

2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON
EDUCATION



Sheldon Silver, Speaker

Catherine Nolan, Chair

December 15, 2008

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 third annual report as Chair of the Assembly Standing Committee on Education for the 2008 Legislative Session. It is an honor to serve as the Chair of this prestigious Committee and assist our Majority in making education our number one priority. The 2008 Legislative Session was very productive and significant for education, with successes in both State Budget negotiations and the work of the Committee.

The State Budget adopted for the 2008-09 school year upheld the commitments and reforms instituted to meet the Campaign for Fiscal Equity (CFE) court decision and to assist school districts in providing students an opportunity for a sound basic education, particularly in high-need school districts. Through the Assembly Majority's strong commitment to education, the Legislature was able to provide an increase of \$1.75 billion in general support for public schools. Included in this package was an additional \$96 million for the Universal Pre-kindergarten Program for a total of \$450 million. The enacted State Budget also continued the Contract for Excellence program with certain modifications that were incorporated as a result of dialogue with school districts and the State Education Department. Also, I am very pleased to report that the final agreement did not include the Executive's proposed shift of \$42 million in preschool special education evaluation costs to school districts that the State would normally cover.

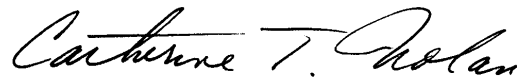
On other policy fronts, the Committee successfully advanced legislation which provided the Commissioner of Education with the authority to automatically revoke the applicable license or certification of any teacher, teaching assistant, school counselor, psychologist, social worker, school administrator or supervisor convicted of offenses requiring registration with the state Sex Offender Registry. A second bill also signed into law provides for the automatic revocation of any relevant certification or license when a school administrator has been convicted of a crime involving fraud relating to theft of government funds. These two new laws complement the Assembly Majority's successful \$500,000 restoration, and addition of \$600,000, to the State Education Department's Office of School Personnel Review and Accountability (OSPRA). OSPRA assists school districts in fingerprinting and conducting background checks on their prospective employees that come into contact with students.

The Committee also reported two bills, signed into law, that allow members of committees on special education to provide parents of special education students information regarding available community support services and that provide access to special education services to home-schooled students in the same manner available to nonpublic school students.

The Committee also convened a hearing that related to compliance with physical education requirements and conducted a roundtable continuing its discussion of the educational needs of English Language Learners/Limited English Proficient (ELL/LEP) students.

I hope to continue the success we have enjoyed during this past year. I will work with the Committee Members to advance our commitment to adequately fund our public school system and to hold school districts accountable for their academic improvement and fiscal management. On behalf of the Committee, I thank you for your continued support and leadership and look forward to 2009 which promises to be another landmark session. Also, I would like to thank the members of the Committee for their hard work and support of public education, particularly Assemblymember Michael Benedetto as Chair of the Subcommittee on Students with Special Needs and Assemblymember Aurelia Greene for her support and leadership.

Sincerely,

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

Catherine Nolan
Chair
Committee on Education

**2008 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Catherine Nolan, Chair

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TABLE OF CONTENTS

I. INTRODUCTION	2
II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS.....	3
A. STATE BUDGET HIGHLIGHTS.....	3
B. SCHOOL BUDGETS/DISTRICT ELECTIONS.....	6
C. STUDENT HEALTH SERVICES & NUTRITION	6
D. SCHOOL BUSES/DISTRICT TRANSPORTATION SERVICES	7
E. SPECIAL EDUCATION.....	7
F. BOARDS OF EDUCATION.....	8
G. SCHOOL SAFETY.....	8
H. EDUCATIONAL FACILITIES.....	9
I. SCHOOL PERSONNEL.....	10
J. PARENT ASSOCIATIONS	11
K. SCHOOL TECHNOLOGY	11
III. PUBLIC HEARINGS.....	12
A. Public Hearing on Compliance with Required Physical Education Classes	12
B. Roundtable on the Educational Needs of English Language Learners/Limited English Proficient Students	14
IV. OUTLOOK.....	15
V. SUMMARY SHEET.....	16

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 more than three million school children attending both public and non-public schools. Within New York State, there are over 700 school districts, including the nation's largest, the New York City School District, which enrolls over one million students. In addition, 38 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 2008 Session, 566 bills were referred to the Education Committee. The Assembly 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 2008.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The adopted 2008-09 State Budget includes a \$1.75 billion (8.9 percent) increase in General Support for Public Schools for a total of \$21.3 billion. This is a \$400 million increase above the Executive's proposed budget. In addition, the Legislature provides \$85 million for the 2008-09 school year for other education-related programs such as libraries and adult education. In addition to these funding achievements, the Executive's proposed shift of \$42 million in preschool special education evaluation costs to school districts was not part of the final budget agreement.

