



TO: The Honorable the Members of the Board of Regents

FROM: Phyllis D. Morris *Phyllis D. Morris*
Jennifer Trowbridge *Jennifer Trowbridge*

SUBJECT: 2020-21 Non-State Aid Budget and Legislative Priorities

DATE: December 4, 2019

AUTHORIZATION(S): *Sharon L. Tate*

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 2019 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. 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 2020-21 budget cycle and 2020 legislative session.

Reason(s) for Consideration

Board of Regents approval of 2020-21 Non-State Aid Budget and Legislative Priorities.

Recommendation

It is recommended that the Board of Regents vote to approve 2020-21 Non-State Aid Budget and Legislative Priorities as follows:

2020-21 Non-State Aid Budget Priorities

BOR Committee	Proposal Description	Requested Amount	Policy Area
P-12	<p>Promotion of School Safety, Positive School Climate and Bullying Prevention - Increase the Safe and Supportive Schools Grants Program. Expand the capacity of Department staff to provide guidance to and monitor school district compliance with school safety emergency response planning, DASA and ESSA accountability requirements regarding chronic absenteeism and school suspension. Increase the capacity of the Center for School Safety and Supportive Schools Technical Assistance Centers to provide on-site technical assistance and resources for schools to assess their current school climate and provide schools with the support necessary to develop and implement plans for improving school culture, climate, and safety.</p>	\$3.4M	Equity
P-12	<p>Supporting Improvements in Struggling Schools - Funding to facilitate training for Comprehensive Supports and Improvement (CSI) and Targeted Support and Improvement (TSI) schools and to provide individualized support to 125 CSI schools.</p>	\$3.5M	ESSA
P-12	<p>Establishing Regional Early Learning Technical Assistance Centers - Implementing the recommendations of the Regents Early Childhood Workgroup's Blue Ribbon Committee by establishing three Technical Assistance Centers to provide support to early care and educational settings across the State.</p>	\$1.6M	Early Learning
P-12/HE	<p>Transforming Teacher and Leader Preparation Programs - Implementing the recommendations of the Regents Early Childhood Workgroup's Blue Ribbon Committee by establishing a birth to grade 3 teacher preparation program (\$1.2M each year for four years) and birth to grade 12 leader preparation programs (\$1.2M each year for two years), and associated staffing costs (\$100,000).</p>	\$2.5M	Early Learning
P-12	<p>Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities and Special Act School Districts -</p> <ul style="list-style-type: none"> • Funding for a Pipeline to Incentivize Special Education Provider Staff to Obtain Appropriate Certifications - \$2M • Student Loan Forgiveness Funds - \$2M 	\$4M	Early Learning
P-12	<p>Increasing Districts' Capacity to Serve English Language Learners – New funding to be allocated to school districts to enhance curriculum and increase instructional supports for the education of ELLs.</p>	\$15M	ELLs

BOR Committee	Proposal Description	Requested Amount	Policy Area
P-12	Ensuring Equal Opportunities for English Language Learners - Funding to expand staff at NYSED's Regional Bilingual Education Resource Network (RBERN) and Statewide Language RBERN support centers to increase the amount of support services provided to school districts throughout New York State.	\$1.6M	ELLs
P-12	Ensuring the Appropriate Provision of English Language Learner Services - Creating a new English Language Proficiency assessment for English Language Learners with Severe Cognitive Disabilities. This assessment is needed to bring NYS in compliance with ESSA's requirement to accurately measure the English language proficiency of this special population of students. (\$1M for the first two years and \$2M for the third year.)	\$1M	ELLs/ESSA
P-12	Supporting the Blue Ribbon Commission on Graduation Measures - This Commission will review research, practice and policy to gather input from statewide stakeholders on diploma requirements to ensure all students have access to multiple graduation measures. The funding request would support project management costs and event costs associated with the statewide Commission meetings.	\$200,000 (annually for 2 years)	Equity
P-12	Modernizing the Education Finance Data System - Funding to support phase two, which involves consolidating more than 50 different legacy systems and moving all technology off the mainframe. The request is for a total of \$41M across four years, of which \$23.7M would fund the cost to build the system; \$6.5M would fund the staffing cost for the SED project team; and \$10.8M would fund maintenance and support. \$5.7M would be needed for the annual cost of ongoing maintenance and support of the completed system starting in year 5.	\$41M (across 4 years) – year 1 ask is \$11.6M	Efficiency
HE	Expanding the Provision of Certification Examination Fee Waiver Vouchers - Funding to expand the provision of certification examination fee waiver vouchers to assist economically disadvantaged educator candidates in paying for the examinations required for certification.	\$1.2M	Equity
HE	Increasing Access to a Highly Qualified Diverse Teaching Workforce – Expand TOC II - Increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers through the establishment of a separately appropriated Teacher Opportunity Corps II program.	\$3M	Equity

BOR Committee	Proposal Description	Requested Amount	Policy Area
HE	<p>Supporting NYS Access and Opportunity Programs – Increasing resources for the state’s higher education opportunity programs, which are available to students attending colleges and provide access to higher education to students who might not otherwise have the opportunity.</p> <ul style="list-style-type: none"> • Arthur O. Eve Higher Education Opportunity Program (HEOP); • Science and Technology Entry Program (STEP); • Collegiate Science and Technology Entry Program (CSTEP); and • Liberty Partnerships Program (LPP). 	\$10M	Equity
HE	<p>Enhancing Teacher Effectiveness - Expanding the Shanker Grant to increase access to National Board for Professional Teaching Standards (National Board) certification, which allows teachers to hone their practice, provides professional development, and enhances teacher effectiveness. The \$132,000 request would increase the current \$368,000 funding level to an annual level of \$500,000.</p>	\$132,000	Efficiency
OCE	<p>Increasing State Aid for Library Construction - Increasing funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries. The \$11M request would increase the current \$34M funding level to an annual level of \$45M.</p>	\$11M	Equity
OCE	<p>Continuing Access to the NYS Summer School of the Arts - State funding to ensure that NYSSSA can remain available to all eligible students regardless of financial need and to reduce the negative balance in the Cultural Education account.</p>	\$1.5M	Equity
ACCES	<p>Establishing a Bridge to College and Careers Pilot Program - Bridge programs enable out-of-school youth and adults to obtain critical basic skills and high school equivalency diplomas which would lead to programs resulting in industry-recognized credentials for employment or a college degree.</p>	\$3M	Equity
ACCES	<p>Funding the Expansion of the Readers Aid Program - Provide sufficient funding to meet the current statutory requirements of the Reader’s Aid program. The \$706,000 request would increase the current \$294,000 funding level to an annual level of \$1M.</p>	\$706,000	Equity

