



**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Phyllis Morris and Jennifer Trowbridge  
*Phyllis D. Morris*  
*Jennifer Trowbridge*  
**SUBJECT:** 2021-22 Non-State Aid Budget and Legislative Priorities  
**DATE:** December 10, 2020  
**AUTHORIZATION(S):** *Phyllis Morris*

## SUMMARY

### Issues for Discussion

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 to meet the Board's policy priorities.

At the October Full Board meeting, the relevant committees of the Board reviewed and discussed the previous Non-State Aid Budget and Legislative proposals, as well as identified and discussed new initiatives the Committees wanted to consider. Updated proposals were brought back to the Board for further consideration at the November meeting. At the December meeting, the Board will approve the proposals to be advanced during the 2021-22 budget cycle and 2021 legislative session.

### Reason(s) for Consideration

Board of Regents approval of the 2021-22 Non-State Aid Budget and Legislative Priorities.

### Recommendation

It is recommended that the Board of Regents vote to approve 2021-22 Non-State Aid Budget and Legislative Priorities as follows:

Attachment

**2021-22 Regents Non-State Aid Budget Priorities – P-12 & Department-Wide**

Proposal Description	Policy Area	Requested Amount
<b>Supporting Improvements in Struggling Schools-</b> Funding to facilitate training for Comprehensive Supports and Improvement (CSI) and Targeted Support and Improvement (TSI) schools and to provide individualized support to 177 CSI schools.	ESSA	\$3.5M
<b>Ensuring the Appropriate Provision of English Language Learner Services-</b> 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.	ELLs/ESSA	\$1M (\$1M for the first two years and \$2M for the third year).
<b>Supporting Digital Literacy Model Pilot Programming for New York State Students and Families</b>	Equity	<p>\$8M; the Department proposes a controlled pilot program be made available for grants to organizations to provide support to parents and guardians of students related to remote learning-including but not limited to technical assistance and digital fluency skills acquisition- to narrow the digital divide in New York.</p> <p>These grants would be targeted to high-needs areas across the state as identified by the results of the most recent digital equity survey, and would support efforts of organizations with both the capacity to engage in this work, and a knowledge of and ties to the communities or regions they serve.</p> <p>Resources created through these funds would be available for the entire state to utilize, replicate, and modify, in order to build capacity to meet local and regional needs.</p>

Proposal Description	Policy Area	Requested Amount
<p><b>Creating Culturally Responsive-Sustaining Education Resources</b></p>	<p>Equity</p>	<p><b>New-</b> \$250,000 to curate, compile and publish a set of racially and culturally inclusive education resources to support teaching and learning, using an intradisciplinary approach in the major subject areas and an additional \$50,000 in 2022-23 to finalize the work that goes beyond the 2021-22 fiscal year:</p> <ul style="list-style-type: none"> <li>• Funds would be used to engage consultants, to act as a project manager tasked with oversight over the creation of the curricular guidance product including gathering and analyzing the data collected.</li> <li>• NYS educators and content experts would form a workgroup to propose, review, critique and recommend available education resources that can be used in grades K-12 to bolster existing curricula to address the goal of racial and cultural inclusion.</li> <li>• A final published annotated resource document would be posted on the Department's website for use by the entire state.</li> </ul>
<p><b>Building Oversight and Support Capacity at SED-</b> Creation of a 5% set-aside within all new programs for administrative oversight and technical assistance, as is common in federal grants and programs.</p>	<p>Efficiency</p>	<p><b>5% set-aside</b></p>
<p><b>Enhancing Transparency by Webcasting and Transcribing Regular Board of Regents Public Meetings</b></p>	<p>Efficiency</p>	<p>\$220,000; includes fiscal (\$20,000) for ASL Simultaneous Interpretation.</p>

Proposal Description	Policy Area	Requested Amount
<b>Enhancing Communication with Multilingual Parents, Students and Professionals-</b> 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.	ELLs	\$1.5M

#### 2021-22 Regents Legislative Priorities with Budgetary Implications – P-12

Proposal Description	Policy Area	Requested Amount
<b>Tuition Rate-Setting Redesign and Funding Parity-</b> <ul style="list-style-type: none"> <li>Dedicate Targeted Resources to Design a New Tuition Rate-Setting Methodology- \$1.25M</li> <li>Create a statutory index to provide parity in annual funding increases for both school-age and preschool providers.</li> </ul>	Equity	\$1.25M

