

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Education
Catherine Nolan, Chair



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37TH Assembly District
Queens County

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STATE OF NEW YORK
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December 15, 2014

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

Dear Speaker Silver:

I am pleased to submit to you my ninth annual report as Chair of the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and help advance education policies that best help our students. This year the Committee negotiated measures in the state budget and advanced significant legislation to increase educational opportunities for students throughout New York State. Thanks to your leadership, proposals for increased funding, better instruction, and greater protections for student health and welfare became law.

The 2014-2015 budget increased General Support to Public Schools funding by \$1.15 billion over the 2013-2014 school year for a total of \$22.3 billion. The budget provided for a two-year school aid appropriation, which included both an increase in formula based aids of \$1.12 billion for the 2014-15 school year and a partial restoration of the Gap Elimination Adjustment (GEA). In order to continue our work toward the elimination of New York City schools' use of trailers, or transportable classroom units (TCUs), the Assembly successfully fought to include language in the Smart Schools Bond Act that allowed the use of these funds for the replacement of TCUs.

Over the past year many of our colleagues as well as advocates and stakeholders raised numerous concerns regarding the rollout of the Common Core learning standards and the protection of our student's highly sensitive, personal data. The Assembly Majority responded. Throughout the 2014 legislative session the Committee steered the way toward adjustments regarding the implementation of the Common Core learning standards and privacy protections for student data.

The Committee convened two hearings to examine the issues about the collection, storage, and usage of personally identifiable student information. In addition, the Committee met with many school districts and stakeholders about the rollout of the Common Core. These actions led to the Assembly passing A.8929 (Nolan) which would not only delay the use of data dashboard solutions and allow parents the ability to opt-out of sharing certain student data with third parties, but also provide much needed reforms related to the implementation of the Common Core. As a

result of these hearings and discussions surrounding A.8929, reforms to the Common Core implementation and the protection of student data were included within the 2014-2015 budget.

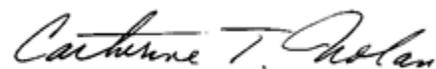
The Committee also reported numerous important bills, including an alternative calculation for Annual Professional Performance Reviews for certain teachers impacted by Common Core aligned assessments (A.10168, Nolan); providing relevant access to data on student population enrollment projections in the New York City school district (Chapter 285 of the Laws of 2014, Silver); and authorizing students with asthma, allergies, or diabetes to carry and self-administer related medical supplies during the school day (Chapter 423 of the Laws of 2014, Nolan). During the legislative session, the Committee also held hearings on graduation pathways related to career and technical education and new statewide teacher and school building leader certification requirements.

The Subcommittee on Children with Special Needs, chaired by Assemblymember Shelley Mayer, convened roundtables focusing on tuition reimbursement methodologies with principals and teachers at Special Act and 853 schools, which provide educational programs and services to students with disabilities. As a result of the Subcommittee's review of tuition reimbursement methods, the Assembly's one-house budget reflected a need to invest in these schools, and in June the Division of Budget approved a 3.8% increase in funding for these schools. I am grateful to Assemblymember Mayer for her leadership on this very difficult and sensitive issue.

In addition, I joined Assemblymember Carmen Arroyo at the annual conference of the New York State Bilingual Educators where teachers, families and education leaders met to identify strategies and policies that would advance equitable education for linguistically and culturally diverse students across the state. I commend Assemblywoman Arroyo for her dedication to ensuring the best education for bilingual learners.

All New Yorkers share the same goal to improve our schools and help prepare our students to be successful upon graduation, and that is the goal of the Committee. I thank the members of the Committee for their dedication and commitment to ensure that our students get the best education that New York can provide. On behalf of the Committee, I also want to thank our talented, hard-working committee staff. And, Mr. Speaker, I want to thank you for your continued support and leadership and look forward to the 2015 session.

Sincerely,



Catherine Nolan
Chair
Committee on Education

**2014 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

**Catherine Nolan, Chair
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TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS	2
A. STATE BUDGET HIGHLIGHTS.....	2
B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES.....	10
C. CURRICULUM RESOURCES.....	10
D. EDUCATIONAL FACILITIES.....	10
E. HEALTH SERVICES AND INSTRUCTION.....	11
F. SPECIAL EDUCATION.....	12
G. SCHOOL DISTRICT BUDGET & OPERATIONS	13
H. COMMON CORE ADJUSTMENTS.....	13
I. KINDERGARTEN INSTRUCTION.....	14
J. SPECIAL ACT SCHOOL DISTRICTS	14
K. TRANSPORTATION.....	15
L. ONLINE AND BLENDED LEARNING.....	16
III. PUBLIC HEARINGS AND ROUNDTABLES	17
A. HEARING ON THE DISCLOSURE OF PERSONALLY IDENTIFIABLE STUDENT INFORMATION BY SCHOOL DISTRICTS AND THE STATE EDUCATION DEPARTMENT	17
B. HEARING ON NEW STATEWIDE TEACHER AND SCHOOL BUILDING LEADER CERTIFICATE REQUIREMENTS	18
C. HEARING ON GRADUATION PATHWAYS RELATED TO CAREER AND TECHNICAL EDUCATION	19
IV. OUTLOOK.....	21
V. SUMMARY SHEET.....	22

I. INTRODUCTION

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

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

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

During the 2014 Session, 584 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 2014.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature modified the executive's proposal to increase funding for General Support for Public Schools (GSPS) for a total GSPS of \$22.3 billion for the 2014-15 school year, which is a total increase of \$1.15 billion over the previous school year. This increase in GSPS funding provided an increase in Foundation Aid of \$250.63 million over the executive proposal, for a total of \$15.43 billion, and a restoration of the Gap Elimination Adjustment (GEA) of \$602.12 million, which reduces the total GEA to \$1.04 billion for the 2014-2015 school year. The increase also provided a full reimbursement of expense based aids in addition to other GSPS programs. The Legislature also proposed various formula calculations in the 2014-15 enacted state budget to reflect changes in Foundation Aid and GEA restoration.