BOR Committee	Proposal Description	Requested Amount	Policy Area
PP	Development of an Electronic Licensing and Document Management System to Improve Customer Service - Spending authority to use funds resulting from a 15% registration fee increased authorized by the Legislature in 2009 for the third year of a project to replace a 35-year-old COBOL-based licensing system and enhance the customer experience.	\$25.39M in spending authority	Efficiency
DEPARTMENT WIDE	Building Oversight and Support Capacity at SED - Creation of a 5% set-aside within all new programs for administrative oversight and technical assistance, as is common in federal grants and programs.	5% set-aside	Efficiency
DEPARTMENT WIDE	Enhancing Transparency by Webcasting and Transcribing Regular Board of Regents Public Meetings	\$200,000	Efficiency
DEPARTMENT WIDE	Enhancing Communication with Multilingual Parents, Students and Professionals - Funding to support the translation of documents into languages other than English, in support of the Department's goal of making available culturally responsive-sustaining and linguistically accessible resources for the field and public.	\$1.5M	ELLs

2020 Legislative Priorities with Budgetary Implications

BOR Committee	Proposal Description	Requested Amount	Policy Area
P-12	Tuition Rate-Setting Redesign and Funding Parity <ul style="list-style-type: none"> Dedicate targeted resources to design a new tuition rate-setting methodology - \$1.25M Create a statutory index to provide parity in annual funding increases for both school-age and preschool providers - \$11.4M 	\$12.65M	Equity
HE/ACCES	Enhancing Supports and Services for Postsecondary Success of Students with Disabilities - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	\$15M	Equity
OCE	Expanding Access to Education Programs through Cultural Institutions - Establish competitive grants through the Museum Education Act to support cultural institutions that seek to establish or improve museum education programs designed to improve and support student learning opportunities, including supporting the development of local curricular aids.	\$5M	Equity

2020 Legislative Priorities

BOR Committee	Proposal	Policy Area
P-12	<p>Mandate Relief and State Aid Claims Flexibility- Provide districts with additional relief and greater flexibility relating to educational management including but not limited to:</p> <ul style="list-style-type: none"> • Expand the funds available to pay claims in the first-come-first-served queue; • 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; • Allow transportation contracts to be submitted electronically in a form approved by the Commissioner when available; and • Authorize school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction. 	Efficiency
P-12	<p>Regional Secondary Schools Advisory Council - Create a temporary advisory council in order to examine the previously proposed legislation and identify barriers and areas of concern; review regionalization models in other states; identify potential models that would work in New York; and make recommendations.</p>	Efficiency
P-12	<p>Increasing Access to College and Affordability for Students through Early College High Schools & PTECH - Codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.</p>	Equity
P-12	<p>Improving Educational Outcomes for Justice System Involved Youth - Statutory changes to:</p> <ul style="list-style-type: none"> • Require the School Districts of Location of a justice system facility to issue a diploma for students who have fulfilled the graduation requirements while placed in the facility. • Create a statutory FERPA exception so that education records can be released from LEAs with written parent consent. 	Equity
PP	<p>Enhanced Discipline Authority of the Licensed Professions - Enhance the Department's discipline authority over all licensed professions it oversees by:</p> <ul style="list-style-type: none"> • Authorizing the Commissioner or her/his designee, after an investigation and a recommendation by the professional conduct officer, to order a temporary suspension of practice privileges of a licensee or registered entity in extreme cases where there is an imminent danger to the health and/or safety of the public. • Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure. • Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner. 	Efficiency

BOR Committee	Proposal	Policy Area
PP	Healthcare Professional Data Collection - Requiring that, in conjunction with each triennial registration, licensed healthcare professionals provide the Department, working in conjunction with the Center for Healthcare Workforce Studies, census information regarding their professional medical activities. Such public, de-identified and aggregate data would be used to evaluate needed services in NYS and such other concerns as the Department may face.	Efficiency

Attachments



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Promotion of School Safety, Positive School Climate and Bullying Prevention

THE ISSUE:

The Dignity for All Students Act (DASA) seeks to provide students in New York with a safe and supportive school environment free from bullying, cyberbullying, harassment and discrimination. 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 social emotional learning skills and mental health support for all students. School safety enhancement, school violence prevention and school climate improvement must encompass proactive prevention of incidents by appropriately addressing the continuing needs of students which interfere with their readiness to learn, such as exposure to trauma and chronic absence.

For the last two years, the Supportive Schools Grant Program has provided resources to 16 schools to assess their current environment and has supported the creation of the Safe and Supportive Schools Technical Assistance Center (SSS TAC) as part of the Center for School Safety Technical Assistance Center (CFSS) to provide these schools 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. In addition, the State has provided grants to schools to improve school discipline practices and increase access to mental health resources and education.

Audits conducted by the Office of the State Comptroller (OSC) cited the Department’s limited monitoring of the implementation of critical school safety law and regulations, DASA and the accuracy of School Safety and Educational Climate reporting by school districts. OSC’s school safety audits identified a critical shortage of staff and the need for additional resources, training, and oversight to the field.

