




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

TO: Cultural Education Committee
FROM: Mark Schaming 
SUBJECT: Proposed Amendment of Sections 179.3 and 179.5 of the Regulations of the Commissioner of Education, Relating to Educational Broadcast Councils and Radio Stations
DATE: April 25, 2019

AUTHORIZATION(S):



SUMMARY

Issue for Discussion

Should the Board of Regents amend §§179.3 and 179.5 of the Commissioner's regulations relating to reports required of each educational broadcast council and public radio station, and the representation and bylaws of council Educational Telecommunications Service Committees?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendments are presented to the Cultural Education Committee for discussion at its May 2019 meeting. A Notice of Proposed Rule Making will be published in the State Register on May 22, 2019. Supporting materials are available upon request to the Secretary of the Board of Regents. A copy of the proposed amendment is attached.

Background Information

The proposed amendments to §179.3 of the Commissioner's regulations, last updated in 2003, are necessary to reduce costs incurred by each Educational Broadcast Council ("council") and Radio Station for redundant annual certified audits and to streamline the reporting process. The amendments include the following changes:

- updates language related to the required annual financial report and the time period for submitting this report, making it possible for councils and radio stations to each prepare one annual financial report, one annual certified audit and have one submission time period that complies with both State Education Department and Corporation for Public Broadcasting reporting requirements. With this change, councils and radio stations reduce redundancy and save money.

The proposed amendment also amends §179.5 of the Commissioner's regulations relating to the councils' Educational Telecommunications Service Committees. The amendments include the following changes:

- the committee's composition may include representatives from "cultural education institutions" and provides examples of these organizations, such as: museums, historical societies, libraries, science centers, zoos, planetariums, university art galleries, etc. This change will expand the pool of qualified educators from which to recruit committee representatives and help with finding the diversity and expertise the council's work requires.
- updates language related to the enacting of committee bylaws. Currently committee representatives enact their own bylaws. The proposed amendment will give each council's trustees final approval of committee bylaws.

Related Regents Items

None.

Recommendation

Not applicable.

Timetable for Implementation

Following the 60-day public comment period, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at the September 2019 meeting. If adopted at the September 2019 meeting, the proposed amendment will become effective as a permanent rule on September 30, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 236 and Chapter 50 of the Laws of 1975.

1. Section 179.3 of the Regulations of the Commissioner of Education is amended, to read as follows:

Section 179.3 Schedule of payments.

(a) Each council and public radio station shall be paid according to the following procedure:

(1) Reports required.

(i) Each council shall submit the following reports:

(a) . . .

(b) . . .

(c) a certified audit within [five] six months of the close of the fiscal year.

(d) . . .

(e) . . .

(f) [the Education Department financial report within five months of the close of the fiscal year] an annual financial report in a form prescribed by the Commissioner within six months of the close of the fiscal year.

(g) A quarterly education report within one month of the close of the quarter.

(ii) Each radio station shall submit the following reports:

(a) . . .

(b) a certified audit within [five] six months of the close of the fiscal year.

(c)

(d) . . .

(e) [the Education Department financial report within five months of the close of the fiscal year] an annual financial report in a form prescribed by the Commissioner within six months of the close of the fiscal year.

(iii) . . .

2. Section 179.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

Section 179.5 Educational Telecommunications service committee.

(a) Purpose. An educational telecommunications service committee shall be formed by each of the councils in each of the several regions of the State. The geographical boundaries of each region shall be defined by the commissioner, based on State needs and on advice from the council in each region. Each committee shall mutually develop an educational service with the regional council. The committee(s) shall represent public and private schools and other educational organizations, and for purposes of this section, cultural education institutions which shall include but not be limited to museums, historical societies, libraries, science centers, zoos, planetariums, and university art galleries within that region, in order to meet the educational needs of learners.

(b) Organization. Representatives from educational organizations must reflect the diversity and proportional representation of the region. Participating representatives shall elect the officers of the committee(s) and [shall enact bylaws necessary for the operation of the committee(s)] committees shall function according to bylaws approved

by each council's trustees. Each committee shall submit to the commissioner a plan for the committee to develop the lifelong learning goals/objectives and services of the council. Actions taken by the committee(s) shall be filed in the quarterly report to the commissioner. There shall be a permanent seat on the executive committee for a district superintendent appointed by the commissioner.