

New York State Assembly

**Carl E. Heastie**

*Speaker*



Committee on  
Higher Education

**Deborah J. Glick**

*Chair*

**2016**

**ANNUAL REPORT**



DEBORAH J. GLICK  
Assemblymember 66<sup>TH</sup> District  
New York County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education Committee  
Intern Committee

COMMITTEES  
Governmental Operations  
Environmental Conservation  
Rules  
Ways & Means

December 15, 2016

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

Dear Speaker Heastie:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2016 Annual Report which highlights our activities over the past year.

The 2016 Legislative Session was a productive one. The 2016-17 Legislative budget for higher education provided \$317.4 million in additional funding above that proposed by the Executive. The Legislature rejected the Executive proposal to allow SUNY and CUNY to increase tuition up to \$300 each year for the next five years. Instead, the Legislature froze tuition for the 2016-17 academic year but allowed the four SUNY university centers to raise non-resident tuition by up to ten percent. The Legislature also rejected the Executive proposal to shift \$485 million in state costs for CUNY operating aid and debt service expenses to the City of New York.

The Legislature converted performance improvement funding to operating aid, providing an additional \$18 million in operating aid to SUNY and an additional \$12 million in operating aid to CUNY. The Legislature also successfully restored \$18.6 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn providing a total of \$87.8 million.

The Executive proposal maintained State support for community colleges at prior-year levels of \$2,597 for each full-time equivalent (FTE) student. The Legislature added \$19.5 million to the Executive's proposal, bringing funding levels from \$2,597 to \$2,697 per FTE student at SUNY and CUNY community colleges. The Legislature

restored funding for SUNY and CUNY child care centers providing \$1.1 million to SUNY child care centers and \$902,000 to CUNY child care centers. The Legislature also restored \$1.5 million in funding for SUNY's Graduation, Achievement and Placement (GAP) Program and restored \$2.5 million in funding for CUNY's Accelerated Study in Associate Programs (ASAP).

The Legislature provided a 20% increase for opportunity programs, providing an additional \$5.4 million for the Educational Opportunity Program (EOP); \$4.7 million for the Search for Education, Elevation, and Knowledge (SEEK) Program; \$225,000 for the College Discovery Program; \$5.9 million for the Higher Education Opportunity Program (HEOP); \$3.1 million for the Liberty Partnership Program (LLP); \$2.6 million for the Science and Technology Entry Program (STEP); and \$1.9 million for the Collegiate-STEP (CSTEP) Program. The Educational Opportunity Centers (EOCs) received an increase of \$5 million, for a total funding level of \$60 million. The Legislature also increased funding for the Foster Youth College Success Initiative, providing an additional \$1.5 million for a total of \$3 million. Finally, the Legislature increased funding for ATTAIN Labs, providing an additional \$2 million for a total of \$6.5 million.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2016 Legislative session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Legislature passed bills that were enacted such as: authorizing online marketplaces to advertise licensed private career schools and certified ESL schools to prospective students; establishing the Research Animal Retirement Act, requiring higher education research facilities to offer cats and dogs for adoption after research and/or testing is complete; adding new categories of allowable expenses under HEOP; extending the law providing tuition waivers for police officers attending CUNY; allowing individuals to contribute all or a portion of their state income tax refund to a NY 529 College Savings account; authorizing veterinarians to administer free spay and neutering services in lieu of continuing education requirements; expanding the scope of practice of acupuncture to encompass the use of herbs; providing for the licensure of certain military spouses stationed in New York State; allowing for greater educational requirements for occupational therapists and occupational therapy assistants than is currently provided for in law; extending the law that allows certified school psychologists to conduct multi-disciplinary evaluations of preschool children; providing for the licensure of pathologists' assistants; and authorizing advanced home health aides to perform certain nursing tasks under the direct supervision of a registered professional nurse.

The Assembly also passed legislation that would ban conversion therapy on individuals younger than 18 years old and passed the New York State DREAM Act, which would provide state-aided programs, scholarships, or other financial assistance to undocumented students who meet certain requirements.

As you can see, much has been accomplished this year, but much still remains to be done. Thank you for your leadership and steadfast support of our State's higher education community. I am proud of my ninth year as Chair of the Higher Education Committee and thank you for the opportunity to continue working with you and my colleagues toward our shared goal of ensuring that our systems of public and private higher education remain the best in the nation.