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

Foundation Aid

The Foundation Aid formula was established for the 2007-08 school year and acts as a mechanism to ensure educational resources to schools 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, 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 modified the Executive's Foundation Aid proposal in the following manner:

- Provided an additional \$317 million for a total increase of \$1.2 billion over the 2007-08 school year.
- Restored the 3 percent minimum increase in Foundation Aid to all school districts, which the Executive had sought to reduce. This ensured that all districts saw at least a 3 percent increase in Foundation Aid in the 2008-09 school year.
- Restored the State Sharing Ratio, which the Executive had sought to eliminate.

Early Childhood Education

The enacted State Budget for the 2008-2009 school year continued and expanded the Assembly Majority's Universal Prekindergarten program, which is now in its 10th year and serves over 106,000 four-year olds in 446 school districts. Universal Prekindergarten was funded at \$450 million for the 2008-2009 school year, which is a \$96 million increase over the 2007-08 school year.

The Legislature also provided an additional \$2.1 million over the 2007-08 appropriation for the Full-Day Kindergarten program for a total of approximately \$3.8 million. The Legislature accepted the Executive's proposal to extend Full-Day Kindergarten Planning Grants to be used for Universal Prekindergarten as well. This program was funded at \$2 million for the 2008-2009 school year.

Teacher Programs

The Legislature accepted the Executive's proposal to maintain 2007-08 school year funding levels for the following programs designed to enhance the quality of current teachers and teacher recruits:

- Teacher Resource and Computer Training Centers: Funded at \$40 million.
- Teacher Mentor Internship Program: Funded at \$10 million.
- Teachers for Tomorrow: Funded at \$25 million

Special Education

The Legislature funded High Cost Excess Cost Aid at \$440 million for the 2008-2009 school year, which was \$2.5 million above the Executive's proposal. Supplemental Public Excess Cost Aid was funded at \$3.9 million. The Executive proposal provided no funding for this category. These State aid categories provide additional aid for students with disabilities in high-cost programs.

Private Excess Cost Aid was funded at its present law level of \$249 million for the 2008-2009 school year, an increase of \$15 million over the Executive proposal. This aid category helps public schools cover the costs of students with disabilities that are placed in private settings.

BOCES Aid

BOCES Aid is an expense-based aid which reimburses districts that participate in BOCES. The Legislature rejected the Executive's proposal to cut \$78 million in BOCES Aid, and as a result BOCES received total funding of \$672 million for the 2008-2009 school year.

Building Aid

The Legislature provided for present law level of funding for Building Aid at approximately \$1.9 billion for the 2008-2009 school year, an increase of \$167.2 million over the 2007-2008 school year. The Legislature did not accept the Executive's proposal that eliminated the select Building Aid ratio and additionally rejected the Executive's proposal to offset New York City operating aid with increases in reimbursable aids.

Reorganization Building Aid is funded by the Legislature at \$17.4 million for the 2008-2009 school year, which is its present law funding level, and constitutes a \$4 million increase over the Executive's proposal.

Other Expense-Based Aids

The Legislature provided funding for expense driven aids at the following levels for the 2008-2009 school year:

- Special Services Aid: Funded at \$178 million, which is an increase of \$38 million over the 2007-2008 school year.

- Transportation Aid: Funded at its present law level of \$1.5 billion, which is a \$106 million increase over the 2007-2008 school year.

Instructional Materials Aid

The Legislature accepted present law funding levels for instructional materials aids for the 2008-2009 school year:

- Textbook Aid: Funded at \$184 million.
- Computer Hardware Aid: Funded at \$37 million.
- Library Materials Aid: Funded at \$19.5 million.
- Software Aid: Funded at \$46 million.

