

New York State Assembly

Carl E. Heastie

Speaker



Committee on Education

Catherine T. Nolan

Chair

2016

ANNUAL REPORT



CATHERINE NOLAN
37TH Assembly District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRWOMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Veterans
Ways & Means
Corporations, Authorities & Commissions

December 15, 2016

The Honorable Carl Heastie, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and help advance education policies that best help our students succeed. Thanks to your leadership, the Committee secured the largest investment in education in the state's history, established the country's first My Brother's Keeper statewide initiative, and helped our struggling schools transform into community schools.

The 2016-17 budget represented a large investment in education, increasing General Support to Public Schools funding by \$1.4 billion for a total of \$24.7 billion. The budget provided \$434 million for the full restoration of the Gap Elimination Adjustment, eliminating a hardship that has been placed on school districts since the 2010-11 state budget, and for a \$627 million increase in Foundation Aid.

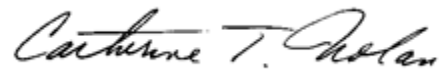
The Assembly Majority has worked to ensure that all of our students have the opportunity to be successful. In order to support our most struggling schools and remove obstacles to student learning, the Assembly Majority fought for and secured \$175 million in community schools funding. These funds can be used by high-needs, struggling and persistently struggling schools to transform into community schools providing a myriad of educational, social and health services to students and their families. In addition, we worked to eliminate the opportunity gaps faced by boys and young men of color by providing a \$20 million investment to implement the Board of Regents' recommendations from its Workgroup to Improve Outcomes for Boys and Young Men of Color.

In order to better understand how to support the state's growing enrollment of English Language Learner students, the Committee convened a hearing to examine and study existing and new ways to support and improve the academic success of English Language Learner students in New York State's school districts. As we prepare to enter the 2017 legislative session, we must keep in mind funding for these students and continue our committee's work in career and technical education, prekindergarten and adult education.

Throughout the 2016 legislative session, the Assembly Majority advocated for a variety of important educational measures. Hearing the calls to protect our children from exposure to lead, we established mandatory testing of school drinking water for lead in every school district and boards of cooperative educational services not deemed lead free pursuant to the federal Safe Drinking Water Act (Chapter 296 of the Laws of 2016). This law will ensure that our students and educators have access to drinking water that meets the highest health and safety standards. To relieve the burden on school districts, we extended the deadline, from September 1, 2016, to December 31, 2016, for when districts must submit documentation approved by the Commissioner of Education demonstrating that they have fully implemented the standards and procedures for conducting annual teacher and principal evaluation plans (Chapter 73 of the Laws of 2016). In addition, we extended the current provisions of school governance for the New York City School District until June 30, 2017 (Chapter 73 of the Laws of 2016).

As we move forward into the 2017 legislative session, the Committee will continue to work to ensure the best for all of our students in the many city, suburban, and rural school districts across the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and I look forward to the 2017 session.

Sincerely,

A handwritten signature in cursive script that reads "Catherine T. Nolan".

Catherine Nolan
Chair
Committee on Education

**2016 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

**Catherine Nolan, Chair
Committee Members**

Majority

James F. Brennan
Earlene Hooper
Steve Englebright
Carmen E. Arroyo
William B. Magnarelli
Amy R. Paulin
Philip R. Ramos
Michael R. Benedetto
Daniel J. O'Donnell
Fred W. Thiele, Jr.
Matthew J. Titone
Michele R. Titus
Michael Miller
Shelley Mayer
Barbara S. Lifton
Ron Kim
Linda B. Rosenthal
Sean M. Ryan
Walter T. Mosley
Anthony J. Brindisi
Steven Otis

Minority

Edward P. Ra
Ranking Minority Member
David G. McDonough
Peter D. Lopez
Jane L. Corwin
Alfred C. Graf
Steven F. McLaughlin
Claudia Tenney
Dean Murray