Sincerely,

A handwritten signature in black ink, reading "Deborah J. Glick". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Deborah J. Glick  
Assemblymember

**2016 ANNUAL REPORT**

**NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON HIGHER EDUCATION**

**Deborah J. Glick, Chair**

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Lindsey Facticeau, Analyst  
Katherine Jesaitis, Committee Assistant  
Michael Hernandez, Associate Counsel  
Theresa Swidorski, Legislative Director  
Charles LeDuc, Legislative Analyst  
Charles LeDuc & Louise Mahon, Committee Clerks  
Jeannine Barcher, Program and Counsel Executive Secretary

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## I. COMMITTEE JURISDICTION

The Committee on Higher Education is responsible for the initiation and review of legislation relevant to higher education and the professions in New York State. It is primarily concerned with policy initiatives affecting the State University of New York (SUNY), the City University of New York (CUNY), the independent colleges and universities of New York, proprietary vocational schools, student financial aid, and the licensed professions. However, because of the complex and comprehensive nature of New York's system of higher education, the Committee has also been involved in shaping legislation in such diverse public policy fields as health care, economic and workforce development, technology, capital financing, and elementary and secondary education.

The New York State system of higher education has been heralded for decades for its quality and comprehensive service to the public with a full range of academic, professional, and vocational programs. The three components of this system include the State University of New York (SUNY), the City University of New York (CUNY), and the numerous independent colleges and universities, proprietary colleges and schools located within New York State.

In addition to providing support to the state-operated campuses of SUNY and the senior college programs of CUNY, New York State contributes financially to community colleges and provides direct aid to independent colleges and universities. The State also demonstrates its commitment to higher education through funding one of the country's largest state-supported Tuition Assistance Programs (TAP), a need-based grant program that helps eligible New York State residents pay tuition at approved higher education schools in the State (both public and private institutions).

The Committee on Higher Education also monitors the ongoing activities of the 54 professions, which the State Education Department (SED) is charged with licensing and regulating. Through careful consideration of legislation affecting the professions and through the monitoring of the professional discipline functions of the State Education and Health Departments, the Committee endeavors to protect the health, safety, and welfare of the public and to ensure the maintenance of high standards and competence within the professional realm.

This report summarizes the activities and achievements of the Assembly Committee on Higher Education in each of its major areas of responsibility during the 2016 Legislative Session.

## II. HIGHER EDUCATION

### A. Budget Highlights

The 2016-17 Legislative budget for higher education provided \$317.4 million in additional funding for SUNY and CUNY above the Executive proposal. This increase includes an \$18.6 million restoration to the three SUNY Health Science Centers, a \$19.5 million increase in SUNY and CUNY community college base aid, and a 20% increase for the access/opportunity programs. This increase also includes an additional \$245 million in funding for CUNY, as the Legislature rejected the Executive proposal to shift state costs for CUNY operating and debt service expenses to the City of New York.

#### 1. Community Colleges

This year, the Executive proposal maintained State support for community colleges at prior-year levels of \$2,597 for each full-time equivalent (FTE) student. Base aid is the State's responsibility for its share of community college budgeted operating costs. The State, the sponsoring locality, and the students share in the operational costs of community colleges and therefore the level of State support that community colleges receive directly affects tuition rates and local contributions. Statutorily the State is obligated to pay one-third of a community college's operating costs and up to forty percent of these costs for full opportunity schools. Recognizing the importance of preserving the State's support of community colleges, the Legislature proposed an increase in funding of \$13.3 million for SUNY and \$6.27 million for CUNY community college base aid above the Executive proposal. The Executive accepted the Legislature's \$100 per FTE increase, bringing base aid from \$2,597 per FTE student to \$2,697.

The Legislature restored funding for the SUNY and CUNY child care centers providing \$1.1 million to SUNY child care centers and \$902,000 to CUNY child care centers. The Legislature also restored \$1.5 million in funding for the Graduation, Achievement and Placement (GAP) remediation program at SUNY community colleges and \$2.5 million in funding for the Accelerated Study in Associate Programs (ASAP) at CUNY community colleges.

The Legislature required BOCES to notify students in the eighth grade of programs that would allow a student to pursue an associate of occupational studies (AOS) degree from a community college upon high school graduation. In addition, the law required that materials on AOS degree options be provided to school counselors in each school district in the BOCES region.

Finally, the Legislature delayed implementation of the community college chargeback formula until the 2018-19 academic year.

## *2. SUNY State Operated Colleges and CUNY Senior Colleges*

The Legislature rejected the Executive proposal to allow SUNY and CUNY to increase tuition up to \$300 each year for the next five years. Instead, the Legislature froze resident tuition for the 2016-17 academic year but allowed the four SUNY university centers to raise non-resident tuition by up to ten percent. The tuition credit and the SUNY 2020 and CUNY 2020 grant programs were extended for an additional year. The maintenance of effort provision was allowed to expire on July 1, 2016.

The Legislature also rejected the Executive proposal to shift \$485 million in state costs for CUNY operating aid and debt service expenses to the City of New York.

The Legislature converted performance improvement funding to operating support for SUNY and CUNY. As a result, SUNY received an additional \$18 million in operating support and CUNY received an additional \$12 million in operating support.

