

# STATE OF NEW YORK

5843--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 26, 2021

Introduced by M. of A. REYES, L. ROSENTHAL, EPSTEIN, ANDERSON, GOTTFRIED, DAVILA, BURGOS, FORREST, GALLAGHER, WEPRIN, FERNANDEZ, MITAYNES, TAYLOR, SIMON, SEPTIMO, SAYEGH, BARNWELL, MONTESANO, JACKSON, NIOU, GONZALEZ-ROJAS, CRUZ, CARROLL, DINOWITZ, SEAWRIGHT, BICHOTTE HERMELYN, LAVINE, CLARK, KIM, McDONOUGH, MAMDANI, QUART, ENGLEBRIGHT, SOLAGES, FALL, BENEDETTO, TAPIA, BURDICK, JOYNER, ZINERMAN, OTIS, HEVESI, J. RIVERA, COLTON, DARLING, ABBATE, REILLY -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 to ensure that the commitment the Legislature  
4 articulated in establishing the city university of New York is extended  
5 to present and future generations. The 1961 legislation recognized that  
6 the creation of a city university as a single unified system was "justi-  
7 fied" by the special needs of a multi-racial urban constituency and the  
8 "vital importance" of creating opportunities for disadvantaged New York-  
9 ers. Those needs have only grown in the half-century since the Legisla-  
10 ture's action. Yet CUNY's ability to fulfill them has diminished as  
11 enrollment has skyrocketed and investment has failed to keep pace. The  
12 New Deal for CUNY reimagines CUNY as the vital urban university it must  
13 be if it is to serve the people of New York. It enhances CUNY's historic  
14 role as a leader in educational justice and economic transformation.  
15 This legislation restores free tuition, ensures adequate faculty staff-  
16 ing, and aligns student support with nationally recommended standards.

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

LBD09097-06-2

1 In doing so, The New Deal for CUNY restores New York to national leader-  
2 ship in public higher education and removes the barriers to student  
3 success that have prevented thousands of CUNY students from realizing  
4 the full potential of a college degree. The New Deal for CUNY gradually  
5 increases the ratio of students to full-time faculty at CUNY to  
6 nationally recommended levels, with a special emphasis on racial and  
7 ethnic diversity in hiring. It also replaces the system of underpayment  
8 for contingent faculty with a dignified labor system that provides  
9 students with the support they urgently need. CUNY students, perhaps  
10 more than any other college population in the country, bear stresses  
11 that make it extraordinarily difficult to stay in college, sometimes  
12 even to survive. The New Deal for CUNY addresses the urgent need for  
13 student support by gradually escalating the hiring of mental health and  
14 other counselors to bring CUNY into line with national standards. The  
15 New Deal for CUNY mandates that all tuition and student fees for  
16 in-state undergraduate students within specified time-frames for  
17 completion of degree be eliminated, and that the revenue to the colleges  
18 that would otherwise derive from tuition and fees be replaced annually  
19 by federal, state, and city funds.

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

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

51 § 4. Section 6206 of the education law is amended by adding three new  
52 subdivisions 22, 23 and 24 to read as follows:

53 22. Each community college and senior college of the city university  
54 of New York shall maintain, at a minimum, a ratio of one clinical, non-  
55 student mental health staff member per one thousand students. Within two  
56 years of the effective date of this subdivision, each community and

1 senior college shall establish, and require a meeting of, a board of  
2 advisors having expertise in the area of clinical mental health  
3 services. The advisory boards shall, using current data, update and  
4 modify, as necessary, such ratios based on actual ratios in this state  
5 and any new information related to appropriate benchmarks for clini-  
6 cian-to-student ratios. Data collected by the advisory boards may be  
7 used as a means to increase the number of mental health staff members.  
8 In no event shall the ratio fall below one clinical, non-student mental  
9 health staff member per one thousand students. Following the initial  
10 meeting, advisory boards shall meet once every five years. This subdivi-  
11 sion shall not be funded by student tuition or fees created on or after  
12 the effective date of this subdivision. Community colleges and senior  
13 colleges in the city university of New York may seek federal funding or  
14 private grants, if available, to further expand and support the  
15 provisions of this subdivision. Any faculty and staff hired through the  
16 assistance of federal funding or private grants pursuant to this subdivi-  
17 vision shall be treated and classified as full-time public employees and  
18 covered under any collectively bargained contracts in their respective  
19 bargaining units. The city university shall report annually, on July  
20 first, to the chair of the senate finance committee, the chair of the  
21 assembly ways and means committee, the chair of the senate higher educa-  
22 tion committee, and the chair of the assembly higher education committee  
23 on the following criteria:

