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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Higher Education Committee
Intern Committee

COMMITTEES
Governmental Operations
Environmental Conservation
Rules
Ways & Means

December 15, 2018

The Honorable Carl E. Heastie, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2018 Annual Report which highlights our activities over the past year.

The 2018 Legislative Session was a productive one. The 2018-19 Legislative budget for higher education provided an additional \$440.1 million in funding for the State University of New York (SUNY) and the City University of New York (CUNY) above that proposed by the Executive. The Legislature successfully restored \$45 million in operating support for the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn, with the remainder of the state subsidy being provided through capital. The Legislature provided \$1.5 million to the School of Labor and Urban Studies, formerly known as the Joseph Murphy Institute, for a total of \$3.6 million in funding. The Legislature also provided \$600,000 to SUNY to increase access to mental health services for students.

The Executive proposal maintained state support for community colleges at prior-year levels of \$2,747 for each full-time equivalent (FTE) student. The Legislature added \$18.4 million to the Executive's proposal, bringing funding levels from \$2,747 to \$2,847 per FTE student at SUNY and CUNY community colleges. The Legislature restored \$1.1 million to SUNY child care centers and \$902,000 to CUNY child care centers. The Legislature also restored \$2.5 million in funding for CUNY's Accelerated Study in Associate Programs (ASAP).

The Legislature restored funding for opportunity programs, restoring \$5.4 million for the Educational Opportunity Program (EOP); \$4.7 million for the Search for Education, Elevation, and Knowledge (SEEK) Program; \$225,000 for the College Discovery Program; \$5.9 million for the Higher Education Opportunity Program (HEOP); \$3.1 million for the Liberty Partnership Program (LLP); \$2.6 million for the Science and Technology Entry Program (STEP); and \$2 million for the Collegiate-STEP (CSTEP) Program. The Legislature also restored \$5 million for Educational Opportunity Centers (EOC) and \$2 million for the Advanced Technology Training and Information Networking (ATTAIN) lab program. The Legislature restored \$3 million and increased funding by \$1.5 million for the Foster Youth College Success Initiative, providing a total of \$6 million. In addition, the Legislature modified the Foster Youth College Success Initiative to allow SUNY to use funds to provide supplemental housing and meals to foster youth not currently enrolled in EOP at a SUNY college.

The Legislature modified the Excelsior Scholarship to allow the Higher Education Services Corporation (HESC) to change a student's determination of eligibility if such student has a change in circumstance and to clarify that scholarships awarded exclusively for non-tuition expenses are not to be counted in the calculation of eligibility for the Excelsior Scholarship.

The Legislature modified the Enhanced Tuition Awards Program to allow students attending proprietary colleges to be eligible for a scholarship, to allow HESC to change a student's determination of eligibility if such student has a change in circumstance, and to stipulate that when a college has reduced tuition by more than fifteen percent within six years prior to the academic year in which the award is to be applied, such college is not required to provide an institutional match.

The Legislature restored \$24.6 million for Bundy Aid and provided \$4 million to extend the New York State Science, Technology, Engineering and Mathematics (STEM) Incentive Program to students attending private colleges.

Finally, the Legislature modified the Executive proposal relating to the exemption from certain licensure requirements for persons employed by a program or service operated, regulated, funded or approved by certain state agencies and/or local governments to further clarify which social work, mental health, and psychology services may be provided by an unlicensed individual.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2018 Legislative session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Legislature passed bills that were enacted such as: authorizing registered pharmacy interns to administer immunizations; allowing physicians licensed in another state to practice medicine in New York in connection with a sporting event; allowing an undergraduate student to be eligible for two

additional semesters of Tuition Assistance Program (TAP) awards if the college such student is attending permanently closes; requiring licensed psychologists to complete 36 hours of continuing education during each triennial registration period; extending for an additional 2 years, the tuition waiver program for police officer students attending CUNY; establishing a provisional permit for clinical laboratory technologists and histological technicians; eliminating the three-year exemption period accountants currently have for continuing education after initial licensure/registration; and allowing SUNY Stony Brook to lease 2 acres of land on its campus to the Ronald McDonald House of Long Island for the purpose of building a Ronald McDonald house to support children and families at the Stony Brook University Children's Hospital.

