



TO: State Aid Subcommittee

FROM: Phyllis Morris and Jennifer Trowbridge
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SUBJECT: 2022-2023 Non-State Aid Budget and Legislative Priorities

DATE: October 7, 2021

AUTHORIZATION(S): *Phyllis D. Morris*

SUMMARY

Issue for Discussion

Should the Board of Regents review last year's Non-State Aid budget and legislative priorities to identify modifications, as appropriate, and any new proposals for inclusion in the Board's 2022-2023 Non-State Aid budget and legislative priorities?

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.

Reason(s) for Consideration

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

Proposed Handling

This issue will come before the Board of Regents State Aid Subcommittee for discussion at its October 2021 meeting.

Procedural History

The process for advancing 2022 non-state aid budget priorities was presented and discussed with the full Board at the September Board of Regents meeting. Between the September and October Regents meetings, the State Aid Committee co-chairs met with SED staff in preparation for the review of previously discussed proposals at the

October Regents meeting. Additional consultations will occur between committee co-chairs, SED staff, and stakeholders between the October and November Regents meetings. This will be in preparation for bringing updated proposals, including those previously advanced as well as new initiatives, to the Board and relevant program committees for further consideration at the November Board of Regents meeting. Between the November and December Regents meetings, additional conversations will occur between committee co-chairs and stake holders as needed with the consideration and approval of proposals in December to be advanced during the upcoming budget cycle and legislative session.

Background Information

Not applicable.

Related Regents Items

December 2020: [2021-22 Non-State Aid Budget and Legislative Priorities:](https://www.regents.nysed.gov/common/regents/files/1220bra6revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1220bra6revised.pdf>)

Recommendation

It is recommended that the Board of Regents review last year's proposals to identify modifications, as appropriate, and any new proposals for inclusion in the Board's 2022-2023 Non-State Aid budget and legislative priorities.

2022-2023 Potential Non-State Aid Budget Priorities – P-12 & Department-Wide

Proposal Description	Prior Year Status
<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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$3.4M proposed by the Board in 2020-2021</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>	<p>\$3.5M proposed by the Board in 2021-2022</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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$1.6M proposed by the Board in 2020-2021</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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$2.5M proposed by the Board in 2020-2021</p>
<p>Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities and 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 	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$4M proposed by the Board in 2020-2021</p>
<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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$15M proposed by the Board in 2020-2021</p>
<p>Ensuring Equal Opportunities for English Language Learners - Funding to expand staff at NYSED’s Regional</p>	<p>Not advanced in 2021 Proposals</p>

<p>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>	<p>Previous: \$1.6M proposed by the Board in 2020-2021</p>
<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>	<p>\$1M proposed by the Board in 2021-2022 (\$1M for the first two years and \$2M for the third year).</p>
<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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$200,000 proposed by the Board in 2020-2021 (annually for 2 years).</p>
<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>	<p>Advanced as a capital request to the Division of Budget (DOB) in 2021</p> <p>Addressed: The 2021-2022 enacted budget included \$41M for state aid data system modernization</p>
<p>Digital Equity/Literacy Proposal - As part of comprehensive efforts to promote digital equity in New York, the Department proposes a pilot program with an initial \$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 technical assistance and digital fluency skills acquisition- to narrow the digital divide in New York.</p> <p>These grants would fund a pilot program targeted to high-needs areas across the state 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, replicate, and modify to meet local and regional needs.</p>	<p>\$8M proposed by the Board in 2021-2022</p> <p>Potentially Addressed: The 2021-2022 enacted budget included \$15M for federally funded grants to establish and support digital inclusion programs for low-income individuals and households. Language was also included requiring broadband service for low-income consumers to be provided at a cost of no more than \$15 per month and requiring the PSC to study the availability, reliability, and cost of high-speed internet and broadband services in NYS. NYSED is waiting for</p>