The Legislature increased funding for the Advanced Technology Training and Information Networking (ATTAIN) lab program, providing an additional \$2 million for a total of \$6.5 million. ATTAIN labs are located across New York State's most economically challenged urban and rural communities and provide communities access to new technologies, education, and technology training.

The Legislature also restored \$1.5 million for small business development centers; \$1.5 million for the Joseph Murphy Institute; \$600,000 for graduate diversity fellowships; \$600,000 for Harvest New York within the Cornell Cooperative Extension; \$250,000 for Cornell University's College of Veterinary Medicine; \$250,000 for the CUNY Pipeline at the Graduate Center; and \$100,000 for the American Chestnut Research and Restoration Project at SUNY's College of Environmental Science and Forestry.

The Legislature provided an additional \$5 million for Educational Opportunity Centers (EOCs), providing a total of \$60 million. EOCs provide academic and vocational training to adults to help them obtain the skills and credentials they need to pursue higher education and/or to secure career oriented employment.

The Legislature accepted the Executive proposal to extend for an additional five years the various procurement changes that were enacted as part of the 2011-12 State budget for SUNY and CUNY.

Finally, the Legislature clarified that the standard financial aid letter developed by the Department of Financial Services to be used by all vocational institutions, colleges, and universities in New York only applies to undergraduate students.

### **3. *SUNY Health Science Centers***

The Legislature successfully restored \$18.6 million in support to provide \$87.8 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn. The Legislature also modified the Executive proposal to establish a Stony Brook Affiliation Escrow Fund to support the Stony Brook at Southampton Hospital.

### **4. *Independent Colleges and Universities***

This year, the Legislature increased funding for the Higher Education Opportunity Program (HEOP) by \$5.9 million, providing \$35.5 million in order to keep its commitment to help disadvantaged students gain access to private colleges. The Legislature also accepted the Executive's proposal to maintain funding for Bundy Aid at the prior year level of \$35.1 million. Bundy Aid, formally known as Unrestricted Aid to Independent Colleges and Universities, provides direct support to higher education institutions based on the number and type of degrees conferred by the college or university.

In addition, the Legislature required private colleges to report to the Chairs of the Senate and Assembly committees on Higher Education on or before August 15, 2016, information regarding tuition rates and fees, institutional endowments, student financial aid, student debt, graduation rates, enrollment trends, job placement rates, and operating costs.

### **5. *Financial Aid***

#### **Tuition Assistance Program**

New York State is fortunate to have one of the most comprehensive systems of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program that helps eligible New York residents pay tuition at approved schools in the State. Award amounts are determined by net taxable income (up to \$80,000) and financial status (independent or dependent). Depending on income, TAP awards can range from \$500 to \$5,165 with low-income students receiving larger awards. The TAP program helps keep college accessible and affordable for students who would otherwise not be able to attend.

As part of the 2016-17 State budget, the Legislature conformed the tax year used to determine income eligibility for TAP to that of the Federal Free Application for Federal Student Aid (FAFSA) form to help make the process easier for students.

## Scholarship/Loan Forgiveness Programs

The Legislature modified the Executive proposal to make the New York State Licensed Social Worker Loan Forgiveness Program, the Regents Physician Loan Forgiveness Program, the Senator Patricia K. McGee Nursing Faculty Scholarship Program, and the New York State Nursing Faculty Loan Forgiveness Incentive Program permanent.

The Legislature provided \$500,000 for On Point for College and Trinity Alliance. These programs were previously funded by a federal college access grant. The Legislature also increased funding for the New York State Licensed Social Worker Loan Forgiveness Program by \$250,000, providing a total of \$1.72 million.

## Access Programs

Access to higher education has been a long-standing concern of this Committee. Over the years, the Legislature has created programs which provide special assistance to educationally and economically disadvantaged students, underrepresented groups, and “at-risk” youth (students who require additional support in order to achieve academic success). The Assembly has been committed to ensuring that all students have access to higher education and ensuring their academic success through the support of access programs.

Through counseling, remedial coursework, financial assistance, drop-out prevention, and skills training, these programs are dedicated not only to encouraging enrollment in college, but also helping to ensure success in the postsecondary academic environment. New York’s Access Programs are detailed below.

\*The Higher Education Opportunity Program (HEOP) provides critical access programs for educationally and economically disadvantaged students who attend independent institutions of higher education. HEOP programs serve approximately 4,600 students through 53 programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling. HEOP students, who do not meet the traditional academic criteria when they are admitted to college, typically earn their degrees at rates that equal or exceed other students. With mentoring and support, 59% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature increased funding for HEOP by \$5.9 million, providing \$35.5 million in funding.

