

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Higher Education
Deborah J. Glick, Chair



Annual Report 2010



DEBORAH J. GLICK
Assemblymember 66th District
New York County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Higher Education

COMMITTEES
Environmental Conservation
Governmental Operations
Rules
Ways & Means

December 15, 2010

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 2010 Annual Report which highlights our activities over the past year.

The 2010 Legislative Session was a productive one. The 2010-11 Legislative budget for higher education would have provided \$105.7 million in additional funding by restoring cuts to the Tuition Assistance Program (TAP) and a \$285 per full-time equivalent (FTE) student base aid reduction to community colleges. The Executive's line item veto of the Legislature's increases to these programs in the Education, Labor and Family Assistance (ELFA) Appropriation bill as well as his veto of the ELFA Article VII bill resulted in a decrease in funding levels from \$2,545 per FTE student to \$2,260 per FTE student for SUNY and CUNY community colleges and further cuts to the TAP program.

This year, the Legislature rejected a \$75 across the board TAP cut (\$16.5 million); rejected increased academic standards and credit minimums for non-remedial student TAP eligibility (\$5.9 million); modified a maximum TAP award reduction of \$1,000 (from \$5,000 to \$4,000) for 2-year proprietary schools, excluding nursing schools (\$19.6 million) by raising the maximum TAP to \$4,500; and rejected eliminating TAP awards for graduate students (\$2.1 million). The Executive's veto of the ELFA Article VII bill and inclusion of programmatic language in the ELFA Appropriations bill resulted in the above mentioned reductions to the TAP program for the 2010-11 academic year.

The Legislature accepted the Executive's proposal to deny TAP eligibility for students in default on any state and federal student loan not guaranteed by the Higher Education Services Corporation (HESC) (\$2.9 million); including the first \$20,000 of private pension

income of those 59 ½ and older in TAP award calculations (\$1.4 million); and decreased TAP awards for married students without children (\$5.2 million). The Legislature also accepted the Executive's proposal to increase TAP awards for financially independent students under 22 without children (\$3.9 million cost) and provided TAP awards to students attending non-SED supervised institutions (\$12.8 million cost). As a result of the Executive's veto of the ELFA Article VII bill, there was no language authorizing these changes.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2010 Legislative Session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Committee reported legislation that would have authorized a collaborative drug therapy management (CDTM) demonstration program between licensed physicians and pharmacists. The Legislature passed legislation, that was ultimately vetoed, that would have eliminated conflicts of interest when appointing SUNY and CUNY Board of Trustees. In addition, new laws were enacted, including: requiring the Boards of Trustees of SUNY, CUNY and HESC to publicize agenda and meeting records on their websites; authorizing the lease of lands located at SUNY Albany to provide for additional instructional and laboratory space for the College of Nanoscale Science and Engineering; preventing the disruption of services to the public in the areas of social work, mental health practitioners, psychotherapy and psychology by creating a new waiver for entities offering professional services in order to address corporate practice issues; and eliminating written practice agreements between licensed midwives and physicians.

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 fourth 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

2010 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON HIGHER EDUCATION

Deborah J. Glick, Chair

Committee Members

Majority

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Richard N. Gottfried
Joseph D. Morelle
William Magee
Steve Englebright
Kevin A. Cahill
Amy Paulin
Barbara Lifton
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Jennifer Trowbridge, Senior Analyst
Nathaniel Jenkins, Principal Committee Assistant
Suzanne Bolling, Associate Counsel
Theresa Swidorski, Legislative Director
Sarah Sorensen, Legislative Analyst
Daniel Wynn, Committee Clerk
Laura Inglis, Program and Counsel Executive Secretary

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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 the City University, 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 the country's largest state-supported Tuition Assistance Program (TAP).

The Committee on Higher Education also monitors the ongoing activities of the 48 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 2010 Legislative Session.

