



**New York State Assembly**

Carl E. Heastie, Speaker

# ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on

**Education**

Catherine Nolan, Chair



CATHERINE NOLAN  
37<sup>TH</sup> Assembly District  
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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRWOMAN  
EDUCATION COMMITTEE

COMMITTEES  
Rules  
Veterans  
Ways & Means  
Corporations, Authorities & Commissions

December 15, 2015

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

Dear Speaker Heastie:

I am pleased to submit to you my tenth 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 succeed. This year, during both budget negotiations and the rest of the legislative session, the Committee negotiated measures to increase educational opportunities for students throughout New York State. Thanks to your leadership, proposals for increased funding, especially for our state's most struggling schools and a call for a thorough examination of the state's learning standards and assessments, became law.

The 2015-2016 budget increased General Support to Public Schools funding by \$1.36 billion over the 2014-2015 school year for a total of \$23.5 billion. The budget provided for a two-year school aid appropriation, which included both an increase in formula based aids of \$1.30 billion for the 2015-16 school year and a partial restoration of the Gap Elimination Adjustment (GEA).

The Assembly Majority realizes that school districts throughout the state are seeing a growing enrollment of English Language Learners (ELL), unaccompanied minors, and students with interrupted formal education in its schools. In order to combat this issue, the Assembly budget proposal provided \$10 million in new aid for these students; unfortunately this was not included in this year's enacted budget. We must continue to fight for and support these students and the districts facing increased ELL enrollment. The current provisions for school governance of the New York City school system were extended for an additional year.

In order to better understand how to support the state's most struggling schools and their efforts to improve student performance, the Committee held a hearing on the new law enacted as part of this year's budget (Chapter 57 of the Laws of 2015). The purpose of the hearing was to examine, among other things, the effectiveness of the community school model and the varying needs and challenges these schools currently face. The Assembly Majority zealously advocated to ensure that schools designated as persistently struggling were provided with funding of \$75 million. As

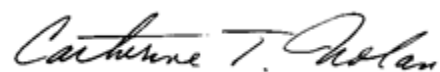
we prepare to enter the 2016 legislative session, we must keep in mind funding for the schools designated as struggling as well.

Members of the Assembly, advocates and stakeholders, educators and parents have indicated concerns regarding the rollout of the Common Core learning standards over the past few years. The Assembly Majority responded to these concerns throughout the 2015 legislative session. The Assembly Majority pushed for changes to time spent on testing and a review of the learning standards, passed A.7303-A (Nolan) and A.7402 (Nolan) and was instrumental in including provisions in Chapter 20 of the Laws of 2015 (Heastie), which addressed issues related to Common Core and its implementation. Combined, these bills provided additional funding to the State Education Department (SED) to support increased disclosure of state exam questions and the eventual elimination of stand-alone multiple choice field testing. This will decrease the amount of time spent on testing and increase awareness of test content for educators, parents, and students. It will also ensure that test questions and passages are grade level appropriate for students. The law also directs SED to carefully review and examine the current learning standards by June 30, 2016 so that the Assembly Majority can ensure going forward these standards are adequately and appropriately preparing our students.

In November of this year, the Committee together with the Sub-Committee on Students with Special Needs, chaired by Assemblymember Shelley Mayer, convened a roundtable in White Plains at the New York School for the Deaf to better understand the educational programs and services offered by Schools for the Blind and Deaf (4201 schools) and the challenges these students, educators, and schools face. Mr. Speaker, your attendance at this event was greatly appreciated.

As we move forward into the 2016 legislation session, the Committee will work to ensure the best for all of our students in the many city, suburban, and rural districts across the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and look forward to the 2016 session. I also want to thank our colleagues who sit on the Committee, ranking minority member Edward Ra and our hardworking legislative staff, particularly Jocelyn Dax of our Ways and Means team, who is retiring this year.

Sincerely,

A handwritten signature in cursive script that reads "Catherine T. Nolan".

Catherine Nolan  
Chair  
Committee on Education

**2015 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON EDUCATION**

**Catherine Nolan, Chair  
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## 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 2015 Session, 572 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 2015.