Majority Staff

Christian Malanga, Assistant Secretary for Program and Policy
Michael Hernandez, Associate Counsel
Maria Volpe-McDermott, Analyst
Brittany Stinson, Committee Clerk
Jeannine Barcher, Program and Counsel Executive Secretary

TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS.....	2
A. STATE BUDGET HIGHLIGHTS.....	2
B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES.....	7
C. BOARD OF REGENTS.....	7
D. CAPITAL IMPROVEMENTS.....	7
E. INDEPENDENT LIVING CENTERS	8
F. KINDERGATEN INSTRUCTION.....	8
G. SCHOOL DISTRICT BUDGET & OPERATIONS.....	8
H. SCHOOL GOVERNANCE.....	9
I. STUDENT HEALTH & SAFETY.....	9
J. TEACHER AND PRINCIPAL EVALUATIONS.....	10
K. TRANSPORTATION.....	10
III. PUBLIC HEARINGS AND ROUNDTABLES.....	12
A. HEARING ON ENGLISH LANGUAGE LEARNERS.....	12
IV. OUTLOOK.....	13
V. SUMMARY SHEET.....	14

I. INTRODUCTION

The New York State Constitution states that, “[t]he Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated” (Article 11, Section 1). This constitutional provision establishes the foundation for the areas of responsibility of the Assembly’s Standing Committee on Education.

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary and secondary education for approximately three million children attending both public and non-public schools. Within New York State, there are nearly 700 school districts, including the nation’s largest, the New York City School District, which enrolls over one million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education, and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

The Committee works diligently to ensure that the public schools of this large and diverse state provide the range of opportunities that all students need to fulfill their potential. The Committee supports equitable funding and strengthening the quality of public education in the state.

During the 2016 Session, 598 bills were referred to the Education Committee. The Education Committee has broad jurisdiction over all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2016.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature modified the Executive's budget proposal to increase funding for General Support for Public Schools (GSPS) by \$447 million for a total GSPS of \$24.7 billion for the 2016-17 school year, an overall increase of \$1.4 billion over the 2015-16 school year. This is an increase in formula based aids of \$1.4 billion or 5.9 percent for the 2016-17 school year. The increase in GSPS funding provided a \$627 million increase in Foundation Aid for the 2016-17 school year and a full restoration of the Gap Elimination Adjustment (GEA), which was an additional \$244 million above the Executive's restoration of \$189 million for a total of \$434 million. The Legislature also provided \$47 million to unfreeze the reimbursement of expense based aids.

Additionally, the 2016-17 enacted state budget included a total of \$175 million for community schools, \$100 million which is set aside within Foundation Aid and \$75 million in additional community schools funding for school districts with schools that are designated struggling or persistently struggling pursuant to Education Law 211-f. The budget also included a total of \$20 million to implement the Board of Regents' recommendations from its Blue Ribbon Committee and Workgroup to Improve Outcomes for Boys and Young Men of Color.

The following summary provides a brief description of the State Budget:

Foundation Aid

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure that educational resources are distributed to schools in a comprehensive and equitable manner pursuant to the New York State Court of Appeal's *Campaign for Fiscal Equity* decision. The formula is based on the average cost of educating students in successful schools, and is adjusted for regional cost differences, poverty levels, pupils with limited English proficiency and special education needs. In addition, the formula is based on enrollment rather than attendance.

The Legislature funded Foundation Aid at \$627 million for the 2016-17 school year, which reflects an increase of \$360 million over the Executive's proposal.

Statewide Universal Full Day Prekindergarten

The Legislature accepted the Executive's continuation of \$340 million for the Statewide Universal Full Day Prekindergarten program.

The Legislature accepted the Executive's \$22 million grant for prekindergarten for three-year-olds.

The Legislature rejected the Executive's proposal to create a three-person board to govern prekindergarten grants.

Early Childhood Education

The Universal Prekindergarten (UPK) program continues to be a high priority for the Assembly Majority. By providing high-quality early childhood learning opportunities to four-year-old children for more than a decade, the UPK program has played a vital role in helping students meet higher educational standards and closing student achievement gaps.