High Tax Aid

The Legislature increased the Executive's proposal for High Tax Aid by \$102 million for a total of \$202 million for the 2008-2009 school year.

Nonpublic School Aid

After modifications in August 2008 to the Enacted Budget, Nonpublic School Aid was funded at \$124.2 million for the 2008-2009 school year.

Charter School Transition Aid

Charter School Transition Aid directs funding to the 15 school districts most impacted by charter school concentration based on either the district's charter school enrollment or the district's payments as charter school tuition. The aid is a partial reimbursement of the per-pupil operating expenses paid by the district to the charter school.

The Legislature accepted the Executive's proposal to fund Charter School Transition Aid at \$21 million for the 2008-2009 school year.

Contracts For Excellence

Contracts For Excellence (Contract) were implemented beginning in the 2007-08 school year. Schools districts are required to prepare a Contract if they have at least one school that fails to meet federal or State academic benchmarks and if their increase in Foundation Aid equals or exceeds \$15 million or 10 percent over the prior year. The Legislature adjusted the criteria used to identify school districts that are required to prepare a Contract in the second year of the program. First, the academic performance criteria used to identify school districts was modified to avoid the inclusion of school districts with schools that fail to meet federal and State academic benchmarks for one year only, in order to allow school districts to correct any academic deficiencies by the time the next accountability list is released. Also, in addition to the financial criteria, the law was amended to also capture any school district that filed a Contract for Excellence in the base year (2007-08 year) that had an estimated two-year increase in Foundation

Aid equaling or exceeding \$27.5 million or 20 percent. In 2008-09, 39 school districts are required to prepare a Contract for Excellence.

The Legislature also adopted changes that modified the amount of Foundation Aid that must be committed to the Contract and raised spending flexibility thresholds. School districts that prepared a Contract for the 2008-09 school year are required to account for how Foundation Aid amounts above 3 percent or 4 percent of their 2007-08 Foundation Aid base would be spent. With the program now in its second year, language was also added that granted school districts flexibility in how they spent funds in 2008-09. These flexibility provisions allowed school districts to spend amounts between 25 percent and 50 percent of total Contract funds to maintain existing investments in allowable Contract programs and activities.

In addition to the flexibility provisions, the Legislature also implemented changes that allowed school districts to include new types of allowable Contract programs that target specific student populations. The time on task menu option was clarified to specifically include academic after-school programs. The expansion or replication of model programs for English Language Learners/Limited English Proficient (ELL/LEP) students was added as a new menu item.

Finally, the Contract for Excellence requirement was amended to require each school district to provide for the same level of funding as it did in the prior year's Contract in order to maintain programs and activities approved in the prior year or to support new or expanded allowable programs and activities in the current year.

B. SCHOOL BUDGETS/DISTRICT ELECTIONS

Contingency Budget – Increased fuel costs

A.10295, Nolan; Veto Memo #121 School district contingency budgets are statutorily capped at the lesser of 120 percent of the Consumer Price Index (CPI) or 4 percent. There are certain expenditures that school districts are authorized to exclude when determining total spending under such contingency budget. This bill would authorize school districts to additionally exclude year to year increases in fuel costs that are above the lesser of 4 percent or 120 percent of the CPI for the 2008-2009 school year. This temporary exclusion was proposed due to the rate of fuel cost increases and the limited ability of school districts to control such expenses.

C. STUDENT HEALTH SERVICES & NUTRITION

Free/Reduced Price Meals

A.8699, Nolan; Chapter 172 of the Laws of 2008 This bill would require the Commissioner of Education to establish a program to evaluate practices utilized by school districts to identify students receiving a free or reduced price meal in order to simplify student access to meal programs and eliminate overt identification of students receiving a free or reduced price meal. The Commissioner would be required to disseminate information on best practices in a report to the Legislature by July 1, 2009.

Respiratory Illnesses – Treatment Plan

A.3824, Ortiz This bill would require that schools allow students that have been diagnosed with potentially life-threatening respiratory illnesses other than asthma to carry inhalers. Additionally, the bill would require that each student authorized to use any asthma medication have an asthma action plan prepared by a physician which identifies, at minimum, asthma triggers, the treatment plan, and any other elements determined by the Commissioner of Education in consultation with the Commissioner of Health. This bill passed the Assembly and died in the Senate Rules Committee.

