

1978

SUMMARY

OF

NEW LEGISLATION

AFFECTING EDUCATION

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE COUNSEL

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University (*with years when terms expire*)

1981	THEODORE M. BLACK, A.B., Litt.D., LL.D., Pd.D., D.C.L., L.H.D. <i>Chancellor</i> -----	Sands Point
1988	WILLARD A. GENRICH, LL.B., L.H.D., LL.D. <i>Vice Chancellor</i> -----	Buffalo
1986	KENNETH B. CLARK, A.B., M.S., Ph.D., LL.D., L.H.D., D.Sc. -----	Hastings on Hudson
1983	HAROLD E. NEWCOMB, B.A. -----	Owego
1982	EMLYN I. GRIFFITH, A.B., J.D. -----	Rome
1983	MARY ALICE KENDALL, B.S. -----	Rochester
1984	JORGE L. BATISTA, B.A., J.D., LL.D. -----	Bronx
1982	LOUIS E. YAVNER, LL.B. -----	New York
1979	LAURA BRADLEY CHODOS, B.A., M.A. -----	Vischer Ferry
1980	MARTIN C. BARELL, B.A., I.A., LL.B. -----	Kings Point
1981	JOSEPH R. BONGIORNO, B.S., M.D. -----	Brooklyn
1984	LOUISE P. MATTEONI, B.A., M.A., Ph.D. -----	Bayside
1981	J. EDWARD MEYER, B.A., LL.B. -----	Armonk
1985	ARLENE B. REED-DELANEY, B.A., M.D. -----	Albany
1987	R. CARLOS CARBALLADA, B.S. -----	Arcade

President of The University and Commissioner of Education

GORDON M. AMBACH

Executive Deputy Commissioner of Education

JOSEPH J. BLANEY

Counsel and Deputy Commissioner for Legal Affairs

ROBERT D. STONE

Assistant Counsel

LOUIS H. J. WELCH

Associate Attorneys

DONALD O. MESERVE

JAMES H. WHITNEY

JUDITH M. HECKER

1978
SUMMARY
OF
NEW LEGISLATION
AFFECTING EDUCATION

ERRATA

The effective dates of the following chapters of the Laws of 1978 were incorrectly stated in the SUMMARY. The correct effective dates are as follows:

<u>PAGE</u>	<u>CHAPTER</u>	<u>CORRECT EFFECTIVE DATE</u>
6	250	June 5, 1978
9	595	July 1, 1979
14	584	January 1, 1979
16	748	August 7, 1978
20	489	July 20, 1979

Chapter 534 on page 13 should have been listed as Chapter 634.

October 1978

State Education Department

CONTENTS

	PAGE
Laws Affecting School Districts Generally	5
Boards of Cooperative Educational Services	9
State Aid	9
Taxation and Financial Administration	11
Higher Education	12
Miscellaneous	13
Laws of Local Application	15
Legislation Affecting the Professions	18

INTRODUCTION

This summary of major legislation enacted by the 1978 Legislature affecting education and the professions has been prepared with the hope that it will prove useful to the education community.

Although the 1978 Session of the Legislature has not yet been adjourned, it is not anticipated that significant additional legislation affecting education will be enacted this year.

The statements with respect to each chapter are necessarily brief, and are intended to call attention to the subject matter of the legislation, rather than to provide a definitive review of all its provisions. The complete text of each chapter may be found in the Session Laws of New York 1978, which are available in most law libraries.

Robert D. Stone
Counsel and Deputy Commissioner
for Legal Affairs

September 26, 1978

LAWS AFFECTING SCHOOL DISTRICTS GENERALLY

CHAPTER 66 (effective July 1, 1978) amends section 33.11 of the Mental Hygiene Law to change references to the former Department of Mental Hygiene to the new Office of Mental Hygiene and Office of Mental Retardation and Developmental Disabilities, to provide that the cost of education in institutional schools is a charge on the Office of Mental Hygiene and the Office of Mental Retardation and Developmental Disabilities and to provide that patients in facilities operated by the Office of Mental Hygiene and residents in facilities operated by the Office of Mental Retardation and Developmental Disabilities who can benefit from instruction in the public schools shall be furnished with such instruction in the public schools of the school district in which such hospitals or schools are located, in accordance with regulations of the Commissioner of Education developed in consultation with the commissioners of such offices. The district of residence will be responsible for tuition for such children, except as provided in the new paragraph c of subdivision 6 of section 3602 of the Education Law which is also added by this bill. The new paragraph c provides that the district of residence shall reimburse the Education Department, in the amount of the basic contribution, with respect to children admitted to a state school for the retarded on and after July 1, 1978, and that the remaining cost of such instruction, and the cost of instruction for children admitted prior to that date, shall be borne by the Education Department out of funds provided for that purpose. For children in hospitals operated by the Office of Mental Hygiene the cost of tuition in public schools is entirely the responsibility of the school district of residence.

Responsibility
for Education
of Children
in Certain
Facilities

CHAPTER 96 (effective April 26, 1978) amends subdivision 1 of section 810 of the Education Law to provide that in 1978, Conservation Day will be May 3 rather than the last Friday in April.

1978
Conservation
Day

CHAPTER 107 (effective July 1, 1978) amends Education Law section 2013 to allow the boards of trustees of common school districts to provide for election of trustees and voting on the annual budget and certain other matters, separately from the annual meeting of the district. The voters of common school districts are authorized to petition the board of trustees to schedule a vote on a proposition providing for such separate elections.

