





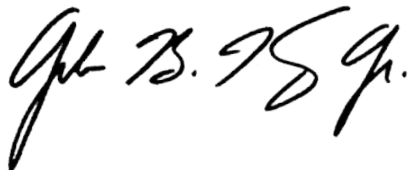
THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Ken Slentz 

SUBJECT: Proposed Technical Amendment to section 3.16 of the Rules of the Board of Regents, Relating to the Delegation of Authority with respect to certain Charter School Hearings

DATE: September 4, 2012

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed technical amendment of section 3.16 of the Rules of the Board of Regents, relating to the delegation to the Commissioner of Education of the Board of Regents' authority to conduct certain charter school public hearings required by Article 56 of the Education Law?

Reason(s) for Consideration

Implementation of Regents Policy.

Proposed Handling

The proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at the September 2012 Regents meeting.

Procedural History

The proposed amendment was discussed and adopted as an emergency action, effective May 22, 2012, at the May Regents meeting. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 6, 2012. The proposed rule was adopted as a second emergency action at the July Regents meeting

to ensure the emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule.

A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

The purpose of the proposed technical amendment is to conform section 3.16(b) of the Regents Rules to the Department's existing practice of having the Commissioner, on behalf of the Board of Regents hold public hearings required by Article 56 of the Education Law to solicit comments from the community on charter school matters, such as hearings in connection with the issuance, revision or renewal of a charter pursuant to Education Law section 2857(1-a) and hearings to discuss the location of a charter school pursuant to Education Law section 2853(3)(a). Having the Board of Regents personally conduct and hold such hearings is not practical, considering the scope of duties of the Board, the limited number of times that the Board meets during the year, and the time demands placed on individual Board members, and having the Commissioner, through Department staff, hold such hearings provides for the most efficient and expeditious means to conduct such hearings.

Recommendation

VOTED: That subdivision (b) of section 3.16 of the Rules of the Board of Regents, be amended, as submitted, effective September 26, 2012.

Timetable for Implementation

The May emergency rule became effective on May 22, 2012 and the July emergency rule became effective on August 21, 2012. If adopted at the September Regents meeting, the permanent rule will become effective on September 26, 2012.

Attachment

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 206, 207, 305 and 2857 of the Education Law

Subdivision (b) of section 3.16 of the Rules of the Board of Regents is amended, effective September 26, 2012, as follows:

(b) Hearings. The Board of Regents delegates to the Commissioner of Education the authority to conduct and hold public hearings as required pursuant to Article 56 of the Education Law to solicit comments from the community including, but not limited to, hearings in connection with the issuance, revision or renewal of a charter pursuant to Education Law section 2857(1-a) and hearings to discuss the location of a charter school pursuant to Education Law section 2853(3)(a).