Restrictions on Dietary Supplements

A.4014, Ortiz This bill would prohibit school district employees from selling, marketing, providing, distributing, endorsing or recommending dietary supplements, except as part of their official duties, such as nursing or medical duties. The State Education Department would be required to develop and distribute information about the potential risks of using certain dietary supplements for enhanced athletic performance, muscle growth, weight loss and other similar purposes. This bill passed the Assembly and died in the Senate Rules Committee.

D. SCHOOL BUSES/DISTRICT TRANSPORTATION SERVICES

Boards of Education – Lesser Distances

A.4874, Hooper; Veto Memo #106 Currently, school districts are required to provide transportation for students in K-8th grade that live between 2 and 15 miles from the school, and between 3 and 15 miles for students in grades 9-12. School districts are allowed to offer transportation services to students outside those mileage limitations, provided that the service is offered to all students in like circumstances. This bill would allow boards of education to adopt a resolution to provide transportation to students living closer than the mileage limitations for a period of time if the parent of the student is nonambulatory and cannot accompany the student to or from school. In his veto message, the Governor argued that the bill lacked standards for boards of education to use in determining whether a parent was unable to accompany the student, contradicted the “like circumstances” transportation provision in current law, and may have had an impact on the State’s Financial Plan.

E. SPECIAL EDUCATION

Community Support Services

A.10549-B, Weisenberg; Chapter 630 of the Laws of 2008 This law would authorize members of committees on special education to compile a list of appropriate and/or helpful services that may be available outside of the school setting for children with disabilities and to provide such list to their parents. If a list is compiled, it would have to clearly state that the services listed are in addition to those services supplied by the school district and that they would not be paid for by the school district. This law provides protection from liability for any member of a committee/ subcommittee and their school district who provides such information in good faith.

Services for Home-schooled Students with Disabilities

A.11463, Benedetto; Chapter 217 of the Laws of 2008 This law authorizes home-schooled students to request the same special education services available to nonpublic school students, provided that the home schooled student is eligible to attend public school without payment of tuition and has an individualized home instruction plan (IHIP) in compliance with the regulations of the Commissioner of Education,

New York Schools for the Blind and Deaf

A.9511, Destito; Veto Memo #52 This bill would require the committees on special education to provide booklets with information on the New York State School for the Blind and the New York State School for the Deaf to parents or guardians of blind or deaf students. The information would have to include at a minimum the description of the services provided, contact information, eligibility requirements, admission conditions, and the rights of students in regard to admissions decisions and appeals of decisions. The bill was vetoed by the Governor citing the possibility that only providing information about State facilities would lead parents to discount the full range of options available to their children.

F. BOARDS OF EDUCATION

School Board Member Training

A.2469, Sweeney This bill would expand the training requirements of every trustee or voting member of a board of education or a school district or a board of cooperative educational services, elected or appointed for a term beginning on or after July 1, 2008. The new training would include a course on the powers, functions, and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education. In current law, trustees or members of boards of education were only required to receive training on their financial oversight, accountability, and fiduciary responsibilities. The curriculum for the training course would be approved by the Commissioner of Education. This bill passed the Assembly and died in the Senate Education Committee.

G. SCHOOL SAFETY

Emergency Alert Notification Procedures

A.9682-A, Lancman This bill would require the New York City School District to implement an emergency alert notification system to convey information concerning emergency incidents or occurrences that pose a threat to the health or safety of students, faculty and staff and cause the school administration to take any protective action. The emergency alert system would have to employ a variety of communication methods, including text messaging, phone calls, and/or electronic mail. The notifications would be sent to parents and guardians, faculty, staff, elected representatives, and residents who volunteer to receive such notifications. This bill passed the Assembly and died in the Senate Education Committee.

Compliance with Statewide Requirements

A.6636, Heastie This bill would remove New York City's exemption from the provision of Article 23-B of the Education Law relating to the reporting of child abuse in an educational setting. This proposed change would require the New York City School District to adopt the same reporting procedures followed by all other school districts in New York State. The New York City School District currently employs its own local procedures and reporting guidelines. This bill passed the Assembly and died in the Senate Rules Committee.