Elections and
Meetings in Common
School Districts

CHAPTER 159 (effective January 1, 1979) amends subdivision a of section 2018 of the Education Law to reduce the number of signatures required on a petition nominating a candidate for membership on a board of education from five percent to two percent of the voters who voted at the previous annual election of board members.

Nominating
Petitions

CHAPTER 196 (effective May 25, 1978) authorizes boards of education, in their discretion, to provide that for all school district purposes, Memorial Day shall be observed in 1978 on Monday, May 29, rather than on Tuesday, May 30, as presently provided in section 24 of the General Construction Law.

1978 Memorial
Day

CHAPTER 198 (effective May 31, 1978) enacts an unconsolidated law to authorize the Commissioner of Education, with the approval of the Commissioners of Health and Social Services, to authorize pilot projects in selected school districts and boards of cooperative educational services to provide expanded health services for school age children and preschool children. Medical direction of each project is required to be under the general supervision of a licensed physician. Registered nurses, employed by the selected school districts and boards of cooperative educational services, who possess the necessary additional training and skills are authorized to render health services, in collaboration with a licensed physician, including the diagnosis of illness and the performance of therapeutic and corrective measures, immunization against preventable diseases and the issuance of prescriptions for drugs other than controlled substances. The chapter also authorizes social services districts to reimburse school districts for certain services rendered in connection with such projects from Federal funds available for such purposes.

Expanded
Health
Services

CHAPTER 202 (effective February 1, 1979) amends section 905 of the Education Law to require examination for scoliosis by school district personnel of students between eleven and sixteen years of age. The amendment authorizes the Commissioner of Education to excuse a board of education from complying with the provisions of section 905 of the Education Law as it relates to scoliosis examinations.

Scoliosis
Examination
Required

CHAPTER 219 (effective July 1, 1978) adds a new subdivision 7 to section 2004 of the Education Law, and adds two new sections, to be section 2018-a and section 2613, to authorize boards of education to provide for the use of absentee ballots for election of the members of the board of education.

Absentee Ballots
for Election of
Board Members

CHAPTER 250 (effective July 1, 1978) repeals subdivision 1 of Education Law section 3220, and adds a new subdivision 1 to change the present requirement for a thorough physical examination within six months to a thorough physical examination within the preceding twelve months, and a certification of no known health problems at the time of issuance of the certificate of fitness. Should a known health problem exist, another examination may be required as deemed necessary by school authorities.

Physical
Examination
for
Employment
Certificates

CHAPTER 271 (effective June 5, 1978) amends subdivision 1 of section 674 of the Insurance Law to provide that the no-fault auto insurers of parents of children injured while riding on school buses are responsible for personal injury protection benefits for such children if the parents have such coverage. Everyone owning a car has such coverage.

Personal
Injury
Protection—
No-Fault
Insurance

CHAPTER 348 (effective June 19, 1978) amends the General Municipal Law, Local Finance Law and Education Law to allow a school district to explore and develop natural gas fields in order to produce natural gas for its own use. School districts other than city school districts require voter approval for such activity.

Exploration
and
Development
of Natural Gas

CHAPTER 351 (effective December 16, 1978, in part) amends the Education Law by adding a new section 409-b, which requires every new or replacement mercury vapor lamp used in school buildings to be of a safety type which self-extinguishes upon the breaking, cracking or removal of the outer shield. The section also expressly confers upon the Commissioner of Education jurisdiction to enforce the requirement by rules and regulations.

Mercury
Vapor
Lamps

CHAPTER 355 (effective June 19, 1978) amends Education Law section 1709, subdivision 17 and section 2502, subdivision 6 to provide that any vacancy appointment made by a board of education will expire at the next regular school district election, and that the individual elected to fill the unexpired portion of a term shall take office immediately upon the filing of his statutory oath of office.

Vacancy
Appointments

CHAPTER 358 (effective June 19, 1978) amends sections 1711 and 3012 of the Education Law and repeals section 3013 of the Education Law, and adds a new section 47-a to the General Construction Law to provide that the chief administrative officer of all union free and central school districts is to be designated as superintendent of schools, and to regulate their appointment and termination. Section 47-a of the General Construction Law provides that any reference to a "district principal", "supervising principal", of "principal of the district" shall be deemed to mean superintendent of schools. Those district principals who have gained tenure will continue as tenured superintendents of schools, even though different provisions exist for the appointment and removal of superintendents of schools who are not presently tenured. Under the provisions of subdivision one of section 1804 of the Education Law the provisions of this bill will also be applicable to central school districts. No title is provided for chief school officers of common school districts employing eight or more teachers.

Superin-
tendents of
Schools

CHAPTER 359 (effective September 1, 1978) amends the Education Law to add a new article 32 providing for the filing of expenditure statements by candidates for positions on boards of education. This article is modeled after the provisions of article 14 of the Election Law.

Expenditure
Statements
by
Candidates
for Board
Membership

CHAPTER 360 (effective June 19, 1978) amends subdivision 2 of section 2014 of the Education Law to provide that the voter register include all persons previously registered and who have voted at any district meeting during the two calendar years prior to the year in which the register is being prepared.

Registration
of Voters

Under the previous language of subdivision 2, as construed by the Commissioner of Education in *Matter of Rubin*, 14 Ed. Dept. Rep. 58, a voter who voted at any district meeting within the preceding two school years need not re-register. The effect of this amendment, by specifying calendar year rather than school year, is to extend by up to six months the period within which a voter may vote without having to re-register.

