which is a \$500,000 increase over the 2012-13 school year, and Homeless Pupils aid at \$21.25 million, which is a \$3 million increase over the 2012-13 school year.

The Legislature accepted the Executive proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is an increase of \$700,000 over the 2012-13 school year.

The Legislature provided \$1 million in funding for Deferred Action for Childhood Arrivals (DACA) transition funding to provide educational services and support for DACA-eligible out-of-school youth and young adults in New York State.

The Legislature provided an additional \$1.5 million for the administration of the high school equivalency diploma exam for a total of \$5.16 million.

### ***Preventing Reductions in Aid Due to Extraordinarily Adverse Weather Conditions***

The Legislature authorized the Commissioner to disregard a reduction in grant funds to Universal Prekindergarten programs that do not meet the 180-day requirement due to extraordinarily adverse weather conditions.

The Legislature authorized the Commissioner to disregard a reduction in school aid, for up to ten days, for schools that were not in session for 180 days due to extraordinarily adverse weather conditions for the 2012-2013 school year.

### ***Employee Benefit Accrued Liability Reserve***

The 2013-14 State budget continued school district authorization to partially offset the remaining GEA by authorizing school districts to transfer excess Employee Benefit Accrued Liability Reserve (EBALR) funds during 2013-14 school year for the purpose of maintaining educational programming.

### ***Mandate Relief Measures***

In order to provide mandate relief to school districts, the Legislature:

- Provided that the school census for all students aged 5-18 be completed biennially instead of annually.
- Modified the Executive proposal to exempt school districts with fewer than 1,500 students from the internal audit function.
- Repealed the BOCES five-year special education space plan requirement and replaced the provision with a requirement that the BOCES district superintendent must ensure the stability and continuity of program placements for students with disabilities.

### ***Contracts for Excellence***

Contracts for Excellence were implemented beginning in the 2007-08 school year. School districts were required to prepare a Contract if they had at least one school that failed to meet Federal or State academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year. The 2013-14 State budget provided that any school district that filed a Contract in the 2012-13 school year must file a Contract in the 2013-14 school year, unless all schools in the district are in good standing. As a result, in the 2013-14 school year, 15 school districts are required to prepare a Contract for Excellence. These school districts must maintain the Contract amount approved by the Commissioner in the Contract for the 2012-13 school year.

### *Transportable Classroom Units (TCUs)*

The Legislature provided that the chancellor of the New York City school district compile an inventory of TCUs in the district and issue a written report, as well as develop recommendations regarding minimizing the use of TCUs on or before December 31, 2014. The report will include, but not be limited to, the location of each TCU, its approximate size, its age, a description of its physical condition, the number of students served within the TCU, and the amount of the school day the students spend within the unit.

### **B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)**

**A.1398-A, Gunther; Chapter 181 of the Laws of 2013:** This law authorizes BOCES to enter into contracts with public libraries for the purpose of providing high speed telecommunications services, including high-speed internet services. The Commissioner shall review all proposed contracts and may only approve a contract if that contract will result in a cost savings or more economical use of resources by all parties involved in the contract. These services must be provided at cost and are not eligible for aid.

**A.6435, Jaffee; Veto Memo No. 237:** This bill would have allowed BOCES to establish a reserve fund through a governing board for unanticipated repairs of capital improvements or equipment. Such fund already exists for municipal corporations, school districts, district corporations, and improvement districts.

**A.7197, Paulin; Veto Memo No. 246:** This bill would have allowed BOCES to lease real property for a twenty year period, as opposed to the current 10 year limitation. Real property leases include renting land, classrooms, offices, or buildings used for boards of cooperative educational services or administrative offices.

### **C. CURRICULUM RESOURCES**

**A.3805, Maisel:** This legislation would authorize school district to expend textbook aid on manipulatives, which would be defined as supplies and materials used to support teaching and learning as part of an inquiry-centered curriculum as defined by the Commissioner. This bill passed the Assembly and was referred to the Senate Education Committee.

