

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Higher Education
Deborah J. Glick, Chair



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Assemblymember 66TH District
New York County

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STATE OF NEW YORK
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December 15, 2014

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

Dear Speaker Silver:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2014 Annual Report which highlights our activities over the past year.

The 2014 Legislative Session was a productive one. The 2014-15 Legislative budget for higher education provided \$64 million in additional funding above that proposed by the Executive. The Executive proposal maintained State support for community colleges at prior-year levels of \$2,422 for each full-time equivalent (FTE) student. The Legislature added \$15 million to the Executive's proposal, bringing funding levels from \$2,422 to \$2,497 per FTE student at SUNY and CUNY community colleges. The Legislature also provided an additional \$19.8 million for the Tuition Assistance Program (TAP). This funding increases the maximum TAP award for dependent students by \$165 and moves students considered orphans, foster children, and wards of the court from the independent TAP schedule to the dependent TAP schedule, allowing these individuals to receive a greater TAP award. The Legislature also restored \$18.5 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn providing a total of \$87.5 million.

The 2014-15 Executive budget proposal once again maintained funding for opportunity programs. The Legislature provided additional funding for these programs as follows: \$1.2 million for the Educational Opportunity Program (EOP); \$1.12 million for the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program; \$54,000 for College Discovery; \$749,000 for the Higher Education Opportunity Program (HEOP); \$333,000 for the Science and Technology Entry Program (STEP); \$253,000 for the Collegiate Science and Technology Entry Program (CSTEP); and \$388,000 for the Liberty

Partnership Program. The Legislature restored funding for SUNY and CUNY child care centers providing \$1.7 million to SUNY child care centers, a \$653,000 restoration, and \$1.4 million to CUNY child care centers, a \$544,000 restoration. The Legislature maintained \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program. Finally, the Legislature restored \$994,000 for ATTAIN Labs, \$1.7 million for the Graduation, Achievement and Placement (GAP) remediation program, and \$1.7 million for the Accelerated Study in Associate Programs (ASAP).

The Committee's efforts were not limited to fiscal concerns. In fact, the 2014 Legislative session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Legislature passed legislation that was enacted into law: requiring all colleges and universities to notify the appropriate law enforcement agency of any report of a violent felony or that a student who resides in housing owned or operated by such institution is missing, within 24 hours of such occurrence; extending the tuition waiver program for police officer students attending CUNY; providing for the licensure of geologists; prohibiting the automatic delivery of prescription medications without consent; extending the authorization for physical therapy assistants to provide services in home care settings; allowing registered nurses to administer tests to determine the presence of the Hepatitis C virus; expanding restricted clinical laboratory licenses for National Cancer Institute designated cancer centers; and extending the collaborative drug therapy management program. In addition to these enacted laws, the Assembly passed legislation that would ban certain licensed professionals from practicing conversion therapy on minors. Finally, the Assembly also passed the New York State DREAM Act, which would provide state-aided programs, scholarships, or other financial assistance to undocumented students who meet certain requirements. The Committee will continue to vigorously advocate for this legislation.

As you can see, much has been accomplished this year, but much still remains to be done. Thank you for your leadership and steadfast support of our State's higher education community. I am proud of my seventh year as Chair of the Higher Education Committee and thank you for the opportunity to continue working with you and my colleagues toward our shared goal of ensuring that our systems of public and private higher education remain the best in the nation.

Sincerely,



Deborah J. Glick
Chair
Higher Education Committee

2014 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON HIGHER EDUCATION

Deborah J. Glick, Chair

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I. COMMITTEE JURISDICTION

The Committee on Higher Education is responsible for the initiation and review of legislation relevant to higher education and the professions in New York State. It is primarily concerned with policy initiatives affecting the State University of New York (SUNY), the City University of New York (CUNY), the independent colleges and universities of New York, proprietary vocational schools, student financial aid, and the licensed professions. However, because of the complex and comprehensive nature of New York's system of higher education, the Committee has also been involved in shaping legislation in such diverse public policy fields as health care, economic and workforce development, technology, capital financing, and elementary and secondary education.

The New York State system of higher education has been heralded for decades for its quality and comprehensive service to the public with a full range of academic, professional, and vocational programs. The three components of this system include the State University of New York (SUNY), the City University of New York (CUNY), and the numerous independent colleges and universities, proprietary colleges and schools located within New York State.

In addition to providing support to the state-operated campuses of SUNY and the senior college programs of CUNY, New York State contributes financially to community colleges and provides direct aid to independent colleges and universities. The State also demonstrates its commitment to higher education through funding one of the country's largest state-supported Tuition Assistance Programs (TAP), a need-based grant program that helps eligible New York State residents pay tuition at approved higher education schools in the State (both public and private institutions).

The Committee on Higher Education also monitors the ongoing activities of the 52 professions, which the State Education Department (SED) is charged with licensing and regulating. Through careful consideration of legislation affecting the professions and through the monitoring of the professional discipline functions of the State Education and Health Departments, the Committee endeavors to protect the health, safety, and welfare of the public and to ensure the maintenance of high standards and competence within the professional realm.

This report summarizes the activities and achievements of the Assembly Committee on Higher Education in each of its major areas of responsibility during the 2014 Legislative Session.

II. HIGHER EDUCATION

A. Budget Highlights

The 2014-15 Legislative budget for higher education provided \$64 million in additional funding for SUNY and CUNY above the Executive's proposal. This increase includes a \$18.5 million restoration to the three SUNY Health Science Centers, a \$15 million increase in SUNY and CUNY community college base aid, a \$19.8 million increase for TAP, and a 3% across the board increase for the access/opportunity programs.