The Assembly also passed legislation that would ban conversion therapy on individuals younger than 18 years old and the New York State DREAM Act, which would provide state-aided programs, scholarships, or other financial assistance to undocumented students who meet certain requirements.

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 eleventh 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,

A handwritten signature in black ink that reads "Deborah J. Glick". The signature is written in a cursive, flowing style.

Deborah J. Glick
Assemblymember

2018 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON HIGHER EDUCATION

Deborah J. Glick, Chair

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

The Committee on Higher Education also monitors the ongoing activities of the 54 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 2018 Legislative Session.

II. HIGHER EDUCATION

A. Budget Highlights

The 2018-19 Legislative budget for higher education provided \$440.1 million in additional funding above the Executive proposal. This increase in funding includes an \$18.4 million increase for SUNY and CUNY community college base aid, a \$23.8 million restoration for the access/opportunity programs, and a \$45 million restoration to the three SUNY Health Science Centers using state resources. This increase also includes a \$24.6 million restoration for Bundy Aid and a \$3 million restoration and \$1.5 million increase for the Foster Youth College Success Initiative.

1. *Community Colleges*

This year, the Executive proposal maintained State support for community colleges at prior-year levels of \$2,747 for each full-time equivalent (FTE) student. Base aid is the State's responsibility for its share of community college budgeted operating costs. The State, the sponsoring locality, and the students share in the operational costs of community colleges and therefore the level of State support that community colleges receive directly affects tuition rates and local contributions. Statutorily the State is obligated to pay one-third of a community college's operating costs and up to forty percent of these costs for full opportunity schools. Recognizing the importance of preserving the State's support of community colleges, the Legislature proposed an increase in funding of \$12.1 million for SUNY and \$6.3 million for CUNY community college base aid above the Executive proposal. The Executive accepted the Legislature's \$100 per FTE increase, bringing base aid from \$2,747 per FTE student to \$2,847.

The Legislature restored funding for the SUNY and CUNY child care centers, providing a total of \$1.1 million to SUNY childcare centers and \$902,000 to CUNY childcare centers. The Legislature also restored \$2.5 million in funding for the Accelerated Study in Associate Programs (ASAP) at CUNY community colleges.

Finally, the Legislature repealed the law requiring SUNY and CUNY to develop a new methodology for calculating chargeback rates for community colleges that would have been phased in beginning in the 2018-19 academic year.

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

The Legislature restored \$5 million for Educational Opportunity Centers (EOC), providing a total of \$60 million in funding. EOC provides academic and vocational training to adults to help them obtain the skills and credentials they need to pursue higher education and/or to secure career oriented employment.

The Legislature restored \$2 million in funding for the Advanced Technology Training and Information Networking (ATTAIN) lab program, providing a total of \$6.5 million in funding within SUNY. ATTAIN labs are located across New York State's most economically challenged urban and rural communities and provide communities access to new technologies, education, and technology training.

The Legislature also restored \$1.5 million for small business development centers; \$600,000 for graduate diversity fellowships; \$600,000 to Harvest New York within the Cornell Cooperative Extension; \$250,000 for Cornell University's College of Veterinary Medicine; \$250,000 for the CUNY Pipeline at the Graduate Center; \$100,000 for the Benjamin Center at SUNY New Paltz; and \$100,000 for American Chestnut Research and Restoration Project at SUNY's College of Environmental Science and Forestry.

The Legislature provided \$1.5 million to the School of Labor and Urban Studies, formerly known as the Joseph Murphy Institute, for a total of \$3.6 million in funding. The Legislature provided \$600,000 to SUNY to increase access to mental health services.

The Legislature rejected the Executive proposal to expand the jurisdiction of the State Inspector General to include SUNY and CUNY affiliated nonprofit organizations and foundations. The Legislature also rejected the Executive proposal to allow the State Inspector General to independently oversee implementation and enforcement of financial control policies at SUNY, CUNY, and their affiliated nonprofit organizations and foundations.