### **D. EDUCATIONAL FACILITIES**

**A.151, Nolan:** This bill would provide that no existing playground space may be sold, leased, or transferred or used for other purposes that would eliminate its use for outdoor recreational activities unless a plan is established to accommodate the needs of the students of the school building. However, a plan would not have to be developed for school construction or renovation activities that require the use of such playground space for a period of one year or less. This bill passed the Assembly and was referred to the Senate Finance Committee.

**A.6058-A, O'Donnell:** This bill would require full compliance with New York City's uniform land use review procedure for the sale, lease or other disposition of real property under the



control of the New York City Education Construction Fund when the city board of education determines that real property is unnecessary for the present or foreseeable future school building needs of the city or when the property will be used for the construction of a combined occupancy structure. This bill passed the Assembly and was referred to the Senate Rules Committee.

**A.7433-A, Crespo; Chapter 543 of the Laws of 2013:** This law requires the State Education Department to study the cost of installing hard-wired carbon monoxide detectors in public school and board of cooperative educational services buildings and to submit a report of its findings to the governor and Legislature on or before July 31, 2014.

**A.4772-C, Magnarelli; Chapter 459 of the Laws of 2013:** This law authorizes Phase II of the Syracuse City School District Joint Schools Construction Board (JSCB) citywide construction projects. The law provides that there may be up to twenty projects, which may include additions at existing school buildings at no more than \$20 million, and no more than twenty projects at schools to be determined by the Syracuse City School District and approved by the JSCB, for up to a total cost of \$300 million. If the total project cost exceeds \$300 million, the city of Syracuse is solely responsible for additional costs. The bill also provides the membership of the JSCB and outlines the process before the formal selection of projects occurs, as well as the process for determining the estimated costs and plans for new projects and approval of plans, entering into contracts, and obtaining professional services.

The bill would also require that on or before June 30, 2020 or upon the completion of the projects, that the JSCB issue a report of the projects, along with recommendations to the governor, legislature, comptroller, the city of Syracuse, the Syracuse City School District, and the Board of Regents.

## **E. HEALTH SERVICES**

**A.2126-A, Simotas; Chapter 242 of the Laws of 2013:** This law requires school districts, boards of cooperative educational services, and private schools to allow students to carry and use FDA approved over-the-counter sunscreens with the written permission of the parent or guardian. Each school will be required to maintain a record of such permission. Unlicensed personnel will also be authorized to assist students physically unable to apply sunscreen, when directed to by the student, with written permission a parent or guardian and authorized by the school.

## **F. HIGH SCHOOL EQUIVALENCY DIPLOMA**

**A.7873, Nolan:** This bill would clarify that no fee shall be established for any exam that would award a high school equivalency diploma or its equivalent. The bill would also make conforming changes to other sections of law relating to a high school equivalency exam. This bill passed the Assembly and was referred to the Senate Rules Committee.

## **G. PRESCHOOL SPECIAL EDUCATION (4410)**

**A.7302-A, Nolan; Chapter 545 of the Laws of 2013:** This law provides that if a committee on preschool special education (CPSE) recommends placing a child in an approved program that also conducted an evaluation of the child, the CPSE must indicate in writing that such recommendation is an appropriate placement for the child and provide notice to the commissioner of such recommendation.

The bill would require the commissioner to promulgate regulations and establish criteria for executive directors of special education service providers. Full time executive directors would not be able to engage in any activity that would interfere with his or her ability to carry out his or her duties as a full-time employee.

The bill would require that the comptroller audit, at least once, expenses reported to the State Education Department by each 4410 provider by March 31, 2018, and refer any findings uncovered during the course of the audit that would constitute a crime to the appropriate agencies. The final audit would be posted on each 4410 provider's website for five years, and all final audit reports must be posted on SED's website for at least five years. The comptroller would inform and advise the governor and legislature in December of each year regarding its audits. This bill passed both the Assembly and Senate.

