



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: Elizabeth R. Berlin

SUBJECT: Regents 2016 Federal Priorities

DATE: October 21, 2016

AUTHORIZATION(S):

SUMMARY

Issue for Decision

The Board of Regents advances federal priorities every year. The relevant committees will review the 2015 priorities for advancement and also consider and approve new priorities for 2016.

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 October meeting.

Recommendation

Affirm support for last year's priorities and consider and approve new priorities for 2016.

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Reauthorization of the Carl D. Perkins Career and Technical Education Act & Increasing Quality Technical Educators

THE ISSUE:

With new jobs increasingly demanding advanced skills, it has never been more critical to ensure that students have opportunities that include rigorous career and technical education so that, upon graduation from high school, they are prepared for college and career success. The Regents have taken steps to address this gap by creating pathways to graduation that include rigorous Career and Technical Education (CTE) options. The creation of a CTE pathway as well as a general increase in demand for career and technical coursework will result in a corresponding need to increase the number of quality CTE teachers.

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 for CTE and is one of the largest sources of federal institutional support for community colleges.

The US Education Department's Office of Career, Technical and Adult Education, has developed a document called *Investing in America's Future: A Blueprint for Transforming Career and Technical Education*. The core principles of this proposal reflects a commitment to promoting equity and quality through alignment, collaboration, accountability and innovation efforts in order to ensure that more students have access to high-quality CTE programs. New York is supportive of these principles and implementation must be carefully examined and openly discussed to ensure that all New Yorkers can take advantage of high-quality CTE programs.

THE SOLUTION:

The previous Perkins reauthorization resulted in a greater emphasis 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, colleges 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.

In addition to the Regents' support of providing additional resources for BOCES and our Big 5 school districts to be able to hire quality CTE teachers, the Regents support federal legislation, such as the federal Creating Quality Technical Educators Act, which would establish a grant facilitating CTE-specific partnerships with high-needs schools and post-secondary institutions to train CTE teachers.

For more information contact the
Office of Governmental Relations, New York State Education Department, (518) 486-5644



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Federal Approval of the NYS ESEA Waiver for Assessing English Language Learners and Students with Disabilities

THE ISSUE:

The United States Department of Education's declination to exercise its authority to grant waivers to New York pertaining to certain assessment and accountability requirements under Title I of the Elementary and Secondary Education Act of 1965 (ESEA) is both concerning and disappointing.

The waivers would have:

- Exempted English language learners (ELLs) who have attended schools in the United States for less than two years from taking the State's English language arts assessment (ELA), and instead use their results on the New York State English as a Second Language Achievement Test (NYSESLAT) for accountability purposes. Extending the NYSESLAT's use would afford districts critical time to work intensively with newly-arrived ELLs to develop their English skills before using ELA assessments as the sole English language accountability measure;
- Incorporated the progress that certain ELLs (those who have received less than three years of ELL services) make on the NYSESLAT in computing the Grades 3-8 English language Performance Index for schools and districts. Such newcomers are unable to meaningfully access the content measured by ELA assessments; and
- Assessed at the instructional level certain students whose cognitive and intellectual disabilities preclude their meaningful participation in chronological grade level assessments. This group of students would have had the opportunity to participate in grades 3-8 assessments that provide meaningful accountability determinations and instructional and growth information, rather than a test where the only questions these students are likely to answer correctly are multiple choice questions that they correctly guess.

THE SOLUTION:

The Board of Regents urges the federal government to:

- Reconsider the denial of New York's waiver requests;
- Immediately convene groups of states to discuss the most appropriate ways to assess and hold schools and districts accountable for the performance of these distinct groups of English language learners and students with disabilities; and
- Advocate that Congress, in their reconciliation of their respective ESEA reauthorization legislation, provide states with flexibility in how they assess these students as new technology and methodologies become available.

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Support for School Districts Experiencing Influxes of Immigrant Students

THE ISSUE:

Driven by factors that include widespread gang-related violence in Guatemala, Honduras and El Salvador, an unprecedented influx of **unaccompanied minors** crossing the US southern border last year prompted President Obama to declare the situation as an “urgent humanitarian situation.”

While the Obama Administration has and continues to increase efforts to stem the number of unaccompanied minors illegally entering the US, a number of these young people currently reside in New York until proceedings, consistent with federal policy and law, can take place and determinations can be made about their future. Until these determinations are made, New York school districts may not deny resident students a free public education on the basis of their immigration status.

The Department is aware of school districts that have been disproportionately affected by an unexpected influx of these students and there is currently no immediate relief or emergency funding available to provide these districts with the resources that they are seeking to serve these students. Further, there is the issue of providing adequate funding and support to school districts that have either recently experienced or are currently experiencing a large growth of immigrant students who are often **refugees** from countries or areas that are or have recently experienced war or other disasters. This student population often has unique and varying needs and requires additional services in order to succeed academically. While our school districts are required to meet the needs of both of these immigrant student populations, they need additional support in order to successfully fulfill this important obligation.

THE SOLUTION:

The Department is supportive of the following federal initiatives:

- The Public School Emergency Relief Act would provide emergency federal funding on a quarterly basis to school districts experiencing an influx of unaccompanied minors, through a grant, with an annual maximum of \$12,000 per child.
- Providing additional supplemental Title III, Part A Immigrant Children and Youth funding. In FY 2015-16, New York was awarded an additional \$1.77 million for school districts, under this program, that have experienced a significant increase in the number or percentage of immigrant children and youth enrolled in their schools.