#### 2021-22 Regents Legislative Priorities – P-12

Proposal Description	Policy Area
<b>Mandate Relief and State Aid Claims Flexibility-</b> Provide districts with additional relief and greater flexibility relating to educational management, including: <ul style="list-style-type: none"> <li>Expanding the funds available to pay claims in the first-come-first served queue;</li> <li>Forgiving penalties associated with the late filing of Final Cost Reports for all school district construction projects approved by the Commissioner before July 1, 2011;</li> <li>Allowing districts to lease space outside of the district in certain emergency situations;</li> <li>Allowing transportation contracts to be submitted electronically in a form approved by the Commissioner when available;</li> <li>Authorizing school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction;</li> <li>Extending the current school district reserve fund pay-back period and lowering the percentage that needs to be paid back each year so that more school districts can take advantage of this flexibility. The repayment period and levels would take into consideration a district's ability to raise local revenue;</li> </ul>	Efficiency

<b>Proposal Description</b>	<b>Policy Area</b>
<b>Mandate Relief and State Aid Claims Flexibility Continued</b> <ul style="list-style-type: none"> <li>Increasing flexibility for small districts to meet unanticipated expenses by allowing targeted exceptions to the 4% fund balance limit;</li> <li>Allowing school districts to be reimbursed through transportation aid for utilizing buses to deliver meals, needed educational materials, or acting as mobile hot spots so students could successfully engage in remote learning as well as providing aid to school districts and counties in order to maintain school bus services and operations for all students, including preschool special education students, even when not in service during a pandemic or declared emergency, as there is still a cost in doing so; and</li> <li>Discontinuing duplicative financial transparency reporting in light of the full implementation of the federally-required ESSA financial transparency reporting (repeal Education Law Section 3614).</li> </ul>	Efficiency
<b>Regional Secondary Schools Advisory Council-</b> 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.	Efficiency
<b>Increasing Access to College and Affordability for Students through Early College High Schools &amp; PTECH-</b> Codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.	Equity
<b>Improving Educational Outcomes for Justice System Involved Youth-</b> Statutory changes to: <ul style="list-style-type: none"> <li>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.</li> <li>Create a statutory FERPA exception so that education records can be released to juvenile detention centers from LEAs without written parent consent.</li> </ul>	Equity

## 2021-22 Regents Legislative Priorities with Budgetary Implications – Higher Education

<b>Proposal Description</b>	<b>Policy Area</b>	<b>Requested Amount</b>
<b>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities-</b> Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	\$7M

### 2021-22 Regents Non-State Aid Budget Priorities – ACCES

Proposal Description	Policy Area	Requested Amount
<b>Establishing a Bridge to College and Careers Pilot Program-</b> Bridge programs enable out-of-school youth and adults to obtain critical basic skills and high school equivalency diplomas which would lead to programs resulting in industry-recognized credentials for employment or a college degree.	Equity	\$3M
<b>Funding the Expansion of the Readers Aid Program-</b> Provide sufficient funding to meet the current statutory requirements of the Reader's Aid program.	Equity	\$706,000 (request would increase the \$294,000 funding level to an annual level of \$1M).

### 2021-22 Regents Legislative Priorities with Budgetary Implications – ACCES

Proposal Description	Policy Area	Requested Amount
<b>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities-</b> Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	Equity	\$7M

### 2021-22 Regents Legislative Priorities – ACCES

Proposal Description	Policy Area
<b>BPSS School Mandate Relief &amp; Enhanced Student Protections Proposals</b> <ul style="list-style-type: none"> <li>Continue to require new owners to obtain a new license to operate, however, the Department would not require the emergence of a “new school” or require a “new school” application in cases where there is no change to the operating conditions of the previous license. This would streamline the process for new owners and for the Department and would reduce confusion or discontinuity for students attending the same school under new ownership; and</li> <li>Prohibit intimidation or retaliation towards students who may or do submit a written complaint against their school to the Department.</li> </ul>	Efficiency

### 2021-22 Regents Non-State Aid Budget Priorities – Professional Practice

Proposal Description	Policy Area	Requested Amount
<b>Development of an Electronic Licensing and Document Management System to Improve Customer Service-</b> 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.	Efficiency	\$7.85M in 2021-22 to continue this process.

