



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**

**TO:** Full Board

**FROM:** Erin M. O'Grady-Parent

**SUBJECT:** Proposed Amendment of section 3.2 of the Rules of the Board of Regents, relating to the Regents Committees

**DATE:** September 30, 2010

**STRATEGIC GOAL:** Goals 5 and 6

**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issues for Decision (Consent Agenda)**

Should the Regents adopt as a permanent rule, and as a second emergency action, the proposed amendment to section 3.2 of the Regulations of the Commissioner of Education relating to the Regents committees?

#### **Reasons for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment is being presented to the Full Board for adoption as a permanent rule at the October 2010 Regents meeting. A second emergency adoption is also necessary at the meeting to ensure that the July 2010 emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule. A statement of the facts and circumstances which necessitate emergency action is attached.

## Procedural History

The proposed amendment was adopted by the Full Board as an emergency rule at the July 2010 Regents meeting.

## Background Information

The proposed amendment will conform the Rules of the Board of Regents to the recent reconfiguration of the standing committees of the Board of Regents.

- The Committee on Elementary, Middle, Secondary and Continuing Education is renamed the "Committee on P-12 Education".
- A new Committee on Adult Education and Workforce Development is created.
- The Committee on Vocational and Education Services for Individuals with Disabilities is abolished, and its functions regarding vocational rehabilitation are transferred to the Committee on Adult Education and Workforce Development, and its functions regarding special education programs and services for students with disabilities are transferred to the Committee on P-12 Education.
- The adult education and workforce development functions of the Committee on P-12 Education are transferred to the Committee on Adult Education and Workforce Development.
- The functions of the Committee on Adult Education and Workforce Development regarding proprietary school supervision are specified.
- Several minor technical changes are made to the Rules to add a reference to Regents work groups and to provide for reasonable notice of meetings to committee members. Clarification is also provided regarding the ex officio membership of the Chancellor, Vice Chancellor, and Chancellor Emeritus on each subcommittee, task force and work group.

The Board of Regents has determined that the reorganization of the committee structure is necessary to assist the Board of Regents to effectively meet its responsibilities to govern the University of the State of New York, determine the educational policies of the State and oversee the State Education Department. The committee reorganization is also consistent with a current restructuring of the Department's internal organization. The proposed amendment will conform the Regents Rules to recent changes to the names and functions of certain Regents standing committees so that they may efficiently and effectively carry out the Board's work. The minor technical changes will conform the Rules to the current nomenclature and practice used by the Board.

A Notice of Emergency Adoption and Proposed Rule Making concerning the proposed amendment was published in the State Register on August 11, 2010. Supporting materials are available from the Secretary to the Board of Regents.

## Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective November 10, 2010; and it is further

VOTED: That section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective October 25, 2010, as an emergency action, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the July 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

#### Timetable for Implementation

The proposed amendment was adopted at the July Regents meeting as an emergency action, effective July 27, 2010, and will expire on October 24, 2010. If adopted as at the October Regents meeting, the second emergency rule will become effective on October 25, 2010 and the permanent rule will become effective on November 10, 2010.

Attachment

PROPOSED AMENDMENT OF SECTION 3.2 OF THE RULES OF THE BOARD OF  
REGENTS PURSUANT TO EDUCATION LAW SECTION 207, RELATING TO  
STANDING COMMITTEES OF THE BOARD OF REGENTS  
STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE  
EMERGENCY ADOPTION

The proposed amendment is necessary to reorganize the committee structure of the Board of Regents so that the Board may more effectively meet its statutory responsibilities. The proposed amendment conforms the Rules of the Board of Regents to the recent reconfiguration of the standing committees of the Board of Regents, as follows:

(1) The Committee on Elementary, Middle, Secondary and Continuing Education will be renamed the "Committee on P-12 Education."

(2) A new Committee on Adult Education and Workforce Development will be created.

(3) The Committee on Vocational and Education Services for Individuals with Disabilities is abolished, and its functions regarding vocational rehabilitation will be transferred to the Committee on Adult Education and Workforce Development, and its functions regarding special education programs and services for students with disabilities will be transferred to the Committee on P-12 Education.

(4) The adult education and workforce development functions of the Committee on P-12 Education will be transferred to the Committee on Adult Education and Workforce Development.

(5) The functions of the Committee on Adult Education and Workforce Development regarding proprietary school supervision are specified.

(6) The former Committee on Policy Integration and Innovation is abolished.

(7) Clarification is provided regarding the ex officio membership of the chancellor, vice chancellor, and chancellor emeritus on each subcommittee, task force and work group.

(8) Several minor technical changes are made to the Rules to add a reference to Regents work groups and to provide for reasonable notice of meetings to committee members.