Finally, the Legislature allowed firefighters and fire officers employed by the New York City Fire Department who are enrolled in a program leading to a bachelor's degree or higher at a CUNY senior college to take one course without tuition, provided that such course is related to their employment.

3. *SUNY Health Science Centers*

The Executive proposal eliminated the \$78.6 million direct state subsidy to support the operations of the SUNY Health Science Centers, and instead provided \$78.6 million in capital support. The Legislature successfully restored \$45 million in operating support, with the remainder of the state subsidy being provided through capital. The Legislature also allowed SUNY Stony Brook to establish an escrow account for its affiliation agreement with the Eastern Long Island Hospital Association.

4. *Independent Colleges and Universities*

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 Executive proposal eliminated the \$35.1 million provided for Bundy Aid and instead provided \$30 million for another round of the Higher Education Capital Matching Grants Program (HECap). The Legislature fully restored Bundy Aid at \$35.1 million and accepted the Executive's additional \$30 million for another round of HECap.

5. Financial Aid/Access Programs

Tuition Assistance Program

New York State is fortunate to have one of the most comprehensive systems of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program that helps eligible New York residents pay tuition at approved schools in the State. Award amounts are determined by net taxable income (up to \$80,000) and financial status (independent or dependent). Depending on income, TAP awards can range from \$500 to \$5,165 with low-income students receiving larger awards. TAP helps keep college accessible and affordable for students who would otherwise not be able to attend. There were no changes to TAP in the 2018-19 State budget.

Scholarship/Loan Forgiveness Programs

The Legislature modified the Excelsior Scholarship to allow the Higher Education Services Corporation (HESC) to change a student's determination of eligibility if such student has a change in circumstance and to clarify that scholarships awarded exclusively for non-tuition expenses are not to be counted in the calculation of eligibility for the Excelsior Scholarship.

The Legislature modified the Enhanced Tuition Awards Program to allow students attending proprietary colleges to be eligible for a scholarship, to allow HESC to change a student's determination of eligibility if such student has a change in circumstance and to stipulate that when a college has reduced tuition by more than fifteen percent within six years prior to the academic year in which the award is to be applied, such college is not required to provide an institutional match.

The Legislature provided \$4 million to extend the New York State Science, Technology, Engineering and Mathematics (STEM) Incentive Program to students attending private colleges.

The Legislature also provided \$1 million to establish the New York State Teacher Loan Forgiveness Program to provide an award of \$5,000 per year to certified teachers who teach in a shortage subject area, a hard to staff district, or an economically disadvantaged district.

Access Programs

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

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

*The Higher Education Opportunity Program (HEOP) provides critical access programs for educationally and economically disadvantaged students who attend independent institutions of higher education. HEOP programs serve approximately 4,600 students through 53 programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling. HEOP students, who do not meet the traditional academic criteria when they are admitted to college, typically earn their degrees at rates that equal or exceed other students. With mentoring and support, 59% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature restored funding for HEOP by \$5.9 million, providing \$35.5 million in funding.

*The Education Opportunity Program (EOP) provides academic support and financial aid to students who attend public institutions of higher education and show promise for mastering college-level work, but who may otherwise not be admitted. EOP services are available at most SUNY schools, at all CUNY senior colleges through the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program, and at all CUNY community colleges through the College Discovery program. The Legislature restored funding for EOP by \$5.4 million, providing \$32.2 million in funding; restored funding for SEEK by \$4.7 million, providing \$28.1 million in funding; and restored funding for College Discovery by \$225,000, providing \$1.3 million in funding.

*The Liberty Partnerships Program (LPP) serves approximately 11,500 middle, junior, and senior high school students who are at risk of dropping out. LPP also assists students in completing high school, preparing for and entering college, and obtaining meaningful employment. LPP has a retention rate of 99% and a graduation rate of 92%. The Legislature restored funding for LPP by \$3.1 million, providing \$18.4 million in funding.

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

*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) programs were created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students enter collegiate study and careers in scientific, technical, and health-related fields. The Legislature restored funding for STEP by \$2.6 million, providing \$15.8 million in funding, and restored funding for CSTEP by \$2 million, providing \$11.9 million in funding.