CHAPTER 374 (effective June 19, 1978) amends section 1-102 of the Election Law to limit the application of such chapter to elections for party positions, nominations and elections to Federal, State, county, city, town and village offices and ballot questions submitted to all the voters of the State or to the voters of a county, city, town or village at the time of a general election. The purpose of the amendment is to make clear the legislative intent that the provisions of the Election Law do not apply to school district meetings and elections or to such other matters as improvement district elections and special local referenda.

Election
Law not
Applicable
to School
District
Meetings and
Elections

CHAPTER 410 (effective July 1, 1979) amends Education Law section 3602, subdivision 1, paragraph f to include autistic pupils in the enumeration of pupils with handicapping conditions. The Commissioner of Education is to develop separate regulations for instruction of autistic children.

Autistic
Pupils

CHAPTER 453 (effective July 1, 1978) amends section 3635 of the Education Law to eliminate the authority of school districts to limit student transportation to designated parochial schools.

Transportation
to Parochial
Schools

CHAPTER 591 (effective July 24, 1978) amends section 3020-a of the Education Law, concerning disciplinary proceedings against tenured school district employees, to provide that a copy of the transcript of the hearing shall, upon request, be furnished without charge to the board of education involved.

Copies
of
Transcripts

CHAPTER 594 (effective July 24, 1978) amends section 3020-a of the Education Law to add a new subdivision 6 to provide that employees of a board of education or board of cooperative educational services, serving as panel members under this section, must be excused from their employment during the term of such service as hearing panel members, without the loss of salary or other benefits arising out of their employment with the board. Boards of education and boards of cooperative educational services are authorized to require their employees serving as hearing panel members to pay to the board an amount equal to the employees' daily compensation for serving on the hearing panel.

Excuse of
Hearing
Panel
Members

CHAPTER 697 (effective July 25, 1978) adds a new section 151 to the Civil Service Law to permit a person holding a position by appointment or employment in the service of the State of New York, a county, city, town, village or any other political subdivision or civil division of the State, including a school district, to be granted a leave of absence from employment without loss of pay or other benefits to prepare for or engage in world, Pan American or Olympic competition as a member of a United States team. The granting of leaves of absence for such purpose is at the discretion of the public employer. The duration of such leaves of absence is limited to the period of the official training camp and competition combined or ninety calendar days each year, whichever is less.

Leaves
for
Olympic
Participants

CHAPTER 719 (effective September 1, 1978) amends section 3635 of the Education Law to provide that no request by a parent or guardian for student transportation between home and school shall be denied on the ground that the request was made after the statutory deadline "where a reasonable explanation is provided for the delay." The requirement that persons moving into a school district after April 1 must file a transportation request by August 1 is deleted.

Late
Requests
for
Transportation

BOARDS OF COOPERATIVE EDUCATIONAL SERVICES

CHAPTER 21 (effective July 1, 1978) amends section 1950 of the Education Law to require that all persons elected or appointed to the office of member of a board of cooperative educational services reside within a component school district of such board.

Residency
of Board
Members

CHAPTER 347 (effective June 19, 1978) amends paragraph h of subdivision 4 of section 1950 of the Education Law by adding a new subparagraph 5 to authorize boards of cooperative educational services to enter into contracts with the United States, the State of New York, any community college, agricultural and technical college or other public agency for the purpose of providing occupational education programs for such entity. The contracts are subject to the prior approval of the Commissioner of Education, who will issue a written determination following review of the proposed contract. Approval may be granted only when it is determined that the contract, in the Commissioner's opinion, will result in a more economical use of occupational and vocational education resources.

Contracts for
Occupational
Education

CHAPTER 595 (effective September 1, 1978) adds a new paragraph a to Education Law section 1950, subdivision 4 to authorize boards of cooperative educational services, with the prior written approval of the Commissioner of Education, to enter into a contract with a leasing company which has qualified as lowest bidder, to accept funds from the latter sufficient to purchase data processing equipment from the manufacturer and to convey title thereto to the leasing company with a simultaneous lease of the equipment to the BOCES for a specified period of years. No such agreement would be authorized unless the board determined by resolution that the agreement was in the best financial interest of the board.

Leaseback
of Computer
Equipment

STATE AID

CHAPTER 53—Local Assistance Budget—(effective as of April 1, 1978) enacts a one-year aid provision to assist school districts to fulfill their obligation to children with learning disabilities. The apportionment is computed by multiplying the number of learning disabled children by the district's aid ratio (but at least 25% for this purpose) by the amount computed when 25% of the operating aid per pupil unit for 1978-79 is subtracted from result obtained, when the district's mean teacher's salary for 1976-77 plus \$400 is divided by 40.

Learning
Disabilities
Aid

CHAPTER 74 (effective July 1, 1978) contains the general State aid revisions for 1978-79:

General
State Aid
Provisions

§1. Amends subdivision 3 of section 3602 to allow for additional aid ratios.

§2. Repeals the existing aid formula developed in 1974 (section 3602, subdivision 11, paragraph b) and the existing save-harmless (subdivision 12) and budget aid (subdivision 16).

§3. Adds new paragraphs b, c, d, e and f to subdivision 11 of section 3602 to provide for computation of first and second ceiling aid ratios.