Driver Education

A.10293, Magee; Chapter 246 of the Laws of 2008 In an effort to ensure the availability of high-quality driver education instruction for teen and novice drivers, this law creates a temporary special advisory panel to be convened by the Commissioners on Education and Motor Vehicles to examine driver education availability and curriculum enhancement. The panel will study:

- whether requiring school districts to provide driver education would be beneficial,
- the cost of requiring schools to provide driver education and possible methods for the state to provide funding to school districts for the associated costs,
- areas for potential improvement in current driver education curricula, and
- technological advancements in driver education.

The panel will consist of 13 members and be co-chaired by the Commissioners of Education and Motor Vehicles. The remaining 11 members will be appointed as follows: three each by the Governor, Speaker of the Assembly, and the Temporary President of the Senate, and one each by the Minority Leaders of the Assembly and Senate. The panel will report its findings and recommendations on or before December 31, 2008.

H. EDUCATIONAL FACILITIES

SCA Leasing Program

A.8838, Nolan This bill would require the New York City School Construction Authority to file a copy of the site plan of a proposed lease of any building or property with the Mayor, the City Council, the Board of Education, the City Planning Commission, the community education council, and the community board of the district in which the building or property is located. The bill would require a public hearing on such site plan to be held by the affected Community District Education Council. This bill would also provide the City Council the opportunity to review the site plan for the proposed project. This bill passed the Assembly and died in the Senate Corporations, Authorities and Commissions Committee.

Public Hearings on School Closures

A.10139, Maisel This bill would require that the New York City School District hold a public hearing on the proposed closure of any school. The hearing would be held at the school that is the subject of the hearing at least six months and no more than one year prior to the scheduled closure. If a decision is made to close the school, the closure could not occur prior to the end of

the school year in which that determination was made. This bill passed the Assembly and died in the Senate Rules Committee.

New York State Center for Rural Schools

A.10201, Lifton; Chapter 616 of the Laws of 2008 This bill would reestablish the New York State Rural Education Research Program within the College of Agriculture and Life Sciences at Cornell University as the New York State Center for Rural Schools (Center). The mission of the Center would be amended to include the dissemination of research findings, information, materials and best practices in rural education. The membership of the advisory committee would be increased by two members to a total of nine, with the Dean of the college of agriculture and life sciences at Cornell University gaining a new appointment and the Commissioner of Education gaining an additional appointment. The remaining seven members would be appointed as follows: one by the Speaker of the Assembly, one by the Temporary President of the Senate, one by the Governor, and the four other members by the Commissioner of Education. The committee's responsibilities would include:

- developing priorities for targeted research regarding rural education;
- facilitating the development of policy recommendations which may enhance access to education programs and practices in rural areas;
- promoting community and school involvement and collaboration; and,
- preparing an annual report.

I. SCHOOL PERSONNEL

Automatic Revocation of Teaching Certificate for Sex Offenses

A.11500-A, Nolan; Chapter 296 of the Laws of 2008 This law provides the Commissioner of Education with the authority to automatically revoke and annul the professional certificate of teachers, including classroom teachers, teaching assistants, pupil personnel services professionals, school administrators or supervisors, or superintendents convicted of a sex offense for which registration as a sex offender is required under the New York State Sex Offender Registration Act. The law also provides that any teacher convicted of such offense be terminated without a 3020-a hearing. The law allows recourse for teachers in the case of mistaken identity. A certificate could be reinstated if the conviction is reversed, vacated or annulled and the State Education Department determines to reinstate the certificate after conducting a moral character hearing. Even after conviction of a sexual offense, the State's previous law required the Commissioner of Education to conduct a moral character hearing before a teacher could have their license revoked and a local school district was required to conduct a 3020-a hearing prior to terminating employment. This law streamlines the process, while maintaining due process and provisions to prevent misidentification errors.

Automatic Revocation of Certificates for Defrauding the Government

A.11513-A, Nolan; Chapter 325 of the Laws of 2008 This law provides the Commissioner of Education the authority to automatically revoke and annul the certificate of a school administrator or supervisor convicted of defrauding the government. The law also provides that

any administrator or supervisor convicted of defrauding the government may be immediately terminated without a 3020-a hearing. Provisions are included which allow for due process and legal recourse in the case of mistaken identity. A certificate could be reinstated if the conviction is reversed, vacated or annulled and the State Education Department has made a determination to reinstate the certificate after a moral character hearing.