### 2021-22 Regents Legislative Priorities – Professional Practice

Proposal Description	Policy Area
<b>Enhanced Discipline Authority of the Licensed Professions-</b> Enhance the Department's discipline authority over all licensed professions it oversees by: <ul style="list-style-type: none"> <li>• 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.</li> <li>• Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure.</li> <li>• Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner.</li> </ul>	Efficiency
<b>Healthcare Professional Data Collection-</b> 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, deidentified and aggregate data would be used to evaluate needed services in NYS and such other concerns as the Department may face.	Efficiency

### 2021-22 Regents Non-State Aid Budget Priorities – Cultural Education

Proposal Description	Policy Area	Requested Amount
<b>Increasing State Aid for Library Construction-</b> Increasing funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries.	Equity	\$20M; to raise this aid back to the 2019-20 \$34M level and include a focus on libraries addressing digital equity needs in their communities in these projects.

## 2021-22 Regents Legislative Priorities with Budgetary Implications – Cultural Education

Proposal Description	Policy Area
<p><b>Expanding Access to Education Programs through Cultural Institutions-</b> Establish a \$500,000 pilot program to support museums and cultural institutions with continuing to reach audiences who cannot physically visit their institution, with a particular focus on reaching and supporting teachers and students remotely. Partnering with MANY to manage this pilot program and distribute the funding, funding could be distributed by budget size in competitive grants that could serve museums and cultural institutions located in or serving high needs districts for activities such as:</p> <ul style="list-style-type: none"> <li>• Research, development, and publication of digital curriculum and teacher resources;</li> <li>• Civics and citizenship on-line classes for New Americans that use museum collections and resources;</li> <li>• Online teacher training through the Continuing Teacher and Leader Education program of the Office of Teaching Initiatives;</li> <li>• Salary support for museum staff to share resources through remote learning; and</li> <li>• Research, planning, and production of virtual exhibitions to improve student learning in history, science, languages, and the arts.</li> </ul>	Equity

## 2021-22 Regents Legislative Priorities – Cultural Education

Proposal Description	Policy Area
<p><b>Streamline &amp; Modernize Library Program Requirements-</b> proposed funding neutral technical amendments to Education Law to streamline and modernize program requirements, retain program intent, and sustain or improve program outcomes including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Amend Education Law Section 273-a State Aid for Library Construction to extend the program time period from three years to four years for project completion; and</li> <li>• Streamline New York Public Library (NYPL) Research Libraries formula language in Education Law 273(1)(g) for general support of the NYPL Research Libraries to combine the separate amounts of \$767,000 and the \$5,649,000 stated in the statute into one amount, \$6,416,600 in order to ease reporting requirements.</li> </ul>	Efficiency





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## Supporting Digital Literacy Model Pilot Programming for New York State Students and Families

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

Sufficient access to a computing device and high-speed broadband is essential for educational equity. Even before the COVID-19 pandemic, the Board of Regents and Department had identified the inequitable access to technology and internet services in students' and teachers' places of residence as a priority to be addressed. The closure of New York schools in Spring 2020 and subsequent shift to remote learning, and the decision by many districts to provide at least some form of remote learning in the 2020-2021 school year, has put a brighter spotlight on this urgent need.

Access to learning-appropriate computing devices and sufficient, reliable broadband is critical. NYSED's guidance for Reopening Schools stated the expectation that districts, to the extent practicable, must address this need. However, "solving" residential internet access is not simple and will not be solved by the Department alone. It will also not completely address or ensure digital equity in New York.

Both research and anecdotal reports from parents and parent organizations attest that parents and guardians need help taking advantage of programs available to them. They need technical assistance to ensure they can themselves use, and support their children's use of technology, such as assistance in troubleshooting hardware or connection issues. They need support to learn the digital fluency skills necessary to utilize technology effectively and safely, such as training on the school's digital platforms, which may be both unfamiliar to parents and essential to student success in online or hybrid learning.

The same barriers districts face in providing devices and internet access for all students, including lack of funds, limited capacity, and competing high-stakes priorities, prevent schools and districts from being able to adequately provide families with IT and digital fluency skills support. It often falls on teachers to provide this support; and though New York State teachers have risen admirably to the herculean task of providing instruction in remote and blended delivery models, their focus should and must remain on providing a high-quality education to our students. Many districts are endeavoring to provide parents with information, such as on how to access low- or no-cost internet service options. However, research has shown that information-based outreach programs have been ineffective at narrowing the digital divide.

