STATE OF NEW YORK

3907

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DeSTEFANO, SALKA -- Multi-Sponsored by -- M. of A. M. MILLER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the legislative power of the University of the State of New York

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

Section 1. Section 207 of the education law is amended to read as follows:

§ 207. Legislative power. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner [~~of education~~], establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the [~~education~~] department. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. Rules or regulations, or amendments or repeals thereof, adopted or prescribed by the commissioner [~~of education~~] as provided by law shall not be effective unless and until approved by the regents, except where authority is conferred by the regents upon the commissioner [~~of education~~] to adopt, prescribe, amend or repeal such rules or regulations. **Any rule or regulation adopted by the regents, without the approval of the legislature, which has the effect of increasing costs to any school district in the state, shall be**

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

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prohibited from taking effect until such time that state funding is appropriated to all school districts affected by the rule or regulation, covering all expenses related to the new rule or regulation. The board may use any savings effectuated by the repeal or adoption of any current rule or regulation to offset the cost associated with any new mandate adopted by the board. Provided however, a new mandate may be imposed, without legislative approval, and without state appropriation if:

(a) The mandate is provided at the option of the school district under a regulation or rule that is permissive rather than mandatory;

(b) The mandate is required by Federal law or regulation and goes no further than meeting the minimum standard as required by the Federal law or regulation.

§ 2. This act shall take effect immediately and shall also apply to any and all rules or regulations adopted after such effective date. This act shall further apply to any regulation adopted by the board of regents prior to the effective date of this act, but not yet fully implemented or effective.