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

*The Foster Youth College Success Initiative provides support services to assist youth in foster care to apply for, enroll in, and succeed in college by allowing SED to allocate additional funding to expand opportunities through current post-secondary opportunity programs for foster youth. The Legislature restored \$3 million and increased funding by \$1.5 million, providing a total of \$6 million in funding. The Legislature also modified the Foster Youth College Success Initiative to allow SUNY to use funds to provide supplemental housing and meals to foster youth not currently enrolled in an Educational Opportunity Program (EOP) at a SUNY college.

6. Licensed Professions

The 2018-19 State Budget included several proposals relating to the licensed professions overseen by the State Education Department (SED). The Legislature rejected the Executive proposal to allow public accountancy firms to have minority ownership of up to 49% by individuals who are not licensed as public accountants.

The Legislature modified the Executive proposal relating to the exemption from certain licensure requirements for persons employed by a program or service operated, regulated, funded or approved by certain state agencies and/or local governments to further clarify which social work, mental health, and psychology tasks may be provided by an unlicensed individual.

The Legislature also modified the Executive proposal to allow pharmacists to administer flu vaccinations to children between the ages of two and 18 years old until July 1, 2020.

Finally, the Legislature modified the Executive proposal to require at least one physician appointee to the state board of medicine be an expert on reducing health disparities among demographic subgroups and one be an expert on women's health, to the extent that such physician appointees are available for appointment.

B. Legislative Highlights

1. *Community Colleges*

New York State has 37 public community colleges: 30 within the State University system and 7 within the City University system. With an enrollment of approximately 305,369 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 one of the largest urban universities in the nation. CUNY comprises of 24 campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes 11 senior colleges, a two-year preparatory medical program, an honors college, a journalism school, a school of professional studies, a law school, a graduate center, and 7 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 274,099 students annually: 178,148 at the senior colleges and 95,951 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 431,855 students in over 7,000 programs of study.

4. *Independent Colleges and Universities*

New York State is fortunate to have the most diversified and largest independent sector of higher education in the nation. The independent colleges and universities of the State enroll nearly 500,000 students. New York not only boasts one of the nation’s

largest private universities, 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 \$88.7 billion, employ 414,000 New Yorkers, and have a \$28.1 billion payroll.

Extending TAP Eligibility for Students Whose Institution Permanently Closes

A.8110 Simon, Chapter 400 of the Laws of 2018. This law extends eligibility for Tuition Assistance Program (TAP) awards for certain undergraduates who must transfer to another institution as a result of a permanent college closure by two semesters.

Enacting the New York State Dream Act

A.9605-A De La Rosa, Passed Assembly. This bill would create the DREAM Fund, administered by a newly created DREAM Fund Commission, in order to provide scholarships to college-bound students who are the children of immigrants. This bill would also allow undocumented students to be eligible for state financial aid programs and scholarships, including the Tuition Assistance Program (TAP) and the opportunity programs. Finally, this bill would allow undocumented individuals to open a New York State 529 family tuition account under the New York State College Tuition Savings Program and/or be a designated beneficiary on an account if they have a taxpayer identification number.

Extending Tuition Waivers for Police Officer Students Attending CUNY

A.9728 Lentol, Chapter 67 of the Laws of 2018. This law extends for two more years, the tuition waiver program for police officer students attending CUNY. New York City police officers, who are enrolled in programs leading to a baccalaureate or higher degree at a CUNY senior college, can 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 at CUNY by an individual who is otherwise qualified.

Allowing Proprietary Schools to Operate Under Candidacy Status

A.10377 Glick, Chapter 328 of the Laws of 2018. This law extends for an additional three years, the provision that allows proprietary schools to operate under a candidacy status for a period of one year.

Expanding the Maintenance of Effort Provision for SUNY and CUNY

A.10620 Glick, Veto Message #356. This bill would expand the current maintenance of effort provision for SUNY and CUNY by requiring the state to provide funding for the

SUNY Health Science Centers, all mandatory costs of SUNY and CUNY, including collective bargaining, salary increments, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses, and any increase in the tuition credit as tuition increases are enacted by SUNY and CUNY.