For support to be most effective, a specific person or organization, preferably one with knowledge of and ties to the community, should be available as a human point of contact and a bridge over the digital divide.

### ***2021-22 Budget Request – \$8M to provide technical assistance and digital fluency support for New York students and families in a controlled pilot program.***

- As part of comprehensive efforts to promote digital equity in New York, the Department proposes that an initial investment of \$8M be made available for grants to organizations to provide support to parents and guardians of New York State students related to remote learning, including but not limited to technical assistance and digital fluency skills acquisition, to narrow the digital divide in New York.
- These grants would fund a controlled pilot program targeted to high-needs areas across the state as identified by the results of the most recent digital equity survey, and would support efforts of organizations with both the capacity to engage in this work, and a knowledge of and ties to the communities or regions they serve.
- Resources created through these funds would be available for the entire state to utilize, replicate, and modify, in order to build capacity to meet local and regional needs.

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



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## Creating Culturally Responsive-Sustaining Education Resources

### THE ISSUE:

For more than a century, education providers throughout the United States have strived and struggled to meet the diverse needs of American children and families. A complex system of biases and structural inequities is at play, deeply rooted in our country's history, culture, and institutions. The Board of Regents and the Department have come to understand that the results we seek for all New York's children can never be fully achieved without incorporating an equity and inclusion lens in every facet of our work as is recognized in our New York State's Every Student Succeeds Act (ESSA) Plan.

In January 2018, the New York State Board of Regents directed the Department's Office of P-12 Education and Higher Education to convene a panel of experts, engage with stakeholders, and develop, from the ground up, a framework for culturally responsive-sustaining education. The New York University Metropolitan Center for Research on Equity and the Transformation of Schools drafted a robust guidance document that served as a springboard for this initiative. The Department presented a guidance document to students, teachers, parents, school and district leaders, higher education faculty, community advocates, and policymakers.

The guidelines in the Culturally Responsive-Sustaining (CR-S) Framework represent the collective insight of that work. The CR-S Education Framework is intended to help education stakeholders create student-centered learning environments that: affirm cultural identities; foster positive academic outcomes; develop students' abilities to connect across lines of difference; elevate historically marginalized voices; empower students as agents of social change; and contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking. ([Culturally Responsive-Sustaining Education Framework](#))

The Department convened a strategy team of stakeholders, along with our partners at the Region 2 Comprehensive Center, to create an Implementation Roadmap to aid districts in raising awareness and building capacity to fully implement the CR-S Framework. The framework is grounded in four principles, one of which is Inclusive Curriculum and Assessment. The work of this team has identified several needs to further this goal. Teachers of all subjects and all grade levels need resources to build and enhance their curriculum to insure it is inclusive of the vast cultural identity of students in New York. Students must see how various cultures have contributed to all aspects of society. While curriculum has been and remains a matter of local decision; education resources available to teachers is largely impacted by local resources.

***2021-22 Budget Request – \$250,000 to curate, compile and publish a set of racially and culturally inclusive education resources to support teaching and learning, using an intradisciplinary approach in the major subject areas and an additional \$50,000 in 2022-23 to finalize this work that goes beyond the 2021-22 fiscal year.***

- Funds would be used to engage consultants, to act as a project manager tasked with oversight over the creation of the curricular guidance product including gathering and analyzing the data collected.
- NYS educators and content experts would form a workgroup to propose, review, critique and recommend available education resources that can be used in grades K-12 to bolster existing curricula to address the goal of racial and cultural inclusion.
- A final published annotated resource document would be posted on the Department's website for use by the entire state.



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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.

### ***2021-22 Budget Request – \$3.5 million in new state funding to support:***

- Contracting with school improvement experts to provide individualized support at approximately 177 Comprehensive Supports and Improvement schools in 2021-22;
- 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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## Ensuring the Appropriate Provision of English Language Learner Services

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

In New York State, all English Language Learners are assessed 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 population of students with disabilities, 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 3,170 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.

