

# New York State Senate

## Education Committee 2017 Annual Report

Senator Carl L. Marcellino, Chairman





# 2017 ANNUAL REPORT

## SENATE STANDING COMMITTEE on EDUCATION

---

Senator Carl L. Marcellino, Chairman  
Senator Patrick Gallivan, Vice Chairman

Senator George Latimer, Ranking Minority Member

Senator Joseph P. Addabbo, Jr.

Senator Velmanette Montgomery

Senator Tony Avella

Senator Jose Peralta

Senator Neil D. Breslin

Senator Michael H. Ranzenhofer

Senator Thomas D. Croci

Senator Joseph E. Robach

Senator Jesse Hamilton

Senator Sue Serino

Senator Andrew J. Lanza

Senator James L. Seward

Senator Kenneth P. LaValle

Senator Toby Ann Stavisky

Senator Betty Little

Senator David J. Valesky

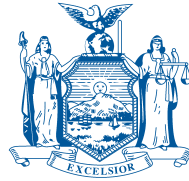
### COMMITTEE STAFF

Deborah Peck Kelleher, Committee Director  
Susan Kaplan, Legislative Analyst



**CHAIRMAN**  
EDUCATION COMMITTEE

**MAJORITY WHIP**  
OF THE SENATE MAJORITY CONFERENCE



**THE SENATE**  
**STATE OF NEW YORK**  
**SENATOR CARL L. MARCELLINO**  
5TH DISTRICT

**COMMITTEES**  
BANKS  
CULTURAL AFFAIRS, TOURISM,  
PARKS AND RECREATION  
ENVIRONMENTAL CONSERVATION  
FINANCE  
LABOR  
RULES  
TRANSPORTATION

January 19, 2018

Honorable John J. Flanagan  
Temporary President of the Senate  
Majority Coalition Leader  
New York State Senate  
Albany, New York 12247

Dear Senator Flanagan:

I am pleased to transmit the Annual Report of the Senate Education Committee for the 2017 Legislative Session. The 2017-2018 Enacted Budget included a total of \$25.2 billion in education aid for Pre-K to grade 12 public school students. This figure incorporated an additional \$700 million in Foundation Aid and \$295 million for Expense Base Aid.

One of the most significant Committee achievements in 2017 was the enactment of the law which eases the transition of students with disabilities from school to community adult services. Senator Marcellino's legislation, S.1692, was signed into law by Governor Cuomo on November 29, 2017.

In addition, the Committee was pleased to see that Senator Gallivan's bill, S.5273-A, was signed into law on August 16, 2017. The new law makes it unlawful to make false or unauthorized alterations of a student's record.

My thanks go out to my colleagues not only on the Committee, but to the Senate Majority Coalition as well for their support of the important work that was done this year.

Sincerely,

A handwritten signature in black ink that reads "Carl L. Marcellino".

Carl L. Marcellino





## TABLE OF CONTENTS

In Focus .....	1
Budget Summary .....	2
New Laws and Vetoes .....	3
Education Bills Passed Senate .....	6
Education Bills Reported From Committee .....	12







## **IN FOCUS**

### **Transition of Students with Disabilities to Adult Services** Chapter 428

On November 29, 2017, Governor Cuomo signed into law Senator Marcellino's bill S. 1692. This law streamlines the process of transition planning for students with disabilities, parents and educational team members by allowing for the Office of Mental Health or the Office for People with Developmental Disabilities to participate in the annual review meeting, if it is determined that the student is likely to require adult services after the age of 18.

### **Alteration of Student Records** Chapter 170

Senator Gallivan's Senate Bill 5273-A amends the Education Law to make the false or unauthorized alteration of student records unlawful. Governor Cuomo signed this bill into law on August 16, 2017.

### **Report on Career and Technical Schools** Chapter 377

On October 23, 2017, Governor Cuomo signed into law Senator Felder's bill S. 2111. This law requires the New York City Chancellor of Education to examine, evaluate, and make recommendations regarding the feasibility, costs, and benefits of creating more career and technical education schools and programs.

### **Study of Economic Impact of Libraries** Chapter 346

Senator Ritchie introduced S. 3010, which directs the Empire State Development Corporation, with the State Education Department, to conduct a study every five years on the economic impact of public libraries and public library systems. This bill was signed into law by Governor Cuomo on October 23, 2017.

