



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** P-12 Education Committee

**FROM:** James N. Baldwin 

**SUBJECT:** Proposed Amendment of Section 115.1 of the Regulations of the Commissioner of Education Relating to Requirements for Boards of Cooperative Educational Services (BOCES) Regional Technology Plans

**DATE:** February 3, 2022

**AUTHORIZATION(S):** 

**SUMMARY**

**Issue for Discussion**

Should the Board of Regents adopt the proposed amendments of section 115.1 of the Regulations of the Commissioner of Education relating to requirements for Boards of Cooperative Educational Services (BOCES) regional technology plans?

**Reason(s) for Consideration**

Review of Policy.

**Proposed Handling**

The proposed amendment is submitted to the P-12 Education Committee for discussion at the February 2022 Board of Regents meeting. A copy of the proposed amendment is attached as Attachment A.

**Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on March 2, 2022 for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

## **Background Information**

In accordance with Education Law §1950(4)(c), section 115.1 of the Commissioner's regulations sets forth requirements for approval and submission of BOCES regional technology plans.

The commonly used title for BOCES computer service plans, "793 Plans," is based on Chapter 793 of the Laws of 1975 (Chapter 793). Chapter 793 amended Education Law §1950(4)(c) to establish the requirement that BOCES create, update annually (on or before December 1), and submit to the Commissioner long-range service plans. The term "793 Plans" was formally utilized in a 1983 NYSED memo to BOCES District Superintendents regarding Administrative Management and Instructional Management Computer Services Planning, provided as Attachment C. This memo identified the purpose of the 793 Plans as ensuring collaborative planning among BOCES for the provision of technology services in the region.

The requirement that BOCES engage in this collaborative planning provides numerous benefits to districts, regions, and the state, including facilitating the provision of cost-effective services; developing and maintaining robust, reliable, and secure regional technology and data ecosystems; and ensuring regional availability of services aligned to evolving state and regional priorities.

The language of section 115.1 of the Commissioner's regulations has not been updated since it was first adopted in 1984.<sup>1</sup> In 2019, a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff was established to draft proposed amendments to this section to modernize the language and align requirements to updated technologies, practices, and priorities. A list of workgroup members is included as Attachment B.

## **Summary of the Proposed Amendment**

The proposed amendment incorporates the recommendations from the workgroup. Specifically, the proposed amendment:

- Modernizes the regulatory language to reflect current technology and practice. For example, references to "computer services" were replaced with "technology services";
- Reduces the total number of Plan requirements from 18 to 10. The requirements recommended for elimination pertain to information that is collected through other channels (such as cooperative services applications) and obsolete technology, such as lists of "mainframe, mini and micro hardware"; and

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<sup>1</sup> Section 115.3 of the Commissioner's regulations was added in 1984 and renumbered to be section 115.1 in 1985.

- Promotes regional collaboration and ensures that state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed.

### **Related Regents Items**

Not applicable.

### **Recommendation**

Not applicable.

### **Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for permanent adoption at the June 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the June 2022 meeting, the proposed amendment will become effective on June 29, 2022.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305 and 1950 of the Education Law

Section 115.1 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 115.1. BOCES [computer services] regional technology plans.

(a) *Purpose.* The purpose of this section is to set forth the requirements for approval of [computer services] regional technology plans prepared by boards of cooperative educational services and submitted to the commissioner in accordance with section 1950(4)(c) of the Education Law. Applications for the approval of shared services shall be determined, in relevant part, based on consistency with an approved regional technology plan.

(b) *Plan requirements.* Each board of cooperative educational services shall prepare a five-year regional technology plan to meet the projected need for cooperative [computer] technology services in the supervisory district[, and]. Plans shall [submit such plan] be submitted to the commissioner, in a form and manner approved by the commissioner, on or before the first day of December of each year. Each plan shall contain:

(1) a description of the [long-range] regional collaborative planning process, which[ includes]:

(i) [a list of persons involved in the development of the plan] shall meet the criteria established by the commissioner; and

(ii) [criteria for selection of such individuals; and] shall be approved by the BOCES district superintendents in the regions prior to submission to the commissioner;

[(iii) a description of the planning processes which were followed and will be followed;

(2) evidence that the proposed computer services are consistent with and conform to policies and criteria for BOCES-provided computer services approved by the commissioner;

(3) a description, in a form prescribed by the commissioner, of computer services currently made available by BOCES within the service region;

(4) a list, in a form prescribed by the commissioner, of the mainframe, mini and micro hardware which is a part of the delivery system, including a rationale for the selection of such hardware;

(5) a list, in a form prescribed by the commissioner, of the software which has been selected to run on all hardware which comprises the system, including a rationale for the selection of this particular set of software;

