

New York State Assembly | Sheldon Silver, Speaker



committee on
Education

Catherine T. Nolan, Chair

December 15, 2009

The Honorable Sheldon Silver, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 11248

Dear Speaker Silver:

I am pleased to present you with my fourth annual report as Chair of the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and assist our Majority in making education our number one priority. The 2009 Legislative Session was very productive and significant for education, with successes in both State Budget negotiations and through the work of the Committee.

Through the Assembly Majority's strong commitment to education, the 2009-10 enacted State Budget contained a \$404 million increase in general support for public schools. Over \$14.8 billion in Foundation Aid was provided to school districts, and the Assembly Majority was instrumental in ensuring that the full phase-in of Foundation Aid is completed one year earlier than had been proposed by the Executive. As a result, the formula is scheduled to be phased in by the 2013-14 school year. In addition, the Assembly Majority continued its support for early childhood education by providing \$375 million to universal prekindergarten in order to keep this important commitment that enables children to receive an excellent educational beginning.

This year's challenging economic climate forced the State to make several difficult decisions in the budget. With assistance from the federal American Recovery and Reinvestment Act (ARRA) of 2009, we were able to prevent deep cuts in education funding. ARRA funds were used in part by the Legislature to eliminate the proposed Deficit Reduction Assessment, which would have affected every school district in the State and would have accounted for approximately a \$1.1 billion reduction in State school aid. Furthermore, I am very pleased to report that the final budget agreement did not include a proposed shift of preschool special education costs to school districts. These costs are typically covered by the State and, as a result of our efforts, school districts throughout the State were saved \$184 million. The enacted State Budget also continued the Contract for Excellence program, which is now in its third year and continues to provide greater accountability for how State dollars are being spent by school districts.

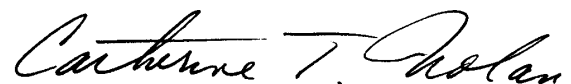
On the policy front, the Committee reported multiple pieces of legislation to improve our State's large and diverse educational system. Among the highlights of our work is legislation to expand the training requirements of members of school boards. In addition, we reported and the Governor signed the Public Schools Emergency Alert Act, which will require the New York City School District to implement a notification system to alert parents, teachers, staff and participating elected officials of emergencies in our schools.

The Committee also spent considerable energy considering the reauthorization of legislation regarding the governance structure of the New York City School District. Our process included five hearings, one in each borough, where we heard from many parents, advocates and community members. I am very grateful to all the members who participated in the hearings. With your leadership, Mr. Speaker, the Assembly Majority advanced legislation to continue mayoral control of the New York City schools, with strong new requirements to increase parental input and transparency.

The Committee jointly held a hearing with the Election Law, Local Governments, and Libraries and Education Technology committees to review the effect that the statewide implementation of the federal Help America Vote Act will have on school district budgets and school elections. In addition, the Committee participated in other hearings with our Assembly colleagues, including a hearing on the impacts of H1N1 influenza (swine flu) and actions being taken to monitor it by State and local officials, as well as techniques to prevent infections.

I hope to continue the success we have enjoyed during this past year. I will work with Committee members to advance our commitment to adequately fund our public school system and 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 2010, 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, and in particular I would like to thank Assemblymember Aurelia Greene for her lifetime of dedication to improving the educational opportunities of children in this State, and for her support and leadership on the Committee.

Sincerely,

A handwritten signature in black ink that reads "Catherine T. Nolan". The signature is written in a cursive style with a large initial "C".

Catherine Nolan
Chair
Committee on Education

**2009 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Catherine Nolan, Chair

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I. INTRODUCTION

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

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary and secondary education for more than 3 million children attending both public and non-public schools. Within New York State, there are nearly 700 school districts, including the nation’s largest, the New York City School District, which enrolls over 1 million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education, and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

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

During the 2009 Session, 540 bills were referred to the Education Committee. The Education Committee has broad jurisdiction reaching to all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2009.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The enacted 2009-10 State Budget includes a \$404 million increase in General Support for Public Schools for a total of \$21.8 billion. The Legislature eliminated the Executive's proposed \$1.1 billion Deficit Reduction Assessment using funds from the Federal American Recovery and Reinvestment Act (ARRA) of 2009. In addition, the Legislature funded other education-related programs, such as public libraries, where funding was restored to \$91 million for the 2009-10 school year, an increase of approximately \$10.6 million over the Executive's proposal. In addition to these funding achievements, the final budget agreement did not include the Executive's proposed shift of 15 percent of preschool special education costs to school districts, saving school districts throughout the State an estimated \$184 million.

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

Foundation Aid

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure adequate 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 concurred with the Executive's proposal to maintain Foundation Aid at the 2008-09 funding level for the 2009-10 and 2010-11 school years. However, the Legislature modified the Executive's proposal by allowing present law data changes to be made to the 2008-09 funding level, which resulted in a \$1.3 million increase over the Executive's proposal. In addition, the Legislature rejected the Executive's proposal to phase in Foundation Aid over four years starting in 2011-12, and instead phases in the formula over a three year period.

Early Childhood Education

The enacted State Budget for the 2009-10 school year continued the Universal Prekindergarten program and funded it at \$375 million. This program has been a priority of the Assembly Majority, and it has created an earlier entry point into education for many children and better prepared them for learning. The Legislature accepted the Executive's proposals to maintain 2008-09 Universal Prekindergarten funding levels for the 2009-10 and 2010-11 school years and allow for midyear expansion of Universal Prekindergarten programs.

The Legislature funded Full-Day Kindergarten programs at the present law level, which provided an increase over the Executive's proposal, for a total appropriation of approximately \$3 million.

Teacher Programs

The Legislature rejected the Executive's proposal to eliminate funding for programs designed to enhance the quality of current and new teachers. Teacher Resource and Computer Training Centers were restored to \$40 million and the Teacher Mentor Internship Program was restored to \$2 million for the 2009-10 school year.

In addition, the Legislature accepted the Executive's proposal to maintain funding for the Teachers for Tomorrow program at the 2008-09 funding level of \$25 million. The Legislature rejected the Executive's proposal to eliminate the Science, Math, and Bilingual Education setaside within this program.

Special Education

The Legislature funded High Cost Excess Cost Aid at its present law level of \$469 million for the 2009-10 school year, which was \$4.6 million above the Executive's proposal. Supplemental Public Excess Cost Aid was continued at \$4.3 million for both the 2009-10 and 2010-11 school years. These State aid categories provide additional aid for students with disabilities in high-cost programs.

The Legislature modified the Executive's Private Excess Cost Aid proposal and funded it at the present law level of \$300 million for the 2009-10 school year. This amount represents a \$24 million increase over the 2008-09 school year. This aid category helps public schools cover the costs of students with disabilities that are placed in private settings.

BOCES Aid

BOCES Aid provides aid which reimburses districts that participate in BOCES shared educational programs and services. The Legislature modified the Executive's proposal and funded BOCES at its present law level of \$715 million. This resulted in a \$9 million increase over the Executive proposal.

Building Aid

The Legislature provided for present law level of funding for Building Aid at approximately \$2.2 billion for the 2009-10 school year, which is an increase of \$201 million over the 2008-09 school year.

Reorganization Building Aid is funded by the Legislature at \$19.4 million for the 2009-10 school year, which is its present law funding level, and constitutes a \$1.3 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 2009-10 school year:

- Special Services Aid: Funded at \$203 million, which is an increase of \$6.7 million over the 2008-09 school year.
- Transportation Aid: Funded at its present law level of \$1.6 billion, which is a \$102 million increase over the 2008-09 school year.

Instructional Materials Aid

The Legislature modified the Executive's proposal and provided present law funding levels for instructional materials aids for the 2009-10 school year:

- Textbook Aid: Funded at \$183 million.
- Computer Hardware Aid: Funded at \$37 million.
- Library Materials Aid: Funded at \$19.3 million.
- Software Aid: Funded at \$45 million.

In addition, the Legislature modified the Executive's proposal to expand the definition of aidable computer software to include content-based instructional materials that are aligned with state standards.

High Tax Aid

The Legislature accepted the Executive's proposal to fund High Tax Aid at \$204 million for the 2009-10 and 2010-11 school years.

Nonpublic School Aid

The Legislature rejected the Executive's proposal to eliminate funding for the Comprehensive Attendance Program, and restored Nonpublic School Aid to \$110 million. This represents a \$30 million increase from the Executive's proposal.

Charter School Transition Aid

Charter School Transition Aid directs funding to the 13 school districts most impacted by charter school concentration based on either the district's charter school enrollment or the district's tuition payments to charter schools. The aid provides partial state support 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 \$18 million for the 2009-10 school year, which is the same level of funding as the 2008-09 school year.

Charter School Tuition

As Foundation Aid was held flat for the 2009-10 school year, the Legislature froze the per pupil tuition paid by school districts to charter schools in the 2009-10 school year to the 2008-09 school year levels.

Contracts for Excellence

Contracts for Excellence (Contract) were implemented beginning in the 2007-08 school year. School districts were required to prepare a Contract if they had at least one school that failed to meet federal or State academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year. In addition to the financial criteria, the law was amended in the 2008-09 enacted State Budget 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. As a result, in 2008-09, 39 school districts were required to prepare a Contract for Excellence.

For the 2009-10 school year, the Legislature continued the Contract for Excellence program and provided that all school districts that were required to prepare a Contract for the 2008-09 school year prepare one for the 2009-10 school year unless all schools in the district are identified as being in good standing. The 2009-10 Contract must maintain the same level of funding that was approved by the Commissioner of Education in the previous year's Contract. For the 2009-10 school year, 32 districts were required to prepare a Contract for Excellence.

As part of its initial Contract, the New York City School District was required to prepare a 5-year Class Size Reduction Plan. As part of the 2009-10 enacted budget, the Legislature required the New York City School District to submit a comprehensive report to the Commissioner of Education detailing how Contract funds were utilized to achieve class size reduction, and providing statistics on, among other indicators, the number of new classrooms created, the number of new teachers that have been hired, student-to-teacher ratios, enrollment, actual class sizes, and average class sizes.

The Contracts for Excellence program, which is now in its third year, also operates with language that was added in the 2008-09 enacted State Budget that granted school districts flexibility in how they spend certain Contract funds. This includes a provision allowing certain 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.

B. SCHOOL BUDGETS & OPERATIONS

A.9035, Nolan This bill would reduce administrative paperwork by providing that certain school district and BOCES reports may be kept on file for inspection instead of being submitted to the State Education Department (SED). Additionally, this bill would

eliminate certain duplicative reports. BOCES long range program plans, including special education and career education program plans, would be kept on file at the BOCES instead of being submitted to SED, and could be incorporated into the BOCES district-wide comprehensive plan. In addition, BOCES would be allowed to complete applications for aidable Employment Preparation Education programs without also submitting an evaluation of the program since SED completes its own program evaluations. Furthermore, school district plans of service would no longer be required to be submitted to SED, and instead would have to be available for public inspection and review by the Commissioner of Education. This bill passed the Assembly and died in the Senate Committee on Rules.

A.8710, Nolan; Chapter 194 of the Laws of 2009 Current New York Education Law requires that districts hold session for 180 days per school year, or face a loss of State aid. During the 2008-2009 school year, some schools were forced to close as a result of the presence of the H1N1 influenza virus (swine flu) to prevent it from spreading among the faculty, staff and student populations. This law directs the Commissioner of Education to disregard a deficiency in the required number of school session days, which would otherwise result in the reduction of State aid, for school districts that contained one or more schools that failed to hold session for 180 days as a result of school closures relating to the H1N1 (swine flu) virus that were necessary to protect the health, safety and well-being of staff and students during the 2008-2009 school year.

