



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** State Aid Subcommittee

**FROM:** Phyllis Morris *Phyllis D. Morris*  
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**SUBJECT:** 2023-24 Regents Budget and Legislative Initiatives

**DATE:** December 1, 2022

**AUTHORIZATION(S):** *[Signature]*

### SUMMARY

#### **Issue for Decision**

The Board of Regents advance 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.

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

Policy Implementation.

#### **Proposed Handling**

At the December 2022 meeting, the Board will be asked to approve the proposals to be advanced during the 2023-2024 budget cycle and 2023 legislative session. A summary of the proposals to be advanced is attached (Attachment A).

#### **Procedural History**

Each year the Board of Regents, through its State Aid Subcommittee, develops budget and legislative initiatives for advancement through the budget and legislative processes.

## **Background Information**

The New York State Education Department (NYSED, or the Department) is one of the most complex, interconnected systems of educational programs and services in the United States. NYSED's mission is to raise the knowledge, skill, and opportunity of all the people in New York. To support the Department's mission, the 2023-24 Regents budget and legislative initiatives prioritize three key areas of critical need which align to the Regents' three guiding principles:

- Fostering lifelong learning, academic success, and improved outcomes;
- Advancing equity, excellence, and access; and
- Rebuilding NYSED's capacity to serve the public.

To address these three areas of critical need, funding requests fall into the following six key areas of support for New York students, educators, and schools:

- Streamlining Early Childhood Programs;
- High School Opportunity and Career Success;
- Funding Equity, Excellence, and Access;
- Student Health and Wellbeing;
- Teacher/Leader Preparation and Development; and
- Data and Systems Modernization.

## **Related Regents Items**

November 2022: [Development of the 2023-24 Regents Budget and Legislative Initiatives - presentation from the November 2022 State Aid Subcommittee meeting](https://www.regents.nysed.gov/common/regents/files/SA%20-%202023-2024%20Regents%20Budget%20and%20Legislative%20Initiatives%20Presentation.pdf) (https://www.regents.nysed.gov/common/regents/files/SA%20-%202023-2024%20Regents%20Budget%20and%20Legislative%20Initiatives%20Presentation.pdf)

## **Recommendation**

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

VOTED: That the Board of Regents adopt the attached as their 2023-24 Budget and Legislative Initiatives.

## **Timetable for Implementation**

The 2023-24 Regents Budget and Legislative Initiatives are a recommendation to the Governor and the Legislature, and are effective immediately. The Governor will issue budget recommendations in January 2023 and ask the Legislature to approve a State budget by April 1, 2023.

**2023-24 Regents Budget and Legislative Initiatives**

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b><i>Fostering Lifelong Learning, Academic Success, and Improved Outcomes</i></b>			
<b>Streamlining Early Childhood Programs</b>	\$21.1 million	<p>Redesign SED’s prekindergarten funding with the goals of providing universal access for all four-year-old students by 2030, and for all three-year-old students by 2035. Reduce barriers to dual enrollment of preschool students with disabilities in inclusive PreK classrooms.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$1.1 million for 2 staff and a fiscal consultant to develop a redesign implementation plan; and</li> <li>• \$20 million for a preschool inclusivity grant to be awarded to school districts that provide a continuum of services for children with mild or moderate disabilities and children with severe or multiple disabilities.</li> </ul>	<p>Education Law amendments to:</p> <ul style="list-style-type: none"> <li>• ensure future investments increase the per pupil rate for underfunded school districts;</li> <li>• streamline the current application process for school districts to provide preschool special education services; and</li> <li>• require school districts to develop preschool inclusion plans, including identification of approved private preschool special education programs (4410 programs) as part of the PreK collaboration set-aside requirement.</li> </ul>
<b>High School Opportunity and Career Success</b>			
<b>Expand Student Access to Career and Technical Education (CTE)</b>	\$1.4 million	<p>Provide access to high quality career and technical education (CTE) to advance student learning and expand New York State’s economy.</p> <p>For 2023-24, \$1.4 million for 14 staff to manage increased volume of CTE program approvals.</p>	<p>Education Law amendments to:</p> <ul style="list-style-type: none"> <li>• create another tier of aid for CTE to accompany BOCES aid for other services, capital and lease costs, and administration; and</li> <li>• create a new, reimbursement-based special services formula</li> </ul>