To increase resources to school districts to improve school climate, the Regents recommend expanding the Safe and Supportive Schools Grant Program to provide resources to an additional 16 schools (for a total of 32 schools). Since student safety at school must be a high priority, the Regents also recommend expanding the capacity of the Department to support (through both technical assistance and compliance monitoring) school safety emergency response planning, DASA and ESSA accountability requirements regarding chronic absenteeism and school suspension. In addition, the Regents recommend increasing the capacity of the CFSS/SSS TAC to provide expert on-site technical assistance to schools and districts on school climate, implementing behavioral threat assessment teams, reducing incidents of violence, bullying and harassment, and DASA implementation.

2020-21 Budget Request – \$3.4 million in new state funding to expand the Safe and Supportive Schools Grant Program, increase funding for the Technical Assistance Centers and increase compliance monitoring.

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



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Supporting Improvements in Struggling Schools

THE ISSUE:

The Every Student Succeeds Act (ESSA) identified a number of new federal requirements for how states work with struggling schools, including the provision of 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 oversees the improvement planning process of Targeted Support and Improvement (TSI) schools, which are schools identified for subgroup performance.

In January 2019, the Department identified 235 schools, serving around 140,000 students, as CSI schools and several hundred additional schools across dozens of districts as TSI schools or schools that could be identified as TSI later this school year. These schools need significant support to address the challenges they face.

During the development of New York State's 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, this proposal would provide individualized support to CSI schools that have struggled to show gains, 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.

2020-21 Budget Request – \$3.5 million in new state funding to support:

- Contracting with school improvement experts to provide individualized support at approximately 125 Comprehensive Supports and Improvement schools in 2020-21;
- Facilitating training to school districts with TSI schools so that districts can conduct Needs Assessments in all TSI schools; and
- 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.



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Establishing Regional Early Learning Technical Assistance Centers

THE ISSUE:

Currently, seven professional staff in the Department's Office of Early Learning, located in Albany, are responsible for providing technical assistance and monitoring oversight to prekindergarten programs in 480 school districts and thousands of prekindergarten classrooms around the State. This small office is also the fiscal steward for more than \$855 million in State Administered Prekindergarten funding. Regional Early Learning Technical Assistance Centers (TACs) are necessary to support the Albany-based early learning team 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 would 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 would 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; the Early Childhood and School-Age Family and Community Engagement Centers, which provide information and referral services for children with disabilities; and Special Education Quality Assurance offices, which oversee preschool and school-age special education services through a quality assurance review process. 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.

2020-21 Budget Request – \$1.6 million in new state funding to support:

Establishment of three Early Learning Regional Technical Assistance Centers in 2020-21, with the areas identified through a competitive process, and the cost of a staff member to manage the TACs. In a second phase, \$1.5 million would support the establishment of an additional three TACs in regions around the State.

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



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Transforming Teacher and Leader Preparation Programs

THE ISSUE:

As reflected in the September 2018 Report of Final Recommendations from the Board of Regents Early Childhood Workgroup's Blue Ribbon Committee, New York State's diverse young learners have the right to an education that is based on the most current birth to age 8 brain science and research, supports the comprehensive well-being of children and families, and is provided by *exceptionally prepared high-quality teachers and leaders who reflect the communities, cultures, and languages of the children and families they serve.*

As the Educator Diversity presentation to the Board of Regents on November 5, 2019 conveyed, the diversity of New York State's students continues to be significantly disproportionate to that of their teachers and leaders. Research confirms that being educated by racially, culturally, and linguistically diverse teachers and leaders benefits all students. Thus, there is a critical need to effectively remedy this diversity disparity across the State. As is the case across the nation, diverse teachers and leaders are in high demand, but short supply. Significant supports are needed to overcome the financial and institutional barriers that have historically deterred all candidates, and especially diverse candidates, from considering and/or remaining in the education profession. The most prohibitive barriers have been expensive, yet inadequate teacher and leader preparation programs.

The Regents recommend funding be allocated to create research-based, innovative, high-quality birth to grade 3 teacher preparation programs and birth to grade 12 leader preparation advanced certification programs that will serve as transformational models through collaborations between institutions of higher education, school districts, community-based organizations, health and mental health systems, and teacher and leader candidates. The proposed four-year Birth to Grade 3 Teacher Preparation Collaborative (B3TPC) and two-year Birth to Grade 12 Leader Preparation Advanced Certification in Early Learning (B12LPAC) will provide opportunities for 240 of New York State's historically underrepresented and underserved teachers and leaders, through prioritized recruitment, to equitably access high-quality, clinically-rich, competency-based preparation programs leading to long-term careers serving New York State's diverse students, families, and communities. B3TPC and B12LPAC candidates will benefit from offset tuition costs, advanced credit toward demonstrated competencies, qualifications and experience, enhanced coursework and field experiences responsive to the schedules and logistics of adult learners, employment search assistance, and mentoring during their first year serving as New York State certified teachers and leaders. Recommendations from these initiatives applied to Statewide preparation programs will benefit New York State by exceptionally preparing diverse teachers and leaders who reflect the communities, cultures and languages of the children and families they serve.

2020-21 Budget Request – \$2.5 million in new state funding to establish research-based, innovative, high quality birth to grade 3 teacher preparation programs (\$1.2 million each year for four years) and birth to grade 12 leader preparation programs (\$1.2 million each year for two years), and for the staff costs to implement these initiatives (\$100,000 each year).

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

THE ISSUE:

The U.S. Department of Education publishes Teacher Shortage Areas indicating a shortage of Special Education Teachers and Bilingual Special Education Teachers in various grade levels and regions within New York State (USDOE *Teacher Shortage Areas Nationwide*: <https://tsa.ed.gov/#/reports>). These teacher shortages are adversely impacting 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 Special Class and Special Class in an Integrated Setting programs. Teachers working in these schools earn on average 40% less in salary than comparable teaching staff in public school districts. The teacher shortage experienced in various regions, combined with the salary differential, has caused teacher recruitment and turnover to become a significant problem, eroding the ability of programs to maintain qualified faculty in schools serving some of the students with the greatest educational needs.

Existing initiatives to recruit and retain qualified staff, such as Excessive Teacher Turnover Prevention Program funding and Private School Teacher Certification grants, offer some measure of essential assistance but are limited in funding and scope and therefore do not comprehensively address the systemic challenges of teacher recruitment and retention. Greater actions are needed to attract qualified staff to work in approved private schools serving students with disabilities and Special Act School Districts and to incentivize current employed staff of these schools that lack appropriate credentials to achieve appropriate certification.

2020-21 Budget Request – \$4 million in new state funding to:

- Expand the number of qualified individuals who may fill a teaching position at 853 Schools, Special Act School Districts, and private preschool Special Class and Special Class in an Integrated Setting programs on a long-term or permanent basis by providing \$2 million in new Teacher Pipeline funding to be administered through a competitive process to pilot a “grow your own educator” program. This pilot program would require the recruitment of a diverse pool of prospective teacher candidates from the local community to work in an approved program, receive training and professional development, and obtain fiscal assistance for tuition and related teacher preparation expenses; and
- Support a loan forgiveness program for staff providing instruction and related services to students at 853 Schools, Special Act School Districts, and private preschool Special Class and Special Class in an Integrated Setting programs (\$2 million).



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Increasing Districts' Capacity to Serve English Language Learners

THE ISSUE:

New York State (NYS) has experienced regular and significant increases in the population of English Language Learners (ELLs). Currently, almost 270,000 ELLs make up approximately 10.8 percent of the total NYS student population. This reflects an average increase of over 4,800 students annually during the past five years. In addition to the total number of students enrolled, there has been an expansion of ELLs' linguistic diversity, with over 200 languages spoken. ELLs are enrolled in every region throughout the State, and many districts would benefit from additional support to develop their expertise to address this population's needs.

On average, ELLs have lower student success rates than the general population, with only 29.0% of ELLs from the 2014 high school cohort graduating within 4 years, compared to 80.4% of all students. In addition, 27.5% of ELLs from the 2014 high school cohort dropped out of school, compared to 6.0% of all students. However, ELLs who successfully develop English language proficiency and exit out of ELL status experience higher success than all students on average. These students (known as "Ever ELLs") achieve a graduation rate higher than all students at 85.5% for the 2014 cohort. These outcomes are consistent with research which shows that speaking two or more languages confers significant academic, cognitive, and social-emotional benefits to students.

Expanded funding is needed to supplement and increase districts' ability to provide quality instruction, supports and services to their ELLs.

2020-21 Budget Request – \$15 million in new state grant funding to be allocated to school districts to enhance curriculum and increase instructional supports for the education of New York State's 270,000 English Language Learners.

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



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Ensuring Equal Opportunities for English Language Learners

THE ISSUE:

New York State has experienced regular and significant increases in the population of students who are English Language Learners (ELLs). Currently, almost 270,000 ELLs make up approximately 10.8 percent of the total New York State student population. This reflects an average increase of over 4,800 students annually over the past five years. In addition to the total number of students enrolled, there has been a significant expansion in linguistic diversity among this population, with over 200 languages spoken. ELLs are enrolled in every region throughout the state, and many districts require assistance to develop their expertise to address the needs of this population as mandated by the Every Student Succeeds Act (ESSA).

To enhance professional development, technical assistance, and compliance support to meet ESSA's mandates and goals regarding ELL achievement, the Regents recommend the provision of funding to expand staff at NYSED's seven Regional Bilingual Education Resource Network (RBERN) and one Statewide Language RBERN support centers. This funding will allow these centers to increase the amount of support services provided to school districts throughout New York State. This expansion will ensure that the RBERNs are able to support, at the local level, the development and reinforcement of teachers', school administrators', and district administrators' understanding of the needs of ELLs, investigate parent complaints, and engage in compliance and enforcement duties such as conducting site visits and supporting NYSED school monitoring.

New York State's seven regional RBERNs and one Statewide Language RBERN support school and district efforts to increase the English language proficiency and academic content gains of ELLs to reduce dropout rates and increase graduation rates for this population. These activities are critical to New York State's ability to meet ESSA mandates because ELLs' timely acquisition of English language proficiency and ELL subgroup performance are key factors in state accountability determinations.

It is crucial that the State assist schools in transforming and improving systems to support the success of ELL students through investments in the RBERN network that expand professional development regarding the State's new English language proficiency accountability indicator, and enable the 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 academic performance and of graduation and dropout rates. This will in turn enable schools to create concrete solutions tailored to their students' unique needs.

2020-21 Budget Request – \$1.6 million in new state funding to expand NYSED's Regional Bilingual Education Resource Network (RBERN) and Statewide Language RBERN support centers to increase the amount of support services provided to school districts throughout New York State.

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Ensuring the Appropriate Provision of English Language Learner Services

THE ISSUE:

In New York State, all English Language Learners are assessed annually for English Language Proficiency (ELP) as required by the Every Student Succeeds Act and New York State Education Law §3204. To meet this requirement, New York State has developed and administered its own assessment called the New York State English as a Second Language Achievement Test (NYSESLAT). The results of the NYSESLAT are used to determine the level of language services required for each student, and also to determine when such services are no longer needed.

Although the NYSESLAT allows accommodations for English Language Learner (ELL) students with 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 ELP 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 improving the educational experience of these students, a new assessment that measures the ELP of students with severe cognitive disabilities is necessary to fulfill federal requirements. Guidance from the U.S. Department of Education released in 2017 requires an alternate ELP assessment for ELLs who cannot participate in the current assessment even with appropriate accommodations. By not providing this assessment to this special population of students, New York State could be found to be out of compliance with the requirements of the Every Student Succeeds Act and could potentially be penalized by the loss of federal educational funds.

It is estimated that there are 4,000-7,000 students in the State who are included in this category of ELL students who also have severe cognitive disabilities. It is critical that the State support these students by developing an ELP assessment that will measure the more incremental annual gains that are necessary and appropriate for evaluating this population.