C. STUDENT HEALTH SERVICES & NUTRITION

A.4269, Ortiz This bill would require that schools allow students that have been diagnosed with asthma or other potentially life-threatening respiratory illnesses to carry inhalers during the school day. Additionally, the bill would require that each student authorized to use any asthma medication have an 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 Committee on Education.

D. SCHOOL GOVERNANCE

A.8903A, Silver; Chapter 345 of the laws of 2009 This law provides for several modifications to the management and operation of the New York City School District (City District), which is the largest school district in the country and is responsible for educating over 1 million students from diverse backgrounds. The legislation was developed following extensive public hearings held by the Committee in each borough of New York City held from January to March (see page 14), and after reviewing numerous reports and recommendations released by education advocates and stakeholders. The legislation extended changes to the structure of the City District that had been adopted in 2002 and 2003, but provided for greater parental participation and input, transparency, and accountability.

The following changes were made at the school, community district, and city-wide level:

School-level

- A new mandatory public input process is established that guarantees that parents, students, staff and the community will have 6 months notice and an opportunity to review and comment on proposed school closings and significant changes in school utilizations before such changes can become effective. The process requires that:
 - the Chancellor issue an impact statement 6 months before any proposed school closing or significant change in school utilization, including the restructuring, re-siting, or co-location of a school, takes effect;
 - the Chancellor, Deputy Chancellor or in some cases, his or her designee, hold a joint public hearing with the affected community district education council (CDEC) and school leadership team (SLT) at the impacted school between 30 and 45 days after the filing of the impact statement;
 - the Board of Education (City Board) vote to approve any school closing or significant change in school utilization following public review, and must provide an assessment and response to public comments received prior to its vote; and
 - the school closure or significant change in school utilization, if approved, cannot take effect until the school year following the approval of the City Board to prevent the change from affecting students mid-year.

- Collaboration between principals and members of SLTs is increased by requiring that the school's comprehensive education plan (CEP), which is developed by the SLT, be prepared concurrently with the school-based expenditure budget. In addition, principals are required to provide written justification demonstrating how the school-based expenditure budget is aligned with the school's CEP. This written justification is submitted to the District Superintendent, who must certify that the school-based expenditure budget and CEP are sufficiently aligned. Furthermore, prior to the Superintendent's certification, SLTs would have the opportunity to comment on the school-based expenditure budget and its alignment with the CEP.

- The Chancellor is required to make all CEPs publicly available, so that all parents may more easily access information pertaining to the educational goals of their children's schools.

- Members of an SLT are provided the authority to dispute decisions made by the principal, which the members believe are inconsistent with the CEP, to the Superintendent.

- SLT members are allowed to provide an assessment of the principal's record in developing an effective shared decision-making relationship with the SLT, which the Superintendent must include in his or her evaluation of the principal.

District-level

- Superintendents are reinstated in the community and must exercise all of their statutory duties personally, or may delegate them at their sole discretion. In addition, the Chancellor may not assign any tasks that would impair the ability of Superintendents from effectively delivering the services required by state law. Furthermore, Superintendents may only be assigned tasks predominantly within their own community district.
- The legislation requires Superintendents to establish a central office within their community district and hire and supervise the necessary staff to directly interact with parents, respond to information requests, and assist the Superintendent in responding to concerns and resolving complaints in a timely manner.
- Twice a year, the Superintendent must hold an open forum in the community district to report on the district's achievements and to prioritize areas for improvement, as well as to receive parental and community comments and concerns. In addition, the Chancellor must hold an open meeting in every community school district over a two year period. At the meeting, which will be held with the CDEC, the Chancellor must report on school finances, student performance, and the district's educational goals. In addition, the meeting will provide parents and members of the community an opportunity to bring their concerns directly to the Chancellor.
- In order to increase participation and improve representation of the diverse educational needs and interests of New York City's students, the composition of CDECs is modified to require that at least one parent of an English language learner student and one parent of a student with a disability serve on the CDEC.
- The CDECs must be specifically consulted by the Chancellor before he or she selects a Superintendent.