Initiative	2023-24 \$	Proposal Summary	Required Legislation
			that would generate higher aid amounts for non-component districts.
<b>College and Career Pathways</b>	\$10.5 million	<p>Support programs for high school students to obtain transcribed college credit and/or pursue a career pathway.</p> <p>For 2023-24, \$10.5 million to consolidate the Smart Scholars Early College High Schools (SS-ECHS), Pathways in Technology Early College High Schools (P-TECH) and Advanced Course Access (ACA) programs into a new College Credit and Career Opportunity Program.</p>	<p>Departmental bill to codify program benchmarks and measures of success, and to establish data reporting requirements.</p> <p>Appropriation language changes to consolidate/revise 2023-24 P-TECH, SS-ECHS and Advanced Course Access funding.</p>
<b>Regionalization</b>	\$631,000	<p>Provide a menu of regionalization options for school districts to support available statewide educational programming.</p> <p>For 2023-24, \$631,000 for 6 staff to support district reorganization processes.</p>	<p>Education Law amendments to:</p> <ul style="list-style-type: none"> <li>• adjust reorganization incentive aid for inflation and increase aid percentage for district mergers;</li> <li>• enhance building aid; and</li> <li>• allow for regional transportation collaborative expenses to be aided at the highest ratio of the participating districts.</li> </ul>
<p><b>Opportunity Programs:</b></p> <p><b>Higher Education Opportunity Program (HEOP)</b></p> <p><b>Science and Technology Entry Program (STEP)</b></p>	\$11.1 million	<p>Support programs that improve outcomes and opportunities for students from historically underrepresented and economically disadvantaged populations.</p> <p>For 2023-24, \$11.1 million (a 10% increase over 2022-23) to enhance supports and services to the students</p>	<p>Education Law amendment to eliminate the per pupil cap for Liberty Partnerships.</p> <p>Appropriation language changes to allow additional STEP and CSTEP funds to be used to increase per pupil funding levels.</p>

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b>Collegiate Science and Technology Entry Program (CSTEP)</b> <b>Liberty Partnerships Program (LPP)</b>		assisted by these critical programs.	
<b>New York State Summer School of the Arts (NYSSSA) and Empire State Arts Scholarship Program</b>	\$2 million	Combine the success of the arts scholarship and NYSSSA programs.  For 2023-24: <ul style="list-style-type: none"> <li>• \$1 million to operate NYSSSA programs (for summer 2024);</li> <li>• \$600,000 to support the Empire State Arts Scholarship Program for middle school and high school students to attend summer arts programs; and</li> <li>• \$400,000 for staff and administrative costs.</li> </ul>	N/A
<b>My Brother's Keeper</b>	\$18 million	Continuation of current funding levels to support the My Brother's Keeper program.	N/A
<b>NYS Standards Implementation/Graduation Measures Work</b>	\$569,796	Standards revision and implementation in health, computer science and the arts, aligned with the work of the Blue Ribbon Commission on graduation measures. For 2023-24: <ul style="list-style-type: none"> <li>• \$319,796 for 3 staff: Health, Computer Science and Arts Associates; and</li> <li>• \$250,000 for contracts to develop</li> </ul>	N/A

Initiative	2023-24 \$	Proposal Summary	Required Legislation
		and curate educational materials, produce guidance documents, and facilitate professional development opportunities.	
<b><i>Advancing Equity, Excellence and Access</i></b>			
<b>Advancing Culturally Responsive Sustaining Education (CRSE)</b>	\$961,460	<p>Align NYS Learning Standards and practices to the Culturally Responsive and Sustaining Education Framework (S.8924 Liu)</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$179,190 for 2 staff;</li> <li>• \$300,000 to gather NYS educators and stakeholders to create educational materials/resources and guidance documents;</li> <li>• \$150,000 to have materials translated into languages other than English;</li> <li>• \$75,000 for hosting; and</li> <li>• \$250,000 to contract with state/national experts to perform an audit of the current NYS Learning Standards in the twelve content areas, make recommendations on future standards revision, and create a</li> </ul>	<p>Implementation of S.8924 Liu.</p> <p>This bill would require instruction aligned to the Board of Regents Culturally Responsive and Sustaining Education (CRSE) Framework and require the Commissioner and the Department to update our NYS Learning Standards on an ongoing basis and provide technical assistance and resources to aid public schools in providing such instruction which shall include but not be limited to: the history of diverse groups across race, social, class, gender, language, sexual orientation, nationality, religion and ability; the history and civic impact of Asian American, America's Indigenous Peoples, African American, Muslim American, Hispanic, Latinx and Caribbean Americans, and the Holocaust.</p>