\*The Educational Opportunity Program (EOP) provides academic support and financial aid to students who attend public institutions of higher education and show promise for mastering college-level work, but who may otherwise not be admitted. In 2016, EOP supported 10,524 students through programs including special tutoring, and academic,

career, and personal counseling. EOP services are available at most SUNY schools, at all CUNY senior colleges through the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program, and at all CUNY community colleges through the College Discovery program. The Legislature increased funding for EOP by \$5.4 million, providing \$32.2 million in funding; increased funding for SEEK by \$4.7 million providing \$28.1 million in funding; and increased funding for College Discovery by \$225,000, providing \$1.3 million in funding.

\*The Liberty Partnerships Program (LPP) serves approximately 11,500 middle, junior, and senior high school students who are at risk of dropping out. LPP also assists students in completing high school, preparing for and entering college, and obtaining meaningful employment. LPP has a retention rate of 99% and a graduation rate of 92%. The Legislature increased funding for LPP by \$3.1 million, providing \$18.4 million in funding.

\*The Teacher Opportunity Corps (TOC) has the goal of attracting more African-Americans, Hispanics, and Native Americans to the teaching profession and to prepare these individuals to work effectively with students who are at risk of academic failure and dropping out of school. TOC is also considered to be a model of excellence for teacher education programs. The Legislature accepted the Executive's proposal to maintain TOC funding at \$450,000.

\*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) programs were created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students enter collegiate study and careers in scientific, technical, and health-related fields. The Legislature increased funding for STEP by \$2.6 million, providing \$15.8 million in funding, and increased funding for CSTEP by \$1.9 million, providing \$11.9 million in funding.

\*The State provides small awards for Native Americans pursuing post-secondary study in New York. This access program offers financial aid to eligible Native Americans and has been critical in addressing the underrepresentation of this population in New York State's higher education system. The Legislature accepted the Executive proposal to maintain funding for post-secondary aid to Native Americans at \$598,000.

\*The Foster Youth College Success Initiative provides support services to assist youth in foster care to apply for, enroll in, and succeed in college by allowing SED to allocate additional funding to expand opportunities through current post-secondary opportunity programs for foster youth. The Legislature increased funding for the Foster Youth College Success Initiative by \$1.5 million, providing a total of \$3 million in funding.

## **B. Legislative Highlights**

### **1. *Community Colleges***

New York State has 37 public community colleges: 30 within the State University system and 7 within the City University system. With an enrollment of approximately 323,000 students, community colleges provide a primary source of access to higher education opportunities. The community colleges of SUNY and CUNY are referred to as “full opportunity” institutions, accepting all recent high school graduates and returning residents from the colleges’ sponsorship areas.

Community colleges are unique in that they are financed cooperatively by three partners: the State, a local sponsor, and the students. Community colleges are primarily governed by the local sponsor, assuring that these institutions have greater flexibility to respond to the local educational needs of their unique student population. Many community college students are non-traditional students who return to college later in life, attend part-time and/or combine work and family responsibilities with study.

### **2. *City University of New York***

Founded as the Free Academy in 1847, the City University of New York (CUNY) has grown into the largest urban university in the nation. CUNY is also the third largest university in the country and comprises 24 campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes 11 senior colleges, a two-year preparatory medical program, an honors college, a journalism school, a school of professional studies, a law school, a graduate center, and 7 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 274,357 students annually: 175,312 at the senior colleges and 99,045 at the community colleges.

### **3. *State University of New York***

The State University of New York (SUNY) is the largest public university system in the nation, embracing 64 distinct individual campuses located in urban, suburban, and rural communities across New York State. These 64 campuses offer a full range of academic, professional, and vocational programs through their university centers, comprehensive colleges, colleges of technology, and community colleges. SUNY enrolls approximately 442,940 students in over 5,000 programs of study.

### **4. *Independent Colleges and Universities***

New York State is fortunate to have the most diversified and largest independent sector of higher education in the nation. According to the Commission on Independent

Colleges and Universities (CICU), in 2011, 19% of the students enrolled in the independent sector in New York State were minorities. The independent colleges and universities of the State enroll nearly 491,628 students. New York not only boasts the nation's largest private university, New York University, it also prides itself on numerous outstanding small colleges as well. Independent campuses throughout New York State have a collective annual economic impact of \$74.3 billion, employ 394,386 New Yorkers, and have a \$26.5 billion payroll.

### **Enacting the New York State Dream Act**

**A.4311-A Moya, Passed Assembly.** This bill would:

- Create a DREAM Fund, administered by a newly created DREAM Fund Commission, in order to provide private scholarships to college-bound students who are the children of immigrants.
- Allow undocumented students to be eligible for TAP, scholarships, and opportunity programs if they meet the following criteria:
  - Attended an approved NYS high school for two or more years, graduated from an approved NYS high school and applied for attendance to a NYS college or university within 5 years of receiving their NYS high school diploma; or
  - Attended an approved NYS program for a state high school equivalency diploma, received their state high school equivalency diploma and applied for attendance to a NYS college or university within 5 years of receiving their state high school equivalency diploma; or
  - Otherwise eligible for in-state tuition at SUNY, CUNY or community colleges as prescribed by their admission criteria.
- Allow undocumented individuals to open a New York State 529 family tuition account under the New York State College Tuition Savings Program and/or be a designated beneficiary on an account if they have a taxpayer identification number.

