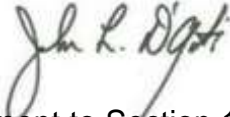






TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendment to Section 170.14 of the Regulations of the Commissioner of Education Relating to Financial Transparency Requirement Reporting Deadlines

DATE: December 3, 2020

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents amend Section 170.14 of the Regulations of the Commissioner of Education related to financial transparency reporting deadlines?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at its December 2020 meeting. A copy of the proposed amendment is attached.

Procedural History

The proposed amendment was initially presented to the Board of Regents for discussion at its September 2020 meeting. A Notice of Proposed Rule Making was published in the State Register on September 30, 2020. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

At the April 2020 Regents meeting, the Department adopted the addition of section 170.14 to the Commissioner's regulations to implement the financial transparency reporting requirements of the federal Every Student Succeeds Act (ESSA). This reporting requires every school district and charter school to submit a financial transparency report for inclusion in its report card that provides "the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual non-personnel expenditures of Federal, State, and local funds, disaggregated by source of funds," beginning with actual expenditures from the 2018-2019 school year for school districts and the 2019-2020 school year for charter schools.

In 2020, school districts reported, for the first time, school-level per pupil expenditures as required by ESSA and section 170.14 of the Commissioner's regulations. Based on feedback received from the field and the Department's experience in implementing this requirement for 2018-2019 school year data, the proposed amendment would provide additional flexibility for the Department to establish the reporting deadline administratively. It is anticipated that for 2019-2020 school year data, the deadline will be administratively set at December 31, 2020 for all financially independent school districts, and March 1, 2021 for financially dependent school districts (the "Big 5 Cities"). This change will more appropriately align with each category's budget development schedule. In addition, now that the first year of reporting has been completed, the Department will be able to make the submission portal available earlier in year. This change will not impact the charter school deadlines.

Related Regents Items

[July 2019 Board Update](http://www.regents.nysed.gov/common/regents/files/719p12d2.pdf)

(<http://www.regents.nysed.gov/common/regents/files/719p12d2.pdf>)

January 2020: [Proposed Addition of Section 170.14 of the Regulations of the Commissioner of Education Relating to Financial Transparency Reporting Requirements](https://www.regents.nysed.gov/common/regents/files/120p12a3revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/120p12a3revised.pdf>)

March 2020: [Proposed Addition of Section 170.14 of the Regulations of the Commissioner of Education Relating to Financial Transparency Reporting Requirements](https://www.regents.nysed.gov/common/regents/files/420brca2.pdf)
(<https://www.regents.nysed.gov/common/regents/files/420brca2.pdf>)

April 2020: [Proposed Addition of Section 170.14 of the Regulations of the Commissioner of Education Relating to Financial Transparency Reporting Requirements](https://www.regents.nysed.gov/common/regents/files/520brca2.pdf)
(<https://www.regents.nysed.gov/common/regents/files/520brca2.pdf>)

September 2020: [Proposed Amendment to Section 170.14 of the Regulations of the Commissioner of Education Relating to Financial Transparency Requirement Reporting Deadlines](https://www.regents.nysed.gov/common/regents/files/920brd1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920brd1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That Section 170.14 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 30, 2020.

Timetable for Implementation

If adopted at the December 2020 meeting, the proposed regulation will become effective on December 30, 2020.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 3614, and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

1. Subdivision (a) of Section 170.14 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Commencing on March 1st, 2020 (using 2018-2019 school year data), and on a date prescribed by the commissioner but no later than each March 1st thereafter (using the preceding school year's data), each school district shall be required to submit expenditure data for each school in the district to the department in a form and manner prescribed by the commissioner consistent with this section.