1. *Community Colleges*

This year, the Executive proposal maintained State support for community colleges at prior-year levels of \$2,422 for each full-time equivalent (FTE) student. Base aid is the State's responsibility for its share of community college budgeted operating costs. The State, the sponsoring locality, and the students share in the operational costs of community colleges and therefore the level of State support that community colleges receive directly affects tuition rates and local contributions. Statutorily the State is obligated to pay one-third of a community college's operating costs and up to forty percent of these costs for full opportunity schools. Recognizing the importance of preserving the State's support of community colleges as much as possible, the Legislature proposed increasing academic year funding of \$10.4 million for SUNY and \$4.6 million for CUNY community college base aid above the Executive proposal. The Executive accepted the Legislature's increase in funding of the State's share of community college financing from \$2,422 per FTE student to \$2,497.

The Legislature restored \$1.7 million in funding for the Graduation, Achievement and Placement (GAP) remediation program at SUNY community colleges and \$1.7 million in funding for the Accelerated Study in Associate Programs (ASAP) for CUNY community colleges.

The Legislature also delayed implementation of the new community college chargeback formula for two years, eliminated the requirement that the methodology for calculating chargeback rates be uniform, and required that a report on the new plan be submitted to the Legislature and the Director of Budget no later than June 1, 2015.

2. *SUNY State Operated Colleges and CUNY Senior Colleges*

The Executive proposal provided \$969.1 million in state supported operating aid to SUNY, a decrease of \$2.2 million from the 2013-14 State Budget, and \$524.5 million in state supported operating aid to CUNY, a decrease of \$1.5 million from the 2013-14

State Budget. The Legislature restored funding for SUNY and CUNY child care centers providing \$1.7 million to SUNY child-care centers, a \$653,000 restoration, and \$1.4 million to CUNY child-care centers, a \$544,000 restoration. The Legislature maintained \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program. CUNY's LEADS program offers individualized career guidance and support to students with disabilities enrolled in CUNY schools. The program is free for eligible students and provides them with academic advisement, internship and job seeking assistance, free textbooks, and career counseling. The Legislature restored \$994,000 for the Advanced Technology Training and Information Networking (ATTAIN) lab program. ATTAIN labs are located across New York States' most economically challenged urban and rural communities and provide communities access to new technologies, education, and technology training.

In addition, the Legislature required SUNY to report to the Governor and the Legislature on or before January 1, 2015 on economic development activities undertaken by SUNY.

3. SUNY Health Science Centers

The Legislature successfully restored \$18.5 million in support to provide \$87.7 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn. The \$18.5 million in funding will be divided equally among the three SUNY Health Science Centers.

4. Independent Colleges and Universities

This year, the Legislature increased funding for the Higher Education Opportunity Program (HEOP) by \$749,000, providing \$25.7 million in order to keep its commitment to help disadvantaged students gain access to private colleges. The Legislature also accepted the Executive's proposal to maintain funding for Bundy Aid at the prior year level of \$35.1 million. Bundy Aid, formally known as Unrestricted Aid to Independent Colleges and Universities, provides direct support to higher education institutions based on the number and type of degrees conferred by the college or university.

In addition, the Legislature accepted the Executive proposal to extend the Higher Education Capital Matching Grants Program for Independent Colleges to March 31, 2017 and authorizes any independent college to apply for any unused funds on a competitive basis. The program awards private colleges funding based on enrollment and relative student financial need as measured by total awards provided through the Tuition Assistance Program (TAP), and requires a three to one (non-State to State) match by institutions. Grants may be used for the design, construction, or acquisition of new facilities, rehabilitation and repair of existing facilities, or for any projects for

targeted priorities including economic development/high technology (including wet labs), critical academic facilities, and urban renewal/historic preservation. These grants are awarded by the Higher Education Capital Matching Grant Board.

5. Financial Aid

Tuition Assistance Program

New York State is fortunate to have one of the most comprehensive systems of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program that helps eligible New York residents pay tuition at approved schools in the State. Award amounts are determined by net taxable income (up to \$80,000) and financial status (independent or dependent). Depending on income, TAP awards can range from \$500 to \$5,165 with low-income students receiving larger awards. The TAP program helps keep college accessible and affordable for students who would otherwise not be able to attend.

The Legislature provided an additional \$19.8 million for TAP. This increases the maximum TAP award for dependent students by \$165, from \$5,000 to \$5,165. In addition, students that are considered by law to be orphans, foster children, and wards of the court were moved from the independent TAP schedule to the dependent TAP schedule, allowing these individuals to receive a greater TAP award.

Scholarship/Loan Forgiveness Programs

The Legislature accepted the Executive proposal to create the New York State Science, Technology, Engineering and Mathematics (STEM) Incentive Program to provide full tuition scholarships to New York high school students who graduate in the top ten percent of their class, pursue an undergraduate degree in a STEM program at SUNY or CUNY, and work in a STEM field and reside in New York State for five years upon completion of said degree. An appropriation of \$8 million was provided to fund this new scholarship program.

The Legislature provided an additional \$250,000 for the Social Worker Loan Forgiveness Program. The Legislature also added home care to the list of designated critical human service areas with a shortage of licensed social workers and created a hold harmless provision for those social workers currently receiving awards whose county is no longer a designated critical human service area if there is a change in the formula.

The Legislature provided \$100,000 in funding to create the New York State Young Farmers Loan Forgiveness Incentive Program. This program will provide loan forgiveness to students who have graduated from a New York State college or

university and operate a farm in New York State on a full-time basis for at least five-years. Ten awards will be granted in an amount of up to \$10,000 per applicant for up to five-years.

Access Programs

Access to higher education has been a long-standing concern of this Committee. Over the years, the Legislature has created programs which provide special assistance to educationally and economically disadvantaged students, underrepresented groups, and “at-risk” youth (students who require additional support in order to achieve academic success). The Assembly has been committed to ensuring that all students have access to higher education and ensuring their academic success through the support of access programs.