SED would also be required to study the feasibility of adopting alternative cost reimbursement methodologies for funding 4410 programs.

**A.6881-A, Benedetto, Chapter 213 of the Laws of 2013:** This law provides that the additional parent-member on the Committee on Preschool Special Education (CPSE) would only be required at meetings of the CPSE if requested in writing at least 72 hours prior to the meeting by the child's parents/guardians or a member of the CPSE. Parents/guardians of the child must be provided proper written notice of their right to request an additional parent and that notice must be accompanied by a statement prepared by the State Education Department explaining the role of the additional parent at the meeting.

## **H. SCHOOL DISTRICT BUDGET & OPERATIONS**

**A.833, O'Donnell; Chapter 103 of the Laws of 2013:** This law allows for a change in composition of the New York City-wide Council on English Language Learners, allowing the parents of students who had been in an English Language Learners (ELL) program within the past two years to be eligible to serve as voting members. Previously, only those parents with students currently enrolled in an ELL program were eligible.

**A.7514, Jaffee; Chapter 515 of the Laws of 2013:** This law provides for accelerated lottery payments to the East Ramapo central school district for the 2013-2014 school year to be used to support instructional, guidance, health, and security services, as well as for board of cooperative education services expenses, co-curricular and intra-mural activities, and interscholastic athletics. In order to receive the advance, an advisory team would be established to develop an expenditure

plan, and the East Ramapo central school district would be required to submit monthly and quarterly financial reports.

**A.7756, Kim:** This bill would authorize school districts to not hold session in an individual public school or district-wide on a day where absenteeism may result in the waste of educational resources because a considerable proportion of the student population is unlikely to attend due to a religious or cultural day of observance. Passed Assembly, referred to Senate Committee on Rules.

## **I. SPECIAL ACT SCHOOL DISTRICTS**

**A.5989-A, Abinanti; Veto Memo No.224:** This bill would have provided for the close down and dissolution of the Abbott School, a Special Act district in Westchester County. The bill also contained provisions regarding retiree health care costs and maintenance of records.

**A.6721-B, Abinanti; Veto Memo No.264:** This bill would have authorized the Greenburgh North Castle Special Act School District to lease certain properties and to expand its statutory boundaries.

**A.6715-A, Nolan:** This bill would require the board of education of a Special Act school district to provide written notice to the commissioner and a plan for closing at least 90 days before the actual close down date. The plan would be required to provide for the orderly transfer of each publically placed student, and a detailed list of estimated expenses necessary to close down the school and estimated revenues to be received by the school district. In addition, the bill would require the board of education to periodically submit financial reports and statements on close down costs, revenues generated, and tuition to the commissioner. The commissioner would be authorized to reject any close-down costs deemed unnecessary or unreasonable to close down the school.

The bill would also require all Special Act school districts to provide enrollment reports, proposed budgets, and other financial information to the commissioner at least annually in order to monitor the fiscal stability of the schools. The State Education Department (SED) would be required to determine if any Special Act school district is in need of financial guidance, and if it is determined that a district requires assistance, SED would be required to provide the district with specific recommendations to improve the district's financial standing. This bill passed the Assembly.

**A.7356, Malliotakis; Chapter 277 of the Laws of 2013:** This law authorizes the Hawthorne Cedar Knolls Union Free School District board of education to operate outside of its boundaries to operate a program in State Island.

**A.7592-C, McLaughlin; Chapter 337 of the Laws of 2013:** This law authorizes the board of education at the Berkshire Union Free School District to operate a program in Hudson, New York.

## **J. STUDENT PRIVACY**

**A.7872-A, Nolan:** This bill would authorize parents/legal guardians of students or students over the age of 18 to request, on a form developed by the State Education Department, that a student's personally identifiable information and/or biometric records not be disclosed to any third party. Schools and SED would be prohibited from disclosing such information except in cases where they are required to do so by law, court order, or subpoena; state or federal audits or evaluations; or for health emergencies. This bill passed the Assembly and was referred to the Senate Rules Committee.

