

EXECUTIVE ORDERS

Executive Order No. 113.69: Continuing the Suspension of Certain Provisions of Law.

WHEREAS, on September 11, 2001, I issued Executive Order No. 113 declaring a disaster emergency in the State of New York;

WHEREAS, Executive Law § 29-a authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency;

WHEREAS, beginning on September 11, 2001 and continuing, I issued a series of Executive Orders to help victims and their families, expedite rescue and recovery efforts and assist State agencies and local governments in responding to the disaster caused by the attack on World Trade Center;

WHEREAS, Executive Law § 29-a provides that no suspension shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all the relevant facts and circumstances, the suspension may be extended for additional periods not to exceed thirty days each;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order that the suspension, alteration or modification of provisions of law ordered by Executive Orders Nos. 113.5, 113.30, 113.31, 113.36-A, as modified by Executive Order Nos. 113.51, 113.39. and 113.45 shall continue through September 30, 2003.

FURTHER, I do hereby order that the suspension, alteration or modification of Sections 2401 and 2402 of the Surrogate's Court Procedure Act, as ordered by the fourth paragraph of Executive Order No. 113.24, dated September 24, 2001, shall continue through September 30, 2003.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, the third day of September in the year two thousand three.

BY THE GOVERNOR
/S/ George E. Pataki
/s/ John C. Cahill
Secretary to the Governor

Executive Order No. 131: Establishing the New York State Commission on Education Reform.

WHEREAS, the education of our children is among the most vital and critical functions of government;

WHEREAS, Article XI, Section 1 of the Constitution requires the State to provide for a system of common schools wherein the children of this State may be educated; and

WHEREAS, on June 26, 2003, the Court of Appeals issued a

decision in the case of *Campaign for Fiscal Equity v. State of New York*, holding that the State must do more to ensure that children in New York City receive the opportunity to acquire a sound, basic education required by the State Constitution.

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. There is hereby established the New York State Commission on Education Reform ("Commission") which shall consist of at least sixteen and no more than twenty-five members appointed by the Governor, including one member of the State Senate who shall be appointed on the recommendation of the Majority Leader of the State Senate and one member of the State Assembly who shall be appointed on the recommendation of the Speaker of the State Assembly. The Governor shall designate the chair from among the members. The members of the Commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this Order.

2. The chair shall retain and, at his or her pleasure, remove an executive director and such other personnel as he or she may deem necessary for the performance of the Commission's duties pursuant to this Order and shall fix their compensation within the amounts made available therefor. The chair may also contract with outside experts and organizations as he or she may deem necessary, within the amounts made available therefor.

3. The chair may request and shall receive from any department, division, board, bureau, commission or agency of the State or any political subdivision thereof such assistance, data and cooperation as is necessary to enable the Commission to carry out the powers and duties described herein.

4. The Commission shall study and recommend to the Governor and the Legislature reforms to the education finance system in New York State and to any other state or local laws, rules, regulations, collective bargaining agreements, policies or practices, to ensure that all children have the opportunity to obtain a sound basic education, in accordance with the requirements of Article XI, § 1 of the State Constitution and applicable decisional law.

5. In carrying out its responsibilities pursuant to subdivision 4 of this Order, the Commission shall study and make recommendations regarding the following issues:

a. The actual cost of providing all children the opportunity to acquire a sound basic education in the public schools of the State of New York.

b. Reforms to the State's system of education finance to ensure an effective, efficient and accountable system of funding public education, including Federal, State and local resources, that provides all public school students with the opportunity to acquire a sound basic education.

c. Reforms to State and local laws, rules, regulations, collective bargaining agreements, policies and practices to ensure the effective and efficient provision of educational services. Such reforms may address:

i. The allocation of educational resources, including funding, teachers and other essential educational inputs, within local school districts;

ii. The proportion of educational resources, including funding, teachers and other essential educational inputs, that reaches the classroom;

iii. The funding obligations of local school districts and cities containing dependent school districts, including maintenance of effort requirements;

iv. The over-referral and over-placement of students in restrictive special-education settings;

v. Educational governance at the State and local levels;

vi. Mandate relief; and

vii. The construction, maintenance and financing of school facilities.

d. Improved accountability systems to ensure that all public schools are offering students the opportunity to acquire a sound basic education and are operating in an efficient and effective manner. Such reforms may include:

i. Alignment of the implementation of existing Federal and State accountability mechanisms, including the federal No Child Left Behind Act and the Schools Under Registration Review (SURR) process, to the sound basic education standard;

ii. Methods to improve the accountability of State and local officials and entities charged with overseeing and managing the State's public schools;

iii. Methods to improve the accountability of school administrators, teachers and other school personnel for the efficient and effective delivery of educational services; and

iv. Methods by which to improve the accountability of students and their parents for regular attendance of classes, appropriate discipline and adequate preparation.

e. Exploration of alternative diploma standards for students who have acquired a meaningful high school education that enables them to function productively as civic participants in contemporary society.

f. Alternatives for generating any new State and/or local resources which may be required as a result of the Commission's recommendations. The Commission shall consider the effect of its recommendations on school property taxes, particularly for elderly and disabled homeowners.

g. Any other issues that the Commission deems necessary or desirable to remove impediments to providing all children with the opportunity to acquire a sound basic education in an efficient and effective manner.

6. The Commission's study and recommendations shall be guided by the following principles:

a. Every school district should have the resources necessary to provide its students, including those students at-risk of academic failure, with the opportunity to obtain a sound basic education.

b. School districts should provide educational services in an effective and efficient manner.

c. The education finance system should allocate State resources in an equitable manner reflective of need and local fiscal capacity.

d. Major changes in the education finance system should be implemented over a reasonable, multi-year transition period to ensure the sustained and stable long-term provision of resources.

e. All persons involved in the State's education system, including State and local officials, school administrators, teachers, other school personnel, parents and students, should be held accountable for carrying out their responsibilities in an efficient and effective manner.

7. The Commission shall issue a final report to the Governor and the Legislature no later than March 1, 2004 and may issue interim or supplemental reports in its discretion.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, the third day of September in the year two thousand three.

BY THE GOVERNOR

/S/ George E. Pataki

/s/ John C. Cahill

Secretary to the Governor