The Legislature expanded the purpose of a new \$720 million commercial gaming revenue appropriation to allow for restorations to the GEA, additional support for Foundation Aid and support for after-school programs. The Legislature also reallocated \$74 million in Fiscal Stabilization Funding proposed in the executive budget to provide additional General Support for Public Schools.

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

Foundation Aid

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

The Legislature funded Foundation Aid at \$15.43 billion for the 2014-15 school year, which is a \$250.63 million increase over the executive proposal to hold Foundation Aid at its 2013-2014 levels.

Statewide Universal Full Day Prekindergarten

The Legislature modified the executive's proposal of a \$1.5 billion five-year phase in for statewide Universal Full Day Prekindergarten to provide \$340 million for the 2014-2015 school year, with \$300 million being made available to the New York City school district and \$40 million to the rest of the state. Districts will receive \$10,000 per student for classrooms with certified teachers and \$7,000 per student for classrooms with non-certified teachers, or actual costs, whichever is less. Non-certified teachers have three years in which to become certified. Non-certified teachers in current universal prekindergarten programs (UPK) have until 2017 to become certified if their programs convert to full-day UPK. The Legislature also established

health and safety standards that programs must meet. Programs with significant health and safety violations may be suspended or terminated.

Eligible providers for the statewide universal full-day prekindergarten program include school districts, not-for-profit organizations, community based organizations, nonpublic schools, charter schools, museums, and libraries. To apply, school districts must solicit and reach out to eligible entities in order to submit a consolidated application to the State Education Department (SED) for review and approval. Any entity denied for inclusion in the consolidated application can apply separately to SED. SED will provide two application cycles per year. Programs that are awarded full-day UPK slots will continue to have those slots renewed in future years.

Early Childhood Education

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

The state budget for the 2014-15 school year funded the UPK program at its present law level of \$385.04 million, the same level as under the executive proposal and the same amount as the 2013-2014 enacted budget.

Common Core Adjustments

The Legislature provided adjustments relating to the Common Core learning standards. Such adjustments include:

- Prohibiting standardized tests from pre-kindergarten through grade 2;
- Prohibiting grade 3-8 Math and English Language Arts state standardized tests from being included on permanent student records;
- Prohibiting grade 3-8 Math and English Language Arts state standardized tests from being the sole or primary method of determining student placement and promotion;
- Requiring school districts to annually notify parents of the promotion and placement policy and how such policy was developed;
- Requiring SED to seek a federal waiver to make certain testing changes for Students with Disabilities and English Language Learners;
- Providing limitations on time spent on certain assessments and test preparation;

- Providing for the release of more sample test questions to teachers, parents, school districts and the community, subject to the extent allowable under Race to the Top funds;
- Requiring school districts to complete a testing transparency report;
- Requiring the commissioner to develop resources, tools, and outreach materials to help parents understand the Common Core and how parents can best support their child's educational progress and outcomes;
- Requiring the commissioner to develop professional development tools and resources for teachers, principals and schools. The commissioner may collaborate with SUNY, CUNY and independent colleges when developing such tools and resources;
- Providing for the expedited review of changes to Annual Professional Performance Review (APPR) plans that would solely eliminate unnecessary testing; and
- Requiring the commissioner to reduce time spent on field tests.

Student Data Privacy Protections

The Legislature enacted significant new provisions to protect the security of student personally identifiable information. Such provisions included:

- Allowing schools districts to opt-out at any time from providing certain student information to a data dashboard or third party entity for use as part of a data dashboard;
- Prohibiting SED from providing any student data to certain third party vendors, such as inBloom, for use in a data dashboard;
- Prohibiting school districts from submitting certain sensitive student information to SED;
- Establishing the position of Chief Privacy Officer within SED;
- Establishing a Parent's Bill of Rights for Data Privacy and Security;
- Establishing a breach process requiring the third party vendor to notify the school or SED of any security breaches; and
- Establishing penalties for failure to notify schools and SED of security breaches.

Charter Schools

Co-Location

The Legislature provided a process by which charter schools may make a request to the New York City school district for space in a public school building. This process is only available for new charter schools and existing charter schools that received authorization after April 1, 2014 for grade level expansion. The city may grant the co-location request, offer to pay an increased charter school tuition rate or pay rent for private space after October 1, 2016, or deny the request for co-location. The law provides an appeals process for charter schools that are denied co-located space.

The New York City school district is solely liable for the first \$40 million in costs to comply with these new provisions and after New York City pays the \$40 million, the state will pay a 60 percent share of any additional costs.

The Legislature also provided that New York City would be prohibited from charging rent or costs to co-located schools. New York City is also prohibited from unilaterally rescinding certain approved charter school co-locations without the consent of the charter school.

Auditing of Charter Schools:

The Legislature authorized the State Comptroller to have the ability to audit charter schools outside New York City and the New York City Comptroller is authorized to have the ability to audit charters in New York City.

Changes to Charter School Tuition (statewide):

The Legislature provided that if a district's charter school tuition rate would have increased compared to the rate used in 2013-2014, then the charter school will receive an increase of \$250 dollars per student in year 1, \$350 in year two and \$500 in year three from the state. No school district will pay a greater tuition rate than the 2013-2014 rate over the next three years. If the charter school tuition rate would have decreased compared to the 2013-14 rate, charter schools will be made whole by the state.

Charter School Dissolution:

The Legislature provided that upon dissolution of a charter school, it must return its public funds back to the public school district of residence.

Smart Schools Bond Act

The Legislature modified the executive proposal to establish a \$2 billion Smart Schools Bond Act to include the rehabilitation or reconstruction of instructional space to replace transportable classroom units and high-tech school safety and security projects. The Smart Schools Bond Act also authorizes capital projects to purchase educational technology equipment, establish high-speed connectivity in schools and communities, and the construction of prekindergarten classrooms. The Legislature also provided that educational technology equipment must be loaned to students attending nonpublic schools on an equal basis, provided that the public school uses such Smart Schools Bond Act funds for technology equipment for its public school students.

In addition, the Legislature provided \$5 million for schools for the blind and deaf (4201 schools), Special Act school districts, and approved private special education schools (853 schools) for the acquisition and installation of educational technology equipment, connectivity projects, the rehabilitation or reconstruction of instructional space to replace transportable classroom units, and high-tech school safety and security grants.

New New York Education Reform Commission Grants

The Legislature accepted the executive's proposal to continue the funding of \$75 million in competitive grants to school districts that were included in the 2013-2014 enacted budget for: Universal Prekindergarten, Community Schools, Extended Learning, Master Teacher Program, and Early College High Schools. Additionally, the Legislature accepted the executive proposal to fund a second round of Community Schools grants at \$15 million.

Teacher Programs

The Legislature restored funding for Teacher Resource and Computer Training Centers at \$14.3 million for the 2014-2015 school year.

The Legislature accepted the executive proposal for \$20 million for a Teacher Excellence Fund. Teachers rated "highly effective" on their most recent annual professional performance review would be eligible for annual supplemental compensation of up to \$20,000.

The Legislature accepted the executive proposal to fund the Teachers of Tomorrow program at \$25 million for the 2014-15 school year, which is the same level of funding provided for the 2013-2014 school year. This program was established to assist school districts in the recruitment, retention and certification necessary to increase the supply of qualified teachers in school districts with teacher shortages, especially low-performing schools. The program offers a variety of incentives, such as stipends and tuition reimbursement, to encourage prospective teachers to work in high-need areas.

The Legislature accepted the executive proposal to fund the Teacher Mentor Intern program at \$2 million for the 2014-15 school year, which is the same level of funding as the 2013-14 school year.

Special Education

The Legislature provided funding for High Cost Excess Cost Aid for special needs students at its present law level of \$548.37 million for the 2014-15 school year, an increase of \$1.28 million over the executive proposal and an increase of \$9.09 million over the 2013-2014 school year.

The Legislature provided funding for Private Excess Cost Aid to its present law level of \$373.62 million for the 2014-15 school year, an increase of \$1.29 million over the executive proposal and an increase of \$38.68 million over the 2013-14 school year.

The Legislature accepted the executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.31 million for the 2014-15 school year, which is the same level of funding as the 2013-14 school year.

The Legislature accepted the executive proposal to increase Preschool Special Education (4410) funding to \$1.04 billion, an increase of \$59 million over the 2013-14 school year.

The Legislature rejected the executive proposal to allow any school district, Board of Cooperative Educational Services (BOCES), or nonpublic school to apply for waivers from certain special education requirements.

The Legislature modified the executive proposal to implement fee-for-service reimbursement for preschool special education itinerant teachers (4410 SEIT) by authorizing these changes to take effect in the 2015-2016 school year. The Legislature rejected the proposal to set regional 4410 SEIT rates. In addition, the Legislature rejected the executive proposal to allow New York City to set its own rates for preschool special education providers.

The Legislature eliminated parental consent requirements in Education Law as it relates to July and August special education programs.

BOCES Aid

BOCES Aid provides aid to reimburse school districts that participate in BOCES shared educational programs and services. The 2014-15 State budget funded this aid category at its present law level of \$762.24 million, which was an increase of \$27.98 million over the 2013-2014 school year. The Legislature accepted the executive's proposal to maintain BOCES Aid for Special Act Districts at the 2013-14 level of \$700,000.

The Legislature expanded the authorization for the Office of Children and Family Services (OCFS) to contract with BOCES to include career and technical education (CTE) programs. In addition, the Legislature provided that OCFS and SED must include in their report the cost effectiveness and programmatic impact of delivering CTE services and programs through BOCES for students in OCFS facilities.

Special Services Aid

The Legislature increased funding for Special Services Aid to its present law level of \$204.87 million, which is an increase of \$5.74 million over the 2013-14 school year.

Building Aid

The Legislature modified the executive proposal and provided funding for Building Aid to its present law level of \$2.83 billion, an increase of \$14.51 million over the executive's proposal and an increase of \$107.86 million over the 2013-14 school year.

The Legislature modified the executive proposal and provided funding for Reorganization Building Aid at its present law level of \$26.17 million, an increase of \$3,592 over the executive proposal and a net decrease of \$298,184 from the 2013-14 school year.