II. HIGHER EDUCATION

A. Budget Highlights

The 2010-11 Legislative budget for higher education would have provided \$105.7 million (\$91 million SFY) in additional funding above the Executive proposal by restoring cuts to the Tuition Assistance Program (TAP) and a \$285 per full-time equivalent (FTE) student base aid reduction to community colleges. The Executive's line item veto of the Legislature's increases to these programs in the Education, Labor and Family Assistance (ELFA) Appropriation bill as well as his veto of the ELFA Article VII bill resulted in a decrease in funding levels from \$2,545 per FTE student to \$2,260 per FTE student for SUNY and CUNY community colleges and further cuts to the TAP program.

1. *Community Colleges*

This year, the Executive proposal decreased State support for community colleges by \$285 for each FTE student. Base aid is the State's responsibility for its share of community college budgeted operating costs and for the 2010-11 academic year it is comprised of a \$2,260 payment for each FTE student. The State, the sponsoring locality, and the students are meant to equally share in the operational costs of community college, with all parties paying one-third of the cost. The level of State support that community colleges receive directly affects tuition rates and local contributions. Recognizing the importance of the State's support of community colleges, the Legislature proposed restoring academic year funding of \$40.3 million for SUNY and \$16.4 million for CUNY community college base aid. The Executive's line item veto of this restoration reduced funding of State's share of community college financing from \$2,545 per FTE student to \$2,260 as recommended by the Governor in his budget proposal.

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

The Legislature accepted cuts in operating aid of \$63.6 million for CUNY and \$136.4 million for SUNY. Tuition for in-state undergraduate students, for the fall of 2010, remains at \$4,970 at SUNY and \$4,600 at CUNY.

The Legislature rejected the Executive's proposal to allow SUNY and CUNY to annually increase tuition up to two and a half times the rolling average of the Higher Education Price Index (HEPI), or a 9.5 percent tuition increase which could have resulted in raising SUNY tuition by \$472 from \$4,970 to \$5,442 and raising CUNY tuition by \$437 from \$4,600 to \$5,037 in the 2010-11 academic year. Further, the Legislature rejected the proposal that would have allowed SUNY and CUNY to charge

differential tuition rates by school and by program across the systems.

3. Independent Colleges and Universities

This year, the Legislature maintained funding to the Higher Education Opportunity Program (HEOP) in the amount of \$20.8 million in order to keep its commitment to help disadvantaged students gain access to private colleges. 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. The Legislature accepted the Executive's proposal of a \$700,000 reduction in funding for Bundy Aid.

4. Financial Aid

Tuition Assistance Program

New York State is fortunate to have the most comprehensive system of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program which helps eligible New York residents pay tuition at approved schools in New York 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 \$5,000 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 Assembly Higher Education Committee is committed to keeping college affordable for students. The Legislature rejected a \$75 across the board TAP cut (\$16.5 million); rejected increased academic standards and credit minimums for non-remedial student TAP eligibility (\$5.9 million); modified a maximum TAP award reduction of \$1,000 for 2-year proprietary schools from \$5000 to \$4000 (\$19.6 million), excluding nursing schools, by raising the maximum TAP to \$4,500; and rejected eliminating TAP awards for graduate students (\$2.1 million). The Executive's veto of the ELFA Article VII bill and inclusion of programmatic language in the ELFA Appropriations bill resulted in the above mentioned reductions to the TAP program for the 2010-11 academic year.

The Legislature accepted the Executive's proposal to deny TAP eligibility for students in default on any state or federal student loan not guaranteed by the Higher Education Services Corporation (HESC) (\$2.9 million); included the first \$20,000 of private pension income of those 59 ½ and older in TAP award calculations (\$1.4 million); and decreased TAP awards for married students without children (\$5.2 million). The Legislature also accepted the Executive's proposal to increase TAP awards for financially independent students under 22 without children (\$3.9 million cost) and provided TAP awards to students attending non-SED supervised institutions

(\$12.8 million cost). As a result of the Executive's veto of the ELFA Article VII bill, there was no language authorizing these changes.