Undocumented students would be required to file an affidavit with their college/university stating that they have filed an application to legalize their immigration status, or will file an application as soon as they are eligible to do so. Additionally, this bill would direct the president of the Higher Education Services Corporation (HESC), in consultation with the commissioner of the State Education Department (SED), to establish an application form and procedures for eligible students to apply for applicable awards without having to submit any information to any other state or federal agency, and under the presumption of confidentiality.

### **Authorizing Online Marketplaces to Advertise Certain Licensed Schools**

**A.6801-B Lentol, Chapter 475 of the Laws of 2016.** This law allows online education marketplaces to advertise licensed private career schools or certified ESL schools to prospective students and subjects such online education marketplaces to disciplinary action by the State Education Department.

### **Establishing the Research Animal Retirement Act**

**A.8261-A Rosenthal, Chapter 240 of the Laws of 2016.** This law requires higher education research facilities, upon the completion of any testing or research, to offer for adoption a dog or cat through either private means or through a non-profit animal rescue and shelter organization.

### **Adding New Categories of Expenses under the Arthur O. Eve Opportunity for Higher Education**

**A.9039-A Magnarelli, Chapter 494 of the Laws of 2016.** This law authorizes New York colleges and universities who participate in the Higher Education Opportunity Program (HEOP) to spend funds on student travel for academic activities or conferences, expenses related to helping students apply and prepare for graduate and professional school, and the hiring of HEOP students participating in work-study programs.

### **Extending Tuition Waivers for Police Officers Attending CUNY**

**A.9093 Lentol, Chapter 84 of the Laws of 2016.** This law extends for two more years, the tuition waiver program for police officer students attending CUNY. New York City police officers, who are enrolled in programs leading to a baccalaureate or higher degree at a CUNY senior college, can attend one course, without tuition, provided that the course is related to their employment as police officers and that such tuition-waived attendance does not deny attendance at CUNY by an individual who is otherwise qualified.

### **Allowing Contributions to College Savings Program from Tax Refunds**

**A.9118 Buchwald, Chapter 454 of the Laws of 2016.** This law authorizes taxpayers to directly deposit all or a portion of their personal income tax refund, with a minimum of \$25, to the New York State College Choice Tuition Savings (529) Program.

### **Authorizing SUNY Old Westbury to Lease Land**

**A.9413-B Lavine, Chapter 271 of the Laws of 2016.** This law permits SUNY Old Westbury to lease land to the Old Westbury Foundation, Inc. for the purpose of creating

a child care center to serve students, faculty, staff and the local community.

**Extending the Authorization for SUNY to Lease Land at SUNY Purchase**

**A.9689-A Glick, Chapter 257 of the Laws of 2016.** This law authorizes SUNY to extend the terms of a land lease from 40 years to 75 years at the State University of New York at Purchase, for the purpose of developing a Senior Learning Community.

### III. LICENSED PROFESSIONS

#### A. Legislative Highlights

New York State currently licenses 54 professions under Title VIII of the Education Law. Legislation to license a new profession or to alter the practice of an existing profession falls under the jurisdiction of the Committee on Higher Education. The State Education Department (SED), through its Office of the Professions, regulates the practice of the licensed professions on an ongoing basis.

An essential component of the monitoring process is to ensure that existing standards and qualifications reflect current practices and needs, especially in light of shifting demographics and rapidly changing technologies. Each year, the Committee reviews numerous pieces of legislation which propose to change the scope of practice of currently licensed professions. Ensuring that any modification to current professional standards is thoroughly examined and appropriately executed provides a means by which the Committee fulfills its obligations to protect the well-being of the public.

#### **Authorizing Veterinarians to Administer Free Spay and Neutering Services in lieu of Continuing Education Requirements**

**A.680 Rosenthal, Chapter 398 of the Laws of 2016.** This law allows veterinarians to satisfy a portion of their self-instructional continuing education requirements by performing free spay and neuter services at authorized facilities.

#### **Expanding the Scope of Practice of Acupuncture to Encompass the Use of Herbs**

**A.2558-D Gottfried, Chapter 400 of the Laws of 2016.** This law includes within the scope of practice of acupuncture, the recommendation of dietary supplements and natural products and their preparation in accordance with traditional and modern practices of East Asian medical theory.

