



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: Valerie Grey *Valerie Grey*

SUBJECT: Proposed Regents 2013 Federal Priorities

DATE: November 30, 2012

AUTHORIZATION(S):

J. B. P. G.
SUMMARY

Issues for Discussion

The Board of Regents advances federal priorities every year. The relevant committees will review the 2012 proposals that will be carried over and advanced in the 2013 session, as well as new proposals.

Reason(s) for Consideration

Review and update the Regents federal priorities.

Proposed Handling

The attached proposals will be reviewed at the relevant committee meetings during the December meeting.

Background Information

Each year, the Board of Regents advances federal priorities to implement the Regents Reform Agenda. The priorities focus on ensuring that federal policy and funding can be better aligned to ensure that New Yorkers are prepared for college and careers. With limited federal funding available, it is critical that all resources be leveraged and used efficiently and effectively to support the Board's priorities.

The Department will also continue to monitor federal action on sequestration. The federal Budget Control Act of 2011 contained agreements on spending levels and the debt ceiling and created a Congressional Debt Supercommittee charged with cutting at least \$1.5 trillion from the federal budget. As the Supercommittee was unable to identify cuts of at least \$1.2 trillion over the next ten years, automatic budgetary cuts will be triggered, spanning from January 2013 to October 2021. The Congressional Budget Office has estimated that non-defense discretionary

spending will be reduced by approximately 8 percent. Various reports estimate that New York could lose between \$185 and \$200 million in federal education funds.¹

In addition to the attached federal priorities, the Department continues to monitor issues that require federal attention, and will, for example, urge members of the state’s congressional delegation to support comprehensive oversight of compounding pharmacies by the federal Food and Drug Administration. The Department will also advocate for an additional round of the Early Learning Challenge grant to support early childhood initiatives and federal technology funding to support the transition to more personalized learning and computer-based testing.

Recommendation

Affirm support for last year’s proposals and new proposals.

Proposal:	Fiscal Impact for New York:
No Child Left Behind	\$1.5 billion
DREAM Act	N/A
Workforce Investment Act	\$165 million ²
Perkins Career and Technical Education Act	\$52 million
State Authorization for Distance Learning Institutions	N/A

Timetable for Implementation

The attachment summarizes the proposals that were priorities last year and new priorities.

¹ See: “Under Threat: Sequestration’s Impact on Nondefense Jobs and Services” by the United States Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies, and “Impact of Sequestration on Federal Education Programs State-by-State” by the National Education Association. Figures are estimates and some funding amounts are cross-jurisdictional among various state agencies.

² Approximately \$42 million for adult basic education and literacy and \$123 million for vocational rehabilitation.



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REAUTHORIZATION OF NO CHILD LEFT BEHIND (NCLB)/ ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

THE ISSUE:

No Child Left Behind (NCLB) is the primary statute governing the federal government's role in education and it prescribes a number of programs aimed at improving U.S. education in elementary, middle and high schools by increasing accountability standards and challenging our students to succeed and our schools to improve.

First passed during the Johnson administration as the Elementary and Secondary Education Act (ESEA), it was re-branded as NCLB as part of a major overhaul in 2002. NCLB, which drives approximately \$1.5 billion in federal funds annually to New York, has been due for Congressional reauthorization since 2007.

In May 2012, the United States Department of Education (USDE) granted New York a waiver from certain NCLB requirements in exchange for an SED-developed plan that allows for school and district effectiveness to be measured based on both student proficiency and student growth towards college and career readiness, enables SED to designate Focus districts targeted for additional support, and provides districts more flexibility to implement effective extended learning time programs.

THE SOLUTION:

SED supports reauthorization of NCLB to accelerate implementation of the Regents Reform Agenda. The Department recommends that reauthorization be enacted consistent with the following principles:

- Build upon the district-focused support constructs contained in SED's Waiver.
- Make permanent and build upon the flexibility provisions of the Waiver while ensuring full funding for the primary areas of change.
- Provide flexibility with regard to implementation of the four federal intervention models to ensure that schools are provided with tailored supports.
- Provide for greater coordination and alignment with the Individuals with Disabilities Education Act and ESEA, and Title 3 funds so that federal funds can be leveraged to support statewide initiatives.
- Ensure Title IIA funding is leveraged effectively to ensure students are prepared for college and careers
- Invest in State Education Agencies' capacity to take on their expanded role in turning around low-performing schools. SED's staff to public school enrollment ratio of 1:5,328 was the highest among the 46 states that reported data in a 2011 study.¹

The goal of NCLB was to close the achievement gap and help all students succeed. The Waiver provides New York an opportunity to accelerate reform efforts and leverage resources to better ensure that all students graduate high school ready to succeed in college and careers.

¹ Please see: "State Education Agencies as Agents of Change." Center for American Progress. July 2011.

For more information contact Janele Hyer-Spencer, Esq., Federal Legislative Liaison, Office of Governmental Relations, New York Education Department, (518) 473-3819



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DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS (DREAM ACT)

THE ISSUE:

New York educates thousands of public school students who are undocumented immigrants. Among these graduates, some attend institutions of higher education in New York, in part because the state allows undocumented immigrant students who grew up in the state to attend public colleges at in-state tuition rates.

Although New York school districts educate and prepare many of these young immigrants for colleges and careers, barriers in federal immigration law prevent many students from fully reaching their potential. CUNY is estimated to enroll approximately 2,000 undocumented students, and an independent analysis has estimated that approximately 5,500 undocumented students statewide could enroll in institutions of higher education with changes to education policy regarding college accessibility for such students.¹

Since the children of undocumented immigrants generally derive their immigration status solely from their parents, most have no mechanism to obtain legal residency in the U.S., even if they have lived here most of their lives. The recently implemented Deferred Action for Childhood Arrivals (DACA) policy, estimated to benefit 110,000 New York residents, allows for a two-year deferral from deportation proceedings and the opportunity for young undocumented immigrants to apply for a work permit is a valuable temporary action. However, full statutory action through the DREAM Act is necessary for young immigrant New Yorkers ready to succeed in college and careers.

THE SOLUTION:

The DREAM Act would enact the following major changes in federal law:

- Permit immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent legal status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military
- Qualify students who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment and who have maintained good moral character since entering the U.S. for conditional permanent resident status upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S.
- Allow students with conditional permanent resident status to work, go to school, and be eligible for work study and student loans. They would *not* be able to travel abroad for lengthy periods and *not* be eligible for Pell Grants or certain other federal financial aid grants.

In addition to enactment of the DREAM Act, adequate resources must be provided to support services and programs for DACA eligible New Yorkers to fully realize the opportunity of this federal initiative.

The DREAM Act could have a life-changing impact enabling these students to fully participate in and become productive members of New York's economy.

¹ See Fiscal Policy Institute report, March 2012.

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REAUTHORIZATION OF THE WORKFORCE INVESTMENT ACT

THE ISSUE:

When the Workforce Investment Act (WIA) was enacted in 1998, it resulted in the creation of the largest single source of federal funding for workforce development, job-training, adult education, and vocational rehabilitation programs. Today, New York receives approximately \$42 million annually for adult basic education and literacy and approximately \$123 million in vocational rehabilitation funds. The goal of WIA was to create a universal access system of one-stop career centers to provide access to training and employment services for a range of workers, including low-income adults, low-income youth, and dislocated workers.

Due to be reauthorized a decade ago, WIA has failed to keep pace with changing economic conditions and the new challenges facing adults entering the workforce. Although much needed investments were made in WIA as part of the American Recovery and Reinvestment Act of 2009, a full reauthorization is necessary to ensure that funding is adequate to support the goals of this critical program.

Our country and state face a dichotomy where many people are out of work at a time when many employers are unable to find qualified workers to fill as many as 3 million open jobs, including 500,000 in the manufacturing sector alone.¹ By fully authorizing WIA, Congress will have an opportunity to better ensure that adult learners receive the skills and supports needed to go back to work and continue to rebuild our economy.