	confirmation from the Legislature of exact source of federal funding directed towards this program to begin this work.
<p>Creating Culturally Responsive-Sustaining Education Resources - \$250,000 to curate, compile and publish a set of racially and culturally inclusive education resources to support teaching and learning, using an interdisciplinary approach in the major subject areas and an additional \$50,000 in 2022-2023 to finalize the work that goes beyond the 2021-2022 fiscal year:</p> <ul style="list-style-type: none"> • Funds would be used to engage consultants, to act as a project manager tasked with oversight over the creation of the curricular guidance product including gathering and analyzing the data collected. • NYS educators and content experts would form a workgroup to propose, review, critique, and recommend available education resources that can be used in grades K-12 to bolster existing curricula to address the goal of racial and cultural inclusion. • A final published annotated resource document would be posted on the Department’s website for use by the entire state. 	\$250,000 proposed by the Board in 2020-21 with an additional request for \$50,000 in 2022-2023 to finalize the work that goes beyond the 2021-2022 fiscal year
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.	5% set-aside was proposed by the Board in 2021-2022
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.	\$1.5M was proposed by the Board in 2021-2022
Enhancing Transparency by Webcasting, Transcribing, and providing live ASL Simultaneous Interpretation of All Board of Regents Meetings	\$220,000 was proposed by the Board in 2021-2022

2022-2023 Potential Legislative Priorities with Budgetary Implications – P-12

Proposal Description	Prior Year Status
<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 	\$1.25M was proposed by the Board in 2021-2022

<ul style="list-style-type: none"> • Create a statutory index to provide parity in annual funding increases for both school-age and preschool special education providers. 	<p>Potentially Addressed Statutory Index Provision: A.8013 (Benedetto)/ S.6516 (Mannion)/SED Departmental #4 creating statutory index to provide parity in annual funding increases for both school-age and preschool special education providers passed the Assembly & Senate</p>
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2022-2023 Potential Legislative Priorities – P-12

Proposal Description	Prior Year Status
<p>Mandate Relief and State Aid Claims Flexibility- Provide districts with additional relief and greater flexibility relating to educational management, including:</p> <ul style="list-style-type: none"> • Expanding the funds available to pay claims in the first-come-first served queue; • Forgiving penalties associated with the late filing of Final Cost Reports for all school district construction projects approved by the Commissioner before July 1, 2011; • Allowing districts to lease space outside of the district in certain emergency situations; • Allowing transportation contracts to be submitted electronically in a form approved by the Commissioner when available; • Authorizing school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction; • Extending the current school district reserve fund pay-back period and lowering 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; • Allowing school districts to be reimbursed through transportation aid 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 	<p>Advanced in the 2021 Proposals</p> <p>Partially Addressed: The 2021-2022 enacted budget included language providing that the delivery of school meals, wi-fi access and/or instructional materials during the 2019-2020 school year are eligible for transportation aid. Stand-by transportation costs are also eligible for reimbursement during the period of March 16, 2020-May 7, 2020.</p>

<p>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"> Discontinuing 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>	Advanced in the 2021 Proposals
<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>	Advanced in the 2021 Proposals
<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>Advanced in the 2021 Proposals</p> <p>Potentially Partially Addressed: A.7576 (Jean-Pierre)/S.7101 (Brisport)/SED Departmental #14 requiring school districts of location to issue diplomas passed the Assembly & Senate</p>

2022-2023 Potential Non-State Aid Budget Priorities – Higher Education

Proposal Description	Prior Year Status
<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>	<p>Not advanced in 2021 Proposals</p> <p>Previous: \$2.5M proposed by the Board in 2020-2021.</p>
<p>Expanding the Provision of Certification Examination Fee Waiver Vouchers - Funding to expand the provision of certification examination fee waiver vouchers to assist</p>	Not advanced in 2021 Proposals

economically disadvantaged educator candidates in paying for the examinations required for certification.	Previous: \$1.2M proposed by the Board in 2020-2021
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.	Not advanced in 2021 Proposals Previous: \$3M proposed by the Board in 2020-2021
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. <ul style="list-style-type: none"> Liberty Partnerships Program (LPP) Arthur O. Eve Higher Education Opportunity Program (HEOP); Science and Technology Entry Program (STEP); and Collegiate Science and Technology Entry Program (CSTEP). 	Not advanced in 2021 Proposals The 2021-2022 enacted budget included increases for all of the Opportunity Programs: <ul style="list-style-type: none"> LPP- \$22.1 million, an increase of \$3.7 million; HEOP- \$42.6 million, an increase of \$7.1 million; STEP- \$19 million, an increase of \$3.2 million; and CSTEP- \$14.4 million, an increase of \$2.4 million
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.	Not advanced in 2021 Proposals Previous: \$132,000 proposed by the Board in 2020-2021 (to increase the \$368,000 funding level to an annual level of \$500,000).

