

# S. 2006-B HIGHER EDUCATION, LABOR & FAMILY ASSISTANCE FACT SHEET

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- PART A The Legislature takes the following actions:
  - Accepts the Executive contract for excellence proposal;
  - Rejects the Executive proposal to freeze school districts aid claims;
  - Accepts the Executive proposal on commercial gaming grants;
  - Rejects the Executive proposal to allow school districts to apply for waivers from special education requirements that exceed federal requirements;
  - Accepts the Executive proposal making changes to pre-school special education rates for special education itinerant services based on average actual costs;
  - Extends for one year the provision requiring the State to reset building aid amortization interest rates every ten years;
  - Increases the appropriation authority to \$12.6 million for after four p.m. transportation of students in NYC;
  - Clarifies that the position of Chief Privacy Officer within SED is a full-time position;
  - Extends mandate relief provision related to the Employee Benefit Accrued Liability Reserve which allows school districts to access any excess funds in the reserve to maintain educational programs
- PART B – Denies a plan to streamline the education program approval process at the State Education Department.
- PART C – Modifies the proposed Get On Your Feet loan forgiveness program to limit recipients to those earning less than \$50,000, including combined income for joint filers.
- PART D – Denies a proposal to allow undocumented citizens to be eligible to receive State financial awards for higher education.
- PART E – Denies the Executive proposal to establish an Education Tax Credit.
- PART F – Modifies the standardized college financial aid award letter to reflect suggested components from a federal standardized letter.
- PART G – Denies the ability of non-CPAs to gain minority ownership of public accountancy firms.
- PART H – Denies language to create a uniform process for addressing campus sexual assaults for all New York State institutions.
- PART I - Concurs with the Executive proposal to authorize the pass-through of the federal Supplemental Security Income (SSI) COLA.
- PART J – Denies without prejudice the Executive proposal regarding raising the age of juvenile jurisdiction and overall juvenile justice reform, with the following exceptions:
  - Concurs with the provisions to:
    - Expand the ability of the Office of Children and Family Services (OCFS) to contract with Boards of Cooperative Educational Services (BOCES) to provide special education programs and career and technical education services in juvenile justice facilities to also include music, art and foreign language programs, and to extend the expiration of these provisions by three years, until June 30, 2018;

- Require OCFS, in consultation with the State Education Department, to report to the Governor and the Legislature by December 1, 2015, and again by December 1, 2017, on the cost effectiveness and programmatic impact of delivering such programs through BOCES; and
  - Provide that the qualifications for OCFS juvenile facility directors shall be prescribed by the Director of Classification and Compensation within the Department of Civil Service, in consultation with the Commissioner of OCFS.
- PART K – Concurs with the Executive proposal to limit adoption assistance payments for the private adoption of children with special needs to only those adoptive parents who reside in the state at the time of their application, consistent with Federal child welfare policy.
- PART L – Concurs with the Executive proposed statutory changes to conform State law to the Federal Preventing Sex Trafficking and Strengthening Families Act of 2014, which are required for the State and Local Social Services Districts to continue receiving approximately \$600 million in Federal funding under Title IV-E of the Social Security Act.
- PART M - Concurs with the Executive proposal to utilize \$125 million in excess Mortgage Insurance Fund reserves for certain programs, including:
  - \$21.6 million for reimbursing costs associated with the Rural Rental Assistance Program;
  - \$42 million for facilitating the refinancing and capital repair of Mitchell-Lama properties;
  - \$8.4 million for Neighborhood Preservation Program contracts, with \$150,000 for the neighborhood preservation coalition;
  - \$3.5 million for Rural Preservation Program contracts, with \$150,000 for the rural housing coalition;
  - \$17 million for Rural and Urban Community Investment Fund program;
  - \$7.5 million for purposes of carrying out the provisions of the low income housing trust fund program;
  - \$8.5 million for the Homes for Working Families program contracts; and,
  - \$16.3 million for the Homeless Housing and Assistance Corporation in the Office of Temporary and Disability Assistance, for the support of the state supportive housing program, the solutions to end homelessness program, support of aids housing program, or grantees under those programs.
- PART N – Denies the Executive proposal to increase the Minimum Wage.
- PART O – Concurs with the Executive proposal to repeal 21 rarely used fees that, in the aggregate, generate less than \$150,000 in revenue.
- PART P – Modifies the Executive proposal to grant certain health care professionals unpaid leave to fight Ebola by extending the sunset for one year and requiring that the Commissioner of Labor promulgate regulations.
- PART Q – Modifies the proposal to make experiential learning a graduation requirement at SUNY and CUNY by first directing the systems to examine whether opportunities can be adequately made available to all students.
- PART R – Concurs with changes to deadline requirements for the Higher Education Matching Grant Program to allow for future rounds of grants to be awarded.
- PART S – Includes language to waive the asbestos project notification fee for local governments that are abating or demolishing buildings which are a public nuisance or unsafe.
- PART T – Intentionally Omitted: Provides legislation to provide for the creation of a Legislative, Judicial and Executive Compensation Commission.

