

STATE OF NEW YORK

4461

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed 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 vision 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.