The Board of Regents has determined that the reorganization of the committee structure is necessary to assist the Board of Regents to effectively meet its responsibilities to govern the University of the State of New York, determine the educational policies of the State and oversee the State Education Department. The committee reorganization is also consistent with a current restructuring of the Department's internal organization. The proposed amendment will conform the Regents Rules to recent changes to the names and functions of certain Regents standing committees so that they may efficiently and effectively carry out the Board's work. The minor technical changes will conform the Rules to the current nomenclature and practice used by the Board.

The proposed amendment was adopted as an emergency rule at the July 2010 Regents meeting, effective July 27, 2010. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on August 11, 2010.

The proposed amendment has been adopted as a permanent rule at the October 2010 Regents meeting. Pursuant to the State Administrative Procedure Act, the earliest the adopted rule can become effective is after its publication in the State Register on November 10, 2010. However, the emergency rule which took effect on July 27, 2010 will expire on October 24, 2010.

Therefore, a second emergency action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the July 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

## AMENDMENT OF THE RULES OF THE BOARD OF REGENTS

Pursuant to Education Law section 207

Section 3.2 of the Rules of the Board of Regents is amended, effective November 10, 2010, as follows:

### § 3.2. Committees.

(a) The chancellor shall appoint the following standing committees and designate the leadership of each committee:

[(1) Policy Integration and Innovation.]

[(2)] (1) Higher Education.

[(3) Elementary, Middle, Secondary and Continuing Education] (2) P-12 Education.

[(4)] (3) Cultural Education.

[(5)] (4) Ethics.

[(6)] (5) Professional Practice.

[(7) Vocational and Educational Services for Individuals with Disabilities] (6) Adult Education and Workforce Development.

(b) The chancellor, vice chancellor, and any chancellor emeritus who is also a current member of the Board of Regents shall be ex officio members of each standing committee, subcommittee, task force and work group.

(c) The chancellor from time to time may establish subcommittees, [and] task forces and work groups and shall designate the members and chairperson of any subcommittee, [or] task force or work group.

(d) The functions of the standing committees shall include:

[ (1) Committee on Policy Integration and Innovation:

(i) provides a forum for debate and recommendation on innovation and cross-cutting issues;

(ii) identifies policy research, evaluation needs and implementation strategies;

(iii) plans board retreats and training;

(iv) plans the periodic evaluation of the commissioner by the board;

(v) guides the creation of the 24-month calendar;

(vi) monitors implementation of board priorities; and

(vii) identifies technology needs and implementation strategies. ]

[(2)] (1) Committee on Higher Education:

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[(3) Committee on Elementary, Middle, Secondary and Continuing Education] (2)

Committee on P-12 Education shall have the following functions with respect to elementary, middle and secondary education, including special education programs and related educational services to students with disabilities:

(i) develops policy recommendations regarding elementary, middle and secondary education, [workforce preparation and continuing education], and coordination of interagency agreements and activities;

(ii) reviews the monitoring of elementary, middle and secondary education [and workforce preparation and continuing education] programs, services, and results;

(iii) monitors State aid programs to elementary, middle and secondary schools;

(iv) seeks input from the public and the professional field concerning elementary, middle and secondary education [and workforce preparation and continuing education] policies and practices;

(v) reviews and approves amendments to the Rules of the Board of Regents and Regulations of the Commissioner of Education pertaining to elementary, middle and secondary education [and workforce preparation and continuing education];

(vi) reviews the provision of technical assistance to elementary, middle and secondary schools;

(vii) develops legislative and budgetary proposals for elementary, middle and secondary education [and workforce preparation and continuing education] and monitors the advocacy of such proposals, and leads in pressing for legislative and budgetary priorities within the department and with the Legislature;

(viii) initiates studies and activities leading to the improvement of educational conditions and outcomes for children from birth through high school graduation [and adults in workforce preparation and continuing education programs]; and

(ix) reviews and makes recommendations to the full board on incorporation and chartering of institutions and organizations proposing to offer prekindergarten, kindergarten, elementary, middle or secondary education programs.

[(4)] (3) Committee on Cultural Education:

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[(5)] (4) Committee on Ethics:

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[(6)] (5) Committee on Professional Practice:

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[(7) Committee on Vocational and Educational Services for Individuals with Disabilities] (6) Committee on Adult Education and Workforce Development:

(i) develops policy recommendations regarding adult education and workforce development, vocational rehabilitation, [and special education ] and proprietary school supervision, overall coordination of such programs and services [vocational and educational services to individuals with disabilities] , and coordination of interagency agreements and activities;

(ii) monitors the implementation of adult education and workforce development, vocational rehabilitation, [and special education programs and services] and proprietary school supervision, and interagency agreements;

(iii) develops legislative and budgetary proposals for adult education and workforce development, vocational rehabilitation [, special education and related educational services for individuals with disabilities], and proprietary school supervision, and monitors the advocacy of such proposals, and leads in pressing for legislative and budgetary priorities within the department and with the Legislature;

(iv) reviews and approves amendments to the Rules of the Board of Regents and Regulations of the Commissioner of Education relating to adult education and workforce development, vocational rehabilitation [, special education and related educational services for individuals with disabilities;] , and proprietary school supervision, and

(v) seeks input from the public and professional field on policies and practices concerning adult education and workforce development, vocational rehabilitation [; special education and related educational services for individuals with disabilities] , and proprietary school supervision.

