



TO: The Honorable the Members of the Board of Regents

FROM: Richard J. Trautwein

SUBJECT: June 2012 Regulatory Agenda

DATE: June 15, 2012

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents approve the June 2012 Regulatory Agenda?

Reason for Consideration

Required by State statute.

Proposed Handling

Discussion and approval.

Background Information

Section 202-d of the State Administrative Procedure Act (SAPA) requires that the State Education Department publish, each year, a regulatory agenda in the first January issue, and in the last June issue, of the State Register. The June 2012 regulatory agenda is a list and brief description of the subject matter of each rule the Department is considering proposing during the remainder of 2012, but has not yet submitted a Notice of Proposed Rule Making. SAPA §202-d(2) provides that nothing in the statute

precludes the Department from adopting a different rule from the one appearing in the regulatory agenda. If we do intend to adopt additional rules, the Department must indicate in the Notice of Proposed Rule Making that the rule was not under consideration when the regulatory agenda was submitted for publication. SAPA §202-d(2) also provides that nothing in the statute requires an agency to adopt a rule appearing in the regulatory agenda.

The June 2012 Regulatory Agenda is a planning document required under SAPA §202-d and provides notice to the public on regulations that the agency knows it may propose in the next 6 months. It is non-binding and does not commit the agency to adopting the listed regulations, nor does it preclude the agency from adopting regulations that are not on the list. Accordingly, Board of Regents approval of the Regulatory Agenda does not constitute approval of the listed regulations.

Recommendation

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

VOTED: That the June 2012 Regulatory Agenda for the State Education Department be approved, as submitted.

Timetable for Implementation

The June 2012 Regulatory Agenda will be published in the State Register on June 27, 2012.

STATE EDUCATION DEPARTMENT

2012 REGULATORY AGENDA

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for the remainder of calendar year 2012. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the June 2011 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Amendment of section 100.1(a) of the Commissioner's Regulations relating to the definition of a unit of study. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(b) of the Commissioner's Regulations relating to the definition of a unit of credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2 of the Commissioner's Regulations relating to general school requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 100.2(jj) of the Commissioner's Regulations relating to School Employee Training and the Dignity Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 100.2(kk) of the Commissioner's Regulations relating to Reporting Requirements under the Dignity for All Students Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Commissioner's Regulations relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 151-1.3(e)(1) of the Commissioner's Regulations relating to the Universal Pre-Kindergarten program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.2(m) of the Commissioner's Regulations to revise the public reporting requirements to reflect any changes required as a result of New York's approved Elementary and Secondary Education Act waiver request. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.2(p) of the Commissioner's Regulations to revise the accountability determinations and the school report card to reflect any changes required as a result of New York's approved Elementary and Secondary Education Act waiver request. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(p) of the Commissioner's Regulations to revise the procedure for registration of public schools. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(x) of the Commissioner's Regulations, relating to the education of homeless children. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(b) of the Commissioner's Regulations relating to program requirements in grades five and six. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(c) of the Commissioner's Regulations relating to unit of study requirements in grades seven and eight. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(d) of the Commissioner's Regulations relating to grade eight acceleration for diploma credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(h) of the Commissioner's Regulations relating to models for Middle Level Education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Commissioner's Regulations relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a)(5)(i) of the Commissioner's Regulations relating to the State Assessment System. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(d) of the Commissioner's Regulations relating to Career and Technical Education programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.18 relating to the registration of public schools and identification of, support for and/or intervention in Reward Schools, Priority Schools, and Focus Schools and Districts in order to conform to New York's ESEA waiver request. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Repeal of sections 100.14 and 100.15 of the Commissioner's Regulations relating to Excelsior Scholars Program and Grants for Summer Institutes for Mathematics and Science Teachers.

Amendment of section 117 of the Commissioner's Regulations relating to diagnostic screening for students who are new entrants or who have low test scores in reading or mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the Concussion Management Awareness Act (L. 2011, Ch. 496). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the instructional reporting and improvement system. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the Early Warning System and the use of standardized student-level attendance rules. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations to conform to and implement Chapter 101 of the Laws of 2010, relating to charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 119 of the Commissioner's Regulations to add a section relating to residency determinations of students attending charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 119 of the Commissioner's Regulations to add a section relating to procedures regarding complaints brought pursuant to Education Law section 2855. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1(e) of the Commissioner's Regulations relating to financing of charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.16 of the Rules of the Board of Regents relating to the delegation to the Commissioner of Education of the Board of Regents' authority to conduct certain charter school public hearings required by Article 56 of the Education