***2021-22 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 over the next three to five years.***

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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## Increasing State Aid for Library Construction

### THE ISSUE:

In FY 2020-2021, the state budget provided \$14 million in capital funds to support State Aid for Library Construction. In FY 2018-2019 and again in FY 2019-2020 the state budget provided \$34 million. The program is highly visible and has been very successful. During its fourteen years in operation, the program supported a total of 2,705 construction and renovation projects for 803 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 program, there is still a pressing need for state support. The estimated need for new construction, expansion and renovation of existing library facilities alone is over \$1.52 billion through 2025 as more than half of all public library buildings in New York are now over 60 years old, and another 30% are between 30 and 60 years old.

*Chapter 480 of the Laws of 2015* amended Education Law 273-a to include broadband installation and infrastructure in addition to construction and renovation as approved project costs. The COVID-19 pandemic exposed and intensified the reality of being unconnected in our digital society, particularly for our most vulnerable residents. Despite progress over the last decade, nearly 20% of New York households still do not have broadband. Surveys consistently show that homes lacking high-speed internet or computers disproportionately belong to low-income families.

New Yorkers rely on their libraries for technology access. But 2019 data indicates only 519 (out of 1,067) public library buildings (49%) have a broadband connection greater than or equal to 100 Mbps. These inadequate connections are distributed over multiple computers and support wireless connectivity and teleconferencing services.

Libraries support technology access for everyone, regardless of income levels. Their digital offerings range from physical assets — public computers, loaned hotspots, techmobiles and 3-D printers and other cutting-edge devices — to online resources such as in-library Wi-Fi, digital literacy skills training, streaming media and access to e-books. Even when COVID-19 forced libraries to temporarily close their buildings, libraries continued to provide a digital lifeline by running their Wi-Fi 24/7 for use outside buildings, using technologies to expand those networks, and distributing hotspots and laptops to those most in need. Although access to sufficient, reliable broadband to every home is critical to digital equity, residential internet access alone does not ensure digital equity without access to technical assistance and the digital fluency skills taught by public libraries.

In a digitally divided society, New York's libraries are the public infrastructure that provides universal access to the three elements of digital equity: adequate internet, appropriate devices, and digital fluency skills. New York must make a significant investment in this infrastructure in order to ensure that its public libraries continue to play this important role.

***2021-22 Budget Request – \$20 million in additional state funds over the 2020-21 level, for a total of \$34 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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## Establishing a Bridge to College and Careers Pilot Program

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### *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.

***2021-22 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 2020-21 academic year, 26 colleges and universities are projected to submit Readers Aid applications on behalf of 263 students. 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.

***2021-22 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.***

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



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

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

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

In 2009, the Legislature and Executive enacted a law (Chapter 396 of the Laws of 2009) that authorized the increase of professional registration fees by 15% 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, 2019-20, and 2020-21 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 for development of a customized electronic licensing system was conducted in 2020 and, now, development 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. A new, more robust, call center has been put in place and additional enhancements to customer service are underway to implement an enhanced "self-serve" knowledgebase to enable customers to efficiently find answers for frequently asked questions while also providing a redesigned and fully accessible website for the public.

***2021-2022 Budget Request - Authorize the Department, within Capital Appropriations, to utilize \$7.85 million of existing revenue in 2021-22 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 2020-21 budget, the State general fund contribution to the operations of this Department accounted for only 9.6% of the agency's total budget, compared to 22.0% for the Department of Health, and 53% for the Office of Children and Family Services. The Department's administrative capacity has been further constrained by the Division of the Budget's (DOB's) directive to reduce state operations spending by 10% in 2020-21, as well as by the strict hiring freeze and other DOB spending controls.

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, more than 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.

***2021-2022 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

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### *THE ISSUE:*

With current limited resources, the Department is only able to provide a live webcast of meetings of the Full Board of Regents. 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, and provide American Sign Language (ASL) simultaneous interpretation for people with hearing loss.

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

***2021-2022 Budget Request - \$220,000 in new state funds annually to support webcasting, interpretation and transcription costs.***

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



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## Enhancing Communication with Multilingual Parents, Students and Professionals

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### ***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.

The Department has been developing and releasing numerous guidance documents to school districts and providers to provide direction on responding to the COVID-19 pandemic. Additional resources would enable such documents to be translated into languages other than English, which would enable non-English speaking parents and students to read such information 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.

***2021-22 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.***

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



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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 limit 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 worked 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.

