

STATE OF NEW YORK

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2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. GOUNARDES, BAILEY, BRISPORT, CLEARE, COMRIE, GIANARIS, HARCKHAM, HOYLMAN-SIGAL, JACKSON, KAVANAGH, LIU, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY, THOMAS -- 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 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.
17 In doing so, The New Deal for CUNY restores New York to national leader-
18 ship in public higher education and removes the barriers to student
19 success that have prevented thousands of CUNY students from realizing
20 the full potential of a college degree. The New Deal for CUNY gradually
21 increases the ratio of students to full-time faculty at CUNY to
22 nationally recommended levels, with a special emphasis on racial and

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

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1 ethnic diversity in hiring. It also replaces the system of underpayment
2 for contingent faculty with a dignified labor system that provides
3 students with the support they urgently need. CUNY students, perhaps
4 more than any other college population in the country, bear stresses
5 that make it extraordinarily difficult to stay in college, sometimes
6 even to survive. The New Deal for CUNY addresses the urgent need for
7 student support by gradually escalating the hiring of mental health and
8 other counselors to bring CUNY into line with national standards. The
9 New Deal for CUNY mandates that all tuition and student fees for
10 in-state undergraduate students within specified time-frames for
11 completion of degree be eliminated, and that the revenue to the colleges
12 that would otherwise derive from tuition and fees be replaced annually
13 by federal, state, and city funds.

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

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

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

47 22. Each community college and senior college of the city university
48 of New York shall maintain, at a minimum, a ratio of one clinical, non-
49 student mental health staff member per one thousand students. Within two
50 years of the effective date of this subdivision, each community and
51 senior college shall establish, and require a meeting of, a board of
52 advisors having expertise in the area of clinical mental health
53 services. The advisory boards shall, using current data, update and
54 modify, as necessary, such ratios based on actual ratios in this state
55 and any new information related to appropriate benchmarks for clini-
56 cian-to-student ratios. Data collected by the advisory boards may be

1 used as a means to increase the number of mental health staff members.
2 In no event shall the ratio fall below one clinical, non-student mental
3 health staff member per one thousand students. Following the initial
4 meeting, advisory boards shall meet once every five years. This subdivi-
5 sion shall not be funded by student tuition or fees created on or after
6 the effective date of this subdivision. Community colleges and senior
7 colleges in the city university of New York may seek federal funding or
8 private grants, if available, to further expand and support the
9 provisions of this subdivision. Any faculty and staff hired through the
10 assistance of federal funding or private grants pursuant to this subdivi-
11 vision shall be treated and classified as full-time public employees and
12 covered under any collectively bargained contracts in their respective
13 bargaining units. The city university shall report annually, on July
14 first, to the chair of the senate finance committee, the chair of the
15 assembly ways and means committee, the chair of the senate higher educa-
16 tion committee, and the chair of the assembly higher education committee
17 on the following criteria:

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

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

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

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

1 searches to ensure recruitment of diverse faculty from underrepresented
2 racial, ethnic, and gender groups, and prioritize the creation of full-
3 time faculty positions for adjunct faculty currently employed by the
4 university in order to meet the minimum academic staffing ratios
5 described herein. The city university shall report annually, on July
6 first, to the chair of the senate finance committee, the chair of the
7 assembly ways and means committee, the chair of the senate higher educa-
8 tion committee, and the chair of the assembly higher education commit-
9 tee. The report shall include, but not be limited to, the following
10 criteria:

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

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

20 c. the mean and median class size by campus in the two thousand twen-
21 ty-four--two thousand twenty-five academic year and in the academic year
22 in which the report is prepared, for full-time tenured faculty, full-
23 time tenure-track faculty, and full-time non-tenure track faculty and
24 instructional staff;

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

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

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

39 24. Commencing in the two thousand twenty-four--two thousand twenty-
40 five academic year each community college and senior college of the city
41 university of New York shall maintain, at a minimum, a ratio of one
42 academic advisor per six hundred full-time equivalent students. Commenc-
43 ing in the two thousand twenty-five--two thousand twenty-six academic
44 year, the minimum staffing ratio for academic advisors at each community
45 college and senior college of the city university of New York shall be
46 one academic advisor per every four hundred full-time equivalent
47 students. Commencing in the two thousand twenty-six--two thousand twen-
48 ty-seven academic year, the minimum staffing ratio for academic advisors
49 at each community college and senior college of the city university of
50 New York shall be one academic advisor for every three hundred full-time
51 equivalent students. Commencing in the two thousand twenty-seven--two
52 thousand twenty-eight academic year, and every year thereafter, the
53 minimum staffing ratio for academic advisors at each community college
54 and senior college of the city university of New York shall be one
55 academic advisor for every two hundred fifty students. This subdivision
56 shall not be funded by student tuition or fees created on or after its

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

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

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

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

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

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

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

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

1 capital appropriations to each state-operated campus or senior college
2 shall be based on a methodology to be developed by the director of the
3 budget, in consultation with the state university of New York and the
4 city university of New York.

5 § 7. This act shall take effect immediately.