Through counseling, remedial coursework, financial assistance, drop-out prevention, and skills training, these programs are dedicated not only to encouraging enrollment in college, but also helping to ensure success in the postsecondary academic environment. New York’s Access Programs include:

*The Higher Education Opportunity Program (HEOP) provides critical access programs for educationally and economically disadvantaged students who attend independent institutions of higher education. HEOP programs serve approximately 4,800 students through 69 programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling. HEOP students, who do not meet the traditional academic criteria when they are admitted to college, typically earn their degrees at rates that equal or exceed other students. With mentoring and support, 59% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature increased funding for HEOP by \$749,000 over the Executive’s proposal, providing \$25.7 million in funding.

*The Education Opportunity Program (EOP) provides academic support and financial aid to students who attend public institutions of higher education and show promise for mastering college-level work, but who may otherwise not be admitted. In 2013, EOP supported 9,461 students through programs including special tutoring, and academic, career, and personal counseling. EOP services are available at most SUNY schools, at all CUNY senior colleges through the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program, and at all CUNY community colleges through the College Discovery program. The Legislature increased funding for EOP by \$1.2 million, providing \$22.36 million in funding; increased funding for SEEK by \$1.12 million providing \$19.49 million in funding; and increased funding for College Discovery by \$54,000, providing \$937,390 in funding.

*The Liberty Partnerships Program (LPP) serves approximately 12,629 middle, junior,

and senior high school students who are at risk of dropping out. LPP also assists students in completing high school, preparing for and entering college, and obtaining meaningful employment. LPP has a retention rate of 99% and a graduation rate of 92%. The Legislature increased funding for LPP by \$388,000, providing \$13.3 million in funding.

*The Teacher Opportunity Corps (TOC) has the goal of attracting more African-Americans, Hispanics, and Native Americans to the teaching profession and to prepare these individuals to work effectively with students who are at risk of academic failure and dropping out of school. TOC is also considered to be a model of excellence for teacher education programs. The Legislature accepted the Executive's proposal to maintain TOC funding at \$450,000.

*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) programs were created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students enter collegiate study and careers in scientific, technical, and health-related fields. The Legislature increased funding for STEP by \$333,000, providing \$11.4 million in funding, and increased funding for CSTEP by \$253,000, providing \$8.6 million in funding.

*The State provides small awards for Native Americans pursuing post-secondary study in New York. This access program offers financial aid to eligible Native Americans and has been critical in addressing the underrepresentation of this population in New York State's higher education system. The Legislature accepted the Executive proposal to maintain funding for post-secondary aid to Native Americans at \$598,000.

6. Licensed Professions

This year's budget provided for amendments to law relating to certain licensed professionals. The Legislature modified the Executive proposal in order to allow nurse practitioners who have practiced for more than 3,600 hours to form a collaborative relationship with certain types of qualifying physicians or hospitals. The Legislature also accepted, with modifications, the Executive proposal that provides an exemption to the Nurse Practice Act to allow nursing tasks to be provided by direct support staff in programs certified or approved by the Office for People with Developmental Disabilities (OPWDD), when performed under the supervision of a registered professional nurse and pursuant to a memorandum of understanding between OPWDD and SED. Finally, the Legislature included a proposal that requires outsourcing facilities that compound drugs that are dispensed or distributed in New York State to register with the State Education Department (SED).

B. Legislative Highlights

1. *Community Colleges*

New York State has 37 public community colleges: 30 within the State University system and 7 within the City University system. With an enrollment of approximately 340,000 students, community colleges provide a primary source of access to higher education opportunities. The community colleges of SUNY and CUNY are referred to as “full opportunity” institutions, accepting all recent high school graduates and returning residents from the colleges’ sponsorship areas.

Community colleges are unique in that they are financed cooperatively by three partners: the State, a local sponsor, and the students. Community colleges are primarily governed by the local sponsor, assuring that these institutions have greater flexibility to respond to the local educational needs of their unique student population. Many community college students are non-traditional students who return to college later in life, attend part-time and/or combine work and family responsibilities with study.

2. *City University of New York*

Founded as the Free Academy in 1847, the City University of New York (CUNY) has grown into the largest urban university in the nation. CUNY is also the third largest university in the country and comprises 24 campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes 11 senior colleges, a two-year preparatory medical program, an honors college, a journalism school, a school of professional studies, a law school, a graduate center, and 7 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 274,628 students annually: 175,154 at the senior colleges and 99,474 at the community colleges.

3. *State University of New York*

The State University of New York (SUNY) is the largest public university system in the nation, embracing 64 distinct individual campuses located in urban, suburban, and rural communities across New York State. These 64 campuses offer a full range of academic, professional, and vocational programs through their university centers, comprehensive colleges, colleges of technology, and community colleges. SUNY enrolls approximately 459,550 students in over 7,000 programs of study.

4. *Independent Colleges and Universities*

New York State is fortunate to have the most diversified and largest independent sector of higher education in the nation. According to the Commission on Independent Colleges and Universities (CICU), in 2011, nineteen percent of the students enrolled in

the independent sector in New York State were minorities. The independent colleges and universities of the State enroll nearly 487,183 students. New York not only boasts the nation's largest private university, New York University, it also prides itself on numerous outstanding small colleges as well. Independent campuses throughout New York State have a collective annual economic impact of \$62.3 billion, employ 373,800 New Yorkers, and have a \$23.1 billion payroll.