§4. Continues secondary weighting (subdivision 9-a) on a permanent basis and provides an additional secondary weighting of 15% for secondary PSEN's.

§5. Adds (subdivision 12) a new operating expense aid with a ceiling of \$1,450 without expenditure check and a second ceiling of \$1,500 subject to expenditures. The \$360 minimum apportionment is continued with a taper.

§6. Employers' social security contributions are added to the approved transportation ceiling and aid ceiling (subdivision 7).

§7. Incentive reorganization aid is updated (subdivision 14, paragraphs d, e).

§8. A new minimum apportionment for 1978-79 provision is added:

I. A district may elect to receive the higher of the following aids (without expenditure checks—§3602, subdivision 14, paragraph b):

a. under §3602, subdivisions 12 and 13

b. aid received during 1977-78 under §3602, subdivisions 11 and 13 or 16 on a per pupil basis

c. aid received during 1977-78 under the Laws of 1977, chapter 71, §2 on a per pupil basis

II. No school district may receive more than 110% of the amount receiving in 1977-78 under the Laws of 1977, chapter 71, §2.

III. School districts with per pupil valuation over \$75,000 are limited to 105% of aid received in 1977-78 under the Laws of 1977, chapter 71, §2, with a per pupil adjustment. The percentage of increase available to districts with less than \$75,000 per pupil valuation is increased by the percentage resulting from the following operation:

\$75,000—district valuation per pupil

\$2,000,000

IV. A district otherwise entitled to more than the percentage increase provided in III may receive an increase equal to 50% of the amount computed under I less the amount received in 1977-78.

§9. A new high tax aid with a 1978-79 save-harmless is added (subdivision 16).

§10. Continues the special reading program for New York City at the same funding level.

§11. Continues reduction of State aid by the amount of lottery payments (Laws of 1977, chapter 71, §8, paragraph a) but excludes lottery textbook aid from such reduction.

§12. Amends subparagraph (l) of paragraph b of subdivision 4 of §92-c of the State Finance Law to require proof of expenditures to obtain textbook lottery aid.

§13. Amends paragraph e of subdivision 1 of §3602 to require the use of 1974-75 tests to establish PSEN eligibility.

CHAPTER 593 (effective July 1, 1978) repeals subparagraph 2 of paragraph b of subdivision 18 of section 3602 of the Education Law, which subdivision was added by chapter 74 of the Laws of 1978, and amends subparagraph 4 of such subdivision to place a 110 percent limit on the total dollar amount a district may be eligible for under the 50 percent increase provision contained in that paragraph. The net effect of this amendment is to remove the 110 percent limitation from districts receiving their aid under the per-pupil save-harmless.

Amendment
to 1978
State Aid
Law

CHAPTER 721 (effective August 7, 1978, but of limited duration) amends the Executive Law to provide new aid for certain youth programs sponsored by counties or municipalities (see Executive Law, §412, subdivision 3) which may include school districts. The sum of \$380,000 is appropriated to the State Division for Youth for these purposes.

State Aid
for Youth
Programs

TAXATION AND FINANCIAL ADMINISTRATION

CHAPTER 63 (effective April 14, 1978) again postponed the effective date of the authorization to make certain service charges against exempt property on behalf of certain municipalities. Authorization was enacted in 1971 and has been continuously postponed since that time. The current postponement is until April 1, 1979. The Director of the Budget is to report to the Governor and the Legislature by January 1, 1979 on the fiscal impact of repeal of this law on municipalities.

“Service
Charges”
Further
Postponed

CHAPTER 90 (effective April 25, 1978) amends section 5 of Chapter 680 of the Laws of 1976 to extend the provisions of such chapter until June 30, 1983. Chapter 680 of the Laws of 1976 amended subdivision b of section 165.00 of the Local Finance Law, subdivision 2 of section 11 of the General Municipal Law and sections 1604-a and 1723-a of the Education Law to allow certain excess funds of political subdivisions, including school districts, to be invested in tax and revenue anticipation notes of any other municipality, school district or district corporation during the period from July 24, 1976 through June 30, 1977. Chapter 330 of the Laws of 1977 extended that authority to June 30, 1978.

Investment
in Tax and
Revenue
Anticipation
Notes

CHAPTER 181 (effective May 23, 1978) amends paragraph g of section 90.10 of the Local Finance Law to provide that the certificate required for issuance of refunding bonds be in the form prescribed by the State Comptroller. A certificate filed with the State Comptroller for approval will not be approved until ten days after such filing.

Refunding
Bonds

CHAPTER 191 (effective May 23, 1978) amends the Local Finance Law to extend until June 30, 1979 the time for the sale of bonds and notes without limitation as to the rate of interest. The chapter also extends until June 30, 1979 the time for sale of bonds at a private sale subject to certain existing limitations on interest and amount, and notes at a private sale to a bank or trust company in which the municipal officer or employee has an interest prohibited by article 18 of the General Municipal Law.

Interest
Ceilings
Extended

CHAPTER 245 (effective September 1, 1978) amends paragraph a of section 109.00 of the Local Finance Law to provide that certified statements as to debt-contracting power to be submitted to the State Comptroller by municipalities, fire districts or school districts having an aggregate assessed valuation of taxable real property of \$100,000 or more before selling bonds. The reference to aggregate assessed valuation of taxable real property replaces the existing reference to paragraphs c and d of section 104.00 of the Local Finance Law.