## 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 \$23.5 billion for the 2015-16 school year, which is a total increase of \$1.36 billion over the previous school year. This is an increase in formula based aids of \$1.30 billion. This increase in GSPS funding provided an increase in Foundation Aid of \$428.21 million over the 2014-15 school year, for a total of \$15.86 billion, and a restoration of the Gap Elimination Adjustment (GEA) of \$603.07 million, which is more than 58 percent of the remaining GEA and reduces the total GEA to \$433.60 billion for the 2015-16 school year. The Legislature also proposed various formula calculations in the 2015-16 enacted state budget to reflect changes in Foundation Aid and GEA restoration.

**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 \$15.86 billion for the 2015-16 school year, which is an increase \$428.2 million over the 2014-15 school year.

#### *Statewide Universal Full Day Prekindergarten*

The Legislature accepted the Executive's continuation of \$340 million for the Statewide Universal Full Day Prekindergarten program. Additionally, the Legislature modifies the program to allow grant awards for one-time start-up supplemental funds to be continued if these funds are used for new or conversion slots or for the incremental additional per pupil award associated with certified teachers.

The Legislature modified the Executive's \$25 million grant for Prekindergarten for three-year olds by expanding the grant amount to \$30 million, and modifies program eligibility to include four-year olds as well.

#### *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 the Executive's proposal and an increase of \$2.68 million over the 2014-15 school year.

### ***Education Opportunity Agenda (Chapter 56 of the Laws of 2015)***

The Legislature modified the Executive's Education Opportunity Agenda, which addresses changes to teacher evaluations, teacher certification and preparation, and supporting the state's most struggling schools. The law:

- Requires all graduate level teacher and educational leader programs to establish a minimum GRE (or other similar assessment) score and a minimum undergraduate GPA of 3.0 for admission and provide that up to 15 percent of the incoming cohort may be exempt from the minimum score and GPA based on certain criteria.
- Suspends the admission of any new students to a graduate level teacher and educational leadership program if fewer than 50 percent of students passed each teacher certification examination for three consecutive years. Such programs may continue to operate for currently enrolled or admitted students, and suspended programs would be permitted to cure deficiencies to continue operating before being deregistered.
- Requires teachers, teaching assistants, and educational leaders to complete a minimum of 100 hours of more rigorous continuing education as defined by SED. Teaching certificates must be re-registered every five years beginning in July 2016.
- Increases the teacher and principal probationary period to four years and require teacher and principals to receive an annual professional performance review rating of "effective" or "highly effective" in at least three of the four years in order to be eligible for tenure, provided that the rating in the final year cannot be "ineffective."
- Restructures the state's lowest performing schools by designating such schools statewide into two categories: persistently failing or failing, and grant these schools a one or two year period, respectively, to show improvement before being placed into receivership by an external receiver. During this period, superintendents and the Chancellor of the New York City school district would have the same powers as a receiver. Receivers would be appointed by the local district and approved by the Commissioner and must develop an intervention plan for up to three years in consultation with local stakeholders, including parents and a community engagement team. The receiver may negotiate with collective bargaining units on a limited number of issues related to the receivership agreement. In addition, the Legislature modified the Executive's proposal and provided \$75 million to the Persistently Failing Schools Transformation grant program.

- Provides a multitude of measures related to due process in the teacher and principal disciplinary process (Section 3020-a), including:
  - The commissioner shall revoke the teaching certificate upon the conviction of certain violent felony offenses where a child was the intended victim.
  - All hearings will be heard by a single hearing officer, including hearings in which an employee is charged with pedagogical incompetence.
  - Consecutive ineffective ratings shall constitute prima facie evidence of incompetence. In the case of two consecutive ineffective ratings, this presumption can only be overcome by evidence that the employee is not incompetent, and in the case of three consecutive ineffective ratings, this presumption can only be overcome by evidence that the calculation of the rating was fraudulent. School districts must bring 3020-a charges after three consecutive ineffective ratings.
  - Boards of Education may suspend employees charged with misconduct constituting physical or sexual abuse of a student, without pay, for up to 120 days.
  - Children under the age of 14 would be permitted to testify through closed circuit TV.
- Authorizes the commissioner to adopt regulations of the Board of Regents to establish an annual teacher and principal evaluation system by June 30, 2015 with overall ratings being determined by a scoring matrix based on two categories: student performance and teacher observations. Districts may opt to apply a second, locally selected subcomponent.
- The Legislature modified the Executive's proposal for the establishment of a Masters-in-Education teacher incentive scholarship program to provide that in order to be eligible for an award, students must be enrolled in an approved master's degree program at a New York State public higher education institution leading to a career as a teacher in public elementary or secondary education, and must sign a contract agreeing to teach in a public elementary or secondary classroom in New York State for five years.