Scholarships/Loan Forgiveness Programs

The Legislature accepted extending the Patricia K. McGee Nursing Faculty Scholarship/Nursing Faculty Loan Forgiveness Program for five years and the Regents Physician Loan Forgiveness Program for one year. As a result of the Executive's veto of the ELFA Article VII bill, these programs were not extended. The Legislature also accepted the elimination of new awards for the Scholarships for Academic Excellence Program and the Math & Science Teaching Incentive Program.

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 can enhance 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 3,700 students through 58 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, 55% of HEOP students graduate within five years of enrolling. There are over 30,000 HEOP alumni.

*The Education Opportunity Program (EOP) provides academic support and financial aid to approximately 21,419 students who attend public institutions of higher education and show promise for mastering college-level work, but who may otherwise not be admitted. EOP support programs include special tutoring, and academic, career, and personal counseling. EOP services are available at all SUNY schools, at all CUNY senior colleges through the Search for Education, Elevation, and Knowledge (SEEK)

program, and at all CUNY community colleges through the College Discovery program.

*The Liberty Partnerships Program (LPP) serves approximately 12,203 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 80%.

*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 Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) was created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students to enter collegiate study and careers in scientific, technical, and health-related fields.

*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 under representation of this population in New York State's higher education system.

B. Legislative Highlights

1. *Community Colleges*

New York State has 36 public community colleges: 30 within the State University system and 6 within the City University system. With an enrollment of approximately 329,454 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 is comprised of twenty-three 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 6 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 262,023 students annually: 171,808 at the senior colleges and 90,215 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 461,442 students in over 7,500 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 2009 twenty-eight percent of the students enrolled in the independent sector in New York State were minorities. The independent colleges and universities of the State enroll over 464,000 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 \$47.5 billion, employ 372,000 New Yorkers and have a \$17.5 billion payroll.

Eliminating Conflict of Interest when Appointing SUNY and CUNY Board of Trustees

A.1249-C, Lancman, Veto# 6768. This bill would prohibit employees or individuals under the supervision of the Governor from serving as a member of the Board of Trustees of both SUNY and CUNY. This bill would also prohibit the Mayor of New York City from appointing one of his or her employees or an individual under his or her supervision from serving as a member of the Board of Trustees of CUNY.

Allows Community College Representation on the SUNY Board of Trustees

A.4422, Canestrari, Passed the Assembly. This bill would add the president of the faculty council of community colleges, as an ex-officio and non-voting member to the Board of Trustees of SUNY, as a result increasing the membership of the SUNY Board of Trustees from seventeen to eighteen members.

Requiring the Higher Education Services Corporation (HESC) to Report on the Tuition Assistance Program (TAP)

A.6391-B, Glick, Chapter 534 of the Laws of 2010. This law requires HESC to develop and prepare a report on the TAP program including information relating to program procedures, policies, availability, and student impacts. The President of HESC is required to submit the report by February 15 of each year and it is to be distributed to the Governor and the Legislature.

Community College Region Capital Financing Act of 2010

A.8079-A, Parment, Chapter 492 of the Laws of 2010. This law allows regional community college board of trustees, by two-thirds vote, to approve financings for capital projects through the Dormitory Authority of the State of New York (DASNY). Previously, regional community colleges that have more than one municipal local sponsor, such as Corning Community College and Jamestown Community College, were unable to finance capital projects through DASNY acting on their own.

Requiring the President of SUNY Upstate Medical University to Conduct a Study on the Need for Branch Campuses

A.8173-A, Destito, Chapter 239 of the Laws of 2010. This law directs the President of SUNY Upstate Medical University to conduct a study to explore the viability and need for branch campuses of SUNY Upstate in Fort Drum/Watertown and the Mohawk Valley Region. This law also directs the President of SUNY Upstate Medical University to report the findings of this study to the Governor, the Legislature and SUNY Board of Trustees by January 1, 2011.