Requiring Five-Year Capital Plans for SUNY and CUNY Senior Colleges

A.10631 Glick, Veto Message #319. This bill would require the governor to submit five-year capital plans for SUNY state-operated campuses and CUNY senior colleges as part of the executive budget beginning in fiscal year 2019.

Making a Technical Correction to the New York State Science, Technology, Engineering, and Mathematics (STEM) Incentive Program

A.10864 Hyndman, Chapter 329 of the Laws of 2018. This law deletes the word "public" in the eligibility criteria for the New York State Science, Technology, Engineering, and Mathematics (STEM) Incentive Program.

Authorizing SUNY Stony Brook to Lease Land to the Ronald McDonald House

A.11037 Englebright, Chapter 498 of the Laws of 2018. This law authorizes SUNY Stony Brook to lease 2 acres of land on its campus to the Ronald McDonald House of Long Island for the purpose of building a Ronald McDonald house to support children and families at the Stony Brook University Children's Hospital.

III. LICENSED PROFESSIONS

A. Legislative Highlights

New York State currently licenses 54 professions under Title VIII of the Education Law. Legislation to license a new profession or to alter the practice of an existing profession falls under the jurisdiction of the Committee on Higher Education. The State Education Department (SED), through its Office of the Professions, regulates the practice of the licensed professions on an ongoing basis.

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

Authorizing Pharmacy Interns to Administer Immunizations

A.2857-D McDonald, Chapter 359 of the Laws of 2018. This law authorizes trained registered pharmacy interns to administer immunizations under the supervision of a licensed pharmacist.

Prohibiting Conversion Therapy on Minors

A.3977 Glick, Passed Assembly. This bill would provide that it shall be professional misconduct for a mental health professional to engage in any sexual orientation change efforts upon any patient less than 18 years of age.

Authorizing Physicians Licensed in Another State to Practice in New York

A.7237-B Cusick, Chapter 519 of the Laws of 2018. This law allows physicians licensed in another state to practice medicine in New York in connection with a sporting event if such physician has an agreement with an out-of-state sports team to provide medical services to athletes and team personnel.

Providing Technical Amendments for the Educational Preparation of Registered Professional Nurses

A.8952 Morelle, Chapter 380 of the Laws of 2018. This law amends Chapter 502 of the Laws of 2017 relating to the educational preparation of registered professional nurses.

This law authorizes the nursing program evaluation commission to make recommendations on the impact of completing a baccalaureate degree in any lesser period of time than required by law, allows the New York State Education Department to issue a temporary educational exemption to a licensee who is unable to complete the baccalaureate degree due to a lack of access to educational programs, clarifies that this law does not apply to students entering a generic baccalaureate program prior to the effective date of the law, and changes the effective date to 30 months after enactment.

Requiring Psychologists to Complete Continuing Education

A.9072-A Fahy, Chapter 436 of the Laws of 2018. This law requires psychologists to complete 36 hours of continuing education during each triennial registration period.

Authorizing Professionals Appointed by the World Triathlon Corporation

A.9570-A Stec, Chapter 181 of the Laws of 2018. This law authorizes certain health care professionals to perform services at the Ironman triathlon and the Ironman 70.3 held in Lake Placid, New York.

Extending Restricted Dental Faculty Licenses

A.9915 Glick, Chapter 301 of the Laws of 2018. This law extends for an additional two years, the State Education Department's authorization to grant licensure to foreign trained dentists who are employed as a full-time faculty member at a New York State dental school.

Allowing Certified School Psychologists to Conduct Multidisciplinary Evaluations of Preschool Children

A.9918 Glick, Chapter 68 of the Laws of 2018. This law extends for an additional two years, the exemption that allows approved multidisciplinary evaluation programs to employ a certified school psychologist to conduct a multidisciplinary evaluation of a preschool child, infant or toddler having or suspected of having a disability.

Establishing a Provisional Permit for Clinical Laboratory Technologists and Histological Technicians

A.9966-A Magnarelli, Chapter 147 of the Laws of 2018. This law establishes a provisional permit for clinical laboratory technologists and histological technicians to practice while meeting the education requirements and/or passing the exam required for licensure.