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

26 b. the number of full-time mental health staff, and number of part-  
27 time mental health staff per campus, including those who may not possess  
28 the title mental health staff but are primarily employed to perform and  
29 carry out the duties typically assigned to, and function as, mental  
30 health staff; and

31 c. the mean and median number of students receiving services per  
32 campus in the two thousand twenty-three--two thousand twenty-four  
33 academic year and in the academic year in which the report is prepared  
34 from full-time mental health staff, and from part-time academic advisor.

35 23. Commencing in the two thousand twenty-three--two thousand twenty-  
36 four academic year each community college and senior college of the city  
37 university of New York shall maintain a minimum academic staffing ratio  
38 of forty-five full-time faculty members per one thousand full-time  
39 equivalent students. Commencing in the two thousand twenty-four--two  
40 thousand twenty-five academic year each community college and senior  
41 college of the city university of New York shall maintain a minimum  
42 academic staffing ratio of fifty full-time faculty members per one thou-  
43 sand full-time equivalent students. Commencing in the two thousand  
44 twenty-five--two thousand twenty-six academic year each community  
45 college and senior college of the city university of New York shall  
46 maintain a minimum academic staffing ratio of fifty-five full-time  
47 faculty members per one thousand full-time equivalent students.  
48 Commencing in the two thousand twenty-six--two thousand twenty-seven  
49 academic year each community college and senior college of the city  
50 university of New York shall maintain a minimum academic staffing ratio  
51 of sixty full-time faculty members per one thousand full-time equivalent  
52 students. Commencing in the two thousand twenty-seven--two thousand  
53 twenty-eight academic year and each year thereafter, each community  
54 college and senior college of the city university of New York shall  
55 maintain a minimum academic staffing ratio of sixty-five full-time  
56 faculty members per one thousand full-time equivalent students. This

1 subdivision shall not be funded by student fees created on or after the  
2 effective date of this subdivision. Any faculty or staff hired through  
3 the assistance of federal funding or private grants pursuant to this  
4 subdivision shall be treated and classified as full-time public employ-  
5 ees and covered under any collectively bargained contracts in their  
6 respective bargaining units. The city university shall utilize national  
7 searches to ensure recruitment of diverse faculty from underrepresented  
8 racial, ethnic, and gender groups, and prioritize the creation of full-  
9 time faculty positions for adjunct faculty currently employed by the  
10 university in order to meet the minimum academic staffing ratios  
11 described herein. The city university shall report annually, on July  
12 first, to the chair of the senate finance committee, the chair of the  
13 assembly ways and means committee, the chair of the senate higher educa-  
14 tion committee, and the chair of the assembly higher education commit-  
15 tee. The report shall include, but not be limited to, the following  
16 criteria:

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

20 b. the number by campus, in the two thousand twenty-three--two thou-  
21 sand twenty-four academic year and in the academic year in which the  
22 report is prepared, of each full-time tenured faculty, full-time  
23 tenure-track faculty, full-time non-tenure track faculty, including  
24 those who may not have a faculty or academic job title but perform  
25 instructional duties and number of faculty lines and unfilled faculty  
26 positions;

27 c. the mean and median class size by campus in the two thousand twen-  
28 ty-three--two thousand twenty-four academic year and in the academic  
29 year in which the report is prepared, for full-time tenured faculty,  
30 full-time tenure track faculty, and full-time non tenure track faculty  
31 and instructional staff;

32 d. the mean and median class size by level for remedial one hundred  
33 level introductory courses, and two hundred level mid-level courses and  
34 above for completion of an associate degree and baccalaureate degree in  
35 the two thousand twenty-three--two thousand twenty-four academic year  
36 and in the academic year in which the report is prepared;

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

42 f. the mean and median class size by campus for part-time non tenure  
43 track faculty and instructional staff in the two thousand twenty-three-  
44 -two thousand twenty-four academic year and in the academic year in  
45 which the report is prepared.

