

COUNCIL ON THE ARTS

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	52,344,602	44,382,000	(7,962,602)	-15.2%
Special Revenue-Other	4,228,300	3,846,000	(382,300)	-9.0%
Special Revenue-Federal	1,513,000	1,513,000	0	0.0%
Total for AGENCY SUMMARY:	58,085,902	49,741,000	(8,344,902)	-14.4%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	49	46	(3)
TOTAL:	49	46	(3)

Agency Mission

(Executive Budget: pp. 3-7)

The New York State Council on the Arts (NYSCA) is responsible for the oversight and administration of the cultural and artistic resources of the Council on the Arts, the Empire State Plaza Performing Arts Center Corporation and the New York State Theatre Institute. NYSCA is also responsible for administering grants to local non-for-profit arts organizations.

The Department is included in the Education, Labor, and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- a decrease of \$7,000,000 in funding for NYSCA grants from SFY 2008-09 levels; and
- the merger of the New York State Theatre Institute (NYSTI) with the Empire State Plaza Performing Arts Center.

Budget Detail

The Executive Budget proposal includes an All Funds appropriation of \$49,741,000, a decrease of \$8,344,902 or 14.4 percent, below SFY 2008-09 levels. The Executive recommends funding support for 46 full-time equivalent (FTE) positions, a decrease of three from SFY 2008-09 levels. The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations resulting in total agency reductions of \$7,000,000 for SFY 2008-09 and \$7,000,000 in reductions in SFY 2009-10.

State Operations

The Executive proposes an All Funds State Operations appropriation of \$5,582,000, a decrease of \$4,962,300 or 47.1 percent from adjusted SFY 2008-09 levels.

Proposed Decreases

The Executive proposal recommends the following:

- a decrease of \$4,032,300 resulting primarily from the shift of funding for the Empire State Plaza Performing Arts Center to Aid to Localities. The merger of NYSTI and the Egg results in a savings of \$267,700; and
- a decrease of \$930,000 due to administrative reductions.

Aid to Localities

The Executive proposes an All Funds Aid to Localities appropriation of \$44,159,000, a decrease of \$3,382,602 or 7.12 percent from adjusted SFY 2008-09 levels.

Proposed Increases

The Executive recommends the following:

- The Executive proposes an increase of \$3,650,000 in Special Revenue Funds-Other resulting from the shift in funding of the Egg from State Operations to Aid to Localities.

Proposed Decreases

- The Executive proposal includes a Deficit Reduction Plan that reduces \$7,000,000 in funding to support arts grants in SFY 2008-09 and continues the decrease in SFY 2009-10.

Article VII

The Executive recommends Article VII legislation that would merge NYSTI with the Empire State Plaza Performing Arts Center.

CITY UNIVERSITY OF NEW YORK

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	1,290,517,776	1,254,237,000	(36,280,776)	-2.8%
Special Revenue-Other	145,000,000	145,000,000	0	0.0%
Capital Projects Fund	25,982,000	0	(25,982,000)	-100.0%
Fiduciary	1,837,210,317	1,961,626,900	124,416,583	6.8%
Cap Proj Fund - CUNY - Direct Auth Bonds	1,802,862,000	284,222,000	(1,518,640,000)	-84.2%
Total for AGENCY SUMMARY:	5,101,572,093	3,645,085,900	(1,456,486,193)	-28.5%

Agency Mission

(Executive Budget: pp. 11-62)

The City University of New York (CUNY) is the third largest public university system in the nation, comprised of 19 campuses, seven community colleges, one technical college, a graduate school and an affiliated medical school. CUNY's mission is to provide affordable higher education with a focus on the urban community of New York City.

This agency is included in the Education, Labor and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- a \$63,554,000 decrease in State Support for CUNY Senior Colleges to \$1,076,293,000;
- a \$600 tuition increase (15 percent increase) at CUNY Senior Colleges to raise tuition from \$4,000 to \$4,600; and
- a \$270 per full time equivalent (FTE) student decrease in CUNY Community College Base Aid, decreasing support from \$2,675 per FTE in SFY 2008-09 to \$2,405 per FTE in SFY 2009-10.

Budget Detail

The Executive proposes an All Funds appropriation of \$3,645,085,900, a decrease of \$1,456,486,193, from SFY 2008-09. The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations resulting in total agency savings of \$4,205,000 in SFY 2008-09 and \$4,205,000 in SFY 2009-10.

State Operations

The Executive proposes a total Senior College Academic Year operating budget of \$1,961,626,900, a \$124,416,583 increase over SFY 2008-09 levels. State support totals \$1,076,293,377, a net decrease of \$63,554,000 below SFY 2008-09 levels.

Proposed Increases

The Executive recommends the following increases:

- a \$48,943,000 increase for fringe benefit costs at Senior Colleges;
- a \$13,177,000 increase for personal and non personal service inflationary increases;
- a \$9,772,000 increase for increased utility costs;
- a \$5,873,000 increase for inflationary costs on pre-existing leases;
- a \$4,261,000 increase for year to year collective bargaining increases for SFY 2009-10;
- a \$110,100,000 increase in the Senior College Revenue Offset representing additional tuition revenue generated from a \$600 increase to undergraduate tuition rates and a 20 percent increase to graduate tuition rates; and
- a \$40,000,000 increase in revenues transferred from the City University Tuition Reimbursable Account into the Tuition Offset account representing additional tuition revenues generated by increased enrollment growth.

Proposed Decreases

The Executive requests \$1,076,293,377 in State support for CUNY Senior Colleges that includes a \$164,158,000 decrease from SFY 2008-09 funding levels comprised of the following:

- an \$88,080,000 reduction in General Fund support offsetting 80 percent of the revenues raised by the proposed SFY 2009-10 tuition increases;
- a \$50,578,000 reduction representing the annualization of the SFY 2008-09 cuts in State Support;
- a \$20,000,000 decrease in General Fund support for university wide programs, the implementation of which is left to the discretion of the University;
- a \$3,600,000 offset in General Fund support from the CUNY's Income Fund Reimbursable account; and
- a \$1,900,000 decrease in General Fund support offsetting an increase in revenues resulting from requiring the CUNY Research Foundation to pay 10 percent of its indirect cost recoveries for using State-funded facilities.

Aid to Localities

The Executive proposes a total Aid to Localities appropriation of \$1,254,237,000 for SFY 2009-10 representing a \$36,280,776 decrease below adjusted SFY 2008-09 levels. Of this appropriation, \$1,081,754,000 would support the SFY 2009-10 costs for operating CUNY Senior Colleges and \$170,483,000 would support CUNY Community Colleges. Within this appropriation, funding is maintained for Contract Courses for workforce development (\$1,880,000), CUNY childcare (\$813,100) and the College Discovery program (\$828,390).

Proposed Increases

The Executive proposes the following increases:

- a \$9,920,625 increase in Community College Base Aid resulting from enrollment increases.

Proposed Decreases

The Executive proposes the following decreases:

- a \$13,729,500 reduction in CUNY Community College Base Aid resulting from a \$270 per FTE reduction from \$2,675 in SFY 2008-09 to \$2,405 in SFY 2009-10;
- a Deficit Reduction Plan that reduces CUNY Community College Base Aid by 10 percent resulting in reductions of \$4,205,000 in SFY 2008-09 with the reduction continuing in SFY 2009-10; and
- a \$22,000 decrease to Rental Aid.

Capital Projects

The Executive proposes a capital projects appropriation of \$284,222,000, a decrease of \$1,544,622,000 from SFY 2008-09 levels. The appropriation is the second year of the 5 year CUNY capital plan for critical maintenance that was enacted in SFY 2008-09.

Article VII

The Executive recommends Article VII legislation that would:

- provide enhanced flexibility for CUNY in areas of procurement and property management. CUNY would only be subject to post-audit review by the State Comptroller in the purchasing of goods;
- enhance flexibility for CUNY in the areas of procurement and capital construction; and
- authorize the CUNY Board of Trustees to establish differential tuition rates at individual state-operated campuses by degree or program type.

