

# STATE OF NEW YORK

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5843

2021-2022 Regular Sessions

## IN ASSEMBLY

February 26, 2021

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Introduced by M. of A. REYES, L. ROSENTHAL, EPSTEIN, PICHARDO, DE LA ROSA, ANDERSON, GOTTFRIED, DAVILA, BURGOS, FORREST, GALLAGHER, WEPRIN, FERNANDEZ, MITAYNES, TAYLOR, SIMON, SEPTIMO, SAYEGH, BARNWELL, MONTESANO, JACKSON, BARRON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to enacting The New Deal for CUNY

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This enacts "The New Deal for CUNY".  
2 § 2. Legislative intent. The Legislature hereby recognizes the need  
3 for The New Deal for CUNY in order to ensure that the commitment the  
4 Legislature articulated in establishing the city university of New York  
5 is extended to present and future generations. The 1961 legislation  
6 recognized that the creation of a city university as a single unified  
7 system was "justified" by the special needs of a multi-racial urban  
8 constituency and the "vital importance" of creating opportunities for  
9 disadvantaged New Yorkers. Those needs have only grown in the half-cen-  
10 tury since the Legislature's action. Yet CUNY's ability to fulfill them  
11 has diminished as enrollment has skyrocketed and investment has failed  
12 to keep pace. The New Deal for CUNY reimagines CUNY as the vital urban  
13 university it must be if it is to serve the people of New York. It  
14 enhances CUNY's historic role as a leader in educational justice and  
15 economic transformation. This legislation restores free tuition,  
16 ensures adequate faculty staffing, and aligns student support with  
17 nationally recommended standards. In doing so, The New Deal for CUNY  
18 restores New York to national leadership in public higher education and  
19 removes the barriers to student success that have prevented thousands of  
20 CUNY students from realizing the full potential of a college degree. The  
21 New Deal for CUNY gradually increases the ratio of students to full-time  
22 faculty at CUNY to nationally recommended levels, with a special empha-  
23 sis on racial and ethnic diversity in hiring. It also replaces the  
24 system of underpayment for contingent faculty with a dignified labor  
25 system that provides students with the support they urgently need. CUNY

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 students, perhaps more than any other college population in the country,  
2 bear stresses that make it extraordinarily difficult to stay in college,  
3 sometimes even to survive. The New Deal for CUNY addresses the urgent  
4 need for student support by gradually escalating the hiring of mental  
5 health and other counselors to bring CUNY into line with national stand-  
6 ards. The New Deal for CUNY mandates that all tuition for in-state  
7 undergraduate students within specified time-frames for completion of  
8 degree be eliminated, and that the revenue to the colleges that would  
9 otherwise derive from tuition be replaced annually by federal, state,  
10 and city funds.

11 § 3. Subdivision A of section 6221 of the education law is amended by  
12 adding a new paragraph 4-b to read as follows:

13 4-b. Notwithstanding any other provision of law, rule or regulation to  
14 the contrary, subject to amounts made available by appropriation,  
15 commencing in the two thousand twenty-two--two thousand twenty-three  
16 academic year, the city university shall be entitled to annually receive  
17 one hundred percent reimbursement for the annual cost of tuition for  
18 each matriculated undergraduate student at a city university senior  
19 college and community college who is enrolled in credit-bearing academic  
20 coursework and is on track to graduate. The state comptroller shall  
21 establish a separate fund for such monies to be distributed to the city  
22 university of New York. The city university shall receive an amount  
23 equal to the full cost of in-state undergraduate tuition for each quali-  
24 fying, matriculated student who successfully completes credit-bearing  
25 academic coursework and is on track to graduate. The full cost of  
26 tuition shall not include any additional funds the student may receive  
27 from any other New York state or federal grant, award, or scholarship  
28 program. The deposit of these funds shall be utilized as first dollar  
29 awards to the students at the city university. Any student not success-  
30 fully completing credit-bearing academic coursework in a semester shall  
31 still be eligible to receive all other grants, awards, and scholarships  
32 for which they qualify but shall not be eligible for the tuition  
33 reimbursement described herein. Students shall be eligible to receive a  
34 one semester exemption from the requirement to complete credit-bearing  
35 academic coursework for such tuition reimbursement as promulgated by the  
36 higher education services corporation. Such exemption shall not preclude  
37 any student from exercising their right to appeal pursuant to higher  
38 education services corporation policy. The state comptroller shall  
39 deposit such monies with the city university no later than thirty days  
40 after the start of the semester.