Additionally, the Executive's proposal to extend mayoral control until June 30, 2018 and to make changes to the laws related to charter schools, including increasing charter school supplemental basic tuition; increasing the statewide charter school cap by 100; and requiring charter schools to report enrollment rates for certain students in order to stay in compliance was not adopted as part of the budget.

The Legislature also rejected the Executive's proposed linkage of programmatic changes to state aid and extended the deadline for fully implementing a new teacher and principal evaluation system to November 15, 2015 in order to be eligible to receive an increase in General Support for Public Schools for the 2015-16 school year.

### **Grant Programs**

The Legislature accepted the Executive's proposal for grant provisions for the following programs: Master Teacher Awards (\$5 million); Pathways in Technology and Early College High School (P-TECH) (\$3 million); QUALITYstarsNY (\$3 million); School District Teacher Residency program (\$3 million); and Masters-in-Education Teacher Incentive Scholarship program (\$3 million).

### ***Teacher Programs***

The Legislature restored funding for Teacher Resource and Computer Training Centers at \$14.26 million for the 2015-16 school year.

The Legislature accepted the Executive's proposal to fund the Teachers of Tomorrow program at \$25 million for the 2015-16 school year, which is the same level of funding provided during the 2014-15 school year. This program was established to assist school districts in the recruitment, retention and certification process 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's proposal to fund the Teacher Mentor Intern program at \$2 million for the 2015-16 school year, which is the same level of funding as the 2014-15 school year.

### ***Special Education***

The Legislature modified the Executive's proposal and provided funding for High Cost Excess Cost Aid for special needs students at its present law level of \$577.91 million for the 2015-16 school year, an increase of \$5.65 million over the 2014-2015 school year.

The Legislature provided funding for Private Excess Cost Aid to its present law level of \$377.26 million for the 2015-16 school year, an increase of \$36.82 million over the 2014-15 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.3 million for the 2015-16 school year, which is the same level of funding as the 2014-15 school year.

The Legislature accepted the Executive's proposal to increase Preschool Special Education (4410) funding to \$1.02 billion, a decrease of \$22.5 million over the 2014-15 school year.

The Legislature provided an additional \$2.3 million in support of a 2.4% increase in funding for Schools for the Blind and Deaf (4201 schools), for a total of \$98.5 million for the 2015-16 school year. Additionally, the Legislature provided \$903,000 to preserve current staffing levels at the Henry Viscardi School.

The Legislature modified the Executive's proposal related to regional rates for preschool special education itinerant teachers (4410 SEIT) to provide that the four-year phase-in of regional rates would take effect on or before the 2016-17 school year.

The Legislature rejected the Executive's proposal to allow any school district to apply for waivers from certain special education requirements.

### ***BOCES Aid***

BOCES Aid provides aid to reimburse school districts that participate in BOCES shared educational programs and services. The 2015-16 state budget funded this aid category at its present law level of \$808.34 million, which was an increase of \$29.57 million over the 2014-15 school year. The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act Districts at the 2014-15 level of \$700,000.

### ***Special Services Aid***

The Legislature increased funding for Special Services Aid to its present law level of \$224.54 million, which is a decrease of \$581,490 from the 2014-15 school year.

### ***Building Aid***

The Legislature modified the Executive's proposal and provided funding for Building Aid to its present law level of \$2.89 billion, an increase of \$120.12 million over the 2014-15 school year.