EDUCATION DEPARTMENT

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	19,516,370,053	19,376,640,000	(139,730,053)	0.7%
Special Revenue-Other	8,138,453,180	6,332,123,000	(1,806,330,180)	-22.2%
Special Revenue-Federal	4,179,116,100	4,199,391,000	20,274,900	0.5%
Capital Projects Fund	15,055,000	2,800,000	(12,255,000)	-81.4%
Capital Projects Fund - Authority Bonds	27,585,000	4,000,000	(23,585,000)	-85.5%
Internal Service Fund	31,407,000	31,226,000	(181,000)	0.6%
Library Aid (Auth Bonds)	14,000,000	14,000,000	0	0.0%
Total for AGENCY SUMMARY:	31,921,986,333	29,960,180,000	(1,961,806,333)	-6.1%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	415	394	(21)
All Other Funds:	2,805	2,805	0
TOTAL:	3,220	3,199	(21)

Agency Mission

(Executive Budget: pp. 17-34)

The State Education Department (SED) is the administrative agency of the Board of Regents. The Department oversees public elementary and secondary education programs throughout New York and promotes educational excellence, equity and cost effectiveness. The mission of the SED is to raise the knowledge, skill level and opportunity of all the people in New York.

The SED is included in the Education, Labor and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following.

- the Executive recommends funding General Support for Public Schools (GSPS) at \$20,693,140,000 in School Year (SY) 2009-10, which is a decrease of \$698,340,000 or 3.26 percent from the 2008-09 SY;
- the Executive recommends holding Foundation Aid flat for the 2009-10 and 2010-11 School Years (SY) at the 2008-09 funding amount and extending the phase-in for the Foundation Aid formula by an additional four years. Foundation Aid would be fully phased in by 2014-15;
- the Executive recommends creating a one time \$1,097,930,000 Deficit Reduction Assessment (DRA) to be taken against total formula-based aids excluding Building Aid and Universal Prekindergarten. Individual school districts would see reductions, adjusted for wealth, pupil need and property tax burden, between 3 and 13 percent;
- the Executive recommends continuing reimbursable programs including Building Aid, BOCES, Excess Cost Aids and Transportation Aid at present law levels;
- the Executive recommends holding funding for Universal Prekindergarten flat at \$401,230,000 for the 2009-10 and 2010-11 School Years. Universal Prekindergarten would be fully phased in by 2014-15;
- the Executive proposes creating a school district financial share of Preschool Special Education (4410 programs). School districts would be responsible for 15 percent of the funding for this program, which would create State and County savings. State savings would total \$154,000,000 in SY 2009-10 and Counties would save \$30,800,000 in SY 2009-10;
- the Executive proposes eliminating funding for Teacher Resource and Computer Training Centers (\$40,000,000 SY), the Teacher Mentor Intern Program (\$10,000,000 SY), Math and Science Initiatives (\$10,000,000 SY), After School Programs (\$9,800,000 SY), Rochester Community Schools (\$2,000,000 SY), Apprenticeship Training (\$1,686,000 State Fiscal Year (SFY)), Planning Grants for Full Day Kindergarten / Universal Prekindergarten (\$1,000,000 SFY) and reducing funding for the Roosevelt Union Free School District by \$6,000,000 SY to \$6,000,000 SY;
- the Executive proposes eliminating the Comprehensive Attendance Program (CAP) for nonpublic schools. This would create a savings to the State of \$44,457,300;

- the Executive recommends reducing funding to Public Libraries by \$18,000,000. Aid to Public Libraries would be funded at \$80,500,000;
- the Executive recommends reducing funding for Educational Television and Radio by \$9,337,000. Aid to Educational Television and Radio would be funded at \$9,415,000;
- the Executive recommends modifying the Contract for Excellence program by requiring districts to maintain current (2008-09) expenditures on Contract programs in 2009-10 reduced by the deficit reduction percentage;
- the Executive recommends reducing the State Education Department's operating budget by \$6,000,000; and
- the Executive recommends a package of mandate relief initiatives including Wicks Law changes and a new Tier 5 Pension Reform.

Budget Detail

For SY 2009-10 the Executive provides a decrease of \$698,340,000 in (GSPS) below SY 2008-09 levels, for total funding of \$20,693,140,000, a 3.26 percent decrease below the prior year. The Executive appropriates \$29,960,180,000 on an All Funds basis to SED in SFY 2009-10. The Executive proposes a reduction of 21 full-time equivalent (FTE) positions.

State Operations

Proposed Decreases

- The Executive recommends a decrease of \$12,700,000 in State Operations funds for SED in SFY 2009-10. This decrease includes approximately \$6,900,000 in efficiencies generated in response to reductions taken in 2008-09 that will be continued in SFY 2009-10, and an additional \$5,800,000 in new reductions for SFY 2009-10. Accountability funding is decreased by \$2,800,000 from SFY 2008-09 to \$12,200,000 in SFY 2009-10.

Aid to Localities

FORMULA BASED AIDS

The Executive proposes:

- funding Foundation Aid at \$14,873,590,000, which is the same level of funding as in SY 2008-09, and a present law decrease of \$1,270,600,000. Foundation Aid funding would remain level through SY 2010-11, and the statutory phase-in for full funding would be extended by four years to SY 2014-15;

- funding Universal Prekindergarten (UPK) at \$401,230,000, which is the same level of funding as SY 2008-09. UPK funding would remain level through SY 2010-11, and be fully phased in by SY 2014-15. Districts would be able to create midyear UPK programs in SY 2008-09 and would receive State funding for these programs;
- funding High Tax Aid at \$204,700,000, which is the same level of funding as in SY 2008-09;
- funding the Supplemental Educational Improvement Grant for Yonkers at \$17,500,000, which is the same level of funding as in SY 2008-09;
- funding Academic Enhancement Aid at \$8,320,000, which is the same level of funding as in SY 2008-09. This funding goes to certain school districts with extraordinary needs;
- funding Supplemental Public Excess Cost at \$4,310,000, which is the same level of funding as in SY 2008-09;
- funding Reorganization Operating Aid at its present law level of \$2,860,000, which is the same level of funding as in SY 2008-09; and
- funding the Academic Achievement Grant for New York City at \$1,200,000, which is the same level of funding as in SY 2008-09.

Proposed Increases

The Executive proposes:

- funding Building Aid and Building Reorganization Aid at their present law level of \$2,204,510,000, which is an increase of \$211,760,000;
- funding Transportation Aid at its present law level of \$1,618,490,000, which is an increase of \$92,940,000 over SY 2008-09 levels;
- funding BOCES at its present law level of \$706,090,000, which is an increase of \$33,300,000 over SY 2008-09 levels;
- funding High Cost Excess Cost Aid at its present law level of \$464,510,000, which is an increase of \$52,010,000 over SY 2008-09 levels;
- funding Private Excess Cost Aid at its present law level of \$299,930,000, which is an increase of \$37,840,000 over SY 2008-09 levels;

- funding Special Services Aid at its present law level of \$203,430,000, which is an increase of \$6,650,000 over SY 2008-09 levels;
- funding Computer Hardware Aid at its present law level of \$37,760,000, which is an increase of \$260,000 over SY 2008-09 levels;
- funding Computer Software Aid at its present law level of \$45,770,000, which is an increase of \$240,000 over SY 2008-09 levels; and
- funding of 130,000,000 to pay debt service for the EXCEL program which is an increase of \$33,000,000 over SY 2008-09 levels.

Proposed Decreases

The Executive proposes:

- creating a one time Deficit Reduction Assessment (DRA) which would decrease funding for school districts by \$1,097,930,000. The DRA would be applied to Formula Based Aids excluding Building Aid and Universal Prekindergarten. The DRA is based on a per pupil amount, adjusted for district wealth, student need and residential property tax burden. High Need school districts would be limited to a DRA of 2.5 percent of their Total General Fund Expense (TGFE);
- funding Textbook Aid at its present law level of \$183,650,000, which is a decrease of \$1,180,000 from SY 2008-09 levels;
- funding Charter School Transitional Aid at its present law level of \$18,410,000, which is a decrease of \$1,870,000 from SY 2008-09 levels;
- funding Library Materials Aid at its present law level of \$19,290,000, which is a decrease of \$110,000 from SY 2008-09 levels; and
- funding Full-Day Kindergarten at its present law level of \$2,850,000, which is a decrease of \$2,550,000 from SY 2008-09 levels.

GRANT PROGRAMS AND ADDITIONAL AID CATEGORIES

- The Executive proposes maintaining funding for Employment Preparation Education (EPE), School Health Services, Bilingual Education, Special Act School Districts, BOCES Aid for Special Act Districts, Learning Technology Grants, Native American Education, Supplemental Valuation Impact Grants, and Bus Driver Safety at SY 2008-09 levels.

Proposed Decreases

The Executive proposes:

- funding Education of OMH / OMR Pupils at its present law level of \$54,600,000, which is \$11,400,000 below SY 2008-09 levels;
- funding Incarcerated Youth at its present law level of \$16,500,000, which is \$1,000,000 below SY 2008-09 levels;
- funding Native American Building Aid at its present law level of \$2,500,000, which is \$8,500,000 below SY 2008-09 levels;
- eliminating Math and Science Initiatives. These programs were funded at \$10,000,000 in SY 2008-09;
- reducing funding for Roosevelt Union Free School District by \$6,000,000 below SY 2008-09 levels. This program would be funded at \$6,000,000 for SY 2009-10;
- funding Homeless Pupils at its present law level of \$6,480,000, which is \$2,750,000 below SY 2008-09 levels;
- funding Urban-Suburban Transfer at its present law level of \$1,130,000, which is \$1,420,000 below SY 2008-09 levels;
- eliminating funding for Rochester Community Schools. This program was funded at \$2,000,000 in SY 2008-09; and
- eliminating Planning Grants for Full-Day Kindergarten and Universal Prekindergarten. This program was funded at \$1,000,000 in SY 2008-09.

OTHER ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

The Executive proposes:

- maintaining Extended Day/School Violence Prevention at \$27,821,000;
- continuing Academic Intervention Services for Nonpublic Schools at \$922,000;
- continuing funding for Adult Basic Education at \$1,843,000;
- funding of \$691,000 for the Health Education Program and \$3,049,000 for the Summer Food Program, which is the same level as SY 2008-09; and

- funding Schools Under Registration Review (SURR), Charter School Start-Up Grants, Education of Children of Migrant Workers, Targeted Prekindergarten, Primary Mental Health Project, Statewide Center for School Safety, and Student Mentoring and Tutoring Initiative at SY 2008-09 levels.

Proposed Increases

The Executive proposes:

- additional funding for Fiscal Stabilization Grants of \$2,007,000 over SY 2008-09, for a total of \$30,022,000; and
- increasing funding for the School Lunch and Breakfast Program to \$31,700,000, a \$1,672,000 increase over SY 2008-09.

Proposed Decreases

The Executive proposes:

- eliminating \$9,800,000 of funding for 21st Century Learning Centers Program;
- reducing Nonpublic School Aid by \$44,457,300 to \$80,605,000 in SY 2009-10. The reduction is an elimination of aid allocated to non-public schools for taking part in the CAP;
- reducing Prior Year Claims by \$10,216,000 to \$15,046,000 in SY 2009-10;
- reducing Adult Literacy Education by \$2,000,000 and funding this program at \$4,906,000;
- decreasing funding for the Consortium for Worker Education (CWE) by \$1,500,000, funding this program at \$11,500,000;
- discontinuing Apprenticeship Training funding of \$1,686,360;
- a reduction in funding for County Vocational Education and Extension Boards by \$8,000 for a total of \$932,000;
- eliminating funding for the Math and Science High Schools which was funded at \$1,381,800 in SY 2008-09;
- eliminating funding for Workplace Literacy which was funded at \$1,923,000 in SY 2008-09;

- reducing funding for the Center for Autism and Related Disabilities at SUNY Albany by \$500,000 from SFY 2008-09 and funding this program at \$490,000;
- eliminating Transferring Success which was funded at \$314,900 in SY 2008-09;
- eliminating funding for the New York State Historical Association, the Rural Education Advisory Council and the Missing Children Prevention program; and
- eliminating Grants In Aid which were funded at \$32,157,000 in SY 2008-09.

TEACHER PROGRAMS

The Executive proposes:

- funding the National Board for Professional Teaching Standards Certification at last year's level of \$490,000; and
- maintaining Teachers of Tomorrow at last year's level of \$25,000,000.

Proposed Decreases

The Executive proposes:

- eliminating funding for Teacher Resource and Computer Training Centers, which were funded at \$40,000,000 in SY 2008-09; and
- eliminating funding for the Teacher Mentor Intern program, which was funded at \$10,000,000 in SY 2008-09.

VESID

For SFY 2009-10 the Executive proposes:

- funding Independent Living Centers at \$12,361,000 which is the same as SFY 2008-09 funding level;
- shifting \$604,000 in funding for Early Childhood Direction Centers from the General Fund to the Federal Individuals with Disabilities Education Act (IDEA); and
- funding College Readers Aid at \$294,000 which is the same as SFY 2008-09 funding.

Proposed Increase

- The Executive proposes funding Case Services at \$54,000,000, which is \$2,147,000 above SFY 2008-09 levels.

Proposed Decreases

- The Executive proposes funding Supported Employment at \$15,160,000 which is \$17,000 below SFY 2008-09 levels.

CULTURAL EDUCATION

For SFY 2009-10 the Executive proposes maintaining Capital funding of \$14,000,000 for library construction and renovation proposes.

Proposed Decrease

The Executive proposes:

- funding Aid for Public Libraries at \$80,500,000 which is a reduction of \$18,034,000 from SFY 2008-09 levels; and
- funding Educational Television and Radio at \$9,415,000 which is a reduction of \$9,337,000 from SFY 2008-09 levels.

HIGHER EDUCATION AND THE PROFESSIONS

The Executive proposes that the Office of Higher Education and the Professions receive an All Funds appropriation of \$162,203,000. Funding levels are maintained at adjusted 2008-09 levels for the Higher Education Opportunity Program at \$23,752,000, the Liberty Partnerships Program at \$11,817,000, the Science and Technology Entry Program (STEP) at \$10,283,000, the High Needs Nursing Program at \$941,000, and the Teacher Opportunity Corps Programs at \$671,000.

Proposed Decreases

The Executive proposal recommends the following decreases to higher education programs:

- a \$12,000 reduction to Postsecondary Aid to Native Americans from \$610,000 in 2008-09 to \$598,000 in 2009-10;
- a \$2,620,000 reduction in unrestricted aid to independent colleges and universities from \$44,220,000 in 2008-09 to \$41,600,000 in 2009-10; and

- a \$3,633,000 reduction to Collegiate Science and Technology Entry Awards (CSTEP) from \$7,633,000 to \$4,000,000.

Capital Projects

The Executive proposes:

- funding Library Construction at \$14,000,000 which is the same level of funding as in SY 2008-09;
- funding various rehabilitation and renovation projects for the St. Regis Mohawk Elementary School at \$4,000,000;
- funding health and safety projects at various State Education Department facilities at \$2,000,000; and
- funding of \$800,000 for various health and safety projects at the Batavia School for the Blind.