Providing for the Investigation of Crimes and Crime Reporting on College Campuses

A.2089-B Braunstein, Chapter 486 of the Laws of 2014. This law requires all colleges and universities to notify the appropriate law enforcement agency of any report of a violent felony or that a student who resides in housing owned or operated by such institution is missing within 24 hours of such occurrence. Such reporting requirement shall take into consideration applicable federal laws which give the victim of a sexual offense the right to decide whether or not to report such offense to local law enforcement.

Enacting the New York State Dream Act

A.2597-A /A.9640 Moya, Passed Assembly. This bill would have eliminated the current law provision requiring students to be a U.S. citizen or permanent lawful resident to receive general awards and scholarships therefore allowing certain students to receive general awards and scholarships if they meet the following criteria:

- Attended an approved NYS high school for two or more years, graduated from an approved NYS high school and applied for attendance to a NYS college or university within 5 years of receiving their NYS high school diploma; or
- Attended an approved NYS program for a state high school equivalency diploma, received their state high school equivalency diploma and applied for attendance to a NYS college or university within 5 years of receiving their state high school equivalency diploma; or
- Otherwise eligible for in-state tuition at the State University of New York (SUNY), the City University of New York (CUNY) or community colleges as prescribed by their admission criteria.

Undocumented students would have been required to file an affidavit with their college/university stating that they have filed an application to legalize their immigration status, or will file an application as soon as they are eligible to do so. This bill would have authorized SUNY, CUNY and community colleges trustees to provide state-aided programs, scholarships, or other financial assistance to students who meet the above criteria, as well as allow eligible students to receive state funds in educational opportunity programs who meet the above criteria.

Additionally, this bill would have allowed undocumented individuals who have a taxpayer identification number to open a New York 529 family tuition savings account. The bill would direct the president of the Higher Education Services Corporation (HESC), in consultation with the commissioner of the State Education Department (SED), to establish an application form and procedures for eligible students to apply for applicable awards without having to submit any information to any other state or federal agency, and under the presumption of confidentiality.

This bill would have further created the New York Dream Fund Commission and the New York Dream Fund. The Commission would comprise of 12 members that reflect the racial, ethnic, gender language and geographic diversity of NYS; include college and university administrators and faculty and other individuals who are committed to advancing the educational opportunities of the children of immigrants. The 12 members would be appointed as follows:

- 4 members appointed by the Governor;
- 3 members appointed by the Temporary President of the Senate;
- 3 members appointed by the Speaker of the Assembly;
- 1 member appointed by the Minority Leader of the Senate; and
- 1 member appointed by the Minority Leader of the Assembly.

The Commission would have had the power to administer the below provisions:

- Create and raise funds for the Dream Fund;
- Establish a not-for-profit charged with raising funds and any educational or training programs the Commission is tasked with administering and funding scholarships to students who are children of immigrants to the U.S.;
- Publicize the availability of scholarships from the Dream Fund;
- Develop criteria and a selection process for the recipients of scholarships from the Dream Fund;
- Research issues pertaining to the availability of assistance with the costs of higher education for the children of immigrants and other issues regarding access for and the performance of the children of immigrants within higher education;
- Establish, publicize, and administer training programs for high school counselors, admissions officers, and financial aid officers of institutions of higher education. These programs would instruct participants on the educational opportunities available to college-bound students who are children of immigrants. The Commission would also offer, to the extent possible, training to school districts and BOCES throughout the state; and
- Establish a public awareness campaign regarding educational

opportunities available to college bound students who are the children of immigrants.

The Commission would have established by rule, procedures for accepting and evaluating applications for scholarships and then issue them. To receive a scholarship, a student must meet the following qualifications:

- Have resided with his or her parents or guardians while attending a public or private high school in NYS;
- Have graduated from a public and private high school or received the equivalent of a high school diploma in NYS;
- Have attended a public or private high school in this state for at least two years as of the date he or she graduated from high school or received the equivalent of a high school diploma; and
- Have at least one parent or guardian who immigrated to the U.S.

The New York Dream Fund Commission and the New York Dream Fund would have been funded entirely by private contributions and no state funds would be appropriated to, or used by, the Fund. No funds of the Dream Fund or the Commission would be transferred to the general fund or any special revenue fund or used for any purpose other than those set forth in this proposal. Both the Commission and the Dream Fund would be subject to FOIL, the open meetings law and code of ethics/conflict of interest provisions.

Authorizing Certain Institutions to Receive State Aid for Earned Associate's Degrees

A.6618 Fahy, Chapter 361 of the Laws of 2014. This law allows Maria College to continue receiving Bundy Aid for the associate degrees they confer rather than receive aid for their baccalaureate degree program. Under current law, institutions authorized to confer bachelor degrees must elect to receive Bundy Aid for the bachelor degrees it confers. This law will allow Maria College to elect to receive Bundy Aid for the associate degrees it confers as it only offers a bachelor degree in one program area.

Extending Tuition Waivers for Police Officer Students at CUNY

A.8272 Lentol, Chapter 69 of the Laws of 2014. This law extends, for two more years, the tuition waiver program for police officer students attending CUNY. New York City police officers, who are enrolled in programs leading to a baccalaureate or higher degree at a CUNY senior college, may attend one course, without tuition, provided that the course is related to their employment as police officers and that such tuition-waived attendance does not deny attendance to an individual who is otherwise qualified to enroll in a CUNY senior college.

Extending Restricted Dental Faculty Licenses

A.8660-A Glick, Chapter 172 of the Laws of 2014. This law extends the authorization, for an additional two years, to the State Education Department (SED) to issue a restricted dental faculty license to a full-time faculty member employed at an approved New York State school of dentistry. The restricted dental faculty license allows the faculty member to practice dentistry only in the school's facilities or clinics, or facilities or clinics that have a formal affiliation agreement with the school. This law also requires the Dean of the dental school to provide annual notice to SED indicating that the licensee remains employed full-time at the dental school. Both the Dean and the licensee are required to notify SED in writing within 30 days of the termination of the licensee's full-time employment.