The Legislature modified the Executive's proposal and provided funding for Reorganization Building Aid at its present law level of \$25.63 million, a net decrease of \$2,401 from the 2014-15 school year.

The Legislature suspended changes to the Building Aid assumed amortization schedule for one year, until the 2016-17 school year. Additionally, the Legislature allowed for Tonawanda, Amsterdam, Johnson City, Mount Morris, and East Islip School Districts to spread aid penalties over five years.

### ***Transportation Aid***

The Legislature modified the Executive's proposal and provided funding for Transportation Aid at its present law level of \$1.76 billion, an increase of \$71.46 million over the 2014-15 school year.

The Legislature modified the Executive's proposal and provided funding for Summer Transportation Aid at its present law level of \$4.99 million.

The Legislature increased the allowable transportation aid cap for transportation aid after 4 p.m. from the current \$8.1 million to \$12.6 million.

### ***Instructional Materials Aid***

The Budget provided present law funding levels for instructional materials aids for the 2015-16 school year:

- **Textbook Aid:** The Legislature modified the Executive's proposal to fund Textbook Aid at its present law level of \$179.18 million, which is an increase of \$1.93 million over the 2014-15 school year;
- **Computer Hardware Aid:** The Legislature modified the Executive's proposal to fund Computer Hardware at its present law level of \$38.31 million, which is an increase of \$511,713 over the 2014-15 school year;
- **Computer Software Aid:** The Legislature modified the Executive's proposal to fund Computer Software at its present law level of \$46.33 million, which is an increase of \$1.00 million over the 2014-15 school year;
- **Library Materials Aid:** The Legislature modified the Executive's proposal to fund Library Materials at its present law level \$19.33 million, which is an increase of \$426,566 over the 2014-15 school year.

### ***High Tax Aid***

The Legislature accepted the Executive's proposal and provided funding for High Tax Aid at \$223.30 million, the same level of funding as the 2014-15 school year.

### ***Nonpublic School Aid***

The Legislature accepted the Executive's proposal of an increase of \$7.62 million for Nonpublic School Aid and provided an additional \$5 million as the first payment of a multi-year plan to address prior year liabilities for the Comprehensive Attendance Policy, for a total of \$171.42 million, which includes \$102.27 million in Mandated Services Relief Aid. The Legislature also accepted the Executive's 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's proposal to fund Charter Transition Aid at its present law level of \$32.36 million, an increase of \$3.35 million from the 2014-15 school year.

### ***Miscellaneous Aids***

The Legislature accepted the Executive's proposal to fund Employment Preparation Education (EPE) at \$96 million, which is the same level of funding as the 2014-15 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's proposal to increase funding for Incarcerated Youth Assistance at \$23 million, and Homeless Pupils aid at \$31.23 million.

The Legislature accepted the Executive's proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same as the 2014-15 school year.

The Legislature accepted the Executive's 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 to increase Bilingual Education Grants, for a total of \$14.5 million.

The Legislature accepted the Executive's proposal to establish an account and payment schedule for commercial gaming revenue within State Finance Law.

### ***Employee Benefit Accrued Liability Reserve***

The 2015-16 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 2015-16 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 2015-16 state budget provided that any school district that filed a contract in the 2014-15 school year must file a contract in the 2015-16 school year, unless all schools in the district are in good standing. As a result, in the 2015-16 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 2013-14 school year.

### ***Chief Privacy Officer***

The Legislature repealed the provision that allowed the Chief Privacy Office to hold more than one position within SED.

## **C. CURRICULUM RESOURCES**

**A.4184, 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. SCHOOL BOARD ELECTIONS**

**A.3053, Fahy; Chapter 427 of the Laws of 2015:** This law simplifies the nomination petition form for Albany school district board members by providing that qualified voters who sign a petition to nominate a candidate for the Albany school district board of education would not have to provide their place of residence at the time of the last preceding general election, their election district, or their ward, and instead would only need to place his or her signature on the petition.

