



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

TO: P-12 Education Committee
Higher Education Committee
Professional Practice Committee
ACCES Committee
Cultural Education Committee

FROM: Richard J. Trautwein

SUBJECT: 2012 Regulatory Agenda

DATE: December 2, 2011

AUTHORIZATION(S):

Summary

Issue for Decision

Should the Board of Regents approve the 2012 Regulatory Agenda?

Reason for Consideration

Required by State statute.

Proposed Handling

The 2012 Regulatory Agenda will be presented at the December Regents meeting for discussion in each standing committee and for approval at Full Board.

Background Information

Section 202-d of the State Administrative Procedure Act (SAPA) requires that the State Education Department publish, each year, a regulatory agenda in the first January issue, and in the last June issue, of the State Register. The 2012 regulatory agenda is a list and brief description of the subject matter of each rule the Department is considering proposing during 2012, but for which it has not yet submitted a Notice of Proposed Rule Making. SAPA §202-d(2) provides that nothing in the statute requires

an agency to adopt a rule appearing in the regulatory agenda or precludes the Department from adopting a different rule from the one appearing in the regulatory agenda. If we do seek to adopt additional rules that were not included in the 2012 regulatory agenda, the Department must indicate in the Notice of Proposed Rule Making that the rule was not under consideration when the regulatory agenda was submitted for publication.

The 2012 Regulatory Agenda is a planning document required under SAPA §202-d and provides notice to the public on regulations that the agency knows it may propose in the next 6 months. It is non-binding and does not commit the agency to adopting the listed regulations, nor does it preclude the agency from adopting regulations that are not on the list. Accordingly, Board of Regents approval of the Regulatory Agenda does not constitute approval of the listed regulations.

Recommendation

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

VOTED: That the 2012 Regulatory Agenda for the State Education Department be approved, as submitted.

Timetable for Implementation

The 2012 Regulatory Agenda will be published in the State Register on January 4, 2012.

STATE EDUCATION DEPARTMENT
2012 REGULATORY AGENDA

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for calendar year 2012. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the 2012 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Amendment of section 100.1(a) of the Commissioner's Regulations relating to the definition of a unit of study. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(b) of the Commissioner's Regulations relating to the definition of a unit of credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2 of the Commissioner's Regulations relating to general school requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(c) of the Commissioner's Regulations relating to Instruction in civility, citizenship and character education, to implement the Dignity for All Students Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of 100.2(l) of the Commissioner's Regulations relating to codes of conduct, to implement the Dignity for All Students Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 100.2(jj) of the Commissioner's Regulations relating to Designated Dignity Act Coordinator and professional development relating to the Dignity for All Students Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Commissioner's Regulations relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.2 of the Commissioner's Regulations to revise the accountability determinations and the school report card to reflect any changes that may be required in the event that New York submits and is approved to receive an Elementary and Secondary Education Act waiver. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(p) of the Commissioner's Regulations to revise the procedure for registration of public schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(p) of the Commissioner's Regulations to revise the annual high school and graduation rate cohort in order to conform with recent amendments to New York State's accountability plan under the No Child Left Behind

Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(x) of the Commissioner's Regulations, relating to the education of homeless children. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(gg) of the Commissioner's Regulations to revise and update provisions on Violent and Disruptive Incident Reporting (VADIR) and to implement the reporting requirements under the Dignity for All Students Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(b) of the Commissioner's Regulations relating to program requirements in grades five and six. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(c) of the Commissioner's Regulations relating to unit of study requirements in grades seven and eight. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(d) of the Commissioner's Regulations relating to grade eight acceleration for diploma credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(h) of the Commissioner's Regulations relating to models for Middle Level Education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Commissioner's Regulations relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a)(5)(i) of the Commissioner's Regulations relating to the State Assessment System. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(d) of the Commissioner's Regulations relating to Career and Technical Education programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the Concussion Management Awareness Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the instructional reporting and improvement system. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations relating to the Early Warning System and the use of standardized student-level attendance rules. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations to conform to and implement Chapter 101 of the Laws of 2010, relating to charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 119 of the Commissioner's Regulations to add a section relating to residency determinations of students attending charter schools. A regulatory

flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 119 of the Commissioner's Regulations to add a section relating to procedures regarding complaints brought pursuant to Education Law section 2855. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1(e) of the Commissioner's Regulations relating to financing of charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Parts 100 and 200 of the Commissioner's Regulations to make certain technical amendments, including corrections to cross citations, as may be appropriate and to conform to possible changes made to federal regulations this year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Commissioner's Regulations to eliminate requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 154 of Commissioner's Regulations regarding the identification of and provision of services to Limited English Proficient students. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2(b) of the Commissioner's Regulations relating to written policies for the declassification of students with disabilities, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2(g) of the Commissioner's Regulations relating to special education space requirements plans, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.3(a) and (c) of the Commissioner's Regulations relating to the membership of the Committee on Special Education (CSE), Subcommittee on Special Education, and Committee on Preschool Special Education, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.4(i) and 200.5(a) of the Commissioner's Regulations relating to written notice upon graduation or aging out and the development of adult service recommendations for students with disabilities placed in residential schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(b) of the Commissioner's Regulations relating to parental consent for initial provision of special education services in a 12-month special service and/or program, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(b)(1)(iii) of the Commissioner's Regulations relating to parental consent to access a parent's public benefits or insurance, as may be necessary to conform to federal regulations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(c) of the Commissioner's Regulations relating to written notice to parents regarding CSE and Subcommittee meetings, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to sections 200.5(h) and (j) relating to mediation and impartial due process hearings for students with disabilities parentally placed in private schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(j) of the Commissioner's Regulations relating to impartial hearing procedures and the statute of limitations for requesting an impartial hearing, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.6 of the Commissioner's Regulations relating to a school district's responsibilities for a student with disability placed in an in-state or out-of-state private school. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.7 and 200.20(a) of the Commissioner's Regulations relating to the program standards for private schools approved to serve students with

disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 200.7(d) of the Commissioner's Regulations relating to the approval of the Commissioner of Education on an appointment of a student with a disability to a State-supported school and evaluations conducted by State-supported schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.16 of the Commissioner's Regulations relating to parent selection of a preschool evaluator, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.20 of the Commissioner's Regulations relating to public school districts as preschool evaluators, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Ken Slentz

Deputy Commissioner P-12

New York State Education Department

State Education Building, Room 2M West

89 Washington Avenue

Albany, New York 12234

(518) 474-3862

nysedp12@mail.nysed.gov

OFFICE OF HIGHER EDUCATION

Amendment to Part 30 of the Regents Rules relating to alignment of tenure areas to certain certification areas. A rural area flexibility analysis may be required.

Amendment to Part 80 of the Commissioner's Regulations relating to changes to the requirements for certification examinations for teachers. A rural area flexibility analysis may be required.

Amendment of section 80-3.10 of the Commissioner's Regulations to clarify that the School District Leader certificate is the only certificate required for a Superintendent also performing the roles of principal or business official in small school districts. A rural area flexibility analysis may be required.

Amendment of Parts 80 and 83 of the Commissioner's Regulations regarding moral character hearings and regarding the applicability to coaches of moral character and background check requirements. A rural area flexibility analysis may be required.

Amendment to Part 87 of the Commissioner's Regulations relating to elimination of oral arguments in Part 87 appeals. A rural area flexibility analysis may be required.

Amendment of section 87.5 of the Commissioner's Regulations regarding due process procedures for criminal history record check for prospective school employees and applicants for certification. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendments to section 100.2 of the Commissioner's Regulations and Subpart 30-2 of the Regents Rules to clarify and make technical amendments to regulations relating to teacher and principal evaluation system and possible amendments to these sections in light of pending litigation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations to implement the teacher and principal career ladders. A rural area flexibility analysis may be required.

Amendment of Part 52 of the Commissioner's Regulations, relating to registration of curricula. A rural area flexibility analysis may be required.

Agency Representative

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

John D'Agati

Deputy Commissioner for the Office of Higher Education

New York State Education Department

Office of Higher Education

Room 977, Education Building Annex

89 Washington Avenue

Albany, New York 12234

(518) 486-3633

sroberso@nysed.mail.gov

OFFICE OF THE PROFESSIONS

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the public accountancy and certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Parts 52 and 77 of the Commissioner's Regulations relating to the educational standards necessary for licensure in physical therapy. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Parts 52 and 79 of the Commissioner's Regulations relating to authorization for the practice of polysomnographic technology. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 52 and Subpart 79-8 of the Commissioner's Regulations relating to educational requirements for licensure in medical physics. A rural area flexibility analysis may be required.

Amendment of Part 59 of the Commissioner's Regulations and Part 29 of the Regents Rules to implement chapter 581 of the Laws of 2011 relating to waivers from corporate practice for certain providers of preschool special education and early intervention services. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 60 of the Commissioner's Regulations relating to the standards and procedures to be applied in assessing applications by international medical schools for approval to place their students in long-term clinical clerkships in New York State. A rural area flexibility analysis may be required.