Article VII

The Executive recommends Article VII legislation that would:

- require the Commissioner to reduce and consolidate school district plans, reports and applications and establish unified electronic data collection systems;
- provide for the continuation of the Contract for Excellence program in both 2009-10 and 2010-11 and require all current Contract Districts to continue in the program unless all buildings within a District are reported as being in "good standing;"
- authorize unused 2007-08 Contract for Excellence funds to be used in SY 2008-09 and 2009-10;
- modify the Contract for Excellence Program by reducing the amount that a school district would be required to spend on menu options by the percentage reduction of the DRA for the 2009-10 school year;
- preclude certain legislation, regulations, or newly assessed property tax exemptions that impose a cost upon school districts from taking effect the following year if a school budget has already been adopted;
- expand the definition of aidable computer software;

- repeal provisions that penalize districts and teachers for not providing instruction in statutorily mandated curricula;
- modify the timing and content of the SED's reporting on violent incidents and disruptive behavior in schools;
- clarify that due process costs for Intermediate Care Facilities are not reimbursable by the State;
- eliminate the additional reporting requirements relating to the Commissioner's regulations for the Comprehensive Attendance Program (CAP) for nonpublic schools along with the related State reimbursement for costs incurred as of SY 2007-08;
- freeze Foundation Aid and provide for a final date for any calculations and revised claims;
- provide for a recalculation of Building Aid should a school district's building be sold or ownership be transferred in some way;
- clarifies that the Commissioner of Health has responsibility for Medicaid for school supportive health services provided to students with disabilities and eliminate the Medicaid offset;
- modify the Science, Math and Bilingual set-aside of the Teachers of Tomorrow program;
- modify the rate setting methodology for itinerant teachers in the preschool special education program to reflect actual services rendered;
- eliminate certain reporting on the transition of disabled students to adult services;
- modify the current allocation of financial responsibility for the preschool special education program by including a 15 percent school district share for this program. The State share would be reduced from 59.5 percent to 47 percent and the County share would be reduced from 40.5 percent to 38 percent;
- provide authorization for school districts to transfer excess funds from Employee Benefit Accrued Liability Reserve (EBALR) only in an amount which is limited to funds necessary to offset any Deficit Reduction Amount during SY 2009-10 for the purpose of maintaining educational programming;
- require the Comptroller to audit all school district EBALR funds and report on findings by July 1, 2010;
- extend the current Wicks exemption for the New York City School Construction Authority for an additional five years;

- exempt school districts from Wicks for a period of five years;
- reduce Aid to Public Libraries and provide for a proportional reduction of the aid among the various formulas;
- reduce Aid to Educational Television and Radio and require that the Commissioner review the current allocation methodology for the distribution of funding among public broadcasting stations;
- continue the provisions for a lottery accrual due to a change made by the Government Accounting Standards Board regarding the Teacher Retirement System pension contributions;
- continue the Magnet School setaside within Foundation Aid;
- continue the Attendance Improvement and Dropout Prevention setaside within Foundation Aid;
- continue the Teacher Support Aid setaside within Foundation Aid;
- continue authority of school districts to enter into contracts for school bus leases until 2012;
- extend special education class size waivers for large city school districts;
- extend the Rochester City School District's ability to purchase health services from BOCES;
- allow districts to create midyear UPK programs in SY 2008-09 and receive State funding for such programs;
- provide for technical implementation of various school aid grants and formulas including Foundation Aid and Universal Prekindergarten and freeze all School Aid formulas starting in the 2008-09 current school year to be lesser of the SY2009-10 Executive run or revised claims; and
- create a Deficit Reduction Assessment against formula based aids with the exception of Building Aid and Universal Prekindergarten.

Deficiency Request

The Executive requests a deficiency appropriation decrease of \$23,000,000 for School Supportive Health Services due to an unanticipated increase in the Medicaid offset for SSHS. The Executive also requests an increase in the State Lottery Fund by \$32,100,000 to reflect unanticipated Lottery revenues. As a result, General Fund appropriation authority will be reduced by \$55,100,000.

OFFICE OF CHILDREN AND FAMILY SERVICES

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	2,137,553,645	2,025,565,400	(111,988,245)	-5.2%
Special Revenue-Other	125,553,000	123,460,000	(2,093,000)	-1.7%
Special Revenue-Federal	1,487,024,000	1,484,925,000	(2,099,000)	0.1%
Enterprise	475,000	475,000	0	0.0%
Capital Projects Fund	1,825,000	1,825,000	0	0.0%
Youth Facilities Improvement Fund	36,663,000	35,850,000	(813,000)	-2.2%
Internal Service Fund	100,000	100,000	0	0.0%
Total for AGENCY SUMMARY:	3,789,193,645	3,672,200,400	(116,993,245)	-3.1%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	3,350	3,148	(202)
All Other Funds:	616	530	(86)
TOTAL:	3,966	3,678	(288)

Agency Mission

(Executive Budget: pp. 35-42)

The Office of Children and Family Services (OCFS) is responsible for coordinating a system of support to help families achieve and maintain self-sufficiency and to provide for the well-being of their children. The Office administers a broad range of child welfare, child care, adult protective and delinquency prevention programs, as well as residential and community-based services for New York State's juvenile justice system. The Office also supervises services to the blind and visually handicapped.

The Office is included in the Education, Labor and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- creation of a \$90,000,000 Youth Programs Block Grant to provide local districts flexibility in funding their youth programs based on local district priorities. Programs that were previously funded through discrete appropriations that would now be included in the block grant are Detention Services, Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SDDP), Runaway and Homeless Youth Act (RHYA), Alternatives to Detention and Alternatives to Residential Placement;
- closure or downsizing of 11 facilities, due to a significant decline in the population as evidenced by a 67 percent system-wide utilization rate and 500 vacant beds;
- elimination of 60 of the 100 State funded NY/NYIII beds reserved for former foster care youth;
- the maintenance of open-ended funding for child welfare services. The Executive continues 64 percent State reimbursement for mandated preventive and child protective services but eliminates funding for Community Optional Preventative Services (COPS) which support a variety of non-mandated programs;
- maintenance of funding for Adoption Subsidies and the Foster Care Block Grant;
- elimination of the SFY 2009-10 Human Services COLA for foster care and adoptive parents, which is proposed to resume in April 2010 and to extend until 2012;
- a requirement that local districts spend an increased amount from its Flexible Fund for Family Services. This amount is raised by \$100,500,000 to \$342,00,000. The Executive proposes an additional \$311,000,000 in the FFFS to support this mandate; and
- elimination or reduction in various non-mandated services such as Advantage Afterschool, Home Visiting, Amy Watkins, caseload reduction and Kinship/Caretaker Relative among others.

Budget Detail

The Executive proposes an All Funds appropriation of \$3,672,200,400, a net decrease of \$116,993,245 or 3.1 percent below SFY 2008-09. The Executive recommends funding to support 3,678 full-time equivalent (FTE) positions, a decrease of 288 FTEs, due primarily to the closing and downsizing of underutilized facilities and attrition.

The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations resulting in total agency spending reductions of \$5,800,000 for SFY 2008-09 and \$3,000,000 for SFY 2009-10.

State Operations

The Executive proposes an All Funds State Operations appropriation of \$513,812,000, a net decrease of \$17,987,000 or 3.38 percent below the SFY 2008-09 appropriation level.

Proposed Increases

The Executive proposes an increase of \$12,960,000 for higher personal service costs, nonpersonal service and inflation adjustments.

Proposed Decreases

The Executive proposes:

- a savings of \$11,550,000 associated with the closure or downsizing of eleven facilities resulting in the loss of 255 FTES and \$867,000 in fringe benefit savings. Facilities scheduled for closure in June 2009 are Great Valley, Cattaraugus and Adirondack non-secure centers; Rochester and Syracuse Community Residential Homes; Pyramid boys reception; and the Albany, Buffalo and Syracuse evening reporting centers. Facilities to be downsized are Tryon limited secure center and Allen non-secure center;
- a savings of \$3,120,000 through the elimination of 39 positions through attrition.

Aid to Localities

The Executive proposes an All Funds Aid to Localities appropriation of \$3,120,713,400, a net decrease of \$98,193,245 or 3.05 percent from the SFY 2008-09 level. Child care subsidies of \$356,300,000 and public assistance administration totaling \$310,600,000 have been transferred to the Flexible Fund for Family Services (FFFS) bringing FFFS to \$1,320,900,000 to afford local districts greater flexibility in providing services. In order to achieve savings at both the State and local level, however, the Executive proposes to require Counties to spend \$105,000,000 more of these Federal dollars on child welfare services.