Eliminating Senate Confirmation of HESC's Board of Trustees Community College Student Member

A.8220, Glick, Chapter 339 of the Laws of 2010. HESC's Board of Trustees is comprised of four student members. Two student members, a full-time student registered at a state university community college and a full-time student registered at a private institution, previously had to be confirmed by the Senate. Due to the short time frame of a community college student's ability to serve on the board, often their availability lapsed prior to Senate confirmation, depriving the Board of this particular student representative. This law removes the Senate confirmation requirement for the

community college student member.

Renaming the Search, Education, Elevation, and Knowledge (SEEK) Program

A.9512, Wright, Chapter 188 of the Laws of 2010. This law will rename CUNY's Search for Education, Elevation, and Knowledge (SEEK) Program, instituted with the support of Percy Ellis Sutton in 1966, as the Percy Ellis Sutton SEEK Program.

Extending Tuition Waivers of Police Officer Students at CUNY

A.9789, Lentol, Chapter 190 of the Laws of 2010. This law extends, for two more years, the tuition waiver program for police officer students of 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.

Requiring the Boards of Trustees of SUNY, CUNY, and HESC to Publicize Agendas and Meeting Records on Their Websites

A.9844-A, Glick, Chapter 98 of the Laws of 2010. This law ensures greater transparency by requiring the Board of Trustees of SUNY, CUNY, and HESC to publicize the agendas of all trustee and committee meetings on their respective websites three days before a meeting. This law also directs that the minutes, attendance, transcripts or video recording, and voting record of a meeting be electronically available no later than seven days after the meeting has occurred and that this information remain available as archived data for no less than ten years after the meeting.

Requiring Publishers and Manufacturers of Printed Instructional Materials for College Students with Disabilities

A.10118, Bing, Chapter 194 of the Laws of 2010. This law extends for an additional three years, the requirements for publishers and manufacturers of printed instructional materials for college students to provide electronic instructional materials for college students with disabilities at a cost comparable to the cost of the printed materials. The electronic versions of the printed materials must maintain the structural integrity of the printed instructional material, be compatible with commonly used Braille translation and speech synthesis software, and include corrections and revisions as may be necessary.

Authorizing the Lease of Lands Located at SUNY Albany

A.11471-A, Rules (McEneny), Chapter 530 of the Laws of 2010. This law provides for additional instructional and laboratory space on the grounds of the State University of New York at Albany's College of Nanoscale Science and Engineering by authorizing the SUNY Board of Trustees to lease 11.07 acres to the Fuller Road Management Corporation for an initial term not to exceed 40 years. In addition, the corporation and any contractors and/or subcontractors that are hired will be obligated to comply with several provisions, such as Minority and Women's Business Enterprise, prevailing wage and additional public employee protections. The law also provides that any contracts entered into by the corporation will be awarded through a competitive process. Additionally, any contracts entered into by SUNY or the corporation will be subject to approval by the Attorney General, the Division of Budget, and the State Comptroller as to form.

III. LICENSED PROFESSIONALS

A. Legislative Highlights

New York State currently licenses 48 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. SED, through its Office of the Professions, regulates the practice of such 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. Modifying current professional standards provides a means by which the Committee fulfills its obligations to protect the well-being of the public.

Clarifying the Scope of Practice for Physician Assistants

A.1726-B, Gottfried, Chapter 30 of the Laws of 2010. This law clarifies the statutory construction of the responsibilities and authority of a physician assistant (PA) to explicitly state that PAs may perform functions that a statute authorizes or directs a physician to perform as long as those functions are lawfully and appropriately within the existing PA scope of practice and unless a statute explicitly provides otherwise. This law will not increase or decrease the PA scope of practice; it serves to provide clarity for determining services that are within the already existing scope.

Authorizing a Collaborative Drug Therapy Management Demonstration Program

A.6848-A, Canestrari, Passed the Assembly. This bill authorizes a collaborative drug therapy management (CDTM) demonstration program between licensed physicians and pharmacists. CDTM is defined as the performance of services by a pharmacist relating to the review, evaluation, and management of drug therapy to a patient, who is being treated by a physician for a specific disease or disease state. The pharmacist and participating physician would be acting under a written agreement and protocol and in accordance with policies, procedures, and protocols of a healthcare facility. CDTM is limited to teaching hospital settings, including any diagnostic center, treatment center, or hospital-based outpatient department and would not be authorized in residential health care facilities and nursing homes.