#### **Providing for the Licensure of Certain Military Spouses**

**A.4394-A Ortiz, Chapter 299 of the Laws of 2016.** This law provides for a temporary practice permit and an expedited review of an application for a license to any applicant who is the spouse of an active duty member of the Armed Forces of the United States, National Guard or Reserves who is transferred to this state. This law also reduces the initial licensure fee by one-half for those military spouses.

### **Prohibiting Conversion Therapy on Minors**

**A.4958 Glick, Passed Assembly.** This bill would provide that it shall be professional misconduct for a mental health professional to engage in any sexual orientation change efforts upon any patient less than 18 years of age.

### **Extending Limited Licensure for Clinical Laboratory Technology**

**A.8676-A Magnarelli, Chapter 194 of the Laws of 2016.** This law extends until September 1, 2018, the limited licensure of applicants employed in a clinical laboratory under the direction of a clinical director and performing exams and procedures within clinical laboratory technology.

### **Extending Restricted Dental Faculty Licenses**

**A.9129-A Glick, Chapter 410 of the Laws of 2016.** This law extends the authorization, for an additional two years, to the State Education Department (SED) to issue a restricted dental faculty license to a full-time faculty member employed at an approved New York State school of dentistry. This law also requires the deans of the academic dental centers to submit a report to the Governor and the Chairs of the Senate and Assembly Higher Education Committees that includes a proposal for legislation to address the shortage of New York-trained dentists pursuing academic careers in New York State.

### **Authorizing Professionals Appointed by the World Triathlon Corporation**

**A.9242-A Stec, Chapter 95 of the Laws of 2016.** This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, emergency medical technicians, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who has been appointed by the World Triathlon Corporation, to provide services to participating athletes at the Ironman Triathlon being held on July 24, 2016 in Lake Placid, New York.

### **Allowing for Increased Educational Requirements for Occupational Therapists and Occupational Therapy Assistants**

**A.9371 Gunther, Chapter 124 of the Laws of 2016.** This law allows occupational therapists to complete an approved curriculum in at least a baccalaureate or master's program. This law also allows occupational therapy assistants to complete at least a two-year associate degree program registered by the department or by a nationally accredited agency which is satisfactory to the department.

### **Allowing Certified School Psychologists to Conduct Multi-Disciplinary Evaluations of Preschool Children**

**A.9422 Glick, Chapter 76 of the Laws of 2016.** This law extends until June 30, 2018, the exemption that allows approved multidisciplinary evaluation programs to employ a certified school psychologist to conduct a multidisciplinary evaluation of a preschool child, infant or toddler having or suspected of having a disability.

### **Authorizing Professionals Appointed by the New York Road Runners**

**A.9450 Glick, Chapter 39 of the Laws of 2016.** This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, certified athletic trainers, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who have been appointed by New York Road Runners, to provide services to participating athletes four days before, the day of, and one day after the following events:

- The Staten Island Half Marathon on October 9, 2016;
- The New York City Half Marathon on November 6, 2016;
- The Brooklyn Half Marathon on May 21, 2016;
- The Bronx Half Marathon on September 25, 2016;
- The Queens 10K on June 18, 2016; and
- The New York City Half Marathon on March 20, 2016

### **Authorizing Pharmacists to Refill Non-Controlled Substance Prescriptions**

**A.9528-A Simanowitz, Veto Message # 247.** This bill would have allowed pharmacists to refill a prescription for a non-controlled drug provided that the refill did not exceed a 90 day supply or exceed the total quantity of the drug authorized by the prescriber, the pharmacist informed the prescriber of the refill no later than five days after the refill was made, and the patient's insurance policy would cover the refill quantity dispensed.

### **Providing for the Licensure of Pathologists' Assistants**

**A.10408 Harris, Chapter 497 of the Laws of 2016.** This law provides licensure for pathologists' assistants, defines their scope of practice, limits the use of the title "pathologists' assistant" and designation "Path A," and sets forth the education and experience requirements for licensure. This law also establishes a State Committee for Pathologists' Assistants, provides exemptions for certain individuals, and establishes a limited permit.

### Authorizing Advanced Home Health Aides

**A.10707 Glick, Chapter 471 of the Laws of 2016.** This law provides an exemption to the Nurse Practice Act to establish a program for "advanced home health aides" who would be authorized to perform certain nursing tasks, including the administration of medications, under the direct supervision of a registered professional nurse, in accordance with regulations developed by the Commissioner of Education in consultation with the Commissioner of Health. This law expires on March 31, 2023 and requires a report to the Legislature and the Executive on the implementation of the law.

## IV. PUBLIC HEARINGS

### The Rising Costs of Higher Education and Student Loan Debt in New York State

November 30, 2016  
Roosevelt Hearing Room C, LOB  
Albany, New York

The Assembly Standing Committee on Higher Education and the Assembly Subcommittee on the Tuition Assistance Program (TAP) convened a hearing and received testimony examining the impact that increasing higher education costs are having on students and their families across New York State and ways in which student loan debt can be reduced.

Rising higher education costs and increasing student debt continue to be a significant concern. According to the College Board, the national average cost of tuition, fees, room and board for 2015-16 was \$19,548 for resident students at public four-year colleges, \$43,921 for private nonprofit four-year colleges, and \$15,610 for for-profit colleges. According to the State Comptroller, student loan debt in New York has more than doubled in the last decade, growing by 112%. As of 2015, New York residents had an average of \$32,200 in student debt, higher than the national average of \$29,700. The number of student borrowers in New York also increased by more than 41% over the last ten years, with more than 2.8 million New Yorkers now taking on student loans.

In the 2016-17 State Budget, measures were taken to ease the financial burden on students. Over \$1 billion was provided to fund the Tuition Assistance Program (TAP) to help eligible New York State residents pay for tuition.

This hearing sought and received testimony from New York State public and private universities as well as from students and other interested parties on ways to reduce and relieve student loan debt in New York State. In addition, this hearing sought and received testimony on the effectiveness of TAP and improvements that can be made; the cost of attendance across all sectors of higher education, including tuition, fees, room and board; factors driving the cost of attendance; average student loan debt; completion rates; job placement rates; student loan default rates; scholarship and loan forgiveness programs that have been beneficial to students; and the efficacy of free community college proposals and debt-free college proposals.

Individuals who testified at the hearing include: Nancy L. Zimpher, Chancellor, SUNY; Eileen G. McLoughlin, Senior Vice Chancellor for Finance & Chief Financial Officer, SUNY; Patricia Thompson, Assistant Vice Chancellor for Student Financial Aid,

SUNY; Christopher Rosa, Interim Vice Chancellor for Student Affairs, CUNY; Cathy Abata, CUNY University Budget Director; Gail Mellow, President, LaGuardia Community College, CUNY; Laura Anglin, President, Commission on Independent Colleges and Universities; Conrado M. Gempesaw, President, St. John's University; Amy Doonan Cronin, Executive Director, New York Six Liberal Arts Consortium; Marc J. Cohen, President, Student Assembly of SUNY; Elsa Magee, Executive Vice President and Acting President, Higher Education Services Corporation; John D'Agati, Deputy Commissioner, Office of Higher Education, State Education Department; Donna Gurnett, Executive Director, Association of Proprietary Colleges; Susan L. Mead, Director of Financial Aid at Dutchess Community College and State Government Relations Committee Chairperson, New York State Financial Aid Administrator's Association; and Alex Bornemisza, Chairperson, New York Public Interest Research Group.

## V. OUTLOOK FOR 2017

As the Committee looks ahead to the upcoming 2017 Legislative Session, many of the traditional goals relative to higher education and the professions will continue to take precedence.

Foremost among the Committee's priorities for the 2017 session will be to secure financing for the coming fiscal year that is sufficient to meet the needs of SUNY, CUNY and the independent sector in order to support their unique educational missions. The broader goal of preserving access to higher education for students across New York State is also critical. By continuing to fight for increased funding for access programs, the Committee will promote the recognition of these highly successful educational services and assist more students in realizing their higher education aspirations. Another priority of the Committee will be to provide capital funding for SUNY and CUNY. Campuses throughout the state are in need of funding for critical maintenance as well as the expansion of academic and residence facilities. As always, the Committee will continue to focus on TAP and ensure the availability of the program at current or enhanced levels. The Assembly Higher Education Committee is proud of this comprehensive financial aid program and will fight to continue its success in opening doors to college students throughout the State.

In 2017, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by the Department of Education's Office of the Professions. Chief among these will be initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. The Committee will continue to study the evolution of existing professions to assess the possible need for statutory changes to reflect the changing needs of consumers.

APPENDIX A

**PROFESSIONS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF REGENTS**

|   |  |
|---|--|
| Acupuncture   | Mental Health Practitioners  |
| Applied Behavior Analysis   | <ul style="list-style-type: none"> <li>• Creative Arts Therapist</li> </ul>        |
| <ul style="list-style-type: none"> <li>• Licensed Behavior Analysts</li> </ul>            | <ul style="list-style-type: none"> <li>• Marriage and Family Therapist</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Certified Behavior Analyst Assistants</li> </ul> | <ul style="list-style-type: none"> <li>• Mental Health Counselor</li> </ul>        |
| Architecture  | <ul style="list-style-type: none"> <li>• Psychoanalyst</li> </ul>                  |
| Athletic Training   | Midwifery  |
| Audiology   | Nursing  |
| Certified Shorthand Reporting   | <ul style="list-style-type: none"> <li>• Registered Professional Nurse</li> </ul>  |
| Chiropractic  | <ul style="list-style-type: none"> <li>• Nurse Practitioner</li> </ul>             |
| Clinical Laboratory Technology  | <ul style="list-style-type: none"> <li>• Clinical Nurse Specialist</li> </ul>      |
| <ul style="list-style-type: none"> <li>• Clinical Laboratory Technologist</li> </ul>      | <ul style="list-style-type: none"> <li>• Licensed Practical Nurse</li> </ul>       |
| <ul style="list-style-type: none"> <li>• Cytotechnologist</li> </ul>                      | Occupational Therapy   |
| <ul style="list-style-type: none"> <li>• Clinical Laboratory Technician</li> </ul>        | <ul style="list-style-type: none"> <li>• Occupational Therapist</li> </ul>         |
| <ul style="list-style-type: none"> <li>• Certified Histological Technician</li> </ul>     | <ul style="list-style-type: none"> <li>• Occupational Therapy Assistant</li> </ul> |
| Dentistry   | Ophthalmic Dispensing  |
| <ul style="list-style-type: none"> <li>• Dentist</li> </ul>                               | Optometry  |
| <ul style="list-style-type: none"> <li>• Dental Anesthesia/Sedation</li> </ul>            | Perfusion  |
| <ul style="list-style-type: none"> <li>• Dental Hygienist</li> </ul>                      | Pharmacy   |
| <ul style="list-style-type: none"> <li>• Certified Dental Assistant</li> </ul>            | Physical Therapy   |
| Dietetics and Nutrition   | <ul style="list-style-type: none"> <li>• Physical Therapist</li> </ul>             |
| Engineering   | <ul style="list-style-type: none"> <li>• Physical Therapist Assistant</li> </ul>   |
| Geology   | Podiatry   |
| Interior Design   | Polysomnographic Technician  |
| Land Surveying  | Psychology   |
| Landscape Architecture  | Public Accountancy   |
| Massage Therapy   | <ul style="list-style-type: none"> <li>• Certified Public Accountant</li> </ul>    |
| Medical Physics   | <ul style="list-style-type: none"> <li>• Public Accountant</li> </ul>              |
| Medicine  | Respiratory Therapy  |
| <ul style="list-style-type: none"> <li>• Physician</li> </ul>                             | <ul style="list-style-type: none"> <li>• Respiratory Therapist</li> </ul>          |
| <ul style="list-style-type: none"> <li>• Physician Assistant</li> </ul>                   | <ul style="list-style-type: none"> <li>• Respiratory Therapy Technician</li> </ul> |
| <ul style="list-style-type: none"> <li>• Specialist's Assistant</li> </ul>                |  |

|                                   |                         |
|-----------------------------------|-------------------------|
| Social Work                       | Veterinary Medicine     |
| • Licensed Master Social Worker   | • Veterinarian          |
| • Licensed Clinical Social Worker | • Veterinary Technician |
| Speech-Language Pathology         |                         |

APPENDIX B

2016 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on Higher Education

| <u>Final Action</u>                                    | <u>Assembly Bills</u> | <u>Senate Bills</u> | <u>Total Bills</u> |
|--|-----------------------|---------------------|--------------------|
|  |                       |                     |                    |
| <b><u>Bills Reported With or Without Amendment</u></b> |                       |                     |                    |
|  |                       |                     |                    |
| To Floor; not returning to Committee                   | 8                     |                     | 8                  |
| To Ways and Means Committee                            | 15                    |                     | 15                 |
| To Codes Committee                                     | 9                     |                     | 9                  |
| To Rules Committee                                     | 4                     |                     | 4                  |
| To Judiciary Committee                                 | 0                     |                     | 0                  |
| Total  | 36                    |                     | 36                 |
|  |                       |                     |                    |
| <b><u>Bills Having Committee Reference Changed</u></b> |                       |                     |                    |
| To Education   | 2                     | 0                   | 2                  |
| To   |                       |                     |                    |
| To   |                       |                     |                    |
| To   |                       |                     |                    |
| Total  |                       |                     |                    |
| <b><u>Senate Bills Substituted or Recalled</u></b>     |                       |                     |                    |
| Substituted  |                       | 1                   | 1                  |
| Recalled   |                       | 0                   | 0                  |
| Total  |                       | 1                   | 1                  |
|  |                       |                     |                    |
| <b><u>Bills Defeated in Committee</u></b>              | 0                     | 0                   | 0                  |
| <b><u>Bills Held for Consideration</u></b>             | 32                    | 0                   | 32                 |
| <b><u>Bills Never Reported, Died in Committee</u></b>  | 266                   | 49                  | 315                |
| <b><u>Bills Having Enacting Clauses Stricken</u></b>   | 5                     | 0                   | 5                  |
| <b><u>Motion to Discharge Lost</u></b>                 | 0                     | 0                   | 0                  |
| <b><u>Total Bills in Committee</u></b>                 | 341                   | 50                  | 391                |
| Total Number of Committee Meetings Held                | 6                     |                     |                    |