Law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 120.3 of the Commissioner's Regulations to revise the public school choice requirements to reflect any changes required as a result of New York's approved Elementary and Secondary Education Act waiver request. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 120.4 of the Commissioner's Regulations to revise the Supplemental Educational Services (SES) requirements to reflect any changes required as a result of New York's approved Elementary and Secondary Education Act waiver request. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Parts 100 and 200 of the Commissioner's Regulations to make certain technical amendments, including corrections to cross citations, as may be appropriate and to conform to possible changes made to federal regulations this year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 136.3(b) to conform to Education Law section 901, as amended by Laws of 2006, Ch. 58, pt. A-1, §57, which removed exemption of the city school districts of Rochester and Buffalo from requirement to provide school health

services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Commissioner's Regulations to eliminate requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 154 of Commissioner's Regulations regarding the identification of and provision of services to Limited English Proficient students. A job impact statement, regulatory impact statement, assessment of public comment, regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations relating to high school diploma requirements for students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2(b) of the Commissioner's Regulations relating to written policies for the declassification of students with disabilities, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2(g) of the Commissioner's Regulations relating to special education space requirements plans, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.3(a) and (c) of the Commissioner's Regulations relating to the membership of the Committee on Special Education (CSE), Subcommittee on Special Education, and Committee on Preschool Special Education, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.4(i) and 200.5(a) of the Commissioner's Regulations relating to written notice upon graduation or aging out and the development of adult service recommendations for students with disabilities placed in residential schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(b) of the Commissioner's Regulations relating to parental consent for initial provision of special education services in a 12-month special service and/or program, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(b)(1)(iii) of the Commissioner's Regulations relating to parental consent to access a parent's public benefits or insurance, as may be necessary to conform to federal regulations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(c) of the Commissioner's Regulations relating to written notice to parents regarding CSE and Subcommittee meetings, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to sections 200.5(h) and (j) of the Commissioner's Regulations relating to mediation and impartial due process hearings for students with disabilities parentally placed in private schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.6 of the Commissioner's Regulations relating to a school district's responsibilities for a student with a disability placed in an in-state or out-of-state private school. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.7 and 200.20(a) of the Commissioner's Regulations relating to the program standards for private schools and preschool programs approved to serve students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 200.7(d) of the Commissioner's Regulations relating to the approval of the Commissioner of Education on an appointment of a student with a disability to a State-supported school and evaluations conducted by State-supported schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.16 of the Commissioner's Regulations relating to parent selection of a preschool evaluator, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.20(a) of the Commissioner's Regulations relating to public school districts as preschool evaluators and the approval of preschool programs, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Ken Slentz

Deputy Commissioner P-12

New York State Education Department

State Education Building, Room 2M West

89 Washington Avenue

Albany, New York 12234

(518) 474-3862

nysedp12@mail.nysed.gov

OFFICE OF HIGHER EDUCATION

Amendment of Part 30 of the Regents Rules relating to alignment of tenure areas to certain certification areas. A rural area flexibility analysis may be required.

Amendment of section 80-1.8 of the Commissioner's Regulations to correct the language regarding the Reissuance of an initial certificate.

Amendment of Part 80 of the Commissioner's Regulations relating to changes to the requirements for certification examinations for teachers. A rural area flexibility analysis may be required.

Amendment of section 80-3.10 of the Commissioner's Regulations to clarify that the School District Leader certificate is the only certificate required for a Superintendent also performing the roles of principal or business official in small school districts. A rural area flexibility analysis may be required.

Amendment of Part 83 of the Commissioner's regulations to streamline moral character hearings

Amendment of Part 135 of the Commissioner's regulations to clarify the due process procedures relative to coaching licenses

Amendment of Part 82 of the Commissioner's regulations relating to tenured teacher hearings to implement changes set forth in Chapter 57 of the Laws of 2012

Amendment of section 100.2 of the Commissioner's Regulations and Subpart 30-2 of the Regents Rules to clarify and make technical amendments to regulations relating to teacher and principal evaluation system and possible amendments to these sections in light of pending litigation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations to implement the teacher and principal career ladders. A rural area flexibility analysis may be required.

Amendment of Part 52 of the Commissioner's Regulations, relating to registration of curricula. A rural area flexibility analysis may be required.

Amendment of section 80-5.6 of the Commission Regulations regarding clarification of acceptable experience for the Teaching Assistant Level III certificate.

Amendment of section 80-5.4 of the Commission Regulations regarding clarification of the length of employment for substitute teachers.

Amendment of section 80-1.2 of the Commission Regulations regarding clarification of what a year of experience is.

Amendment of section 80-1.6 of the Commission Regulations regarding automatic issuance of a third year time extension.

Repeal of section 80-5.8 of the Commission Regulations regarding a regional credential.