THE SOLUTION:

Charged with administration of several key components of WIA, such as adult education and literacy, vocational rehabilitation, and independent living centers, the State Education Department (SED) supports a full reauthorization of WIA that better prepares New Yorkers for the 21st Century global economy by:

- Better integrating data sharing and reporting among agencies and programs.
- Providing adequate funding for all parts of the system that can be targeted to college and career success and focusing service delivery on skills aligned to the needs of industry and jobs.
- Improving the school-to-work transition for students and those with disabilities
- Engaging youth and adult learners through multiple pathways to success.

To maintain our position as an economic leader, we must leverage resources to educate and train New Yorkers to fill the jobs of the new economy. Reauthorization consistent with these principles is an opportunity to improve WIA for a new generation of workers.

¹ ManpowerGroup Survey, see: "Three Million Open Jobs." 60 Minutes. CBS News. Aired 11/11/12.

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REAUTHORIZATION OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT

THE ISSUE:

A 2011 report, entitled *Pathways to Prosperity: Meeting the Challenges of Preparing Americans for the 21st Century*, warned that our nation's education system is failing to prepare students for economic success, because, in part, "we have focused too exclusively on a few narrow pathways to success." The Board of Regents has taken steps to address this gap by exploring options to create pathways to graduation that include rigorous career and technical education (CTE) options.

With new jobs increasingly demanding advanced skills, it has never been more critical for students to graduate high school ready for college and careers. A key component of that challenge is to ensure that students have broad educational opportunities that include rigorous career and technical education.

Federal investments in CTE are made primarily through the Carl D. Perkins Career and Technical Education Act (Perkins). New York receives approximately \$52 million annually in funds through this program, which focuses on combining academic instruction and occupational skills training to prepare individuals for successful transition to college or career. In addition, Perkins represents the largest federal investment in secondary education and is one of the largest sources of federal institutional support for community colleges.

Reauthorization of the Perkins Act is both critical and timely to better ensure that New Yorkers are better prepared to compete in the 21st Century global economy.

THE SOLUTION:

As a result of the previous Perkins reauthorization, a greater emphasis was placed on improving the academic achievement of CTE students, program accountability, and the link between secondary and postsecondary education. The next reauthorization of Perkins must continue to build on these changes and focus on the following principles:

- Meaningful incentives for the development of replicable partnerships between the districts, BOCES and the private sector aligned to college and career ready standards.
- Effective alignment between the content of CTE programs and the necessary college and career-ready standards and skills for in-demand occupations in high-growth sectors
- Robust accountability to improve academic outcomes by supporting innovative and proven programs.

The State Education Department supports reauthorization of Perkins in a manner that increases access to high-quality career and technical education opportunities to close skill gaps and enhance student learning opportunities.

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REQUIRE STATE AUTHORIZATION FOR DISTANCE LEARNING INSTITUTIONS

THE ISSUE:

Online learning provides a mechanism for transformative change for education opportunities. Approximately 3 million students in the U.S. are studying for degrees delivered entirely online. While online learning presents great opportunity, it also creates a number of challenges and obstacles, including protecting students that seek to improve their educational attainment through this sector.

When it became concerned with the investment of limited federal funds on tuition for online programs that fail to prepare students for jobs that allow them to repay their loans, the United States Education Department (USED) set out to improve program integrity by issuing regulations that required institutions offering distance or correspondence education to acquire authorization from any state in which they "operate."

The authorization would be required to maintain eligibility for students of each state to receive federal financial aid. Unfortunately, the USED's regulation was struck down on procedural grounds by federal courts, and consequently, institutions are only required to demonstrate a 'good faith' effort to comply in each state in which they serve students.

THE SOLUTION:

The State Education Department (SED) supports a reissuance of regulations by USED that require institutions offering online learning to acquire authorization to operate by the state. This regulation would:

- Require that institutions operating without authorization to reimburse federal financial aid.
- Provide students and other consumers of online learning opportunities with clear choices.
- Create mechanisms to ensure that online learning opportunities are rigorous and provide students and other consumers with the services that better prepare them to compete in the 21st Century global economy.

SED supports enactment of this regulatory action accompanied by mechanisms to provide for capacity to implement and enforce the regulation so that the Department may better ensure that New Yorkers have access to and receive the high-quality education they deserve.

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