# **BUDGET SUMMARY**

## **School Aid**

### **General Support for Public Schools (GSPS)**

- The overall aid to education (GSPS) was \$25.2 billion
- The year-to-year increase in GSPS spending was 4.1%

### **Foundation Aid**

- The Foundation Aid increase was \$700 million
- The year-to-year increase in Foundation Aid was 4.2%

### **Expense Based Aids**

- Fully funds expense based aids at \$295 million

### **Additional Funding Priorities**

- Provides \$6.2 million for minimum wage increases for staff at special education schools
- Provides \$5 million in new competitive grants for Pre-K for three and four year olds
- Provides \$2 million for advanced placement testing fees
- Provides \$8.34 million for the release of standardized test questions and the reduction of field testing
- Maintains State monitors in the East Ramapo Central School District
- Provides \$10 million for the Library Costruction Program

## **Article VII Legislation**

### **Homeless Students**

- Amends State law to comply with new federal requirements for homeless students
  - Allows homeless students to stay in the same building
  - Eases enrollment of homeless students
  - Allows for the transportation of students up to fifty miles to their home district

## NEW LAWS

Chapter	Bill No.	
428	S1692	<b>MARCELLINO</b> – Streamlines the transfer of students with disabilities to State adult service agencies when they reach 18
429	S1694-A	<b>MARCELLINO</b> – Establishes that all school districts are approved evaluators of preschool students suspected of having a disability
377	S2111	<b>FELDER</b> – Directs the Chancellor of Education in New York City to publish a report on the feasibility of expanding the number of career and technical schools
277	S2274	<b>BRESLIN</b> – Authorizes the Cohoes and Watervliet City School Districts to require minors five years of age to attend kindergarten
183	S2724-B	<b>KLEIN</b> – Authorizes schools to screen for childhood obesity as part of their health services
346	S3010	<b>RITCHIE</b> – Requires the Empire State Development Corporation to conduct a study on the economic impact of public libraries
84	S3930-A	<b>BRESLIN</b> – Changes the election date of the Albany City School District board members to the school budget vote date in May
311	S4016	<b>MARCELLINO</b> – Includes certified nonpublic school teachers within the continuing education requirements for all certified teachers
410	S4729-A	<b>LARKIN</b> – Ensures any student with a disability is able to participate in their graduation ceremony and all related activities
350	S4831-A	<b>LAVALLE</b> – Expands the eligibility for the purchase and use of educational aid for blind or deaf students
347	S4971-A	<b>MARCELLINO</b> – Directs the Commissioner of Education to establish regulations for a sepsis awareness and prevention program
170	S5273-A	<b>GALLIVAN</b> – Prohibits the alteration of a student’s official records, files, and data

- 435 S5349-A **ALCANTARA** – Creates an advisory panel on employee-owned enterprises within the Division of Small Business Services
- 480 S6400-A **STEWART-COUSINS** – Authorizes two multi-year cost allowances for the computation of Building Aid for three new Yonkers school construction projects
- 264 S6462 **STEWART-COUSINS** – Clarifies the authority of the Greenburgh North Castle Union Free School District to lease certain properties
- 212 S6526 **CARLUCCI** – Authorizes the Commissioner of Education to change the name of Ramapo Central School District to the Suffern Central School District



## VETOES

<b>Veto No.</b>	<b>Bill No.</b>	
<b>163</b>	<b>S3927</b>	<b>MURPHY</b> – Validates certain acts of the Hendrick Hudson Central School District with regard to certain capital improvement projects
<b>209</b>	<b>S4283</b>	<b>MURPHY</b> – Exempts certain BOCES capital expenditures from limitations on local school district tax levies
<b>168</b>	<b>S5752</b>	<b>LANZA</b> – Requires school district compliance with physical education instruction requirements in elementary grades in public schools to be reported to the Department of Education
<b>236</b>	<b>S6089</b>	<b>MARCELLINO</b> – Clarifies that the State Education Department may continue to utilize the instructional time standard as the basis for providing mandated services aid to nonpublic schools
<b>160</b>	<b>S6404-A</b>	<b>LARKIN</b> – Recovers certain late final cost report penalties from the Newburgh City School District over a 10-year recovery period beginning June 2018.

## **EDUCATION BILLS PASSED SENATE**

**Bill No.**

- S550**     **YOUNG** – Clarifies that Mount Morris Central School District is eligible for State Aid for two capital improvement projects
- S656**     **BOYLE** – Allows reimbursement of State Aid for Islip Union Free School District capital improvement projects
- S794-A**   **ALCANTARA** – Establishes a pilot program for peace/conflict resolution centers in schools
- S835**     **YOUNG** – Provides reimbursement to the Panama School District for building costs
- S915**     **CROCI** – Requires the Department of Education to report annually to the Legislature on the costs to school districts to comply with the English Language Learners regulations
- S1002**    **BONACIC** – Establishes set dates for school district proposition votes
- S1020**    **FUNKE** – Limits the imposition of costs of State mandates on schools until incorporated in the local school budget
- S1021**    **FUNKE** – Authorizes the board of education of any school district in the State to enter into a contract for the sale of advertising space on school athletic fields
- S1146-A**   **MARCELLINO** – Authorizes school districts to enforce and continue in effect the suspension of a pupil ordered by the school district that the pupil previously attended
- S1280**    **ORTT** – Provides building aid forgiveness to districts that would otherwise lose aid due to inadvertent, minor and technical issues
- S1311**    **MARCELLINO** – Provides reimbursement to the Plainview-Old Bethpage School District for transportation costs
- S1313**    **MARCELLINO** – Allows the payment of transportation aid to the Cold Spring Harbor School District
- S1348**    **FUNKE** – Allows the reimbursement of transportation costs incorrectly filed