**A.6059-A, O'Donnell:** This bill would prohibit the State Education Department (SED) or boards of education from disclosing or maintaining personally identifiable student information in both public or private elementary or secondary schools, or in post-secondary institutions, without written consent from parents or students 18 years or older to a contractor, consultant, or certain outside parties for commercial use, except under certain circumstances such as required by statute or court order, for certain administrative purposes, or for studies for, or on behalf of, educational agencies or institutions. The department, school districts, and institutions would only be permitted to release student data to outside parties that maintain sufficient safeguards to protect the confidentiality and security of student data, such as by providing a breach remediation plan and reporting all suspected security breaches to SED and boards of education. These outside parties would be responsible to pay all costs and liabilities incurred by SED and boards of education related to a security breach.

SED and boards of education would be required to disclose on their websites and through annual notification to the legislature, the existence of any personally identifiable information that they maintain. In addition, SED, boards of education, and other educational institutions would not be permitted from attaching education records with personally identifiable information obtained from federal or state agencies through data matches without written consent, except under certain circumstances.

This bill would also authorize the attorney general to enforce compliance and impose fines on any outside parties that wrongfully disclose any identifiable information. This bill passed the Assembly and was referred to the Senate Rules Committee.

## **K. TEACHER CERTIFICATION**

**A.8049, O'Donnell; Chapter 90 of the Laws of 2013:** This law provides that school professionals applying for certification or license on or after December 31, 2013 must complete a training on the social patterns of harassment, bullying, and discrimination.

## **L. TESTING**

**A.6593-A, Nolan:** This bill would prohibit school districts from administering state assessments or other comparable assessments to students enrolled in kindergarten, first grade and second grade for any use other than for diagnostic purposes. For purposes of the locally selected measure of the student achievement subcomponent of the Annual Professional Performance

Review composite scores, school districts would be authorized to use district, regional, or BOCES developed assessments; school-wide measures of either student growth or achievement; or a structured district-wide student growth goal setting process. This bill passed the Assembly and was referred to the Senate Education Committee.

### **III. PUBLIC HEARINGS AND ROUNDTABLES**

#### **A. ROUNDTABLE ON NEW YORK STATE'S SPECIAL ACT SCHOOL DISTRICTS, 853 SCHOOLS, AND 4201 SCHOOLS SERVING STUDENTS WITH DISABILITIES**

**October 15, 2013**

**11:00 A.M.**

**Yonkers, NY**

The Committee on Education and Sub-committee on Students with Special Needs convened a roundtable of special education stakeholders in Yonkers, NY to examine programs and services currently offered by Special Act school districts, 853 schools, and 4201 schools serving students with disabilities.

This roundtable provided an opportunity to discuss issues and challenges arising for these schools, students, and families of students attending these schools in addition to outlining the many services and programs each school provides to its students. Participants of the roundtable discussed the high rate of teacher turnover and noted certification requirements and the rate-setting freeze as a roadblock for hiring teachers. In addition, stakeholders highlighted challenges with the transitioning process after a student graduates and what services are necessary for a student after he/she leaves the school. Advocates also noted financial issues such as providing adequate health benefits, salaries, and pensions for staff. Stakeholders and advocates ended the roundtable on a positive note with stating that the services and programs they provide for students with varying disabilities are essential in ensuring that students are prepared for life outside of school. The Committees will continue to study and consider these issues during the upcoming legislative session.