(6) a network description, in a form prescribed by the commissioner, which clearly indicates the lines, line types and locations of devices which comprise the regional delivery system;

(7) a description, where appropriate, of how the regional system will take into account findings of department-conducted operations and management audits;

(8) a summary of costs and revenues, broken down by application area, as well as the proposed charges to school districts for future services, including a rationale for those particular charges;

(9) a list of the major problems impeding more] (2) a description of how the regional technology plan supports efficient and effective provision of technology services, [and a detailed description of the steps proposed to overcome the problems] which includes a description of major challenges to be addressed by the plan;

[(10)] (3) a description of how the regional technology plan addresses the technology and data priorities and needs of the state, and how such plan will increase school district access to technology and assist school districts in developing and maintaining robust information privacy, information security, and cybersecurity controls;

(4) a list of [assumptions about future school district] regional priorities and needs [and changes in information technology which are governing long-range projections about the nature of future delivery systems] that the regional technology plan will address;

[(11)] (5) a description of [a comprehensive needs assessment, which includes a survey of users and nonusers within the regional service delivery system] the methods used to identify and prioritize needs in the region, which shall include engagement with key stakeholder groups;

[(12)] priorities established as a result of such needs assessment;

(13)] (6) a list of quantifiable goals and a description of how the goals [for long-range] will directly address the regional technology needs and improve service delivery over the next five years;

[(14)] a description of how the services made available will assist school districts to meet State reporting requirements;

(15) a detailed plan, and] (7) performance objectives for the first two years of the plan;

[(16) a description of how local personnel intend to evaluate the extent to which goals and performance objectives are achieved;

(17)] (8) a description of the procedures which will be put in place to monitor the plan's implementation; [and]

(9) an evaluation of the performance objectives for the previous two years; and

[(18)] (10) other such items as may be deemed necessary by the commissioner.

**Attachment B**

**CHAIR and VICE CHAIR**

Allen Buyck	District Superintendent	Broome-Delaware-Tioga BOCES	Committee Chair
James Dexter	District Superintendent	Washington-Saratoga- Warren-Hamilton-Essex BOCES	Committee Vice Chair

**DISTRICT SUPERINTENDENTS**

Dale Breault	District Superintendent	Franklin-Essex-Hamilton BOCES
Mark Davey	District Superintendent	Clinton-Essex-Warren-Washington BOCES (Champlain Valley Educational Services)
Brian Hartwell	District Superintendent	Cayuga-Onondaga BOCES
Charles Khoury	District Superintendent	Ulster BOCES
Anita Murphy	District Superintendent	Albany-Schoharie-Schenectady- Saratoga BOCES (Capital Region BOCES)
James Ryan	District Superintendent	Putnam-Northern Westchester BOCES

**RIC DIRECTORS**

Heather Mahoney	RIC Director	Mohawk Regional Information Center (Madison-Oneida BOCES)
Dan Myers	Executive Operations Officer	South Central Regional Information Center (Broome-Delaware-Tioga BOCES)

**NYSED REPRESENTATIVES**

Christina Coughlin	Assistant Commissioner, Office of School Governance, Policy, and Religious and Independent Schools NYSED
Shannon Logan	Director of Curriculum Services
James O'Connor	Coordinator, Educational Aid Services

THE UNIVERSITY OF THE STATE OF NEW YORK THE  
STATE EDUCATION DEPARTMENT ALBANY,  
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ASSISTANT COMMISSIONER FOR  
ESC EDUCATION PLANNING  
AND SUPPORT SERVICES

April 19, 1983

TO: District Superintendents of Schools  
FROM: John J. Murphy  
SUBJECT: Administrative Management and Instructional Management Computer  
Services Planning

The development of policies governing BOCES-provided management and instructional support computer services, which began last November, has been completed. During the past two months, the draft policy statements reviewed by District Superintendents at the end of January have undergone extensive review within the Department. That review has been completed and the policy statements which now provide a framework for planning and operating BOCES computer services are in Attachment A. Directions for Chapter 793 computer plans had to be delayed until the completion of the policy review process.

As a result of the policy review, Chapter 793 planning and shared services applications have been interrelated in a new and substantial way: the aim of the Chapter 793 planning process will be for the District Superintendents acting cooperatively in each regional computer center service area to develop and to implement a regional plan for delivery of computer services to school districts. The plan will describe a regional service delivery system which is optimal in terms of services and costs for all the school districts of the region. Only those COSERS submitted on February 1 which are directly related to facets of the approved regional service delivery system, and which are clearly described in the Chapter 793 plan, will be considered for approval. The elements of the approved regional service delivery system are described on Attachment B (see item #6). You will note on Attachment B that the characteristics of the regional service delivery system are described as a subset of one of six criteria which will be used for the review and approval of COSERS.