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b>Civics Education, Diversity, and Religious Tolerance</b>	\$1 million (reprogramming of available funds)	<p>report on such.</p> <p>Reprogram available funding to develop educational resources in lieu of developing a curriculum.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$379,797 for 1 staff (for 3 years);</li> <li>• \$500,000 for CRSE and civics resource development and deliverables;</li> <li>• \$100,000 for translation services; and</li> <li>• \$20,000 for graphic design, video captioning and printing.</li> </ul>	Reappropriation language changes.
<b>NYS English as a Second Language Achievement Test (NYSESLAT)</b>	\$5 million	<p>Meet federal and state requirements to annually assess English Language Learners (ELLs).</p> <p>For 2023-24, \$5 million to support needed updates to the NYS English as a Second Language Achievement Test (NYSESLAT), including the development or procurement of an alternate assessment.</p>	N/A
<b>Computer-based Testing (CBT) Implementation</b>	\$21 million	<p>Support the transition to 100% computer-based testing (CBT) implementation for grades 3-8 English Language Arts, mathematics and science assessment.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$1 million to increase vendor</li> </ul>	N/A

Initiative	2023-24 \$	Proposal Summary	Required Legislation
		<p>capacity; and</p> <ul style="list-style-type: none"> <li>• \$20 million to assume responsibility for scoring.</li> </ul>	
<b>Continuing Exam Translations</b>	\$500,000	<p>Provide ELL students with the opportunity to test in their native language.</p> <p>For 2023-24, \$500,000 to continue translating five of the Regents Exams, the Grades 3-8 Math Tests, and the Elementary- and Intermediate-level Science Tests.</p>	N/A
<b>Translating Department-Issued Guidance and Documents</b>	\$1.6 million	<p>Communicate crucial information about available education programs and services to parents and students who do not speak English as their primary language.</p> <p>For 2023-24, \$1.6 million to translate Department issued guidance and documents.</p>	N/A
<b>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities</b>	\$15 million (\$13 million increase over \$2 million current level)	<p>Provide enhanced supports and services to students with disabilities pursuing postsecondary study.</p> <p>For 2023-24, \$13 million, to bring the current \$2 million program to \$15 million, to provide supports, accommodations, summer college preparation programs, and faculty and staff training.</p>	SED Departmental Bill #6 (S.6517 Stavisky/A.8285 Rajkumar)
<b>Capital Needs of the Indigenous and State Operated Schools</b>	\$250,000 for building condition	Meet immediate health and safety needs and establish capital planning process for the five state-owned school buildings	N/A



Initiative	2023-24 \$	Proposal Summary	Required Legislation
	<p>surveys</p> <p>Rolling capital funding</p> <p>\$27.57 million for immediate health and safety needs</p>	<p>that is comparable to that required in state law for other public school buildings.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$250,000 to conduct Building Condition Surveys (BCS) every five years at the Elementary Schools located in Tuscarora, St. Regis, and Onondaga and the School for the Deaf and the School for the Blind;</li> <li>• capital funding provided on a rolling model based on the maximum cost allowance (MCA) to provide an annual amount of funding, linked to current building square footage and enrollment; and</li> <li>• funding for each school to meet immediate health and safety needs: <ul style="list-style-type: none"> <li>○ Tuscarora Nation School - \$6.6 million</li> <li>○ Onondaga Nation School - \$11.2 million</li> <li>○ St. Regis Mohawk Nation School - \$2.3 million</li> <li>○ Rome School for the Deaf - \$3 million</li> <li>○ Batavia School for the Blind -</li> </ul> </li> </ul>	

