





TO: Adult Career and Continuing Education Services (ACCES) Committee

FROM: Kevin G. Smith 

SUBJECT: Proposed Repeal and Addition of a New Part 147 of the Regulations of the Commissioner of Education Relating to the Readers Aid Program to Implement Chapter 350 of the Laws of 2017

DATE: May 31, 2018

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents repeal Part 147 and add a new section Part 147 of the Regulations of the Commissioner of Education relating to the Readers Aid program to implement Chapter 350 of the Laws of 2017?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented to the Adult Career and Continuing Education Services (ACCES) Committee for discussion at its June 2018 meeting.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on June 25, 2018. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

The Readers Aid Program has existed under New York State statute since 1936 to provide New York State residents who were deaf or blind with funding for notetaking and reader services in support of a student's college or university education. The original statute had provided that:

- Funding provided under the Program by the Department to a college or university for use on behalf of a student could be used only for reader and/or notetaker services, and in an amount not to exceed \$1,000 per year per student;
- Colleges or universities eligible to receive funding on behalf of a student were limited to only those degree-granting schools recognized by the Board of Regents.

Chapter 350 of the Laws of 2017 provides for an expansion in eligibility, funding and use of the funds for the Readers Aid Program. Chapter 350 took effect on January 21, 2018. Acknowledging the fundamental role of technology in the pursuit and attainment of a wider array of educational goals, and recognizing the increased costs associated with the provision of services to students with disabilities, the proposed regulations will enhance the Readers Aid Program by:

1. Expanding the use of funding for the Readers Aid Program to include "the purchase of technology" including computers and electronic readers to assist the student in reading or to aid the student in receiving instruction;
2. Increasing the funding available for use on behalf of the student from \$1,000 per year per student to \$4,000 per year per student; and,
3. Expanding the categories of colleges or universities eligible to receive funding to include licensed private career schools located within New York State.

Timetable for Implementation

Following the 60-day public comment period under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be adopted as a permanent rule at the September 2018 meeting. If adopted at the September 2018 meeting, the proposed amendment will be effective on October 3, 2018.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 203, 305 and 4210 and Chapter 350 of the Laws of 2017.

1. Repeal Part 147 of the Regulations of the Commissioner of Education and a new Part 147 of the Regulations of the Commissioner of Education shall be added as follows:

Part 147

Aid for Blind or Deaf Students

§147.1 Definitions. As used in this Part:

- (a) The Department shall mean the New York State Education Department.
- (b) Academic institution shall mean a college, university, technical or professional school, including agriculture and technical institutes and state institutes of applied arts and sciences, located in this state and authorized by law to grant degrees; or a licensed private career school as defined in Article 101 of New York State Education Law and located in New York State, other than an institution established for the regular instruction of the blind or deaf.
- (c) Academic year shall mean the regular school year beginning September 1 and ending August 31.
- (d) Eligible student shall mean a blind or deaf student who is a citizen of this State and attends an academic institution as defined in this section.
- (e) Technology shall mean equipment, machinery or tools that are used to provide students with supports to read or to assist the student in reading textbooks and/or pamphlets and/or improve the student's ability to read in order to receive instruction in his or her academic studies.

§147.2 Application.

(a) An academic institution seeking funding under this section shall submit an application, on a form prescribed by the Commissioner, identifying the number of eligible students matriculated and attending the academic institution as verified by the president, or the equivalent title, of the academic institution, and the estimated amount of funds requested to support each student. Subject to the annual appropriation, the Department will authorize payment to the applying academic institution in an amount not to exceed \$4,000 for each student for each academic year on a first-come, first serve basis.

(b) Timeline for Submission of Applications.

(1) For the Fall semester, the academic institution shall submit completed applications and all required documentation to the Department by November 1 of the academic year for which funds are requested.

(2) For the Spring semester, the academic institution shall submit completed applications and any required documentation to the Department by March 1 of the academic year for which funds are requested.

(3) For the Summer semester, the academic institution shall submit completed applications and any required documentation to the Department by July 1 of the academic year for which funds are requested.

§147.3 Limitations on Funding

(1) Funding received by an academic institution pursuant to Education Law §4210 shall be used for eligible students for the following purposes:

(a) to provide eligible students with supports to read including the employment of readers, notetakers, interpreters, and/or the purchase of technology to assist the

student in reading from textbooks and pamphlets in his/her studies at the academic institution; or

(b) to aid such student in receiving instruction in such studies.

(2) Any academic institution that receives funding under this section shall ensure that it has a policy in place that requires students that are no longer eligible for Readers Aid to return any technology used by such student and/or purchased by the academic institution on behalf of such student under this section to the academic institution unless such technology becomes obsolete or damaged as determined by such institution. The academic institution shall use any returned technology for other matriculated students in the Readers Aid program unless otherwise approved by the Commissioner or such technology is destroyed or no longer usable.

(3) By September 30 of the academic year for which funds have been provided, the academic institution shall return any unspent funds to the Department.

§147.4 Reporting

(a) By August 31 of the academic year for which funds are provided under the statute, each academic institution receiving funds pursuant to this subdivision shall submit to the Commissioner, on a form and manner prescribed by the Commissioner, a final accounting for the use of such funds. Such accounting shall include:

(1) the actual number of blind or deaf students eligible for aid under this section and matriculated and attending the institution; and

(2) an itemized accounting, per eligible student, for readers aid supports, including any technology purchased with funding under this section during such academic year.

§147.5 Monitoring

In addition to the annual reporting requirements described in section 147.4 of this Part, the Department may conduct periodic reviews of academic institutions to ensure that funding under this section is used in accordance with Education Law §4210 and this Part.