




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

TO: The Honorable the Members of the Board of Regents
FROM: Richard J. Trautwein

SUBJECT: June 2015 Regulatory Agenda
DATE: June 8, 2015
AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents approve the June 2015 Regulatory Agenda?

Reason for Consideration

Required by State statute.

Proposed Handling

The June 2015 Regulatory Agenda will be presented to the Full Board for approval at the June Regents meeting.

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 last June issue of the State Register. The June 2015 regulatory agenda is a list and brief description of the subject matter of each rule the Department is considering proposing during the remainder of 2015, 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 2015 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 2015 Regulatory Agenda for the State Education Department be approved, as submitted.

Timetable for Implementation

The June 2015 Regulatory Agenda will be published in the State Register on June 24, 2015.

STATE EDUCATION DEPARTMENT
JUNE 2015 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 2015. 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 2015 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.

Addition of section 100.2(c)(11) of the Commissioner's Regulations to implement Chapter 417 of the Laws of 2014 by requiring hands-only instruction in cardiopulmonary resuscitation and instruction in the use of automated external defibrillators (AEDs) in senior high schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2 (gg) to revise the number of categories pertaining to Violent and Disruptive Incident Reporting to be reported annually by public schools and districts, charter schools, BOCES, and state operated schools. 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 to conform to Education Law sections 207, 305, and 211-f as added by Chapter 56 of the Laws of 2015 and to align the already existing rules with the new section 100.19 relating to Receivership. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(i) to allow the reporting of Complaints About the Use of Corporal Punishment by BOCES, District or Charter School Personnel to be done once a year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.3 of the Commissioner's Regulations relating to the PreK-4 Program requirements to reflect the adoption of the Common Core Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4 of the Commissioner's Regulations relating to program requirements in grades 5-6 to reflect the adoption of the Common Core Learning Standards. 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.

Amendment of section 100.2(j) of the Commissioner's Regulations relating to guidance counselors. A regulatory change may be required to update language and specific requirements to develop a comprehensive, developmentally appropriate school counseling program for each student attending a New York State public or charter school. A 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 graduation requirements. A regulatory change may be required to allow for additional options for English language learners. A 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 diploma requirements for students pursuing a career/technical education program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.7 of the Commissioner's Regulations relating to State High School Equivalency Program to increase the age of eligibility and minimum number of hours required by the program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.18 to: address accountability for graduation rate of schools with Pathways in Technology Early College High School (PTech) and Early College high school programs; conform regulations to Education Law sections 207, 305, and 211-f as added by Chapter 56 of the Laws of 2015 and align the already existing rules with the new section 100.19 relating to Receivership; provide flexibility to school districts and charter schools regarding the administration of Regents Examinations in Mathematics (Common Core) to grades seven and eight students; and revise the definition of performance levels for State assessments and the calculation of the performance index based on the student performance levels. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of §100.5(g)(1)(i) of the Commissioner's Regulations relating to the transition to the Common Core Regents Examination in English Language Arts. A 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 of the Commissioner's Regulations relating to implementation of the Seal of Biliteracy. Chapter 271 of the Laws of 2012 (Section 815 of Education Law) established the state Seal of Biliteracy to recognize high school graduates who have attained a high 2 level of proficiency in listening, speaking, reading, and writing in one or more languages in addition to English. The NYS Seal of Biliteracy will be awarded by the Commissioner to students who meet criteria established by the Board of Regents and attend schools in districts that voluntarily agree to participate in the program. The Seal of Biliteracy will be affixed to the high school diploma and transcript of graduating pupils attaining Seal criteria and must be made available to students at no cost. A 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. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Extension of the amendment to sections 100.4(e)(2) and 100.18(b)(14) of the Commissioner's Regulations to provide flexibility to school districts and charter schools

regarding the administration of Regents Examinations in Mathematics (Common Core) to grades 7 and 8 students. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of 100.18 of the Commissioner's Regulations to align with the State's submitted ESEA Flexibility Renewal Request for the 2015-16 school year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of a new section of the Commissioner's Regulations 100.19 relating to School Receivership. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 114.1(b) of the Commissioner's Regulations relating to nutrition standards. A regulatory change may be required to conform with federal statute and/or regulation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations relating to initial identification and enrollment processes for English language learners. A regulatory change may be required to align to regulatory changes made to Part 154. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations pertaining to the screening of students to determine whether they are English language learners. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 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 Part 118 of the Commissioner's Regulations relating to implementation of waivers from specified provisions of the Elementary and Secondary Education Act of 1965, as amended, that have been granted by the Secretary of the U.S. Department of Education pursuant to section 9401 of the ESEA for purposes of ESEA flexibility pertaining to school and district accountability. 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 of Commissioner's Regulations, relating to Charter School Tuition Reimbursement, to conform to section 4 of Part BB of Chapter 56 of the Laws of 2014. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.3 of the Commissioner's Regulations relating to charter school report cards to correct a citation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 120 of the Commissioner's Regulations relating to implementation of waivers from specified provisions of the Elementary and Secondary Education Act of 1965, as amended, that have been granted by the Secretary of the U.S. Department of Education pursuant to section 9401 of the ESEA for purposes of ESEA flexibility pertaining to Supplemental Educational Services and Public School Choice. 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 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 of the 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 the 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.