Initiative	2023-24 \$	Proposal Summary	Required Legislation
		\$4.47 million	
<b>Funding Equity</b>			
<b>Foundation Aid Study</b>	\$1 million	<p>Ensure state aid funding is allocated where it is most needed.</p> <p>For 2023-24, \$1 million for the Department to contract with researchers and engage with stakeholders to review the Foundation Aid formula and identify potential changes for the 2024-25 school year.</p>	N/A
<b>Tuition Rate-Setting Reform</b>	\$2.5M (across 2 years)	<p>Address inherent flaws in the tuition rate-setting methodology for approved providers of school-age and preschool special education services that threaten the viability of service provision.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$1.5M (across two years) to hire a consultant to provide technical assistance and develop models to provide options for tuition reimbursement methodology design for stakeholder consideration; and</li> <li>• \$1M (across two years) to support 5 staff in the Department’s Rate-Setting Unit and Office of Special Education to work closely with the</li> </ul>	<p>Education Law amendments to:</p> <ul style="list-style-type: none"> <li>• require rate reform;</li> <li>• require trend factor parity;</li> <li>• require annual issuance of interim plus growth rates; and</li> <li>• address current problem of a lack of appropriate residential placements for students with disabilities by amending statute to require the state to make the education provider whole when tuition cannot be billed due to an adult occupying a student placement.</li> </ul>

<b>Initiative</b>	<b>2023-24 \$</b>	<b>Proposal Summary</b>	<b>Required Legislation</b>
		consultant on tuition rate reform proposals.	
<b>Student Health and Well-Being</b>			
<b>Expanding Access to School Meals</b>		Support the Governor in making Universal Free Lunch, Breakfast and Snack a priority.	
<b>Learning About and Growing Healthy Foods in Schools</b>	\$2 million	Integrate food, nutrition and agriculture education into the regular, standards-based classroom curriculum.  For 2023-24, \$2 million in new state funding to provide grant funding to schools.	N/A
<b>Implementation of Erin's Law</b>	\$700,115 (reprogramming of available funds)	Maintain, review and update education materials, information and resources to implement Erin's Law (Education Law 803-b).  For 2023-24, revise reappropriation for Child Abduction Prevention Education to allow \$700,115 in remaining funds to be used to create materials and resources to implement Erin's Law.	Reappropriation language changes.
<b>Rebuilding NYSED's Capacity to Serve the Public</b>			
<b>Align Appropriations with Administering Agency</b>	N/A	For 2023-24, move appropriations for programs administered by other state agencies from NYSED's budget to the respective administering agency's budget.	Appropriation changes.
<b>Relieving School District</b>	\$375 million	Eliminate redundant reporting	Appropriation authority and Article VII

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b>Mandates</b>		<p>requirements and fund valid school district prior year state aid claims and penalty forgiveness.</p> <p>For 2023-24:</p> <ul style="list-style-type: none"> <li>• \$300 million to fully fund the prior year claims queue;</li> <li>• \$75 million separate appropriation to re-pay penalty forgiveness authorized in 2022-23; and</li> <li>• convene a multi-agency team to streamline financial reporting.</li> </ul>	language.
<b>State Aid for Public Library Construction Program</b>	\$45 million (\$11 million increase over current \$34 million funding level)	<p>Address the statewide need of \$1.52 billion for public library construction and renovation, and address library structural needs for adequate broadband infrastructure.</p> <p>For 2023-24, \$45 million is requested.</p>	N/A
<b>Build Sufficient Department Staff Capacity</b>	\$12.9 million	<p>Ensure sufficient staffing capacity for the Department to provide exceptional customer service. Over the past 20 years, NYSED’s Office of Information Technology Services (ITS) has lost over 40% of its staff.</p> <p>For 2023-24, \$12.9 million in new state general funds to support 150 new positions to meet critical agency infrastructure needs, including 36 new positions in ITS. This is in addition to the</p>	N/A