- S1355-B TEDISCO** – Enacts “Jacobe’s Law,” which requires school administrators to contact the parents or guardians of students when bullying or harassment has occurred
- S1428 AVELLA** – Establishes a task force on arts and music education in schools to study and make recommendations on the curriculum and time spent on arts and music education
- S1466 RITCHIE** – Authorizes school district property to be used for not-for-profit dental clinics providing care to families in the district
- S1469 RITCHIE** – Increases State Aid for career and technical education teachers at BOCES
- S1500 LAVALLE** – Increases the penalty for violations relating to test agencies and standardized testing
- S1619 LAVALLE** – Authorizes the alteration of school district boundaries in the Eastern Suffolk BOCES Supervisory District
- S1691-A MARCELLINO** – Provides reimbursement of costs for computer-based State assessments
- S1710 MARCELLINO** – Allows the sharing of fingerprint background checks between the Department of Education and the Department of Motor Vehicles
- S1877 AVELLA** – Ensures that preschoolers with disabilities living in temporary housing can maintain enrollment in their original preschool special education program
- S1885 AVELLA** – Requires local officials and community boards be notified when a school district in New York City chooses to acquire a site for a new school
- S1933 AVELLA** – Allows schools in New York City to recognize St. Patrick’s Day as a holiday
- S1953 KLEIN** – Requires the Commissioner of Education to make recommendations to the Board of Regents relating to instruction on preventing child sexual exploitation and abuse in grades K–8
- S1966 LATIMER** – Prohibits alterations to a student’s athletic record
- S2104 FELDER** – Requires the granting of credit for practical experience gained outside of high school

- S2105 FELDER** – Directs the Commissioner of Education to examine, evaluate and make recommendations on the provision of services by public school guidance counselors
- S2106-B FELDER** – Requires the data on educational outcomes of homeless students be available to the Governor and the Legislature
- S2109 FELDER** – Creates an alternative pathway to graduation for students seeking a career technical education
- S2124-A JACOBS** – Requires the Commissioner of Education to develop guidelines to encourage high school students to participate in apprenticeships
- S2318-A RANZENHOFER** – Creates the crime of cyber-bullying of a minor as misdemeanor with penalties
- S2340-C ALCANTARA** – Requires the Commissioner of Education to establish domestic violence awareness curriculum or instruction for school districts
- S2493 PHILLIPS** – Prohibits student organizations which participate in discrimination or intolerance from receiving funding from SUNY, CUNY or community colleges
- S2597 RANZENHOFER** – Extends provisions for internal audits by school districts from annually to every five years
- S2629-A LANZA** – Enacts the New York City Panel for Education Policy Members Public Responsibility Act
- S2637 LANZA** – Directs the Commissioner of Education to develop guidelines for transportation of students on field trips
- S2641 RANZENHOFER** – Makes internal audit functions optional by school districts unless an audit by the Comptroller reveals deficiencies
- S2717 HAMILTON** – Allows parents of children attending pre-kindergarten programs to serve on Community District Education Councils
- S2747 GOLDEN** – Requires newly certified teachers to be trained in the use of an epinephrine auto injector



- S2750** **LAVALLE** – Requires that all members of the Board of Regents be elected by concurrent resolution in the Legislature
- S2767** **GOLDEN** – Creates a pilot program for screening and intervention for dyslexia
- S2991** **LAVALLE** – Provides that the territory of central high school districts that merge in Suffolk County do not need to be contiguous in certain circumstances
- S3005** **LAVALLE** – Requires school district bond resolution votes occur on the third Tuesday in May
- S3021** **RITCHIE** – Enables public libraries to access employment preparation education (EPE) funds to provide adult literacy education
- S3203** **DEFRANCISCO** – Modifies the salary cap for BOCES superintendents
- S3479** **MARCELLINO** – Allows school contractors to fingerprint their employees
- S3512** **RANZENHOFER** – Ensures the prompt payment of aid to school districts educating Native America students
- S3544** **LANZA** – Requires the Education Department to report the results of English Language Arts and mathematics assessments to parents of pupils by the last day of classes
- S3739** **MONTGOMERY** – Requires the Board of Regents to hold at least two meetings a year in New York City and announce the agenda
- S3962** **SEWARD** – Reduces the required internal audit risk assessment from annually to biennially
- S3996** **FUNKE** – Requires the Commissioner of Education to make recommendations relating to the instruction of mental health, alcohol, drug and tobacco use in junior and senior high schools
- S4476** **AKSHAR** – Utilizes prior year claims adjustments to offset State Aid adjustments for overpayment of funds to school districts
- S4538** **HELMING** – Allows school districts the option to operate one hundred eighty days of instruction or the equivalent number of hours of pupil instruction