Proposed Increases

The Executive proposes:

- an increase of \$16,940,000 for child welfare services, including child protective and preventive services and independent living services to accompany the increase in claims received by local districts; and
- an increase of \$5,740,000 for adoption subsidies provided to families who adopt children with special needs.

Proposed Decreases

The Executive proposes:

- to eliminate the Human Services COLA for SFY 2009-10, resulting in a spending reduction of \$55,000,000;
- a spending reduction of \$34,000,000 associated with the elimination of Community Optional Preventive Services (COPS) which support numerous non-mandated programs and OCFS-contracted preventive services for youth and families in the child welfare system;
- a General Fund spending reduction of \$28,000,000 associated with collapsing various detention and alternative residential programs into the youth block grant;
- a decrease of \$1,280,000 related to the elimination of 60 of the 100 State funded NY/NYIII beds reserved for former foster care youths; and
- a decrease of \$1,000,000 in the Kinship/Caretaker Relative Program which provides services to those caring for individuals related to them.

The Executive proposal includes a Deficit Reduction Plan that makes the following reductions:

- reduce the COLA for human service providers by one percent for SFY 2008-09. Savings associated with the one percent decrease are \$1,860,000 for SFY 2008-09 and 3,000,000 for SFY 2009-10.
- delay implementation of the Bridges to Health Medicaid program. Freezing enrollment at 610 slots, while delaying the phase in of the remaining 2,695 slots will result in a spending decrease of \$1,060,000 for 2008-09; and

- reduce new legislative programs by an additional 50 percent. This reduction will result in decreased spending by OCFS of \$2,880,000 in SFY 2008-09; these programs will not be continued in SFY 2009-10.

Article VII

The Executive recommends Article VII legislation that would:

- create a Youth Programs Block Grant;
- repeal the 12-month notification requirement needed prior to closure of OCFS youth facilities;
- reauthorize child welfare financing until 2012 and eliminate State reimbursement for Community Optional Preventive Services;
- increase the fee for Statewide Central Registry clearance checks for child abuse and maltreatment;
- extend current social worker and mental health professional licensing exemptions; and
- authorize the Office of Temporary and Disability Assistance to obtain information from the Department of Taxation and Finance's wage reporting system in order to determine the eligibility for federal title IV-E funding for children receiving foster care or adoption assistance.

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	1,362,301,756	1,219,818,000	(142,483,756)	-10.5%
Special Revenue-Other	186,005,840	177,038,000	(8,967,840)	-4.8%
Special Revenue-Federal	3,400,804,000	3,819,994,000	419,190,000	12.3%
Housing Program Fund	30,000,000	30,000,000	0	0.0%
Internal Service Fund	1,200,000	1,200,000	0	0.0%
Fiduciary	10,000,000	10,000,000	0	0.0%
Total for AGENCY SUMMARY:	4,990,311,596	5,258,050,000	267,738,404	5.4%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	647	647	0
All Other Funds:	1,633	1,633	0
TOTAL:	2,280	2,280	0

Agency Mission

(Executive Budget: pp. 43-51)

The Office of Temporary and Disability Assistance (OTDA), working with the Office of Children and Family Services (OCFS) and other agencies, helps children and families in need to achieve economic self-sufficiency. The Office administers public assistance programs, including Family Assistance (FA), Safety Net Assistance (SNA), Supplemental Security Income (SSI), the Federal Food Stamp (FFS) Program, the Home Energy Assistance Program (HEAP); child support enforcement and services; refugee assistance programs; and homeless shelter and service programs. The Office also serves as the host agency for the administration of the federal Temporary Assistance to Needy

Families (TANF) block grant which provides funding for public assistance benefits, as well as for programs and services designed to assist needy children and families as they transition to self-support.

The agency is included in the Education, Labor and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes:

- an increase to the basic allowance portion of the public assistance grant of 10 percent a year for three consecutive years, starting in January 2010. This action would result in a \$96 per month increase in the basic allowance when fully implemented in January 2012;
- an increase in the Flexible Fund for Family Services (FFFS) block grant program for a total of \$1,320,900,000 in federal TANF funding to be allocated to local social services districts for use in supporting any federally allowable TANF purpose, including funding for child care subsidies. The expanded FFFS includes \$310,600,000 specifically to support the Local Administration Fund in order to provide comparable General Fund savings;
- additional federal support of \$265,000,000 for the Home Energy Assistance Program (HEAP);
- a reduction in the State supplement for Supplemental Social Income (SSI) of between \$16 to \$28 for recipients living in the community, effective June 1, 2009. A recipient's total monthly SSI benefit would still be \$9 to \$34 higher than in 2008 as a result of the offsetting impact of a 5.8 percent cost of living adjustment (COLA) to the federal benefit;
- a reduction in the Personal Needs Allowance for Safety Net Assistance recipients who are residing in chemical dependence treatment facilities regulated by the Office of Alcohol and Substance Abuse Services (OASAS) from \$142 per month to \$45 per month;
- a reduction in the reimbursement to the City of New York for adult homeless shelters by imposing a cap on the level of State reimbursement; and
- elimination of various programs that provide non-mandated services, such as the Homelessness Prevention Program, the Strengthening Families Through Stronger Fathers Program and the HIV Welfare to Work Program, to reduce General Fund spending.

Budget Detail

The Executive proposes an All Funds appropriation of \$5,258,050,000, a net increase of \$267,738,404, or 5.4 percent over the SFY 2008-09 level. The number of full-time equivalent (FTE) positions would remain constant at 2,280.

The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations resulting in total agency savings of \$442,000 for SFY 2008-09. As part of this plan, the Executive also proposes to transfer to the State Treasury \$100,000,000 in federal earned revenue related to child support enforcement activities conducted by the Office of Court Administration.

State Operations

The Executive proposes an All Funds State Operations appropriation of \$467,808,000, a net decrease of \$24,776,000 or 5.03 percent from the SFY 2008-09 level.

Proposed Increases

The Executive proposes an increase of \$5,401,000 in federal support for the Child Well Being Program.

Proposed Decreases

The Executive proposes:

- a one time decrease of \$10,000,000 through a sweep of excess revenue in the agency's Earned Income Account;
- a net decrease of \$3,200,000 by shifting \$5,000,000 of General Fund software development costs for the Statewide Welfare Management System (SWMS) to Capital Bond proceeds;
- a decrease of \$3,100,000 by shifting funding for federally non-participating training and welfare-to-work costs from the General Fund to the agency's Earned Income Account;
- a reduction of \$2,500,000 in the appropriation supporting development activities for various computer systems; and
- a reduction of \$500,000 in non-personal service expenditures.

Aid to Localities

The Executive recommends All Funds appropriations totaling \$4,760,242,000 in Aid to Localities for SFY 2009-10, a net increase of \$292,514,404 or 6.55 percent from the SFY 2008-09 level.

The largest appropriation within Aid to Localities is the Temporary Assistance to Needy Families (TANF) block grant at \$2,394,257,000. This appropriation will support an anticipated 237,459

recipients of family assistance, an increase of 917 recipients from the current fiscal year. In addition to the economic support of needy families, the TANF block grant allows expenditures for programs and services that aid in the transition to self-sufficiency, as well as supportive services to low-income families to help them avoid the need for public assistance. Several funding changes are proposed in the SFY 2009-10 Temporary Assistance to Needy Families (TANF) block grant in order to achieve General Fund savings and to make more funding available directly to local districts through the Flexible Fund for Family Services (FFFS) which is proposed at \$1,320,900,000. The expanded FFFS includes funding for child care subsidies as well as \$310,600,000 shifted from the General Fund to TANF specifically to support the Local Administration Fund. The Executive also eliminates 14 programs currently funded by the TANF block grant for reductions of \$31,935,000 and reduces funding for the Earned Income Tax Credit offset by \$261,750,000 and the BRIDGE program by \$2,000,000. The 14 programs proposed for elimination include: Basic Education, Adult and Family Literacy, Language Immersion/ESL Training, VESID/LIVES, Child Care Demonstration Projects, Rochester-Genesee Regional Transportation Authority, Centro of Oneida, Displaced Homemakers, Technology Training (ATTAIN) ACCESS – Welfare to Careers, Jack Kennedy Build NY, NYS AFL CIO Workforce Development Institute, Career Pathways and Refugee Resettlement Program.