- PART U – Includes language allowing the SUNY hospital system to accept and distribute Medicaid funds from the federal government through a new escrow account for the Delivery System Reform Incentive Payment Program.
- PART V – Includes language to afford ADA-eligible recipients of TAP a more accommodating time frame to complete their education if their disability precludes them from completing a full courseload.
- PART W – Includes language bringing New York’s 529 contribution plan in line with federal law.
- PART X – Includes language guaranteeing openings in collegiate opportunity programs for eligible foster youth.
- PART Y – Includes language directing community colleges and BOCES to develop a new career pathway allowing students in grades 7-12 to learn more about careers related to a Associate in Occupational Studies degree.
- PART Z – Includes language to develop a new merit-based scholarship for New York high school graduates, with 5,000 awards to be awarded to the 2015-16 college freshman class.
- PART AA – modifies the Executive proposal to rename and reconfigure the current New York Youth Works Tax Credit Program as the Urban Youth Jobs Program Tax Credit to increase the credit cap under the existing program by \$10 million.
- PART BB – Concurs with the Executive proposal to:
  - Extend the Brownfield Cleanup Program for ten years to March 31, 2026;
  - Eliminate fees and special assessments on hazardous waste generated at certain sites; and
  - Eliminate the insurance remediation and real property tax credits for future sites.
 modifies the Executive proposal to:
  - Create a new limitation for the tangible property tax credit to apply to only New York City;
  - Shift certain costs from the site preparation tax credit component to the redevelopment tax credit component;
  - Create a voluntary cleanup program (BCP-EZ) enabling participants to bypass procedural requirements;
  - Require completion of project by a certain date for existing participants or face removal from program; and
  - Create new tangible property tax credit bonuses for certain redevelopment and cleanup objectives.
- PART CC – Includes legislation to provide for ethics reforms.
- PART DD – Includes legislation in relation to the Joint Commission on Public Ethics Commission.

PART EE - Education Opportunity Agenda

**Subpart A: Graduate Teacher Admission Requirements / School Deregistration / Teacher Registration**

- For programs commencing instruction after July 1, 2016 graduate level teacher and educational leader programs will be required to set a minimum 3.0 GPA requirement and a minimum score on the Graduate Record Examination (GRE) or other equivalent examination for admission into such programs.

- Schools may exempt up to 15% of their incoming classes from such requirements
- Beginning with teacher certification examinations taken after July 1, 2015 programs for graduate level teachers and educational leadership that have less than 50% of their prospective teacher candidates pass any part of the teacher certification examinations for three consecutive years shall be prohibited from admitting new students.
  - Programs prohibited from admitting new students shall continue operations until the time all current students are set to graduate if they were attending on a full-time basis.
  - During this period, the Commissioner of Education may reinstate the program if it has demonstrated significant improvement. If such a determination is not made, the program will be deregistered.
- Teacher and principals will be required to complete 100 hours of rigorous continuing education requirements, the content and substance of which must be approved by the commissioner of education, every five years. Individuals will have to certify to the State Education Department every five years that this requirement has been complied with.

**Subpart B: NYS Masters-in-Education Scholarship**

- To be eligible an individual must: (1) have earned their undergraduate degree from a New York college or university while maintaining status as a NYS resident, (2) have achieved academic excellence, to be defined through regulations, in their undergraduate program, (3) enroll in a masters level teacher education program at a SUNY or CUNY school, and (4) signs a contract to work in a NYS public school, OR charter school for five years after graduating.
- Up to 500 awards will be authorized to cover two years worth of tuition at a public institution. Individuals that violate the terms of this agreement will have the full amount of the scholarship converted into a student loan.

**Subpart C: Tenure**

The probationary period for teachers and principals hired after July 1, 2015 will be **4 years**. Within a four year period a teacher must achieve an APPR rating of “effective” or “highly effective” in at least three of those years.

- Teachers who receive an “ineffective” in the final year of their probationary period cannot be offered tenure, but the school board may continue the probationary period of the individual for another year.
- The offer of tenure can be made contingent of a certain APPR rating in the final year of a teachers probationary period.

Probationary teachers may be terminated at any point in time, for any statutorily permissible reason. There is no longer a requirement that APPR scores must be considered when terminating a teacher in probationary status.

**Subpart D: School Receivership**

There are 178 individual schools that may be subject to receivership, these are schools that have been federally designated as “priority” for at least three years for failing to meet minimum standards of student achievement and other factors. Within the 178 figure, there are 27 schools that have been deemed persistently failing, because they have been in priority status for 10+ years.

Upon a designation as a persistently failing or failing school, schools will need to create a department approved school intervention plan. The goals set forth in such plan take into consideration a plethora of factors ranging from student attendance to school culture. Also a community engagement team will be created to foster parental input.

For persistently failing schools (27) the superintendent, or the Chancellor in NYC, will be given the powers of the receiver for 1 year. During this 1 year period the school must make demonstrative progress on goals that are locally set, but approved by SED, within a turnaround plan. The commissioner will make the determination of if goals are adequately met. If progress is not made schools will go into receivership.

