



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Beth Berlin *Beth Berlin*

**SUBJECT:** Proposed Regents 2014 Federal Priorities

**DATE:** November 18, 2013

**AUTHORIZATION(S):**

*J. B. J. G.*  
**SUMMARY**

**Issue for Discussion**

The Board of Regents advances Federal Priorities every year. The relevant committees will review the 2013 legislative proposals for advancement and also consider and approve new legislative priorities for the 2014 session.

**Reason(s) for Consideration**

Review and update the Regents Federal Priorities.

**Proposed Handling**

The attached proposals will be reviewed at the relevant committee meetings during the November meeting.

**Proposed Handling**

Each year, the Board of Regents advances federal priorities to implement the Regents Reform Agenda. The priorities focus on ensuring that federal policy and funding can be better aligned to ensure that New Yorkers are prepared for college and careers. With limited federal funding available, it is critical that all resources be leverage and used efficiently and effectively to support the Board's priorities.

The Department will also continue to monitor federal action on sequestration. The federal Budget Control Act of 2011 contained agreements on spending levels and the debt ceiling and create a Congressional Debt Super Committee charged with cutting at between \$1.2 and \$1.5 trillion from the federal budget. As the Super Committee was unable to identify cuts of at least \$1.2 trillion over the next ten years, automatic budgetary cuts have and could continue to be triggered, spanning from March 2013 to October 2021.

In addition to the attached federal priorities, the Department continues to monitor issues that require federal attention, and will, for example, monitor the progress of the oversight of compounding pharmacies by the federal Food and Drug Administration. The Department will also advocate for federal technology funding to increase internet access abilities within our schools and libraries in order to foster innovative educational opportunities.

**Recommendation**

Affirm support for last year’s proposals and consider and approve new proposals.

Proposal:	Fiscal Impact for New York:
Elementary and Secondary Education Act (ESEA)	\$1.5 billion
DREAM Act	N/A
Perkins Career and Technical Education Act	\$52 million
College Affordability	N/A

**Timetable for Implementation**

The attachment summarizes the proposals that were priorities last year as well as new priorities.



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## Reauthorization of the Elementary and Secondary Education Act (ESEA)

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### *THE ISSUE:*

The Elementary and Secondary Education Act (ESEA) is the primary statute governing the federal government's role in education and it prescribes a number of programs aimed at improving U.S. education in elementary, middle and high schools by increasing accountability standards and challenging our students to succeed and our schools to improve.

First passed during the Johnson administration, ESEA was re-branded as No Child Left Behind (NCLB) as part of a major overhaul in 2002. ESEA, which drives approximately \$1.5 billion in federal funds annually to New York, has been due for Congressional reauthorization since 2007.

In May 2012, the United States Department of Education (USDE) granted New York a waiver from certain ESEA requirements in exchange for an SED-developed plan that allows for school and district effectiveness to be measured based on both student proficiency and student growth towards college and career readiness, enables SED to designate Focus districts targeted for additional support, and provides districts more flexibility to implement effective extended learning time programs.

### *THE SOLUTION:*

The Department supports reauthorization of ESEA to accelerate implementation of the Regents Reform Agenda and recommends that reauthorization be enacted consistent with the following principles:

- Build upon the district-focused support constructs contained in SED's Waiver.
- Make permanent and build upon the flexibility provisions of the Waiver while ensuring full funding for the primary areas of change.
- Provide a more nuanced approach to assessing the performance of the diverse range of students in the English language learners and students with disabilities subgroups.
- Provide for greater coordination and alignment between the Individuals with Disabilities Education Act and ESEA, and between Title I and Title III of ESEA so that federal funds can be leveraged to support statewide initiatives.
- Ensure Title IIA funding is leveraged effectively to ensure students are prepared for college and careers.
- Integrate early learning into reauthorization. The returns on the investment are significant: a 2004 study found that every dollar invested in pre-kindergarten programs produces \$7 in taxpayer savings through reduction of remediation, special education, welfare and criminal justice services.
- Invest in State Education Agencies' capacity to take on their expanded role in turning around low-performing schools. SED's staff to public school enrollment ratio of 5,328:1 was the highest among the 46 states that reported data in a 2011 Center for American Progress study entitled, *State Education Agencies as Agents of Change*.

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



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## **Development, Relief, and Education for Alien Minors (DREAM) Act**

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### *THE ISSUE:*

New York educates thousands of public school students who are undocumented immigrants. Among these graduates, some attend institutions of higher education in New York, in part because the state allows undocumented immigrant students who grew up in the state to attend public colleges at in-state tuition rates.

Although New York school districts educate and prepare many of these young immigrants for colleges and careers, barriers in federal immigration law prevent many students from fully reaching their potential. The Office of the Comptroller estimated, in their May 2013 report on the New York State DREAM Act, that 8,300 undocumented students were enrolled in our public institutions of higher education in the Fall 2012 semester, with most enrolled at CUNY (6,546 students).

Since the children of undocumented immigrants generally derive their immigration status solely from their parents, most have no mechanism to obtain legal residency in the U.S., even if they have lived here most of their lives. The recently implemented Deferred Action for Childhood Arrivals (DACA) policy, estimated to benefit 110,000 New York residents, allows for a two-year deferral from deportation proceedings and the opportunity for young undocumented immigrants to apply for a work permit is a valuable temporary action. However, full statutory action through the DREAM Act is necessary for young immigrant New Yorkers ready to succeed in college and careers.

### *THE SOLUTION:*

The DREAM Act would enact the following major changes in federal law:

- Qualify students who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment and who have maintained good moral character for lawful permanent resident status upon obtaining a college degree or completing two years of college, graduation from a U.S. high school or being awarded a high school equivalency certificate in the U.S., or having served in the U.S. military for at least four years and discharged honorably.
- Allow certain students with registered provisional immigrant status to work, go to school, and be eligible for work study and student loans. These students would *not* be able to travel abroad for lengthy periods and *not* be eligible for Pell Grants or certain other federal financial aid grants.
- Repeals a provision of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that requires states, like New York, which offer in-state tuition rates to undocumented students attending public colleges, to extend the same rate to nonresidents of the state.

The DREAM Act would have a life-changing impact enabling these students to fully participate in and become productive members of New York's economy.

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## Reauthorization of the Carl D. Perkins Career and Technical Education Act

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### *THE ISSUE:*

A 2011 report, entitled *Pathways to Prosperity: Meeting the Challenges of Preparing Americans for the 21st Century*, warned that our nation's education system is failing to prepare students for economic success, because, in part, "we have focused too exclusively on a few narrow pathways to success." With new jobs increasingly demanding advanced skills, it has never been more critical to ensure that students have opportunities that include rigorous career and technical education so that, upon graduation from high school, they are prepared for college and career success. The Board of Regents has taken steps to address this gap by exploring options to create pathways to graduation that include rigorous career and technical education (CTE) options.

Federal investments in CTE are made primarily through the Carl D. Perkins Career and Technical Education Act (Perkins). New York receives approximately \$52 million annually in funds through this program, which focuses on combining academic instruction and occupational skills training to prepare individuals for successful transition to college or career. In addition, Perkins represents the largest federal investment in secondary education and is one of the largest sources of federal institutional support for community colleges.

The U.S. Dept. of Education's Office of Vocational and Adult Education has developed a document called *Investing in America's Future: A Blueprint for Transforming Career and Technical Education*. The core principles of this proposal reflects a commitment to promoting equity and quality through alignment, collaboration, accountability and innovation efforts in order to ensure that more students have access to high-quality CTE programs. New York is supportive of these principles and implementation must be carefully examined and openly discussed to ensure that all New Yorkers can take advantage of high-quality CTE programs.

### *THE SOLUTION:*

The previous Perkins reauthorization resulted in a greater emphasis placed on improving the academic achievement of CTE students, program accountability, and the link between secondary and postsecondary education. The next reauthorization of Perkins must continue to build on these changes and focus on the following principles:

- Meaningful incentives for the development of replicable partnerships between the districts, BOCES, colleges and the private sector aligned to college and career ready standards.
- Effective alignment between the content of CTE programs and the necessary college and career-ready standards and skills for in-demand occupations in high-growth sectors.
- Robust accountability to improve academic outcomes by supporting innovative and proven programs.

The Department supports reauthorization of Perkins in a manner that increases access to high-quality career and technical education opportunities to close skill gaps and enhance student learning opportunities.

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## College Affordability

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### *THE ISSUE:*

While higher education is one of the most important investments a student can make in their future, the cost of obtaining a college education has never been higher. According to College Board and Census data, the average tuition at a public four-year college has increased by more than 250 percent over the past three decades, while income for the average working family grew by only 16 percent.

New York State has been and continues to be a leader when it comes to ensuring that a college education remains both affordable and accessible for all students. We are home to one of the most comprehensive systems of financial aid in the United States with the Tuition Assistance Program (TAP) at the forefront and the various awards, scholarships and loan forgiveness programs that are also provided. In addition to helping students afford a college education, ensuring accessibility for all students continues to remain a top priority through programs such as the Liberty Partnerships Program (LPP); the Education Opportunity Program (EOP); the Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) and the Higher Education Opportunity Program (HEOP). Despite all of the successful programs and support systems that New York State provides to our students, much more needs to be done to address college affordability and accessibility.

### *THE SOLUTION:*

In August 2013, at the University of Buffalo, President Barack Obama announced a three part plan for combating increasing college costs and making college affordable, these include:

- Paying for Performance- tying financial aid to college performance; challenging states to fund public colleges based on performance; and holding students and colleges receiving aid responsible for making progress towards a degree.
- Promoting Innovation & Competition- challenging colleges to offer students a greater range of affordable, high-quality options; giving consumers clear, transparent information on college performance to help them make better decisions; and encouraging innovation by stripping away unnecessary regulations.
- Helping Students Manage Debt- ensuring borrowers can afford their federal student loan debt by allowing all borrowers to cap their payments at 10 percent of their monthly income and informing struggling borrowers of the flexible options available to them to repay their debt (Pay as You Earn and Income-Based Repayment plans).

By joining with and leveraging resources provided by the United States Department of Education, we can make college even more affordable for all of our students.

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