J. PARENT ASSOCIATIONS

Legal Representation

A.7765, Aubry This bill would add duly appointed or elected officers of parents' associations in New York City to the list of school authorities entitled to legal representation and indemnification for actions occurring within the scope of their official duties. This bill passed the Assembly and died in the Senate Education Committee.

K. SCHOOL TECHNOLOGY

Internet Safety

A.11256, Brodsky; Chapter 545 of the Laws of 2008 This law requires the Commissioner of Education to develop age-appropriate resources and technical assistance on the safe and responsible use of the Internet for schools to distribute to students in grades 3-12 and their parents or guardians. This bill was prompted by findings of the United States Department of Justice that one in five children between the ages of 10 and 17 received unwanted sexual solicitation online, but only 25 percent of those children informed their parents or guardians. Additionally, many children are subjected to intimidation, harassment, and bullying online. This law seeks to provide a means through which children can gain the skills to recognize these tactics, and raise awareness of this issue. The resources compiled by the Commissioner must include, but are not limited to, information regarding how child predators may use the Internet to lure and exploit children, methods to protect personal information, and information on Internet scams and cyber-bullying.

III. PUBLIC HEARINGS

A. Public Hearing on Compliance with Required Physical Education Classes

January 31, 2008

10:30 a.m.

New York City

School districts are required by the Education Law, Regents Learning Standards and Regulations of the Commissioner of Education to provide physical education to students in New York State. The Committee on Education held a hearing to seek testimony from multiple stakeholders on the implementation of physical education programs throughout the State. At the hearing, testimony was given by school district representatives, teachers and other professionals on the amount of physical education instruction given during the school day and the quality of the physical education programs and facilities throughout New York State.

The extensive testimony stated that a significant number of school districts have not been in compliance with the physical education curriculum requirement to the detriment of its students. Although SED has begun to review the level of compliance, the effort was limited to certain regions of the State. As a result of this hearing the Committee advanced a resolution (K1271) calling on the State Education Department and school districts to address compliance deficiencies.

Public testimony at the hearing was offered by Jean Stevens, Associate Commissioner, New York State Education Department; William C. Thompson, New York City Comptroller; Trish Kojalski; Betsy Gotbaum, New York City Public Advocate; Lori Rose Benson, Director, New York City Office of Fitness and Health Education; Leo Casey, Vice President, United Federation of Teachers; Larry Waite, New York State United Teachers; Joanne Hamilton, New York State United Teachers; Steven Esposito, New York State United Teachers; Linda Barley, New York State United Teachers; Ernest Logan, President, Council of School Supervisors and Administrators; Fred Bragan, Superintendent, Canastota Central School District; Cynthia De Dominick, Superintendent, Madison Central School District; Douglas Gerhardt, General Counsel, New York State Council of School Superintendents; Nancy Lederman, President, Educational Frameworks, Inc.; Abraham Jelin, American Academy of Pediatrics and Co-Chairman, New York City Youth Advocacy Committee; Mary McCord, Director, Healthy Schools Healthy Families; David Garbarino, Director of Health, Physical Education and Athletics, Binghamton City School District; James W. Rose, Director of Health, Physical Education and Athletics, Yonkers Public Schools; Jeffrey K. Manwaring, Director of Health, Physical Education and Athletics, Elmira Central School District; Maryanne Ceriello, Physical Education Teacher, Beacon City School District; James Fruscella, Physical Education Teacher, Holland Patent Central School District; Rose Gelrod, Physical Education and Health Specialist, Harlem Day Charter School; Frank J. Ryan, Physical Education Teacher, Cohoes City School District; Betsy Kotsogiannis, Teacher, PS 11Q; Mike Salatel, COA President, New York State Association for Health, PE, Recreation and Dance; Colleen Corsi, Executive Director, New York State Association for Health, PE, Recreation and Dance; James R. O'Neill, Executive Director, The Sports and Arts in Schools Foundation; Tim Haft, President, Punk Rope, Inc.; Sue Morris, Director Mighty Milers Program, New York Road Runners Foundation; Julianne Canfield,

Director of New York State Advocacy, American Heart Association; Tricia Restucci, Volunteer, American Heart Association; Robert Zifchock, Director, Physical Education, Health , Wellness and Athletics, Nyack School District; Geysil Arroyo, Project Coordinator, Bronx Healthy Hearths Institute for Family Health; Megan Charlop, Community Health Division, Montefiore School Health Program; Lisa Sherman, White Plains Public Schools.