Statements
of Debt-
Contracting
Power

CHAPTER 280 (effective June 9, 1978) amended the Real Property Tax Law to provide a new method for computing Constitutional debt and tax limits for cities of 125,000 or more population and for city school districts in the smaller 57 cities. Previous legislation applied only to New York City and Yonkers. The smaller 57 city school districts are authorized to adopt final budgets for the school year 1978-79 by August 31, 1978 and are authorized to spend certain moneys prior to adoption of the budget. The sum of \$52,000,000 is provided for loans to make up the amount of revenue lost as a result of the decision in *Hurd*. Sums borrowed are to be repaid in four years.

Hurd
Relief
Provisions

CHAPTER 287 (effective June 19, 1978) amends subdivision 1 of section 103 of the General Municipal Law to require advertising for bids on public work contracts of more than \$5,000, rather than \$3,000, as formerly, and purchase contracts of more than \$3,000, rather than \$1,500. The bill also amends subdivision 5 of section 103 of the General Municipal Law to authorize standardization of items in regard to purchase contracts of more than \$3,000, rather than \$1,500.

Bidding
Limits

CHAPTER 757 (effective July 1, 1979) amends subdivision one of section 2516 and section 2517 of the Education Law to provide for the filing of the tentative budget of most of the 57 smaller city school districts 30 instead of 45 days prior to the ensuing fiscal year days and to reduce the time for giving notice of hearing in such districts on such budget from 20 days to 7 days.

Tentative
Budgets of
City School
Districts

CHAPTER 769 (effective November 5, 1978) added a new section 106-b to the General Municipal Law and amended other laws to make statutory provisions for payment by a public owner (including a school district) to a contractor and by a contractor to a subcontractor. A retained percentage of 5% is authorized except that 10% is authorized where there is no performance and labor and material bond.

Regulation
of Public
Work Payments

HIGHER EDUCATION

CHAPTER 72 (effective April 1, 1978) amends various sections in article 14 of the Education Law to enact a new schedule of awards with a TAP maximum of \$1,800 starting in the 1977-78 school year and making certain adjustments for certain college fees levied by SUNY. HESC is authorized to perform financial aid program reviews. Students in default are prohibited from receiving awards or loans. Graduate students who are not 22 may be emancipated. Institutions are required to certify eligibility of students in prescribed details and are required to repay HESC if certification is in error. Eligibility for TAP is limited to one degree program in undergraduate and one in graduate studies.

Awards and
Loans to
Students

CHAPTER 82 (effective July 1, 1978) authorized counties to provide awards for the professional study of optometry to residents who agree to practice optometry in the county. Counties already have the authority to make similar grants to medical and dental students.

County
Awards for
Study of
Optometry

CHAPTER 98 (effective May 2, 1978) provides for the addition of a non-voting student member to the Board of Trustees of the State University of New York College of Environmental Science and Forestry.

Student
Trustees

CHAPTER 121 (effective May 9, 1978) amends section 5703 of the Education Law to permit 22 trustees at large to be elected for Cornell University, and adjusts the election of faculty trustees.

Cornell
University
Trustees

CHAPTER 168 (effective September 1, 1978) repeals subdivision 4 of section 6401 of the Education Law and adds a new subdivision 4 to substitute for the present requirement of ten equal payments of State financial aid to higher institutions, to be made monthly from September 15 through June 15, a requirement of three payments as follows:

Payment of
Bundy Aid

October 15	35 percent of total annual apportionment
February 15	35 percent
May 15	30 percent.

CHAPTER 218 (effective June 2, 1978) authorized a county to provide awards for the professional study of veterinary medicine to residents of this State who agree to practice veterinary medicine in such county. At the present time counties already have the authority to make similar grants to medical and dental students.

Veterinary
Awards for
Study

CHAPTER 257 (effective July 1, 1978) amends section 4118 of the Education Law, relating to post-secondary education of Native American students, to substitute the words "post-secondary institutions" for "state university colleges for teachers and teachers colleges. The present minimum age requirement of sixteen years and the four-year eligibility provisions are eliminated. The amendment requires completion of high school and attendance at a Regents-approved institution in New York State, and extends eligibility to five years if the student's program normally requires five years of training. Subdivisions 3 and 5 are repealed and subdivision 4 is renumbered to be subdivision 3.

Awards for
Indians at
Post-Secondary
Institutions

CHAPTER 534 (effective July 25, 1978) authorizes the County of Onondaga to contract and finance a stadium and, under certain circumstances, to transfer ownership to Syracuse University.

Syracuse
University
Stadium

CHAPTER 681 (effective July 25, 1978) authorizes the sale of a State health department laboratory facility to the Albany College of Pharmacy.

Albany
College of
Pharmacy

CHAPTER 774 (effective August 31, 1978) increases the amount of the loans to students in medical, dental or veterinary medical school which will be guaranteed by the State through the New York State Higher Education Services Corporation. The new maximum annual limit is \$7,500 and the new total limit is \$30,000. This amendment eliminates a provision requiring applicants to avail themselves first of funds available for the same purpose from the Federal government under the Federal Health Professions Assistance Act. However, no State loan may be received in a year in which a student receives such Federal assistance.