Proposed Increases

The Executive proposes an increase of \$208,860,000 in General Fund support for public assistance to fund a projected 2 percent growth in caseload. This amount includes \$7,700,000 to support a 10 percent increase in the basic allowance portion of the public assistance grant, beginning January 1, 2010.

Proposed Decreases

The Executive proposes the following:

- a General Fund decrease of \$317,700,000 resulting from the shifting of support for the Local Administration Fund to federal TANF funds through an increase of \$310,600,000 in the Flexible Fund for Family Services (FFFS);
- a decrease of \$84,000,000 through a reduction of between \$16 and \$28 per month in the State supplement for Supplemental Social Income (SSI) recipients living in the community, effective June 1, 2009;
- a decrease of \$6,300,000 by limiting reimbursement to local districts for public assistance expenditures to the year in which services were incurred;
- a decrease of \$4,400,000 related to a proposal to reduce the Personal Needs Allowance for Safety Net Assistance recipients who are residing in chemical dependence treatment facilities regulated by the Office of Alcohol and Substance Abuse Services (OASAS) from \$142 per month to \$45 per month;

- a decrease of \$5,000,000 by imposing a hard cap on the level of State reimbursement to the City of New York for adult homeless shelters;
- elimination of the Homelessness Prevention Program which provides eviction prevention services for New York City families for a savings of \$5,000,000;
- a decrease of \$3,550,000 in funding for the Single Room Occupancy (SRO) Supportive Services Program, which provides funds for comprehensive support services including for single adult populations residing in single occupancy dwellings;
- elimination of the Strengthening Families Through Stronger Fathers Program for a decrease of \$2,760,000;
- a decrease of \$1,600,000 by increasing the charge-back imposed on local districts related to the cost of fair hearings;
- a decrease of \$1,300,000 from elimination of the HIV Welfare to Work Program which offers services to address the employment and training needs of low-income individuals diagnosed with HIV or AIDS; and
- a reduction of \$719,000 in funding for the Homelessness Intervention Program (HIP), which provides services to stabilize households and prevent homelessness.

The Executive further recommends a Deficit Reduction Plan for SFY 2008-09 which proposes to reduce new legislative programs by an additional 50 percent. This reduction will result in savings of \$445,000 in 2008-09.

Article VII

The Executive recommends Article VII legislation that would:

- increase the basic allowance of the public assistance grant by 10 percent a year for the next three years, beginning January 1, 2010;
- reduce the amount of the State supplement for Supplemental Security Income (SSI) recipients living in the community and authorize the pass-through of the 2010 Federal Cost of Living Adjustment;
- sweep \$10,000,000 of built up revenue in the OTDA Earned Revenue Account to the General Fund in order to generate one time savings;

- make permanent the authority of the Department of Motor Vehicles to suspend drivers' licenses of person delinquent in the payment of child support;
- discontinue the work incentive bonus for local social services districts engaging at least 50 percent of their public assistance population in eligible work activities;
- reduce the Personal Needs Allowance for public assistance recipients in chemical dependence residential treatment facilities; and
- increase access to the Department of Taxation and Finance's Wage Reporting System records.

NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	823,729,000	895,729,000	72,000,000	8.7%
Special Revenue-Other	153,130,000	127,591,000	(25,539,000)	-16.7%
Special Revenue-Federal	17,900,000	15,900,000	(2,000,000)	-11.2%
Total for AGENCY SUMMARY:	994,759,000	1,039,220,000	44,461,000	4.5%

Agency Mission

(Executive Budget: pp. 365-372)

The Higher Education Services Corporation (HESC) was established in 1974 and administers the State's Tuition Assistance Program (TAP), the Federal Family Education Loan Program, and other State and federal aid programs.

HESC is included in the Education, Labor, and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- funding for the Tuition Assistance Program in the amount of \$789,066,000, which represents a net increase of \$21,363,000 from a SFY 2008-09 funded level of \$767,703,000;
- funding of \$50,000,000 for the creation of the New York Higher Education Loan Program (NYHELP), an affordable student loan program for New York State residents attending New York State Institutions; and
- funding of \$38,828,000 for various scholarships administered by HESC, which represents a \$655,000 increase.

Budget Detail

The Executive recommends an All Funds appropriation of \$1,039,220,000 for HESC which is an increase of \$44,461,000 from the SFY 2008-09 level. The Executive recommends funding support of 682 full-time equivalent (FTE) positions, a decrease of 18 positions. The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations. Due to tuition increases at the State University of New York, the Governor is recommending that HESC receive an appropriation increase of \$12,280,000 in SFY 2008-09 and \$24,559,000 in 2009-10.

State Operations

The Executive recommends an All Funds State Operations appropriation of \$160,391,000, an increase of \$37,781,000 from the SFY 2008-09 level.

Proposed Increases

The Executive proposes the following:

- a \$50,000,000 appropriation for the creation of NYHELP, a student loan program to assist students and families to access low-cost student loans; and
- a \$5,000,000 Special Revenue Fund appropriation for NYHELP is proposed to support administrative costs to the program.

Proposed Decreases

The Executive proposes the following decreases:

- a \$11,758,000 Special Revenue Fund decrease due to personal service and non-personal service decreases.; and
- a \$5,461,000 Special Revenue Fund reduction due to a decrease of revenue in the Insurance Premium Payments Account.

Aid to Localities

The Executive proposal maintains SFY 2008-09 funding levels for the Aid to Part-Time Study Program at \$14,357,000 and the Licensed Social Worker Loan Forgiveness Program at \$980,000. The Executive also proposes a \$789,066,000 appropriation for the TAP program, reflecting a net increase of \$9,083,000 from the 2008-09 level.

Proposed Increases

The Executive proposal for TAP assumes the following academic year increases:

- additional General Fund support to offset the decrease of insurance premium payments receipts (\$31,600,000);
- increases to the TAP program due to SUNY and CUNY tuition increases (\$31,774,000); and
- increases to the TAP program due to enrollment increases (\$10,609,000).

Proposed Decreases

The Executive proposal for TAP assumes \$64,900,000 in reductions resulting from changes to the program that would:

- deny TAP eligibility to students in default of their Federal student loans (\$3,700,000);
- eliminate TAP awards for graduate students (\$3,000,000);
- eliminate awards enhancements for families with multiple family members in college (\$5,700,000);
- increase minimum academic standards and GPA requirements (\$6,500,000);
- include public pension income in the consideration of income levels to determine TAP awards (\$15,000,000); and
- pro-rate TAP awards downward for students taking less than 15 credits per semester (\$31,000,000).

The Executive proposal also includes the following decreases:

- funding of \$2,500,000 for the Nursing Faculty Scholarship, a decrease of \$1,433,000 from SFY 2008-09; and
- eliminating new scholarship awards in 2009-10 from the Volunteer Services Recruitment Account and convert support for awards to the General Fund. This would save \$3,933,000.

Article VII

The Executive recommends Article VII legislation that would:

- increase the minimum academic standards required for non-remedial students to maintain TAP eligibility;
- deny TAP awards to any student who is in default of their federal student loans and loans that were made or guaranteed by the Corporation;
- eliminate TAP awards for graduate students;
- include public pension income in TAP award eligibility determinations;
- redefine full-time study for TAP awards as 15 credit hours per semester and pro-rate TAP awards for students earning 10 to 14 credit hours per semester;
- eliminate TAP awards enhancements for families with multiple family members in college;
and
- establish the New York Higher Education Loan Program.

