



Date: April 19, 2010

Topic: Proposed Chancellor’s Regulation B-801

Date of PEP Vote: April 20, 2010

Summary of Proposed Regulation

In 2009, the New York Education Law was amended to require the Department of Education (“DOE”) to create a process by which school principals, school leadership teams (“SLTs”), and community superintendents ensure that a school’s budget is aligned with its Comprehensive Education Plan. The proposed regulation outlines that process. The proposed regulation also updates the previous version of B-801 to reflect structural changes enacted by the 2002 and 2009 amendments to the Education Law.

Summary of Issues Raised and Significant Alternatives Suggested

The three public comments received are summarized as follows.

The proposed regulation provides that technical support and training shall be provided upon request to members of the school community or SLT wishing to participate in the budgeting process. The comment suggested that under the Education Law, members of the school community or SLT need not request such support or training before receiving it.

The proposed regulation provides that the community superintendent shall “develop a proposed budget for the administrative and operational expenses of...the district CEC [Community Education Council]. The second comment suggested that the CECs should develop their own budgets.

The proposed regulation provides that SLTs shall participate in the process of ensuring that a school’s Comprehensive Education Plan is aligned with its budget. The third comment suggested that B-801 must set forth that process in more detail in order to comply with the Education Law.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposed Regulation

The DOE declined to incorporate the comments into the proposed regulation.

With regard to the first comment, the Education Law states that the Chancellor must promulgate a regulation that, inter alia, “includes provisions for . . . the provision of appropriate technical support and training to . . . participants in school-based budgeting.” Ed. L. § 2590-r. The DOE determined that “appropriate” technical support and training is that which is requested by the participants themselves, rather than that which is imposed upon them by the DOE. The DOE believes that this approach is consistent with the Education Law, which does not specify that technical support and training must be provided to all participants in the budget process, including those who do not want or need it.

With regard to the second comment, the Education Law states that the DOE must adopt a budget regulation that provides for “a proposed budget for the administrative and operational expenses of the community superintendent and community council, as developed by the community superintendent.” Ed. L. § 2590-r(d) (emphasis added). Therefore, the state education law obliges the DOE to use the language in the posted version of the regulation.

With regard to the third comment, Chancellor’s Regulation A-655, which governs SLTs, provides sufficient detail regarding SLT participation in the budget process. Taken together, the two Chancellor’s Regulations thus comply with the requirements of the Education Law. Because revising B-801 to include more detail would be unnecessary and duplicative, the DOE declines to adopt this comment.

Accordingly, the regulation will be presented to the PEP as it is posted.

A copy of the regulation can be obtained at <http://schools.nyc.gov/NR/ronlyres/6CD79BF3-24B6-46D6-BA23-79309DA56B60/73765/B801121109.pdf>