



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: Jeffrey Cannell *Jeffrey W. Cannell*

SUBJECT: Proposed Amendment of Section 230.2 of the
Commissioner's Regulations, Relating to Use of Department
Facilities in the Cultural Education Center

DATE: April 6, 2015

AUTHORIZATION(S): *Richard A. Trentaciani* *Elizabeth R. Berlin*

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend section 230.2 of the Commissioner's Regulations to update the regulation to reflect current policy and practices relating to the availability of State Education Department facilities in the Cultural Education Center for general public and private use?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is being presented to the Full Board for action at the April 2015 Regents meeting.

Procedural History

The proposed amendment was discussed by the Cultural Education Committee at the February 2015 Regents meeting. A Notice of Proposed Rule Making was

published in the State Register on January 28, 2015. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Section 230.2 of the Commissioner's Regulations sets forth requirements governing the availability of Cultural Education Center (CEC) facilities for general public and private use, when not required to serve the program needs of the State Education Department. The section currently refers only to the use of museum facilities within the CEC. The proposed amendment will update the regulation to reflect current availability and use practices relating to all facilities in the CEC.

Recommendation

Staff recommends that the Regents take the following action:

VOTED: That section 230.2 of the Regulations of the Commissioner is amended, as submitted, effective April 29, 2015.

Timetable for Implementation

If adopted at the April meeting, the proposed amendment will become effective on April 29, 2015.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207 and 305

Section 230.2 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, as follows:

§230.2 Use of [the museum] Department facilities in the Cultural Education Center.

(a) When not required to serve the program needs of the Education Department, the facilities of the [New York State Museum in the] Office of Cultural Education in the Cultural Education Center, including but not limited to the student center, meeting rooms and [auditorium] auditoriums, may be made available for general public and private use in accordance with the limitations and requirements of this section.

(b) The [museum] facilities may not be used for the presentation of any programs that are religious, political or commercial, or at which attendance is exclusive, except that attendance at meetings under the control of institutions in the University of the State of New York may be exclusive.

(c) Fees. Each person, association, organization or corporation permitted the use of the [museum] facilities shall pay for all costs resulting from such use. Each such person, association, organization or corporation, except a State agency, shall provide liability and property damage insurance.

(d) The Education Department reserves the right to require the use of as many building guards for an event as it deems necessary to provide adequate audience safety.