

**BOARD OF REGENTS
LEGISLATIVE AGENDA
UPDATE: MARCH 7, 2011**

- **Financing of Regents Exams.** These exams and other assessments are vital to implement a robust teacher evaluation system. Ongoing meetings with the Legislature and Executive.
- **Tenured Teacher Hearing Reform.** Reform of this system would stabilize the financing and speed resolution of disciplinary actions. Legislation was submitted on March 4, 2011.
- **GED Improvement Plan.** Imposition of a reasonable fee and test readiness measures would dramatically improve program finances and success rate of test takers. Legislation will be submitted this week.
- **Quality and Excellence in Business and Trade Schools.** Our proposal would strengthen oversight and consumer protection and adjust fees to provide the necessary resources for implementation. Legislation was submitted last month.
- **Other Legislation** that will be submitted over the coming weeks includes BOCES as a regional leader, intervention in chronically underperforming school districts, TAP eligibility for full time students in early college high school programs and revised standards of academic progress for students receiving TAP.

- **Summer School for the Arts Program.** The administration of this program has been moved from the Office of P-12 to the Office of Cultural Education (OCE). OCE will be seeking efficiencies to try to reduce the cost of this program and we will be seeking private funding.

**FINANCING OF REGENTS EXAMS
SED BUDGET/LEGISLATIVE PROPOSAL**

The Problem:

Recent reductions in State General Fund and past reliance on federal carryover funds now no longer available have created a structural imbalance between the Department's available resources and the costs of administering the Regents examinations program. General Fund operating support has been cut by nearly 1/3 over the last two years and the Executive Budget reduces it another 10%. In addition, the costs of the Regents program have risen over time as a result of inflation, the addition of exams, increased costs of vendor contracts and the need for more security.

The Department eliminated some exams this year because of insufficient funding including: Grade 5 and 8 social studies exams, Grade 8 Second Language Proficiency exams, Component retesting in Math and English Language Arts, High school foreign language Regents exams in German, Hebrew and Latin, and August Algebra2/Trigonometry and Chemistry exams. These actions saved over \$6 million.

These exams are absolutely vital to education reform and the implementation of a robust teacher evaluation system. Without them there is no standardized way to measure how well students are learning.

The Solution:

1) State funding of \$15 million to support Regents exams in:

<input type="checkbox"/> Italian, French and Spanish	<input type="checkbox"/> Physical Setting/Earth Science
<input type="checkbox"/> U.S. History and Government	<input type="checkbox"/> Physical Setting/Living Environment
<input type="checkbox"/> Global History and Geography	<input type="checkbox"/> Integrated Algebra
<input type="checkbox"/> Comprehensive English	<input type="checkbox"/> Geometry
<input type="checkbox"/> Physical Setting/Physics	<input type="checkbox"/> Algebra 2/Trigonometry
<input type="checkbox"/> Physical Setting/Chemistry	

And, new English Regents exams for grades 9 and 10, which are necessary to obtain the same continuity in testing that exists for other subject areas.

This funding would also allow for the restoration of the grades 5 and 8 social studies exams and continuation of the January administration of Regents exams and translations of exams into Chinese, Haitian-Creole, Korean and Russian.

2) Or, local funding of \$15 million from the school districts to support the tests listed above:

The cost of Regents exams could be transferred to school districts based on a per student fee. Under this option, the Department would intercept State aid to school districts for the cost of Regents exams and deposit the intercept in one of the Department's accounts for it to be spent on Regents exams.

Absent additional state or local funding, Regents exams that aren't required for Federal accountability will need to be eliminated and additional cuts to SED's programs will be necessary.

TENURED TEACHER HEARINGS (§3020-a) REFORM SED LEGISLATIVE PROPOSAL

The Problem:

The current tenured teacher hearing process is an ineffective process for districts, teachers and principals and does not serve the State's interests to fairly and swiftly adjudicate hearings in a cost-effective manner. Over the years, the volume of cases, the number of hearing days to resolve the cases, and the arbitrator rates have steadily increased, spiraling costs out of control. Also, these proceedings are funded entirely by the State.

The State appropriation has not met actual costs for many years. As such, arbitrators cannot be paid in a timely manner and many are resigning or refusing to conduct further hearings due to the 15-month backlog on payments. In NYC, it takes almost 20 months to resolve cases where the teacher is found guilty. In the rest of the state, guilty decisions take 2 years.

New regulations in teacher and principal evaluations will cause the number of cases to continue to increase, causing even further delays. The State's education reforms are dependent upon a modernized tenured teacher hearing process.

