



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 Regents standing committees

DATE: November 24, 2010

STRATEGIC GOAL: Goals 5 and 6

AUTHORIZATION(S):

SUMMARY

Issues for Decision (Consent Agenda)

Should the Board of Regents amend section 3.2 of the Rules of the Board of Regents as an emergency action to change 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 emergency action at the December 2010 Regents meeting. The proposed amendment will be submitted to the Full Board for permanent adoption at the March 2011 Regents meeting. A Statement of the Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

N/A

Background Information

The Office of Adult Education and Workforce Development was established under a recent reorganization of the State Education Department that abolished the Office of Vocational Educational Services for Individuals with Disabilities (VESID), and transferred responsibility for adult education, workforce development, vocational rehabilitation and proprietary school supervision to 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 intends to change 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 will be 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 December 21, 2010, 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 immediately change the name of the Regents standing committee known as the Committee on Adult Education and Workforce Development to "Committee on Adult Career and Continuing Education Services (ACCES)" in order to conform to the renamed Office of Adult Career and Continuing Education Services (ACCES), and thereby avoid confusion to the public and otherwise assist the Board of Regents to efficiently and effectively meet its statutory responsibilities.

Timetable for Implementation

The amendment will become effective as an emergency measure on December 21, 2010 and will remain in effect for 90 days. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the March 2011 Regents meeting.

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 abolished the Office of Vocational Educational Services for Individuals with Disabilities (VESID) by transferring responsibility for adult education, workforce development, vocational rehabilitation and proprietary school supervision to the new Adult Education and Workforce Development committee, and transferring responsibility for special education to a new Office of P-12 Education.

The Office of Adult Education and Workforce Development intends to change 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)."

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular adoption, after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act, is at the March 7-8, 2011 meeting of the Board of Regents. If adopted at the March Regents meeting, the earliest the amendment could become effective is March 30, 2011. However, in addition to the March 7-8, 2011 meeting, Regents meetings are also scheduled for January 10-11, 2011 and February 7-8, 2011.

The proposed amendment is being adopted as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately rename the Regents standing committee known as Committee on Adult Education and Workforce Development to "Committee on Adult Career and Continuing Education Services (ACCES), and thereby avoid confusion to the public and otherwise assist the Board of Regents to efficiently and effectively meet its statutory responsibilities.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at their March 7-8, 2011 meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act.

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 December 21, 2010, 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).

2. Paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents is amended, effective December 21, 2010 as follows:

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

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .