



**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Elizabeth R. Berlin *Elizabeth R. Berlin*  
**SUBJECT:** 2019-20 Non-State Aid Budget and Legislative Priorities  
**DATE:** December 6, 2018  
**AUTHORIZATION(S):** *Mary Ellen Elin*

### **SUMMARY**

#### **Issues for Decision**

The 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 so that the Department has the resources it needs to meet the Board's policy priorities.

At the September meeting, the Regents Subcommittee on State Aid reviewed and discussed proposals advanced during the 2018 budget cycle and legislative session. At the October meeting, the relevant committees of the Board reviewed and discussed the previous Non-State Aid proposals and identified and discussed new initiatives for consideration, and updated proposals were brought back to the committees for further consideration in November. At the December meeting, the Board will approve the proposals to be advanced during the 2019-20 budget cycle and 2019 legislative session.

#### **Reason(s) for Consideration**

Regent's approval of 2019-20 non-State Aid budget and legislative priorities.

#### **Recommendation**

It is recommended that the Regents approve 2019-20 non-State Aid budget and legislative priorities as follows:

## 2019-20 Non-State Aid Budget Priorities

BOR Committee	Proposal Description	Amount of Current Request	Policy Area
P-12	<p><b>Promotion of Positive School Climate and Bullying Prevention-</b> Expand the Supportive Schools Grant Program and Technical Assistance Centers to provide resources for schools to be able to assess their current environment and provide them with the support necessary to develop and implement a plan, derived from evidence-based strategies and best practices, for improving school culture, climate, and safety, including prevention of and responses to bullying and ensuring and enhancing DASA compliance.</p>	\$8M	Equity
P-12	<p><b>Expanding Access to Quality High-Level Coursework-</b> Establish a grant program that would expand and scale up existing online coursework platforms that would be provided to high needs school districts at no cost to increase access to advanced level coursework (AP) that is vetted by NYS certified school and district leaders or appropriate entities, inclusive of the needs of ELLs and SWDs, and delivered by a NYS certified teacher.</p>	\$3M	Equity
P-12	<p>Additional <b>ESSA Implementation</b> recommendations:</p> <ul style="list-style-type: none"> <li>• Supporting Newly Identified (CSI &amp; TSI) Schools- \$3.5M;</li> <li>• Improving Transition Services to NYS Students at Neglected &amp; Delinquent Facilities- \$300,000;</li> <li>• Providing High-Quality Professional Learning- \$2.9M; and</li> <li>• Creation of a Parent-Friendly Data System- \$2.5M.</li> </ul>	\$9.2M	ESSA
P-12	<p><b>Access to High-Quality Early Education and Early Care Programs-</b> Implementation of the recommendations of the Regents Early Childhood Workgroup’s Blue Ribbon Committee:</p> <ul style="list-style-type: none"> <li>• Establishment of Regional Early Learning Technical Assistance Centers- \$2M;</li> <li>• Expanding QUALITYstarsNY- \$3M;</li> <li>• Implementing a Multi-Agency Comprehensive Developmental Screening Process- \$700,000;</li> <li>• Elevating Teacher and Leader Preparation and Professional Learning- \$2.5M; and</li> <li>• Tuition Cost Study for High-Quality Prekindergarten- \$300,000</li> </ul>	\$8.5M	Early Learning

P-12	<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 4410 Staff to Obtain Appropriate Certifications- \$2M</li> <li>Expand Excessive Teacher Turnover Prevention Compensation Funding- \$4M</li> </ul>	\$6M	Early Learning
P-12	<p><b>Ensuring Equal Opportunities for English Language Learners/Multilingual Learners-</b></p> <p>Enhancing Regional Bilingual Education Resource Network support centers (RBERNs) professional development, technical assistance, compliance support, and role in providing translations, to meet ESSA's mandates and goals regarding ELL/MLL achievement.</p>	\$2.375M	ELLs
P-12	<p><b>Enhancing the Achievement of English Language Learners-</b> Supporting Spanish Language Arts (SLA) test development (5-year phase-in with costs in out years) and 3-8 and Regents exam translations in order to test student content and language mastery, not just their proficiency in English. SLA test development would begin with development of SLA standards and prep for testing in Grades 3-5. In subsequent years, the assessment would grow to include Grades 6-8 and one year in HS.</p>	SLA \$3.43M  Translations \$1M	ELLs
P-12	<p><b>Ensuring the Appropriate Provision of English Language Learner Services -</b> Creating a new English Language Proficiency assessment for English Language Learners/Multilingual Learners with Severe Cognitive Disabilities. (\$2M each year for at least 3 years)</p>	\$2M	ELLs
P-12	<p><b>Development of Regents Exams in World Languages-</b> The development of Regents Exams in Spanish and French (5-year phase-in with costs in out years).</p>	\$950,000	Efficiency
P-12	<p><b>Creating a Special Education and Related Services Data System-</b> additional funding to support Phase II of the system development (a contract to build the system).</p>	\$3.46M- which will cover costs for 2 years	Efficiency
P-12	<p><b>Improving Facilities System Services-</b> additional funding complete the analysis, development, testing, data migration and implementation of the replacement PMIS system.</p>	\$300,000	Efficiency

HE	<p><b>Supporting NYS Access &amp; Opportunity Programs-</b> The state's higher education opportunity programs are available to students attending colleges and provide access to higher education to students who might not otherwise have the opportunity.</p> <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>	\$10M	Equity
HE/ ACCES	<p><b>Enhancing Supports &amp; 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.</p>	\$15M	Equity
HE	<p><b>Access to a Highly Qualified Diverse Teaching Workforce-</b> Increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers through the expansion of the Teacher Opportunity Corp II grant program.</p>	\$500,000	Equity
HE	<p><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.</p>	\$500,000	Efficiency
PP	<p><b>Development of an Electronic Licensing and Document Management System to Improve Customer Service-</b> Replacing a 35 year-old COBOL-based licensing system and enhancing our customer experience through use of funds resulting 15% registration fee increase authorized by the Legislature in 2009.</p>	\$7.2M in Spending Authority for Phase II	Efficiency
OCE	<p><b>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.</p>	\$11M	Equity
OCE	<p><b>Expanding Access to Education Programs through Cultural Institutions-</b> Support the Museum Education Act and establish competitive grants 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.</p>	\$5M	Equity

<b>OCE</b>	<b>Expanding Public Broadcasting Education Programs-</b> Increased State Aid to expand two Public Broadcasting programs, the Enterprise America and GPS for Success, statewide to each public television station.	\$5M	Equity
<b>ACCES</b>	<b>Bridge to College &amp; 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.	\$3M	Equity
<b>ACCES</b>	<b>Expanding Independent Living Services for Individuals with Disabilities-</b> Independent Living Centers (ILCs) serve people with disabilities and their families by providing an array of services to help these individuals live a fully integrated and self-directed life.	\$5M	Equity
<b>DEPARTMENT WIDE</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.	5% set-aside	Efficiency
<b>DEPARTMENT WIDE</b>	<b>Enhancing Transparency-</b> Webcasting Regular Board of Regents Public Meetings	\$200,000	Efficiency

## 2019 Legislative Priorities

Committee	Proposal	Policy Area
P-12	<b>Mandating Full-Day Kindergarten-</b> Implementation of the recommendation of the Regents Early Childhood Workgroup’s Blue Ribbon Committee to require Full Day Kindergarten.	Early Learning
P-12	<b>Improving Teacher Recruitment for Preschool Special Education Programs -</b> Authorize Section 4410 Program Providers to Contract with BOCES for Teacher Recruitment.	Early Learning
P-12	<b>Tenure and Seniority Protections for Bilingual and ESOL Teachers/Teaching Assistants-</b> Require school districts, in the event of an abolition of a position, to excess the teacher/teaching assistant with the least seniority in the tenure area of the position abolished, except where the retention of a less senior teacher/teaching assistant fluent in a specific language is necessary for the school to provide required bilingual/ESOL instruction.	ELLs
P-12	<b>Mandate Relief and State Aid Claims Flexibility-</b> Eliminate or reduce a significant number of statutory mandates and provide greater flexibility relating to transportation, educational management services, special education requirements, as well as school aid and building aid payment flexibility.  Modify to add provisions	Efficiency
P-12	<b>Tuition Rate Setting Methodology for Special Act School Districts and 853 Schools-</b> Establish a statutory growth index to establish predicable and timely tuition increases and allow for improved budget planning. In addition, the proposal would authorize providers to establish a general reserve fund.  Modify to make a technical update to the growth index to account for recent approved rates.	Efficiency
P-12	<b>Regional Secondary Schools Advisory Council-</b> Establish a temporary advisory council composed of legislative and advocacy stakeholders tasked with developing a legislative proposal to establish regional high schools.	Efficiency
HE	<b>Education Equity for DREAMers Act-</b> Eliminate provisions in state law that require students to be a US citizen or permanent lawful resident to receive general awards, including TAP, academic performance awards, scholarships or other financial assistance.	Equity

<b>HE</b>	<b>Increasing Access to College and Affordability for Students through Smart Scholars Early College High Schools &amp; PTECH-</b> Codification of SS-ECHS and P-TECH programs in statute and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.	ESSA
<b>PP</b>	<b>Enhanced Discipline Authority of the Licensed Professions-</b> Add moral character requirements to the professions that currently do not have them, require that licensees notify the Department of a crime or pending conviction of a crime rather than when applying for registration/re-registration every 2-3 years, create a summary suspension of a license when there are serious public health and safety issues.	Efficiency
<b>ACCES</b>	<b>Expansion of the Reader's Aid Program-</b> Expansion of Reader's Aid program eligibility to students with print disabilities.	Equity

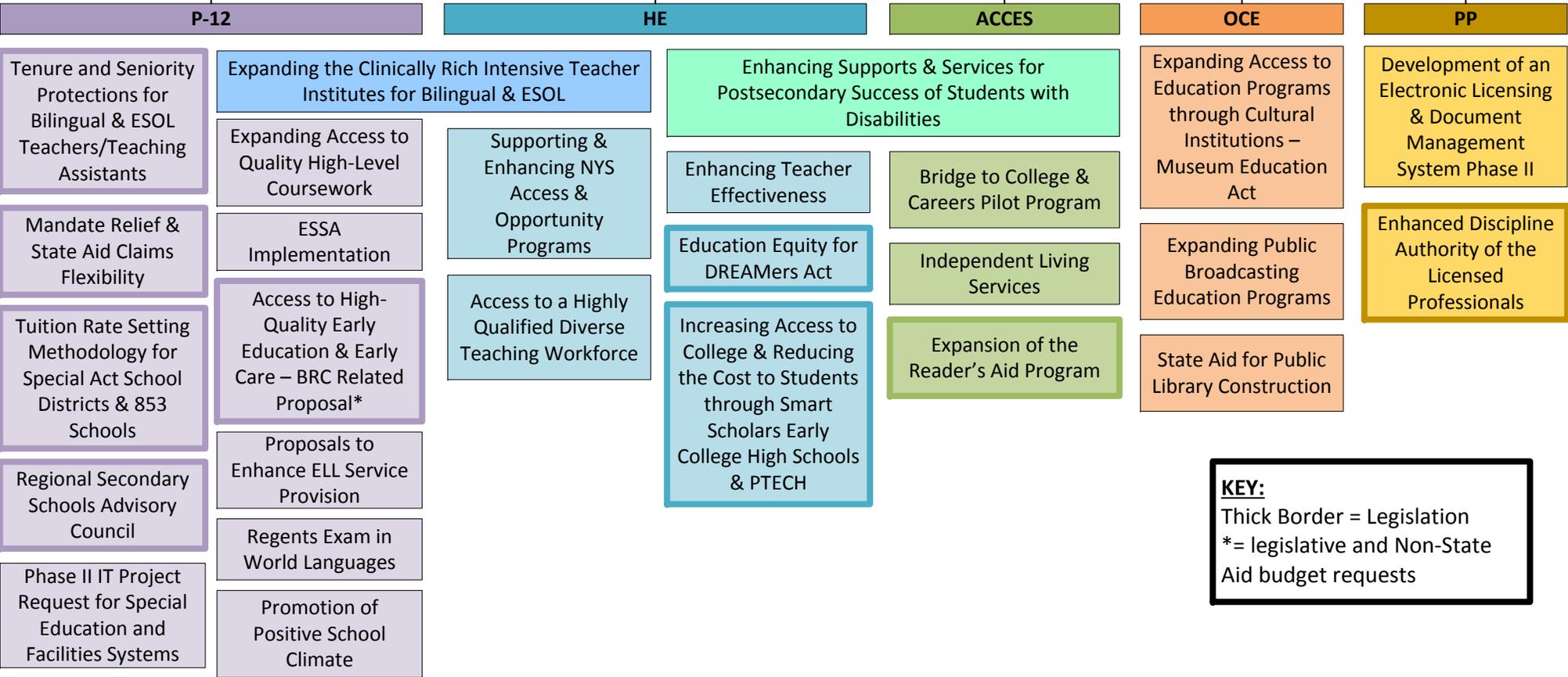
Attachments

# Board Priorities for the 2019-2020 Legislative Session

**September** - September Subcommittee on State Aid reviewed and discussed Non-State Aid budget and legislative proposals advanced during the 2018 budget cycle and legislative session and moved conversation to relevant Committees.

**October** - Committees reviewed and discussed previous Non-State Aid budget and legislative proposals, as well as identify and discussed new initiatives for consideration

**November** – Committees further considered updated Non-State Aid budget and legislative priority proposals.



**KEY:**  
 Thick Border = Legislation  
 \*= legislative and Non-State Aid budget requests

**Department wide ask:** Building Oversight & Support Capacity at SED and Enhancing Transparency

**December** - Full Board Adopts Its Priorities for the 2019-20 Legislative Session



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## **Promotion of Positive School Climate and Bullying Prevention**

### ***THE ISSUE:***

The Dignity for All Students Act (DASA), passed in 2012, seeks to provide students in New York with a safe and supportive school environment free from bullying, harassment and discrimination. In 2013, the law was expanded to include cyberbullying. Effective implementation of this law is critical to the health and safety of our students across the State. Every child deserves to attend a safe, high-quality school where all students, teachers, and staff are treated with dignity and respect. Research suggests that the quality of the school climate may be the single most predictive factor in any school's capacity to promote student achievement. To improve school climate, schools need effective strategies for building healthy, supportive, and safe learning environments for students and educators through strengths-based practices that work to encourage solid social emotional learning skills and mental health support for all students, such as:

- Establishment of peer mentoring programs that focus on bullying prevention and awareness;
- Creation of informational parent programs and communication protocols;
- Implementation of Positive Behavioral Interventions and Supports (PBIS), trauma-sensitive schools, school climate surveys and/or other initiatives that promote school climate and are proven to improve student outcomes; and
- Evaluation and improvement of school/district incident response protocols.

Last year the State made a critical \$2 million investment in this area by establishing the Supportive Schools Grant Program to provide resources for schools to assess their current environment and to provide them with the assistance necessary to develop and implement a plan—derived from evidence-based strategies and best practices—for improving school culture, climate, and safety. Additional investments will allow more schools to engage in this important work as well as create regional technical assistance centers to support schools.

### ***2019-20 Budget Request – \$8 million in new state funding to:***

Expand the Supportive Schools Grant Program established in the 2018-19 Budget to:

- Establish four additional technical assistance centers (TACs) to be located regionally in each of the following areas: New York City, Hudson Valley, Central New York and Western New York. The TACs would provide leadership, technical assistance, training, and support for schools to build capacity to create positive school environments including the prevention of and responses to bullying and data reporting, and ensuring and enhancing DASA compliance. Working closely with school personnel, Dignity Act Coordinators, parents and district leadership, the technical assistance centers will evaluate district needs and develop an action plan; and
- Make funds available to additional school districts to support the implementation/expansion of efforts in these areas as identified in their action plan through their partnership with a TAC. The funding would be targeted to school districts through a methodology that weights factors such as identification as Potentially or Persistently Dangerous, and chronic absenteeism, suspension and drop-out rates, among others. Districts would have to supplement not supplant a district's current efforts.

Like previous investment in this area, it is critical that the Department be provided with a 5% set-aside within the funding to support the implementation of the program.

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



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## **Expanding Access to Quality High-Level Coursework**

### ***THE ISSUE:***

The Department is committed to increasing equity in educational opportunities, including providing access to different high-quality learning experiences and high-level coursework for all students. Students' participation in higher level coursework has shown to be a strong indicator of future success in college.

However, in 2015-16, the percent of students enrolled in an Advanced Placement (AP) course statewide was 16%. In New York's wealthiest districts, 25% of students were enrolled in at least one AP course, and 85% of those districts offered more than five AP courses. In rural, high-needs districts, by comparison, only 6% of students were enrolled in at least one AP course, and only 7% of districts offered more than five AP courses. New York's largest districts also showed lower-than-average enrollment numbers. In the Big 4, only 9% of students were enrolled in an AP course that year.

The Online Learning Advisory Council, established pursuant to Chapter 513 of 2014, highlighted that online learning "should be embraced for its potential to improve educational equality" by breaking down "geographical, financial, and social-cultural barriers" to access to coursework. Online learning (also referred to as virtual learning) can be utilized to provide opportunities for increased equity in accessing high-quality courses and learning experiences that might not otherwise be available, such as in rural and high-needs schools. In New York's Every Student Succeeds Act (ESSA) plan, the Department outlined its plans to continue to support "new and existing programs that focus on the utilization of technology to...increase access to high-quality, rigorous learning experiences" in order "to enhance equitable access to quality learning experiences."

### ***2019-20 Budget Request – \$3 million in new state funding to:***

Expand access to high-level courses that support the diverse needs of students throughout New York State by capitalizing on the strength of existing, successful regional online learning programs, and strategically using funds to scale up available coursework and provide no-cost access to high needs and underserved public school districts and the Big 5. Future expansion of and support for access to all higher-level coursework, including dual enrollment and IB, is contemplated.

The coursework would be required to be:

- Taught by NYS-certified teachers who have received training in instructional best practices for online learning and culturally- and linguistically-responsive instruction (as well as AP instruction, if applicable);
- Aligned to instructional best practices for online learning that is culturally- and linguistically-responsive; and
- Approved by NYS-certified School Building/District Leaders (or other appropriate approval).



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## **ESSA: Supporting Newly Identified Schools**

### ***THE ISSUE:***

The Every Students Succeed Act (ESSA) identified a number of new federal requirements for how states work with struggling schools, including:

- All identified schools must undergo a Needs Assessment and use the results of the Needs Assessment to inform their improvement plan.
- All identified schools must include an evidence-based intervention as part of its improvement plan.
- The State is to provide oversight and support for the improvement planning process of all Comprehensive Supports and Improvement (CSI) schools, which are schools in the bottom 5 percent in the state. The local school district will oversee the improvement planning process of Targeted Support and Improvement (TSI) schools, which are schools identified for subgroup performance.

The Department anticipates that approximately 300 schools, serving around 180,000 students, will be identified as CSI schools and several hundred additional schools across dozens of districts will be identified as TSI schools or schools that could be identified as TSI next school year. These schools will need significant support to address the challenges they face.

During the developing of the NYS ESSA plan, stakeholders frequently expressed the need to move away from top-down, one-size-fits-all mandates that were a part of No Child Left Behind and move toward helping schools and districts identify school-specific solutions based on their current needs. This approach can only be possible when a robust Needs Assessment process is in place and when the state is able to provide differentiated support based on need. This is a change from the previous approach, in which schools received an equal amount of limited attention over three years, regardless of performance.

To maximize the Department's ability to direct its resources and attention to the schools with the greatest needs, the proposal is to provide individualized support to CSI schools that have struggled to show gains in their first year of identification, so that these schools receive the support they need to reverse their trajectory.

It is also important that districts are prepared to conduct thorough needs assessments and monitor and support the improvement planning process in their schools and that the Department is able to provide support to both CSI and TSI schools as they identify the evidence-based intervention most appropriate to their needs. Additionally, it is critical that schools undertaking interventions make sure that the efforts are implemented strategically so that schools can be positioned for success- those that are undertaking improvement efforts need to give considerable thought into how evidence-based strategies are implemented so that schools can best benefit from those initiatives.

### ***2019-20 Budget Request – \$3.5 million in new state funding to support:***

- Contracting with school improvement experts to provide individualized support at approximately 150 Comprehensive Supports and Improvement schools in 2018-19.
- Facilitating training to school districts with TSI schools so that Districts can conduct Needs Assessments in all TSI schools.
- Facilitating training on Evidence-Based Interventions so that TSI and CSI schools can learn strategies to ensure that their school improvement plans are evidence-based and implemented strategically.

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



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## **ESSA: Improving Transition Services to NYS Students at Neglected and Delinquent Facilities**

### ***THE ISSUE:***

The NYS Every Student Succeeds Act (ESSA) plan includes a focus on ensuring that students served in Neglected and Delinquent facilities graduate from high school and meet college-and career-readiness standards. However, variations in the size, type, typical length of stay, and oversight agency regularly lead to transition-related issues. In New York, students are served in not less than 12 different types of neglected and delinquent facilities, including but not limited to: 853 Schools, Drug Treatment Centers, Non-Secure Placements, Secure Detention Placements, Non-Secure Detention Facilities, Article 81 Schools, Group Homes, At-Risk Youth Shelters, Limited Secure Facilities, Special Act Districts, County Jails, and Transitional Living Facilities. More than 350 facilities serve approximately 20,000 students statewide operate under the purview of the:

- New York State Education Department
- New York State Office of Children and Family Services
- New York State Department of Criminal Justice Services
- New York State Department of Corrections and Community Supervision

U.S. Department of Education data shows that 43% of youth in a juvenile detention facility did not return to school after release, and another 16% enrolled in school, but dropped out after only five months. In New York State, only one third of students who were served in neglected or delinquent facilities received transition-related services to support their successful re-entry into school, post-secondary education, and/or employment. Inconsistencies in legislative and regulatory mandates related to levels of educational services (e.g., mandated hours of instruction per day, instructor credential requirements) compound barriers to effective transitions by creating gaps in instructional programming and opportunities. For example, many facilities do not consistently use curricula aligned with NYS standards, which can result in credits not transferring or being accepted upon a student's return to a school district setting. Similarly, facilities need support and resources to address students' specific educational needs, e.g., English Language Learner services. Further, delays in the transfer of youth's educational records, including Individualized Educational Plans (IEPs), often result in delays in the provision of appropriate academic and/or non-academic services. This is a major concern given that 41% of NYS students served under Title I, Part D-Subpart 2 have IEPs.

Given the diversity of facility types, it is essential to complete a comprehensive evaluation of current policies, procedures, and practices across all oversight agencies in order to develop and identify standardized criteria to be included in a formal transition protocol.

### ***2019-20 Budget Request – \$300,000 in new state funding to support:***

A contract with an independent, third-party vendor to conduct an evaluation of current policies, procedures, and practices related to transition into, among, and out of neglected and delinquent facilities under the purview of the agencies listed above. This would allow for the identification of gaps in current policies, procedures, and practices that inhibit providing students with high-quality academic instruction, special education services, English Language Learner/Multi-Language Learner (ELL/MLL) services, Career and Technical Education (CTE) programming, and High School Equivalency (HSE) opportunities. The selected vendor would be responsible for collaborating with agency staff to design and conduct the statewide study and generate a report detailing key findings and recommendations for the Department to review in the development of a universal transition protocol.

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## **ESSA: Providing High-Quality Professional Learning**

### ***THE ISSUE:***

Research has demonstrated that excellent teachers are the number one in-school factor for student success.<sup>1</sup> To improve student outcomes, we must focus on what matters most – better supporting all of our teachers and leaders. Unfortunately, educators’ access to and time for high-quality professional learning varies considerably across New York State, creating inconsistency in students’ educational experiences. Existing structures for professional learning have created pockets of success, but do not reach all educators.

The State’s Every Student Succeeds Act plan promotes educational equity in many ways, including through equitable access to effective teachers. New York needs a professional learning infrastructure that promotes educator effectiveness and supports teachers in their efforts to prepare students for success in college, careers, and civic life. As New York State educators continue to develop and update learning standards, it is critical that we have a strategy in place to disseminate information and support to the field.

In consultation with a task force of stakeholders, the Department has developed a new professional learning strategy to meet the needs of all educators through two key approaches:

1. **Statewide supports:** Provide equitable access for all educators to professional learning that is relevant, actionable, and ongoing. We seek to do this by:
  - Improving coordination and communication of existing and emerging professional learning efforts;
  - Providing consistent, thoughtful, and high-quality supports and tools for all educators; and
  - Establishing expectations for BOCES and other partners regarding their role in implementing and overseeing high-quality professional learning.
2. **Regional Expertise:** Empower regions to reimagine professional learning for schools and districts by leveraging our strongest professional learning providers to establish centers of expertise (COEs). The COEs will model the high-quality characteristics of needs-based, ongoing, differentiated, job-embedded professional learning and refine best practices that can be scaled up to the rest of the State.

Through this professional learning strategy, educators across the State will have access to rich and meaningful supports, resources, learning communities, and professional learning events. Ultimately, students will be supported by effective teachers and leaders, engage in rich and meaningful learning experiences every day, and be better prepared for success in school and beyond.

### ***2019-20 Budget Request – \$2.9 million in additional state funds***

The Department seeks a State investment in two approaches to support the State’s professional learning infrastructure:

1. The Department seeks a \$1M investment to support coordination and communication of professional learning across the State, including support to convene a Statewide Professional Learning Team of stakeholder representatives.
2. The Department seeks a \$1.9M investment in specialized centers of expertise that will deliver innovative professional learning experiences and build district capacity. We envision that – through deep engagement with a subset of districts as well as site visits, convenings, and sharing of resources with a broader group – each COE can impact nearly 150 districts.

<sup>1</sup>Center for Public Education, 2005; Hattie, 2009; Wright, Horn, & Sanders, 1997



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## **ESSA: Creation of a Parent-Friendly Data System**

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### ***THE ISSUE:***

The Every Students Succeed Act (ESSA) requires that New York appropriately develop, collect, analyze and report new data elements; develop, maintain and provide ongoing enhancements for additional reporting requirements; and create a new parent-friendly data system to report data elements associated with the requirements of our ESSA plan, such as, but not limited to chronic absenteeism, the college and career readiness index, and out of school suspensions.

The overarching goal of this proposal is to implement the data collection and reporting requirements for all new data elements associated with the requirements of New York's State ESSA plan. In doing so, the Department will develop, maintain and provide enhancements for reporting of data to parents via a statewide, parent-friendly data system. The system would display dynamic visual analytics of the components of the ESSA plan that are of interest to parent stakeholders. Additionally, the existing public data site <https://data.nysed.gov> will be further enhanced to include all newly ESSA required data elements required in State Report Cards and Accountability.

Recent research suggests when parents have access to easy to understand data, they are more likely to become engaged in their children's education. For instance, schools are aware that using technology to reach out to parents leads to increases in home-school communication and heightens parental involvement (Bernstein, 1998; Davenport & Eib; Furger, 2006, Rogers & Wright, 2008). These systems provide easy access to detailed historical student data, including educational inputs (e.g., teachers, schools attended, program participation, etc.) and outcomes (multiple measures including assessments mapped to standards), and an array of analysis tools. Administrators, teachers, and parents have systems with tailored access and functionalities. More detailed questions can be answered with more detailed data, such as formative assessment data, input data, and other information. (Dougherty 2008).

The Department has historically relied on the reporting of assessment, report card, staff and student data through the public data site. The creation of the parent-friendly data system will provide parents with the specific information of interest on their child's school displayed using tables, charts, and graphs to allow for ease of understanding and ease of access.

### ***2019-20 Budget Request – \$2.5 million in new state funding to support:***

The implementation of the data collection and reporting for all new data elements associated with the requirements of New York's State ESSA plan- including the creation of a parent-friendly data system. The development would be implemented over a 3-year period, with additional costs in Year 2 (\$4.4 million) and Year 3 and ongoing (\$1.9 million) and would include working with the Department's Chief Privacy Officer to ensure that the privacy of students' personally identifiable information is protected in compliance with state and federal law.



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## **Establishment of Regional Early Learning Technical Assistance Centers**

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### ***THE ISSUE:***

Currently, 10 professional staff in the Office of Early Learning at the Department, located in Albany, are responsible for providing technical assistance and monitoring oversight to prekindergarten programs in 471 school districts and thousands of prekindergarten classrooms around the State. This small office is also the fiscal steward for more than \$840M in State Administered Prekindergarten funding. Regional Early Learning Technical Assistance Centers (TACs) are necessary to support the Albany-based early learning team in order to adequately meet the needs of programs, help ensure compliance with State statute and Commissioner's Regulations, and to better respond to local demographics and school cultures. The Office of Early Learning will have oversight responsibilities of each regional TAC.

Areas of focus for the Early Learning TACs would include providing on-site technical assistance, quality assurance and support for State-funded prekindergarten programs and providing professional development for both school districts and community-based providers. In addition, the TACs will support school leaders and the early childhood education workforce by providing and developing train-the-trainer courses on topics such as developmentally appropriate practice, play-based learning, cultural and linguistic responsive practices, anti-bias training, and trauma-informed practices, among others.

The TACs would provide the Department with a regional presence similar to other offices within the Department, such as: Regional Bilingual Education Resource Networks (RBERNs), which provide technical assistance and professional development to districts/schools to improve instructional practices and educational outcomes of students who are Multilingual Learners; Early Childhood Direction Centers, which provide information and referral services for children with disabilities ages birth through five; and Special Education Quality Assurance offices, which oversee preschool and school-age special education services through a quality assurance review process; among others. The Early Learning TACs would complement these existing regional support centers for Multilingual Learners and Special Education by coordinating services and collaborating to provide holistic supports for early learning programs and our youngest students.

The Board of Regents requests state resources to implement the recommendation of the Regents Early Childhood Work Group's Blue Ribbon Committee to establish Early Learning Regional Technical Assistance Centers to provide support to early care and educational settings across the State.

### ***2019-20 Budget Request - \$2 Million in new state funds to support:***

The first phase of creating Early Learning Regional Technical Assistance Centers. These five TACs would be located in New York City, the Hudson Valley, the Capital Region, Central New York, and Western New York.

Phase two would include an additional \$1.2 million to fund three TACs in the Southern Tier, Long Island, and the North Country, bringing the total number to eight Early Learning Regional TACs around the State.



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## Expanding QUALITYstarsNY

### **THE ISSUE:**

QUALITYstarsNY, New York's early childhood Quality Rating and Improvement System, is a voluntary five-star "rating system" with the number of stars indicating the quality of an early care and learning program. It provides an infrastructure for assessing, improving and communicating the quality of care provided by early learning programs, and has proven to be an effective mechanism to improve the quality of early childhood education across the State, with more than eight in ten programs increasing their quality scores after a three-year period. QUALITYstarsNY utilizes quality improvement strategies that include:

- enhancing classroom environments and instructional experiences by providing curricular resources and high quality, age-appropriate classroom materials and furniture to programs that are voluntarily registered with QUALITYstarsNY;
- supporting the workforce to obtain higher education qualifications, through scholarship assistance for college coursework, and high-quality professional development offerings, including onsite coaching; and
- fostering site leadership by providing the skills, knowledge, and technical assistance that administrators need to effectively manage their programs and staff.

While data shows those programs that participate in QUALITYstarsNY have better outcomes for children, current funding can only reach a small percentage of early care and education programs. Currently, QUALITYstarsNY receives \$5M as New York State's Quality Rating and Improvement System, serving more than 800 programs and 55,000 children. But that is still less than 5% of all eligible programs.

Significant investment is needed to bring this successful initiative to more communities across the State, especially high-need communities. An additional \$3M in State funding would allow QUALITYstarsNY to support thousands more children in early childhood programs, while also providing the accountability system to protect the large investment that New York State has made in early childhood education systems.

The Board of Regents requests state resources to implement the recommendation of the Regents Early Childhood Work Group's Blue Ribbon Committee to expand QUALITYstarsNY. Additional funds will be used to expand the number of programs and classrooms receiving support from QUALITYstarsNY; improve assessment tools and staff support; strengthen the existing QUALITYstarsNY system; and improve coordination by leveraging all resources available for quality improvement.

### ***2019-20 Budget Request - \$3 million in additional funds to support:***

The expansion of QUALITYstarsNY throughout the State. At a cost of \$300 per child, an additional \$3M will enhance services for approximately 10,000 children and strengthen the existing system, which will improve coordination by leveraging all resources available for quality improvement to programs.

For more information contact the  
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## **Implementing a Multi-Agency Comprehensive Developmental Screening Process**

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### ***THE ISSUE:***

Frequently, the same child will be screened for developmental status multiple times by healthcare providers (hospitals, primary care clinicians) and other service providers (e.g., Early Head Start and Head Start, other preschool programs, home visiting programs, Early Intervention programs). Creating a central repository of the resulting data that could be shared by across health and education entities would enable providers working with young children and their family to minimize the cost and time of duplicative screenings and avoid having to request information from other providers.<sup>1</sup>

According to the American Academy of Pediatrics Bright Futures Chart, a comprehensive developmental screening process for all children ages zero to eight should include vision; hearing; physical and dental health; speech and language skills; fine and gross motor skills; and social, emotional and cognitive development. A common screening process could help strengthen collaboration between health, education and child care systems in support of children in their care. Data can be used to identify where screening efforts lag and to design community specific interventions that indicate whether a child is on track to be ready to succeed in Kindergarten. Its use over time could also inform educator practices, better support each child's development, and enhance the readiness of early learners across the State.

The Board of Regents requests new state resources to implement the recommendation of the Regents Early Childhood Work Group's Blue Ribbon Committee to take the first steps in creation of a multi-agency HIPAA and FERPA- compliant comprehensive developmental screening process.

### ***2019-20 Budget Request - \$700,000 in new state funds to support:***

Convening the necessary State agency partners to identify comprehensive developmental tool(s) and to design a protocol to be followed by early care and education programs, pediatricians, home visiting programs and parents. In addition, funding would support pilot programs to test the feasibility of implementing the comprehensive developmental screening process and the protocols developed by an inter-agency team to determine whether these efforts should be replicated statewide.

<sup>1</sup> NYS Department of Health's First 1000 Days on Medicaid Initiative



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## **Elevating Teacher and Leader Preparation and Professional Learning**

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### ***THE ISSUE:***

The diversity of children and families in New York is ever-changing. Because of this, there is a need for the State to develop goals to establish a more culturally responsive and linguistically prepared early childhood workforce that can support the cognitive, language and physical development of children from diverse backgrounds. Of critical importance are meaningful relationships for children ages birth to age five, which is the most significant time of brain development. It is essential that we educate and retain a high-quality early childhood workforce which includes teachers and administrators who know their curricular content, have linguistic competence, can demonstrate developmentally appropriate instructional practices, and know the children they teach and how they learn.

Funding is needed to address the teacher shortage in Bilingual Special Education in the early grades and prepare participants to be dually certified in Bilingual Special Education and Early Childhood, and to encourage more Institutes of Higher Education to offer this unique dual certification.

The Board of Regents requests state resources to implement the recommendation of the Regents Early Childhood Work Group's Blue Ribbon Committee to Elevate Teacher Preparation and Professional Learning. Funding would be aimed at adopting and implementing a competency-based approach in pre-service teacher preparation programs and in-service professional learning for new and existing educators and leaders that requires all teachers to be culturally responsive and linguistically prepared to teach and support young learners.

### ***2019-20 Budget Request - \$2.5 million in new state funds:***

The Regents recommend \$2.5M for school year 2019-20 to replicate a model called Quality Universally Inclusive Early Responsive Education. It is anticipated that approximately 200 applicants would receive scholarships to participate in the statewide program. Participants in this program would be expected to teach in New York State for three years upon completion of the program.



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## **Tuition Cost Study for High-Quality Prekindergarten**

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### ***THE ISSUE:***

A cornerstone of the Board of Regents Early Childhood Workgroup's Blue Ribbon Committee's vision is to expand quality early learning opportunities for all students. Research has shown that early childhood programs that incorporate certain elements and offer a high-quality learning environment are an effective way to prepare students to begin school ready to learn as well as to close the early preparedness gaps that cause some children to struggle throughout their school careers. Without the strong start that high-quality early childhood education provides, students who are not proficient in reading by the third grade may never catch up, creating an achievement disparity that increases as they move through the K-12 school system. This finding is most evident for children who are socio-economically in need; children with special needs; children whose first language is other than English; and children who are black, Hispanic, or recent immigrants.

The Early Childhood Workgroup Blue Ribbon Committee prioritized the need for sustained and coordinated funding structures in order to expand the number of early learning opportunities available for students. Although New York State has made significant investments in prekindergarten, including the multi-year plan to consolidate six of the seven prekindergarten programs enacted in 2017-18, a common concern among early childhood stakeholders is that the existing funding methods do not adequately cover the actual cost of operating a high-quality program. In addition to ensuring that prekindergarten is universal for four-year-olds, all programs must be responsive to the individual and varying needs of the students they serve. Existing prekindergarten funding does not differentiate or use any factors that reflect the classroom supports or programmatic components that may be needed to adequately and appropriately serve children with different abilities and from diverse cultural, linguistic, and socioeconomic backgrounds. Funding should be aligned with the actual cost of meeting program quality expectations in order to expand early learning opportunities and support prekindergarten programs that truly benefit all students.

### ***2019-20 Budget Request - \$300,000 new state funds:***

The Board of Regents requests State resources to implement the recommendation of the Regents Early Childhood Work Group's Blue Ribbon Committee to conduct a cost study to validate the actual cost of a high-quality prekindergarten program for all four-year-old children, with appropriate weightings for areas of economic disadvantage, high concentrations of Emergent Multilingual Learners, and high concentrations of students with disabilities, followed by a similar study for three-year-old children.



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## Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities & Special Act School Districts

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### ***THE ISSUE:***

The U.S. Department of Education's published Teacher Shortage Areas indicate a shortage of Special Education Teachers and Bilingual Special Education Teachers in various grade levels and regions within New York State. The shortage of Bilingual Special Education Teachers is especially challenging as it exists at all grade levels and in all areas of the State. The Big Four City School Districts (Buffalo, Rochester, Syracuse, and Yonkers) have indicated a particular concern regarding the number of available Special Education Teachers at the middle and secondary grade levels and New York City is experiencing a shortage of Special Education Teachers across all grade levels (*USDOE Teacher Shortage Areas*: <https://tsa.ed.gov/#/reports>).

The Special Education and Bilingual Special Education Teacher shortage is affecting the recruitment and retention of qualified staff to serve students with disabilities who are placed in approved special education programs, including the approved private schools serving students with disabilities (853 Schools), Special Act School Districts, and approved private preschool (4410) Special Class, and Special Class in an Integrated Setting programs. Teachers working in these schools earn on average 40% less in salary than their peers in public school districts. The teacher shortage combined with this salary differential has eroded the ability of schools to maintain qualified faculty where they are needed most: in the schools serving the students with the greatest needs.

Existing initiatives to recruit and retain qualified staff at the 853 Schools, Special Act School Districts, preschool Special Class, and Special Class in an Integrated Setting programs need to be expanded and supplemented. Excessive Teacher Turnover Prevention Program funding is an existing targeted funding adjustment applied to annual tuition reimbursement for teachers who provide direct instruction at these schools. Improving the ability of these schools to hire and retain qualified staff is a critical issue, therefore, in addition to increasing compensation, more support is needed to incentivize employed staff to achieve appropriate certification.

### ***2019-20 Budget Request – \$6 million in additional state funds to support:***

- The Regents recommend adding \$4 million to the existing \$8 million in funding for Excessive Teacher Turnover Prevention, for a total investment of \$12 million in 2019-20. Because tuition reimbursement for school-age and preschool special education schools is shared, the State, school districts and counties would also share the fiscal impact of this proposal.
- The Regents also recommend \$2 million in new Teacher Preparation funding as NYSED seeks to develop an approach, in collaboration with stakeholders, to identify incentives needed to expand the number of qualified individuals for these essential teaching positions.



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## **Ensuring Equal Opportunities for English Language Learners/Multilingual Learners**

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### ***THE ISSUE:***

To effectively and appropriately support local implementation of the Every Student Succeeds Act (ESSA) and New York State's Consolidated Plan regarding English Language Learners/Multilingual Learners (ELLs/MLLs), the New York State Education Department must enhance professional development, technical assistance, and compliance support to meet ESSA's mandates and goals regarding ELL/MLL achievement. Over the past decade, New York's ELL/MLL enrollment has increased by 8.7 percent. Currently, over 250,000 ELLs/MLLs make up approximately 9.0 percent of the total New York State student population, and speak over 200 native/home languages.

New York State currently funds eight Regional Bilingual Education Resource Network (RBERN) support centers, with seven RBERNs assigned to geographic zones and one Statewide Language RBERN, to provide and conduct professional development, technical assistance and compliance support regarding state and federal laws and regulations. RBERNs' support school and district efforts to increase the English language proficiency and academic content gains of ELLs/MLLs, as well as to reduce dropout rates and increase graduation rates. These activities are critical to New York State's ability to meet ESSA mandates because ELLs/MLLs' timely acquisition of English language proficiency and ELL/MLL subgroup performance will be critical factors in state accountability determinations.

It is crucial that the State assists schools in transforming and improving systems to support the success of ELL/MLL students through investments in the RBERN network that expand professional development regarding the State's new English language proficiency indicator, and enable to provision of guidance and support in analyzing current data, reviewing new research and utilizing resources that will assist schools in developing a deeper understanding of ELL/MLL academic performance, and graduation and dropout rates. This will in turn enable schools to create concrete solutions tailored to their unique needs.

### ***2018-19 Budget Request – \$2.375 million in additional state funds to support:***

- Expanding RBERN professional development as well as technical assistance and compliance support staff to ensure that the RBERNs can play an in-depth local role in understanding the needs of ELL/MLL students, as well as investigating parent complaints, and conducting site visits, monitoring, and other enforcement work (\$1.6 million); and
- Expanding the role of the RBERNs in the provision of culturally responsive and linguistically accessible resources, including translations of Department documents such as guidance documents for district and school administrators and teachers, parent communications, and other public information (\$775,000).



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## **Enhancing the Achievement of English Language Learners**

### ***THE ISSUE:***

In support of the large number of Spanish-speaking English Language Learners/Multilingual Learners (ELLs/MLLs) in the State, the Department has established a policy goal to support and foster bilingual programs in schools statewide. One key characteristic of this policy goal is that core content is taught in both English and Spanish. Development of Spanish Language Arts assessments would assist in supporting this goal. While there is much diversity in New York's ELL/MLL population, with over 200 languages spoken, for 62.7 percent of ELLs/MLLs, Spanish is their home language. As such, the initial development would be for a Spanish Language Arts assessment, with the possibility that other languages could follow at a later date.

A Spanish Language Arts assessment would provide ELLs/MLLs the opportunity to test in their native language while they transition to English proficiency. Rather than being a translation of an existing English Language Arts assessment, or an assessment of English-language ability, this assessment would be an original assessment that is developed first in Spanish for native Spanish speakers.

The Regents and Department are also committed to ensuring that the entire assessment program is productive and contributes to improved teaching and learning opportunities of ELLs/MLLs students. In order to support these students, translations of Grades 3-8 Math assessments and the Regents Examinations have been offered for many years in five languages: Chinese (Traditional), Haitian Creole, Korean, Russian, and Spanish. In addition, Elementary- and Intermediate-level Science assessments have been translated into Chinese (Traditional), Haitian-Creole, and Spanish.

Over the last decade, the statewide ELL/MLL student population has shifted and, as a result, these languages no longer completely align with the languages most commonly spoken and read by students today. In response to this change in top home languages and a growing ELL/MLL population, the Department has already begun translating parent and public materials into the top ten languages spoken by ELLs/MLLs. The Regents support creating additional assessment translations to provide ELLs/MLLs students with the opportunity to test in their native language.

These assessments will better inform school districts and NYSED on students' knowledge and abilities and will assist the field with future instructional strategies.

### ***2019-20 Budget Request – \$4.43 million in new state funds to support:***

- Spanish Language Arts test development and implementation supports to provide districts with the option of offering this assessment when it would best measure the progress of Spanish-speaking ELLs/MLLs students (\$3.43 million). The development would be implemented over a 5-year period, with additional costs in Year 2 (\$4.93 million), Year 3 (\$8.28 million), Year 4 (\$6.83 million), and Year 5 (\$6.73 million); and would begin with development of Spanish Language Arts standards and preparation for testing students in Grades 3 through 5. In subsequent years, the assessment would grow to include students in Grades 6 through 8 and one year in high school.
- Offering translations of all required assessments in the eight most common home languages of ELL/MLL students- Spanish, Chinese (Traditional), Haitian-Creole, Arabic, Bengali, Chinese (Simplified), Korean, and Russian (\$1 million).

For more information contact the  
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## Ensuring the Appropriate Provision of English Language Learner Services

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### ***THE ISSUE:***

In New York State, all English Language Learners are assessed for English Language Proficiency (ELP) in order to determine the level of language services required for that student, and also to determine when such services are no longer needed. New York State has developed and administered its own assessment called the New York State English as a Second Language Achievement Test (NYSESLAT).

Although the NYSESLAT allows accommodations for English Language Learner/Multilingual Learner (ELL/MLL) students with disabilities, it is not well suited for those students with the most severe cognitive disabilities. Reports from educators in the field indicate that students who have the most severe cognitive disabilities are unable to demonstrate proficiency in English using this assessment. While the NYSESLAT is designed to measure the annual gains in English language proficiency made by students of average cognitive ability, it was not designed for measuring the more incremental annual gains of this special population of students.

In addition to better serving students, this new assessment is necessary to fulfill federal requirements. Guidance from the US Department of Education released last year, requires an alternate English language proficiency assessment ELL/MLLs who cannot participate in the current assessment even with appropriate accommodations. As such, new assessment that measures English Language Proficiency for this special population is needed.

It is estimated that there are approximately 7,000 students in the State who are included in this category of ELL/MLL who also have severe cognitive disabilities. It is critical that the State provide resources to support the appropriate evaluation needs of this special student population.

### ***2019 - 2020 Budget Request – \$2 million in new state funds to support:***

The development of a new English Language Proficiency (ELP) assessment program for ELL/MLLs with severe cognitive disabilities over three years.

The first year of funding (\$2 million) would support test design development, the second year of funding (\$2 million) would support pilot/field testing, and the third year of funding (\$2 million) would allow for the operational administration and additional development needs.



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## **Development of Regents Exams in World Languages**

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### ***THE ISSUE:***

The teaching and learning of world languages and cultures helps to ensure that our students have a deep and enduring understanding of cultures, including their own, and acquire functional proficiency in the target language(s). These competencies will provide our students with the ability to view the world through multiple lenses, participate fully and responsibly in the 21st century as global citizens, and contribute to our students' college, career, and world readiness.

For well over a century the Department developed and oversaw the administration of Regents Exams in world languages to provide a uniformly high standard for instruction in the tested languages in high schools across the State. Unfortunately, starting with the 2011-12 school year, the provision of these exams had to be discontinued owing to a lack of available State and/or federal funding to support the development of standardized exams in world languages and in other subject areas not required at the time by the federal law.

The lack of availability of Regents Exams in world languages has been a detriment to English Language Learners/Multilingual Learners and other students, who through their diverse backgrounds develop proficiency in languages other than English in addition to educational, religious and/or cultural experiences that occur outside of the regular in-school instructional environment. Without Regents Exams in world languages, these students cannot challenge for credit by exam, and are subject to inconsistent local standards for the awarding of high school credit for work done at other educational and cultural institutions and for work done through independent study.

The Board of Regents have recognized the importance of language proficiency in our high school graduates through the adoption of the New York State Seal of Biliteracy and by establishing the Languages Other Than English (LOTE) pathway under the "4+1" option. In addition, the earning of three units of credit in a world language is the most popular pathway to achieving a Regents diploma with advanced designation. The resumption of Regents Exams in world languages will provide a uniform, high standard for this component of diploma requirements and add credibility to these credentials.

### ***2019-20 Budget Request—\$950,000 in new state funds to support:***

The development of Regents Exams in Spanish and French. The development would be implemented over a 5-year period, with additional costs in Year 2 (\$1.55 million), Year 3 (\$1.57 million), Year 4 (\$3.29 million), and Year 5 (\$5.11 million).



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## Creating a Special Education Services Management Data System

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### ***THE ISSUE:***

The Department oversees special education programs for students with disabilities between the ages of 3 and 21, ensuring that New York State is in compliance with federal requirements under the Individuals with Disabilities Education Improvement Act (IDEA) and that funding is used to the maximum benefit of students with disabilities. Although most school-age students with disabilities attend a public school district or BOCES, in 2014-15, 29,083 students attended an approved private school (853 school), Special Act School District, or State-Supported School for the Blind or Deaf at a cost of \$731 million in total State and local tuition reimbursement for these programs. Preschool students with disabilities are served by approved 4410 programs including Multidisciplinary Evaluation (MDE), Special Education Itinerant Services (SEIS), Special Class (SC), Special Class in an Integrated Setting (SCIS), and related service providers. In 2014-15, 105,901 preschool-age children were served at a cost of \$1.3 billion in State and local reimbursement.

Several program offices within the Department collect student-related program and cost data directly from school districts, providers, and municipalities. Although the Department has various data sources, they are not consolidated nor coordinated into one system that can be shared among offices with oversight responsibilities. In addition, a significant amount of essential data is collected and stored in paper form. As a result, much of the useful information pertaining to approved programs and services for students with disabilities is not readily or easily accessible for the benefit of parents, school districts, municipalities, Department staff, and other stakeholders.

Stakeholders have raised concerns regarding the lack of available services and programs to meet students' needs, insufficient reimbursement, and challenges with the timeliness of Department decisions affecting approved providers. The 2017-18 Enacted Budget provided funding for the Department to develop a blueprint for a student services and provider data management system that would improve the Department's ability to collect, use, and disseminate relevant programmatic and fiscal information relating to programs and services operated by approved providers in New York State.

### ***2019-20 Budget Request - \$3.46 million in additional state funds:***

The requested funding would allow the second phase of this project to build a Special Education Services Management System for the following activities to begin:

- School District Portal – communicate data regarding students' recommended programs and services used to determine regional need for programs and would be linked to State reimbursement.
- Provider Portal – communicate required information to NYSED (applications, tuition waivers, variances, capital projects) and report current enrollment to identify program availability, streamline communication, and improve NYSED processing timelines.
- County Portal – maintain provider lists and link to State reimbursement.
- Public Portal – improve information for parents and students about the availability of programs and services regionally and throughout the State.



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## Improving Facilities System Services

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### ***THE ISSUE:***

The Department oversees school district capital construction building projects and maintains project-level information that is necessary to make building aid payments to school districts. The software used to review, approve, and issue building permits and assist in the calculation of building aid for public school district capital construction projects is currently tracking more than 100,000 projects, with a value exceeding \$75 billion.

The system first went online in 1987 and runs on an obsolete DOS-based platform. The software is based on an underlying database system that is no longer supported by the company that designed it. There is a substantial near-term risk that the Department will be unable to run the software and/or that the maximum number of records supported by the software will be exceeded. Such failure would cripple the Department's ability to issue building permits, track and report on the status of capital projects, and pay building aid.

The Department used the funding provided in the 2017-18 Enacted Budget to attain consulting services to conduct the analyses necessary to understand and document the requirements – including processes and data reporting needs – to develop a new project management system for the Office of Facilities Planning.

It is critical that the State continue to support this project to develop a system that will:

- Reduce failure risk and ensure that building project data flows into the State aid system for the payment of State building aid;
- Replace outdated business practices with state-of-the-art management practices;
- Better service districts by decreasing the timeline for processing applications significantly through electronic submission of materials;
- Enable districts to check the status of their projects online, receive updates via email, and see if any additional information must be submitted; and
- Provide districts with instantaneous notification of project approval and receipt of building permits.

In addition, the Department has contracted for the design of a new State aid modeling system. The development of the project roadmap is still underway, and the Department anticipates that phase II of the project will require additional State investments in the 2020-21 Budget.

### ***2019-20 Budget Request - \$300,000 additional state funds to support:***

The completion of the analysis, development, testing, data migration, and implementation of the replacement system.



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## Supporting NYS Access & Opportunity Programs

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### ***THE ISSUE:***

**Arthur O. Eve Higher Education Opportunity Program (HEOP):** HEOP serves over 4,970 students through 52 programs by providing financial aid, pre-freshman summer programs, remedial/developmental courses, tutoring, and counseling to students attending independent colleges. HEOP students, who do not meet the general admission academic criteria when they are admitted to college and are educationally and economically disadvantaged, typically earn their degrees at rates that eventually equal or exceed general admission students.

**Science and Technology Entry Program (STEP):** STEP provides academic enrichment in science and mathematics with the purpose of increasing the number of historically underrepresented and economically disadvantaged students prepared to enter college, and improving their participation rate in mathematics, science, technology, health-related fields, and the licensed professions. STEP serves over 11,000 students through 59 programs.

**Collegiate Science and Technology Entry Program (CSTEP):** CSTEP provides academic enrichment and research experience in STEM content areas in order to increase the number of historically under-represented and economically disadvantaged undergraduate and graduate students who complete programs of study that lead to professional licensure and to careers in mathematics, science, technology, and health-related fields. CSTEP programs serve over 7,900 students through 55 programs.

**Liberty Partnerships Program (LPP):** LPP offers comprehensive pre-collegiate/dropout prevention programs and services to over 14,797 youth through 47 programs across New York State.

### ***2019-2020 Budget Request- \$10 million in additional state funds***

The Department supports the following funding increases, above 2018-2019 funding levels:

**HEOP:** An additional **\$4.5 million** to support and enhance current programs and serve approximately 100 additional students. For every \$1 New York State spends on HEOP, independent colleges have a \$8 or (often) higher match.

**STEP:** An additional **\$1 million** to provide existing projects the opportunity to serve additional students and/or increase the number of projects supporting student participation in STEM-based research, internships, or exploratory career opportunities at facilities such as Brookhaven National Laboratory, regional STEM hubs, etc.

**CSTEP:** An additional **\$2.5 million** to fully fund one partially funded institution, fund an additional six projects, provide existing projects the opportunity to serve additional students, and/or increase the number of projects supporting student participation in STEM-based research, internships, or exploratory career opportunities at facilities such as Brookhaven National Laboratory, regional STEM hubs, etc. The additional projects would serve approximately 700 additional students.

**LPP:** An additional **\$2 million** to fully fund one partially funded institution and enhance services in existing projects.



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## **Enhancing Supports & Services for Postsecondary Success of Students with Disabilities**

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### ***THE ISSUE:***

In May 2017, the Department's Advisory Council on Postsecondary Education for Students with Disabilities recommended, and the Board of Regents adopted, a proposal to work with representatives from the higher education sectors to develop a funding proposal that would provide much-needed enhanced supports and services to students with disabilities pursuing postsecondary study. Currently, there are over 73,000 identified students with disabilities attending New York State degree-granting colleges and universities. The Department engaged in collaborative efforts to establish a legislative framework advocating for critical new funding to ensure that all students can succeed in their postsecondary education. Such funding would supplement – not supplant – any other federal, state, or local funding in existence for such purposes.

Funding would be allocated by the Department, in a proportional manner by each identified student with disability to SUNY, CUNY, and our NYS degree-granting independent and proprietary colleges, pursuant to a plan that outlines how the funding would be spent, for one or more of the following purposes:

- To supplement funding for supports and accommodations of students with disabilities;
- to support summer college preparation programs to assist students with disabilities' transition to college, and prepare them to navigate campus facilities and systems;
- to provide full- and part-time faculty and staff with training on working with students with disabilities; and
- to improve the identification process of students with disabilities and enhance data collection capabilities.

### ***2019-20 Budget Request – \$15 million in new state funding***

Using the most recent academic year data collected by the Department, this funding would be distributed based on enrollment, in equal amounts per identified student with disability, to eligible institutions with approved plans.



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## **Access to a Highly Qualified Diverse Teaching Workforce**

### ***THE ISSUE:***

The Board and Department believe that all students should have access to teachers that are trained to address their diverse learning needs and that the teaching workforce should be as diverse as the student population being served by our schools. Studies show that a diverse workforce benefits all students. However, a recent Education Trust report highlights that “across New York State, Latino and Black students together make up 43 percent of total enrollment, while Latino and Black teachers are 16 percent of the teacher workforce.”

Expanding upon existing efforts in this area, the Board and Department have dedicated a portion of My Brother’s Keeper funds to the Teacher Opportunity Corp II (TOC II) program. TOC II aims to address recurrent teacher shortages in high-need schools by increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. In addition, TOC II works to bolster the retention of highly qualified individuals who value equity and reflect the diversity of our State and our classrooms.

TOC II consists of competitive grants to institutions of higher education that offer approved teacher preparation programs that lead to professional certification that seek to accomplish these goals by:

- increasing the participation rate of individuals identified as underrepresented and underserved in the teaching profession such as African Americans, Hispanic Americans, and American Indian or Alaska natives;
- enhancing the preparation of teachers in addressing the learning needs of students in high needs districts and to become culturally responsive educators;
- assisting in the recruitment, retention, and certification of qualified teachers to increase the supply in comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools, schools/districts experiencing teacher shortages, and schools/districts having a high concentration of students at-risk; and
- providing a 10-month student internship at a CSI or TSI school, to gain experience working alongside teacher mentors as well as possible tuition stipends to support their full-time commitment to the internship and coursework.

Additional funds are needed to support the recruitment and retention of a highly qualified diverse workforce of culturally responsive educators that is more representative of the student population served.

***2019-20 Budget Request – \$500,000 in additional state funding***



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## Enhancing Teacher Effectiveness

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### ***THE ISSUE:***

The Board of Regents have made significant changes to teacher certification requirements in recent years to ensure that professionals entering New York schools have the pedagogical and content knowledge needed for success in the classroom. These professionals must also be provided opportunities to develop their skills once they join the teacher workforce.

One such opportunity is National Board for Professional Teaching Standards (National Board) certification. The National Board's Five Core Propositions and Standards – which were developed by educators – outline “what accomplished teachers should know and be able to do to have a positive impact on student learning. Certification identifies teachers who meet those standards through a performance-based, peer-reviewed series of assessment components.” The National Board certification process recognizes teachers' commitment, content knowledge, and effective use of data and assessments and fosters ongoing learning and improvement in teaching practice.

The Albert Shanker National Board for Professional Teaching Standards Certification Grant Program (Shanker Grant) was established in 1999 to encourage teachers to pursue National Board certification by supporting eligible tenured NYS public school teachers holding valid NYS teaching certificates with the funding to support the National Board certification process and provide reimbursement to districts for supportive services.

The National Board Work Group, formed by the National Board Council of New York in collaboration with the Department, recognized that engaging in National Board certification improves teaching and learning, stating in a 2016 report that “The National Board Standards can serve as a significant component of professional development, supporting improvements in teaching and learning and enhancing teacher effectiveness. The certification process allows teachers to hone their practice, showcase their talent in the classroom, and demonstrate dedication to their students and profession.”

Currently, there are 1,919 National Board Certified teachers in the State. In 2017, New York ranked 41<sup>st</sup> among all states in the percentage of teachers who are National Board certified. The cost to obtain National Board certification (\$1,900) can deter teachers from pursuing this certificate. Interest has been on the rise and is anticipated to grow in the upcoming year as awareness of the program and its benefits increases. The Regents believe that more can be done to encourage educators to pursue National Board certification, and it is essential that this funding continue to be available when a teacher decides they want to do so.

### ***2019-20 Budget Request – \$500,000 in additional state funds to support:***

Expanding the Albert Shanker grant to provide assistance to tenured public school teachers holding valid NYS teaching certification seeking National Board certification.



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## **Development of an Electronic Licensing and Document Management System to Improve Customer Service**

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### ***THE ISSUE:***

The Department's Office of the Professions (OP) is responsible for the review of applications for licensure and subsequent re-registration of over 50 professions, limited permits, registration and oversight of pharmacies, professional business entities, statutorily authorized corporate practice waivers, and providers of professional continuing education. OP also handles the investigation of complaints of professional misconduct and illegal practice of licensees, unlicensed individuals and professional entities as well as the oversight of the discipline process, which includes due process hearings, where action is taken when allegations are substantiated. OP is solely supported by the fees it collects.

In 2009, the Legislature and Executive enacted a law (Chapter 396 of the Laws of 2009) that authorized the increase of professional registration fees by 15% in order to allow OP to continue to successfully manage its responsibilities and improve customer service, which included implementing an electronic licensing and document management system through the replacement of a 35+ year old COBOL-based mainframe licensing system. This fee increase was supported by many state professional associations and organizations in order to continue this important work and enhance current processes.

After enactment of this law, the Department tried to achieve some of its process improvement goals by working within the Enterprise eLicensing initiative for all state agencies, but ultimately, it was determined that the project was not designed to deal with the complex and varied licensing requirements that are statutorily mandated for the over 50 professions, and could not meet the needs of the Department or its customers.

Last year's enacted Budget contained authority for the Department to utilize some of its existing revenue to begin building a new electronic licensing and document management system in-house. It is critical that development of a customized electronic licensing system move forward so that the Department can replace the old and outdated mainframe and enhance the customer experience for future and current professional licensees and entities, as well as deliver on the promise that was made when the 2009 legislation was enacted. This electronic system will be designed to include the following capabilities: provide online applications and accounts so that an applicant can see where they are in the licensure process and what information required for licensure has been received by OP; allow institutions of higher education and supervisors overseeing the experience requirements the option to electronically submit required documents; handle back-office application processing to improve customer service; and provide for electronic case management of disciplinary cases. Additional enhancements to customer service will include the establishment of a new, more robust, call center, implementation of an enhanced "self-serve" knowledge database that will enable customers to find answers to frequently asked questions, and a redesigned and fully accessible website.

***2019-20 Budget Request – Authorize the Department, within Capital Appropriations, to utilize \$7.2 million of existing revenue this year to continue building a new electronic licensing and document management system and enhance customer service tools***

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



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## State Aid for Library Construction

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### ***THE ISSUE:***

In FY 2018-2019, the state budget provided \$34 million in capital funds to support State Aid for Library Construction. The program is highly visible and has been very successful. During its first twelve years in operation, the program supported a total of 2249 construction and renovation projects for 760 unique public library and library system facilities.

The Regents endorse the concept that all public libraries should be able to accommodate new technologies and provide the knowledge resources New Yorkers need to be successful in an information-driven global environment. Despite the many successes of the current State Aid for Library Construction program, there is still a pressing need for state support.

*Chapter 480 of the Laws of 2015* amended Education Law to include broadband installation and infrastructure in addition to construction and renovation as approved project costs. The estimated need for new construction, expansion and renovation of existing library facilities alone is over \$1.7 billion through 2020. Broadband installation and infrastructure costs will be in addition to that \$1.7 billion estimated need figure.

More than half of all public library buildings in New York are now over 60 years old, and another third are between 30 and 60 years old. While improvements have been made recently due to State investments, 2017 data indicates only 248 (out of 1069) public library buildings (23%) have a broadband connection greater than or equal to 100 Mbps. These inadequate connections are distributed over multiple computers and also support wireless connectivity and teleconferencing services.

Additional capital funds are needed to ensure that New York's libraries are accessible to all library users and can accommodate advances in technology, including improvements to broadband infrastructure.

### ***2019-20 Budget Request –\$11 million in additional state funds***



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## Expanding Access to Education Programs through Cultural Institutions

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### ***THE ISSUE:***

Students from throughout the state must learn how to access, interpret, and analyze information to succeed in the increasingly complex, high-tech world of the 21st century. New York has world-class cultural institutions that have the ability to engage students in unique ways that entertain and excite, helping them to learn critical higher-order thinking skills needed to meet such challenges.

Over 1,500 museums, historical societies, zoos, botanical gardens, aquariums, and cultural arts institutions now provide instruction to over six million children. These cultural institutions receive no direct state support to initiate, expand, and enhance educational services through access to museum collections, scholarship and virtual learning.

Students living in low-income communities in urban, suburban, or rural settings benefit from having access to the type of learning provided by cultural institutions. Fair and equal access to these types of institutions will provide enhanced learning opportunities for these students.

The state should support this programming to better ensure that these unique learning opportunities can be expanded to children and lifelong learners of the state. Cultural institutions, in collaboration with teachers and schools, can design new and innovative museum programs to address such pressing issues as science, anthropology, history, and arts literacy.

### ***2019-20 Budget Request – \$5 million in new state funds to support:***

Enactment of the Museum Education Act and the expansion of education programs in cultural institutions.

The Museum Education Act would establish competitive grants 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.



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## Expanding Public Broadcasting Education Programs

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### ***THE ISSUE:***

Public television and radio stations are chartered by the Board of Regents and are therefore institutions within the University of the State of New York – USNY – the most complete, interconnected system of educational services in the United States. They exist to inform, entertain and enlighten families, to foster citizenship and cultural understanding in communities, to help those most in need gain new skills and English language literacy, and to provide a safe haven for children and parents who are challenged by the pervasive commercial environment elsewhere on the TV and radio dial.

While each station is an independent media outlet – its staff living in the community it serves, and its board of trustees closely tied to the community’s most vital institutions - programs can be developed that could benefit communities across the state. However, the Association of Public Broadcasting Stations of New York states, “For the past eight years, state funding has not kept pace with rising costs, causing New York’s stations to struggle to maintain, let alone enhance, the level and quality of educational programming and services.” This makes it difficult to coordinate and implement the statewide implementation of programs that have potential value in all regions of the State. Two such programs that could benefit students across the State are the Enterprise America and GPS for Success programs.

The **Enterprise America** program is a "model city" that students run for a day. In this hands-on learning environment students are taught: civic responsibility through holding and voting in elections; entrepreneurship by running and owning businesses including applying for business loans and negotiating service costs; and financial literacy through enrolling in health insurance, earning salaries, contributing to charity, and paying for everyday expenses such as lunch and shopping using Enterprise America dollars. Students and teachers can take the lessons and curriculum back to the classroom for further evaluation and analysis. To roll out this program statewide, each public television station would develop its own model city.

**GPS for Success** is a multi-platform webpage that includes educational and training roadmap videos and web content for high school and post high school students that is presented in career clusters identified locally as experiencing a shortage of skilled workers entering the workforce and in fields that are determined will be in-demand careers in the next five to ten years. This resource is developed in collaboration with the regional BOCES, business leaders, and other stakeholders. With additional funding Each public television station will develop its own videos and content based on the need in each region of New York State.

***2019-20 Budget Request –\$5 million in new state funds.***



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## **Bridge to College & Careers Pilot Program**

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### ***THE ISSUE:***

According to US Census data, workers with a high school diploma or the equivalent earn 1.5 more per year than workers without these credentials earn, and workers with an associate's degree earn 2 times more. Bridge programs enable out of school youth and adults to obtain: critical basic skills, a High School Equivalency (HSE) diploma, industry-recognized credentials and preparation for postsecondary study and careers.

Program applicants would be a partnership between an adult education program and college or training provider of demonstrated effectiveness. Awards would range from \$150,000 to adapt and modify existing literacy programs to \$600,000 for the most comprehensive models, with the average award around \$330,000. Program costs would vary given the sector being targeted (i.e. health care or food services) and other funding that the proposals might leverage, including existing state (i.e. Employment Preparation Education or EPE) and federal funding (i.e. Title I workforce development). This proposal could pilot up to 10 Bridge programs which would be funded in each of the seven Regional Adult Education Network (RAEN) regions of the state.

Proposals for these innovative approaches would include components such as:

- Career exploration and career assessment;
- Curricula and teaching models that provide instruction with co-teaching or dual enrollment in basic skills and occupational/career and technical education training with contextualized curriculum specific to a high demand sector matched to employer needs;
- Supplemental support from case managers or educational mentors/tutors to offer supplemental supports;
- Bridge coordination to proactively build strong relationships with employers, college and more advanced educational opportunities to connect participants with the next step in their career ladder;
- Apprenticeships/internships; and
- Job Placement, retention and advancement including sector-specific job coaches.

***2019-20 Budget Request – \$3 million in new state funding***



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## **Expanding Independent Living Services for Individuals with Disabilities**

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### ***THE ISSUE:***

Independent Living Centers (ILCs) provide an array of services that assist New Yorkers with disabilities in living fully integrated and self-directed lives. Assisting with all aspects of living, learning and earning, ILC's provide a wide range of services including information and referral, peer counseling, independent living skills training, and additional services based on local needs. They also identify and facilitate removal of architectural, communication and attitudinal barriers to full participation in local communities and beyond. ILCs are key advocates for people with disabilities in local communities across New York.

ILCs have indicated that their ability to meet the full spectrum of needs in their communities could be jeopardized if additional funding is not provided. For over a decade state support for ILC's remained flat at \$12.3 million each year. Though the ILC network received a \$1 million increase in 2015 to \$13.3 million, the impact was limited as existing programs received approximately \$10,000 in additional funds.

The State has an unprecedented opportunity to utilize New York's ILCs as part of ongoing health care redesign intended to increase quality and coordination and decrease costs. Data from the Department's ACCES-VR office shows that the work of ILCs to transition and divert people with disabilities from costly institutional placements back into the community has saved the State more than \$1.8 billion since 2001.

The Regents support an investment in independent living while enhancing transparency that demonstrates the service needs of individuals with disabilities are being met.

### ***2019-20 Budget Request – \$5 million in additional state funds to support:***

Expanding independent living services and supports that maximize opportunities for individuals with disabilities to live and work in their communities.



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## **Building Oversight and Support Capacity at SED**

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### ***THE ISSUE:***

A 2011 study by the Center for American Progress found that New York State had the least organizational resource capacity of any other state based on the ratio of staff to students. Since 2011, State budgets have only exacerbated the Department's limited capacity by including several laudable new education programs for which the Department has received no additional State support. These programs include several new prekindergarten programs, several rounds of P-TECH schools, receivership, community schools, extended learning time, performance improvement grants, management efficiency grants, and the Smart Schools Bond Act. All of these new programs were stood up and are administered with no new additional State resources. As districts are navigating the complex implementation of these various programs, they rely more and more on the technical support and expertise at the Department. In addition, taxpayers deserve to know that these funds are being wisely spent and that adequate oversight is conducted.

In the 2018-19 budget, the State general fund contribution to the operations of the Department accounted for only 9.8 % of the agency's budget, compared to 25.0% for the Department of Health, and 56.8% for the Office of Children and Family Services.

It is common in federal programs for administering agencies to be allowed a 5% set-aside from grant awards to allow for proper oversight, support, and technical assistance. It is time that the State recognize the constraints that have been placed on the Department due to years of flat funding combined with expansions in programs, and implement a set-aside to ensure that districts receive adequate and timely support and that New Yorkers trust that tax dollars are being well spent.

### ***2019-20 Budget Request – Enact a 5% set-aside within all new programs for administrative oversight and technical assistance:***

- The Department proposes that as part of major local assistance programs, such as prekindergarten grants, community schools, receivership, and other similar programs, the Department would receive a 5% set-aside from all awards in order to provide technical assistance and support to the grantees.
- The scope of the Department is significant, encompassing over 2.6 million public school students, attending nearly 4,500 schools, located in over 700 school districts. The positive impact of adequately funding the Department would benefit all areas of the state.



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## Enhancing Transparency by Webcasting Regular Board of Regents Public Meetings

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### ***THE ISSUE:***

With current limited resources, the Department is only able to provide a live webcast of meetings of the Full Board of Regents. In order to increase transparency and provide public accessibility to important education related discussions and determinations made at such meetings, it is important that the Department is able to webcast other regular public meeting of the Board of Regents, including each month's Committee and Subcommittee meetings, as well as provide for the verbatim transcript for such meetings which is currently done for all Full Board meetings.

With provided additional resources, the Department will be able to enhance transparency and accessibility by providing live webcasting and verbatim transcripts of all regular public meetings of the Board of Regents.

***2019-20 Budget Request –\$200,000 in new state funds (annual cost)***



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## **Mandatory Full-Day Kindergarten**

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### ***THE ISSUE:***

Kindergarten is not currently mandatory for children in New York State, nor is it required that all public schools to offer kindergarten. In the 2018-19 school year, there are three school districts in the entire State offering only half-day kindergarten, which together serve approximately 1,000 children.

Kindergarten plays a pivotal role in preparing children for reading and other academics, and research suggests that early childhood education can provide critical preparation for school success and reduce the need for remediation in later years. According to the National Education Association's Full-Day Kindergarten Facts:

- Longitudinal data demonstrate that children in full-day kindergarten classes show greater reading and mathematics achievement gains than those in half-day classes;
- Full-day kindergarten can produce long-term educational gains, especially for low-income and minority students;
- In full-day kindergarten classrooms, teachers have more time to get to know students and identify and address their learning challenges early—saving money and resources over the long term and increasing the odds that children will be successful later in school; and
- Research shows that five-year-olds are more than ready for a longer school day—and do better in a setting that allows them time to learn and explore activities in depth.

The Board of Regents recommends requiring full-day kindergarten in all school districts across the State to ensure all of our youngest learners are on a trajectory toward success in school, consistent with the recommendations of the Regents Early Childhood Work Group's Blue Ribbon Committee.

### ***THE SOLUTION:***

The Regents recommend that all public school districts be required to offer full-day kindergarten for all children by the 2020-2021 school year.



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## Improving Teacher Recruitment for Preschool Special Education Programs

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### ***THE ISSUE:***

Approved preschool special education programs, including Multidisciplinary Evaluation (MDE), Special Education Itinerant Services (SEIS), Special Class in an Integrated Setting (SCIS) and Special Class (SC) programs are required to employ staff who are appropriately certified or licensed for the instructional, supervisory or professional duties and functions they perform. Increasingly, recruiting and retaining appropriately qualified staff is becoming more challenging and the need to conduct job searches for open positions is becoming more frequent.

Currently, the Education Law authorizes BOCES to enter into contracts with approved private schools serving students with disabilities (853 schools) to provide data processing services for pupil personnel records and other administrative records. This provision has allowed the 853 elementary and/or secondary schools to contract with BOCES for teacher recruitment services.

One example of a BOCES recruitment service is the Online Application System for Education (OLAS). OLAS allows school districts and 853 schools to post unlimited job openings, search through a pool of over 135,000 registered applicants, and filter lists to identify candidates that are best qualified for available positions.

Although 853 programs serving school-age students in the elementary or secondary grades are able to contract with BOCES for staff recruitment services, current law does not extend this authority to approved private preschool special education programs.

### ***THE SOLUTION:***

Amend the Education Law to allow approved preschool special education programs to enter into contracts with BOCES for data processing services for pupil personnel records and other administrative records. This would allow preschool special education providers to access OLAS or other similar BOCES recruitment services.



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## Tenure and Seniority Protections for Bilingual and ESOL Teachers/Teaching Assistants

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### ***THE ISSUE:***

Due to the many fiscal challenges of the state, many districts have been forced to reduce their workforce. By statute, when the position of a teacher/teaching assistant is abolished, the teacher or teaching assistant having the least seniority in the system within the tenure area of the position abolished must be discontinued. An unintended consequence is that as districts hire new bilingual teachers and teaching assistants to serve expanding populations of English language learners (ELLs) and subsequent layoffs are made due to fiscal constraints, districts may be forced to lay off the more junior bilingual or English to Speakers of Other Languages (ESOL) teachers or teaching assistants that they need.

For example, if a district with dual language elementary school programs (with bilingual students) has teachers who hold certification in the early childhood area and in bilingual education and they need to lay off a teacher in the elementary tenure area for budgetary reasons, they must lay off the teacher with the least seniority. Even though the district is required by law to provide bilingual education to its ELLs, the result may be that the qualified bilingual teacher must be laid off while their position is filled by an elementary teacher who may well not be certified to teach bilingual education. If the teacher who fills the position is not certified to teach that position, the only recourse the district has is to bring a section 3020-a proceeding to terminate the teacher for not being qualified.

If a single bilingual tenure area were established, which would require statutory change at the elementary level, abolition of a position in that tenure area could have a similar anomalous result. For example, the least senior teacher may be the only teacher available in the district who is fluent in Chinese, and the teacher retained may be a bilingual teacher fluent in another language. Further, if multiple language-specific tenure areas were established, which would also require statutory change at the elementary level, the result would be very narrow tenure areas with limited protection for teachers. Similar situations may arise in the case of teaching assistants.

### ***THE SOLUTION:***

The Department proposes enactment of legislation to require districts, in the event of an abolition of a position, to excess the teacher/teaching assistant with the least seniority in the tenure area of the position abolished, except where the retention of a less senior teacher/teaching assistant fluent in a specific language is necessary for the school district to provide required bilingual/ESOL instruction.



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## Mandate Relief and State Aid Claims Flexibility

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### ***THE ISSUE:***

Given the continuing constraints on revenue at the federal, state, and local level, mandate relief is vital in order to preserve funding for critical priorities. While many mandates were originally enacted to enhance the rights, protections, and performance of students and the fiscal accountability of school districts, not all mandates have produced their intended results. It is imperative that a thoughtful and targeted series of changes be made to repeal outdated mandates that have grown too burdensome and costly, and are not essential to improving results for students.

In addition, Education Law provisions affect when adjustments to State aid payments are made, the timing of additional aid payments, and the recovery of aid overpayments. After an established date, if a school district owes money back to the State, it is collected immediately. However, if funding is owed to a school district, the aid claim is placed in a first-come-first-served queue that is funded by an annual appropriation. Given the size of the current queue, school districts will continue to face significant delays in receiving payment from the State for any new claims barring additional annual funds provided for this purpose.

The Regents have acted within the scope of their authority to make regulatory changes to help unburden school districts while maintaining appropriate safeguards and protections for students, parents, and communities, but statutory relief is also necessary.

### ***THE SOLUTION:***

Legislation proposed by the Department would eliminate or reduce a significant number of statutory mandates and provide greater flexibility relating to transportation, educational management, and special education services.

Additionally, the legislation would authorize the Commissioner to exercise administrative discretion in order to provide relief to school districts by expanding the funds available to pay claims in the first-come-first-served queue. Where a district owes funds to the State due to an overestimated claim, rather than having those funds flow back into the general state aid fund to offset costs, the funds would be applied to aid claims due in the queue. Coupled with the annual State appropriation, the total funds available would significantly reduce the current waiting period for districts, and over time would fully pay off the queue.

The following provisions will be new this year:

- 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.
- Allow districts to lease space outside of the district in certain emergency situations.



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## Tuition Rate Setting Methodology for Special Act School Districts & 853 Schools

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### *THE ISSUE:*

Tuition reimbursement for Special Act school districts and approved private schools serving students with disabilities (853 Schools) is based on a rate methodology that is established by the Department and approved by the Division of Budget (DOB). Based on stakeholder input following the Special Education Financial Advisory Workgroup meetings in May of 2013, the Department developed recommendations to address the lack of predictable growth to fund increasing program costs at the Special Act school districts and 853 Schools and provide them with the ability to utilize reserve funding for unplanned or emergency expenditures.

Annually since November of 2013, the Board of Regents has adopted as legislative priorities the creation of a statutory index for establishing tuition reimbursement growth for 853 Schools and Special Act school districts and the authorization for these schools to establish general reserve funds. Although tuition rate increases have been administratively adopted each year since 2013, linking annual tuition growth to the growth in General Support for Public Schools would offer a significant measure of predictability and certainty to Special Act and 853 budgets. Reducing the reliance on Revenue Anticipation Notes, short-term borrowing, and tuition rate waivers to fund unplanned or emergency allowable costs would provide significant financial relief through the creation of a general fund reserve.

### *THE SOLUTION:*

The following legislative proposals seek to address the financial stability of the 853 Schools and Special Act school districts and enable them to better provide educational and related services to the students they serve:

- **Create a statutory index for establishing the growth in annual tuition rates.** The current growth in tuition rates is established administratively and is not based a predetermined statutory index. Legislation previously proposed by the Department would establish a statutory growth index based on state personal income growth. Instead, for 2019-20, the Department recommends that a statutory growth index be linked to the growth in General Support for Public Schools. This measure would establish predicable and timely tuition increases and allow for improved budget planning.
- **Authorize providers to establish a general reserve fund.** Special Act School Districts and 853 Schools have historically relied on lines of credit to pay for unplanned or emergency expenditures until tuition revenue is received. Authorizing these schools to accumulate a small percentage of tuition revenue in a general reserve fund would reduce the reliance on private borrowing and enable schools to better respond to unanticipated events. Administrative parameters would be developed by the Department to specify the amount that may be deposited in reserve and to identify the allowable uses for the funds in addition to corresponding reporting requirements to ensure appropriate oversight.



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## **Regional Secondary Schools Advisory Council**

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### ***THE ISSUE:***

In light of fiscal constraints, many school districts are at risk of not being able to meet their fiscal obligations and/or are facing educational insolvency due to cuts to critical personnel and programs. Much of the fiscal and educational pressure on districts is at the secondary level.

School districts across the state need a mechanism to build collaborative secondary school partnerships that will provide greater educational services to better ensure that students graduate high school ready to succeed in college and careers – such as high-quality science, technology, engineering and mathematics programs – through more cost-effective and efficient operational delivery.

Current State law has limited options for school districts to create and sustain high-quality collaborative secondary schools allowing only the creation of central high school districts, regional high schools in Suffolk County and Tech Valley High School in the Capital Region.

While the Department had proposed legislation to this effect for several years, it did not receive traction. An issue of this importance deserves the attention of the educational stakeholders to review, discuss, and seek to resolve any issues related to the components of implementation.

### ***THE SOLUTION:***

The Department proposes enactment of legislation to create a temporary advisory council comprised of members of the Board of Regents, the Department, members of the legislature, governor's office, educational stakeholders, and experts 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;
- Make recommendations to the Regents, Department, legislature and governor's office in order to seek enactment of any proposed legislation during the following legislative session.



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## Education Equity for DREAMers Act

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### ***THE ISSUE:***

Thousands of public school students in New York are children of undocumented immigrants. The Office of the State Comptroller estimated, in a 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).

New York's enlightened policy enables hundreds of thousands of undocumented students to receive education through the state's P-12 public school system; our state recognizes the value of an investment in career and college readiness for these students. It makes economic sense to help these young students become full participants in New York's economy. Yet their futures are undeniably circumscribed by current immigration law since these young people generally derive their immigration status from their parents. If their parents are undocumented, most students have no mechanism to obtain legal residency, even if they have lived most of their lives in the US.

Current state law, while providing undocumented immigrant students with in-state tuition rates at our public colleges and universities, prohibits these students from receiving state financial aid (i.e., general awards, academic performance awards and scholarships). Denying aid means outright denying many of these students access to higher education. Our society and our economic growth depend on a vibrant, well-educated workforce, but right now, hundreds of thousands of New Yorkers may be denied the opportunity to the education they need to fully participate in our economy. Without access to higher education, these students are far too often forced into the shadows of our society and into economic uncertainty.

### ***THE SOLUTION:***

The Department's Education Equity for DREAMers Act would:

- Eliminate Education Law provisions requiring students to be a US citizen or permanent lawful resident to receive general awards, including TAP, academic performance awards, scholarships or other financial assistance.
- Allow certain non-residents, including undocumented immigrants, who graduate from New York high schools or obtain their high school equivalency degree to receive general awards, including TAP, academic performance awards, scholarships or other financial assistance.
- Authorize SUNY, CUNY and community colleges trustees to provide state-aid programs, scholarships or other financial assistance to undocumented aliens who graduate from New York high schools.
- Allow non-residents, including undocumented aliens, who graduate from New York State high schools to receive State funds in the higher education opportunity programs.
- Allow undocumented immigrants and their families, who have a taxpayer identification number, to open a New York 529 family tuition savings account.

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



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## **Increasing Access to College and Affordability for Students through Early College High Schools & P-TECH**

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### ***THE ISSUE:***

Traditionally underrepresented and academically and/or economically at-risk students in postsecondary education benefit from strong, innovative programs designed to increase engagement in their high school education and boost levels of participation in college while also reducing the need for remediation; programs that successfully prepare students for college, careers, and civic life remain a priority of the Regents and the Department. The Smart Scholars Early College High Schools Program (SS-ECHS) and the NYS Pathways in Technology Early College High Schools (P-TECH) Program keep students on track to graduate high school and propel them into rewarding college and career opportunities.

Smart Scholars ECHS are partnerships between high schools and institutions of higher education that allow students to simultaneously obtain their high school diploma and earn up to 60 transferable college credits (and a minimum of 24 college credits) as part of an organized rigorous four-year program toward a postsecondary degree or credential at no cost to the student or the student's family. There are currently 40 ECHS four-year programs to which the Department administers funding. In the 2016-17 school year (SY), 6,596 students were served in grades 9-12. During 2016-17, 1,160 students graduated with a high school diploma, and 112 students graduated with a high school diploma and an associate's degree.

NYS P-TECH projects are partnerships between high schools, institutions of higher education, and businesses that create individual pathways for students to simultaneously obtain their high school diploma, earn an associate's degree, and obtain workplace learning/experience as well as be first in line for a job with the program's STEM industry partner through a six-year integrated model. There are currently 37 NYS P-TECH projects to which the Department administers funding. In 2017-18, NYS P-TECH served 4,222 students in grades 9-12. In 2017-18, 506 seniors from the 16 Cohort I projects met the requirements for high school graduation.

The different models of the SS-ECHS and NYS P-TECH programs provide school districts with the flexibility to choose a model that works best for their students and their unique regional needs; therefore, both of these critical programs need to be supported. However, both programs are funded through multi-year grants that require continuous recruitment for each year of the cycle (five-year cycle for Smart Scholars ECHS and seven-year cycle for NYS P-TECH). Once the grant cycle ends, both programs are left with multiple classes of students (three classes for Smart Scholars ECHS and five classes for NYS P-TECH) for whom there exists no statutory mechanism by which to continue funding.

### ***THE SOLUTION:***

The Regents propose enactment of legislation to codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process, to provide New York State students, including those traditionally underrepresented in post-secondary education, with the opportunity to benefit from programs designed to put them on a path toward long-term success.

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## **Enhanced Discipline Authority of the Licensed Professions**

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### ***THE ISSUE:***

A 2016 article and a subsequent NYS Comptroller's audit raised concerns regarding the discipline of nurses who pose a public health and safety risk to those in New York, highlighting the real-life consequences of the limitations in current law when it comes to the Department's ability to take swift disciplinary action against licensed professions when there is a public health or safety risk. The Department seeks legislation to modernize its authority over licensed professionals by obtaining disciplinary powers that are comparable to the disciplinary powers that the Commissioner of Health has over physicians, physician assistants, and specialist assistants, including the authority to issue summary suspensions.

### ***THE SOLUTION:***

The Department supports legislation that would enhance the Department's discipline authority over all licensed professions it oversees by:

- 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. The current process to suspend a professional license is lengthy and cumbersome, which could put the public at risk. The proposed change in law would enhance public safety, while at the same time ensuring the due process rights of the licensee or entity;
- Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure. Currently, athletic training, dietetics/nutrition, certified dental assisting and medical physics are the only professions that do not have a moral character requirement upon initial application for licensure. A moral character provision should be added to the statutes for these professions to make the requirement uniform across all licensees, so that the Department can review this information when making licensure determinations; and
- Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner. Current law does not require a criminal history background check prior to initial licensure and only requires that licensed professionals report the conviction of a crime upon re-registration every three years (physicians, physician assistants and specialist assistants re-register every two years).



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## **Expansion of the Reader's Aid Program**

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### ***THE ISSUE:***

Differently abled students participating in post-secondary programs must manage traditional and extraordinary challenges which may become barriers to graduation. Access to requisite instructional information is a critical component to their success. Two years ago, the Board advanced a priority proposal to update the Reader's Aid program by expanding the uses for which the funds could be expended, increasing the per student cap to allow for the purchase of student owned assistive technology and expanding the types of schools that could participate in the program. The Department's bill providing for these statutory changes was signed into law (Chapter 350 of the Laws of 2017).

There remains, however, a student population left out of the program that could be well served by the recently updated Reader's Aid program - those with print disabilities. These individuals would also benefit from the expansion of allowable use of funds for assistive technology.

### ***THE SOLUTION:***

The Department proposes legislation that would address the educational needs of a wider range of students as they pursue a broader spectrum of opportunities to meet their educational goals by expanding eligibility within the Reader's Aid program to those with print disabilities.