Eliminating Written Practice Agreements between Licensed Midwives and Physicians

A.8117-B, Gottfried, Chapter 238 of the Laws of 2010. This law eliminates the requirement for a licensed midwife to obtain a written practice agreement with a licensed physician and instead requires that all practicing licensed midwives maintain a collaborative relationship with a licensed physician who is an obstetrician-gynecologist, or a licensed physician who practices obstetrics and has obstetrical privileges at a hospital, or a hospital that provides obstetric services.

Providing Temporary Surrender of Professional Licenses by Dentists and Pharmacists

A.8301-C, Lupardo, Chapter 549 of the Laws of 2010. This law gives SED discretion to allow licensed dentists and pharmacists to temporarily surrender their professional licenses when their alleged incapacity is the result of a problem of drug or alcohol abuse which has not resulted in harm to a patient or client. SED is allowed to accept and hold such license or make any other disposition regarding such license that are deemed appropriate under the circumstances, if SED determines the health and safety of the patient or client is adequately protected.

Requiring Massage Therapists to Complete Mandatory Continuing Education

A.8340, Morelle, Chapter 463 of the Laws of 2010. This law requires licensed massage therapists to complete 36 hours of acceptable continuing education for each triennial registration period. Sponsors of continuing education in massage therapy may include: state or national professional associations established to further the massage therapy profession; any affiliates of international massage therapy conferences at which continuing education is a major component of such conferences; and programs registered as licensure-qualifying for the profession of massage therapy by SED.

Exempting Yoga and Martial Arts Schools from Licensure

A.8678-A, Rosenthal, Chapter 13 of the Laws of 2010. This adds yoga and martial arts schools to the list of schools exempted from having to obtain a license from SED. This law also exempts the training of students to teach the instruction of yoga, martial arts and the various schools previously found in law from the licensure requirement.

Creating a Waiver for Entities Offering Professional Services by Social Workers, Mental Health Practitioners, Psychotherapists, and Psychologists

A.8897-A, Pretlow, Chapter 130 of the Laws of 2010 / A.11440, Rules, Chapter 132 of the Laws of 2010. This law prevents the disruption of services to the public in the areas of social work, mental health practitioners, psychotherapy and psychology by creating a new waiver for entities offering professional services in order to address corporate practice issues. This law also allows an individual who has, is in the process of, or will obtain their social work, mental health and psychotherapy experience that is required for licensure at a not-for-profit entity that would have been eligible for a waiver or that is operating under a waiver. Finally this law expands the social work, mental health and psychology licensure exemptions for three years (July 1, 2013) to programs or services operated, regulated, funded by or approved by certain state agencies and their affiliated local governmental units; requires these entities to create a workforce study to be given to the Commissioner of Education by July 1, 2011; and requires that the Commissioner of Education, after consultation with state agencies and key stakeholders, submit a report to the Legislature by July 1, 2012 to recommend any amendments to law, rule or regulation necessary to fully implement the requirements for licensure by July 1, 2013.

Clarifying the Scope of Practice for Veterinarians

A.9562, Magee, Passed the Assembly. This bill adds the diagnosis and treatment of dental conditions in animals to the existing veterinarian scope of practice.

Authorized Professionals Appointed by Ironman North America Triathlon, Inc.

A.9829, Sayward, Chapter 159 of the Laws of 2010. This Chapter allows a person licensed to practice as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner or podiatrist in another state or territory who is in good standing in that state or territory, to provide professional services in New York to athletes and team personnel registered to train in Lake Placid to compete in an event sanctioned by the World Triathlon Corporation.