The state budget for the 2016-17 school year provided \$807 million for the implementation and development of the Statewide Universal Prekindergarten program.

Grant Programs

The Legislature accepted the Executive's proposal for grant provisions for the Empire State Three-Year-Old Prekindergarten program (\$22 million).

The Legislature modified the Executive's proposal for grant provisions for: the Early College High School/Smart Transfer grant (\$3 million) to clarify that the funding is intended to support both new and existing programs; Career and Technical Education (CTE) grant (\$1 million) to clarify that this funding is intended to reduce barriers that prevent English Language Learners (ELL) and students with disabilities from participating in CTE programs, as well as to promote gender diversity in such programs; and QUALITYstarsNY (\$2 million) by accepting the funding, but rejecting the Executive's proposal to mandate participation in QUALITYstarsNY.

Teacher Programs

The Legislature fully restored funding for Teacher Resource and Computer Training Centers at \$14.3 million for the 2016-17 school year.

The Legislature restored funding for the Executive Leadership Institute at \$475,000 for the 2016-17 school year.

The Legislature provided \$1 million to the State Education Department (SED) to provide professional development for teachers and principals to improve the quality of instruction statewide.

Special Education

The Legislature modified the Executive's proposal to provide funding for High Cost Excess Cost Aid for special need students at its present law level of \$594.92 million for the 2016-17 school year, an increase of \$41 million over the 2015-16 school year.

The Legislature provided funding for Private Excess Cost Aid to its present law level of \$336.30 million for the 2016-17 school year, an increase of \$4.05 million over the 2015-16 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.3 million for the 2016-17 school year, which is the same level of funding as the 2015-16 school year.

The Legislature provided an additional \$2.3 million in support of a 2.4 percent increase in funding for Schools for the Blind and Deaf (4201 schools), for a total of \$101 million for the 2016-17 school year. Additionally, the Legislature provided \$903,000 to preserve current staffing levels at the Henry Viscardi School and \$903,000 in funding for the New York School for the Deaf.

The Legislature rejected the Executive's proposal to allow any school district, BOCES, or nonpublic school to apply for waivers from certain special education requirements.

BOCES Aid

BOCES Aid provides aid to reimburse school districts that participate in BOCES shared educational programs and services. The 2016-17 state budget funded this aid category at its present law level of \$867.74 million, which was an increase of \$49.11 million over the 2015-16 school year. The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act school districts at \$700,000, which is the same level of funding as the 2014-15 school year.

Special Services Aid

The Legislature increased funding for Special Services Aid to its present law level of \$215.38 million, which is a decrease of \$775,207 from the 2014-15 school year.

Building Aid

The Legislature modified the Executive's proposal to provide funding for Building Aid to its present law level of \$3 billion, an increase of \$168.65 million over the 2015-16 school year.

The Legislature modified the Executive's proposal to provide funding for Reorganization Building Aid at its present law level of \$24.96 million, a net decrease of \$521,067 from the 2015-16 school year.

The Legislature suspended changes to the Building Aid assumed amortization schedule for one year, until the 2017-18 school year to allow school districts additional time to refinance or apply for waivers. Additionally, the Legislature authorized the Sandy Creek Central School District, Newburgh City School District, Islip Union Free School District, Mattituck-Cutchogue Union Free School District and Lackawanna City School District to spread aid penalties over five years.

Transportation Aid

The Legislature modified the Executive's proposal to provide funding for Transportation Aid at its present law level of \$1.77 billion, an increase of \$75.50 million over the 2015-16 school year.

The Legislature modified the Executive's proposal to provide funding for Summer Transportation Aid at its present law level of \$4.99 million.

The Legislature increased the aidable cap for transportation aid after 4 p.m. by \$4.5 million, for a total of \$17.1 million and made a technical correction to the law.