Loans for
Students in
Medicine,
Dentistry
and Veterinary
Medicine

MISCELLANEOUS

CHAPTER 124 (effective May 9, 1978) amends section 3229 of the Education Law to allow the chief executive officer of the city, town or village where a performance is to occur, to issue a child performer permit. Currently this is a function of the local public school authorities, except in New York City where the mayor issues such permits. Section 3229 is also amended by removing the requirements that a copy of the application for a permit be filed with the local child protective organization and that a hearing be held if requested by such organization. Section 3231-a of the Education Law is amended to allow a child under sixteen years of age to perform as a rope or wire walker, gymnast, rider upon a horse, other animal, or mechanical vehicle, or acrobat if protected by safety devices or protective equipment which comply with the Federal Occupational Safety and Health Act.

Child
Performer
Permits

CHAPTER 346 (effective June 19, 1978) amends section 3813 of the Education Law to require the service of verified claims before commencing an action or special proceeding against any school provided for in article 85 of the Education Law or the Human Resources school provided for in chapter 1060 of the Laws of 1974.

Service of
Claims

CHAPTER 357 (effective June 19, 1978) adds an unconsolidated law authorizing the Commissioner of Education to excuse for purposes of State aid under subdivision 7 of section 3604 of the Education Law, days on which the schools of any district are not in session in the 1979-1980 school year, and which cannot be made up because the school facilities are being used in connection with the 1980 Olympic Games. The act would also authorize any school district or BOCES in the State to lease school buses to Lake Placid Nineteen Hundred Eighty Olympic Games, Inc. Any school district or BOCES in the counties of Clinton, Essex and Franklin also is authorized to lease to said corporation school facilities or property not required for school purposes during the 1979-1980 school year.

Olympic
Games

CHAPTER 465 (effective July 5, 1978) repeals paragraph (f) of subdivision 2 of section 210 of the Civil Service Law and terminates any probationary period imposed under such paragraph because of a strike.

Probation
for Strikers
Repealed

CHAPTER 474 (effective July 11, 1978) amends subdivision 2 of section 1004-a of the Education Law to provide that the amount that the Department may furnish for sheltered workshop employment of handicapped persons is not less than \$1,500 per annum per person instead of not to exceed \$1,500 per annum per person.

Sheltered
Workshop
Employment

CHAPTER 475 (effective July 11, 1978) amends subdivision 2 of section 1004-a of the Education Law to provide that payments for sheltered employment shall be made quarterly upon completion of evaluations and personal adjustment services.

Sheltered
Employment
Payments

CHAPTER 584 (effective January 1, 1978) amends the Education Law by adding a new article 92, which establishes a New York State Summer School of the Arts to provide high school and college students who are residents of the State an opportunity to receive advanced training and instruction in any of seven areas of instruction. (See Chapter 585 below.)

New York
State
Summer
School of
the Arts

CHAPTER 585 (effective January 1, 1979) amends Article 92 of the Education Law to incorporate changes relative to the manner of appointment of staff of the New York State Summer School of the Arts.

Chapter
Amendment
to Chapter
584

CHAPTER 589 (effective July 24, 1978) enacts an unconsolidated law to create a temporary subcommittee of the joint labor-management committee to make a thorough study of the employment of per diem substitute teachers and report its findings by April 1, 1979. The nine members of the committee appointed by the Governor would be representative of boards of education, chief school administrators or their designees, teacher bargaining representatives, and per diem substitute teachers. Also, an impartial chairman would be appointed to represent the public interest and the Industrial Commissioner, Commissioner of Education, and the Chairman of the Public Employment Relations Board would serve as ex officio members of the subcommittee.

Subcommittee
To Study
Substitute
Teachers

CHAPTER 690 (effective July 25, 1978) repeals and amends portions of the Not-For-Profit Corporation Law and the Religious Corporations Law relative to a corporate governing board's authority to invest and manage institutional or corpo-

Corporate
Investments

ration funds. A new section 512 of the Not-For-Profit Corporation Law authorizes investments in certain real or personal property and pooled or common funds or the retention of property contributed to the institutional fund. Section 513 is amended to authorize the expenditure of the net appreciation on assets if not contrary to the donor's intent. A new section 514 provides for delegation of investment management functions and new section 522 establishes a procedure for obtaining a release of restrictions on the use or investment of a gift.

LAWS OF LOCAL APPLICATION

ADIRONDACK

CHAPTER 352 (effective June 19, 1978) enacts a special act to authorize the State to include in the transportation quota for State aid, the cost of out-of-district transportation for a pupil residing in the Adirondack Central school district but living more than twenty-five miles from the nearest public school in the district and between two and fifteen miles from a public school in the neighboring school district. The bill also authorizes the State to make payments under section 3602 of the Education Law on existing transportation contracts for such out-of-district transportation.

Transportation
Aid

ALTMAR-PARISH-WILLIAMSTOWN

CHAPTER 592 (effective July 24, 1978) authorizes the Altmar, Parish, Williamstown Central School District to fund a deficit of \$160,000 through adoption of a resolution authorizing the issuance of serial bonds in that amount, and in anticipation of the issuance of such serial bonds, authorizes the school district to issue bond anticipation notes in that amount. The district is authorized to levy a tax to pay for these bonds and notes as if their issuance had been approved by a vote of the qualified voters of the district.

Deficit
Funding
Authorized

BRADFORD

CHAPTER 753 (effective August 7, 1978) authorizes the Bradford Central School District to issue serial bonds in an aggregate principal amount not to exceed \$89,000 for the purpose of meeting deficits resulting from the recoupment by the State of overpayments of State aid. The purpose is declared to be a public purpose and the period of probable usefulness is established as five years. The appropriate provisions of the Local Finance Law will apply except for subdivision a of section 37.00 of the Law.