Transportation Aid

The Legislature modified the executive's proposal and provided funding for Transportation Aid at its present law level of \$1.73 billion, which is an increase of \$4.92 million over the executive's proposal and an increase of \$87.97 million over the 2013-14 school year.

The Legislature made permanent the provision for providing after-school transportation for the New York City school district for certain students in grades K-6 who attend regularly scheduled academic classes from at least 9:30 A.M. until 4:00 P.M. on weekdays. Students must also reside a certain distance away from their school. The Legislature modified the proposal to increase the allowable aid cap to \$8.1 million. Parents/guardians must request this transportation in writing in accordance with certain time limitations and the Chancellor is required to take student safety and costs associated with the transportation services into consideration when establishing a transportation plan to comply with these provisions.

The Legislature also made permanent provisions relating to contracting with transportation companies based on a competitive request for proposals process. In addition, the Legislature provided for a five-year extension of the provision which allows districts to plan routes based on patterns of ridership.

Instructional Materials Aid

The Budget provided present law funding levels for instructional materials aids for the 2014-15 school year:

- Textbook Aid: The Legislature modified the executive proposal to fund Textbook Aid at its present law level of \$179.75 million, which is an increase of \$1.78 million over the 2013-2014 school year;
- Computer Hardware Aid: The Legislature modified the executive proposal to fund Computer Hardware at its present law level of \$38.56 million, which is an increase of \$854,604 over the 2013-14 school year;
- Computer Software Aid: The Legislature modified the executive proposal to fund Computer Software at its present law level of \$46.51 million, which is an increase of \$498,564 over the 2013-14 school year;
- Library Materials Aid: The Legislature modified the executive proposal to fund Library Materials at its present law level \$19.40 million, which is an increase of \$507,185 over the 2013-14 school year.

High Tax Aid

The Legislature accepted the executive's proposal and provides funding for High Tax Aid at \$223.30 million, the same level of funding as the 2013-14 school year.

Nonpublic School Aid

The Legislature provides a total of \$158.8 million in Nonpublic School Aid, which is a \$5.23 million increase for Nonpublic School Aid over the executive's proposal and provides an additional \$16 million as the first payment of a multi-year plan to address prior year liabilities for the Comprehensive Attendance Policy. The Legislature also provides \$97.59 million in Mandated Services Relief Aid. The Legislature also accepted the executive proposal to continue \$4.5 million in funding for Safety Equipment for Nonpublic Schools.

Charter School Transition Aid

Charter School Transition Aid directs funding to the school districts most impacted by charter school growth and enrollment. The Legislature modified the executive proposal to fund Charter Transition Aid at its present law level of \$29.27 million, a decrease of \$3.87 million from the 2013-14 school year.

Miscellaneous Aids

The Legislature accepted the executive proposal to fund Employment Preparation Education (EPE) at \$96 million, which is the same level of funding as the 2013-14 school year. School districts and BOCES may operate an EPE program to provide services for persons aged 21 and older who have not received a high school diploma or its equivalent.

The Legislature accepted the executive proposal to increase funding for Incarcerated Youth Assistance at \$37.4 million, and Homeless Pupils aid at \$37.7 million.

The Legislature accepted the executive proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same as in 2013-14.

The Legislature accepted the executive proposal to continue \$1 million in funding for Deferred Action for Childhood Arrivals (DACA) transition funding to provide educational services and support for DACA-eligible out-of-school youth and young adults in New York State. The Legislature also provides an additional \$1 million for Bilingual Education Grants, for a total of \$13.5 million.

School District Reorganization

The Legislature accepted the executive proposal to give reorganizing school districts the flexibility to choose a one year deferment or up to a 10 year multi-year phase-in of a new tax rate when the reorganization would have an impact on those tax rates. Districts would be required to adopt a resolution after conducting a public hearing prior to the reorganization vote.

Employee Benefit Accrued Liability Reserve

The 2014-15 state budget continued school district authorization to partially offset the remaining GEA by authorizing school districts to transfer excess Employee Benefit Accrued Liability Reserve (EBALR) funds during 2014-15 school year for the purpose of maintaining educational programming.

Contracts for Excellence

Contracts for Excellence were implemented beginning in the 2007-08 school year. School districts were required to prepare a contract if they had at least one school that failed to meet Federal or State academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year. The 2014-15 State budget provided that any school district that filed a contract in the 2013-14 school year must file a contract in the 2014-15 school year, unless all schools in the district are in good standing. As a result, in the 2014-15 school year, 15 school districts are required to prepare a Contract for Excellence. These school districts must maintain the contract amount approved by the commissioner in the contract for the 2013-2014 school year.

B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)

A.9062-A, Nolan; Chapter 28 of the Laws of 2014: This law extends provisions authorizing BOCES to enter into contracts with out-of-state school districts for up to five years to provide special education services, career and technical education services, online courses or existing products related to how to plan for implementation of the Common Core learning standards and professional development to educators through July 1, 2019.

A.9570-B, Paulin; Chapter 374 of the Laws of 2014: This law authorizes BOCES to enter into leases with non-public entities for suitable land, classrooms, offices or buildings for up to twenty years. Before executing any lease, the board would be required to adopt a resolution disclosing any conflict of interests. Further, the law provides that any member with a financial interest in the lease may not participate in any decision in regards to the lease.