2020-21 Budget Request – \$1 million in new state funds to support the development/procurement, in collaboration with other states, of a new English Language Proficiency (ELP) assessment program for English Language Learners (ELLs) with severe cognitive disabilities.

The first year of funding (\$1 million) would support test design development in collaboration with other states; the second year of funding (\$1 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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Supporting the Blue Ribbon Commission on Graduation Measures

THE ISSUE:

At the direction of the Board of Regents, the Department has undertaken a thoughtful and inclusive process to reaffirm what a New York State high school diploma means and what it ought to signify to ensure educational excellence and equity for all New York State students. To achieve this goal, a Blue Ribbon Commission on Graduation Measures will be established to review the research, practice and policies surrounding graduation measures in New York State. The Commission will look at whether adding other equally rigorous measures of achievement could also serve New York's diverse student population as indicators of what they know and if they are career and college ready. This Commission will be a working stakeholder group comprised of current or recent parents, students, educators, researchers, advocates, higher education and business leaders.

The Commission will also gather input from across the state to help inform recommendations to reconsider current diploma requirements, ensure all students have access to multiple graduation measures and ensure a transition plan timeline allows time to prepare for and implement any changes.

During the first information gathering phase, regional meetings will be held in each Regent Judicial District, a literature review of current research and policy on graduation measures will be conducted and innovative models and practices in other states will be compiled. In the second phase of the project, the Blue Ribbon Commission will meet and develop recommendations. In the third and final phase, the Commission's recommendations will be presented to the Board of Regents for policy discussion.

The Bill and Melinda Gates Foundation has provided funding to assist with research and project management costs in the first phase. Additional funding is requested to supplement this grant to fully cover both years of anticipated project management costs and to support meeting costs.

2020-21 Budget Request – \$200,000 in new state funding (annually for two years) to support project management costs and event costs associated with the statewide Commission meetings.

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



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Modernizing the Education Finance Data System

THE ISSUE:

The State Education Department manages the data collection, calculation, and payment of over \$27 billion in state aid annually using nearly 50 legacy systems with over 100 interfaces, including outdated mainframe technology, Excel spreadsheets, and Access databases. In the late 2000s, the State Aid Management System (SAMS) was created to automate and consolidate the state aid claiming process, but the project was never completed due to lack of funds.

The 2017-18 enacted budget included \$2 million for the Department to pursue improvements to the State Aid, Facilities, and Special Education data systems. Using a portion of those funds, the Department has been under contract with a vendor to review the existing state aid data systems and to develop a blueprint for updating and consolidating these systems.

The maintenance and operation of the legacy systems are staff intensive and difficult to maintain with the current level of staff attrition, particularly because the available workforce with experience in these systems continues to shrink as the technology becomes older.

The future system will be modular, with purpose-built components sharing common functions, with a seamless interface with role-based access built into each component. Improvements in data collection and reporting will include:

- Building project/transportation contract/BOCES Co-SER data: State aid calculations and additional detail will be tagged and tracked at the project/contract level.
- Data verification improvements: Real time claim edits will help districts catch and correct or explain aberrations more quickly, improving the overall quality of data and reducing the risk of overpayments to districts that result in aid deductions.
- Better Reporting: New reporting features will allow for drilling down to isolate data changes and will more cleanly connect aid projections to actuals and payments. Users, including Division of the Budget and Legislative staff, will have the ability to create and run custom reports, or re-run existing reports against new databases.
- Refocusing program staff tasks: With a new system, program staff will spend less time moving and verifying data between systems. Instead, program staff will have more time for desk audits and claim review.

2020-21 Budget Request – \$11.6 million in new state funding for the first year of phase two, which involves consolidating more than 50 different legacy systems and moving all technology off the mainframe. The request to build the system is for a total of \$41 million across four years, and for \$5.7 million annually for ongoing maintenance and support of the completed system starting in year five.

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Expanding the Provision of Certification Examination Fee Waiver Vouchers

THE ISSUE:

The high cost of pursuing certification—including tuition, living expenses while pursuing a degree, and other costs such as exam and fingerprinting fees—is cited by researchers and educator preparation officials as one of the greatest barriers to recruiting diverse candidates into the teaching profession.

To ensure effective educator practice, to become certified, educator candidates must take and pass a set of three certification exams costing a total of at least \$500. In the most recent year, the Department’s testing vendor provided 3,000 vouchers at no charge to the Department, which was enough to assist 1,000 candidates across the State with one full set of exams. This is a small fraction of the more than 12,000 candidates who complete teacher preparation programs annually.

To promote teacher diversity and encourage more candidates to join the teaching profession to address public school teacher shortages, the Regents recommend expanding the provision of certification examination fee waiver vouchers to assist economically disadvantaged educator candidates in paying for the examinations required for certification. \$1.2 million would support tripling the number of vouchers currently distributed annually (from 3,000 to 9,000) by adding additional vouchers for economically disadvantaged candidates to cover the full test fee for a Content Specialty Test, the edTPA and the Educating All Students test.

2020-21 Budget Request – \$1.2 million in new state funds to expand the provision of certification examination fee waiver vouchers to assist economically disadvantaged educator candidates in paying for the examinations required for certification.

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Increasing Access to a Highly Qualified, Diverse Teaching Workforce – Expand TOC II

THE ISSUE:

The Board and Department believe that all students should have access to teachers who 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.” The Early Learning Blue Ribbon Committee and the legislatively requested Educator Diversity Report indicate the need for more educators of color to meet the needs of an ever-diversifying student body. The Educator Diversity Report indicates that there are more than 200 school districts across New York State that do not employ one teacher of color.

As part of an initiative to increase teacher diversity, the Board and the Department are proposing to separately appropriate and expand the Teacher Opportunity Corps II (TOC II) program that is currently funded as part of My Brother’s Keeper. An expanded TOC II will expand the pipeline of diverse students to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers and bolster the retention of highly qualified individuals who value equity and reflect the diversity inside and outside of our classrooms.

TOC II will award competitive grants, in each of the ten Post-Secondary Education Regions of the Regents, to higher education institutions that partner with community-based organizations and school districts to identify, recruit, and select students into the pipeline, from secondary school through graduate school. Higher education institutions will offer approved programs in teacher preparation leading to initial certification that prioritize recruitment of individuals identified as underrepresented and underserved in the teaching profession.

Under this expansion, the number of TOC II programs is projected to increase from 16 to 26, with the goal of extending coverage to all regions of the state. Programs will include elements such as:

- an enhanced 10-month student internship in a diverse school setting to gain experience working alongside teacher mentors;
- a focus on enhancing the preparation of teachers to become culturally responsive educators skilled in addressing the learning needs of students in high-need districts; and
- possible tuition stipends to support candidates’ commitment to the internship and coursework.

2020-21 Budget Request – \$3 million in new state funds to establish a separately appropriated Teacher Opportunity Corps II program to increase the number of certified educators of color.

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Supporting NYS Access and Opportunity Programs

THE ISSUE:

Arthur O. Eve Higher Education Opportunity Program (HEOP): HEOP serves over 4,450 students through 50 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 12,000 students through 59 programs.

Collegiate Science and Technology Entry Program (CSTEP): CSTEP provides academic enrichment and research experience in STEM content areas 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 8,000 students through 55 programs.

Liberty Partnerships Program (LPP): LPP offers comprehensive pre-collegiate/dropout prevention programs and services to over 15,000 youth through 46 programs across New York State.

2020-21 Budget Request – \$10 million in additional state funds to provide the following increases above 2019-20 levels:

HEOP: An additional **\$4.5 million** to support and enhance current programs. 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 projects the opportunity to serve approximately 500 additional students and/or promote greater participation in STEM-based research, internships, or exploratory career opportunities at facilities such as Brookhaven National Laboratory and regional STEM-hubs.

CSTEP: An additional **\$2.5 million** to provide projects the opportunity to serve approximately 1,250 additional students and/or promote greater participation in STEM-based research, internships, or exploratory career opportunities at facilities such as Brookhaven National Laboratory and regional STEM-hubs.

LPP: An additional **\$2 million** to provide projects the opportunity to serve approximately 1,300 additional students and expand its corresponding capacity for essential program components, such as mentoring, college access to NYS Opportunity Programs, summer programs and family/alumni engagement.



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Enhancing Teacher Effectiveness

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 2,018 tenured, full-time NYS public school teachers who are National Board certified. In December 2018, New York ranked 16th among all states in the number 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.

2020-21 Budget Request – \$132,000 in additional state funds, bringing the annual funding level to \$500,000, 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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Increasing State Aid for Library Construction

THE ISSUE:

In FY 2019-2020, 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 thirteen years in operation, the program supported a total of 2,473 construction and renovation projects for 781 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 \$1.52 billion through 2025. Broadband installation and infrastructure costs will be in addition to that \$1.52 billion estimated need figure.

More than half of all public library buildings in New York are now over 60 years old, and another 31% are between 30 and 60 years old. 2018 data indicates only 367 (out of 1,067) public library buildings (34%) 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.

2020-21 Budget Request – \$11 million in additional state funds over the 2019-20 level, for a total of \$45 million, to ensure that New York’s libraries are accessible to all library users and can accommodate advances in technology, including improvements to broadband infrastructure.

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Continuing Access to the NYS Summer School of the Arts

THE ISSUE:

Founded in 1970, the New York State Summer School of the Arts (NYSSSA) is a program that provides talented high school students with the opportunity to study with some of the world's foremost artists in the visual and performing arts in seven schools, including ballet, dance, choral studies, orchestral studies, theatre, visual arts, and media arts. Since 1970, approximately 18,000 young artists have attended one of the NYSSSA schools, taking part in four weeks of intensive work and interaction with internationally acclaimed artists and performing arts companies, such as the New York City Ballet and the Philadelphia Orchestra. Students have a unique opportunity to experience the rigors of their chosen arts field. During the program, students attend classes 6-7 days a week for 7-12 hours a day, receive both one-on-one and group instruction, attend professional workshops from visiting artists from across the country, and explore the history and culture behind their chosen discipline. In recent years, students have auditioned and applied to NYSSSA from over 400 high schools throughout the State of New York.

Tuition revenue alone is insufficient to fully cover NYSSSA program costs. While tuition rates are periodically adjusted to reflect rising costs, the Regents strongly believe that NYSSSA programming should be made available to students based on their talents and skills – not on their ability to pay. Admittance into the program is on a need-blind basis to ensure NYSSSA is representative of New York's wide spectrum of economic, cultural, ethnic, and social diversity of students. In addition, tuition assistance is provided to those seeking assistance based on their financial records.

Re-establishing a State General Fund appropriation for NYSSSA would relieve pressure on the Cultural Education Account and would ensure that sufficient funds are available to continue to provide need-blind NYSSSA programming to talented students.

2020-21 Budget Request – \$1.5 million in new state funding to ensure the New York State Summer School of the Arts continues to be a program available to students of the State of New York who have demonstrated exceptional artistic skills and talents through selection based on open competition.

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Establishing a Bridge to College and Careers Pilot Program

THE ISSUE:

According to U.S. 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 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.

2020-21 Budget Request – \$3 million in new state funding to establish a pilot program to 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.

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Funding the Expansion of the Readers Aid Program

THE ISSUE:

Since enactment in 1936, the Readers Aid Program has provided funding to colleges and universities to use on behalf of students who are blind, deaf, deaf-blind, or hard of hearing. This funding has been used to help meet the costs of note-takers, readers, and interpreter services.

Chapter 350 of the Laws of 2017 provided for an expansion in the eligibility, funding and use of Readers Aid Program funds. Eligibility was expanded to include licensed career proprietary schools; the maximum reimbursement per student increased from \$1,000 to \$4,000 per academic year; and the use of funds was expanded to include the purchase of assistive technology.