Deficit
Financing
Authorized

BUFFALO

CHAPTER 279 (effective June 9, 1978, with certain termination provisions) provides for an advance of \$3,000,000 to the city school district of the city of Buffalo and repayment of an existing indebtedness of \$8,500,000.

Deficit
Financing
Authorized

FISHER ISLAND

CHAPTER 748 (effective July 24, 1978) enacts a special act to authorize the Board of Education of the Fisher Island Union Free School District to permit "a civic, nonprofit or similar organization," to lease or use school buses, "provided such leasing or use is for community purposes wholly within the boundaries of such school district, upon such terms and conditions as such board may deem reasonable."

Lease of
School Buses
Authorized

WILLIAM FLOYD

CHAPTER 583 (effective July 24, 1978) enacts an unconsolidated law authorizing the payment of construction aid to the William Floyd Union Free School District based upon a payment for bond insurance in the amount of \$186,243.55.

Building Aid
Authorized

GRANVILLE

CHAPTER 668 (effective July 25, 1978) authorizes the board of trustees of the village of Granville to appoint up to three residents of the town of Granville, who are not residents of the village, to positions on the board of trustees of the Pember Library and Museum, a village public library.

Library
Trustees

HEMPSTEAD

CHAPTER 178 (effective May 23, 1978) amends the provisions of chapters 592 and 593 of the Laws of 1975 to extend the existence of the North Valley Stream and Green Acres Library districts in the town of Hempstead from July 1, 1978 to July 1, 1980. This extension would continue the availability of a tax base to support the libraries for these areas.

Library
Extended

CHAPTER 676 (effective July 1, 1978 through June 30, 1983) provides for payments in lieu of taxes by the Town of Hempstead to school districts and other taxing jurisdictions for property acquired for park and recreation purposes in Lido Beach known as the Lido Golf Club and the Lido Cabana Club.

Payments
in Lieu of
Taxes

ISLAND PARK

CHAPTER 152 (effective May 16, 1978) authorizes the Island Park Union Free School District to renew for one year any bond anticipation note issued by the district in the 1971 school year. The district originally issued the notes in question in order to purchase land for future expansion.

Renewal of
BAN's

KINGSTON

CHAPTER 105 (effective May 2, 1978) authorizes the city school district of the City of Kingston to issue serial bonds in an amount not to exceed \$665,000 in order to reimburse the district's general fund for expenditures made during the years 1971 through 1977, for acquisition of a site for a new high school, as well as the site and the costs of building an adjacent library. The period of probable usefulness is determined to be thirty years.

Refunding
of Certain
Indebtedness

LISBON

CHAPTER 354 (effective June 19, 1978) authorizes the Lisbon Central School District to issue serial bonds in the amount of \$100,000 to fund a deficit which occurred prior to January 1978 as a result of a failure to receive estimated revenues. The bill period of probable usefulness is five years.

Bonds
Authorized

NEW YORK CITY

CHAPTER 7 (effective February 21, 1978) adds a new section 2569-c to provide for a restricted examination for teachers' licenses based solely on an oral interview and a physical and medical examination. Reasonable proof of satisfactory record, including moral character and fitness, is a condition precedent to issuance of a license. Lists so established will have precedence over lists promulgated after lists originally in effect in 1971 or 1972 when eligible persons were on lists before.

Special
Licensing
of Teachers

CHAPTER 234 (effective June 5, 1978) extends until September 1, 1980 the suspension of the provision of Education Law section 2573, subdivision 14, which precludes an employee of the New York City Board of Education from accepting a second position of employment or office of emolument with the board or the State. This act continues in effect the exception originally enacted in 1947 and extended 16 times in the past.

Outside
Employment

CHAPTER 349 (effective June 19, 1978) amends section 469 of the Education Law to provide that the annual report of the trustees of the New York City Educational Construction fund be submitted on or before February 1st and cover the period through the preceding June 30th rather than September 30th.

Educational
Construction
Fund

CHAPTER 353 (effective June 19, 1978) amends subdivision 8 of section 2588 of the Education Law to provide that persons whose positions are abolished shall be eligible for a leave of absence without pay if such positions were abolished on or after July 1, 1975 and on or before June 30, 1980 instead of on or before June 30, 1978. Such leaves of absence continue seniority, but not pension or incremental salary step credit.

Abolishment
of Positions
and Leaves
of Absence

NORTH ELBA

CHAPTER 383 (effective June 19, 1978) amended chapter 381 of the Laws of 1913, which permitted transfer of certain property of the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook to grant one acre of land to Common School District No. 5 of the Town of North Elba, Essex County, to remove the restriction that the transfer be in perpetuity for school purposes and to validate a sale prior to the effective date of this act. This school district is now part of the Saranac Lake Central School District.

Title
Restrictions
Removed

PULASKI

CHAPTER 293 (effective June 19, 1978) authorizes the payment of State aid to the Pulaski Central School District pursuant to Education Law section 3602, subdivision 7, notwithstanding the provisions of article 18 of the General Municipal Law relating to conflicts of interest.