Amendment of Part 61 of the Commissioner's Regulations relating to dental anesthesia certification. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 76 of the Commissioner's Regulations relating to occupational therapy assistants. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Subpart 79-1 of the Commissioner's Regulations relating to the professional study of and the licensing examination in landscape architecture. A rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Douglas E. Lentivech

Deputy Commissioner for the Professions

New York State Education Department

Office of the Professions

89 Washington Avenue

West Wing, Second Floor - Education Building

Albany, NY 12234

(518) 486-1765

opopr@mail.nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Commissioner's Regulations, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Bernard A. Margolis

State Librarian and Assistant Commissioner for Libraries

New York State Education Department

New York State Library

Room 10C34

Albany, NY 12230

(518) 474-5930

bmargolis@mail.nysed.gov

Amendment of sections 189.1 and 189.3 of the Commissioner's regulations relating to the Documentary Heritage program, to revise procedures for the award of grants and for the provision of field services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the agency fee list to match the current organizational structure of executive branch agencies. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Christine Ward

Assistant Commissioner for the State Archives

9A49 Cultural Education Center

Albany, New York 12230

(518) 473-7091

cward@mail.nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment of Part 126 of the Commissioner's Regulations to change the title of schools supervised from "Private Trade and Correspondence Schools" to "Licensed Private Career Schools and Certified English as a Second Language Schools", and thereby remove the distinction between licensed private schools, registered business schools, and computer training facilities to more accurately reflects the nature of the schools, as well as recognizing English as a Second Language (ESL) schools as part of this sector. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to remove the subjects taught in a registered business school or computer training facility as they no longer apply, and to add requirements for licensing ESL schools. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to specifically include schools teaching personal training as schools requiring licensing. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to clarify the parameters for offering of workshops or trade shows without licensure. A regulatory

flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to reflect the new school application fee of \$5,000 and the increased fees for renewal application fees. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to add the new category of candidacy schools and the requirements for being a candidacy school. This will offer institutions the ability to continue operation while seeking licensure and avoid the conflict of having to close down operations until licensed, thereby shutting down small businesses. It is hoped that this might be more effective in bringing more institutions into compliance. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to raise the requirement of the level of financial statements. Starting at \$500,000 gross tuition income, all schools would be required to submit audited financial statements. This is in keeping with increased monitoring of the financial viability of the schools. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to add an additional condition under which the Commissioner might deny, suspend, revoke, or decline to renew a license, and thereby permit the Commissioner to review financial viability of the school in order to reduce the threat to student tuition funds, school closure, and the

Tuition Reimbursement Account (TRA). A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to permit the Commissioner to review a school report on its financial health and to identify methods of restoring viability while the school has been placed on probation. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to eliminate the transfer of ownership for schools. Rather, a new school application will be required for any ownership transfer of 25 percent or more. This is aimed at ensuring that the new owner understands what is involved in operating a school in compliance and to reduce the number of schools acquired by large corporations with the intention of "flipping." A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to redefine the calculation of tuition assessment based on length of licensure, which should reduce the confusion over the current guidelines. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to prescribe loan disbursement based on cost of program. This is an attempt to limit the amount of loan money that would have to be repaid in the event of a school closure. This protects both the student and the TRA. Excluded are credit card payments or personal payment by another party. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to add additional entrance requirements for shorter courses. This reflects the face of some of the higher-end certification courses where students already have specific pre-requisites. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to require that all catalogs include a weekly tuition liability chart to show students what liability they have if they drop out. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to institute a fee for curriculum review to reflect the resources dedicated to this function. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to lift the restrictions on teacher licensure so that a licensed teacher may teach at any school. This should reduce the number of unlicensed teachers and improve their employability. It will also help schools launch new programs more quickly because a teacher application does not have to be filed. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations, to define under what circumstances a student at a candidate school may file a complaint. Students at candidate schools must receive disclosure that the protections afforded students at

licensed schools do not apply to them. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to increase fines for civil penalties and administrative sanctions. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to permit the director to apply for an agent license at no additional cost as part of the licensing process. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to increase the cost of an agent certification, while adding another year to the length of the certification. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to permit the Department to effect a teach-out agreement in the event that the closing school has not done so. This will formalize a process that has been necessary in the past. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to expand the items that are reimbursable through the TRA at the time of school closure. In addition to tuition, a student current at the time of closure will be reimbursed for fees and book charges. As these amounts can be substantial, this will do much toward making the

student “whole.” A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to clarify what action is taken if the TRA falls below a certain amount and rises above a certain amount, and to define the suspension and the resumption of tuition assessment and specify the schools to which this pertains. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to provide for the Commissioner to use up to \$200,000 for the purpose of securing and scanning of closed school records. The Bureau has been unable to do anything other than store the records for the past several years, eliminating access to the records and prohibiting students from securing critical documents. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to require OSC to perform its audit of the TRA on a bi-annual basis, rather than yearly basis. An audited statement will be required. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Part 126 of the Commissioner's Regulations to install term limits for the Advisory Council members, with the provision that they may be re-elected. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Carole W. Yates, Director