City-level

- The Chancellor is removed as the Chairperson of the City Board, and is made an *ex officio* non voting member. The City Board must elect a Chair from among its voting members. The composition of the City Board is maintained, with the Mayor appointing 8 members, 2 of whom must be public school parents, and each borough president appointing one member.
- The City Board is required to hold regular public monthly meetings, and at least one must be held in each borough in order to increase access to as many interested parents, students and community members as possible. To ensure that the public is informed of City Board actions, the City Board must provide at least 10 business days notice of the time, place and an agenda of all regular meetings.
- The Chairperson of the City Board must ensure that at every regular meeting, the public is allocated a sufficient amount of time in order for any interested party to

speaking on any topic on the agenda. In addition, following all regular meetings, the City Board must make meeting minutes publicly available no later than the next regular City Board meeting.

- There is a significant expansion in the scope of the items that require City Board approval before they may take effect, including:
 - school closings or significant changes in school utilization;
 - the capital plan;
 - budgetary and fiscal estimates;
 - a new city-wide procurement policy, and any changes to the policy;
 - Chancellor or City Board regulations;
 - franchises, revocable consents and concessions; and
 - the following contracts:
 - ◆ all contracts that do not use competitive sealed bidding, including no-bid contracts, competitive sealed proposals, and sole source contracts;
 - ◆ all technical, consulting, or personal services contracts;
 - ◆ all contracts or agreements where the value exceeds \$1 million or expects an annual expenditure exceeding \$1 million; and
 - ◆ all instances where the value of multiple contracts or agreements awarded to a single entity exceeds \$1 million annually.

- In addition to expanding the scope of items that require a City Board vote, the City District must comply with a new public process that would provide a greater level of scrutiny and public review of certain key actions, including school closings or significant changes in school utilization, the capital plan and budget estimates, the adoption of the citywide procurement policy, and all regulations. The public process requirements includes:
 - public notice and a description of the proposal, made available 45 days prior to the scheduled City Board vote on the proposal; and
 - a City Board written assessment of public comments received.

The public process requirements must be satisfied before any item requiring City Board approval can take effect, unless emergency adoption is warranted.

- The Chancellor must develop a new city-wide procurement policy for the City District, subject to City Board approval, that contains provisions similar to those in the New York City Charter, such as:
 - competitive sealed bidding policies in which bids are publicly solicited and opened;
 - a process for awarding contracts using alternative procurement methods upon a determination that competitive sealed bidding is not practicable or advantageous;
 - requiring written justification of the basis for procuring contracts using methods other than competitive sealed bidding;

- maintaining a file, subject to public inspection, of all contracts and agreements; and
 - filing all contracts with the New York City Comptroller.
- The Chancellor is required to propose a policy, subject to approval by the City Board, which promotes the recruitment and retention of a workforce that considers the diversity of the students attending the public schools within the school district. Additionally, the Chancellor must issue an annual report outlining the initiatives taken to enhance diversity and equity in workforce recruitment and retention.
 - In order to increase transparency of the operations of the City School District, the New York City Comptroller is granted specific authority to conduct operational and programmatic audits and the New York City Independent Budget Office is provided with additional resources and is statutorily authorized to issue reports regarding the financial and educational matters of the district including student graduation rates, school utilization and classroom sizes, and the delivery of services to students with disabilities and English language learners.
 - The Citywide Council on High Schools and Citywide Council on English Language Learners are codified in statute, and are modeled after the highly regarded Citywide Council on Special Education. These councils are tasked with issuing an annual report, which the City Board must receive and respond to at a regular public meeting.

The Legislature will once again review governance of the New York City school system in 2015.

E. COMPLIANCE LEGISLATION

A.8135, Nolan; Chapter 158 of the Laws of 2009 This law extends for one year the provisions of Chapter 425 of the Laws of 2002 which conforms the Education Law to comply with changes required by the federal No Child Left Behind (NCLB) Act. Included in the 2002 law were changes in Education law relating to supplemental education services, school choice and changes to state law for compliance with the federal Gun-Free Schools Act. Additionally, the following provisions are extended for one year:

- The use of an expanded definition of a homeless child in the Education Law to meet the requirements of the federal definition of "homeless children and youth."
- The requirement that each local educational agency designate a liaison for homeless children and youth.
- The requirement that each local educational agency facilitate the transfer of disciplinary records relating to student suspensions or expulsions to any public or nonpublic elementary or secondary school in which the student enrolls, or seeks, intends or is required to enroll on a full or part time basis.