State Aid
Authorized

SAINT AGNES

CHAPTER 751 (effective June 30, 1978) repeals sections one, two, three and four of chapter 82 of the Laws of 1974 relating to the creation of the St. Agnes Union Free School District, and provides that its territory revert to the South Orangetown Central School District. Any funds remaining after payment of the district debts and obligations are to be paid over to the departments of social services of New York City, and the counties of Nassau, Westchester, Suffolk and Rockland in the same proportion as these agencies had paid tuition to the St. Agnes school district.

School
District
Abolished

WELLSVILLE

CHAPTER 590 (effective July 24, 1978) validates and legalizes the three year transportation contract entered into by the Wellsville Central School District and Shirley Ives for the 1976-77, 1977-78, and 1978-79 school years regardless of any statutory defects in the manner in which the contract was awarded. The bill also authorizes the Commissioner of Education to apportion State aid on the transportation contract. Although bidding information was provided to potential bidders and several bids were received by the school district, formal advertisement for bids was never given.

Validation
of
Transportation
Contract

LEGISLATION AFFECTING THE PROFESSIONS

CHAPTER 82 (effective July 1, 1978) authorizes counties to provide awards for the professional study of optometry to residents who agree to practice optometry in the county. Counties already have the authority to make similar grants to medical and dental students.

Optometry
Scholarships

CHAPTER 161 (effective February 23, 1978) amends subdivision 2 of section 7904 of the Education Law to authorize the State Education Department to accept a program which leads to the issuance of a certificate as the equivalent of a baccalaureate degree program for purposes of licensure in occupational therapy.

Education
Requirement
for Licensure
in Occupational
Therapy

CHAPTER 173 (effective May 23, 1978) amends section 4209 of the Public Health Law to permit chiropractic colleges as well as medical schools to obtain cadavers for use in the instruction of students.

Use of Cadavers in
Chiropractic
Colleges

CHAPTER 210 (effective June 2, 1978) amends subdivision 12 of section 230 of the Public Health Law to permit a physician who is temporarily incapacitated for the active practice of medicine to surrender his license and registration to the State Board for Professional Medical Conduct. The physician could be required to notify all patients and all persons who request medical services that he or she has temporarily withdrawn from the practice of medicine.

Temporary
Surrender of
Medical License
By a Sick
Physician

CHAPTER 218 (effective June 2, 1978) amends section 606 of the Education Law to authorize counties to establish awards for professional education in veterinary medicine for students who agree to practice in the county.

Veterinary
Medicine
Scholarships

CHAPTER 246 (effective June 5, 1978) amends subdivision 1 (b) of section 6510 of the Education Law to simplify the procedure for instituting disciplinary proceedings against professional licensees who have been convicted of a crime by authorizing the Department's professional conduct officer to institute charges in such cases.

Institution of
Charges of
Professional
Misconduct

CHAPTER 247 (effective June 5, 1978) amends subdivision 1 (b) of section 6510 of the Education Law to authorize the Department's professional conduct officer, with the concurrence of a committee of the State Board for the profession involved, to terminate investigations of minor instances of alleged professional misconduct by the issuance of administrative warnings.

Professional
Discipline
Proceedings

CHAPTER 248 (effective June 5, 1978) amends subdivision 8 of section 6506 of the Education Law to authorize the Department's professional conduct officer to conduct investigations, issue subpoenas and administer oaths in matters involving applicants for a professional license or permit. It also deletes an obsolete reference to a former statute in section 6507 subdivision 2 of the Education Law.

Professional
Licensing
Procedures

CHAPTER 252 (effective June 5, 1978) amends subdivision 7 of section 1194 of the Vehicle and Traffic Law to permit registered physician's assistants (as well as physicians, registered professional nurses and certain laboratory technicians) to draw blood for the purpose of determining the alcoholic or drug content therein.

Administration of
Drunk Driving Tests
by Registered
Physician's
Assistants

CHAPTER 265 (effective retroactively to April 1, 1976) amends subdivision 3 of section 8207 of the Education Law to permit graduate speech pathologists and audiologists to obtain the clinical experience necessary for licensure in any setting under appropriate supervision by a licensed speech pathologist or audiologist.

Experience
Requirement for
Speech Pathologists
and Audiologists

CHAPTER 356 (effective June 19, 1978) amends subdivision 8 of section 7704 of the Education Law to establish a fee of \$50 for the issuance by the Department of a credential authorizing certain social workers to qualify for reimbursement under group health insurance policies.

Qualifications of
Social Workers for
Reimbursement Under
Group Health
Insurance Policies

CHAPTERS 484 and 485 (effective September 1, 1978) amend the Public Health Law to require physicians and nurse-midwives who expect to assist at childbirth to advise an expectant mother of the drugs they plan to employ during pregnancy and at birth, and the possible effects of such drugs on the child and mother.

Use of Drugs in
Pregnancies and
Childbirth

CHAPTER 489 (effective July 20 1978) amends subdivision 2 of section 6907 of the Education Law to provide that a limited permit to practice as a registered professional nurse or a licensed practical nurse shall expire one year from issuance or ten days after notification of failure on a professional licensing examination, whichever shall first occur.

Expiration of
Permits to
Practice Nursing

CHAPTER 774 (effective August 31, 1978) amends subdivision 1 (c) of section 680 of the Education Law by increasing the maximum amount of certain loans to medical, dental and veterinary students from \$5,000 to \$7,500 per academic year and from \$20,000 to \$30,000 during a program of professional study. This chapter also adds a provision prohibiting such loans to any student for any academic year in which the student receives a Federal health education assistance loan.

Loans to Medical,
Dental and
Veterinary Students