Instructional Materials Aid

The budget provided present law funding levels for instructional materials aid for the 2016-17 school year:

- Textbook Aid: The Legislature modified the Executive's proposal to fund Textbook Aid at its present law level of \$178.77 million, which is an increase of \$1.77 million over the 2015-16 school year;
- Computer Hardware Aid: The Legislature modified the Executive's proposal to fund Computer Hardware at its present law level of \$38.15 million, which is an increase of \$854,827 over the 2015-16 school year;
- Computer Software Aid: The Legislature modified the Executive's proposal to fund Computer Software at its present law level of \$46.18 million, which is an increase of \$678,582 over the 2015-16 school year; and
- Library Materials Aid: The Legislature modified the Executive's proposal to fund Library Materials at its present law level of \$19.27 million, which is an increase of \$426,244 over the 2015-16 school year.

High Tax Aid

The Legislature accepted the Executive's proposal and provided funding for High Tax Aid at \$223.30 million, the same level of funding as the 2015-16 school year.

Nonpublic School Aid

The Legislature provided \$60 million for Nonpublic School Aid over two years, starting in the 2017-18 state fiscal year.

The Legislature also provided \$125 million for the second payment of a multi-year plan to address prior year liabilities for the Comprehensive Attendance Policy, totaling \$250 million over two years. The Legislature accepted the Executive's proposal of \$69.81 million for the Comprehensive Attendance Policy and \$104.22 million for Mandated Services Relief Aid.

The Legislature provided \$10.5 million for nonpublic school safety grants for the 2017-18 and 2018-19 state fiscal years, in addition to the \$4.5 million for such grants for the 2016-17 school year included in the Executive's proposal.

The Legislature provided \$922,000 for Academic Intervention Services.

Charter School Transition Aid

Charter School Transition Aid directs funding to school districts most impacted by charter school growth and enrollment. The Legislature modified the Executive's proposal to fund Charter School Transition Aid at its present law level of \$33.31 million, an increase of \$386,069 from the 2015-16 school year.

Miscellaneous Aids

The Legislature restored a carve-out of the Employment Preparation Education (EPE) appropriation to support education for high school diploma holders who lack skills necessary for employment. School districts and BOCES may operate an EPE program to provide services for persons ages 21 and older who have not received a high school diploma or its equivalent.

The Legislature accepted the Executive's proposal to increase funding for Incarcerated Youth Assistance at \$17.5 million, and Homeless Pupils Aid at \$31.23 million.

The Legislature accepted the Executive's proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same funding level as the 2015-16 school year.

The Legislature accepted the Executive's proposal to continue \$1 million in transition funding for Deferred Action for Childhood Arrivals (DACA) to provide educational services and support for DACA-eligible out-of-school youth and young adults in New York State. The Legislature also provided an additional \$1 million to increase Bilingual Education Grants, for a total of \$15.5 million.

The Legislature provided \$2 million to assist economically disadvantaged middle school students prepare for the Specialized High School Admissions Test.

The Legislature provided \$500,000 to offset advanced placement fees for economically disadvantaged youth.

The Legislature provided \$225,000 to support monitors appointed by the Commissioner of Education to continue to assist the East Ramapo Central School District.

Contracts for Excellence

Contracts for Excellence were implemented beginning in the 2007-08 school year. School districts were required to prepare a contract if they had at least one school that failed to meet federal or state academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year. The 2016-17 state budget provided that any school district that filed a contract in the 2015-16 school year must file a contract in the 2016-17 school year, unless all schools in the district are in good standing. As a result, in the 2016-17 school year, 15 school districts are required to prepare a Contract for Excellence.

School Safety

The Legislature modified the Executive's school safety proposal as follows: maintaining a student representative on the district-wide school safety team; providing school districts flexibility in conducting annual staff training; authorizing the Commissioner of Education to develop an appeals process from duplicative requirements of a district-wide school safety plan for school districts with one school building; and requiring the development of policies and procedures, including contacting parents, for responding to implied or direct threats of violence by a student against themselves, including suicide.

The Legislature modified the Executive's fire and lockdown drill proposal by requiring that students be instructed in the evacuation procedure in the event that an emergency occurs during a lunch period or assembly, provided that additional instruction may be waived if a drill is held during a lunch period or assembly.