The Solution:

Our proposed legislation will reduce the lengthy hearing process through procedural and fiscal reforms. It would:

- Stabilize the State's share of the costs and more closely align the fiscal responsibility for these types of hearings to those involving State unionized employees (like CSEA and PEF) while preserving due process rights. The State will subsidize program costs up to the appropriation amount and expenses above that will be shared equally by the school district and the employee's bargaining unit. Although school districts would now be responsible for a share of the costs, speedier hearings will decrease their expenses for the "suspended with pay" tenured teacher, by either restoring them to the classroom or removing them from the payroll.
- Streamline the process to address lack of appropriate certification by allowing for immediate suspension of an employee upon a determination by the Commissioner that the employee lacks the appropriate certification for their position.
- Limit costs by allowing the Commissioner to: set the maximum rates paid to arbitrators; place a limit on the number of study hours that can be claimed; and only pay for actual hours of service performed.
- Provide parity for both parties by implementing reciprocal discovery, similar to other administrative proceedings (like SAPA), so that schools would be informed of teachers' defenses.
- Authorize the Commissioner to disqualify an arbitrator from serving on future cases for the repeated failure to comply with statutory time frames.
- Change the appeal option from an Article 75 proceeding to an Article 78 proceeding, thus restoring a broader judicial review of arbitrator decisions.

GED IMPROVEMENT PLAN SED LEGISLATIVE PROPOSAL

The Problem:

New York is one of only four states in the US that do not charge a fee to sit for the General Educational Development (GED) exam. With over 50,000 candidates, 2nd highest in the nation, the cost of administering the test is supported by the State and small fees for additional copies of diplomas and transcripts.

Reductions in State General Fund appropriations to the State Education Department have resulted in cuts to the GED program budget. From 2005-06 through 2008-09, General Fund support for the New York State GED program ranged from \$3.6 million to \$3.9 million. It was \$3.4 million in 2009-10, \$2.4 million in 2010 -11 and, based on the Executive Budget, it will be \$2.16 million for 2011-12 — a 36 percent cut from 2009-10. These reductions have forced limits in the number of GED tests administered.

New York is one of a small minority of states that does not require a test candidate to demonstrate readiness to sit for the GED exam. Sixty-seven percent (67%) of test takers are walk-ins with no indication of being prepared to pass the exam.

Obviously, readiness is the key factor in passing. Not coincidentally, New York's pass rate in 2009-10 was 53%, 2nd lowest in the nation. Even more distressing is that 35% to 40% of those who fail do not return to try again during the 3 year period tracked.

The costs for administration of the GED program include testing centers, the tests and scoring materials and overseeing operations. SED contracts with testing centers and pays them \$20 for each test administered. The testing centers use these funds to offset some of their administration expenses, including space rental and proctors' fees. The testing centers are responsible for expenses above the \$20 fee. SED contracts with the statewide testing vendor, American Council on Education (ACE), for all test and scoring materials, and also pays a fee of \$10 per test-taker and \$175 per test site. SED provides training for test administrators, oversees testing operations, scores the GED tests, and maintains and provides GED transcripts and diplomas.

The Solution:

The Board of Regents supports a multi-pronged approach to stabilize GED operations and improve the success of GED test takers, including:

- Repeal Section 317 of Law enabling SED to impose a reasonable fee in support of test center support.
- Provide an additional \$700,000 budget increase to close the current fiscal year funding gap and avoid another test moratorium.
- Support SED in requiring that all test takers demonstrate their readiness to pass the GED exam.

QUALITY AND EXCELLENCE IN BUSINESS AND TRADE SCHOOLS SED LEGISLATIVE PROPOSAL

The Problem:

The Proprietary Schools law was last updated in 1990 and needs revision. This vital higher education sector has expanded tremendously, encompassing much more than the traditional "trade and correspondence schools" of the last century. Schools promising a quality education generally appeal to the most vulnerable citizens: the poor, unemployed and under-educated, immigrants, people who seek to learn English, or re-train for in a new career. Unfortunately, there are schools that do not keep these promises.

In recent years, the Department's ability to pursue illegally operating schools and fraud cases has been hampered. Technical and educational assistance to licensed schools has been curtailed. Data collection and management, crucial to overseeing schools' performance is inadequate partly due to relying upon 25 year old technology inappropriate for today's economic and information climate.

The Solution:

Currently, there are over 450 licensed schools and more than 200 additional schools awaiting final approval. Modernizing the law and increasing revenues will allow the Department to effectively oversee these schools and meet the needs of this higher education sector, protect students from fraudulent activity and strengthen the Tuition Reimbursement Account (TRA) to assist students when schools close. It would:

- Establish "Candidate schools" to allow schools, under controlled circumstances, to operate for a limited time while their license application is pending. This would encourage existing schools to come into compliance with the requirements of licensure.
- Increase fees to reflect the resource needs of the Department. Additional revenues would support an update of the 25 year-old computer system thus improving monitoring and enhancing the Department's ability to pursue more complex compliance cases and provide consumer information.
- Expedite student assistance when a school closes (shorten time for tuition refunds, expand expenses eligible for reimbursement, and ensure better access to student files).
- Make permanent the procedures for working with schools that are in financial distress so that unnecessary school closures are avoided, students are protected and the viability of TRA is assured.
- Limit students' loan liability and the TRA's potential liability by distributing student loan pay-outs throughout the school year rather than at the start of the school.
- Allow qualified instructors to obtain a single license so that they could teach at any licensed school. This would facilitate an adequate pool of competent teachers for students.