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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. The Office of the State Comptroller estimated, in their May 2013 report on the New York State DREAM Act, that 8,300 undocumented students were enrolled in our public institutions of higher education in the Fall 2012 semester, with most enrolled at CUNY (6,546 students).

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 US, even if they have lived here most of their lives. In 2012, the Deferred Action for Childhood Arrivals (DACA) policy was implemented in order to allow for a two-year deferral from deportation proceedings, as well as the opportunity for renewal, and provide young undocumented immigrants with the opportunity to apply for a work permit. While this Executive Order was and remains to be a valuable temporary action, it does not provide a recipient with a legal status. Full statutory action through the DREAM Act is necessary for young immigrant New Yorkers who are poised to succeed in college and careers.

THE SOLUTION:

Enacting the federal DREAM Act would have a life-changing impact providing immigrant students with a pathway to become legal residents so that they can fully participate in New York's economy.



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Increasing Access to Community Schools

THE ISSUE:

Community Schools are public schools that emphasize wrap-around services and are characterized by strong partnerships and additional supports for students and families designed to counter environmental factors that impede student achievement. These schools coordinate and maximize public, non-profit and private resources to deliver comprehensive programs and critical services such as academic enhancement, health promotion and healthcare, mental health, nutrition, counseling, parenting skills and supports, housing, workforce training, job search and legal assistance to students and their families.

The 2013-14 and 2014-15 enacted state budget recognized the importance of these schools with the creation of the Community Schools Grant Initiative, a \$15 million competitive grant program which offered awards of up to \$500,000 to eligible school districts to be distributed over three years. Over sixty programs in high-need school districts were funded and are currently in operation.

Community Schools are a holistic model of how to drive the change needed to address economic and social factors that impede student achievement. Community Schools are not a new concept, they are located across the country and it is time that additional funding is provided at the federal level to support replication of this successful model.

THE SOLUTION:

The Regents support enactment of federal legislation, such as the Full-Service Community Schools Act, and the expansion of the federal Full Service Community Schools Grant Program to provide matching grants to support the creation of Community Schools.

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Federal Support for Early College High Schools

THE ISSUE:

Early college high schools (ECHS) are 4-year programs that combine high school and college in a rigorous, supportive environment that enables students to succeed in high school courses and graduate with college credit with the tools for postsecondary success. The program is targeted at high need students who traditionally attend college at disproportionately lower rates, and aims to increase high school and college completion rates, while reducing student tuition costs and the need for remediation. The ECHS program offers an exciting opportunity to achieve the Board of Regents over-arching goal to close the performance gap for all students. There are currently 21 ECHS programs that the Department administers \$3.5 million in funding to. **Without additional funding, this grant program will end in August 2016.**

The creation of early college high schools is a model that has demonstrated success in recruiting and supporting students from high-needs middle schools. Funding at the federal level is important in supporting and expanding the use of these innovative programs.

THE SOLUTION:

The Regents support enactment of federal legislation, such as the “Go to High School, GO to College Act” which would provide Federal Pell Grants to eligible students in Early College High School programs.

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Federal Support of NYS Cultural Institutions

THE ISSUE:

Institute of Museum and Library Services (IMLS): IMLS provides grants to Libraries, Museums and Archives. The largest grant program is the Library Services and Technology Act (LSTA) Grants to the States Program. The Grants to the States Program is a population-based grant to each state. New York received \$7.9 million in LSTA funds in FY2015. These funds support *Ready to Read at New York Libraries*, *Summer Reading at New York Libraries*, NOVELNY and other statewide services. In January, President Obama proposed a modest increase to the total budget for IMLS. The Museum and Library Services Act, which establishes the IMLS and the various grant programs, including the Grants to the States program is due for reauthorization by Congress by September 2016.

National Historical Publications and Records Commission (NHPRC): The NHPRC provides grants to archives and historical records repositories for documentary editing and for preservation and access to records and manuscripts. NHPRC has provided funding to multiple institutions around the state, including the State Archives. In January, President Obama proposed a \$5 million FY2016 appropriation for the NHPRC, the same level of funding provided in FY2015.

National Endowment for the Humanities (NEH): President Obama is requesting a slight increase to \$147.9 million for FY2016 for NEH. The FY2015 NEH appropriation was \$146 million. The NEH provides grants to institutions to support preservation, access, education and scholarship for cultural materials. Over the past five years, an average annually of 25 New York cultural heritage institutions, universities, and libraries have received a total of over \$5 million in NEH grant project funds.

Innovative Approaches to Literacy (IAL): From 2002 to 2010, Improving Literacy through School Libraries was the primary source of federal funding for school libraries but has since been consolidated or zero-funded. In FY2012, funding was redirected for the Innovative Approaches to Literacy (IAL) program. IAL is a competitive grant program administered by the U.S. Department of Education and is currently the primary source of federal funding for school libraries and half of the funds must go to low income school libraries in order to bring them up to standards. Funding from IAL ensures that more students in New York have access to high-quality school library services and gain skills to become college and career ready. IAL was funded at \$25 million in FY 2015. This is a \$2.4 million cut from FY 2013.

THE SOLUTION:

The Department supports the following:

- Increase the current level of funding for IMLS in the upcoming federal fiscal year and support reauthorization of the Museum and Library Services Act;
- Maintain NHPRC funding at \$5 million to continue to support current programming;
- Increase the current level of funding for the NEH in the upcoming federal FY; and
- Restore IAL funding to \$28.6 million for FY2016.

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