- S4778 HANNON** – Provides additional aid to school districts with growth in enrollment and increasing populations of English language learner students
- S4832 MARCELLINO** – Enhances the ability of the Education Department to establish additional mechanisms for the payment of moneys due for prior year State Aid adjustments and payment schedules for the recovery of overpayments of State Aid to school districts
- S5131-A ROBACH** – Clarifies acceptance of those with home school degrees into State Colleges
- S5207 MARCELLINO** – Requires the fingerprinting of prospective employees of private special education schools
- S5281 LANZA** – Authorizes the Commissioner of Education to reschedule cancelled Regents examinations within 20 business days of the original date
- S5283-C JACOBS** – Allows registration as an organ donor in the Donate Life Registry on SUNY, CUNY and library card applications
- S5325-A LANZA** – Authorizes the removal of a violent pupil from a teacher’s classroom
- S5454-A HAMILTON** – Establishes a Commission on African American History and Achievement
- S5530 PHILLIPS** – Authorizes the Commissioner of Education to conduct a review within the State of courses on the Holocaust
- S5537 CARLUCCI** – Allows BOCES’ to establish regional recovery high schools
- S6087 MARCELLINO** – Preserves and continues the New York State Early College High School (ECHS) program and the New York State Pathways in Technology Early College High School (P-TECH) program
- S6090 MARCELLINO** – Allows previously tenured supervising staff of school districts to experience a shortened probationary period if appointed by the Board of Education to another position.
- S6273 FELDER** – Provides State Aid for certain special education services for children with autism spectrum disorder in preschool

**S6298 DEFRANCISCO** – Modifies the calculation of State Aid to high need school districts

**S6517 CROCI** – Increases the State reimbursement level for the salaries of teachers, directors, assistants and supervisors employed by a county maintained vocational education and extension board



## **EDUCATION BILLS REPORTED FROM COMMITTEE**

- S253**      **KAMINSKY** – Requires the creation of a career and practical education pathway to a high school diploma
- S1254**      **FUNKE** – Allows students an opportunity to take regents examinations if missed due to school closure
- S1297**      **MARCELLINO** – Establishes the “Dominic Murray sudden cardiac arrest prevention act”
- S1434**      **RITCHIE** – Requires the Board of Regents to live webcast their meetings
- S1948**      **LATIMER** – Insures that the Office of State Review will render decisions regarding children with handicapping conditions within 30 days of receipt of appeals
- S2404**      **MARCELLINO** – Allows school districts to receive partial reimbursement for sharing transportation services
- S2534**      **GOLDEN** – Requires the certification or training of teachers, administrators and instructors in the area of dyslexia and related disorders
- S3242**      **FELDER** – Provides that reimbursement costs incurred by drivers for the After 4pm program in New York City may include fringe benefits
- S3787**      **PHILLIPS** – Allows schools to provide transportation to children living within two to three miles of the school
- S3919**      **RITCHIE** – Increases funding at BOCES component school districts and other non-component school districts for teachers and career education
- S3970**      **SEWARD** – Increases the cost threshold for school construction projects' eligibility for additional building aid
- S4065**      **ORTT** – Grants a certified teacher employed as a teaching assistant credit of no less than sixty percent towards the accrual of maintain or receiving certification.
- S4279**      **RANZENHOFER** – Requires nonpublic schools to meet the same minimum standards as public schools for mild traumatic brain injuries
- S5217**      **STAVISKY** – Repeals the requirement for schools in Brooklyn and Queens to close for Anniversary Day

- S5246-A MARCELLINO** – Establishes a fiscal stabilization reserve fund as part of tuition reimbursement for school age programs and to provide an annual growth amount
- S6220 MARCELLINO** – Authorizes private special education schools to seek Department of Education approval to offer alternative high school equivalency preparation programs
- S6222 MARCELLINO** – Provides that the New York State career development and occupational studies commencement credential shall be considered a diploma and shall be awarded to students with certain disabilities who have attended school for 12 years







