



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: Proposed Amendment to Section 3.8 of the Rules of the Board of Regents, relating to the duties of the Executive Deputy Commissioner

DATE: October 7, 2011

AUTHORIZATION(S):

Summary

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment of section 3.8 of the Rules of the Board of Regents to designate the Executive Deputy Commissioner as the Deputy Commissioner of Education specified in Education Law section 101, who, in the absence or disability of the Commissioner or when a vacancy exists in the office of Commissioner, shall exercise and perform the functions, powers and duties of the Commissioner?

Reason(s) for Consideration

Implementation of Regents Policy.

Proposed Handling

The proposed amendment is being presented to the Full Board for adoption as a permanent rule at the October 2011 Regents meeting. A second emergency adoption is also necessary to ensure that the emergency rule adopted at the July 2011 Regents meeting remains continuously in effect until the effective date of its adoption as an emergency rule.

Procedural History

The proposed amendment was adopted as an emergency rule at the July Regents meeting, effective July 19, 2011.

Background Information

The amendment will designate the Executive Deputy Commissioner as the Deputy Commissioner of Education specified in Education Law section 101, who, in the absence or disability of the Commissioner or when a vacancy exists in the office of Commissioner, shall exercise and perform the functions, powers and duties conferred or imposed on the Commissioner by statute and by rule of the Regents.

A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on August 3, 2011.

Recommendation

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

VOTED: That subdivision (b) of section 3.8 of the Rules of the Board of Regents be amended, as submitted, effective November 2, 2011, and it is further

VOTED: That subdivision (b) of section 3.8 of the Rules of the Board of Regents be amended, as submitted, effective October 18, 2011, as an emergency action upon a finding by 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 July 2011 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

Timetable for Implementation

If adopted at the October Regents meeting, the emergency rule will take effect on October 18, 2011 and the permanent rule will take effect on November 2, 2011.

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS

Pursuant to section 101 of the Education Law.

Subdivision (b) of section 3.8 of the Rules of the Board of Regents is amended, effective November 2, 2011, as follows:

(b) The [senior deputy commissioner for p-12 education] executive deputy commissioner shall be the deputy commissioner of education as specified in section 101 of the Education Law. In the absence or disability of the commissioner or when a vacancy exists in the office of commissioner, the executive deputy commissioner [such senior deputy commissioner] shall exercise and perform the functions, powers and duties conferred or imposed on the commissioner by statute and by rule of the Regents.