C. CURRICULUM RESOURCES

A.9240, Davila: This legislation would have authorized school districts to expend textbook aid on manipulatives, which would be defined as supplies and materials used to support teaching and learning as part of an inquiry-centered curriculum as defined by the Commissioner. This bill passed the Assembly and died in the Senate Committee on Education.

D. EDUCATIONAL FACILITIES

A.151-A, Nolan; Chapter 480 of the Laws of 2014: This legislation would have provided that no existing playground space may be sold, leased, or transferred or used for other purposes that would eliminate its use for outdoor recreational activities unless a plan is established to accommodate the needs of the students of the school building. However, a plan would not have

to be developed for school construction or renovation activities that require the use of such playground space for a period of one year or less.

A.6442-A, Gunther; Chapter 437 of the Laws of 2014: This law removes the requirement for an annual visual inspection of school buildings in New York State.

A.10083-A, Morelle; Chapter 533 of the Laws of 2014: This legislation would initiate Phase II of the Rochester Joint Schools Construction Board (JSCB) by authorizing 26 projects up to a total cost of \$435 million be undertaken. Projects would include work at existing school building sites, as well as projects located outside of school building sites in order to allow the Rochester JSCB to conduct district-wide technology improvements.

The legislation would make changes to the membership of the board and various individuals involved with projects undertaken by the Rochester JSCB. The legislation would also outline the project selection and approval process to be undertaken by the Rochester JSCB. The Rochester JSCB would not be allowed to proceed with any final project plans if the total project costs exceed the cost allowance of each building project by \$43 million or 10% of the approved costs, whichever is lesser, and the district cannot demonstrate that it has available additional local shares for the excess costs.

The legislation would also require that on or before June 30, 2021 or upon completion of the 26 projects, the JSCB would be required to issue a report to the city, the Rochester City School District, the governor, the legislature, the comptroller, and the Board of Regents, as well as a report on the status of all projects from Phase I and Phase II annually.

A.10108, Silver; Chapter 285 of the Laws of 2014: This law authorizes the School Construction Authority (SCA) to enter into agreements and coordinate with New York City's office of city planning and departments of Health and Mental Hygiene, Buildings, and Housing Preservation and Development to access relevant data and render any services necessary to create uniform, citywide student population projections for a minimum of five years to be used in the creation and implementation of the SCA's five-year educational facilities capital plan.

Additionally, prior to the commencement of new construction or construction of an addition to an existing facility, the SCA is required to include projected student population data for the affected community school districts and community boards and an explanation on how the plan accounts for student population projections in its site plans.

E. HEALTH SERVICES AND INSTRUCTION

A.8337-C, Englebright: This legislation would have authorized nebulizers to be made available to public and private schools students who have diagnosed by a health care provider with a respiratory disease to prevent the onset of asthmatic symptoms during the school day on school property and at any school function. Students would be authorized to use the nebulizer with written permission from a health care provider indicating the student is able to self-administer the prescribed medication through a nebulizer effectively and parental consent. The nebulizer must be administered by a school nurse or other licensed professional. Also, school districts,

BOCES, and non-public schools would be required to maintain that every nebulizer in the school be in working order. This legislation passed the Assembly and died in the Senate Committee on Education.

A.9334-B, Nolan, Chapter 423 of the Laws of 2014: This law requires school districts and boards of cooperative educational services (BOCES) to allow students afflicted with asthma or other respiratory diseases, allergies, or diabetes to carry, use, and self-administer a prescribed inhaler, epinephrine auto-injector, or supplies related to treating diabetes during the school day and during any school function. Students must have written physician permission and written parental consent in order to carry and use the inhaler, epinephrine auto-injector, or supplies related to diabetes. Written physician permission must include an attestation by the health care provider confirming that the student is diagnosed with a respiratory disease, allergies, or diabetes for which the prescribed treatment is necessary and that the student can self-administer the inhaler, epinephrine auto-injector, or diabetes supplies effectively.

The law does not require a licensed nurse or other health care provider to be retained by the school district or be in the school at all times for the sole purposes of taking custody of a student's inhaler, EPI-pen, extra insulin, related supplies for diabetes, or any spare medical devices or supplies related to treatment for a student's asthma, allergies, or diabetes.

This law authorizes, but does not require school boards to have licensed health care providers train unlicensed school personnel to inject prescribed glucagon or EPI-pens in emergency situations to certain pupils when an appropriately licensed health care professional is unavailable. Training must be provided in a competent manner and by a licensed health care professional.

A.9298, Weisenberg, Chapter 417 of the Laws of 2014: This law requires the commissioner to make recommendations to the Board of Regents relating to the adoption of instruction in cardiopulmonary resuscitation (CPR) and the use of automated external defibrillators (AEDs) in high schools. The commissioner must consider the fiscal impact on the proposed instruction and seek recommendations from parents, educators, and other interested parties.

The commissioner must provide a recommendation to the Regents to be voted upon. If the Regents adopt the proposed instruction in CPR and AEDs, the instruction must take effect no later than the next school year after it has been adopted. If rejected, the commissioner must provide a report on the determination and rejection to the legislature within 30 days.

F. SPECIAL EDUCATION

A.4054-A, Weisenberg; Chapter 434 of the Laws of 2014: This law requires that all school districts must provide notification to parents of their rights regarding referral and evaluation of their child for special education services upon enrollment or attendance in a public school. Notification may be provided by directing parents to obtain information on the State Education Department's website. The notification must contain the name and contact information for the chairperson of the school district's CSE or other individual who is charged with processing referrals.