Authorizing Professionals Appointed by the New York Road Runners

A.10065 Glick, Chapter 69 of the Laws of 2018. This law authorizes certain health care professionals who are licensed in another state, who are in good standing in such state, and who have been appointed by the New York Road Runners, to provide professional services at an event in this state sanctioned by the New York Road Runners.

Changing the Pathologists' Assistants Licensure Effective Date

A.10174 Bichotte, Chapter 85 of the Laws of 2018. This law moves the effective date of the licensure law for pathologists' assistants from November 28, 2018, to July 1, 2018.

Extending the Authorization for Physical Therapy Assistants to Provide Services in Home Care Settings

A.10381-A Pichardo, Chapter 107 of the Laws of 2018. This law extends the law authorizing physical therapy assistants to provide services in home care settings to June 30, 2022.

Removing Exemption for Mandatory Continuing Education for Accountants

A.10648 Stirpe, Chapter 413 of the Laws of 2018. This law removes the three-year exemption of mandatory continuing education for newly licensed certified public accountants and public accountants.

Modifying Membership Requirements for the New York Dental Association

A.10722 Glick, Chapter 252 of the Laws of 2018. This law amends the law relating to the New York State Dental Association to allow membership for a person who possesses a dental degree that qualifies him/her for licensure but does not have a current license.

Enhancing the State Education's Department Disciplinary Authority for Licensed Professionals

A.11057-A Glick, Passed Assembly. This bill would require licensed professionals to report any conviction of a crime, determination of professional misconduct, or adverse employment action to the State Education Department within 30 days and would establish a summary suspension process after a determination that the public health, safety or welfare imperatively requires emergency action against a professional license or registered entity.

IV. PUBLIC HEARINGS

Maintenance of Effort for the State University of New York (SUNY) and the City University of New York (CUNY)

December 5, 2018
Roosevelt Hearing Room C, LOB
Albany, New York

The Assembly Standing Committee on Higher Education convened a hearing and received testimony examining the maintenance of effort provisions for the State University of New York (SUNY) and the City University of New York (CUNY) established by Chapter 260 of the Laws of 2011. The maintenance of effort provisions for SUNY and CUNY require the State to provide general fund operating support, including fringe benefits, in an amount not less than the amount appropriated and made available in the prior State fiscal year unless the Executive declared a fiscal emergency. This law was in effect until July 1, 2016, when it briefly expired but was reinstated in the 2017-18 State Budget and is currently in effect until July 1, 2021.

The purpose of this hearing was to examine the current maintenance of effort provisions for SUNY and CUNY. Specifically, the Committee sought testimony from stakeholders on the changes in state support that have occurred as a result of the enactment of the maintenance of effort provisions for SUNY and CUNY; any new services that are being provided to students at SUNY and CUNY; any gaps in services that remain at SUNY and CUNY; how the changing demographics of students in college may be impacting SUNY and CUNY's ability to serve its students (i.e. homelessness, food insecurity, mental health issues, etc.); the ratio of full-time faculty to adjunct faculty; and the significant decrease in state support for the SUNY Health Science Centers and any impact it may be having on access to quality health care in our local communities around New York State.

The Committee also sought testimony from stakeholders on the legislative proposal to expand the maintenance of effort to include the SUNY Health Science Centers, all mandatory costs of SUNY and CUNY, including collective bargaining, salary increments, and other non-personal service costs such as utility costs, building rentals, and other inflationary expenses, and any increase in the tuition credit enacted by SUNY and CUNY.