***2021-22 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.
- **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

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### *THE ISSUE:*

In May 2017, the Department's Advisory Council on Postsecondary Education for Students with Disabilities recommended, and the Board of Regents adopted, a proposal to work with representatives from the higher education sectors to develop a funding proposal that would provide much-needed enhanced supports and services to students with disabilities pursuing postsecondary study. The COVID-19 pandemic has demonstrated that these enhanced supports and services are needed by students with disabilities now more than ever.

Currently, there are over 77,000 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.

### *2021-22 Budget Request – \$7 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

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

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

Unfortunately, the COVID-19 pandemic has caused these cultural institutions to close their doors, preventing students from having access to these important learning experiences. As their physical doors have closed, most museums have and continue to quickly increase their online presence and reassign social media and distance learning programs to people outside of communications and education departments.

This move to virtual program development and serving New York's teachers and students remotely as the COVID-19 pandemic continues comes at a cost which is a challenge for many museums who have already experienced significantly decreased revenues and human resource losses due to the pandemic.

Remote access to these types of institutions will provide enhanced learning opportunities for these students. The Regents believe the state should support this programming to better ensure that these unique learning opportunities can be provided to children and lifelong learners of the state.

***2020-21 Budget Request – \$500,000 in new state funds for a pilot program to support museums and cultural institutions with continuing to reach audiences who cannot physically visit their institution, with a particular focus on reaching and supporting teachers and students remotely.***

The Department would partner with the Museum Association of New York (MANY) to manage this pilot program and distribute the funding. Funding could be distributed by budget size in competitive grants that could serve museums and cultural institutions located in or serving high needs districts for activities such as:

- Research, development, and publication of digital curriculum and teacher resources;
- Civics and citizenship on-line classes for New Americans that use museum collections and resources;
- Online teacher training through the Continuing Teacher and Leader Education program of the Office of Teaching Initiatives;
- Salary support for museum staff to share resources through remote learning; and
- Research, planning, and production of virtual exhibitions to improve student learning in history, science, languages, and the arts.



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## 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, particularly in light of the challenges districts are facing in educating students during the ongoing COVID-19 pandemic.

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 Regents are proposing statutory changes that 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.

This legislation also includes provisions that would forgive penalties associated with the late filing of Final Cost Reports for school district construction projects provided such district submits an application that is approved by the Commissioner, increase the total school construction project eligibility amount for capital outlays, extend the period for filing transportation contracts in certain extenuating circumstances, allow districts to lease space outside of the district when extenuating circumstances exist and to temporarily lease necessary space on district property when facilities of the district are under construction, or when extenuating circumstances exist, and allow transportation contracts to be submitted electronically in a form approved by the Commissioner when available.

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 new provisions will help address the challenges posed by COVID-19:

- Extend the current pay-back period for the school district reserve flexibility that was made available earlier this year and lower the percentage that needs to be paid back each year so that more school districts can take advantage of this flexibility. The repayment period and levels would be based upon a district's ability to raise local revenue.
- Increase flexibility for small districts to meet unanticipated expenses by allowing targeted exceptions to the 4% fund balance limit.
- Allow school districts and 4410 providers across NYS to be reimbursed for utilizing buses to deliver meals, needed educational materials, or acting as mobile hot spots so students could successfully engage in remote learning as well as provide aid to school districts and counties in order to maintain school bus services and operations for all students, including preschool special education students, even when not in service during a pandemic or declared emergency.
- Discontinue duplicative financial transparency reporting in light of the full implementation of the federally-required ESSA financial transparency reporting by repealing Education Law Section 3614.



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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. In 2018-19, there were 43 ECHS four-year programs (39 Smart Scholars and 4 Smart Transfers) to which the Department administered funding. In the 2018-19 school year, Smart Scholars served 7,162 students in grades 9-12 and Smart Transfer served 816 in grades 9-12 for a combined total of 7,978.

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. In 2018-19, there were 37 NYS P-TECH projects to which the Department administered funding. In 2018-19, NYS P-TECH served 4,958 students in grades 9-12. In 2018-19, 747 seniors met the requirements for high school graduation.

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

### *THE SOLUTION:*

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





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## Improving Educational Outcomes for Justice System Involved Youth

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### ***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 directed to be held in a juvenile detention facility pursuant to a court order 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 is proposing the following statutory changes to enhance educational outcomes of youth receiving instruction in education programs in justice system facilities:

- Authorizing 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; and
- Requiring 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.