The Legislature accepted the Executive's proposal related to state aid forgiveness for a credible threat to student safety.

B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES

A.1407B, Paulin; Chapter 61 of the Laws of 2016: This law authorizes BOCES boards of education to fill vacancies on the board by appointment as opposed to a special election, provided that all component boards be notified of such vacancy and are given 10 days to provide any comments or objections to filling the position.

C. BOARD OF REGENTS

A.2921, Nolan; Chapter 317 of the Laws of 2016: This law requires that notice of the time and place for Board of Regents meetings be made public at least seven days prior to the day of the actual meeting, and that the agenda be posted at least three days in advance. It also requires that meetings be conducted in accordance with Article Seven of Public Officers Law. In addition, a summary of committee reports, minutes, and attendance of the Board are required to be posted on the Board's website by the close of each board meeting.

D. CAPITAL IMPROVEMENTS

A.9516, Magnarelli; Chapter 127 of the Laws of 2016: This law authorizes the City of Syracuse and Syracuse City School District to refinance their Phase II bond obligations related to the Syracuse Joint Schools Construction Board in order to take advantage of lower interest rates and minimize borrowing costs with respect to the outstanding bonds related to the Syracuse City School District reconstruction projects.

A.9758, Morelle; Chapter 92 of the Laws of 2016: This law authorizes the Rochester City School District to receive two multi-year cost allowances in a five-year period instead of one multi-year cost allowance for eight proposed projects. This law also requires that subsequent

multi-year cost allowances may not be established for a period of 10 years from the date of the first multi-year cost allowance.

A.9932A, Mayer; Chapter 355 of the Laws of 2016: This law establishes the Yonkers City School District Joint Schools Construction and Modernization Act to create a Yonkers Joint Schools Construction Board. The law provides \$523 million for Phase I including the construction/reconstruction of existing schools, the acquisition of land for new school buildings, and the construction of up to three new buildings.

E. INDEPENDENT LIVING CENTERS

A.9950, Jean-Pierre; Chapter 249 of the Laws of 2016: This law authorizes the Suffolk Independent Living Organization (SILO) to operate its service center anywhere within Suffolk County.

F. KINDERGARTEN INSTRUCTION

A.8692B, Zebrowski: This legislation would have allowed school districts providing a full-day kindergarten program that previously had a half-day kindergarten program or no kindergarten program in the 2015-16 school year to be eligible for transition aid for a period of five years beginning in the 2016-17 school year. This bill passed the Assembly and died in the Senate Committee on Education.

G. SCHOOL DISTRICT BUDGET & OPERATIONS

A.7675A, Buchwald; Chapter 514 of the Laws of 2016: This legislation requires any board of education to approve any expenditure and transfer from all reserve funds maintained by such school district. In addition, the legislation requires the name of any reserve fund, a description of its purpose, its balance at the close of the third quarter of the fiscal year and an explanation of plans for future use to be included in the annual statement of estimated expenditures. This legislation also requires districts to post on their website any annual external audits, annual external audit report and the corrective action plan, final audit report issued by the comptroller, any final annual budget and any multi-year financial plan adopted by the board of education trustees.

A.9412, Brindisi; Chapter 414 of the Laws of 2016: This law authorizes the Vernon-Verona-Sherrill Central School District to establish an insurance reserve fund for any loss, claim, action or judgment for which the school district is authorized or required to purchase or maintain insurance. The law also requires that any school district that establishes and maintains an insurance reserve fund to adopt a written insurance reserve fund policy, to be posted on the school district's website, that includes: the purpose of the reserve fund; the optimal amount of funding of the reserve fund; its intended duration; the conditions under which reserve fund assets will be used or replenished; a periodic analysis by the school board of the reserve fund balances; how school authorities should reduce reserve funds to reasonable levels; how the reserve fund will be discontinued if the fund is no longer needed and any additional policies school authorities deem appropriate.