For all other failing schools (151) the same rules apply, but the superintendent will be granted the powers of the receiver for a period of two years. During this period progress must be made or the school will be placed into receivership at the end of the two years.

- Going forward schools that have been designated as priority schools for 3 consecutive years will be subject to the rules above.

If the goals of the plan are met and the school is removed from priority status the powers cease. The commissioner can also extend, on yearly basis, the powers of the superintendent for schools making progress. If a school is placed into receivership, the local school district will have 60 days to pick a receiver. The receiver can be an individual, another school district, or a non-profit entity. The receiver will be paid for by a state appropriation.

The receiver will have the authority to supersede all decisions of the board of education. They will also be able to modify the budget of individual school buildings. Additionally, all failing schools will become community schools. The receiver is also given broad discretionary powers including: adding pre-k, require professional development, order the conversion of the school into a charter school (subject to parental approval via vote), alteration of curriculum, as well as other powers.

The receiver is also given the authority to abolish all teaching and administrator positions. The administrator positions will then be refilled at the discretion of the receiver. The teaching positions will be filled by a staffing committee (2 members appointed by receiver, 2 appointed by collective bargaining unit)- provided however that at least 50% of teachers hired shall be the most qualified, most senior in their positions.

The receiver may also request that the collective bargaining unit negotiate a collective bargaining agreement for the duration of the receivership to address the following areas:

- Lengthening the school day,
- Lengthening the school year,

- Professional development for teachers and administrators,
- Changing class sizes,
- Changing programs, assignments, and teaching conditions in the school.

If the school day/year is increased, there shall also be a proportional increase in compensation for members of the bargaining unit. If negotiations do not reach a final settlement, all open issues will be decided by the commissioner. Collective bargaining is not required for persistently failings schools, the above changes may be submitted to the collective bargaining unit. Other failing schools are required to submit such changes to the collective bargaining unit for 30 days after which open issues will be resolved by a conciliator and then the commissioner if needed.

### **Subpart E: Teacher/ Principal Discipline and Hearings**

- The commissioner will be authorized to revoke the teacher certification of a teacher who is convicted of a violent felony where a child is the intended victim of the offense. This subjects those individuals to an expedited 3020-A hearing.
- All hearings will be heard by a single hearing officer.
- For charges of incompetence where the penalty sought is dismissal a new section 3020-B is created. Under this provision any teacher or principal who receives two consecutive ineffective APPR ratings may have a proceeding brought against them at the discretion of the school board. Those who receive three consecutive ineffective APPR ratings shall have proceedings brought against, at which the only defense will be fraud.
- Allows a school district to suspend an employee without pay who is charged with misconduct constituting physical or sexual abuse of a student. This suspension must be brought before a hearing officer within 10 days to determine whether there is probable cause to support the continuation of the suspension without pay. The length of the suspension is capped at 120 days.
- Provides for full and fair disclosure at hearings by the employee and the employer and allows the hearing officer to set a schedule for discovery.
- Allows for a child witness to testify through closed circuit television in limited circumstances where it is likely testifying before the employee in question could result in serious mental or emotional harm.
- Requires the hearing officer to give serious consideration to the recommended penalty of the board of education and requires a rejection of such recommended penalty to be accompanied by a written decision.

### **Subpart F: Annual Professional Performance Reviews (APPR)**

A new section 3012-D is created which will authorize the commissioner of education to adopt regulations, after a public comment period, establishing new requirements for teacher and principal evaluations. These evaluations must serve as a significant factor for employment decisions and professional development.

The commissioner will set all the weights, or ranges of weights, and scoring bands across two categories:

- Student Performance

- State subcomponent -- For teachers that have a state administered exam (Math and ELA 3-8; Common Core exams) a state provided growth score is based on those exams. For all other classroom teachers a Student Learning Objective (SLO) will be used with goal setting targets set by the commissioner
- Optional local subcomponent -- The decision to use this optional subcomponent is locally negotiated. This can consist of either: (1) a second state provided growth score based on the state administered exams, or (2) a state approved assessment using a state provided or approved growth model. If option (2) is chosen, which assessment is used will be determined through collective bargaining.
- Teacher Observation
  - The amount of and method of observations will be subject to collective bargaining to the extent the minimum rules set by the commissioner are adhered too. A state approved rubric must be used.
  - The observations must include:
    - Classroom observations conducted by a principal or trained administrator,
    - Classroom observations by a impartial, independent evaluator (who can be from within the district, but not from within the same school building)
    - The observations may (subject to collective bargaining) include observations by a trained peer teacher that has been rated effective or highly effective.

Teachers rated ineffective in either category cannot be rated higher than developing overall. Additionally, if a district chooses option (2) for the optional local subcomponent a teacher rated ineffective in such category cannot be rated higher than ineffective overall. Also a student, to the extent practicable, cannot be instructed by ineffective teachers for two consecutive years.

These new requirements will set by the commissioner by June 30, 2015 and will apply to all plans beginning in the 2016-17 school year. School districts will be required to adopt a new plan by November 15, 2015 or risk losing any increase in state aid.

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