



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Mark Schaming 

**SUBJECT:** Proposed Amendment to Sections 179.3 and 179.5 of the Regulations of the Commissioner of Education, Relating to Educational Broadcast Councils and Radio Stations

**DATE:** August 29, 2019

**AUTHORIZATION(S):**  

#### SUMMARY

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

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

#### **Reason for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the September 2019 meeting of the Board of Regents. A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

#### **Procedural History**

The proposed amendment was initially presented to the Cultural Education Committee for discussion at its May 2019 meeting. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

## **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 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:

- Requires the Committee's composition to include representative from "cultural education institutions" and provides examples of these organizations, such as: museums, archives, 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 councils' work requires.
- Updates language related to the enacting of committee bylaws. Currently committee representatives enact their own bylaws. The proposed amendment will give each councils' trustees final approval of committee bylaws.

## **Related Regents Items**

May 2019: Proposed Amendment to Section 179.3 and 179.5 of the Regulations of the Commissioner of Education Relating to reports required of each council and public radio station, and the representation and bylaws of council Educational Telecommunications Service Committees  
(<http://www.regents.nysed.gov/common/regents/files/519ced1.pdf>)

## **Recommendation**

VOTED: That Sections 179.3 and 179.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 25, 2019.

## **Timetable for Implementation**

If adopted at the September 2019 Regents meeting, the permanent rule will take effect on September 25, 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 museums, historical societies, libraries, science centers, zoos, planetariums, university art galleries, etc., 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 councils' 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.