46 24. Commencing in the two thousand twenty-three--two thousand twenty-  
47 four academic year each community college and senior college of the city  
48 university of New York shall maintain, at a minimum, a ratio of one  
49 academic advisor per six hundred full-time equivalent students. Commenc-  
50 ing in the two thousand twenty-four--two thousand twenty-five academic  
51 year, the minimum staffing ratio for academic advisors at each community  
52 college and senior college of the city university of New York shall be  
53 one academic advisor per every four hundred full-time equivalent  
54 students. Commencing in the two thousand twenty-five--two thousand twen-  
55 ty-six academic year, the minimum staffing ratio for academic advisors  
56 at each community college and senior college of the city university of

1 New York shall be one academic advisor for every three hundred full-time  
2 equivalent students. Commencing in the two thousand twenty-six--two  
3 thousand twenty-seven academic year, and every year thereafter, the  
4 minimum staffing ratio for academic advisors at each community college  
5 and senior college of the city university of New York shall be one  
6 academic advisor for every two hundred and fifty students. This subdivi-  
7 sion shall not be funded by student tuition or fees created on or after  
8 its effective date. Community colleges and senior colleges in the city  
9 university of New York may seek federal funding or private grants, if  
10 available, to further expand and support the provisions of this subdivi-  
11 sion. Any faculty and staff hired through the assistance of federal  
12 funding or private grants pursuant to this subdivision shall be treated  
13 and classified as full-time public employees and covered under any  
14 collectively bargained contracts in their respective bargaining units.  
15 The city university shall report annually on July first to the chair of  
16 the senate finance committee, the chair of the assembly ways and means  
17 committee, the chair of the senate higher education committee, and the  
18 chair of the assembly higher education committee. The report shall  
19 include, but not be limited to, the following criteria:

20 a. whether the city university is in compliance with the mandatory  
21 minimum academic advisor staffing ratios established pursuant to this  
22 subdivision;

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

28 c. the mean and median number of student advisees, per full-time and  
29 part-time academic advisor per campus in the two thousand twenty-three-  
30 -two thousand twenty-four academic year and in the academic year in  
31 which the report is prepared.

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

35 16-a. Part-time and adjunct faculty shall receive wages and compen-  
36 sation equal to those in the lecturer title of this section based on  
37 comparable hours, duties and level of responsibility assigned to those  
38 in the title of lecturer. Commensurate increases in wages and compen-  
39 sation for adjunct faculty with professoriate titles shall correlate to  
40 the appropriate professor, associate professor, and assistant professor  
41 titles as bargained.

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

44 7. For the fiscal year beginning on April first, two thousand twenty-  
45 two and every fifth fiscal year thereafter, the governor shall submit to  
46 the legislature as part of the annual executive budget, five-year capi-  
47 tal plans for the state university of New York state operated campuses  
48 and city university of New York senior colleges. Such plans shall  
49 provide for the annual appropriation of capital funds to cover one  
50 hundred percent of the annual critical maintenance needs identified by  
51 each university system, and may include funds for new infrastructure or  
52 other major capital initiatives, provided that such funding for new  
53 infrastructure or other major capital initiatives shall not count  
54 towards meeting the overall critical maintenance requirement. In the  
55 event that such plan is unable to fund one hundred percent of the crit-  
56 ical maintenance needs due to the limitation imposed by article five-B

1 of this chapter, the director of the budget shall develop five-year  
2 capital plans whereby the implementation of each capital plan would  
3 annually reduce the overall facility condition index for each university  
4 system. For the purposes of this subdivision, "facility condition index"  
5 shall mean an industry benchmark that measures the ratio of deferred  
6 maintenance dollars to replacement dollars for the purposes of analyzing  
7 the effect of investing in facility improvements. The apportionment of  
8 capital appropriations to each state-operated campus or senior college  
9 shall be based on a methodology to be developed by the director of the  
10 budget, in consultation with the state university of New York and the  
11 city university of New York.

12 § 7. This act shall take effect immediately.