In the 2018-19 academic year, over 200 students from 28 colleges and universities received Readers Aid funding. However, the current annual appropriation for this program is insufficient to meet the needs of the increased number of eligible students and cannot support the increase in annual reimbursement levels.

2020-21 Budget Request – \$706,000 in additional state funding to increase Readers Aid Program funding from the current \$294,000 annual level to \$1 million, to enable the program to provide grants ranging from \$1,000 to \$4,000 to approximately 400 students per year.

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

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% 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 to continue this important work and enhance current processes.

The 2018-19 and 2019-20 enacted budgets included authority for the Department to utilize some of its existing revenue to begin building a new electronic licensing and document management system.

The critical work to plan and develop a customized electronic licensing system is underway so that the Department can replace the old and outdated mainframe while also enhancing the customer experience for future and current professional licensees and entities. This continued work will ensure the Department delivers on the promise that was made when the 2009 legislation was enacted. The electronic system is being 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 are also underway to establish a new, more robust, call center, implement an enhanced "self-serve" knowledgebase to enable customers to efficiently find answers for frequently asked questions along with a redesigned and fully accessible website.

2020-2021 Budget Request - Authorize the Department, within Capital Appropriations, to utilize \$25.39 million of existing revenue in 2020-21 to continue building the new electronic licensing and document management system along with enhancing customer service tools.

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Building Oversight and Support Capacity at SED

THE ISSUE:

A 2011 study by the Center for American Progress found that the New York State Education Department had the least organizational resource capacity of any other state based on the ratio of staff to students. In the 2019-20 budget, the State general fund contribution to the operations of this Department accounted for only 9.8% of the agency's total budget, compared to 22.0% for the Department of Health, and 55% for the Office of Children and Family Services.

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 for administrative costs. 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.

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.

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 to provide technical assistance and support to the grantees.

The scope of the Department is significant, encompassing over 2.6 million public school students, over nearly 4,700 schools, located in over 700 school districts. The positive impact of adequately funding the Department's staffing needs would benefit all areas of the state.

2020-2021 Budget Request - Enact a 5% set-aside within all new SED programs for administrative oversight and technical assistance.



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Enhancing Transparency by Webcasting and Transcribing Regular Board of Regents Public Meetings

THE ISSUE:

With current limited resources, the Department is only able to provide a live webcast of meetings of the Full Board of Regents. 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 meetings 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 additional resources, the Department would be able to enhance transparency and accessibility by providing live webcasting and verbatim transcripts of all regular public meetings of the Board of Regents.

2020-2021 Budget Request - \$200,000 in new state funds annually to support webcasting and transcription costs.

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Enhancing Communication with Multilingual Parents, Students and Professionals

THE ISSUE:

Due to resource constraints, the Department is not currently able to translate certain documents into languages other than English, which can limit the awareness of parents and students who do not speak English as their primary language to available educational programs and services. Funding to translate informational and guidance documents into multiple language would support the Department's culturally responsive-sustaining framework and improve services to English Language Learners/Multilingual Learners (ELLs/MLLs) and their families by providing information to families in the language that they best understand.

In every program area across the Department – Cultural Education, Vocational Rehabilitation, P-12, Professions and Higher Education – many informational materials such as fact sheets and booklets are currently only available in English.

For example, the Department is in the process of creating parent-oriented documents to meet the financial transparency reporting requirement under the Every Student Succeeds Act (ESSA). Additional resources would enable such documents to be translated into languages other than English and enable the Department to better comply with this requirement by providing the information to non-English speakers in their own language.

Funding is needed to support the translation of documents into languages other than English, in support of the Department's goal of making available culturally responsive-sustaining and linguistically accessible resources for the field and public.

2020-21 Budget Request – \$1.5 million in new state funding to translate documents into languages other than English to enhance communications with multilingual parents, students and professionals.

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Tuition Rate-Setting Redesign and Funding Parity

THE ISSUE:

Tuition reimbursement for approved providers of special education programs and services is established by the Department and approved by the Division of the Budget (DOB). The Department establishes annual tuition rates for over 1,000 approved special education programs at approved private schools, public schools, special act school districts, and BOCES. Tuition rates for special class programs are established using a rate system that is based on actual provider historical cost and enrollment data, with a trend factor applied. The tuition rate methodology for special class programs includes cost containment parameters to restrict funding for executive compensation, limit reimbursement for facility and administrative expenses (it is expected that at least 70 percent of each reimbursable dollar will be spent on direct care services to students), and contain rates to a percentage increase from a previous year's rate. In instances where the funding containment measures place a hardship on a provider's ability to deliver mandated services and/or remain fiscally viable, a provider may submit a tuition rate appeal or waiver request with the Department to consider a tuition rate adjustment.

In recent years, the volume of tuition rate appeals and waivers has increased at an unsustainable rate, the result of which is funding delays to the providers, which hinders the provider's ability to budget for their operations and make sound fiscal decisions. The Department, DOB, approved providers, and other stakeholders have been discussing issues with the current and possible alternatives to the current special education tuition rate setting methodology that would enable tuition rates to be more flexible with programmatic needs and issued in a timely manner, which would allow providers to better manage their programs. While several administrative tuition methodology reforms have been adopted in recent years that have provided some rate relief, tuition rate appeals continue to be sought at an unsustainable volume.

To provide short-term relief while comprehensive tuition rate-setting methodology reform is under development, the Department is working with stakeholders to design a proposal for DOB's consideration to eliminate the use of annual reconciliation rates, starting with the 2020-21 school year.