**A.5031, Galef:** This legislation would have made conforming changes to absentee ballots for school elections as were made to general election absentee ballots by establishing the different circumstances a qualified voter may vote as an absentee voter. A person seeking to vote via absentee ballot would be required to submit a written application to the district clerk, and such application must include information such as the voter's full name, date of birth, address, a statement that the voter is a qualified and registered voter and a statement that the voter expects in good faith to be absent for one of the reasons listed previously. This bill passed the Assembly and died in the Senate Committee on Education.

## **E. SPECIAL EDUCATION**

**A.7677, Ryan; Chapter 35 of the Laws of 2015:** This law extends current provisions relating to the federal Individuals with Disabilities Education Act (IDEA) for three years until June 30, 2018.

## **F. SCHOOL DISTRICT BUDGET & OPERATIONS**

**A.5355-A, Jaffee:** This legislation would have authorized the commissioner of the State Education Department to appoint a state monitor for a period of at least five years to oversee the East Ramapo Central School District. The monitor would have been granted the power to override decisions of the board or superintendent if he/she finds that such override is necessary in order to carry out his/her duties, and would be required to develop and implement a five year strategic academic and fiscal improvement plan in consultation with the commissioner and the board within six months of being appointed. Additionally, the monitor would have the duty to supervise the fiscal and operational management and academic programming of the district. This bill passed the Assembly and died in the Senate Committee on Education.



**A.6091-A, Johns; Veto Memo No. 196:** This legislation would have legalized, validated, ratified, and confirmed a transportation contract of the 2013-14 school year for the Fairport Central School District.

**A.6489, DiPietro; Veto Memo No. 193:** This legislation would have legalized, validated, ratified, and confirmed a transportation contract of the 2012-13 school year for the Perry Central School District.

**A.7623, Barrett; Veto Memo No. 297:** This legislation would have authorized the Berkshire Union Free School District to utilize property at a different address for the purpose of providing instruction to students enrolled in the Berkshire Union Free School District. This bill passed the Assembly and the Senate.

**A.7622-B, Woerner; Chapter 506 of the Laws of 2015:** This law establishes a tax stabilization reserve fund for the Ballston Spa Central School District to lessen or prevent increases in the school district's real property tax levy resulting from decreases in payments in lieu of taxes (PILOTs) received by the school district.

**A. 7832-A, Lavine; Veto Memo No. 198:** This legislation would have legalized, validated, ratified, and confirmed a transportation contract of the 2014-15 school year for the Plainview-Old Bethpage Central School District.

**A.8221, Duprey; Chapter 233 of the Laws of 2015:** This law makes an exception to the reduction in state aid requirement for the Saranac Central School District for the 2014-15 school year because the school was in session for less than 180 days.

## **G. TEACHER AND PRINCIPAL EVALUATIONS AND TESTING**

**A.7303-A, Nolan:** This legislation would have extended the deadline the Board of Regents has to adopt regulations of the commissioner regarding the implementation of a statewide annual teacher and principal evaluation system from June 30, 2015 to November 17, 2015, and also extended the deadline school districts have to demonstrate that they have implemented a new evaluation system from November 15, 2015 to November 15, 2016 or by September first of each subsequent year. In addition, the link between an increase in state aid and the implementation of a new evaluation system would be decoupled.

The legislation also would have required that, beginning on June 1, 2015 and each year after, SED release a significant number of test questions and corresponding answers from each of the most recently administered English language arts (ELA) and math exams in grades three through eight of that year, and provided an \$8.4 million state appropriation to SED to release a significant number of test questions and corresponding answers, as well as print more forms of the state standardized assessment.

The legislation would have required that the state-provided growth model take into consideration certain student characteristics as determined by the commissioner. The legislation would have

also modified the definition of “state-designed supplemental assessment” to include other locally selected measures of student achievement. In addition, the teacher observations category would have been modified to allow, instead of require, school districts to use the independent trained evaluator subcomponent as part of a voluntary demonstration project that may be established by SED.