Addition of section 136.8 of the Commissioner's Regulations relating to the Opioid Overdose Prevention Program, to conform to Chapter 57 of the Laws of 2015. A

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

Amendment of section 136.3(b) of the Commissioner's Regulations to conform to Education Law section 901, as amended by the Laws of 2006, Ch. 58, pt. A-1, §57, which removed the exemption of the city school districts of Rochester and Buffalo from the 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 the 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 units of study mandated for and credits given to English Language Learners in English as a New Language and Bilingual Education programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Development of a new Part of the Commissioner's Regulations to create identification, placement and program requirements for students who are English language learners in preschool. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.4 of the Regulations of the Commissioner of Education to establish required considerations for Committees on Special Education and Committees on Preschool Special Education for determining if a student with a

disability needs a one-to-one teacher aide. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of 200.6 of the Regulations of the Commissioner of Education relating to Committee on Special Education recommendations for home and hospital instruction. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.7 of the Commissioner's Regulations relating to conditions of approval and the program standards for private schools approved to serve students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.1, 200.16 and 200.20 of the Regulations of the Commissioner of Education relating to special education itinerant services and related services requirements; curriculum and behavioral standards; and other program and governance quality standards for preschool special education programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.9, 200.16 and 200.20 of the Commissioner's Regulations relating to the preschool rate-setting methodology and the approval of programs serving preschool students with disabilities. 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 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:

Charles A. Szuberla, Jr.

Acting Deputy Commissioner P-12 Education

New York State Education Department

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OFFICE OF HIGHER EDUCATION

Addition of a new Part of the Commissioner's Regulations pertaining to the requirements for student and teacher data privacy and security pursuant to Education Law section 2-d, as added by Subpart L of Part AA of Chapter 56 of the Laws of 2014.

A rural area flexibility analysis and/or a regulatory flexibility analysis may be required.

Amendment of section 3.56 of Regents Rules to clarify requirements for out-of-state institutions of higher education that are seeking Regents permission to operate in New York. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 4.1 of Regents Rules to clarify standards and procedures related to institutional accreditation. A rural area flexibility analysis and/or a regulatory flexibility analysis may be required.

Amendment of Part 52 of the Commissioner's Regulations pursuant to Education Law sections 210-a and 210-b, as added by Subpart B of Chapter 56 of the Laws of 2015 pertaining to admission requirements for, and suspension and deregistration of, graduate level teacher and education leader preparation programs. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations relating to the certification requirements for pupil personnel service providers. A rural area flexibility analysis may be required.

Amendment of section 80-3.4 of the Commissioner's Regulations relating to education requirements for the professional certificate. A rural area flexibility analysis may be required.

Amendment of Part 80 and section 100.2 of the Commissioner's Regulations to remove the Professional Development requirement and add a new continuing education requirement for certain teachers and school leaders, and to make revisions and additions regarding registration requirements for certain teachers and school leaders, in order to implement Education Law 3006-a, as added by Chapter 56 of the Laws of 2015 effective July 1, 2016. A rural area flexibility analysis may be required.

Amendment of Part 80-4.3 and 80-5.18 relating to the requirements for a Supplementary Bilingual Education extension and the Supplementary English to

Speakers of Other Languages certificate. A rural area flexibility analysis may be required.

Amendment of Part 82 of the Commissioner's Regulations to conform regulations to changes in Education Law 3020-a and 3020-b as they relate to teacher tenure hearings to implement a Chapter of the Laws of 2015. A regulatory flexibility analysis and/or a rural area flexibility analysis may be required.

Amendment of Part 83 of the Commissioner's Regulations to streamline moral character hearings. A regulatory flexibility analysis and/or a rural area flexibility analysis may be required.

Amendment of Part 86 of the Commissioner's Regulations relating to the requirements for the Albert Shanker Grant. A rural area flexibility analysis may be required.

Amendment of Part 135 of the Commissioner's Regulations to clarify the due process procedures relative to coaching licenses. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of Part 145 of the Commissioner's Regulations to implement the Foster Youth College Success Initiative to implement a Chapter of the Laws of 2015, which requires the Commissioner to allocate funds, subject to an appropriation, for the purpose of providing support services to assist youth in foster care to apply for, enroll in, and succeed in college. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations 145-2.1(a)(iii) to provide a definition of a remedial course(s). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations 145-2.15(c)(1) to clarify and establish jurisdiction over a student at the time of the completion of secondary education. 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:

John D'Agati

Deputy Commissioner for the Office of Higher Education

New York State Education Department

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89 Washington Avenue

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OFFICE OF THE PROFESSIONS

Amendment of sections 3.47 and 3.50 of the Regents Rules relating to the authorization of degrees and addition of a Doctor of Occupational Therapy (O.T.D.) degree. A rural area flexibility analysis may be required.