2022-2023 Potential Legislative Priorities with Budgetary Implications – Higher Education

Proposal Description	Prior Year Status
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.	\$7M proposed by the Board in 2021-2022. Partially Addressed: The 2021-2022 enacted budget included \$2M to enhance supports and services for

	postsecondary success of students with disabilities
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2022-2023 Potential Non-State Aid Budget Priorities – ACCES

Proposal Description	Prior Year Status
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.	\$3M proposed by the Board in 2021-2022
Funding the Expansion of the Readers Aid Program - Provide sufficient funding to meet the current statutory requirements of the Reader’s Aid program.	\$706,000 proposed by the Board in 2021-2022 (request would increase the \$294,000 funding level to an annual level of \$1M).

2022-2023 Potential Legislative Priorities with Budgetary Implications – ACCES

Proposal Description	Prior Year Status
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.	\$7M proposed by the Board in 2021-2022. Partially Addressed: The 2021-22 enacted budget included \$2M to enhance supports and services for postsecondary success of students with disabilities

2022-2023 Potential Legislative Priorities – ACCES

Proposal Description	Prior Year Status
BPSS School Mandate Relief & Enhanced Student Protections Proposals <ul style="list-style-type: none"> Continue to require new owners to obtain a new license to operate, however, the Department 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 	Advanced in the 2021 Proposals

<p>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; and</p> <ul style="list-style-type: none"> Prohibit intimidation or retaliation towards students who may or do submit a written complaint against their school to the Department. 	
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2022-2023 Regents Non-State Aid Budget Priorities – Professional Practice

Proposal Description	Prior Year Status
<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>	<p>\$7.85M in existing revenue was proposed by the Board in 2021-2022 and was included in the enacted budget.</p> <p>The 2022-2023 proposed budget request would be \$7.79M to continue this process.</p>

2022-2023 Potential Legislative Priorities – Professional Practice

Proposal Description	Prior Year Status
<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. 	<p>Advanced in 2021 Proposals</p>
<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,</p>	<p>Advanced in 2021 Proposals</p> <p>Potentially Addressed: A.3050 (Fahy)/S.3543</p>

deidentified and aggregate data would be used to evaluate needed services in NYS and such other concerns as the Department may face.	Stavisky requiring the collection of healthcare professional data passed the Assembly and Senate
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2022-2023 Potential Non-State Aid Budget Priorities – Cultural Education

Proposal Description	Prior Year Status
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.	\$20M proposed by the Board in 2021-2022 to raise this aid back to the 2019-2020 level of \$34M and include a focus on libraries addressing digital equity needs in their communities in these projects Addressed: The 2021-2022 enacted budget included \$20M increase in state aid for public library construction
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	Not Advanced in 2021 Proposals Previous: \$1.5M request proposed by the Board in 2020-2021.

2022-2023 Potential Legislative Priorities with Budgetary Implications – Cultural Education

Proposal Description	Prior Year Status
Expanding Access to Education Programs through Cultural Institutions - Establish a 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 the Museum Association of New York (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: <ul style="list-style-type: none"> • Research, development, and publication of digital curriculum and teacher resources; 	\$500,000 proposed by the Board in 2021-2022

<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. 	
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2022-2023 Potential Legislative Priorities – Cultural Education

Proposal Description	Prior Year Status
<p>Streamline & Modernize Library Program Requirements- proposed funding neutral technical amendments to Education Law 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 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. 	<p>Advanced in 2021 Proposals</p> <p>Potentially Addressed: A.7021 (Jean-Pierre)/ S.6511 (Ryan)/SED Departmental #2 streamlining and modernizing library program requirements passed the Assembly & Senate</p>