The legislation would have authorized the commissioner to establish a content review committee to ensure that all standardized test items and/or selected passages are grade level appropriate. Additionally, the legislation would have required the commissioner to conduct a comprehensive review of the state education standards administered by June 30, 2016, with input from education stakeholders, for consideration by the Board of Regents. This bill passed the Assembly and died in the Senate Committee on Education.

**A. 7402, Nolan:** This legislation would have prohibited school districts, BOCES, and SED from requiring teachers, principals or superintendents to sign confidentiality agreements that prevent them from discussing the contents of any grades three through eight ELA and math assessments. The commissioner would also be required to amend and/or modify any current confidentiality agreements and remove any provisions related to preventing staff from discussing the contents of these exams. This bill passed the Assembly and died in the Senate Committee on Education.

**A.8323, Heastie; Chapter 20 of the Laws of 2015:** This law provides \$8.4 million to SED to eliminate stand-alone multiple choice field testing and to support increased disclosure of state exam questions and answers from the most recent grades three through eight ELA and math exams by June first of each year.

The law directs the commissioner to establish a content review committee to review all test items used on grades three through eight ELA and math assessments to ensure they are grade level appropriate and appropriately measure the learning standards prior to the administration of these assessments. The law also requires the commissioner to conduct a comprehensive review of the education standards, with input from stakeholders, on or before June 30, 2016.

The law also clarifies the required student growth components of teacher evaluations must take into consideration certain student characteristics, such as: status as a student with a disability, poverty, status as an English Language Learner, and prior academic history. This law prohibits certain teacher confidentiality agreements in order to clarify that no teacher, principal, or superintendent would be required to sign a confidentiality agreement with their school or with SED that prevents them from discussing the contents of any items on the state exams after these items have been publicly disclosed or released.

The law maintains that the statewide charter cap at 460, but modifies the regional restrictions so that of the 180 remaining charters that may be issued, 130 would be specifically available for upstate and no more than 50 would be eligible to be issued in New York City. The law also makes adjustments to charter school enrollment preferences, by allowing for preference for admission to be given to children of employees of the charter school or the charter management organization; provided however, these students may make up no more than 15% of the school’s total enrollment.

The law provides a two year appropriation of \$250 million to reimburse nonpublic schools for prior year expenses that have resulted from state mandated services, including the Comprehensive Attendance Policy (CAP) Program.

The law also extends the current provisions of mayoral control for the New York City school district for one year, until June 30, 2016.

## **H. STRUGGLING SCHOOLS**

**A.7013, Nolan; Veto Memo No. 283:** This legislation would have changed the designation of schools that would be eligible for an appointment of an external receiver to be designated as "struggling" or "persistently struggling" schools instead of the current designation of "failing" or "persistently failing" schools. This legislation passed both the Assembly and the Senate.

## **I. SCHOOL GOVERNANCE**

**A.7508, Nolan:** This legislation would have extended the current provisions of Chapter 345 of the Laws of 2009 related to the operation and management of the New York City school district until June 30, 2018. This bill passed the Assembly and died in the Senate Committee on Education.

## **I. KINDERGARTEN INSTRUCTION**

**A.6333, Pretlow; Chapter 118 of the Laws of 2015:** This law authorizes the Yonkers City School District to make kindergarten compulsory for children who turn five years-old on or before December first, 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.

## **J. TRANSPORTATION**

**A.5953, Magee; Chapter 83 of the Laws of 2015:** This law makes permanent the provisions allowing the Madison Oneida Board of Cooperative Educational Services (BOCES) to provide repair and maintenance services on buses owned and operated by the Madison Cortland ARC.

**A.8237, Lifton; Chapter 49 of the Laws of 2015:** This law extends the formation of regional transportation systems pilot programs for five years until June 30, 2020.

### **III. PUBLIC HEARINGS AND ROUNDTABLES**

#### **A. HEARING ON CHRONICALLY STRUGGLING SCHOOLS AND SCHOOL RECEIVERSHIP**

**October 14, 2015**

**10:30 A.M.**

**Albany, NY**

The Assembly Committee on Education convened a hearing to examine and study struggling schools eligible for the school receivership model created under new education laws passed during the 2015-16 state budget in order to better understand how to support these schools in their turnaround efforts. The hearing also examined the effectiveness of the community school model and the varying needs and challenges these schools currently face.