Authorizing SUNY to Lease Land at Stony Brook University to the Stony Brook Foundation

A.9187-A Englebright, Chapter 154 of the Laws of 2014. This law authorizes SUNY at Stony Brook to lease certain lands to the Stony Brook Foundation or its affiliate for the enhancement and expansion of the Simons Center for Geometry and Physics.

III. LICENSED PROFESSIONS

A. Legislative Highlights

New York State currently licenses 52 professions under Title VIII of the Education Law. Legislation to license a new profession or to alter the practice of an existing profession falls under the jurisdiction of the Committee on Higher Education. The State Education Department (SED), through its Office of the Professions, regulates the practice of the licensed professions on an ongoing basis.

An essential component of the monitoring process is to ensure that existing standards and qualifications reflect current practices and needs, especially in light of shifting demographics and rapidly changing technologies. Each year, the Committee reviews numerous pieces of legislation which propose to change the scope of practice of currently licensed professions. Ensuring that any modification to current professional standards is thoroughly examined and appropriately executed provides a means by which the Committee fulfills its obligations to protect the well-being of the public.

Providing for the Licensure of Geologists

A.4753-D, Englebright Chapter 475 of the Laws of 2014. This law establishes the practice of the profession of geology, which is defined as performing professional services such as researching, investigating, consulting and geological mapping, describing the natural processes that act upon the earth's materials, predicting the probable occurrence of natural resources, predicting and locating natural or human-induced phenomena which may be useful or hazardous to human kind, and recognizing, determining and evaluating geological factors, and the inspection and performance of geological work. The practice of geology would not include the practice of land surveying.

This law also sets forth the requirements for licensure of professional geologists which would include: an application with the State Education Department (SED), examination, a minimum age of 21 years old, good moral character, a licensing fee, baccalaureate degree or higher in geological sciences, and at least 5 years of practical experience satisfactory to the Board of Regents in appropriate geological work (up to one year of experience would be credited for an advanced degree). SED would be allowed to substitute degree and experience requirements for applicants with 12 years of practical experience in geological work satisfactory to SED. This law also establishes requirements for identification as an "intern geologist."

A pathway to licensure (grandparenting) would be provided, for one year, for applicants who fulfill the education and experience requirements.

This law creates practice exemptions in certain circumstances:

- 1) The employment and supervision of interns and other qualified persons as assistants to perform geological services;
- 2) The practice of professional engineering by a professional engineer;
- 3) The practice of land surveying by licensed land surveyors;
- 4) The execution of work by contractors;
- 5) The practice of professional geology by officers and State officers;
- 6) The execution of geological research and/or teaching conducted at an accredited educational institution or not-for-profit research institution;
- 7) Work customarily performed by physical or natural scientists, provided such work does not include geological investigations, being in charge of geological work or drawing geological conclusions or recommendations; and,
- 8) Work customarily performed by water well drillers who have received a certificate of registration.

Finally, this law makes conforming amendments to Education Law, Business Corporation Law, Limited Liability Company Law, and Partnership Law.

Prohibiting Conversion Therapy on Minors

A.6983-B Glick, Passed Assembly. This bill would provide that it shall be professional misconduct for a mental health professional to engage in any sexual orientation change efforts upon any patient less than 18 years of age.

Providing Technical Amendments for Continuing Education for Mental Health Counselors, Marriage and Family Therapists, Psychoanalysts, and Creative Arts Therapists

A.8228-B DenDekker, Chapter 15 of the Laws of 2014. This law amends Chapter 486 of the Laws of 2013 to authorize the State Education Department to complete the addition, amendment and/or repeal of any rule of regulation necessary for the implementation of this act in advance of its effective date.

Authorizing Professionals Appointed by the World Triathlon Corporation

A.8445 Stec, Chapter 71 of the Laws of 2014. This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who has been appointed by the World Triathlon Corporation, to provide services to participating athletes at the Ironman Triathlon being held on July 27, 2014 in Lake Placid, New York.

Providing Clarifying Amendments for the Licensure of Applied Behavior Analysis

A.8518 Morelle, Chapter 8 of the Laws of 2014. This law amends Chapter 554 of the Laws of 2013 relating to the licensure of behavior analysts and the certification of behavior analyst assistants to:

- add licensed behavior analysts and certified behavior analyst assistants to the list of mandated reporters pursuant to the Social Services Law;
- clarify that certain services can be provided without a license or certification if they are unrelated to an ABA plan;
- clarify the duties of an early intervention ABA aid acting under the supervision and direction of qualified supervisor who is licensed or otherwise authorized pursuant to Title 8 of the Education Law;
- prohibit the delegation of restricted activities to an individual who is not appropriately licensed or otherwise authorized and would specify that early intervention ABA aides under the supervision and direction of a qualified supervisor may complete activities necessary to assist in the implementation of an individual ABA plan, provided that such activities do not require professional skill or judgment;
- clarify that programs certified by the Office of Alcoholism and Substance Abuse Services can provide substance abuse disorder services for persons with autism, autism spectrum disorders and related disorders;
- add the Office of Children and Family Services to the list of agencies that have a time limited exemption from this licensure requirement and increases the time limit for the exemption from July, 1, 2018 to July 1, 2020; and
- require such exempt agencies to jointly submit an additional interim report on or before September 1, 2016 to the Governor, the Legislature, and the State Education Department and changes the due date for the second interim report to on or before September 1, 2018. This section changes the due date for the State Education Department's final report from January 1, 2017 to January 1, 2019.