A.9894A, Garbarino; Veto Memo No. 220: This legislation would have legalized, validated, ratified and confirmed 13 capital improvement projects for the Islip Union Free School District.

A.10016B, Blankenbush; Chapter 379 of the Laws of 2016: This law establishes an energy system tax stabilization reserve fund in the Lowville Central School District to lessen or prevent increases in the school district's real property tax levy resulting from decreases in revenue due to changes in or termination of the payments in lieu of taxes (PILOTs) received by the school district.

A.10022, Otis; Chapter 79 of the Laws of 2016: This law extends the provisions of Chapter 618 of the Laws of 1998 for three years until July 1, 2019, relating to the disposal of surplus computer equipment by political subdivisions.

A.10082, Lupinacci; Veto Memo No. 216: This legislation would have legalized, validated, ratified and confirmed a transportation contract for the 2013-14 school year for the Cold Spring Harbor Central School District.

A.10270, Barrett; Chapter 222 of the Laws of 2016: This law authorizes the Berkshire Union Free School District to utilize certain property for the purpose of providing instruction to students enrolled in the Berkshire Union Free School District.

A.10723, Rules (Jaffee); Chapter 89 of the Laws of 2016: This law directs the Commissioner of Education to appoint up to three state monitors to the East Ramapo Central School District to provide oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the school district. The law also provides \$3 million in supplementary funding for the public school students.

H. SCHOOL GOVERNANCE

A.10741 Rules (Farrell), Part O; Chapter 73 of the Laws of 2016: Part O of this legislation extends the current provisions of Chapter 345 of the Laws of 2009 related to the operation and management of the New York City School District for one year until June 30, 2017.

I. STUDENT HEALTH & SAFETY

A.3880B, Nolan; Veto Memo No. 268: This legislation would have required the Commissioner of Education to establish a procedure in which school district compliance with physical education instruction, as required by law and regulation in elementary grades, is reported to SED and that a report is submitted to the Governor and Legislature by July 1, 2017, regarding compliance. Each superintendent that has at least one school that is not in compliance would have had to prepare a corrective action plan.

A.3887B, Nolan; Chapter 390 of the Laws of 2016: This law requires all schools to recognize mental health as part of their health education program.

A.6961A, Miller; Chapter 105 of the Laws of 2016: This law requires every public school including charter schools to post in English and in Spanish the toll-free telephone number operated by the Office of Children and Family Services (OCFS) that is used to receive reports of child abuse or neglect. The Commissioner of Education must adopt rules and regulations relating to the posting.

A.8105A, Barrett; Chapter 109 of the Laws of 2016: This law requires the Commissioner of Education, along with the Commissioners from the Department of Health (DOH) and Environmental Conservation, to develop instructional tools and materials for school districts and libraries to assist in the education and awareness to protect children from Lyme disease and other tick-borne infections. Materials must be age-appropriate and provide information on the identification of ticks, safe tick removal, and best practices to provide protection from ticks.

A.10740, Rules (Lupardo, Nolan); Chapter 296 of the Laws of 2016: This law requires every school district and BOCES not deemed lead free pursuant to the federal Safe Drinking Water Act to conduct periodic first-drawn tap testing of potable water systems to monitor for lead contamination. The Commissioner of Health is required to promulgate regulations regarding conducting first-drawn tap testing and testing frequency pursuant to the federal 1991 Lead and Copper Regulations. If lead is found, the school district must continue testing, provide safe drinking water and provide written notification to parents. The law also has provisions in regards to reporting and notifying parents of lead results. This legislation makes school districts eligible for building aid to assist in testing and remediation costs. SED and DOH are required to report to the Governor and Legislature by December 1, 2016, about the results of initial lead testing, the most common causes of lead in schools and the best short-term and long-term solutions for lead remediation.

J. TEACHER AND PRINCIPAL EVALUATIONS

A.10741 Rules (Farrell), Part L; Chapter 73 of the Laws of 2016: Part L of this legislation extends the deadline, from September 1, 2016, to December 31, 2016, for when school districts must submit documentation approved by the Commissioner of Education demonstrating that they have fully implemented the standards and procedures for conducting annual teacher and principal evaluation plans.