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 Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the pharmacy profession. A regulatory flexibility analysis for small businesses and a rural flexibility analysis may be required.

Amendment of Parts 52, 59 and 79 of the Commissioner's Regulations to add a new profession entitled "Geology," to establish educational requirements and licensure for Professional Geologists and to protect the title "Professional Geologist." A regulatory flexibility analysis for small businesses and 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 the creation of an electronic, interoperable system to identify and trace certain prescription drugs as they are distributed in the United States, as required by the federal Drug Quality and Security Act of 2013. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 64 of the Commissioner's Regulations to authorize registered professional nurses to administer tests to determine the presence of the Hepatitis C virus and urgent or emergency opioid related overdose treatments pursuant to a non-

patient specific order and protocol issued by a physician or nurse practitioner. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 69 of the Commissioner's Regulations relating to licensure by endorsement provisions for architects. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 70 of the Commissioner's Regulations relating to the definitions of public accountancy and the certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 71 of the Commissioner's Regulations relating to the requirements for certified shorthand reporting certification. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Subparts 79-9, 79-10, 79-11, and 79-12 of the Commissioner's Regulations to establish mandatory continuing education requirements for mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 79 of the Commissioner's Regulations to create a new Subpart 79-17 to add a new profession entitled "Perfusionists"; to describe the scope of practice of a Perfusionist and to make Perfusion a title protected profession. 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

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New York State Education Department

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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

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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:

Tom Ruller

Interim, Assistant Commissioner for the State Archives

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Albany, New York 12230

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OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment of Parts 246, 247 and 248 of the Commissioner's Regulations, regarding conforming and technical amendments pertaining to the vocational rehabilitation and independent living programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

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 area flexibility analysis may be required.

Amendment of Part 246 of the Commissioner's Regulations relating to sheltered workshop programs and community rehabilitation providers, as may be necessary to conform to federal regulations and to reflect new standards for services established in contracts. A regulatory flexibility analysis for local government and a rural area 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 changes resulting from the passage of the Workforce Innovation and Opportunity Act (WIOA) on July 22, 2014 which amended the Rehabilitation Act. The draft federal regulations were released on April 16, 2015. The final federal WIOA regulations are expected to be released in October 2015. 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 modification or continuation of any of the above rules by contacting:

Lisa Van Ryn

Manager, VR Resource Development

Office of Adult Career and Continuing Education Services

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Adult Education Programs and Policy

Amendment to Section 100.7 of the Commissioner's Regulations that would update and revise outdated provisions of the regulation to conform with the new High School Equivalency exam, the Test Assessing Secondary Completion – TASC™. The amendment would eliminate language which withholds the diplomas of candidates who are under the age of nineteen until such candidates attain the age of nineteen. The amendment would also authorize the National External Diploma Program (NEDP) as an alternative assessment to a New York State High School Equivalency Diploma. Currently, the NEDP is an accepted program under Section 100.8 as a local high school equivalency diploma. Regulation 100.8 expires on June 30, 2015. 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 amendments by contacting:

Mark Leinung

Director – Adult Education Programs and Policy

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Amendment of section 126.1(o) of the Commissioner's Regulations to delete the term, "received," as used in the phrase "revenue received," in reference to the reporting of gross tuition. This change is needed to ensure that the term used accurately aligns with Generally Accepted Accounting Principles (GAAP), as required by 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 the modification or continuation of any of the above rules by contacting:

Carole W. Yates

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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 the 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; addition of a notice of intention to cross-appeal requirement; and addition of a requirement to identify the issues sought to be reviewed by a state review officer. 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 extensions of time for 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, clarification of sufficiency of content and time in which to serve the request for review and memorandum of law upon the opposing party; clarification of required elements of a cross-appeal; clarification of methods and completion of permissible service; and procedures for filing a request for review 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 279.5 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 the content and service of additional pleadings 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 279.7 of the Commissioner's Regulations, relating to endorsement and 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 form and content of pleadings and memoranda of law; clarification of the requirement that pleadings be signed consistent with 22 NYCRR 130-1.1a(a); submission of electronic copies of pleadings and memoranda of law; and when filing is considered

complete. 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; providing consequences to districts that fail to timely file the complete record; and specifying content of records on appeal from interim decisions. 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; submission of additional evidence or remand of a matter to the impartial hearing officer; and State Review Officer authority to request additional briefing from the parties. 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 in which service must be made. 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 279.12 of the Commissioner's Regulations to permit correction of clerical errors or mistakes and minor technical changes in a decision of the State Review Officer. A regulatory flexibility analysis 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 279.14 of the Commissioner's Regulations, relating to pre-review conferences. 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:

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OFFICE OF MANAGEMENT SERVICES

Amendment of Parts 187 and 188 to update regulations relating to the inspection and copying of State Education Department records and to State Government Archives and Records Management.

Agency Representative:

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

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Counsel and Deputy Commissioner for Legal Affairs

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This regulatory agenda for the State Education Department was prepared and submitted by:

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June 8, 2015

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