The programs and conforming law changes are extended until June 30, 2010. These provisions have been extended previously by the legislature, and passage of this legislation preserved New York's federal Elementary and Secondary Education funding (approximately \$1.76 billion annually).

A.8894, Nolan; Chapter 206 of the Laws of 2009 This law extends the provisions of Chapter 352 of the Laws of 2005 conforming the state Education Law to the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations. These provisions, aimed at improving the education of students with disabilities, are extended until June 30, 2012. Passage of this legislation was necessary to preserve federal education funding.

F. BOARDS OF EDUCATION

A.2693, Sweeney This bill would expand the training requirements of every trustee or voting member of a board of education of a school district or a board of cooperative educational services, elected or appointed for a term beginning on or after July 1, 2009. 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 are 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 Committee on Education.

A.3467A, Rosenthal This bill would require boards of education to establish a policy to provide reasonable notification to students and their parents or legal guardians of the student's right to object to participating in animal dissections. Such notice would have to be available upon request and distributed at least once at the beginning of each school year. This bill passed the Assembly and died in the Senate Committee on Rules.

G. SCHOOL SAFETY

A.3661B, O'Donnell This bill would prohibit harassment of students on school grounds or at any school function, as well as prohibit discrimination based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, mental or physical disability, sexual orientation, or gender. The bill would also require Boards of Education to include a version of this policy, written in plain language, in the code of conduct, and create policy guidelines that include at a minimum:

- Policies intended to create a school environment that is free from discrimination or harassment.
- Guidelines for school training programs to facilitate awareness and sensitivity among employees, and prepare them to respond to harassment and discrimination issues.

- Guidelines relating to the development of nondiscriminatory instructional and counseling methods.

This bill would additionally require the Commissioner of Education to provide support to school districts for these efforts by providing direct services, model policies, grants, and regulatory direction. The Commissioner would also be required to establish a reporting procedure for incidents of harassment and discrimination on school grounds or at school functions. This bill also provides immunity from civil liability for any person, acting reasonably and in good faith, who reports information regarding harassment or discrimination in school settings. This bill passed the Assembly and died in the Senate Committee on Education.

A.4324, 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 Committee on Education.

A.1245A, Lancman; Chapter 31 of the Laws of 2009 This law requires 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 must employ a variety of communication methods, including text messaging, phone calls, and/or electronic mail. The notifications must be sent to parents and guardians, faculty, staff and elected representatives who volunteer to receive such notifications.

H. EDUCATIONAL FACILITIES

A.5434, Gianaris This bill would require principals in the New York City School District to provide immediate notification to parents or guardians when bedbugs (*Cimex lectularius*) have been found in the public school, as well as information regarding proper procedures for preventing the bedbug infestation from spreading at the school and from being transferred to residences from the school. The principal would be required to ensure that the problem is properly addressed in the most effective and safe manner. This bill passed the Assembly and died in the Senate Committee on Education.

I. SCHOOL PERSONNEL

A.8564, Nolan; Chapter 179 of the Laws of 2009 This law provides that the conditional clearance for prospective employees of school districts, BOCES, and charter schools would terminate 45 days after notification of the approval of the appointment by the Commissioner. Conditional clearance may not be extended after the 45 day period unless the Commissioner finds that there was good cause for failing to obtain clearance

within the initial 45 day period. In addition, the expiration date of the provision allowing conditional appointments is extended to July 1, 2010.

J. PARENT ASSOCIATIONS

A.3724, 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. Members of community school boards, teaching or supervising staff, officers, or employees of such board, members of a committee or subcommittee on special education, and authorized participants in the school volunteer program are among those already protected in law. This bill passed the Assembly and died in the Senate Committee on Education.