DIVISION OF HUMAN RIGHTS

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	15,658,000	14,788,000	(870,000)	-5.6%
Special Revenue-Federal	6,904,000	8,241,000	1,337,000	19.4%
Total for AGENCY SUMMARY:	22,562,000	23,029,000	467,000	2.1%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	168	154	(14)
All Other Funds:	40	54	14
TOTAL:	208	208	0

Agency Mission

(Executive Budget: pp. 73-75)

The primary mission of the Division of Human Rights (Division) is to enforce the New York State Human Rights Law and to protect the civil rights of New Yorkers. The Human Rights Law affords protection from discrimination, based on race, sex, age, military status, disability, sexual orientation, or membership in other specified classes in the law. The Division prosecutes unlawful discriminatory practices; investigates and resolves individual complaints of illegal discrimination; advances policies and legislation to expand and to protect civil rights; and promotes education and outreach to raise human rights awareness. The agency operates from its main office in New York City, as well as nine regional offices and two satellite offices across the State.

The Division is included in the Education, Labor and Family Assistance appropriation bill.

Budget Detail

The Executive proposes an All Funds appropriation of \$23,029,000, a net increase of \$467,000 or 2.1 percent over the State Fiscal Year (SFY) 2008-09 level. The Executive recommends holding constant funding to support 208 full-time equivalent (FTE) positions.

State Operations

The Executive proposes a General Fund State Operations appropriation of \$14,788,000, a net decrease of \$870,000 or 5.56 percent from the SFY 2008-09 level. This reduction is due to a shift of 14 positions from the General Fund to direct support by Federal grant funds that is offset by salary increases.

Proposed Increases

The Executive proposes an increase of \$1,337,000 in federal appropriation authority which will allow the Division to increase its staff by an additional 20 FTEs if needed to address a growing caseload.

Article VII

The Executive recommends Article VII legislation that would provide for the assessment of civil penalties in human rights cases other than cases of housing discrimination which already carry such a penalty.

DEPARTMENT OF LABOR

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	20,958,500	0	(20,958,500)	-100.0%
Special Revenue-Other	80,478,000	85,478,000	5,000,000	6.2%
Special Revenue-Federal	759,763,000	738,077,000	(21,686,000)	-2.9%
Enterprise	4,000,000,000	4,500,000,000	500,000,000	12.5%
Total for AGENCY SUMMARY:	4,861,199,500	5,323,555,000	462,355,500	9.5%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
General Fund:	15	0	(15)
All Other Funds:	3,461	3,461	0
TOTAL:	3,476	3,461	(15)

Agency Mission

(Executive Budget: pp. 77-82)

The Department of Labor (DOL) administers New York's Unemployment Insurance (UI) system, labor exchange system and State worker protection programs, including enforcement of safety and health regulations in the public sector, State labor laws and Federal statutes related to working conditions, wages and hours, and laws related to public work.

DOL is a primary advocate for job creation and economic growth through workforce development and the State's principal source of labor market information, offering a variety of services designed to help businesses to find workers and people to find jobs.

DOL is included in the Education, Labor and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- elimination of the State Employment Relations Board (SERB) and transfer of its functions to the Public Employment Relations Board (PERB);
- a shift of funding for the Unemployment Insurance Systems Modernization project from Special Revenue funds to Federal funds; and
- imposition of new and/or increased penalties and fees to generate \$12,000,000 in General Fund savings.

Budget Detail

The Executive proposes an All Funds appropriation of \$5,323,555,000 a net increase of \$462,355,500 or 9.5 percent over the SFY 2008-09 level. The Executive recommends funding support of 3,461 full-time equivalent (FTE) positions, a decrease of 15 positions from SFY 2008-09.

The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations, resulting in total savings of \$3,477,000 for SFY 2008-09.

State Operations

The Executive proposes an All Funds State Operations appropriation of \$5,084,836,000, a net increase of \$495,250,000 or 10.79 percent over the SFY 2008-09 level.

Proposed Increases

The Executive proposes:

- an increase of \$17,460,000 in Federal funding for administration of the Unemployment Insurance Program;
- an increase of \$2,655,000 related to inflationary costs in the Labor Standards and Occupational Safety and Health programs; and
- an increase of \$1,510,000,000 in the Unemployment Benefit Fund to reflect increase unemployment insurance activity.

Proposed Decreases

The Executive proposes:

- a decrease of \$1,720,000 related to the elimination of the State Employment Relations Board; and
- a decrease of \$5,000,000 related to the shift to Federal funds for the Unemployment Insurance Systems Modernization project.

Aid to Localities

The Executive proposes an All Funds Aid to Localities appropriation of \$238,719,000, a net decrease of \$32,894,500 or 12.11 percent below the SFY 2008-09 level.

Proposed Decreases

The Executive proposes:

- a decrease of \$4,900,000 related to the School Cafeteria Air Improvement project is a result of lower than projected costs; and
- a decrease of \$13,708,000 related to a reduction in Federal support for the Workforce Investment Act.

The Executive further recommends a Deficit Reduction Plan for SFY 2008-09 which proposes a 50 percent reduction in Legislative additions for a savings of \$3,477,000 in SFY 2008-09.

Article VII

The Executive recommends Article VII legislation that would:

- extend statutory authorization for DOL to assess a surcharge on employers for payment of interest due on Unemployment Insurance benefit loans from the federal government until December 31, 2011;
- authorize an increase in various boiler inspection, insurance inspection reporting fees and asbestos fees that are projected to generate \$11,400,000 in additional revenues that would be used to offset the General Fund;

- authorize new civil penalties for individuals and employers who knowingly operate cranes without a DOL issued certificate of competence that are projected to generate \$436,000 in new revenues that would be used to offset the General Fund;
- authorize DOL to strengthen its regulation of explosives and pyrotechnics; and to establish penalties for non-compliance that are projected to generate \$294,000 in new revenues that would be used to offset the General Fund; and
- authorize sweeps of \$12 million from the Labor Standards Fee and Penalty Account to the General Fund; \$9 million from the Occupational Safety and Health Account to the General Fund; and \$5 million from the Unemployment Insurance and Penalty Account to the General Fund.

Deficiency Request

The adjusted appropriation includes a recommended deficiency appropriation of \$1,000,000,000 for the Unemployment Insurance Benefit Fund.

STATE UNIVERSITY OF NEW YORK

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	2,995,421,325	2,794,255,000	(201,166,325)	-6.7%
Special Revenue-Other	4,410,501,000	4,713,602,000	303,101,000	6.9%
Special Revenue-Federal	275,500,000	298,500,000	23,000,000	8.3%
Capital Projects Fund	20,000,000	0	(20,000,000)	-100.0%
Capital Projects Fund - Advances	2,675,613,000	550,000,000	(2,125,613,000)	-79.4%
State University Capital Projects Fund	500,000,000	0	(500,000,000)	-100.0%
Internal Service Fund	12,410,000	15,300,000	2,890,000	23.3%
Cap Proj Fund - SUNY CC - Direct Auth Bonds	370,153,000	41,965,000	(328,188,000)	-88.7%
SUNY Dorms - Direct Auth Bonds	450,000,000	0	(450,000,000)	-100.0%
Total for AGENCY SUMMARY:	11,709,598,325	8,413,622,000	(3,295,976,325)	-28.1%

Agency Mission

(Executive Budget: pp. 83-91)

The State University of New York (SUNY) is the largest public university system in the nation. It consists of 64 campuses including four university centers, thirteen university colleges, two independent health centers, four specialized colleges of technology, five statutory colleges, six colleges of technology and thirty community colleges.

The State University of New York is included in the Education, Labor, and Family Assistance appropriation bill.