ACCES—Proprietary School Supervision

99 Washington Avenue

One Commerce Plaza, Room 1613

Albany, NY 12234

Amendment to Parts 246, 247 and 248 of the Commissioner's Regulations relating to the State vocational rehabilitation and independent living programs, as necessary, to eliminate references to the former Office of Vocational and Educational Services for Individuals with Disabilities. Amendment to Parts 246 and 247 of the Commissioner's Regulations relating to the State vocational rehabilitation program operated pursuant to Title I of the Rehabilitation Act, as may be appropriate in order to conform to possible changes made if Congress reauthorizes that act this year. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Agency representative

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Frank Coco, CRC

Manager, VR Policy and Partnerships

Office of Adult Career and Continuing Education Services

Room 1603, One Commerce Plaza

Albany, New York 12234

(518) 474-3946

fcoco@mail.nysed.gov

Amendment of section 100.8 of the Regulations of the Commissioner of Education to provide for the opportunity for adult students to earn a local High School Equivalency Diploma based upon experimental programs approved by the commissioner until June 30, 2013, after which date such boards may no longer award a local high school equivalency diploma. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Amendment of Section 100.7 of the Regulations of the Commissioner of Education to allow veterans of certain armed conflicts to be awarded a high school diploma based on the knowledge and experience gained while in service. A regulatory flexibility analysis for small business and a rural area flexibility analysis may be required.

Agency Representative

Information may be obtained, and written comments may be submitted concerning any of the above proposed amendments by contacting:

Mark Leinung,

Director – Adult Education Programs and Policy

Adult Career and Continuing Education Services

New York State Education Department

Room 1622, One Commerce Plaza

Albany, NY 12234

(518) 474-8892

mleinung@mail.nysed.gov

OFFICE OF STATE REVIEW

Amendment of section 279.1 of the Commissioner's Regulations, relating to the incorporation and clarification of definitions and other provisions, as relevant to state-level review of hearings for students with disabilities, that are currently referenced in Parts 275 and 276; deletion of references to parts 275 and 276; clarification of the jurisdiction of a state review officer and procedures regarding state review proceedings; and clarification regarding the authority of a state review officer to review manifestation determinations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.2 of the Commissioner's Regulations, relating to timelines for serving and filing a Notice of Intention to Seek Review; clarification of purpose of Notice of Intention to Seek review; clarification of timeframe in which to serve upon another party and file a Notice of Intention to Seek review; and addition of a notice of certification requirement. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.3 of the Commissioner's Regulations, relating to service of an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.4 of the Commissioner's Regulations, relating to the initiation and scope of a review and the timeliness of an appeal, clarify sufficiency of content and time in which to serve the petition for review and memorandum of law upon

the opposing party; procedures for filing a petition for review with the Office of State Review; and add disclosure of whether a related action or proceeding is pending in another forum. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.5 of the Commissioner's Regulations, relating to the content and service of an answer and supporting papers upon the opposing party and filing with the Office of State Review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.6 of the Commissioner's Regulations, relating to additional pleadings and new matters raised in an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.7 of the Commissioner's Regulations, relating to verification of pleadings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.8 of the Commissioner's Regulations, relating to the table of authorities, clarification of the requirement that pleadings be signed consistent with 22 NYCRR 130-1.1a(a); and submission of electronic copies of pleadings and memoranda of law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.9 of the Commissioner's Regulations, relating to content and submission of record; certification of record and clarification that 279.9 (b) refers to complete record. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.10 of the Commissioner's Regulations, relating to requests for extensions of time and length of extensions permitted; submission of additional evidence; clarification of effect of agreements to extend the time in which to initiate a review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.11 of the Commissioner's Regulations, relating to calculating date of mailing and type of mail. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.12 of the Commissioner's Regulations, clarifying provisions relating to the finality of state review officer decisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.13 of the Commissioner's Regulations, relating to service of petition for review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of 279.15 of the Commissioner's Regulations, relating to definitions of terms in Part 279. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Justyn P. Bates

Office of State Review

80 Wolf Road, 2nd Floor

Albany New York 12203

(518) 485-9373