G. SCHOOL DISTRICT BUDGET & OPERATIONS

A.8436, O'Donnell; Chapter 103 of the Laws of 2014: This law authorizes parents of a student who has been an English Language Learner within the two preceding years to fill any vacancies on the community district education council.

A.9461-A, Thiele; Chapter 203 of the Laws of 2014: This law provides that after the Tuckahoe school district is dissolved and annexed by the Southampton school district, the successor school district is authorized to establish a tax reserve fund for the purposes of tax reduction for the residents of Southampton. Upon voter approval of the two districts, funds from an existing capital reserve fund established by the Southampton school district before the merger would be transferred to the newly established tax reserve fund.

A.7756, Kim, Chapter 491 of the Laws of 2014: This legislation would have authorized school districts to not hold session in an individual public school or district-wide on a day where absenteeism may result in the waste of educational resources because a considerable proportion of the student population is unlikely to attend due to a religious or cultural day of observance.

A.3733-B, Nolan: This legislation would have provided a schedule for reserve funds to be added to the estimated expenditures statement prepared by school boards to be presented at the annual budget hearing. The name of any reserve funds, a description of the fund's purpose, the fund balances at the close of the third quarter, and plans for use of the funds must be included in the statement of estimated expenditures. Additionally, the legislation would have required any increase or transfers into any reserve funds be done by a resolution of the school board or board of trustees. This legislation passed the Assembly and died in the Senate Committee on Education.

A.9924, Miller: This legislation would have extended provisions to January 15, 2017 that require the comptroller to review and report on the effectiveness of allowing districts to use a risk-based sampling methodology to determine claims which are to be audited in lieu of auditing all claims. This legislation passed the Assembly and died in the Senate Committee on Education.

A.9977-A, Lupardo, Veto Memo No. 510: This legislation would have required the Johnson City Central School District to repay building aid payments to the state in the amount of \$1,989,867 over a six year time period beginning in June 2014. Additionally, the Johnson City Central School District would not be required to pay any interest penalty to the state.

H. COMMON CORE ADJUSTMENTS

A.8929, Nolan: This legislation would have provided adjustments in relation to the effects of the English language arts (ELA) and math Common Core learning standards on teachers, principals and students as well as protect the privacy of student data and information. The legislation would have make changes to way teacher and principal evaluations are scored if the evaluations were based in whole or in part of a Common Core aligned test; would prohibit scores on Common Core aligned tests from being placed on student records; would require SED to use Race to the

Top funds to print more test forms to eliminate stand-alone field tests; would require the commissioner to develop professional development tools; would prohibit certain standardized tests from being administered in grades kindergarten-two; would provide for an expedited review process undertaken by the commissioner to review changes to APPR plans that reduce testing; and would require school districts to consider implementing a common core training program for teachers and principals using such resources

The legislation would also delay the use of inBloom and data dashboard solutions until July 1, 2015 and would provide parents and students with the ability to opt-out of sharing certain data and information with third parties. This legislation passed the Assembly and died in the Senate Committee on Education. However, similar measures were enacted in the 2014-2015 state budget.

A.10168, Nolan (Governor's Program Bill #56); Veto Memo No.579: This legislation would provide an alternate calculation for teachers and principals that received an APPR rating of ineffective or developing for the 2013-2014 and 2014-2015 school years if the state assessments subcomponent and/or locally selected measures of student achievement subcomponent were based on Common Core aligned assessments for grades 3-8 English Language Arts and Mathematics. If the recalculation results in a higher rating for a teacher or building principal rated ineffective or developing, the APPR score would not be used for termination, granting or denial of tenure, requirement for teacher or principal improvement plans, retention decisions, and termination pursuant to an expedited hearing process.

I. KINDERGARTEN INSTRUCTION

A.9472, Brindisi; Chapter 187 of the Laws of 2014: This law authorizes the Utica City School District to make kindergarten compulsory for minors who turn five years-old on or before December 1st, unless their parents choose not to enroll their children in school until the following September or the student is enrolled in a non-public school or home instruction.

A.10002, People-Stokes; Chapter 189 of the Laws of 2014: This law authorizes the Buffalo City School District to make kindergarten compulsory for minors who turn five year-olds on or before December 1st, unless their parents choose not to enroll their children in school until the following September or the student is enrolled in a non-public school or home instruction.

A.10101, Nolan: This legislation would have provided that school districts that receive state funding to operate pre-kindergarten programs during the school year would be required to maintain kindergarten program during the school year. This legislation passed the Assembly and died in the Senate Committee on Education.

J. SPECIAL ACT SCHOOL DISTRICTS

A.6715-B, Nolan; Chapter 362 of the Laws of 2014: This law requires the board of education of a Special Act school district to provide written notice to the commissioner and a plan for closing at least 90 days before the actual close down date. The plan must provide for the orderly transfer of each publically placed student, and a detailed list of estimated expenses necessary to

close down the school and estimated revenues to be received by the school district. In addition, the law requires the board of education to periodically submit financial reports and statements on close down costs, revenues generated, and tuition to the commissioner.

The law also requires all Special Act school districts to provide enrollment reports, proposed budgets, outstanding revenue anticipation notes, and other financial information to the commissioner at least annually in order to monitor the fiscal stability of the schools. SED is required to determine if any Special Act school district is in need of financial guidance, and if it is determined that a district requires assistance, SED is required to provide the district with specific recommendations to improve the district's financial standing.

