

STATE OF NEW YORK

5245

2023-2024 Regular Sessions

IN SENATE

February 28, 2023

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring the board of regents to obtain legislative approval of any rule or regulation containing an unfunded mandate

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

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

3 § 207. Legislative power. 1. Subject and in conformity to the consti-
4 tution and laws of the state, the regents shall exercise legislative
5 functions concerning the educational system of the state, determine its
6 educational policies, and, except, as to the judicial functions of the
7 commissioner of education, establish rules for carrying into effect the
8 laws and policies of the state, relating to education, and the func-
9 tions, powers, duties and trusts conferred or charged upon the universi-
10 ty and the education department. But no enactment of the regents shall
11 modify in any degree the freedom of the governing body of any seminary
12 for the training of priests or clergymen to determine and regulate the
13 entire course of religious, doctrinal or theological instruction to be
14 given in such institution. No rule by which more than a majority vote
15 shall be required for any specified action by the regents shall be
16 amended, suspended or repealed by a smaller vote than that required for
17 action thereunder. Rules or regulations, or amendments or repeals ther-
18 eof, adopted or prescribed by the commissioner of education as provided
19 by law shall not be effective unless and until approved by the regents,
20 except where authority is conferred by the regents upon the commissioner
21 of education to adopt, prescribe, amend or repeal such rules or regu-
22 lations.

23 2. a. As used in this subdivision, the following terms shall have the
24 following meanings:

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

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1 (i) "Net additional cost" means the cost or costs incurred or antic-
2 ipated to be incurred by a school district in performing or administer-
3 ing any program, project, or activity after subtracting therefrom any
4 revenues received or receivable by such school district in relation to
5 such program, project, or activity, including but not limited to:

6 (A) fees charged to the recipients of such program, project, or activ-
7 ity;

8 (B) state or federal funds received for such program, project, or
9 activity; and

10 (C) an offsetting savings resulting from the diminution or elimination
11 of any other program, project, or activity that state law requires such
12 school district to provide or undertake.

13 (ii) "Unfunded mandate" means:

14 (A) any rule or regulation that requires a school district to provide
15 or undertake any new program, project or activity that results in a
16 one-time or annual net additional cost to such school district;

17 (B) any rule or regulation that requires a school district to provide
18 a higher level of service or funding for an existing program, project or
19 activity that results in a one-time or annual net additional cost to
20 such school district; or

21 (C) any rule or regulation with a legal requirement that would other-
22 wise likely have the effect of raising property taxes in any school
23 district.

24 b. Notwithstanding any other provision of law, no rule or regulation
25 containing an unfunded mandate shall be adopted by the board of regents
26 or the commissioner, except by a majority vote of the legislature.

27 § 2. This act shall take effect immediately.