2020-21 Budget Request – address the financial stability for approved school-age and preschool programs serving students with disabilities to enable them to better provide mandated services to the students they serve by:

- **Creating a statutory index to provide an annual funding increase commensurate with the growth in General Support for Public Schools.** This measure would establish predictable tuition increases and allow for improved budget planning. While DOB has, in recent years, linked the tuition growth for school-age providers to GSPS growth, the tuition growth for preschool providers has been held at 2% annually. This proposal would ensure parity across all providers by providing the same annual growth percentage linked to the GSPS growth rate. Increasing the preschool tuition rate increase from 2% to 3.6% would cost approximately \$19.2 million, of which \$11.4 million would be the State share and \$7.8 million would be the local share.
- **Dedicating targeted resources to enable the Department to design a new tuition rate setting methodology with stakeholder input.** \$750,000 (\$1.5M across two years) is requested for SED to hire a consultant to provide technical assistance and develop models to provide options for tuition reimbursement methodology design for stakeholder consideration. \$500,000 (\$1M across two years) is requested to support staff in the Department's Rate-Setting Unit and Office of Special Education to work closely with the consultant on tuition rate reform proposals.



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Enhancing Supports and Services for Postsecondary Success of Students with Disabilities

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 75,000 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.

2020-21 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.

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



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Expanding Access to Education Programs through Cultural Institutions

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.

2020-21 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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Mandate Relief and State Aid Claims Flexibility

THE ISSUE:

Given the continuing constraints on revenue at the federal, state, and local level, school districts must operate efficiently in order to focus resources on the most 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 or burdensome mandates where the benefit does not outweigh the costs of the regulatory burden.

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. This queue is very long, and at present funding levels, districts are likely to wait years before the State returns the money they are owed. The mandate relief program proposed here would change the return process, so that when 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 any aid claims for the district that are in queue. Coupled with the annual State appropriation, the total funds available would significantly reduce the time that districts must wait to receive funds owed them by the State. Over time, this approach should fully pay off the queue of old claims owed by the State to school districts. Without an increase in the appropriation and/or the enactment of the change proposed here, school districts will continue to face significant delays in receiving payment from the State when they are owed money.

This legislation also includes provisions that would 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 and allow districts to lease space outside of the district in certain emergency situations.

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 and educational management.

The following provisions will be new this year:

- Allows transportation contracts to be submitted electronically in a form approved by the Commissioner when available.
- Authorizes school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction.



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Regional Secondary Schools Advisory Council

THE ISSUE:

In an era of declining enrollment and fiscal constraint, many school districts are at risk of not being able to provide students with a range of opportunities to prepare for college and career, or even to meet their basic fiscal obligations. 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 and the award winning P-TECH programs. As many rural school districts struggle to provide an educational program to their secondary students, the opportunity for a collaborative program that allows for more varied programming is essential.

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, Department staff, 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;
- Consider whether there are other opportunities to improve districts' ability to share services or consolidate;
- 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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Increasing Access to College and Affordability for Students through Early College High Schools & P-TECH

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 2017-18 school year (SY), 7,009 students were served in grades 9-12. During 2017-18, 1,612 students graduated with a high school diploma, and 104 students graduated with a high school diploma and an associate 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 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.

For more information contact the
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Improving Educational Outcomes for Justice System Involved Youth

THE ISSUE:

Research has documented that many of the adolescents who commit crimes and enter the juvenile justice system are significantly over age and under credited; some reading only at the elementary level. A recent study indicated that one-third of incarcerated youth needed or received special education services, a rate nearly four times higher than non-incarcerated youth. Engaging youth in their education and future is key to changing their trajectory and to reducing recidivism.

Yet there are significant barriers to expeditiously providing appropriate education services to youth in justice system educational programs, such as timely receipt of education records when a student is detained prior to adjudication by the court. Detention programs across the state are expected to immediately provide appropriate education programming for youth, including as required by a student's individualized education program, although they do not have the access to student's education records. Oftentimes, it may take weeks to obtain signed parental consent and then receive the records.

Another barrier is awarding a diploma when a student has completed graduation requirements while confined. Because the educational programs in justice system facilities are not registered high schools, they cannot issue a diploma to a student who has completed the graduation requirements while in the program. In some instances, students may have been out of what would be their "home school" for years, so any relationship has become tenuous, and school districts have been reluctant at times to issue a diploma in these circumstances.

THE SOLUTION:

The Department supports legislation that would enhance educational outcomes of youth receiving instruction in education programs in justice system facilities as follows:

- The Department will propose a statutory change to authorize the transfer of student records from school districts to juvenile detention facilities, without parental consent, to facilitate students receiving an appropriate education in as timely a manner as possible.
- The Department will propose a statutory change to require school districts in which juvenile justice or DOCCS facilities are located to issue a diploma for students who meet graduation requirements while placed in such facility.

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Enhanced Discipline Authority of the Licensed Professions

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 disciplinary 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, 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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Healthcare Professional Data Collection

THE ISSUE:

An October 2018 research brief by the Center for Healthcare Workforce Studies (CHWS) found that lack of data on New York's health workforce has limited the state's ability to assess the effectiveness of workforce development strategies designed to reduce major geographic health disparities.

There is an urgent need for basic health workforce data to better describe workforce supply/demand gaps that limit access to needed health services. It is imperative that the state provides consistent and reliable workforce data to inform appropriate action that can bridge gaps in the need for health workers and services. The Department seeks legislation, and additional staff and resources, if needed, to gather this information by requiring licensed health professionals who are renewing their license registrations to answer a short survey about how they use their license.

THE SOLUTION:

The Department supports legislation that would enhance its ability to collect critical information about the health workforce by:

- Requiring that, in conjunction with re-registration, licensed health professionals provide the Department, working in collaboration with the New York State Department of Health (DOH), census information regarding their professional services and activities. This data would be used to evaluate supply/demand gaps that must be addressed in order to make available needed services in NYS. In addition, de-identified and aggregated data drawn from these surveys would be made available publicly to support local health workforce planning efforts.
- Collaborating with the DOH and CHWS to work with licensing boards to develop profession-specific re-registration surveys. CHWS would be responsible for programming the survey using the designated software package, fielding calls from licensees who encounter difficulty completing the survey, downloading and cleaning data drawn from survey responses, analyzing cleaned survey data and producing reports of findings, and creating public access to de-identified data, thus limiting the fiscal and workload impact on the Department.

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