A.9028-C, Abinanti; Chapter 446 of the Laws of 2014: This law provides for the close down and dissolution of the Abbott School, a Special Act district in Westchester County. The law provides that any remaining funds, after all outstanding debts have been paid, would be paid to the Southern Westchester BOCES, which would act on behalf of the school district to close down the school district.

A.7875-C, Cahill: This legislation would have provided for the close down and dissolution of the West Park Union Free School District, a Special Act district in Ulster County. The legislation would have provided that any remaining funds, after all outstanding debts have been paid, would be paid to each social services district and school district that had resident children served by West Park during the 2010-2011 school year. The Ulster BOCES would have acted on behalf of the school district to close down the school district. This bill passed the Assembly and died in the Senate Committee on Education.

K. TRANSPORTATION

A.9499, O'Donnell: This legislation would have required that when New York City awards transportation contracts to the lowest responsible bidder that the board of education include employee protection provisions rationally relating to the promotion of a pool of qualified workers and the avoidance of labor disputes, including but not limited to provisions for the preference in hiring of employees performing work for employers under contracts with the board of education or the city school district, the preservation of wages, benefits and seniority for such employees, and other provisions relating to the hiring, compensation, and retention of employees. This legislation passed the Assembly and died in the Senate Committee on Education.

A.9749, Thiele; Veto Memo No.576: This legislation would have provided that upon request from a prospective school bus driver who has been cleared by the commissioner of motor vehicles, a copy of the driver's criminal history record and fingerprints would be forwarded to the commissioner of the state education department for the purposes of satisfying the requirement for a criminal history record check. Upon notification that the prospective employee has been cleared for employment by the commissioner, the division of criminal justice services would have the authority to provide subsequent criminal history notifications directly to the commissioner of education.

L. ONLINE AND BLENDED LEARNING

A.8845-A, Nolan; Chapter 513 of the Laws of 2014: This legislation would have authorized the commissioner to establish an online learning advisory committee, composed of 11 members appointed by the governor, legislature, and the commissioner with certain experience or expertise. The advisory committee would be required to submit a preliminary report of its recommendations regarding guidance for use of a statewide online and blended learning network on or before October 1, 2015. The report would also include, but not be limited to, best practices throughout the state and nation, model school districts policies, academic programming suited for online and blended learning, partnerships with institutions of higher education and other relevant stakeholders, and a review of teaching professional development policies and practices.

III. PUBLIC HEARINGS AND ROUNDTABLES

A. HEARING ON THE DISCLOSURE OF PERSONALLY IDENTIFIABLE STUDENT INFORMATION BY SCHOOL DISTRICTS AND THE STATE EDUCATION DEPARTMENT

February 28, 2014
10:30 A.M.
New York City, NY

The Assembly Committee on Education reconvened a hearing, initially held on November 20, 2013 in Albany, New York, to review and examine the effects of the storage, use, and the disclosure of personally identifiable student information by school districts and the State Education Department (SED) to third-party vendors. The hearing addressed legislators' questions on delays in data transmissions, funding of the inBloom EngageNY Portal, possible security concerns and data breaches associated with online data storage, and the contract entered into between SED and inBloom.

The committee examined testimony on concerns raised about the contract SED had entered into with inBloom, a now defunct nonprofit organization that once collected and stored student information. Representatives from SED presented testimony on the use and disclosure of student data to third-party vendors to support SED's EngageNY Portal. Representatives from inBloom testified on the role of inBloom for purposes of data collection, its overall mission, and how data was stored, shared and aggregated by the nonprofit organization.

The Committee heard public testimony from Ken Wagner and Nicolas Storelli-Castro of NYSED; Peggy Brookins, inBloom Board member and Director of Engineering and Manufacturing Institute of Technology, Forest High School, Ocala, Florida; Jat Pannu, Senior Vice President Professional Services, inBloom, Inc.; and Virginia Bartlett, Chief Privacy Officer/Operations at inBloom, Inc.

B. HEARING ON NEW STATEWIDE TEACHER AND SCHOOL BUILDING LEADER CERTIFICATE REQUIREMENTS

April 30, 2014

10:30 A.M.

Albany, NY

The Assembly Committees on Education and Higher Education convened a hearing to review changes the State Education Department (SED) had made to the certification of School Building Leaders and the required assessments for teacher certification, including the addition of the edTPA assessment. The edTPA assessment is a complex performance assessment with multiple components, including requiring that student teachers be video recorded while teaching students in kindergarten through grade 12 classrooms.

The committees heard testimony on concerns raised about the cost of the new assessments, the potential for a high failure rate, validity and reliability of the new assessments, and the length of time and preparation necessary to effectively prepare future teachers and school building leaders for these new requirements.

The Committee heard public testimony from John D'Agati, Deputy Commissioner, the State Education Department; Andrew Pallotta, Executive Vice President of New York State United Teachers (NYSUT); Frederick Kowal and Jamie Dangler of United University Professions (UUP); Steve London, Professional Staff Congress; Laura Anglin, President of the Commission on Independent Colleges and Universities (CICU); Julie Gorlewski, Assistant Professor SUNY New Paltz ; James G. Miller, SUNY Cortland; Dr. Douglas Selwyn, Plattsburgh State University; David Gerwin, Queens College; Arthur Salz, Queens College; Jack Zevin, Queens College, CUNY; Peter Taubman, Brooklyn College; Karen DeMoss, Wagner College; Kevin W. Meuwissen, University of Rochester; Alexandra Miletta, Mercy College; Lori V. Quigley, The Sage Colleges; John (Jack) R. Casement, SUNY Brockport; Dr. Carol C. Mikoda, SUNY Oneonta and SUNY Broome; Kjersti VanSlyke-Briggs, SUNY Oneonta; Joette Stefl-Mabry, SUNY Albany; Priya Parmar, Brooklyn College; Ruth Silverberg, College of Staten Island; and many students: Lindsay Valentine, student at University at Albany; Bridget Green, Student at SUNY Geneseo Sheri Levasseur, School Media/Librarian Teacher Student at University at Albany; Lindsay Valentine, MSIS Student at the University at Albany; Courtney Odell, Student Teacher at SUNY Plattsburgh; Justine Porretto, Student Teacher at SUNY Plattsburgh; Miguel A. Pereira III, Parliamentarian at SUNY Student Assembly, and Sara Garfinkle, Director of Academic Affairs at SUNY Student Assembly.

C. HEARING ON GRADUATION PATHWAYS RELATED TO CAREER AND TECHNICAL EDUCATION

July 16, 2014

10:30 A.M.

Utica, NY

The Assembly Committee on Education convened a hearing examining possible changes to career and technical education (CTE) in New York State. The hearing discussed alternative pathways to graduation, alignment with academic and industry standards, integration of academic and technical coursework and programs, work-based learning and apprenticeships, and partnerships with institutions of higher education. With the input of educators, employers, businesses, parents, and students, this hearing highlighted the importance of establishing an innovative, high-quality CTE pathway that will prepare students with a special skill set to adequately compete in the 21st century.

Advocates and stakeholders discussed the importance of adequately preparing students for careers and giving students a chance to learn a skill, earn a diploma, and be ready to successfully enter into the workforce and secure a full-time job after high school graduation or post-secondary education. Additionally, businesses and organizations expressed concerns with the current lag in attracting and retaining a workforce with the skills needed to compete in our global economy. Stakeholders expressed the need for a rigorous pathway for students to complete in high school before entering the workforce that is different than what the current Regents diploma offers.

The Committee heard public testimony from John King, Commissioner, NYSED; Anthony S. Bottar, Vice Chancellor, NYS Board of Regents; Chuck Szuberla, Assistant Commissioner, NYSED; Alicia Dicks, Executive Director, Fort Schuyler Management Corporation; Greg Lancette, Plumbers and Pipefitters Local; Jim McCoy, Indium Corporation; John Piseck, CTM; David Reed, Reed CNY Business Law, P.C.; Rick Short, Indium Corporation; Lori Eccelston, on behalf of Superintendent Bruce Karam, Utica City School District; Jeff Simons, Superintendent, Rome City School District; Howard Mettelman, District Superintendent, Oneida-Herkimer-Madison BOCES; Jackie Starks, District Superintendent, Madison-Oneida BOCES; William Speck, District Superintendent, Cayuga Onondaga BOCES; Mark Vivacqua, District Superintendent, Herkimer-Fulton-Hamilton-Otsego BOCES; Douglas Leavens, President, New York State Association of Career and Technical Education Administrators; Sonia Lindell, Business Council of NYS, Inc.; Cecilia Golden, Hillside Family of Agencies; David Katz on behalf of Randy VanWagoner, President, Mohawk Valley Community College; Michael Oriolo, Dean of Academic Affairs, Herkimer Community College; Gary Harvey, Academic Counselor, Mohawk Valley Community College Youth Build; Ginny Donohue, On Point for College; Douglas Bailey, NYS Coalition of 853 Schools and Council of Family and Caring Agencies; Christian Villenas, Advocates for Children of NYS; Dr. Taras J. Herbowy, Northeast Education Consultants, LLC; Gordon Garrett, Education GENESIS Group; Shawna Papale, Mohawk Valley EDGE; Alice Savino, Workforce Investment Board; teachers: Tom Garni, Onondaga-Cortland-Madison BOCES; Pam Mertz, Questar III BOCES; Joe Morotti, NYSUT; Raymond Cooney; Christine S. Bunn, NYS Association of Family and Consumer Sciences Educators;

Michael Hubbard and Michael Cuchiarale, Students, Oneida-Herkimer-Madison BOCES; and parents Becky Gerrard and Kim Hubbard.

IV. OUTLOOK 2015

During the next legislative session, the Committee on Education will continue to report legislation to advance the interests of students and ensure that they have the educational opportunities they deserve. The Committee will continue to fight for adequate access to universal pre-kindergarten for all children across the state, examine different alternatives to traditional discipline methods, and ensure fair, equal, and adequate funding for educational resources.

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

V. SUMMARY SHEET

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	7	0	7
TO WAYS AND MEANS	29	0	29
TO CODES	4	0	4
TO RULES	9	0	9
TO JUDICIARY	0	0	0
TOTAL	49	0	49
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>Election Law</u> COMMITTEE	1	0	1
TO <u>Higher Education</u> COMMITTEE	1	0	1
TOTAL	2	0	2
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		5	5
RECALLED		1	1
TOTAL		6	6
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	91	0	91
BILLS HAVING ENACTING CLAUSES STRICKEN	413	63	476
MOTIONS TO DISCHARGE LOST	29	0	29
TOTAL BILLS IN COMMITTEE	584	69	653
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		10	