41 § 4. Section 6206 of the education law is amended by adding three new  
42 subdivisions 21, 22 and 23 to read as follows:

43 21. Each community college and senior college of the city university  
44 of New York shall maintain, at a minimum, a ratio of one clinical, non-  
45 student mental health staff member per one thousand students. Within two  
46 years of the effective date of this subdivision, each community and  
47 senior college shall establish, and require a meeting of, a board of  
48 advisors having expertise in the area of clinical mental health  
49 services. The advisory boards shall, using current data, update and  
50 modify, as necessary, such ratios based on actual ratios in this state  
51 and any new information related to appropriate benchmarks for clini-  
52 cian-to-student ratios. Data collected by the advisory boards may be  
53 used as a means to increase the number of mental health staff members.  
54 In no event shall the ratio fall below one clinical, non-student mental  
55 health staff member per one thousand students. Following the initial  
56 meeting, advisory boards shall meet once every five years. This subdivi-

1 sion shall not be funded by student tuition or fees created on or after  
2 the effective date of this subdivision. Community colleges and senior  
3 colleges in the city university of New York may seek federal funding or  
4 private grants, if available, to further expand and support the  
5 provisions of this subdivision. Any faculty and staff hired through the  
6 assistance of federal funding or private grants pursuant to this subdivi-  
7 sion shall be treated and classified as full-time public employees and  
8 covered under any collectively bargained contracts in their respective  
9 bargaining units. The city university shall report annually, on July  
10 first, to the chair of the senate finance committee, the chair of the  
11 assembly ways and means committee, the chair of the senate higher educa-  
12 tion committee, and the chair of the assembly higher education committee  
13 on the following criteria:

14 a. the ratio of clinical and non-student mental health staff employed  
15 and what that number equates to per student;

16 b. the number of full-time mental health staff, and number of part-  
17 time mental health staff per campus, including those who may not possess  
18 the title mental health staff but are primarily employed to perform and  
19 carry out the duties typically assigned to, and function as, mental  
20 health staff; and

21 c. the mean and median number of students receiving services per  
22 campus in the two thousand twenty-two--two thousand twenty-three academ-  
23 ic year and in the academic year in which the report is prepared from  
24 full-time mental health staff, and from part-time academic advisor.

25 22. Commencing in the two thousand twenty-two--two thousand twenty-  
26 three academic year each community college and senior college of the  
27 city university of New York shall maintain a minimum academic staffing  
28 ratio of forty-five full-time faculty members per one thousand full-time  
29 equivalent students. Commencing in the two thousand twenty-three--two  
30 thousand twenty-four academic year each community college and senior  
31 college of the city university of New York shall maintain a minimum  
32 academic staffing ratio of fifty full-time faculty members per one thou-  
33 sand full-time equivalent students. Commencing in the two thousand  
34 twenty-four--two thousand twenty-five academic year each community  
35 college and senior college of the city university of New York shall  
36 maintain a minimum academic staffing ratio of fifty-five full-time  
37 faculty members per one thousand full-time equivalent students.  
38 Commencing in the two thousand twenty-five--two thousand twenty-six  
39 academic year each community college and senior college of the city  
40 university of New York shall maintain a minimum academic staffing ratio  
41 of sixty full-time faculty members per one thousand full-time equivalent  
42 students. Commencing in the two thousand and twenty-six--two thousand  
43 twenty-seven academic year and each year thereafter, each community  
44 college and senior college of the city university of New York shall  
45 maintain a minimum academic staffing ratio of sixty-five full-time  
46 faculty members per one thousand full-time equivalent students. This  
47 subdivision shall not be funded by student fees created on or after the  
48 effective date of this subdivision. Any faculty or staff hired through  
49 the assistance of federal funding or private grants pursuant to this  
50 subdivision shall be treated and classified as full-time public employ-  
51 ees and covered under any collectively bargained contracts in their  
52 respective bargaining units. The city university shall utilize national  
53 searches to ensure recruitment of diverse faculty from underrepresented  
54 racial, ethnic, and gender groups, and prioritize the creation of full-  
55 time faculty positions for adjunct faculty currently employed by the  
56 university in order to meet the minimum academic staffing ratios

1 described herein. The city university shall report annually, on July  
2 first, to the chair of the senate finance committee, the chair of the  
3 assembly ways and means committee, the chair of the senate higher educa-  
4 tion committee, and the chair of the assembly higher education commit-  
5 tee. The report shall include, but not be limited to, the following  
6 criteria:

7 a. data that indicates whether the city university is in compliance  
8 with the mandatory minimum academic staffing ratios established pursuant  
9 to this subdivision;

10 b. the number by campus, in the two thousand twenty-two--two thousand  
11 twenty-three academic year and in the academic year in which the report  
12 is prepared, of each of full-time tenured faculty, full-time tenure-  
13 track faculty, full-time non-tenure track faculty, including those who  
14 may not have a faculty or academic job title but perform instructional  
15 duties and number of faculty lines and unfilled faculty positions;

16 c. the mean and median class size by campus in the two thousand twen-  
17 ty-two--two thousand twenty-three academic year and in the academic year  
18 in which the report is prepared, for full-time tenured faculty, full-  
19 time tenure track faculty, and full-time non-tenure track faculty and  
20 instructional staff;

21 d. the mean and median class size by level for remedial one hundred  
22 level introductory courses, and two hundred level mid-level courses and  
23 above for completion of an associate degree and baccalaureate degree in  
24 the two thousand twenty-two--two thousand twenty-three academic year and  
25 in the academic year in which the report is prepared;

26 e. the number of part-time non tenure track faculty in the two thou-  
27 sand twenty-two--two thousand twenty-three academic year and in the  
28 academic year in which the report is prepared, including those who may  
29 not have a faculty or academic job title but perform instructional  
30 duties, by campus; and

31 f. the mean and median class size by campus for part-time non tenure  
32 track faculty and instructional staff in the two thousand twenty-two--  
33 two thousand twenty-three academic year and in the academic year in  
34 which the report is prepared.