Authorizing Professionals Appointed by the New York Road Runners

A.8611 Glick, Chapter 4 of the Laws of 2014. This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, certified athletic trainers, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who has been appointed by New York Road Runners, to provide services to participating athletes four days before, the day of, and one day after the following events:

- The New York City half marathon on March 16, 2014;
- The Brooklyn half marathon on May 17, 2014;
- The Queens 10K on June 22, 2014;
- The Bronx half marathon on September 21, 2014;
- The Staten Island half marathon on October 12, 2014; and
- The New York City marathon on November 2, 2014.

Prohibiting Automatic Delivery of Prescription Medications Without Consent

A.8612-A McDonald, Chapter 413 of the Laws of 2014. This law prohibits pharmacies from automatically delivering new or refilled prescriptions to patients without their consent or an individual authorized to consent on the patient’s behalf.

Authorizing Physical Therapy Assistants to Provide Services in Home Care Settings

A.8659 Glick, Chapter 47 of the Laws of 2014. This law extends the authorization, for an additional four years, for physical therapy assistants to provide services in home care settings after a supervising physical therapist establishes a program of care for the patient, meets with the patient and the physical therapy assistant, periodically evaluates the patient, and provides a final evaluation to determine if treatment should be terminated.

Expanding the Definition of the Practice of Veterinary Medicine

A.8867 Magee, Chapter 268 of the Laws of 2014. This law adds the diagnosis and treatment of dental conditions in animals to the veterinarian scope of practice. However, the floating of equine teeth is specifically excluded from the scope expansion.

Extending Mandatory Continuing Education Requirements for Land Surveyors

A.9103 Glick, Chapter 61 of the Laws of 2014. This law extends the expiration of the mandatory continuing education requirements for land surveyors to June 30, 2024, requiring land surveyors to complete a minimum of twenty-four hours of acceptable continuing education during each triennial registration period.

Administering Tests to Determine the Presence of the Hepatitis C Virus

A.9124-A Zebrowski, Chapter 352 of the Laws of 2014. This law allows physicians and nurse practitioners to issue nonspecific patient orders allowing registered nurses to administer tests to determine the presence of the hepatitis C virus.

Authorizing Professionals Appointed by the New York Road Runners

A.9202 Glick, Chapter 116 of the Laws of 2014. This law amends Chapter 4 of the Laws of 2014 to authorize certain health care professionals licensed in other jurisdictions to practice in New York State during the Bronx Marathon that is to take place on September 28, 2014.

Continuing Education Programs for Massage Therapists

A.9259-A Lupardo, Chapter 498 of the Laws of 2014. This law allows massage therapists who are licensed in another state or country to provide instruction to a New York State licensed massage therapist in connection with a program of continuing education.

Expanding Restricted Clinical Laboratory Licenses for the National Cancer Institute

A.9517-A Gottfried, Chapter 276 of the Laws of 2014. This law allows restricted licensees employed at National Cancer Institute designated cancer centers or at teaching hospitals to receive a certification allowing them to practice proteomics including but not limited to mass spectrometry, and any tests or procedures acceptable to the Commissioner of Health.

Extending Collaborative Drug Therapy Management

A.9715 Glick, Chapter 125 of the Laws of 2014. This law extends the expiration date of the collaborative drug therapy management program for an additional year. Chapter 21 of the Laws of 2011 authorized a three-year pilot program which authorized pharmacists to review, evaluate, and manage the drug therapy of a patient, who is being treated by a physician for a specific disease or disease state in limited settings.

Authorizing Acupuncturists Licensed in Other States to Practice in Limited Settings

A.9928 Rules (Glick), Chapter 504 of the Laws of 2014. This law allows a licensed acupuncturist from another state or country to practice acupuncture in this state without a license solely for the purpose of conducting clinical training, practice demonstrations or clinical research that is within the practice of acupuncture in connection with a program of basic clinical education, graduate education, or post-graduate education in an approved school of acupuncture or in its affiliated clinical facility or health care agency, or before a group of licensed acupuncturists who are members of a professional society.

Authorizing Advanced Home Health Aides

A.10137 Rules (Glick), Passed Assembly. This bill would provide an exemption to the Nurse Practice Act to establish a program for "advanced home health aides" who would be authorized to perform certain nursing tasks, including the administration of medications, under the direct supervision of a registered professional nurse, in accordance with regulations developed by the Commissioner of Education in consultation with the Commissioner of Health. Such regulations would take into account the recommendations of a workgroup of stakeholders convened by the Commissioner of Health, in consultation with the Commissioner of Education. This act would expire on June 30, 2019 and would require a report to the Legislature and the Executive on the implementation of this act.

IV. PUBLIC HEARINGS

New Statewide Teacher and School Building Leader Certification Requirements

April 30, 2014
Hamilton Hearing Room B, LOB
Albany, New York

The Assembly Standing Committees on Higher Education and Education convened a hearing and received testimony examining changes in the certification of New York State teachers and school building leaders.

The State Education Department (SED) has established new assessments for teacher certification, including the addition of the edTPA assessment, and has made changes to the certification of school building leaders. The edTPA is a complex performance assessment with multiple components, including requiring that student teachers be video recorded while teaching students in kindergarten through grade 12 classrooms. In addition, those candidates seeking an initial school building leader certificate who have not passed the current school building leader exam and met all other graduation requirements by May 1st, 2014 will be required to pass two new exams.

Concerns have been raised about the cost of the new assessments, potential high failure rate, validity and reliability of the new assessments and that teacher preparation and school building leader programs may not have had adequate time to effectively prepare future teachers and school building leaders for these new requirements. Furthermore, privacy concerns have been raised about the video recording of k-12 students and the security of the retained recordings. It is important to ensure that our students pursuing careers in education are adequately prepared to take new certification exams. Assembly members Glick and Nolan have introduced legislation dealing with these issues: A.9207 and A.9252.

This hearing sought and received testimony examining the changes in the teacher certification process, the preparedness of teacher preparation programs and the impact on future teachers and school building leaders.

Individuals who testified at the hearing include: John L. D'Agati, Deputy Commissioner, The New York State Education Department, Office of Higher Education; Andrew Pallotta, Executive Vice President, New York State United Teachers (NYSUT); Frederick E. Kowal, President, United University Professions (UUP); Barbara Bowen, President, Professional Staff Congress (PSC); Laura Anglin, President, Commission on Independent Colleges and Universities (CICU); Julie Gorlewski, Assistant Professor,

SUNY New Paltz; James G. Miller, Lecturer, History Department, Social Studies Student Teacher Supervisor, SUNY Cortland; Dr. Douglas Selwyn, Plattsburgh State University; Dennis Showers, SUNY Distinguished Service Professor of Education, SUNY Geneseo and SUNY University Faculty Senate; David Gerwin, Associate Professor, Queens College, CUNY; Ted Kesler, Professor, Queens College, CUNY; Arthur Salz, Professor Emeritus, Queens College, Department of Elementary Education, CUNY; Jack Zevin, Professor, Queens College, CUNY; Karen DeMoss, Professor and Chair, Wagner College; Kevin W. Meuwissen, Ph.D., Assistant Professor of Teaching and Curriculum, Warner Graduate School of Education and Human Development, University of Rochester; Alexandra Miletta, Assistant Professor, School of Education, Mercy College; Lori V. Quigley, Ph.D., Dean, Esteves School of Education, The Sage Colleges; John (Jack) R. Casemment, College Supervisor, Adjunct Instructor, The College at Brockport, SUNY; Dr. Carol C. Mikoda, Adjunct Lecturer, Secondary English Education and College, SUNY Oneonta and SUNY Broome; Kjersti VanSlyke-Briggs, Associate Professor of Secondary Education and Literacy, SUNY Oneonta; Joette Stefl-Mabry, Ph.D., Associate Professor, University at Albany, SUNY; Priya Parmar, Associate Professor, Brooklyn College, CUNY; Peter Taubman, Professor, Brooklyn College, CUNY; Ruth Silverberg, Associate Professor, College of Staten Island, CUNY; Bridget Green, Student, SUNY Geneseo; Sheri Levasseur, School Media/Librarian Teacher Student, University at Albany, SUNY; Lindsay Valentine, MSIS Student at the University at Albany; Tom Pinto, Parent of teaching candidate graduating in May from SUNY Brockport; Courtney Odell, Student Teacher, Plattsburgh State University, SUNY; Justine Porretto, Student Teacher, Plattsburgh State University, SUNY; Miguel A. Pereira III, Parliamentarian, SUNY Student Assembly; and Sara Garfinkle, Director of Academic Affairs, SUNY Student Assembly.

Examining the New York State Tuition Assistance Program

December 10, 2014
Roosevelt Hearing Room C, LOB
Albany, New York

The Assembly Standing Committee on Higher Education convened a hearing and received testimony examining (or discussing, or related to, or regarding) the New York State Tuition Assistance Program's effectiveness and potential updates and improvements that could be made to the Program to better serve New York State residents.

The New York State Tuition Assistance Program (TAP) was established in 1974 to help eligible New York State residents pay tuition at approved institutions of higher education in New York State. Over the years, TAP has helped millions of New Yorkers pay for their college education. However, the cost of obtaining a college education has increased and the demographic of college students has changed since TAP's inception. Changes have been made to TAP over the years, including in the 2014-15 State Budget, which increased the maximum TAP award by \$165 per student and moved students considered by law to be orphans, foster children, and wards of the court from the independent TAP schedule to the dependent TAP schedule.

This hearing sought and received testimony on the effectiveness of TAP, updates to the program, and improvements that could be made. More specifically, it sought testimony regarding the impact of the \$165 increase in the maximum TAP award in the 2014-15 State budget; the implementation of the TAP schedule change for orphans, foster children, and wards of the court, including how many individuals are effected and plans for outreach to notify individuals of the change; information about the results and recommendations of TAP studies conducted by The State University of New York (SUNY) and the City University of New York (CUNY) pursuant to Chapter 260 of the Laws of 2011; modifications that could be made to Part-Time TAP to increase participation and its effectiveness; the increasing need for remedial programs at the college level and how it affects students receiving TAP awards; the areas of TAP that may be improved to help increase retention and graduation rates at New York State colleges; ways in which New York State could use TAP funding more efficiently and effectively to achieve greater results; recent trends in student enrollment and demographics; and data relating to graduation and retention rates among all New York State colleges and universities.

Individuals who testified at the hearing include: Dr. Jason Lane, Senior Associate Vice Chancellor and Vice Provost for Academic Affairs, SUNY; Dr. Candace Vancko,