The committee heard testimony from state officials as well as other stakeholders discussing how the legislation may be best implemented across schools, in addition to some of the steps that have been taken, or need to take place, to ensure struggling schools are successful. Some of the challenges of the new receivership law that were expressed included time constraints in implementing the law, the need for additional resources, and the timeline of state funding available for the persistently struggling schools. The committee also heard from an educational expert stressing the importance of using research for policy making.

The Committee heard public testimony from MaryEllen Elia, Commissioner, New York State Education Department; Carmen Fariña, Chancellor of the New York City Department of Education; Dr. Angel Harris, Professor of Sociology, Duke University; the Conference of the Big 5 School Districts; United Federation of Teachers (UFT); New York State United Teachers (NYSUT); Council of School Supervisors and Administrators (CSA) and Executive Leadership Institute, School Administrators Association of New York (SAANYS), and the New York State Council of School Superintendents; New York State School Boards Association; New York State Association of School Business Officials; Alliance for Quality Education (AQE); the Children's Aid Society; Generation Ready; Educators for Excellence; and superintendents, principals, teachers, representatives of teachers associations, and parents from across the state.

## **B. ROUNDTABLE ON NEW YORK'S STATE-SUPPORTED SCHOOLS FOR BLIND AND DEAF STUDENTS (4201 SCHOOLS)**

**November 19, 2015**

**11 A.M.**

**White Plains, NY**

The New York State Assembly Standing Committee on Education and Assembly Sub-committee on Students with Special Needs convened a roundtable discussion regarding New York State-supported Schools for the Blind and Deaf ("4201" schools) at the New York School for the Deaf (Fanwood School). Representatives from the eleven private, state-supported 4201 schools across the state were invited to participate.

This roundtable provided an opportunity for stakeholders and advocates to discuss educational and supportive programs and services offered by these schools, funding, and unique challenges these schools, its students, and its families may face. Participants of the roundtable discussed the challenges that have arisen over staffing levels and the lack of an increase in teacher salaries in recent years. In addition, stakeholders noted the need to examine the 80 decibel acceptance rate for student eligibility to be enrolled in 4201 schools, and the challenges associated with an increase of English Language Learners attending schools for the blind and deaf. While the roundtable stressed challenges at these schools, it also highlighted the hard work educators at these schools perform to ensure students attending 4201 schools are provided with a sound, basic education that will prepare them for life after they leave the 4201 school setting.

#### **IV. OUTLOOK 2016**

During the next legislative session, the Committee on Education will continue to report legislation to advance the interests of students and ensure that they are provided with fair, equal educational opportunities and resources. The Committee will continue to fight for resources for the state's most struggling schools, encourage the growth of the community school model to schools throughout the state for our neediest students and families, and ensure that support is provided to districts with a growing English Language Learner population so that these students also have the skills to succeed academically and professionally.

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

**V. SUMMARY SHEET**

ASSEMBLY      SENATE      TOTAL  
BILLS            BILLS            BILLS

**BILLS REPORTED WITH OR WITHOUT AMENDMENT**

TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	6	0	6
TO WAYS AND MEANS	16	0	16
TO CODES	1	0	1
TO RULES	11	0	11
TO JUDICIARY	0	0	0
<b>TOTAL</b>	<b>34</b>	<b>0</b>	<b>34</b>

**BILLS HAVING COMMITTEE REFERENCE CHANGED**

TO <u>Higher Education</u> COMMITTEE	4	0	4
TO <u>Children and Families</u> COMMITTEE	1	0	1
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>5</b>

**SENATE BILLS SUBSTITUTED OR RECALLED**

SUBSTITUTED		4	4
RECALLED		0	0
<b>TOTAL</b>		<b>4</b>	<b>4</b>
<b>BILLS DEFEATED IN COMMITTEE</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	<b>462</b>	<b>60</b>	<b>522</b>
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>MOTIONS TO DISCHARGE LOST</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>508</b>	<b>64</b>	<b>572</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	<b>6</b>		