A.4170, Cook This bill would allow a grandparent of a child attending a school within a community district to be a member of the parent association or parent-teacher association when the child's parent or legal guardian states in writing that the grandparent provides direct care of the child on a regular basis. This bill passed the Assembly and died in the Senate Committee on Education.

K. SCHOOL TECHNOLOGY

A.8391, Eddington; Chapter 167 of the Laws of 2009 This law extends for one year the Public Broadcasting Facilities Assistance Program which was created in the 2005 State Budget. The purpose of this program is to provide financial assistance to public broadcasting stations in New York State to encourage rehabilitation, acquisition, construction, and maintenance of their capital facilities and equipment to enhance the social, educational, recreational and economic benefits of such organizations. There are no additional costs to the state, as the Law authorizes payments of already appropriated funds. The program is extended until March 31, 2010.

III. PUBLIC HEARINGS

A. PUBLIC HEARINGS ON GOVERNANCE OF THE NEW YORK CITY SCHOOL DISTRICT

January 29, 2009
10:00 a.m.
Queens, NY

February 12, 2009
10:30 a.m.
Staten Island, NY

March 20, 2009
10:00 a.m.
Brooklyn, NY

February 6, 2009
10:00 a.m.
Manhattan, NY

March 13, 2009
10:00 a.m.
Bronx, NY

During the 2002 and 2003 Legislative sessions, the Legislature approved the most comprehensive governance changes to the New York City School District in over three decades. Chapter 91 of the Laws of 2002 granted the Mayor control of the management of the City's school system through the ability to appoint the Chancellor of the City School District and a majority of the members of the City Board of Education. These changes translated into the authority to affect city-wide educational policies. Chapter 123 of the Laws of 2003 replaced the community boards with community district education councils, and created a city-wide council on special education, among other changes based on recommendations made by the Task Force on Community School District Governance Reform.

With these governance laws set to sunset on June 30, 2009, the Assembly Committee on Education convened five hearings, one in each borough, to receive testimony on the impact of mayoral control of the City's school system. The extensive testimony offered by New York City School District officials, principals, teachers, students, parents, elected officials, union representatives, advocates, and members of the community highlighted how modifications to the current law could address concerns and improve the governance structure. As a result of these hearings, the Committee advanced legislation (A.8903/Silver) that maintained the accountability of mayoral control of the City School District, while adding measures to improve parental and community engagement, access to information, and transparency. (See page 6 for details.)

The Committee heard approximately 45 hours of testimony from over 240 witnesses at the five hearings. Chairperson Nolan was joined at all five governance hearings by Members of Assembly Michael Benedetto and Daniel O'Donnell. In addition, 33 Members participated in at least one of the hearings.

Notable witnesses included: Hon. William Thompson, Comptroller of the City of New York; Hon. Betsy Gotbaum, Public Advocate of the City of New York; Dr. Betty Rosa, Member of the New York State Board of Regents; Dennis Walcott, Deputy Mayor for Education and Community Development, Joel Klein, Chancellor of the New York City School District; Randi Weingarten, President of the American Federation of Teachers and

President of the United Federation of Teachers; and Ernest Logan, President of the Council of School Supervisors and Administrators. In addition, the Committee heard testimony from members of the New York City Council, Borough Presidents, community district education councils, community boards, parent and parent-teacher associations, and officials of the New York City School District.

A number of advocacy groups and organizations also testified, including Advocates for Children, ASPIRA of New York, New York Immigration Coalition, NAACP, Local 372, AFSCME, Local 237, Teamsters, IOUE Local 891, DC 37, Alliance for Quality Education, Campaign for Fiscal Equity, Citizen's Commission for Children, Hispanic Federation, Coalition for Asian American Families & Children, Learn NY, Class Size Matters, APEX, New York Performance Standards Consortium, The Children's Aid Society, New York Coalition for Educational Justice, *El Diario*, Parent Action Committee at New Settlement Apartments, United Parents of Highbridge, La Union, Parents Commission on School Governance, New York Education Voters, New York State Association for Bilingual Education, Cypress Hill Advocates for Education, and many others.

