



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: Kevin G. Smith

SUBJECT: Proposed Amendment of section 3.2 of the Rules of the Board of Regents, relating to the ACCES Committee

DATE: February 15, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as a permanent rule, the amendment to section 3.2 of the Rules of the Board of Regents changing the name of the Adult Education and Workforce Development committee to "Committee on Adult Career and Continuing Education Services (ACCES)?"

Reasons for Consideration

Review of policy.

Proposed Handling

The proposed amendment will come before the Full Board for adoption as a permanent rule at the March Regents meeting. A second emergency adoption is also needed at the March meeting to ensure that the December emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule. A Statement of the Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

The proposed amendment was adopted as an emergency rule at the December 2010 Regents meeting, effective December 21, 2010.

Background Information

The Office of Adult Education and Workforce Development was established under a recent reorganization of the State Education Department that consolidated responsibility for adult education, workforce development, vocational rehabilitation and proprietary school supervision with the Office of Adult Education and Workforce Development, and transferred responsibility for special education to the Office of P-12 Education.

The Office of Adult Education and Workforce Development has changed its name to the Office of Adult Career and Continuing Education Services (ACCES). The proposed amendment is needed to make a conforming change in the name of the Regents standing committee from Committee on Adult Education and Workforce Development to "Committee on Adult Career and Continuing Education Services (ACCES)."

A Notice of Proposed Rule Making concerning the proposed amendment was published in the State Register on December 22, 2010. Supporting materials are available upon request from the Secretary to the Board of Regents.

Recommendation

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

VOTED: That subdivision (a) and paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 30, 2011, and it is further

VOTED: That subdivision (a) and paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 22, 2011, as an emergency rule upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the December 2010 Regents meeting, effective December 21, 2010, and will expire on March 21, 2011. If adopted at the March Regents meeting, the second emergency rule will become effective on March 22, 2011 and the permanent rule will become effective on March 30, 2011.

Attachment

PROPOSED AMENDMENT OF SECTION 3.2 OF THE RULES OF THE BOARD OF
REGENTS PURSUANT TO EDUCATION LAW SECTION 207, RELATING TO
STANDING COMMITTEES OF THE BOARD OF REGENTS
STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

Pursuant to 8 NYCRR section 3.2, the Board of Regents has established several standing committees to assist the Board to effectively meet its responsibilities to govern the University of the State of New York, determine the educational policies of the State and oversee the State Education Department. The names of standing committees generally reflect the name of the respective office within the State Education Department whose educational functions are overseen by a particular committee. For example, the Adult Education and Workforce Development committee is responsible for overseeing the functions of the Office of Adult Education and Workforce Development.

The Office of Adult Education and Workforce Development was established under a recent reorganization of the State Education Department that consolidated responsibility for adult education, workforce development, vocational rehabilitation and proprietary school supervision with the new Adult Education and Workforce Development committee, and transferred responsibility for special education to a new Office of P-12 Education.

The Office of Adult Education and Workforce Development has changed its name to the Office of Adult Career and Continuing Education Services (ACCES). The proposed amendment is needed to make a conforming change in the name of the Regents standing committee from Committee on Adult Education and Workforce Development to "Committee on Adult Career and Continuing Education Services (ACCES)."

The proposed amendment was adopted as an emergency action at the December 13-14, 2010 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on December 22, 2010.

The proposed amendment has now been adopted as a permanent rule at the March 7-8, 2011 Regents meeting. Pursuant to the State Administrative Procedure Act, the earliest the permanent rule may become effective is after its publication in the State Register on March 30, 2011. Since the December 2010 emergency adoption will expire on March 21, 2011, 90 days after its filing with the Department of State on December 21, 2010, there would be a lapse in the rule's effectiveness. Another emergency adoption is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the December 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS

Pursuant to Education Law section 207

1. Subdivision (a) of section 3.2 of the Rules of the Board of Regents is amended, effective March 22, 2011, as follows:

(a) The chancellor shall appoint the following standing committees and designate the leadership of each committee:

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) [Adult Education and Workforce Development] Adult Career and Continuing Education Services (ACCES).

(7) . . .

2. Paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents is amended, effective March 22, 2011 as follows:

(6) Committee on [Adult Education and Workforce Development] Adult Career and Continuing Education Services (ACCES):

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

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2. Paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents is amended, effective March 30, 2011 as follows:

(6) Committee on [Adult Education and Workforce Development] Adult Career and Continuing Education Services (ACCES):

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .