



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

**TO:** P-12 Education Committee  
Higher Education Committee

**FROM:** Elizabeth R. Berlin

**SUBJECT:** 2017 State Legislative Priorities- Chart

**DATE:** November 10, 2016

**AUTHORIZATION(S):**

## **SUMMARY**

### **Issue for Discussion**

The Regents advance state legislative priorities every year. At the October meeting, the relevant committees of the Board reviewed and discussed proposals to be advanced during the 2017 legislative session. Pursuant to this discussion, proposals have been modified and added accordingly. At the November meeting, the relevant committees of the Board will continue to review the modified and new proposals. The proposals will come before the full Board in December for approval.

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

Review and update of the Regent's legislative priorities.

### **Recommendation**

It is recommended that the Regents discuss support for last year's proposals as well as amended and new legislative proposals for the 2017 legislative session.

## Discussion of Potential State Legislative Initiatives

P-12 Education		
Concept	Description	History/Notes
<p>Tenure/Seniority Protections for Bilingual and ESOL Teachers/TAs</p>	<p>The potential legislation would require districts, in the event of an abolition of a position, to excess the teacher/teaching assistant with the least seniority in the tenure area of the position abolished, except where the retention of a less senior teacher/teaching assistant fluent in a specific language is necessary for the school to provide required bilingual/ESOL instruction.</p>	<p><b>History:</b> <i>This was first proposed by the Regents in 2015. The proposal has not been reported out of committee.</i></p> <p>By statute, when the position of a teacher/teaching assistant is abolished, the teacher or teaching assistant having the least seniority in the system within the tenure area of the position abolished must be discontinued. An unintended consequence is that as districts hire new bilingual teachers and teaching assistants to serve expanding populations of English language learners and subsequent layoffs are made due to fiscal constraints, districts may be forced to lay off the more junior bilingual or ESOL teachers or teaching assistants that they need.</p>
<p>Streamline Pre-K Programs</p>	<p>The potential legislation would eliminate fragmentation in the current prekindergarten system by expanding the allocation process that has been used for the Universal Prekindergarten Program since 1997 to all prekindergarten programs. This would occur through a multi-year phase in of prekindergarten program funding streams being absorbed into the school districts UPK allocation formula as competitive contracts expire.</p>	<p><b>History:</b> <i>The Regents have proposed alignment of the state's disparate pre-k programs in the past as part of the State Aid proposal. This would be the first year that this is considered as a legislative priority.</i></p> <p>Currently, the Department administers seven separate and distinct prekindergarten programs in the State of New York. Each of these separate prekindergarten programs has a unique funding structure with varying requirements for quality standards and mechanisms for data collection and reporting. For school districts and community-based organizations that receive funding for multiple prekindergarten programs, these varying requirements become an administrative burden at the local level, and inhibits the seamless provision of high-quality prekindergarten programs to our youngest learners.</p> <p>The Department has in the past proposed the alignment of these programs through the Regents State Aid Proposal process. However, it is recommended that the Regents adopt this proposal as a legislative initiative to recommend a specific mechanism for accomplishing the alignment of these disparate programs.</p>

**P-12 Education**

<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
<p>Tuition Rate Setting Index</p>	<p>The potential legislation would establish a statutory growth index based on an average of state personal income growth to establish predicable and timely tuition increases and allow for improved budget planning. In addition, the proposal would authorize providers to establish a general reserve fund.</p>	<p><i><b>History:</b> This was first proposed by the Regents in 2014. The proposal has been reported to Ways &amp; Means in the Assembly, but has not passed either house.</i></p> <p>Tuition reimbursement for Special Act school districts and 853 schools serving students with disabilities is based on a rate methodology that is established by the Department and approved by the Division of Budget (DOB).</p> <p>Based on provider and stakeholder feedback, and the Department’s analysis of submitted cost data, a lack of predictable growth to fund increasing costs and the inability to utilize reserve funding for unplanned or emergency expenditures have endangered the Special Act School District and 853 School’s capacity to operate essential special education programs for some of the most severely disabled school age children.</p>
<p>Mandate Relief</p>	<p>The potential legislation would eliminate or reduce a significant number of statutory mandates and provide greater flexibility relating to curriculum, transportation, educational management services and special education.</p>	<p><i><b>History:</b> The Regents have proposed a comprehensive mandate relief bill since 2012. Through the years, the legislature has enacted several stand-alone provisions of the bill.</i></p> <p>While many mandates were originally enacted with good intentions, not all mandates have produced their intended results. During times when school district resources continue to be stretched, it is imperative that a thoughtful and targeted series of changes be made to repeal outdated mandates that have grown too burdensome and costly and which are not essential to improving results for students.</p>

**P-12 Education**

<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
<p>Authorize Recovered Overpayments to be Applied to Prior Year Adjustments</p>	<p>The potential legislation would allow the Department to net out prior year adjustments owed to school districts in the instance of any school aid overpayment recoveries.</p>	<p><i>History: This would be a new legislative priority.</i></p> <p>During the course of school aid payments to school districts, there are times when the state owes money to districts, and situations where districts are overpaid and those sums must be recovered by the state. In the instances where funds must be recovered as a result of an overpayment to a district that is also owed a prior year adjustment, the state does not net out the funds owed to the district. This initiative would address this situation and allow districts to more quickly receive any funds they are owed.</p>
<p>Regional Secondary Schools Advisory Council</p>	<p>The potential legislation would establish a temporary advisory council composed of legislative and advocacy stakeholders tasked with developing a legislative proposal to establish regional high schools.</p>	<p><i>History: This was first proposed by the Regents in 2012. Versions of this proposal have been passed by the Senate, but have not advanced in the Assembly.</i></p> <p>Current state law has limited options for school districts to create and sustain high-quality collaborative secondary schools.</p> <p>School districts across the state need a mechanism to build collaborative secondary school partnerships that will provide greater educational services to students. While the Department has proposed legislation in the past to accomplish this, the legislation has not been enacted and it is recommended that the Regents consider a revision to this initiative that includes establishment of a temporary advisory council to develop a proposal with stakeholder feedback.</p>

**P-12 Education**

<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
<p>Modernizing SED Authority to Intervene and Support Struggling School Districts</p>	<p>The potential legislation would modernize several disparate and disjointed intervention authorities that are provided to the Department to intervene in school districts, including distinguished educators, joint intervention teams, and educational partnership organizations in order to align these authorities and ensure that they become more useful tools for the Department to employ in districts that need special assistance and oversight.</p>	<p><i><b>History:</b> A version of this proposal was first proposed by the Regents in 2011. The proposal has not been reported out of committee.</i></p> <p>Over the years, several changes in law have provided the Department with authority to intervene in school districts. However, these efforts have often been disjointed and driven by administrations with different outcomes in mind.</p> <p>As a result, while Education Law provides several options for intervention in struggling schools, these tools are often not accessible or effective, leaving the Department with few levers to compel change in struggling districts, or to provide them with the oversight, assistance and support they need.</p>

<b>Higher Education</b>		
<b>Concept</b>	<b>Description</b>	<b>History/Notes</b>
DREAMers	The potential legislation would eliminate provisions in state law that require students to be a US citizen or permanent lawful resident to receive general awards, including TAP, academic performance awards, scholarships or other financial assistance.	<p><b>History:</b> <i>This was first proposed by the Regents in 2012. Versions of this proposal have been passed several times by the Assembly, but it has not advanced in the Senate.</i></p> <p>In New York, thousands of undocumented students receive education through the state’s P-12 public school system, yet are precluded from the opportunity to access higher education due to financial aid restrictions, denying them the opportunity to get the education they need to fully participate in the state’s economy.</p> <p>For years, the Assembly has recognized the injustice done to these students by the state’s current eligibility laws and has passed a proposal similar to the Regents legislative priority.</p>
Institutional Accreditation	The potential legislation would allow the Department to spend the fees related to supporting accreditation services, which would include the addition of dedicated accreditation staff, and expenses incurred in order to support and enhance conducting accreditation of institutions of higher education.	<p><b>History:</b> <i>This was first proposed by the Regents in 2015. The proposal has not been reported out of committee.</i></p> <p>The Regents have been engaged in the evaluation of quality in higher education in New York since 1787 and the federal government has recognized the Regents as a national institutional accrediting agency since 1952, the only state with this recognition. Currently, 19 New York colleges and universities hold institutional accreditation by the Regents.</p> <p>Other institutional accrediting agencies in this region, (e.g., the Middle States Commission on Higher Education (“Middle States”), support their functions by charging their participating institutions.</p> <p>Absent the establishment of a fee and the corresponding spending authority, the Department will no longer be able to continue this function.</p>