K. TRANSPORTATION

A.8019C, O'Donnell, Veto Memo No. 298: This legislation would have required the New York City Department of Education to include in its new kindergarten through grade 12 transportation contracts employee protection provisions related to the retention or preference in hiring and for the preservation of wages, health, welfare, retirement benefits, and seniority of school bus workers who were employed June 30, 2010, or later by a contractor or subcontractor that was party to a contract with the district board of education and has since been furloughed or become unemployed as a result of a loss of such contract or a reduction in service. The bill also authorizes New York City to negotiate to amend its current contracts to include these provisions.

The legislation also would have exempted school buses and associated items from state and local sales tax and would have allowed bus contractors to convey the savings realized from not paying the tax to the school district as part of the contract negotiations and/or request for proposal process. The Commissioner of Education could reject a contract extension if the property tax savings realized by the contract are not reflected in the extension.

III. PUBLIC HEARINGS AND ROUNDTABLES

A. HEARING ON ENGLISH LANGUAGE LEARNERS

December 5, 2016

10:00 A.M.

Albany, NY

The Assembly Committee on Education convened a hearing to examine and study existing and new ways to support and improve the academic success of English Language Learner (ELL) students in New York State's school districts. Additionally, the hearing sought to examine New York State's previous attempts to obtain an Elementary and Secondary Education Act (ESEA) waiver for ELL students from the U.S. Department of Education and the impact that the Every Student Succeeds Act (ESSA) will have on ELL students.

The Committee heard testimony from state officials, as well as other stakeholders, discussing the challenges school districts have faced in the midst of growing enrollment of ELL students in New York State's schools and the ways in which the state has worked to assist these students. Among the challenges discussed include funding constraints, the lack of qualified bilingual education teachers, and difficulties in complying with Part 154 regulations. In addition, the Committee heard testimony about the need to revise the Foundation Aid formula to ensure ELL students are weighted appropriately so that districts can receive the funding they need.

The Committee heard public testimony from MaryEllen Elia, Commissioner, New York State Education Department; New York City Department of Education; the Conference of the Big 5 School Districts; United Federation of Teachers (UFT); New York State United Teachers (NYSUT); the School Administrator Association of New York State (SAANYS); the New York State Council of School Superintendents; the New York State School Boards Association; the New York State Parent Teacher Association (PTA); the Alliance for Quality Education (AQE); WIDA at the Wisconsin Center for Education Research; the SUNY Albany Multi-Modal Observation Project; and the New York State Association for Bilingual Education.

IV. OUTLOOK 2017

During the next legislative session, the Committee on Education will continue to report legislation to advance the interests of students and ensure that all students are provided the educational opportunities and resources they deserve. The Committee will continue to fight for fair, equal and adequate funding for educational resources, especially in our state's most struggling schools; examine alternative models to traditional discipline methods and ensure that our students will be college and career ready upon graduation.

As always, the Committee will strive to advocate for the necessary resources to provide all students of this state with a sound, basic education.

V. SUMMARY SHEET

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED WITH OR WITHOUT AMENDMENT

TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	8	0	8
TO WAYS AND MEANS	26	0	26
TO CODES	2	0	2
TO RULES	1	0	1
TO JUDICIARY	0	0	0
TOTAL	37	0	37

BILLS HAVING COMMITTEE REFERENCE CHANGED

TO <u>Ways and Means</u> COMMITTEE	2	0	2
TOTAL	2	0	2

SENATE BILLS SUBSTITUTED OR RECALLED

SUBSTITUTED		4	4
RECALLED		2	2
TOTAL		6	6
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE	60	0	60
BILLS NEVER REPORTED, HELD IN COMMITTEE	473	79	552
BILLS HAVING ENACTING CLAUSES STRICKEN	26	0	26
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	598	85	683
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	7		