



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

DEPUTY COMMISSIONER
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EXECUTIVE CORRESPONDENCE

April 13, 2018

APR 19 2018
OFFICE OF THE STATE COMPTROLLER
THOMAS P. DINAPOLI
COMPTROLLER

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Dear Comptroller DiNapoli:

The following is the New York State Education Department's (Department) final response to the Office of the State Comptroller (OSC) audit report, 2017-S-38: Compliance with the Enough is Enough Act.

Recommendation: As soon as is practicable

- Collect aggregate incident data from covered institutions; and
- Using the data acquired, issue a report on sexual assault incident data to the Governor and Legislature and publish statistics.

Department's Response: While the Department disagrees with OSC's interpretation of the deadline by which the Department was required to issue regulations relating to the reporting of data on annual incidents, and the deadline by which the Department must report such aggregate data to the Governor and Legislature, the Department is complying with the OSC's recommendation.

The Enough is Enough statute (Chapter 76 of the Laws of 2015) was enacted on July 7, 2015. Shortly after the statute was enacted, the higher education sectors advised the Department that several elements of the statute, including the reporting categories, which are different from those required under the Federal Clery Act, were confusing, undefined, and in need of further clarification before regulations could be issued. Over several months, the Department, working with the NYS Office for Campus Safety, developed a guidance document which was posted on the Department's website on June 2, 2016 in order to provide clarity to the field on the requirements of the new law.


As required by the new law, the Department then consulted with the higher education sectors concerning the data reporting regulations and the Department presented proposed regulations to the Board of Regents at its May 2017 meeting and following the 45-day public comment period required under the State Administrative

Procedure Act, adopted the regulations at their July 2017 meeting, thereby meeting the statutory deadline for issuance of the regulations.

During the required consultation with the higher education sectors, the sectors agreed that the Enough is Enough reporting schedule should align with the reporting schedule already required under the Clery Act (which requires institutions to report in October based on the prior calendar year data). As a result, the regulations require institutions to report the required data concerning incidents of sexual assault, dating violence, domestic violence and stalking for the prior calendar year on or before October 1, 2019 and each October thereafter.

In order to meet the needs of the field, while at the same time meeting the statutory deadline for a report to be issued by July 2018, the Department has notified institutions that they should submit interim aggregate data to the Department in May 2018 (for the period January 1-April 30). An additional communication will be sent to institutions in May 2018, with the instructions on how to access the electronic data reporting system in order to submit the data. The Department will then submit an interim report to the Governor and Legislature by July 2018 based on the data received. After all the required data has been submitted to the Department for calendar year 2018, the Department will then submit the final report to the Governor and Legislature as required by statute. The Department believes the collection of interim data and the submission of an interim report regarding that data will address OCS's recommendation.

Yours truly,

A handwritten signature in black ink that reads "Sharon Cates-Williams". The signature is written in a cursive, flowing style.

Sharon Cates-Williams
Deputy Commissioner

cc: Thalia Melendez

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