The Department requires that a total of 13 Chapter 793 plans be submitted no later than December 1, 1983. District Superintendents of BOCES within the boundaries of each regional computer center service area will be equally responsible for the development, submission and implementation of the plans. For organizational purposes, we are appointing the District Superintendent of the BOCES which operates the regional computer center to serve as chairman of the District Superintendent planning committee for each region. Attachment C lists the members of each planning committee with the chairpersons designated. The Department requires that only 13 plans be submitted; however, the planning process followed in each regional computer center service area must substantively involve users and potential users within each supervisory district, and the plan must describe all the management-related computer services to be provided to districts in each supervisory area.

The Chapter 793 plans submitted no later than December 1, 1983 will have the following characteristics or elements:

1. Each plan must be consistent with the State mission and goals for computer services (Attachment D), the policy statements in Attachment A, and the criteria for approval of shared computer services in Attachment B.
2. Each regional plan should contain a description of the present context of the delivery of computer services within regional boundaries and relevant assumptions of each region. Attachments E and F, prepared by the Department for the State, are provided as examples of the scope and depth desired for each region's statements. In order to update the State's detailed description of the present services delivered to school districts in each Region, a computer print-out of services by district (collected as part of Chapter 793, December 1982) will be sent to all District Superintendents for updating by June 30, 1983, and updated information is to be submitted as part of the December plan.
3. The planning process includes the completion of a "Survey of Computer Center Operations" (Attachment G) and a "Hardware and Software Inventory" (Attachment H) to be completed and submitted to the Department by June 30, 1983. Department staff will complete reviews of the computer operation surveys by August 1, 1983, and soon after that date will communicate to each region the items covered by the survey that must be addressed in the December 1 plan. The hardware described in Attachment H to be submitted by June 30, 1983 should be that which is in place in the region as of June 1, 1983. Hardware inventory changes made between June 1, 1983 and October 1, 1983 should be reported as part of the regional plan submitted on December J. Finally, using the format of Attachment H, an additional hardware inventory which describes the hardware to be in place on October 1, 1984 must also be submitted as part of the plan due this December.
4. The plan must also include a network diagram of all existing (as of June 1, 1983) elements of the regional service delivery system within each region using the format described on Attachment I. This diagram must be submitted by June 30, 1983 and updated as of October 1, 1983 as part of the December plan. A third diagram, following the format of Attachment I, must be submitted by December 1, 1983. This document will describe the elements of the regional service delivery system projected for September 1, 1984.
5. A procedure must be implemented to determine the needs of all users and non-users within the service area. The Department has prepared suggested topics to be covered in a survey of users and potential users (see Attachment J). Each District Superintendent planning team may, if it wishes, add additional topics of local interest. The results of a user and non-user survey should be described in the needs section of the Chapter 793 plan, and the plan should indicate the manner in which the needs and problems so discovered are being addressed.

6. Any regional center which is audited in accordance with Policy #20 of Attachment A will be required to address the recommendations of that audit in its plan.
7. There will be no specific forms for the plan, but it must contain the following elements in addition to those already noted above:
  - a. A description of the planning process which makes it clear to the reader how the plan was developed, who was involved and what contributions each made.
  - b. The priority school district needs which the plan addresses and how priorities for needs were established (as noted in #5, above).
  - c. The goals for the region (presumed to be at least five years) and subgoals for each supervisory area, with an indication of their consistency with the missions and goals statements in Attachment D.
  - d. Specific objectives for the development of computer services for 1984-85 and 1985-86. A list of activities must be included for the 1984-85 set of objectives but are not necessary at this time for the 1985-86 objectives. The 1984-85 activities must also include a timeline and related resource requirements. The list of activities must be of sufficient detail so that a reader will understand how it is intended that the objectives will be achieved.
  - e. A brief description of the manner in which the achievement of each objective for 1984-85 will be assessed.
  - f. The information which will be needed by the Department in order to determine the extent to which COSERS submitted on February 1, 1981/- are consistent with the items on Attachment B must be included in the plan. The specific manner in which this information is presented will be left to the discretion of each regional planning team.

District Superintendents should be aware that a document describing long-term directions for management and instructional management computer services is being cooperatively developed by Department staff and an ad hoc group of District Superintendents. This document attempts to focus on the year 1988-89, and addresses how anticipated changes in technology should affect the regional computer centers and the Central Skills Team, among other elements of the current arrangements for computer services. This document will be circulated for review by all District Superintendents by members of the Planning Council immediately after their meeting on May 9. Following a general discussion by all District Superintendents during the regular staff meeting on June 20-21, the document will be revised and disseminated. It will provide long-range directions for the plans to be submitted on December 1, 1983.