Initiative	2023-24 \$	Proposal Summary	Required Legislation
		<p>\$3.7 million for 37 positions described above to support key Board of Regents initiatives. A total of \$16.6 million to support 187 positions is requested.</p>	
<p><b>Cultural Education Revenue Account and Local Government Records Management Improvement Fund – Fee Increase</b></p>	<p>\$10.00 increase in current county-collected surcharge. This fee increase would generate approximately \$13 million in additional annual revenue for the CE account and approximately \$4 million in additional annual revenue for the LGRMIF account.</p>	<p>Amend the current fee structure to fully support and fund current operating needs of the Office of Cultural Education by stabilizing the Cultural Education Revenue Account and Local Government Records Management Improvement Fund by increasing the current county-collected surcharge by a total of \$10.00.</p> <p>In the absence of a fee increase, \$17 million in additional annual general funds in 2023-24 would be necessary</p>	<p>Amendments to:</p> <ul style="list-style-type: none"> <li>• Subdivision (a) of <a href="#">section 8018 of New York Consolidated Laws, Civil Practice Law and Rules</a></li> <li>• Subparagraph b of paragraph four of subdivision (a) of <a href="#">section 8021 of New York Consolidated Laws, Civil Practice Law and Rules</a></li> <li>• Subparagraph b of paragraph eleven of subdivision (b) of <a href="#">section 8021 of New York Consolidated Laws, Civil Practice Law and Rules</a></li> <li>• Subdivision a of <a href="#">section 7-604 of the administrative code of the city of New York</a></li> </ul>
<p><b>Increase Direct Storage Fees for State Records Center</b></p>	<p>\$1.4 million in annual revenue, an overall increase of approximately \$450,000 annually</p>	<p>Align fees with actual costs.</p> <p>An increase in the storage fee to \$5.05 per container would generate an annual average of \$1,404,750 in direct revenue.</p>	<p>N/A</p>
<p><b>Teacher/Leader Preparation and Development</b></p>			
<p><b>Office of Teaching</b></p>	<p>\$1.75 million</p>	<p>Streamline teacher certification</p>	<p>N/A</p>

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b>Initiatives – TEACH System Modernization</b>	(appropriation authority)	<p>processes.</p> <p>For 2023-24, \$1.75 million in appropriation authority to allow access to existing revenue to support the second year of the TEACH system modernization initiative.</p>	
<b>Data and Systems Modernization</b>			
<b>Information Technology – Critical Procurements</b>	\$1.96 million	<p>Prevent disastrous IT outages and ensure sufficient data center support.</p> <p>For 2023-24, \$1.96 million to support essential IT maintenance procurements.</p>	N/A
<b>State Education Department Reference File (SEDREF) Modernization</b>	\$1.5 million	<p>Ensure the viability of the system that is the single authoritative source of core identifying information on institutions from which NYSED determines compliance with policy, law and regulations.</p> <p>For 2023-24, \$1.5 million to support the successful modernization of the SEDREF application.</p>	N/A
<b>Office of School Personnel Review and Accountability (OSPRA) – Upgrade Test Fraud Reporting Portal and Case Tracker</b>	\$500,000	<p>Replace outdated and unsupported fraud reporting technology to improve capabilities, create efficiencies, mitigate risk, and prevent data corruption and loss.</p> <p>For 2023-24, \$500,000 to support hiring a project manager to identify requirements and develop a cost estimate.</p>	N/A

Initiative	2023-24 \$	Proposal Summary	Required Legislation
<b>State Office for Religious and Independent Schools (SORIS) – Non-Public School Payment System Modernization</b>	\$2 million	<p>Ensure the viability of the system used to support the Smart Schools Bond Act and five programs for religious and independent schools.</p> <p>For 2023-24, \$2 million to support business process analysis for a capital investment for the replacement of the non-public school payment system.</p>	N/A
<b>Office of the Professions – Modernization Initiative</b>	\$5.16 million (appropriation authority)	<p>Continue development of a new electronic licensing and document management system for the Office of the Professions.</p> <p>For 2023-24, \$5.16 million in appropriation authority to allow access to existing revenue.</p>	N/A