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:

Section 1. Short title. This enacts "The New Deal for CUNY".

§ 2. Legislative intent. The Legislature hereby recognizes the need for The New Deal for CUNY to ensure that the commitment the Legislature articulated in establishing the city university of New York is extended to present and future generations. The 1961 legislation recognized that the creation of a city university as a single unified system was "justified" by the special needs of a multi-racial urban constituency and the "vital importance" of creating opportunities for disadvantaged New Yorkers. Those needs have only grown in the half-century since the Legislature's action. Yet CUNY's ability to fulfill them has diminished as enrollment has skyrocketed and investment has failed to keep pace. The New Deal for CUNY reimagines CUNY as the vital urban university it must be if it is to serve the people of New York. It enhances CUNY's historic role as a leader in educational justice and economic transformation. This legislation restores free tuition, ensures adequate faculty staffing, and aligns student support with nationally recommended standards.

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

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

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

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

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

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

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

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

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

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

23. Commencing in the two thousand twenty-three--two thousand twenty-four academic year each community college and senior college of the city university of New York shall maintain a minimum academic staffing ratio of forty-five full-time faculty members per one thousand full-time equivalent students. Commencing in the two thousand twenty-four--two thousand twenty-five academic year each community college and senior college of the city university of New York shall maintain a minimum academic staffing ratio of fifty full-time faculty members per one thousand full-time equivalent students. Commencing in the two thousand twenty-five--two thousand twenty-six academic year each community college and senior college of the city university of New York shall maintain a minimum academic staffing ratio of fifty-five full-time faculty members per one thousand full-time equivalent students. Commencing in the two thousand twenty-six--two thousand twenty-seven academic year each community college and senior college of the city university of New York shall maintain a minimum academic staffing ratio of sixty full-time faculty members per one thousand full-time equivalent students. Commencing in the two thousand twenty-seven--two thousand twenty-eight academic year and each year thereafter, each community college and senior college of the city university of New York shall maintain a minimum academic staffing ratio of sixty-five full-time faculty members per one thousand full-time equivalent students. This

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

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

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

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

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

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

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

24. Commencing in the two thousand twenty-three--two thousand twenty-four academic year each community college and senior college of the city university of New York shall maintain, at a minimum, a ratio of one academic advisor per six hundred full-time equivalent students. Commencing in the two thousand twenty-four--two thousand twenty-five academic year, the minimum staffing ratio for academic advisors at each community college and senior college of the city university of New York shall be one academic advisor per every four hundred full-time equivalent students. Commencing in the two thousand twenty-five--two thousand twenty-six academic year, the minimum staffing ratio for academic advisors at each community college and senior college of the city university of

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

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

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

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

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

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

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

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

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

§ 7. This act shall take effect immediately.