Individuals who testified at the hearing include: Robert Megna, Senior Vice Chancellor and Chief Operating Officer, SUNY; Eileen McLoughlin, Senior Vice Chancellor for Finance & Chief Financial Officer, SUNY; Tod Larsen, Senior Vice

Chancellor and Provost, SUNY; Matthew Sapienza, Senior Vice Chancellor and Chief Financial Officer, CUNY; José Luis Cruz, President, Lehman College, CUNY; Christopher Rosa, Interim Vice Chancellor for Student Affairs, CUNY; Andy Pallotta, President, NYSUT; Frederick E. Kowal, President, United University Professions (UUP); Barbara Bowen, President, President Professional Staff Congress (PSC); Hercules Reid, Legislative Director, CUNY University Student Senate; Zunera Ahmed, Vice Chair for Legislative Affairs, CUNY University Student Senate; Roderick Hurley, Vice Chair for Graduate Affairs, CUNY University Student Senate; Leonard Blades, Vice Chair for Disability Affairs, CUNY University Student Senate; Michael Braun, President of the SUNY Student Assembly and Trustee; Austin Ostro, Vice President, SUNY Student Assembly; Kate Wood, Director of Government Relations, SUNY Student Assembly; and Smitha Varghese, Chair of the Board of Directors, New York Public Interest Research Group.

Testimony from the hearing revealed that the maintenance of effort has provided much-needed financial stability for SUNY and CUNY after facing tremendous cuts in state support during the economic recession. However, gaps in state funding remain. For example, stakeholders mentioned that the maintenance of effort does not include SUNY's three teaching hospitals. These public teaching hospitals provide essential services to their local communities and need state funding to continue operating. The maintenance of effort also does not include negotiated salary increases. SUNY's faculty union, United University Professions, recently voted to ratify a new contract that was negotiated earlier this year. Since the maintenance of effort does not cover these increasing salary costs, stakeholders have said that SUNY will be forced absorb these additional costs and redirect funds to pay for them.

Furthermore, stakeholders cited the growing "TAP gap" as a great concern for SUNY and CUNY. SUNY and CUNY are required by law to cover the gap between a student's tuition rate and the maximum Tuition Assistance Program (TAP) award by providing a tuition credit. In 2018, the tuition credit cost SUNY \$65 million and CUNY \$51 million. The tuition credit only continues to grow as SUNY and CUNY raise tuition rates and TAP remains frozen at current levels. SUNY and CUNY are currently redirecting funds to pay for the tuition credit but this model is unsustainable as the "TAP gap" continues to grow.

Finally, students from SUNY and CUNY detailed the gaps in student services that remain at SUNY and CUNY. Students have requested additional funding for academic supports such as advisement, tutoring, and counseling services. Students have also asked for additional funding to provide more support services to students with disabilities. Lastly, students would like the state to provide more funding to support mental health resources on campus.

V. OUTLOOK FOR 2019

As the Committee looks ahead to the upcoming 2019 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 2019 session will be to secure financing for the coming fiscal year that is sufficient to meet the needs of SUNY, CUNY and the independent sector in order to support their unique educational missions. The broader goal of preserving access to higher education for students across New York State is also critical. By continuing to fight for increased funding for access programs, the Committee will promote the recognition of these highly successful educational services and assist more students in realizing their higher education aspirations. Another priority of the Committee will be to provide capital funding for SUNY and CUNY. Campuses throughout the state are in need of funding for critical maintenance as well as the expansion of academic and residence facilities. As always, the Committee will continue to focus on TAP and ensure the availability of the program at current or enhanced levels. The Assembly Higher Education Committee is proud of this comprehensive financial aid program and will fight to continue its success in opening doors to college students throughout the state.

In 2019, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by the Education Department's Office of the Professions. Chief among these will be initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. The Committee will continue to study the evolution of existing professions to assess the possible need for statutory changes to reflect the changing needs of consumers.

APPENDIX A

PROFESSIONS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF REGENTS

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

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

APPENDIX B

2018 SUMMARY SHEET

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

	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total Bills</u>
<u>Bills Reported Favorable To:</u>			
Codes	7	0	7
Judiciary	0	0	0
Ways and Means	8	0	8
Rules	3	0	0
Floor	8	0	8
<u>TOTAL:</u>	26	0	26
<u>Committee Action</u>			
Held for Consideration	25	0	25
Defeated	0	0	0
Enacting Clause Stricken	18	0	18
<u>Remaining in Committee</u>	321	45	366
<u>Bills Reference Changed:</u>			
Ways and Means	1		
Total Number of Committee Meetings Held	7		