A number of stakeholders participated in the roundtable, including representatives from many Special Act school districts and 853 schools in Westchester County, such as the Devereux Millwood Learning Center, Andrus School, Mt. Pleasant Blythedale UFSD, Mount Pleasant Cottage UFSD, SAIL at Ferncliff Manor, Greenburgh North Castle UFSD; and schools located outside of Westchester and organizations such as Hawthorne Cedar Knolls UFSD, the New York Institute for Special Education, the New York School for the Deaf, the CP of NYS Affiliate Services Office, Saint Mary's School for the Deaf, Cerebral Palsy of Westchester, Inc., Monroe BOCES, Northern Rivers Family Services, Leake and Watts Services, Inc., the Elizabeth Seton Pediatric Center and John A. Coleman School, and Randolph Academy. Representatives from the Lower Hudson Education Coalition and the Office of State Comptroller also attended the roundtable, as well as members of the Education Committee.

## **B. PUBLIC HEARING ON THE DISCLOSURE OF PERSONALLY IDENTIFIABLE STUDENT INFORMATION BY SCHOOL DISTRICTS AND SED**

**November 20, 2013**

**10:00 A.M.**

**Albany, NY**

The Education Committee convened a hearing to review and examine the effects of the storage, use, and the disclosure of personally identifiable student information by school districts and the State Education Department to third-party vendors. The hearing also examined the costs associated with collaborating with third-party vendors to provide these educational data services to school districts. In order to address concerns related to the distribution of personally identifiable student information, the Assembly passed A.7872-A (Nolan) and A.6059-A (O'Donnell) during the 2013 legislative session.

The Committee received testimony from State and local officials as well as other stakeholders regarding the disclosure of student data with inBloom, a not-for-profit corporation under contract with the State Education Department to collect multiple pieces of student data. Superintendents, parents and student advocates expressed concerns about how the data will be used, who will have access to the data, and the risks associated in case of a security breach. Members voiced their concerns about the contract with inBloom and the State Education Department, data security, data mining and long term project funding for both the data dashboards and for services provided by inBloom.

The Committee heard public testimony from John King, Commissioner, State Education Department; Deputy Commissioner Ken Wagner, Assessment and Curriculum, State Education Department; Leonie Haimson, Class Size Matters; Jane Lauer Barker, Pitta & Giblin, LLP; Mary Fox-Alter, Superintendent of Schools, Pleasantville UFSD; Karen Zevin, Croton Harmon, School Board Member and Treasurer Westchester School Boards Association; representatives from the New York Civil Liberties Union, New York State United Teachers, United Federation of Teachers and the New York State School Boards Association, as well as parents and student advocates.

#### **IV. OUTLOOK 2014**

During the next legislative session, the Committee on Education will continue to report legislation to advance the interests of students and ensure that they have the educational opportunities they deserve. The Committee will evaluate solutions relating to the release of personally identifiable student information and continue to discuss implementation of the Common Core, among other challenges.

As always, the Committee will strive to advocate for the necessary resources to provide the students of this State with a sound basic education.



**V. SUMMARY SHEET**

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
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**BILLS REPORTED WITH OR WITHOUT AMENDMENT**

TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	8	0	8
TO WAYS AND MEANS	28	0	28
TO CODES	7	0	7
TO RULES	9	0	9
TO JUDICIARY	0	0	0
<b>TOTAL</b>	<b>52</b>	<b>0</b>	<b>52</b>

**BILLS HAVING COMMITTEE REFERENCE CHANGED**

TO <u>Local Government</u> COMMITTEE	1	0	1
TO <u>Higher Education</u> COMMITTEE	3	0	3
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>4</b>

**SENATE BILLS SUBSTITUTED OR RECALLED**

SUBSTITUTED		6	6
RECALLED		1	1
<b>TOTAL</b>		<b>7</b>	<b>7</b>
<b>BILLS DEFEATED IN COMMITTEE</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	<b>475</b>	<b>460</b>	<b>521</b>
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	<b>13</b>	<b>0</b>	<b>13</b>
<b>MOTIONS TO DISCHARGE LOST</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>488</b>	<b>53</b>	<b>541</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>6</b>	