Approximately 25 current and former principals, teachers, and students - including elementary school students - addressed the Committee. Several witnesses were also afforded the opportunity to present testimony in Spanish. A comprehensive list of all witnesses and organizations that participated in the public hearings on governance of the New York City School District is available in the transcripts of the hearings, which can be obtained on the Committee's website.

B. ADMINISTRATION OF ELECTIONS IN NEW YORK STATE IN COMPLIANCE WITH THE FEDERAL HELP AMERICA VOTE ACT

October 22, 2009

10:30 a.m.

New York City

The Committee on Education convened a joint hearing with the Election Law and Libraries and Education Technology Committees to gain further understanding of the impact of statewide implementation of the federal Help America Vote Act (HAVA). In order to come into compliance with HAVA, New York State will begin to require optical scan voting machines. Upon full implementation of the new voting systems, the use of lever voting machines will be banned statewide. This transition could affect school district elections, where voters across the state annually approve budgets, propositions, and elect school board members and trustees. Although current state law provides school districts with the option to use voting machines, there is no consensus how the transition to optical scan voting machines will impact future school district elections.

The hearing brought together a wide-ranging group of stakeholders and the Committee will continue to review this important issue as it develops throughout the upcoming phases of the HAVA implementation. It is important that members of the public can

continue to have a voice in their community schools through local elections, and even more critical that those elections are conducted with the highest possible quality standards.

C. COMMITTEE PARTICIPATION IN OTHER PUBLIC HEARINGS

The Committee on Education participated in three hearings with other committees in 2009.

On May 28, 2009, the Committee on Education participated in a public hearing with the Assembly and Senate Committees on Children and Families and the Senate Committee on Education. The hearing was held at the Borough of Manhattan Community College and was convened to review the New York City Administration for Children Services' proposal to move more than 3,000 four- and five-year old children from childcare to kindergarten.

In addition, the Committee on Education also participated in a public hearing with the Assembly Committees on Labor, Economic Development, Job Creation, Commerce and Industry, Small Businesses, the Assembly Subcommittee on Emerging Workforce, and the Legislative Commissions on Science and Technology, and Skills Development and Career Education. That hearing, which was held in Albany on June 9, 2009, focused on how to match the needs of the Capital Region's emerging high-tech industries with the regional workforce.

With expectations that infections of the H1N1 influenza (swine flu) may be on the rise, the Committee on Education participated in a public hearing on October 13, 2009 in New York City to review infection rates in New York, the efficacy and safety of the H1N1 vaccine, and protective actions that employers and institutions may take to prevent infections. The hearing was jointly hosted by the Assembly Committees on Education, Health, Labor, Higher Education, and the Subcommittee on Workplace Safety.

IV. OUTLOOK 2010

During the next legislative session, the Committee on Education will continue to enact legislation to advance the interests of students and ensure that they have the educational opportunities they deserve. The Committee will continue its commitment to providing special education students, English language learners, and at-risk students access to quality educational services.

The Committee will continue to advocate for the necessary resources to provide the students of this State with a sound basic education.

V. SUMMARY SHEET

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	5		5
TO FLOOR; RECOMMITTED AND DIED			
TO WAYS AND MEANS	40		40
TO CODES	6		6
TO RULES	6		6
TO JUDICIARY			
TOTAL	57		57
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>Higher Education</u> COMMITTEE	3		3
TO <u>Governmental Employees</u> COMMITTEE	1		1
TO <u>Insurance</u> COMMITTEE	1		1
TOTAL	5		5
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		2	2
RECALLED		0	0
TOTAL		2	2
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL CALL VOTE	9	0	9
BILLS NEVER REPORTED, HELD OVER IN COMMITTEE	462	6	468
BILLS HAVING ENACTING CLAUSES STRICKEN	7	0	7
MOTIONS TO DISCHARGE LOST			
TOTAL BILLS IN COMMITTEE	540	8	548
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	10		