



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

**TO:** The Honorable the Members of the Board of Regents

**FROM:** Elizabeth R. Berlin *Elizabeth R. Berlin*

**SUBJECT:** 2017 State Legislative Initiatives

**DATE:** October 14, 2016

**AUTHORIZATION(S):** *Mary Ellen Elin*

**SUMMARY**

**Issue for Discussion**

The Regents advance state legislative priorities every year. At the October meeting, the relevant committees of the Board will discuss the draft initiatives to be advanced during the 2017 legislative session.

**Reason(s) for Consideration**

Review and update of the Regents legislative priorities.

**Recommendation**

Affirm support for last year's proposals as well as consider and approve amended and new legislative proposals for the 2017 legislative session (See Attachment).

## Discussion of Potential State Legislative Initiatives

P-12 Education		
Concept	Description	History/Notes
Tenure/Seniority Protections for Bilingual and ESOL Teachers/TAs	The potential legislation would require districts, in the event of an abolition of a position, to excess the teacher/teaching assistant with the least seniority in the tenure area of the position abolished, except where the retention of a less senior teacher/teaching assistant fluent in a specific language is necessary for the school to provide required bilingual/ESOL instruction.	By statute, when the position of a teacher/teaching assistant is abolished, the teacher or teaching assistant having the least seniority in the system within the tenure area of the position abolished must be discontinued. An unintended consequence is that as districts hire new bilingual teachers and teaching assistants to serve expanding populations of English language learners and subsequent layoffs are made due to fiscal constraints, districts may be forced to lay off the more junior bilingual or ESOL teachers or teaching assistants that they need.
Streamline Pre-K Programs	The potential legislation would eliminate fragmentation in the current prekindergarten system by expanding the allocation process that has been used for the Universal Prekindergarten Program since 1997 to all prekindergarten programs. This would occur through a multi-year phase in of prekindergarten program funding streams being absorbed into the school districts UPK allocation formula as competitive contracts expire.	<p>Currently, the Department administers seven separate and distinct prekindergarten programs in the State of New York. Each of these separate prekindergarten programs has a unique funding structure with varying requirements for quality standards and mechanisms for data collection and reporting. For school districts and community-based organizations that receive funding for multiple prekindergarten programs, these varying requirements become an administrative burden at the local level, and inhibits the seamless provision of high-quality prekindergarten programs to our youngest learners.</p> <p>The Department has in the past proposed the alignment of these programs through the Regents State Aid Proposal process. However, it is recommended that the Regents adopt this proposal as a legislative initiative to recommend a specific mechanism for accomplishing the alignment of these disparate programs.</p>
Tuition Rate Setting Index	The potential legislation would establish a statutory growth index based on an average of state personal income growth to establish predicable and timely tuition increases and allow for improved budget planning. In addition, the proposal would authorize providers to establish a general reserve fund.	<p>Tuition reimbursement for Special Act school districts and 853schools serving students with disabilities is based on a rate methodology that is established by the Department and approved by the Division of Budget (DOB).</p> <p>Based on provider and stakeholder feedback, and the Department’s analysis of submitted cost data, a lack of predictable growth to fund increasing costs and the inability to utilize reserve funding for unplanned or emergency expenditures have endangered the Special Act School District and 853 School’s capacity to operate essential special education programs for some of the most severely disabled school age children.</p>

**P-12 Education**

<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
Mandate Relief	The potential legislation would eliminate or reduce a significant number of statutory mandates and provide greater flexibility relating to curriculum, transportation, educational management services and special education.	While many mandates were originally enacted with good intentions, not all mandates have produced their intended results. During times when school district resources continue to be stretched, it is imperative that a thoughtful and targeted series of changes be made to repeal outdated mandates that have grown too burdensome and costly and which are not essential to improving results for students.
Authorize Recovered Overpayments to be Applied to Prior Year Adjustments	The potential legislation would allow the Department to net out prior year adjustments owed to school districts in the instance of any school aid overpayment recoveries.	During the course of school aid payments to school districts, there are times when the state owes money to districts, and situations where districts are overpaid and those sums must be recovered by the state. In the instances where funds must be recovered as a result of an overpayment to a district that is also owed a prior year adjustment, the state does not net out the funds owed to the district. This initiative would address this situation and allow districts to more quickly receive any funds they are owed.
Regional Secondary Schools Advisory Council	The potential legislation would establish a temporary advisory council composed of legislative and advocacy stakeholders tasked with developing a legislative proposal to establish regional high schools.	<p>Current state law has limited options for school districts to create and sustain high-quality collaborative secondary schools.</p> <p>School districts across the state need a mechanism to build collaborative secondary school partnerships that will provide greater educational services to students. While the Department has proposed legislation in the past to accomplish this, the legislation has not been enacted and it is recommended that the Regents consider a revision to this initiative that includes establishment of a temporary advisory council to develop a proposal with stakeholder feedback.</p>
Modernizing SED Authority to Intervene and Support Struggling School Districts	The potential legislation would modernize several disparate and disjointed intervention authorities that are provided to the Department to intervene in school districts, including distinguished educators, joint intervention teams, and educational partnership organizations in order to align these authorities and ensure that they become more useful tools for the Department to employ in districts that need special assistance and oversight.	<p>Over the years, several changes in law have provided the Department with authority to intervene in school districts. However, these efforts have often been disjointed and driven by administrations with different outcomes in mind.</p> <p>As a result, while Education Law provides several options for intervention in struggling schools, these tools are often not accessible or effective, leaving the Department with few levers to compel change in struggling districts, or to provide them with the oversight, assistance and support they need.</p>

<b>Higher Education</b>		
<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
DREAMers	<p>The potential legislation would eliminate provisions in state law that require students to be a US citizen or permanent lawful resident to receive general awards, including TAP, academic performance awards, scholarships or other financial assistance.</p>	<p>In New York, thousands of undocumented students receive education through the state’s P-12 public school system, yet are precluded from the opportunity to access higher education due to financial aid restrictions, denying them the opportunity to get the education they need to fully participate in the state’s economy.</p> <p>For years, the Assembly has recognized the injustice done to these students by the state’s current eligibility laws and has passed a proposal similar to the Regents legislative priority. It is recommended that the Regents reauthorize this proposal as a legislative priority.</p>
Institutional Accreditation	<p>The potential legislation would allow the Department to spend the fees related to supporting accreditation services, which would include the addition of dedicated accreditation staff, and expenses incurred in order to support and enhance conducting accreditation of institutions of higher education.</p>	<p>The Regents have been engaged in the evaluation of quality in higher education in New York since 1787 and the federal government has recognized the Regents as a national institutional accrediting agency since 1952, the only state with this recognition. Currently, 23 New York colleges and universities hold institutional accreditation by the Regents.</p> <p>Other institutional accrediting agencies in this region, (e.g., the Middle States Commission on Higher Education (“Middle States”) and the Accrediting Council for Independent Colleges and Schools (ACICS), support their functions by charging their participating institutions.</p>

<b>Professions</b>		
<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
Enhanced Disciplinary Authority/Summary Suspension	The potential legislation would add moral character requirements to the professions that currently do not have them, require that licensees notify the Department within 30 days of conviction of a crime or pending conviction of a crime rather than when applying for registration/re-registration every 2-3 years, create a summary suspension of a license when there are serious public health and safety issues, and provide appropriate Department staff with access to patient records to effectively investigate claims of professional misconduct.	<p>Following public reports regarding nurses, the Department worked with the Legislature to develop legislation to strengthen professional discipline and oversight.</p> <p>Last year, this legislation passed the Senate, but was stalled in the Assembly.</p>

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<b>Cultural Education</b>		
<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
Museum Education Act	<p>The potential legislation would establish competitive grants to support cultural institutions that seek to establish or improve museum education programs designed to improve and support student learning opportunities, including supporting the development of local curricular aids.</p> <p>Over 1,300 museums, historical societies, zoos, botanical gardens, aquariums and cultural arts institutions currently provide relevant and engaging education programming to students and could benefit from such funding.</p>	<p>New York has world class cultural institutions that have the ability to engage students in unique ways which entertain and excite, helping them to learn critical higher-order thinking skills needed to meet such challenges.</p> <p>In recent years, the cultural institutions overseen by the Department have expanded their missions to support our education reform efforts, including at the American Museum of Natural History which is preparing a new generation of Earth Science teachers, and through professional development conferences coordinated with representatives from cultural institutions to support implementation of the state's learning standards.</p>

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<b>ACCES</b>		
<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
Reader's Aid	<p>The potential legislation would increase the annual aid cap per student, expand eligibility to include non-degree granting proprietary schools in New York State, provide eligibility for students with learning disabilities and print disabilities, and authorize the use of up to half of the funds for the purchase of assistive technology.</p>	<p>Since enactment in 1936, the Reader's Aid Program has provided funding of up to \$1,000 per student per year to colleges and universities to use on behalf of their students who are blind, deaf, deaf-blind, or hard of hearing.</p> <p>This funding has been used to date to help to meet the costs of note-takers, readers, and interpreter services. By limiting funding to be spent by the schools to note-takers, readers, and interpreter services, the current Reader's Aid Program fails to address fully the challenges of today's student as they seek to integrate changing technology with educational goals.</p> <p>By using existing funding to increase the per student award to the Reader's Aid Program for the first time in over 70 years, participating schools would be better equipped to meet the soaring costs of support services, including interpreter services, for their eligible students.</p>

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