35 23. Commencing in the two thousand twenty-two--two thousand twenty-  
36 three academic year each community college and senior college of the  
37 city university of New York shall maintain, at a minimum, a ratio of one  
38 academic advisor per one thousand full-time equivalent students.  
39 Commencing the two thousand twenty-three--two thousand twenty-four  
40 academic year, the minimum staffing ratio for academic advisors at each  
41 community college and senior college of the city university of New York  
42 shall be one academic advisor per every seven hundred and fifty full-  
43 time equivalent students. Commencing in the two thousand twenty-four--  
44 two thousand twenty-five academic year, the minimum staffing ratio for  
45 academic advisors at each community college and senior college of the  
46 city university of New York shall be one academic advisor for every six  
47 hundred and fifty full-time equivalent students. Commencing in the two  
48 thousand twenty-five--two thousand twenty-six academic year, and every  
49 year thereafter, the minimum staffing ratio for academic advisors at  
50 each community college and senior college of the city university of New  
51 York shall be one academic advisor for every six hundred students. This  
52 subdivision shall not be funded by student tuition or fees created on or  
53 after its effective date. Community colleges and senior colleges in the  
54 city university of New York may seek federal funding or private grants,  
55 if available, to further expand and support the provisions of this  
56 subdivision. Any faculty and staff hired through the assistance of

1 federal funding or private grants pursuant to this subdivision shall be  
2 treated and classified as full-time public employees and covered under  
3 any collectively bargained contracts in their respective bargaining  
4 units. The city university shall report annually on July first to the  
5 chair of the senate finance committee, the chair of the assembly ways  
6 and means committee, the chair of the senate higher education committee,  
7 and the chair of the assembly higher education committee. The report  
8 shall include, but not be limited to, the following criteria:

9 a. whether the city university is in compliance with the mandatory  
10 minimum academic advisor staffing ratios established pursuant to this  
11 subdivision;

12 b. the number of full-time academic advisors per campus, and number of  
13 part-time academic advisors, including those who may not possess the  
14 title academic advisor but are primarily employed to perform and carry  
15 out the duties typically assigned to, and function as, an academic advi-  
16 sor; and

17 c. the mean and median number of student advisees, per full-time and  
18 part-time academic advisor per campus in the two thousand twenty-two--  
19 two thousand twenty-three academic year and in the academic year in  
20 which the report is prepared.

21 § 5. The second undesignated paragraph of section 6220 of the educa-  
22 tion law is amended by adding a new paragraph 16-a to read as follows:

23 16-a. Part-time and adjunct faculty shall receive wages and compen-  
24 sation equal to those in the lecturer title of this section based on  
25 comparable hours, duties and level of responsibility assigned to those  
26 in the title of lecturer. Commensurate increases in wages and compen-  
27 sation for adjunct faculty with professoriate titles shall correlate to  
28 the appropriate professor, associate professor, and assistant professor  
29 titles as bargained.

30 § 6. Section 22-c of the state finance law is amended by adding a new  
31 subdivision 7 to read as follows:

32 7. For the fiscal year beginning on April first, two thousand twenty-  
33 one and every fifth fiscal year thereafter, the governor shall submit to  
34 the legislature as part of the annual executive budget, five-year capi-  
35 tal plans for the state university of New York state operated campuses  
36 and city university of New York senior colleges. Such plans shall  
37 provide for the annual appropriation of capital funds to cover one  
38 hundred percent of the annual critical maintenance needs identified by  
39 each university system, and may include funds for new infrastructure or  
40 other major capital initiatives, provided that such funding for new  
41 infrastructure or other major capital initiatives shall not count  
42 towards meeting the overall critical maintenance requirement. In the  
43 event that such plan is unable to fund one hundred percent of the crit-  
44 ical maintenance needs due to the limitation imposed by article five-B  
45 of this chapter, the director of the budget shall develop five-year  
46 capital plans whereby the implementation of each capital plan would  
47 annually reduce the overall facility condition index for each university  
48 system. For the purposes of this subdivision, "facility condition index"  
49 shall mean an industry benchmark that measures the ratio of deferred  
50 maintenance dollars to replacement dollars for the purposes of analyzing  
51 the effect of investing in facility improvements. The apportionment of  
52 capital appropriations to each state-operated campus or senior college  
53 shall be based on a methodology to be developed by the director of the  
54 budget, in consultation with the state university of New York and the  
55 city university of New York.

56 § 7. This act shall take effect immediately.