



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

**FROM:** Phyllis Morris and Jennifer Trowbridge

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

**DATE:** October 8, 2020

**AUTHORIZATION(S):**

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## SUMMARY

### Issues for Discussion

The Board of 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 September meeting, the Regents Subcommittee on State Aid reviewed and discussed proposals advanced during the 2020-21 budget cycle and legislative session. At the October meeting, the relevant committees of the Board will review and discuss these previous Non-State Aid proposals, as well as identify and discuss any new initiatives the Committee would like to consider. The proposals will be sent back to committees as appropriate in November for further consideration and will come before the Full Board in December for approval.

### Reason(s) for Consideration

Review and update of the Regent's Non-State Aid budget and legislative priorities.

### Recommendation

It is recommended that the Regents review last year's proposals to identify modifications, as appropriate, and any 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	New or Previous Proposal?
<p><b>Promotion of School Safety, Positive School Climate and Bullying Prevention</b> - 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>Previous - \$2M added by Legislature in the 2018-19 and 2019-20 enacted budgets. \$3.4M proposed by the Board in 2020-21.</p>
<p><b>Supporting Improvements in Struggling Schools</b> - Funding to facilitate training for Comprehensive Supports and Improvement (CSI) and Targeted Support and Improvement (TSI) schools and to provide individualized support to 125 CSI schools.</p>	ESSA	<p>Previous - \$3.5M proposed by the Board in 2020-21.</p>
<p><b>Establishing Regional Early Learning Technical Assistance Centers</b> - 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>Previous - \$1.6M proposed by the Board in 2020-21.</p>
<p><b>Transforming Teacher and Leader Preparation Programs</b> - 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>Previous - \$2.5M proposed by the Board in 2020-21.</p>
<p><b>Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities &amp; Special Act School Districts</b> -</p> <ul style="list-style-type: none"> <li>• Funding for a Pipeline to Incentivize Special Education Provider Staff to Obtain Appropriate Certifications - \$2M</li> <li>• Student Loan Forgiveness Funds - \$2M</li> </ul>	Equity	<p>Previous - \$4M proposed by the Board in 2020-21.</p>

Proposal Description	Policy Area	New or Previous Proposal?
<p><b>Increasing Districts' Capacity to Serve English Language Learners</b> - New funding to be allocated to school districts to enhance curriculum and increase instructional supports for the education of ELLs.</p>	ELLs	Previous - \$15M proposed by the Board in 2020-21.
<p><b>Ensuring Equal Opportunities for English Language Learners</b> - 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	Previous - \$1.6M proposed by the Board in 2020-21.
<p><b>Ensuring the Appropriate Provision of English Language Learner Services</b> - 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	Previous - \$1M proposed by the Board in 2020-21 (\$1M for the first two years and \$2M for the third year).
<p><b>Supporting the Blue Ribbon Commission on Graduation Measures</b>- 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	Previous - \$200,000 proposed by the Board in 2020-21 (annually for 2 years).
<p><b>Modernizing the Education Finance Data System</b> - 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	Previous - \$41M across 4 years proposed by the Board in 2020-21 (year 1 ask is \$11.6M).
<p><b>Digital Equity/Literacy Proposal</b></p>	Equity	New - TBD; Supporting students, parents, and districts as a result of remote learning during the pandemic.

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>Building Oversight and Support Capacity at SED-</b> 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	Previous - Proposal was advanced by the Board in 2020-21 (Department-Wide Proposal).
<b>Enhancing Transparency by Webcasting and Transcribing Regular Board of Regents Public Meetings</b>	Efficiency	Previous - \$200,000 was advanced by the Board in 2020-21 (Department-Wide Proposal).
<b>Enhancing Communication with Multilingual Parents, Students and Professionals</b> - 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	Previous - \$1.5M was advanced by the Board in 2020-21 (Department-Wide Proposal).

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

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>Tuition Rate-Setting Redesign and Funding Parity</b> - <ul style="list-style-type: none"> <li>• Dedicate Targeted Resources to Design a New Tuition Rate-Setting Methodology- \$1.25M</li> <li>• Create a statutory index to provide parity in annual funding increases for both school-age and preschool providers- \$11.4M</li> </ul>	Equity	Previous - \$12.65M proposed by the Board in 2020-21 (\$1.25M for new tuition rate setting methodology and \$11.4M for statutory index). A no growth fiscal would be assumed for the 2021-22 statutory index.

**2021-22 Potential Legislative Priorities – P-12**

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>Mandate Relief and State Aid Claims Flexibility</b> - Provide districts with additional relief and greater flexibility relating to educational management including but not limited to: <ul style="list-style-type: none"> <li>• Expand the funds available to pay claims in the first-come-first served queue;</li> <li>• 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;</li> <li>• Allow districts to lease space outside of the district in certain emergency situations;</li> <li>• Allow transportation contracts to be submitted electronically in a form approved by the Commissioner when available; and</li> </ul>	Efficiency	Previous - 2021-22 proposal could be expanded to address additional provisions such as but not limited to: <ul style="list-style-type: none"> <li>- Expand reserve fund flexibility;</li> <li>- Discontinue duplicative financial transparency reporting in light of the full implementation of the federally-required ESSA</li> </ul>

Proposal Description	Policy Area	New or Previous Proposal?
<ul style="list-style-type: none"> <li>Authorize school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction.</li> </ul>		financial transparency reporting (repeal of Education Law Section 3614); and - During states of emergency, provide Commissioner with discretion to grant extensions of certain statutory requirements.
<b>Regional Secondary Schools Advisory Council</b> - 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.	Efficiency	Previous - 2020-21 proposal.
<b>Increasing Access to College and Affordability for Students through Early College High Schools &amp; PTECH</b> - Codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.	Equity	Previous - 2020-21 proposal.
<b>Improving Educational Outcomes for Justice System Involved Youth</b> - Statutory changes to: <ul style="list-style-type: none"> <li>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.</li> <li>Create a statutory FERPA exception so that education records can be released to juvenile detention centers from LEAs without written parent consent.</li> </ul>	Equity	Previous - 2020-21 proposal.

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

Proposal Description	Policy Area	New or Previous Proposal?
<b>Transforming Teacher and Leader Preparation Programs</b> - 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).	Early Learning	Previous - \$2.5M proposed by the Board in 2020-21.

Proposal Description	Policy Area	New or Previous Proposal?
<b>Expanding the Provision of Certification Examination Fee Waiver Vouchers</b> - 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.	Equity	Previous - \$1.2M proposed by the Board in 2020-21.
<b>Increasing Access to a Highly Qualified Diverse Teaching Workforce - Expand TOC II-</b> 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.	Equity	Previous - \$3M proposed by the Board in 2020-21. 2020-21 enacted budget maintained program funding at the previous year's level.
<b>Supporting NYS Access and Opportunity Programs</b> - 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. <ul style="list-style-type: none"> <li>• Arthur O. Eve Higher Education Opportunity Program (HEOP);</li> <li>• Science and Technology Entry Program (STEP);</li> <li>• Collegiate Science and Technology Entry Program (CSTEP); and</li> <li>• Liberty Partnerships Program (LPP).</li> </ul>	Equity	Previous - \$10M proposed by the Board in 2020-21. 2020-21 enacted budget maintained program funding at the previous year's levels.
<b>Enhancing Teacher Effectiveness</b> - 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.	Efficiency	Previous - \$132,000 proposed by the Board in 2020-21 (to increase the \$368,000 funding level to an annual level of \$500,000).

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

Proposal Description	Policy Area	New or Previous Proposal?
<b>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities</b> - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	Previous - \$15M proposed by the Board in 2020-21.

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

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>Establishing a Bridge to College and Careers Pilot Program</b> - 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	Previous - \$3M proposed by the Board in 2020-21.
<b>Funding the Expansion of the Readers Aid Program</b> - Provide sufficient funding to meet the current statutory requirements of the Reader's Aid program.	Equity	Previous - \$706,000 proposed by the Board in 2020-21 (request would increase the \$294,000 funding level to an annual level of \$1M).

**2021-22 Potential Legislative Priorities with Budgetary Implications – ACCES**

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities</b> - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	Previous - \$15M proposed by the Board in 2020-21.

**2021-22 Potential Legislative Priorities – ACCES**

<b>Proposal Description</b>	<b>Policy Area</b>	<b>New or Previous Proposal?</b>
<b>BPSS School Mandate Relief &amp; Enhanced Student Protections Proposals</b>	Efficiency	New- Proposals could include: - Transfers of ownership that do not affect school operations; - Exemption from approval of non-occupational courses offered by licensed private career schools; - 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.

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

Proposal Description	Policy Area	New or Previous Proposal?
<p><b>Development of an Electronic Licensing and Document Management System to Improve Customer Service</b> - 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	<p>Previous - \$25.39M in existing revenue was proposed by the Board in 2020-21 and was included in the enacted budget. \$7.85M in existing revenue would be needed in 2021-22 to continue this process.</p>

**2021-22 Potential Legislative Priorities – Professional Practice**

Proposal Description	Policy Area	New or Previous Proposal?
<p><b>Enhanced Discipline Authority of the Licensed Professions</b> - Enhance the Department’s discipline authority over all licensed professions it oversees by:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure.</li> <li>• Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner.</li> </ul>	Efficiency	<p>Previous - 2020-21 proposal.</p>
<p><b>Healthcare Professional Data Collection</b> - 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	<p>Previous - 2020-21 proposal.</p>



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

Proposal Description	Policy Area	New or Previous Proposal?
<b>Increasing State Aid for Library Construction</b> - 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.	Equity	Previous - \$11M request proposed by the Board in 2020-21 (would increase the \$34M funding level to an annual level of \$45M). 2020-21 enacted budget reduced this aid to \$14M.
<b>Continuing Access to the NYS Summer School of the Arts</b> - 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.	Equity	Previous- \$1.5M request proposed by the Board in 2020-21.

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

Proposal Description	Policy Area	New or Previous Proposal?
<b>Expanding Access to Education Programs through Cultural Institutions</b> - 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.	Equity	Previous - \$5M proposed by the Board in 2020-21.

**2021-22 Potential Legislative Priorities – Cultural Education**

Proposal Description	Policy Area	New or Previous Proposal?
<b>Streamline &amp; Modernize Library Program Requirements</b>	Efficiency	New - 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.