President, SUNY Delhi; Patricia Thompson, Assistant Vice Chancellor, Office of Student Financial Aid, SUNY; Diane Corbett, Director of Financial Aid, University at Albany; Matthew Sapienza, Vice Chancellor for Budget and Finance, CUNY; James Murphy, University Dean for Enrollment, CUNY; Christopher Rosa, University Assistant Dean for Student Affairs, CUNY; John L. D'Agati, Deputy Commissioner, Office of Higher Education, The New York State Education Department; Laura Anglin, President, Commission on Independent Colleges and Universities (CICU); Malcom M. Butehorn, Director of Governmental Relations, CICU; Terri Standish-Kuon, Vice President, Public Affairs, CICU; Brian Corbin, Student, Rensselaer Polytechnic Institute; Steve Allinger, Director of Legislation, New York State United Teachers (NYSUT); Frederick E. Kowal, President, United University Professions (UUP); Steven London, First Vice President, Professional Staff Congress (PSC); Susan L. Mead, State Government Relations Committee Chairperson, New York State Financial Aid Administrator's Association; Rey Muniz III, Director of Government Relations, SUNY Student Assembly; Marc Cohen, Senior Director of External Relations, SUNY Student Assembly; Donovan Borington, Vice Chair for Fiscal Affairs, University Student Senate, CUNY; Nicole Ponzo, Vice Chair for Graduate Affairs, University Student Senate, CUNY; Denise Vivar, Lehman College Representative, CUNY DREAMers; Donna Gurnett, Executive Director, Association of Proprietary Colleges; Aileen Sheil, Chairperson, New York Public Interest Research Group (NYPIRG) & Student at Queens College, CUNY; Christian Gonzalez-Rivera, Research Associate, Center for an Urban Future; Mel Gagarin, Senior Associate of Public Affairs, Education from the Inside Out Coalition; and Kelly Chezum, Vice President for External Relations, Clarkson University.

V. OUTLOOK FOR 2015

As the Committee looks ahead to the upcoming 2015 Legislative Session, many of the traditional goals relative to higher education and the professions will continue to take precedence.

Foremost among the Committee's priorities for the 2015 session will be to secure financing for the coming fiscal year sufficient to meet the needs of SUNY, CUNY and the independent sector in order to support their unique educational missions. The broader goal of preserving access to higher education for students across New York State is also critical. By continuing to fight for increased funding for access programs, the Committee will promote the recognition of these highly successful educational services and assist more students in realizing their higher education aspirations. Another priority of the Committee will be to provide capital funding for SUNY and CUNY. Campuses throughout the state are in need of funding for critical maintenance as well as the expansion of academic and residence facilities. As always, the Committee will continue to focus on TAP and ensure the availability of the program at current or enhanced levels. The Assembly Higher Education Committee is proud of this comprehensive financial aid program and will fight to continue its success in opening doors to college students throughout the State.

In 2015, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by the Department of Education's Office of the Professions. Chief among these will be initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. The Committee will continue to study the evolution of existing professions to assess the possible need for statutory changes to reflect the changing needs of consumers.

APPENDIX A

PROFESSIONS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF REGENTS

Acupuncture	Mental Health Practitioners
Applied Behavior Analysis	<ul style="list-style-type: none"> • Creative Arts Therapist
<ul style="list-style-type: none"> • Licensed Behavior Analysts 	<ul style="list-style-type: none"> • Marriage and Family Therapist
<ul style="list-style-type: none"> • Certified Behavior Analyst Assistants 	<ul style="list-style-type: none"> • Mental Health Counselor
Architecture	<ul style="list-style-type: none"> • Psychoanalyst
Athletic Training	Midwifery
Audiology	Nursing
Certified Shorthand Reporting	<ul style="list-style-type: none"> • Registered Professional Nurse
Chiropractic	<ul style="list-style-type: none"> • Nurse Practitioner
Clinical Laboratory Technology	<ul style="list-style-type: none"> • Clinical Nurse Specialist
<ul style="list-style-type: none"> • Clinical Laboratory Technologist 	<ul style="list-style-type: none"> • Licensed Practical Nurse
<ul style="list-style-type: none"> • Cytotechnologist 	Occupational Therapy
<ul style="list-style-type: none"> • Clinical Laboratory Technician 	<ul style="list-style-type: none"> • Occupational Therapist
<ul style="list-style-type: none"> • Certified Histological Technician 	<ul style="list-style-type: none"> • Occupational Therapy Assistant
Dentistry	Ophthalmic Dispensing
<ul style="list-style-type: none"> • Dentist 	Optometry
<ul style="list-style-type: none"> • Dental Anesthesia/Sedation 	Perfusion
<ul style="list-style-type: none"> • Dental Hygienist 	Pharmacy
<ul style="list-style-type: none"> • Certified Dental Assistant 	Physical Therapy
Dietetics and Nutrition	<ul style="list-style-type: none"> • Physical Therapist
Engineering	<ul style="list-style-type: none"> • Physical Therapist Assistant
Interior Design	Podiatry
Land Surveying	Polysomnographic Technician
Landscape Architecture	Psychology
Massage Therapy	Public Accountancy
Medical Physics	<ul style="list-style-type: none"> • Certified Public Accountant
Medicine	<ul style="list-style-type: none"> • Public Accountant
<ul style="list-style-type: none"> • Physician 	Respiratory Therapy
<ul style="list-style-type: none"> • Physician Assistant 	<ul style="list-style-type: none"> • Respiratory Therapist
<ul style="list-style-type: none"> • Specialist's Assistant 	<ul style="list-style-type: none"> • Respiratory Therapy Technician

Social Work	Veterinary Medicine
• Licensed Master Social Worker	• Veterinarian
• Licensed Clinical Social Worker	• Veterinary Technician
Speech-Language Pathology	

APPENDIX B

2014 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on Higher Education

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total Bills</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; not returning to Committee	12		12
To Ways and Means Committee	7		7
To Codes Committee	15		15
To Rules Committee	2		2
To Judiciary Committee	0		0
Total	36		36
<u>Bills Having Committee Reference Changed</u>			
To Codes	1		1
To Education Committee	1		1
To			
To			
Total	2		2
<u>Senate Bills Substituted or Recalled</u>			
Substituted		4	4
Recalled		0	0
Total		4	4
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Held for Consideration</u>	39	0	39
<u>Bills Never Reported, Died in Committee</u>	223	28	251
<u>Bills Having Enacting Clauses Stricken</u>	15	0	15
<u>Motion to Discharge Lost</u>	0	0	0
<u>Total Bills in Committee</u>	315	32	347
Total Number of Committee Meetings Held	7		