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



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## Regional Secondary Schools Advisory Council

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

Given the fiscal constraints that many districts are facing as a result of the COVID-19 pandemic, 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 and curricular obligations. Much of the challenge to districts is in the provision of secondary education, which tends to involve more specialized courses, and is thus harder to provide in small districts and/or in districts with limited tax bases.

School districts across the state need an affordable 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; and
- 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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## Proprietary School Mandate Relief & Enhanced Student Protections

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### ***THE ISSUES:***

#### ***Transfers of Ownership***

Schools that undergo a transfer or assignment of any interest totaling twenty-five percent or more, are required by Education Law §5001(7) to submit a new school application and become a new school. However, there are many cases where a change of ownership occurs, with no planned change in the operation of the school, and/or no desired change in the name, location, licensed personnel, or curriculum offerings of the school. Requiring an application for a new school (rather than an application for a *new license*) and that a new school emerge as the result of a transfer, is an administrative burden to school owners and the Department, and impractical for enrolled students since this would require them to complete their program from a different school from one they originally enrolled.

#### ***Prohibition Against Student Discrimination, Intimidation, & Harassment***

Any person has a right, under Education Law §5003(1)(c), to file a written complaint regarding the conduct of a school with the Department. In addition, Education Law §5003(8) provides students with an explicit right of private action outside of the Department complaint procedures. Despite these statutory rights, students remain vulnerable to intimidation or retaliation. There is no explicit provision in Education Law §5003 that prohibits non-degree granting school personnel from using intimidation to dissuade students from filing a written complaint or from retaliating against a student once they do. The Department has encountered cases where such behaviors have been alleged or occurred and this provision would clarify and help eliminate such conduct.

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

The Department would advance the following proposals:

- Amend Education Law §5001(7) to continue to require new school owners submit an application for licensure which must be reviewed and approved by the Department but eliminate the requirement that new ownership must become a wholly new school and submit a new school application. This would streamline the process for new owners and for the Department and would reduce confusion or discontinuity for students attending the same school under new ownership. Additionally, amend such section to remove the requirement that all transfers and assignments be approved by the Commissioner, but require notification and supporting documentation be submitted to the Department upon any transfer or assignment of any interest totaling less than 25%; and
- Add a provision to Education Law §5003, to include an explicit prohibition against discrimination, intimidation, or retaliation towards students who may or do submit a written complaint against their non-degree granting school to the Department or seek to exercise their right of private action.



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## Streamline & Modernize Library Program Requirements

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### *THE ISSUE:*

The distribution of state funding for New York State's public libraries and library systems is governed by complicated formulas contained in the Education Law. These laws occasionally need to be updated to reflect changes in the way library and information services are now delivered.

In order to streamline and modernize program requirements, retain program intent and sustain or improve program outcomes, the Department is proposing funding neutral technical amendments to replace outdated provisions with new language, to consolidate and modernize programs and to streamline planning and reporting requirements to improve efficiency.

### *THE SOLUTION:*

The Department will propose technical amendments to the Education Law that are funding neutral to update outdated provisions, streamline and modernize program requirements, retain program intent, and sustain or improve program outcomes including, but not limited to:

- Amend Education Law §273-a, to extend the time period for library construction project completion from three years to four years for Library Construction Aid eligibility;
- Amend Education Law §273 to modernize and streamline public library system aid formula language to provide greater flexibility and ease program administration and reporting requirements by:
  - Consolidating Central Library Development aid and Central Book Aid to create a Central Library Services Aid program, and providing for greater spending flexibility within such program;
  - Amending the Public Library Basic Aid formula to streamline formula factors;
  - Consolidating Family Literacy and Adult Literacy within the Public Library System Outreach Aid formula;
  - Consolidating Regional Bibliographic Data Base Aid into Basic Aid for Regional Research Library Systems; and
  - Amending New York Public Library (NYPL) Research Libraries formula language for general support of the NYPL Research Libraries to combine the separate amounts of \$767,000 and the \$5,649,000 stated in the statute into one amount, \$6,416,600.



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## Enhanced Discipline Authority of the Licensed Professions

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

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

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

The Department supports legislation that would enhance the Department's 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

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### *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.

The COVID-19 pandemic has demonstrated that 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  
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