Amendment of section 80-5.13 of the Commission Regulations to remove the requirement for the Initial certificate to be pre-dated to the effective date of the Transitional B.

Amendment of section 80-3.3 of the Commission Regulations regarding the ability to hold an equivalent regular certificate from another jurisdiction and have three years of the past seven years of employment under that certificate.

Amendment of section 80-5.17 of the Commission Regulations for the Conditional Initial certificate. Remove the requirement for the completion of the exams at least 60 days prior to the expiration of the Conditional Initial certificate.

Amendment of section 80-3.6 of the Commission Regulations for the Professional Development requirement.

Agency Representative

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

John D'Agati

Deputy Commissioner for the Office of Higher Education

New York State Education Department

Office of Higher Education
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89 Washington Avenue
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(518) 486-3633
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OFFICE OF THE PROFESSIONS

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the public accountancy and certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Parts 52 and 77 of the Commissioner's Regulations relating to the educational standards necessary for licensure in physical therapy. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Parts 52 and 79 of the Commissioner's Regulations relating to authorization for the practice of polysomnographic technology. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 52 and Subpart 79-8 of the Commissioner's Regulations relating to educational requirements for licensure in medical physics. A rural area flexibility analysis may be required.

Amendment of Part 61 of the Commissioner's Regulations relating to dental anesthesia certification. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 63 of the Commissioner's Regulations relating to interpretation and translation requirements for prescription drugs and standardized medication labeling and to standardized patient-centered data elements with regard to prescription medications. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Douglas E. Lentivech

Deputy Commissioner for the Professions

New York State Education Department

Office of the Professions

89 Washington Avenue

West Wing, Second Floor - Education Building

Albany, NY 12234

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OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Commissioner's Regulations, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Bernard A. Margolis

State Librarian and Assistant Commissioner for Libraries

New York State Education Department

New York State Library

Room 10C34

Albany, NY 12230

(518) 474-5930

bmargolis@mail.nysed.gov

Amendment of sections 189.1 and 189.3 of the Commissioner's regulations relating to the Documentary Heritage program, to revise procedures for the award of grants and for the provision of field services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the agency fee list to match the current organizational structure of executive branch agencies. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Christine Ward

Assistant Commissioner for the State Archives

9A49 Cultural Education Center

Albany, New York 12230

(518) 473-7091

cward@mail.nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)
BUREAU OF PROPRIETARY SCHOOL SUPERVISION

A series of Amendments of Part 126 of the Commissioner's Regulations would be proposed if enabling legislation amending Article 101 of the Education Law is enacted. Those amendments would include the following:

Amendment of Part 126 of the Commissioner's Regulations to change the title of schools supervised from "Private Trade and Correspondence Schools" to "Licensed Private Career Schools and Certified English as a Second Language Schools." It removes the distinction between licensed private schools, registered business schools, and computer training facilities. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to remove the subjects taught in a registered business school or computer training facility as they no longer apply. ESL schools and requirements for licensing are added. A regulatory

flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to specifically include that schools teaching personal training as schools requiring licensing. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to clarify the parameters for offering of workshops or trade shows without licensure. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to reflect the new school application fee of \$5,000 and the increased fees for renewal application fees. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to add the new category of candidacy schools and the requirements for being a candidacy school. This will offer institutions the ability to continue operation while seeking licensure. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to raise the requirement to submit audited financial statements to schools with \$500,000 gross tuition income or above. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations adds an additional condition under which the Commissioner might deny, suspend, revoke, or decline to renew a license. This permits the Commissioner to review financial viability of the school in order to reduce the threat to student tuition funds, school closure, and the Tuition Reimbursement Account (TRA). A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations permits the Commissioner to review a school report on its financial health and to identify methods of restoring viability while the school has been placed on probation. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to eliminate the transfer of ownership for schools. Rather, a new school application will be required for any ownership transfer of 25 percent or more to prevent 'flipping'. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to redefine the calculation of tuition assessment based on length of licensure to clarify the current guidelines. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to prescribe loan disbursement based on cost of program to protect both the student and the TRA. Excluded are credit card payments or personal payment by another party. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to add additional entrance requirements for shorter courses to inform higher-end certification courses where students already have specific pre-requisites. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to require that all catalogs include a weekly tuition liability chart to show students what liability they have if they drop out. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to institute a fee for curriculum review to reflect the resources dedicated to this function. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to lift the restrictions on teacher licensure so that a licensed teacher may teach at any school. This will reduce the number of unlicensed teachers and improve their employability. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to define under what circumstances a student at a candidate school may file a complaint. Students at candidate schools must receive disclosure that the protections afforded students at licensed schools do not apply to them. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to increase fines for civil penalties and administrative sanctions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to permit the director to apply for an agent license at no additional cost as part of the licensing process. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to increase the cost of an agent certification, while adding another year to the length of the certification. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to permit the Department to effect teach out agreements in the event that the closing school has not done so. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to expand the items that are reimbursable through the TRA at the time of school closure to include reimbursement for fees and book charges. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to clarify what action is taken if the TRA falls below a certain amount and rises above a certain amount. It defines the suspension and the resumption of tuition assessment, and to what schools