Authorizing Physical Therapy Assistants to Provide Services in Preschools and Primary and Secondary Schools

A.9959, Canestrari, Chapter 252 of the Laws of 2010. This law extends, for an additional five years, the authorization for physical therapy assistants to provide services in public and private primary or secondary schools and preschools without direct on-site supervision by a physical therapist. As part of continuous supervision the licensed physical therapist is still required to establish a plan of care, conduct joint visits, perform periodic treatments and evaluations of the patient, and be notified whenever there is a change in status, condition or performance of the patient.

Granting Restricted Licensure to Qualified Dental Faculty

A.10123, Glick, Chapter 499 of the Laws of 2010. This law extends the authorization, for an additional four years, for SED to issue restricted dental faculty licenses to qualified full-time foreign faculty members.

Authorizing Physical Therapy Assistants to Provide Services in Home Care Settings

A.10137, Canestrari, Chapter 258 of the Laws of 2010. 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.

Authorizing Licensed Veterinarians to Obtain the Services of Licensed Physicians to Provide Medical Care to Non-human Primates

A.10266, Pheffer, Chapter 442 of the Laws of 2010. This law permanently extends Chapter 176 of the Laws of 2007, which allows licensed veterinarians who provide services to American Zoo and Aquarium Association accredited facilities to retain the services of licensed physicians to perform services upon gibbons, siamangos, orangutans, chimps, gorillas and other great apes. This shall be done at the request of and under the immediate personal supervision of a licensed veterinarian if a veterinary specialist in the area of medicine required for such animal's care does not exist, is not available, or cannot be procured in a timely fashion.

Authorizing a Limited Permit to Practice Dental Hygiene

A.10638, Paulin, Chapter 502 of the Laws of 2010. This law allows graduates of dental hygiene programs, who have satisfactorily met all licensure requirements set by SED but have not yet passed the licensing examination, to obtain a limited permit to practice dental hygiene under the supervision of a dentist, for one year. SED will be allowed to renew the limited permit for an additional year upon its discretion. The dental

hygienist is required to pay SED \$50 for a limited permit and for any limited permit renewal.

Codifying Educational Requirements for Licensed Physician Assistants

A.11056, Glick, Chapter 293 of the Laws of 2010. This law requires physician assistants who are registering with SED to have received an education, including a bachelor's or equivalent degree in accordance with the regulations established by the Commissioner of Education.

IV. PUBLIC HEARINGS

From Access to Success: Closing the College Achievement Gap

December 14, 2010 Hamilton Hearing Room B, LOB Albany, New York

The Higher Education Committee convened a hearing and sought testimony on what colleges are currently doing in the effort to increase the completion rates in New York State, identifying what programs and services are most effective and what needs to be done moving forward.

The United States, once the world leader in the percentage of college graduates in the workforce, now ranks twelfth in degree attainment among 25 to 35 year-olds behind Australia, the Russian Federation and South Korea. In a global economy where specialized knowledge and increased skills are required, higher education is not just a desirable goal, it is an economic necessity. Increasing the number of college graduates is a critical element in the effort to expand our economy, create businesses and attract good paying jobs on both a state and national level.

New York State public and private colleges need to be in the forefront of the effort to increase the number of college graduates. The role colleges play in the advisement of students, offering of support services and academic intervention often makes the difference in the academic success of a student. First year college students are particularly vulnerable as they make the critical transition from high school to higher education. The October 2010 American Institutes for Research report found that, from 2003-2008, New York State spent \$403 million through appropriations and grants on students who dropped out before their second year of college, a significant financial and human capital loss at a time when New York State can least afford either.

There are existing programs that have proven to be successful in helping at-risk students thrive in the postsecondary academic environment. The Legislature has demonstrated a commitment to helping educationally and economically disadvantaged students not only enroll in college but also obtain their degree with the creation of access programs. In addition to programs and services, it is important to identify how the collection of student data can help assist New York State colleges in tracking student performance and identifying at-risk students earlier. Chapter 100 of the Laws of 2010 authorized a \$20.4 million capital expenditure for the establishment of a P-20 longitudinal data system by the State Education Department.