(e) Each committee shall examine into and report to the Regents respecting matters pertaining to its functions and related subjects.

(f) Each committee shall meet at the time and place designated by its leadership, and reasonable notice thereof shall be [mailed] provided to each member of the committee [five days prior to the date of such meeting].

(g) The chancellor may appoint special temporary committees, and may also appoint delegates for special occasions where in the chancellor's judgment it is proper and desirable that the Regents or the department be represented.

(h) The commissioner in consultation with the chancellor shall designate members of the staff whose function it will be to advise and assist each committee in the performance of its work.

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[(3) Elementary, Middle, Secondary and Continuing Education] (2) P-12 Education.

[(4)] (3) Cultural Education.

[(5)] (4) Ethics.

[(6)] (5) Professional Practice.

[(7) Vocational and Educational Services for Individuals with Disabilities] (6) Adult Education and Workforce Development.

(b) The chancellor, vice chancellor, and any chancellor emeritus who is also a current member of the Board of Regents shall be ex officio members of each standing committee, subcommittee, task force and work group.

(c) The chancellor from time to time may establish subcommittees, [and] task forces and work groups and shall designate the members and chairperson of any subcommittee, [or] task force or work group.

(d) The functions of the standing committees shall include:

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(ii) identifies policy research, evaluation needs and implementation strategies;

(iii) plans board retreats and training;

(iv) plans the periodic evaluation of the commissioner by the board;

(v) guides the creation of the 24-month calendar;

(vi) monitors implementation of board priorities; and

(vii) identifies technology needs and implementation strategies. ]

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[(3) Committee on Elementary, Middle, Secondary and Continuing Education] (2)

Committee on P-12 Education shall have the following functions with respect to elementary, middle and secondary education, including special education programs and related educational services to students with disabilities:

(i) develops policy recommendations regarding elementary, middle and secondary education, [workforce preparation and continuing education], and coordination of interagency agreements and activities;

(ii) reviews the monitoring of elementary, middle and secondary education [and workforce preparation and continuing education] programs, services, and results;

(iii) monitors State aid programs to elementary, middle and secondary schools;

(iv) seeks input from the public and the professional field concerning elementary, middle and secondary education [and workforce preparation and continuing education] policies and practices;

(v) reviews and approves amendments to the Rules of the Board of Regents and Regulations of the Commissioner of Education pertaining to elementary, middle and secondary education [and workforce preparation and continuing education];

(vi) reviews the provision of technical assistance to elementary, middle and secondary schools;

(vii) develops legislative and budgetary proposals for elementary, middle and secondary education [and workforce preparation and continuing education] and monitors the advocacy of such proposals, and leads in pressing for legislative and budgetary priorities within the department and with the Legislature;

(viii) initiates studies and activities leading to the improvement of educational conditions and outcomes for children from birth through high school graduation [and adults in workforce preparation and continuing education programs]; and

(ix) reviews and makes recommendations to the full board on incorporation and chartering of institutions and organizations proposing to offer prekindergarten, kindergarten, elementary, middle or secondary education programs.

[(4)] (3) Committee on Cultural Education:

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[(5)] (4) Committee on Ethics:

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[(6)] (5) Committee on Professional Practice:

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[(7) Committee on Vocational and Educational Services for Individuals with Disabilities] (6) Committee on Adult Education and Workforce Development:

(i) develops policy recommendations regarding adult education and workforce development, vocational rehabilitation, [and special education ] and proprietary school supervision, overall coordination of such programs and services [vocational and educational services to individuals with disabilities] , and coordination of interagency agreements and activities;

(ii) monitors the implementation of adult education and workforce development, vocational rehabilitation, [and special education programs and services] and proprietary school supervision, and interagency agreements;

(iii) develops legislative and budgetary proposals for adult education and workforce development, vocational rehabilitation [, special education and related educational services for individuals with disabilities], and proprietary school supervision, and monitors the advocacy of such proposals, and leads in pressing for legislative and budgetary priorities within the department and with the Legislature;

(iv) reviews and approves amendments to the Rules of the Board of Regents and Regulations of the Commissioner of Education relating to adult education and workforce development, vocational rehabilitation [, special education and related educational services for individuals with disabilities;] , and proprietary school supervision, and

(v) seeks input from the public and professional field on policies and practices concerning adult education and workforce development, vocational rehabilitation [; special education and related educational services for individuals with disabilities] , and proprietary school supervision.

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