



TO: The Honorable Members of the Board of Regents

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SUBJECT: 2021-22 Non-State Aid Budget and Legislative Priorities

DATE: November 5, 2020

AUTHORIZATION(S): *Phyllis D. Morris*

SUMMARY

Issues for Discussion

The Regents advance Non-State Aid budget and legislative requests every year, which reflect initiatives that support the Board's priorities by augmenting or adding funds to the State Education Department's budget. These funds are necessary to meet the Board's policy priorities

At the October meeting, the relevant committees of the Board reviewed and discussed these previous Non-State Aid proposals, as well as identified and discussed any new initiatives the Committees wanted to consider. At the November meeting, the modified or new proposals will be discussed for further consideration and will then come before the full Board in December for final approval.

Reason(s) for Consideration

Review and discussed the modified or new Regent's Non-State Aid budget and legislative priorities.

Recommendation

It is recommended that the Regents review and discuss, as appropriate, any modified or new proposals for inclusion in the Board's 2021-22 Non-State Aid budget and legislative priorities.

Attachment

2021-22 Potential Non-State Aid Budget Priorities – P-12 & Department-Wide

Proposal Description	Policy Area	Recommendation
<p>Promotion of School Safety, Positive School Climate and Bullying Prevention- Increase the Safe and Supportive Schools Grants Program. Expand the capacity of Department staff to provide guidance to and monitor school district compliance with school safety emergency response planning, DASA and ESSA accountability requirements regarding chronic absenteeism and school suspension. Increase the capacity of the Center for School Safety and Supportive Schools Technical Assistance Centers to provide on-site technical assistance and resources for schools to assess their current school climate and provide schools with the support necessary to develop and implement plans for improving school culture, climate, and safety.</p>	Equity	<p>Hold- potentially bring back this priority once state’s fiscal situation has improved; pursuant to larger whole child discussion.</p>
<p>Supporting Improvements in Struggling Schools- Funding to facilitate training for Comprehensive Supports and Improvement (CSI) and Targeted Support and Improvement (TSI) schools and to provide individualized support to 177 CSI schools.</p>	ESSA	<p>Keep- \$3.5M</p>
<p>Establishing Regional Early Learning Technical Assistance Centers- Implementing the recommendations of the Regents Early Childhood Workgroup’s Blue Ribbon Committee by establishing three Technical Assistance Centers to provide support to early care and educational settings across the State.</p>	Early Learning	<p>Hold- bring back this priority once state’s fiscal situation has improved.</p>
<p>Transforming Teacher and Leader Preparation Programs- Implementing the recommendations of the Regents Early Childhood Workgroup’s Blue Ribbon Committee by establishing a birth to grade 3 teacher preparation program (\$1.2M each year for four years) and birth to grade 12 leader preparation programs (\$1.2M each year for two years), and associated staffing costs (\$100,000).</p>	Early Learning	<p>Hold- bring back this priority once state’s fiscal situation has improved.</p>
<p>Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities & Special Act School Districts-</p> <ul style="list-style-type: none"> • Funding for a Pipeline to Incentivize Special Education Provider Staff to Obtain Appropriate Certifications - \$2M • Student Loan Forgiveness Funds - \$2M 	Equity	<p>Hold- bring back this priority once state’s fiscal situation has improved.</p>

Proposal Description	Policy Area	Recommendation
<p>Increasing Districts' Capacity to Serve English Language Learners- New funding to be allocated to school districts to enhance curriculum and increase instructional supports for the education of ELLs.</p>	ELLs	Hold- bring back this priority once state's fiscal situation has improved.
<p>Ensuring Equal Opportunities for English Language Learners- Funding to expand staff at NYSED's Regional Bilingual Education Resource Network (RBERN) and Statewide Language RBERN support centers to increase the amount of support services provided to school districts throughout New York State.</p>	ELLs	Hold- bring back this priority once state's fiscal situation has improved.
<p>Ensuring the Appropriate Provision of English Language Learner Services- Creating a new English Language Proficiency assessment for English Language Learners with Severe Cognitive Disabilities. This assessment is needed to bring NYS in compliance with ESSA's requirement to accurately measure the English language proficiency of this special population of students.</p>	ELLs/ESSA	Keep- \$1M (\$1M for the first two years and \$2M for the third year).
<p>Supporting the Blue Ribbon Commission on Graduation Measures- This Commission will review research, practice and policy to gather input from statewide stakeholders on diploma requirements to ensure all students have access to multiple graduation measures. The funding request would support project management costs and event costs associated with the statewide Commission meetings.</p>	Equity	Remove- pursued other funding.
<p>Modernizing the Education Finance Data System- Funding to support phase two, which involves consolidating more than 50 different legacy systems and moving all technology off the mainframe. The request is for a total of \$41M across four years, of which \$23.7M would fund the cost to build the system; \$6.5M would fund the staffing cost for the SED project team; and \$10.8M would fund maintenance and support. \$5.7M would be needed for the annual cost of ongoing maintenance and support of the completed system starting in year 5.</p>	Efficiency	Hold- bring back this priority once state's fiscal situation has improved.

Proposal Description	Policy Area	Recommendation
Digital Equity/Literacy Proposal	Equity	<p>New- \$8M; as part of comprehensive efforts to promote digital equity in New York, the Department would propose that \$8M be made available for grants to organizations to provide support to parents and guardians of students related to remote learning- including but not limited to assistance in accessing internet service, technical assistance, and digital fluency skills acquisition- to narrow the digital divide in New York.</p> <p>These funds would be targeted to high-needs areas and will support efforts of organizations with both the capacity to engage in this work, and a knowledge of and ties to the communities or regions they serve.</p> <p>Resources created through these funds would be available for the entire state to utilize and modify to meet local and regional needs.</p>
Building Oversight and Support Capacity at SED- Creation of a 5% set-aside within all new programs for administrative oversight and technical assistance, as is common in federal grants and programs.	Efficiency	Keep
Enhancing Transparency by Webcasting and Transcribing Regular Board of Regents Public Meetings	Efficiency	Modify- \$220,000; added fiscal (\$20,000) for ASL Simultaneous Interpretation.
Enhancing Communication with Multilingual Parents, Students and Professionals- Funding to support the translation of documents into languages other than English, in support of the Department’s goal of making available culturally responsive-sustaining and linguistically accessible resources for the field and public.	ELLs	Keep- \$1.5M

2021-22 Potential Legislative Priorities with Budgetary Implications – P-12

Proposal Description	Policy Area	New or Previous Proposal?
<p>Tuition Rate-Setting Redesign and Funding Parity-</p> <ul style="list-style-type: none"> • Dedicate Targeted Resources to Design a New Tuition Rate-Setting Methodology- \$1.25M • Create a statutory index to provide parity in annual funding increases for both school-age and preschool providers. 	Equity	<p>Keep- \$1.25M; no fiscal growth would be assumed for the 2021-22 statutory index.</p>

2021-22 Potential Legislative Priorities – P-12

Proposal Description	Policy Area	New or Previous Proposal?
<p>Mandate Relief and State Aid Claims Flexibility- Provide districts with additional relief and greater flexibility relating to educational management including but not limited to:</p> <ul style="list-style-type: none"> • Expand the funds available to pay claims in the first-come-first served queue; • Forgive penalties associated with the late filing of Final Cost Reports for all school district construction projects approved by the Commissioner before July 1, 2011; • Allow districts to lease space outside of the district in certain emergency situations; • Allow transportation contracts to be submitted electronically in a form approved by the Commissioner when available; and • Authorize school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction. 	Efficiency	<p>Modify- An updated proposal would be expanded to address additional provisions such as, but not limited to:</p> <ul style="list-style-type: none"> • Enhancing School District Reserve Fund Flexibility- Extend the current pay-back period and lower the percentage that needs to be paid back each year so that more school districts can take advantage of this flexibility. The repayment period and levels would take into consideration a district's ability to raise local revenue; • Increasing flexibility for small districts to meet unanticipated expenses by allowing targeted exceptions to the 4% fund balance limit; • Enhance Transportation Aid in light of the pandemic/declared emergencies- Currently, Transportation Aid is not designed to be responsive to real world issues that school districts and 4410 providers across NYS have experienced as a result of the pandemic, this includes:

Proposal Description	Policy Area	New or Previous Proposal?
<p>Mandate Relief and State Aid Claims Flexibility Continued</p>	<p>Efficiency</p>	<p>being reimbursed for utilizing buses to deliver meals, needed educational materials, or acting as mobile hot spots so students could successfully engage in remote learning as well as providing aid to school districts and counties in order to maintain school bus services and operations for all students, including preschool special education students, even when not in service during a pandemic or declared emergency, as there is still a cost in doing so; and</p> <ul style="list-style-type: none"> • Discontinue duplicative financial transparency reporting in light of the full implementation of the federally-required ESSA financial transparency reporting (repeal Education Law Section 3614).
<p>Regional Secondary Schools Advisory Council- Create a temporary advisory council in order to examine the previously proposed legislation and identify barriers and areas of concern; review regionalization models in other states; identify potential models that would work in New York; and make recommendations.</p>	<p>Efficiency</p>	<p>Keep</p>
<p>Increasing Access to College and Affordability for Students through Early College High Schools & PTECH- Codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.</p>	<p>Equity</p>	<p>Keep</p>
<p>Improving Educational Outcomes for Justice System Involved Youth- Statutory changes to:</p> <ul style="list-style-type: none"> • Require the School Districts of Location of a justice system facility to issue a diploma for students who have fulfilled the graduation requirements while placed in the facility. • Create a statutory FERPA exception so that education records can be released to juvenile detention centers from LEAs without written parent consent. 	<p>Equity</p>	<p>Keep</p>

2021-22 Potential Non-State Aid Budget Priorities – Higher Education

Proposal Description	Policy Area	New or Previous Proposal?
<p>Transforming Teacher and Leader Preparation Programs- Implementing the recommendations of the Regents Early Childhood Workgroup’s Blue Ribbon Committee by establishing a birth to grade 3 teacher preparation program (\$1.2M each year for four years) and birth to grade 12 leader preparation programs (\$1.2M each year for two years), and associated staffing costs (\$100,000).</p>	Early Learning	<p>Hold- bring back this priority once state’s fiscal situation has improved.</p>
<p>Expanding the Provision of Certification Examination Fee Waiver Vouchers- Funding to expand the provision of certification examination fee waiver vouchers to assist economically disadvantaged educator candidates in paying for the examinations required for certification.</p>	Equity	<p>Hold- bring back this priority once state’s fiscal situation has improved.</p>
<p>Increasing Access to a Highly Qualified Diverse Teaching Workforce- Expand TOC II- Increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers through the establishment of a separately appropriated Teacher Opportunity Corps II program.</p>	Equity	<p>Hold- bring back this priority once state’s fiscal situation has improved; focus on maintaining last year’s funding levels.</p>
<p>Supporting NYS Access and Opportunity Programs- Increasing resources for the state’s higher education opportunity programs, which are available to students attending colleges and provide access to higher education to students who might not otherwise have the opportunity.</p> <ul style="list-style-type: none"> • Arthur O. Eve Higher Education Opportunity Program (HEOP); • Science and Technology Entry Program (STEP); • Collegiate Science and Technology Entry Program (CSTEP); and • Liberty Partnerships Program (LPP). 	Equity	<p>Hold- bring back this priority once state’s fiscal situation has improved; focus on maintaining last year’s funding levels.</p>
<p>Enhancing Teacher Effectiveness- Expanding the Shanker Grant to increase access to National Board for Professional Teaching Standards (National Board) certification, which allows teachers to hone their practice, provides professional development, and enhances teacher effectiveness.</p>	Efficiency	<p>Hold- bring back this priority once state’s fiscal situation has improved; focus on maintaining last year’s funding levels.</p>

2021-22 Potential Legislative Priorities with Budgetary Implications – Higher Education

Proposal Description	Policy Area	New or Previous Proposal?
Enhancing Supports and Services for Postsecondary Success of Students with Disabilities - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	Modify - \$7M; needs further discussion to modify the funding distribution method. Original priority would come back when state's fiscal situation has improved.

2021-22 Potential Non-State Aid Budget Priorities – ACCES

Proposal Description	Policy Area	New or Previous Proposal?
Establishing a Bridge to College and Careers Pilot Program - Bridge programs enable out-of-school youth and adults to obtain critical basic skills and high school equivalency diplomas which would lead to programs resulting in industry-recognized credentials for employment or a college degree.	Equity	Keep - \$3M
Funding the Expansion of the Readers Aid Program - Provide sufficient funding to meet the current statutory requirements of the Reader's Aid program.	Equity	Keep - \$706,000 (request would increase the \$294,000 funding level to an annual level of \$1M).

2021-22 Potential Legislative Priorities with Budgetary Implications – ACCES

Proposal Description	Policy Area	New or Previous Proposal?
Enhancing Supports and Services for Postsecondary Success of Students with Disabilities - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	Modify - \$7M; needs further discussion to modify the funding distribution method. Original priority would come back when state's fiscal situation has improved.

2021-22 Potential Legislative Priorities – ACCES

Proposal Description	Policy Area	New or Previous Proposal?
<p>BPSS School Mandate Relief & Enhanced Student Protections Proposals</p>	<p align="center">Efficiency</p>	<p>New- The Department would advance the following proposals:</p> <ul style="list-style-type: none"> • Continue to require new owners to obtain a new license to operate, however, would not require the emergence of a “new school” or require a “new school” application in cases where there is no change to the operating conditions of the previous license. This would streamline the process for new owners and for the Department and would reduce confusion or discontinuity for students attending the same school under new ownership; • Exemption from obtaining individual curriculum approval to offer non-occupational courses for personal enrichment, while still requiring schools to register such courses with the Department; • Notice to the Department of any event or action that may impact the financial viability or operation of a private career school or ESL school; and • Prohibition against intimidation or retaliation towards students who may or do submit a written complaint against their school to the Department.

2021-22 Potential Non-State Aid Budget Priorities – Professional Practice

Proposal Description	Policy Area	New or Previous Proposal?
<p>Development of an Electronic Licensing and Document Management System to Improve Customer Service- Spending authority to use funds resulting from a 15% registration fee increased authorized by the Legislature in 2009 for the third year of a project to replace a 35-year-old COBOL-based licensing system and enhance the customer experience.</p>	Efficiency	Keep- \$7.85M in 2021-22 to continue this process.

2021-22 Potential Legislative Priorities – Professional Practice

Proposal Description	Policy Area	New or Previous Proposal?
<p>Enhanced Discipline Authority of the Licensed Professions- Enhance the Department’s discipline authority over all licensed professions it oversees by:</p> <ul style="list-style-type: none"> • Authorizing the Commissioner or her/his designee, after an investigation and a recommendation by the professional conduct officer, to order a temporary suspension of practice privileges of a licensee or registered entity in extreme cases where there is an imminent danger to the health and/or safety of the public. • Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure. • Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner. 	Efficiency	Keep
<p>Healthcare Professional Data Collection- Requiring that, in conjunction with each triennial registration, licensed healthcare professionals provide the Department, working in conjunction with the Center for Healthcare Workforce Studies, census information regarding their professional medical activities. Such public, deidentified and aggregate data would be used to evaluate needed services in NYS and such other concerns as the Department may face.</p>	Efficiency	Keep

2021-22 Potential Non-State Aid Budget Priorities – Cultural Education

Proposal Description	Policy Area	New or Previous Proposal?
<p>Increasing State Aid for Library Construction- Increasing funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries. The \$11M request would increase the current \$34M funding level to an annual level of \$45M.</p>	Equity	<p>Modify- \$20M; to get this aid back to the 2019-20 \$34M level and include a focus on libraries addressing digital equity needs in their communities in these projects.</p>
<p>Continuing Access to the NYS Summer School of the Arts- State funding to ensure that NYSSSA can remain available to all eligible students regardless of financial need and to reduce the negative balance in the Cultural Education account.</p>	Equity	<p>Hold- bring back this priority once state’s fiscal situation has improved; raise 2021-22 fiscal issues and solution is needed next year with Legislature and Executive this upcoming session.</p>

2021-22 Potential Legislative Priorities with Budgetary Implications – Cultural Education

Proposal Description	Policy Area	New or Previous Proposal?
<p>Expanding Access to Education Programs through Cultural Institutions- Establish competitive grants through the Museum Education Act 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>	Equity	<p>Modify- The Department would propose a \$500,000 pilot program to support museums and cultural institutions with continuing to reach audiences who cannot physically visit their institution, with a particular focus on reaching and supporting teachers and students remotely. Partnering with MANY to manage this pilot program and distribute the funding, funding could be distributed by budget size in competitive grants that could serve museums and cultural institutions located in or serving high needs districts for activities such as:</p> <ul style="list-style-type: none"> • Research, development, and publication of digital curriculum and teacher resources;

Proposal Description	Policy Area	New or Previous Proposal?
<p>Expanding Access to Education Programs through Cultural Institutions Continued</p>	<p>Equity</p>	<ul style="list-style-type: none"> • Civics and citizenship on-line classes for New Americans that use museum collections and resources; • Online teacher training through the Continuing Teacher and Leader Education program of the Office of Teaching Initiatives; • Salary support for museum staff to share resources through remote learning; and • Research, planning, and production of virtual exhibitions to improve student learning in history, science, languages, and the arts.

2021-22 Potential Legislative Priorities – Cultural Education

Proposal Description	Policy Area	New or Previous Proposal?
<p>Streamline & Modernize Library Program Requirements</p>	<p>Efficiency</p>	<p>New- The Department would propose changes to Education Law that are funding neutral technical amendments to streamline and modernize program requirements, retain program intent, and sustain or improve program outcomes including, but not limited to:</p> <ul style="list-style-type: none"> • Amend Education Law Section 273-a State Aid for Library Construction to extend the program time period from three years to four years for project completion; and • Streamline New York Public Library (NYPL) Research Libraries formula language in Education Law

Streamline & Modernize Library Program Requirements Continued	Efficiency	273(1)(g) for general support of the NYPL Research Libraries to combine the separate amounts of \$767,000 and the \$5,649,000 stated in the statute into one amount, \$6,416,600 in order to ease reporting requirements.
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