Programmatic Highlights

The State Fiscal Year (SFY) 2009-10 Executive Budget includes the following:

- a \$99,872,000 decrease in State support for operating expenses from an adjusted \$1,300,635,000 in SFY 2008-09 to \$1,200,763,000 in SFY 2009-10;
- a \$620 increase in undergraduate resident tuition, from \$4,350 to \$4,970, and a 21 percent increase for all resident graduate and 1st professional degree programs. The Executive

Budget also allows for the SUNY Board of Trustees to authorize differential tuition rates by campus and program for non-resident undergraduate students; and

- an average \$270 reduction in SUNY Community College Base Aid per full time equivalent (FTE) student, decreasing support from \$2,675 per FTE to \$2,405 per FTE.

Budget Detail

The Executive Proposal recommends a \$8,413,622,000 All Funds appropriation, a decrease of \$3,418,976,325 from SFY 2009-10. The Executive recommends a Deficit Reduction Plan that makes adjustments to agency appropriations resulting in total agency spending reductions of \$90,454,000 with reductions of \$72,618,200 in SFY 2008-09 and \$17,835,800 in SFY 2009-10.

State Operations

The Executive proposes a total General Fund operating budget of \$1,200,763,000 for State Operated campuses. This represents a \$267,441,500 decrease below the SFY 2008-09 level of \$1,300,635,000. The Executive also proposes a Deficit Reduction Plan that would reduce General Fund support by \$61,630,200 for SUNY State Operated Colleges in SFY 2008-09 due to a \$310 spring semester tuition increase. Of this \$310 spring semester tuition increase, an additional General Fund offset of \$6,847,800 in savings is recognized in 2009-10.

Proposed Increases

The Executive proposes \$43,365,000 in General Fund increases comprised of the following:

- a \$18,994,000 increase for additional collective bargaining costs for SFY 2009-10;
- a \$14,129,000 increase for personal and non personal service inflationary costs; and
- a \$10,242,000 increase in energy funding.

The Executive proposes an additional \$164,775,000 in Special Revenue appropriations to allow for additional tuition revenue from the \$620 tuition increase for resident undergraduate students and the 21.3percent increase for resident graduate students and 1st professional degrees.

The Executive proposes an additional \$59,186,000 increase in funding transferred from State University Tuition Reimbursable Account representing additional tuition revenue from past unspent revenue.

Proposed Decreases

The Executive proposes \$211,715,000 in General Fund reductions comprised of the following:

- a \$132,065,000 decrease in General Fund support which would be offset by additional revenue raised by increasing tuition;
- a \$40,000,000 decrease of General Fund support due to the offset from the SUNY's Income Fund Reimbursable account. This represents a replacement of General Fund support by increased funding from SUNY's revenue generating accounts;
- a \$22,777,000 decrease in General Fund support for university wide programs;
- a \$7,800,000 decrease in General Fund support representing the requirement of the SUNY Research Foundation to pay 10 percent of its indirect cost recoveries for using State-funded facilities;
- a \$6,000,000 decrease in General Fund support to Statutory Colleges; and
- a \$3,073,000 decrease in General Fund support resulting from the elimination of support for the Levin Institute.

Aid to Localities

The Executive proposes a total Aid to Localities appropriation of \$430,266,000 for SFY 2009-10, representing a \$17,364,000 decrease from adjusted SFY 2008-09 levels. Within this appropriation, funding in the amount of \$1,880,000 is maintained for contract courses for workforce development, \$1,001,000 for child care, \$1,692,000 in funding for high priority academic programs and \$940,000 for community colleges with low enrollment. The Executive also proposes a Deficit Reduction Plan that would reduce SUNY Community College Base Aid by \$10,988,000 in SFY 2008-09 and \$21,976,000 in SFY 2009-10.

Proposed Decreases

The Executive proposes the following:

- a \$17,230,000 decrease in Base Aid resulting from an average \$270 per FTE student reduction, from \$2,675 in SFY 2008-09 to \$2,405 in SFY 2009-10. The Executive proposes to distribute the decrease by reducing support for colleges with less than 3,000 FTE's by \$160, colleges with between 3,000 and 6,000 FTE's by \$230 and colleges with greater than 6,000 FTE's by \$300; and
- a \$134,000 decrease in Rental Aid.

Capital Projects

The Executive proposes a capital projects appropriation of \$591,965,000, a decrease of \$3,423,801,000 from SFY 2008-09 levels. This appropriation provides for the second year of the 5-year SUNY capital plan for critical maintenance that was enacted in SFY 2008-09; and an additional \$41,965,000 for the State's 50 percent share of Community College Capital Projects.

Article VII

The Executive recommends Article VII legislation that would:

- authorize the SUNY Board of Trustees to establish differential tuition rates at individual state-operated campuses by degree or program type;
- provide SUNY with enhanced flexibility in the areas of procurement and property management. The legislation allows SUNY to purchase goods and services without prior approval relying only on post-audit review by the State Comptroller. The legislation also makes SUNY affiliated organizations eligible for financing under the Dormitory Authority. The bill allows non-profit organizations associated with SUNY to participate in centralized contracts maintained by the Office of General Services. Also, the legislation broadens SUNY's authority as a healthcare provider, provides contracting flexibility, and allows it to participate in joint ventures. The bill also allows the State University Construction Fund to utilize alternative construction delivery methods and to establish guidelines for procurements consistent with those of public authorities. Finally, the bill indemnifies students who are enrolled in required academic residency and internship programs; and
- expand investment choices for the Optional Retirement Program for the State University of New York to include corporations that manage or invest in mutual funds.

STATE UNIVERSITY CONSTRUCTION FUND

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
Special Revenue-Other	19,722,000	19,586,000	(136,000)	0.7%
Total for AGENCY SUMMARY:	19,722,000	19,586,000	(136,000)	0.7%

ALL FUNDS PERSONNEL BUDGETED FILL LEVELS

Fund	Current 2008-09	Requested 2009-10	Change
All Other Funds:	135	135	0
TOTAL:	135	135	0

Agency Mission

(Executive Budget: pp. 527)

The State University Construction Fund (Fund) is a public benefit corporation established in 1962 to serve as the construction agent for academic buildings, dormitories and other facilities at State-operated institutions and statutory colleges under the jurisdiction of the State University of New York.

The Fund is included in the Education, Labor and Family Assistance Appropriation bill.

Budget Detail

The Executive recommends an All Funds appropriation of \$19,586,000. The Executive recommends funding support of 135 positions, which is consistent with State Fiscal Year 2008-09 levels.

State Operations

Proposed Decreases

- The Executive proposes a decrease of \$136,000 resulting from non-personal service reductions from the Fund's 2008-09 Financial Management Plan.

MISCELLANEOUS: EDUCATION, LABOR & FAMILY ASSISTANCE

	Adjusted Appropriation 2008-09	Executive Request 2009-10	Change	Percent Change
AGENCY SUMMARY				
General Fund	401,000	878,000	477,000	119.0%
Special Revenue-Other	829,800	829,800	0	0.0%
Special Revenue-Federal	30,000,000	30,000,000	0	0.0%
Capital Projects Fund	0	4,000,000	4,000,000	--
Total for Agency:	31,230,800	35,707,800	4,477,000	14.3%
Total Contingency:	0	32,000,000	32,000,000	--
Total for AGENCY SUMMARY:	31,230,800	67,707,800	36,477,000	116.8%

Budget Detail

(Executive Budget: pp. 528-534)

State Operations

Proposed Increases

Out of State Differential Tuition

The Executive appropriates \$20,000,000 for a transfer to the State University of New York's State Purposes account for any revenue resulting from differential tuition rates for students who do not have residency in New York State. The Executive also appropriates \$12,000,000 for a transfer to the City of New York's fiduciary account for any revenue resulting from differential tuition rates for students who do not have residency in New York State.

Capital Projects

Proposed Increases

Roosevelt Island Operating Corporation

The Executive proposes \$4,000,000 in Capital funding for the State's commitment to phase one of the Franklin Delano Roosevelt Four Freedoms Park located on Roosevelt Island.