this pertains. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to provide for the Commissioner to use up to \$200,000 for the purpose of securing and scanning of closed school records to provide better student access to the records. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to require the Office of the State Comptroller (OSC) to perform its audit of the TRA on a bi-annual basis, rather than yearly basis. An audited statement will be required. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to install term limits for the Advisory Council members, with the provision that they may be re-elected. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Carole W. Yates, Director

ACCES—Proprietary School Supervision

99 Washington Avenue

One Commerce Plaza, Room 1613

Albany, NY 12234

Vocational Rehabilitation

Amendment of Parts 246, 247 and 248 of the Commissioner's Regulations relating to the State vocational rehabilitation and independent living programs, as necessary, to eliminate references to the former Office of Vocational and Educational Services for Individuals with Disabilities. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of Parts 246 and 247 of the Commissioner's Regulations relating to the State vocational rehabilitation program operated pursuant to Title I of the Rehabilitation Act, as may be appropriate in order to conform to possible changes made if Congress reauthorizes that act this year. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Agency representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting:

Frank Coco, CRC

Manager, VR Policy and Partnerships

Office of Adult Career and Continuing Education Services

Room 1603, One Commerce Plaza

Albany, New York 12234

(518) 474-3946

fcoco@mail.nysed.gov

Adult Education Programs and Policy

Amendment of Section 100.7 of the Commissioner's Regulations to update and revise outdated provisions and to provide the National External Diploma Program as a third pathway to a New York State High School Equivalency Diploma beginning July 1, 2013.

Agency Representative:

Information may be obtained, and written comments may be submitted concerning the above proposed amendment by contacting:

Mark Leinung,

Director – Adult Education Programs and Policy

Adult Career and Continuing Education Services

New York State Education Department

Room 1622, One Commerce Plaza

Albany, NY 12234

(518) 474-8892

mleinung@mail.nysed.gov

OFFICE OF STATE REVIEW

Amendment of section 279.1 of the Commissioner's Regulations, relating to the incorporation and clarification of definitions and other provisions, as relevant to state-level review of hearings for students with disabilities, that are currently referenced in Parts 275 and 276; deletion of references to parts 275 and 276; clarification of the jurisdiction of a state review officer and procedures regarding state review proceedings; and clarification regarding the authority of a state review officer to review manifestation

determinations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.2 of the Commissioner's Regulations, relating to timelines for serving and filing a Notice of Intention to Seek Review; clarification of purpose of Notice of Intention to Seek review; clarification of timeframe in which to serve upon another party and file a Notice of Intention to Seek review; and addition of a notice of certification requirement. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.3 of the Commissioner's Regulations, relating to service of an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.4 of the Commissioner's Regulations, relating to the initiation and scope of a review and the timeliness of an appeal, clarify sufficiency of content and time in which to serve the petition for review and memorandum of law upon the opposing party; procedures for filing a petition for review with the Office of State Review; and add disclosure of whether a related action or proceeding is pending in another forum. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.5 of the Commissioner's Regulations, relating to the content and service of an answer and supporting papers upon the opposing party and filing with the Office of State Review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.6 of the Commissioner's Regulations, relating to additional pleadings and new matters raised in an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.7 of the Commissioner's Regulations, relating to verification of pleadings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.8 of the Commissioner's Regulations, relating to the table of authorities, clarification of the requirement that pleadings be signed consistent with 22 NYCRR 130-1.1a(a); and submission of electronic copies of pleadings and memoranda of law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.9 of the Commissioner's Regulations, relating to content and submission of record; certification of record and clarification that 279.9 (b) refers to complete record. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.10 of the Commissioner's Regulations, relating to requests for extensions of time and length of extensions permitted; submission of additional evidence; clarification of effect of agreements to extend the time in which to initiate a review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.11 of the Commissioner's Regulations, relating to calculating date of mailing and type of mail. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.12 of the Commissioner's Regulations, clarifying provisions relating to the finality of state review officer decisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.13 of the Commissioner's Regulations, relating to service of petition for review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of 279.15 of the Commissioner's Regulations, relating to definitions of terms in Part 279. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Justyn P. Bates

Office of State Review

80 Wolf Road, 2nd Floor

Albany New York 12203

(518) 485-9373