B. Roundtable on the Educational Needs of English Language Learners/Limited English Proficient Students

September 23, 2008

11:00 a.m.

New York City

The Committee on Education convened a Roundtable to gain further understanding of the current issues confronting English Language Learners/Limited English Proficient (ELL/LEP) students, and the challenges they may face in the future. The Committee has had a long-standing interest in the success of ELL/LEP students, and understands that this is a matter of state-wide importance due to the significant number of ELL/LEP students in New York State. For the past two years, the Committee has held hearings to evaluate the needs of ELL/LEP students, and this Roundtable was an opportunity to build on what was accomplished at those forums and assess how best to continue to serve this important sector of the student population.

The Roundtable brought together a wide-ranging group of stakeholders, including state and local government officials and representatives, school districts, unions, researchers, educators and advocacy groups. The participants highlighted the state of ELL/LEP educational needs, as well as steps that the State Legislature could take to enhance the educational opportunities offered to ELL/LEP students.

Comments at the Roundtable were offered by Jean Stevens, Assistant Commissioner, New York State Education Department; Deborah Cunningham, Coordinator for Educational Management Services, New York State Education Department; Dr. Betty Rosa, Member of the New York State Board of Regents; Maria Santos, Sr. Instructional Manager of the Office of English Language Learners, New York City Department of Education; Maria Neira, Vice President, New York State United Teachers; Nancy Villareal de Adler, Executive Director, New York State Association for Bilingual Education; Catalina Fortino, English Language Learners Coordinator, United Federation of Teachers; Mary Ann Sacks, Director, South Huntington School District; Walter J. Sullivan, Chairman, Center for Educational Policy & Practice; Estee Lopez, Committee Member, Center for Educational Policy & Practice; Luis O. Reyes, Coordinator, Coalition for Educational Excellence for English Language Learners; Jose Davila, Director of State Government Affairs and Coordinator of Education Advocacy, New York Immigration Coalition; Jeni Lopez, Staff Attorney/Researcher, Multicultural Education Training & Advocacy; Kate Menken, Professor, Research Institute for the Study of Language in Urban Society, CUNY Graduate Center; Choua Vue, Policy Coordinator, Coalition for Asian-American Children and Families; Connie Attanasio, President, Attanasio & Associates; Richard Altebe, Principal, Megan David Yeshwa High School; Nicole Rosefort, Director, New York State Haitian BETAC; Teresa Ying Hsu, Asian American Communications; Nancy Stephens, Nassau BOCES; Nellie Mulkay, Director of Spanish, BETAC; Alice Blanch, Eastern Suffolk BOCES; Linda Weber, Puerto Rican Youth Leadership Institute.

IV. OUTLOOK 2009

The Committee on Education will continue working to ensure that every student in New York has the opportunity for a sound basic education. The Committee will seek to enact legislation that will protect the interests of all students, and ensure that even the most vulnerable student populations, such as students with special education needs and English language learners are given the resources to succeed.

V. SUMMARY SHEET

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

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	6		6
TO FLOOR; RECOMMITTED AND DIED			
TO WAYS AND MEANS	57		57
TO CODES	7		7
TO RULES	7		7
TO JUDICIARY			
TOTAL	77		77
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>Higher Education</u>	7		7
TOTAL	7		7
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		16	16
RECALLED		3	3
TOTAL		19	19
BILLS DEFEATED IN COMMITTEE			
BILLS NEVER REPORTED, HELD IN COMMITTEE	83		83
BILLS NEVER REPORTED, DIED IN COMMITTEE	375	54	429
BILLS HAVING ENACTING CLAUSES STRICKEN	4		4
MOTIONS TO DISCHARGE LOST	2		2
TOTAL BILLS IN COMMITTEE	548	73	621
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	11		