Individuals who testified at the hearing include: Joseph P. Frey, Deputy

Commissioner of Higher Education, New York State Education Department; Nancy L. Zimpher, SUNY Chancellor; David K. Lavalley, Senior Vice Chancellor for Academic Affairs and Provost, SUNY; Johanna Duncan-Poitier, Deputy for the Education Pipeline and Vice Chancellor for Community Colleges, SUNY; Alexandra W. Logue, Executive Vice Chancellor and Provost, CUNY; Peter G. Jordan, Interim Vice Chancellor for Student Affairs, CUNY; Eduardo Marti, Vice Chancellor for Community Colleges, CUNY; Andrew Pallotta, Executive Vice President, NYSUT; Phillip H. Smith, President, United University Professions (UUP); Barbara Bowen, President, Professional Staff Congress; Laura L. Anglin, President, CICU; Kimberly R. Cline, President, Mercy College; Martha J. Olson, Dean of Education Initiatives, Bard College; Martiza Martinez, Assistant Dean and Director of EOP, SUNY Albany; Jarvis Watson, Senior Counselor for EOP/AIM, SUNY Stony Brook; Pierre Marc Albert, President, EOP Student Association, SUNY Stony Brook; William J. Short, President, HEOP Professional Organization; Michael A. Molina, President, Association for Program Administrators of CSTEP and STEP; Fran Clark, Program Coordinator, New York Public Interest Research Group; Jackie Hayes, SUNY Albany Student, Save Our SUNY Coalition; and James Searle, graduate student, SUNY Albany.

V. OUTLOOK FOR 2011

As the Committee looks ahead to the upcoming 2011 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 2011 session will be to secure financing for the coming fiscal year sufficient to meet the needs of SUNY, CUNY and the independent sector and to support their unique missions. The broader goal of preserving access opportunities to higher education for students all 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. Another priority of the Committee will be to provide capital funding for SUNY and CUNY as well as the independent sector. 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 2011, 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 OR CERTIFIED BY THE BOARD OF REGENTS

Acupuncture	Medicine
Architecture	Mental Health Practitioners
Athletic Trainer	Midwifery
Audiology	Nurse Practitioners
Certified Dental Assistants	Occupational Therapy
Certified Dietician	Occupational Therapy Assistant
Certified Interior Design	Ophthalmic Dispensing
Certified Nutritionist	Optometry
Certified Public Accountancy	Pharmacy
Certified Shorthand Reporting	Physical Therapy
Chiropractic	Physical Therapy Assistant
Clinical Laboratory Technology	Physician Assistant
Dental Anesthesia/ Sedation	Podiatry
Dentistry	Psychology
Dental Hygiene	Public Accountancy
Dietetics and Nutrition	Registered Nursing
Engineering	Respiratory Therapy
Landscape Architecture	Respiratory Therapy Assistant
Land Surveying	Specialist's Assistant
Licensed Practical Nurse	Social Work
Massage Therapy	Speech-Language Pathology
Medical Physician	Veterinary Medicine
Medical Physics	Veterinary Technology

APPENDIX B

2010 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 Floor; recommitted and died			
To Ways and Means Committee	12		12
To Codes Committee	5		5
To Rules Committee	5		5
To Judiciary Committee			
Total	34		34
<u>Bills Having Committee Reference Changed</u>			
To Education Committee	2		2
Total	2		2
<u>Senate Bills Substituted or Recalled</u>			
Substituted		5	5
Recalled		2	2
Total		7	7
<u>Bills Defeated in Committee</u>			
<u>Bills Never Reported, Held in Committee</u>	55		55
<u>Bills Never Reported, Died in Committee</u>	235	20	255
<u>Bills Having Enacting Clauses Stricken</u>	4		4
<u>Motion to Discharge Lost</u>			
<u>Total Bills in Committee</u>	330	27	357
Total Number of Committee Meetings Held	11		