



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

TO: The Honorable the Members of the Board of Regents

FROM: Phyllis Morris and Jennifer Trowbridge

SUBJECT: *Phyllis D. Morris Jennifer Trowbridge*
2022-2023 Non-State Aid Budget and Legislative Priorities

DATE: November 10, 2021

AUTHORIZATION(S): *Phyllis Morris*

SUMMARY

Issues for Discussion

The Board of 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 meeting, the relevant committees of the Board reviewed and discussed the prior Non-State Aid proposals. At the November meeting, the relevant committees will discuss for consideration the prior/modified and new Non-State Aid proposals. All of the Non-State Aid proposals will then come before the Full Board in December for final approval.

Reason(s) for Consideration

Review and discuss the modified or new Regent's Non-State Aid budget and legislative priorities.

Recommendation

It is recommended that the Board of Regents review and discuss, as appropriate, any modified or new proposals for inclusion in the Board's 2022-2023 Non-State Aid budget and legislative priorities.

Attachment

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Prior Non-State Aid Budget Priorities – P-12 & Department-Wide

Proposal Description	Policy Area	Amount of Request
<p>Supporting the Blue Ribbon Commission on Graduation Measures – This Commission will review research, practice, and policy to gather input from statewide stakeholders on diploma requirements to ensure all students have access to multiple graduation measures. The funding request would support project management costs and event costs associated with the statewide Commission meetings.</p>	DEI	\$200,000 (annually for 2 years)
<p>Creating Culturally Responsive-Sustaining Education Resources - Funding to curate, compile, and publish a set of racially and culturally inclusive education resources to support teaching and learning, using an interdisciplinary approach in the major subject areas and an additional \$50,000 in 2023-2024 to finalize the work that goes beyond the 2023-2023 fiscal year:</p> <ul style="list-style-type: none"> • 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. <p>These activities are supplemented by the larger DEI initiatives outlined below.</p>	DEI	\$250,000
<p>Building Oversight and Support Capacity at SED – 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>	DEI & Customer Service	5% set-aside
<p>Enhancing Communication with Multilingual Parents, Students, and Professionals – Funding to support the translation of documents into languages other than English, in support of the Department’s goal of making available</p>	DEI & Customer Service	\$1.6M

culturally responsive-sustaining and linguistically accessible resources for the field and public.		
Enhancing Transparency by Webcasting, Transcribing, and providing live ASL Simultaneous Interpretation of All Board of Regents Meetings	DEI & Customer Service	\$150,000

New Non-State Aid Budget Priorities – P-12

Proposal Description	Policy Area	Amount of Request
Supporting School Districts with Monitors – Currently there are four school districts with monitors- East Ramapo, Rochester, Hempstead, and Wyandanch. The Department does not currently receive any funding for staffing to assist the monitors and these districts in the review and approval of long-term fiscal and academic plans, the provision of constant technical assistance and guidance, as well as our general oversight responsibilities.	DEI & Customer Service	\$235,200 for staffing needs
<p>Supporting our State-Owned Schools & Native American Students – The health and safety of students is of utmost importance. The annual amount appropriated for the capital needs of the state-owned schools - the State Schools for the Blind and Deaf, the Tuscarora Nation School, the Onondaga Nation School and the St. Regis Mohawk School - has long been insufficient to meet the need, as it has been capped at \$3.4 million for many years.</p> <p>Local education agencies (LEAs) are allowed to use their federal education stimulus funds for health and safety capital projects. However, the 2021-2022 enacted budget did not provide an allocation of such funding to the state-owned schools, which serve some of the neediest students in New York State, to cover the cost of HVAC and other improvements to ensure the safety of the students attending these schools. While capital costs at state-owned schools are an eligible use of State Educational Agency (SEA) federal stimulus reserve funds, the enacted 2021-2022 state budget fully allocated these funds for other purposes.</p> <p>This disparity in resources available to schools serving disabled and Native American students results in inequitable treatment of these students as it relates to their health and</p>	DEI & Customer Service	<p>TBD for Capital Funding</p> <p>\$196,920 for staffing in the Office of Native American Education</p> <p>Total- TBD</p>

<p>safety and the updating of facilities to meet increased educational demands. The entire capital needs of all these schools will be requested.</p>		
<p>Ensuring Compliance with Statutorily Required Substantial Equivalence Determinations – The Board of Regents anticipates the development of a proposal to address the requirements of Section 3204 of the Education Law and the ‘substantial equivalence’ component of the compulsory education law. Recent amendments to Section 3204 place the responsibility for making the final determination of substantial equivalence compliance, for certain nonpublic schools, firmly with the Commissioner of Education after identification of such nonpublic schools and initial recommendation by the local educational agency/school district.</p> <p>At present levels of staffing, the State Office of Religious and Independent Schools (SORIS) cannot do the work assigned under the recent statutory amendments.</p>	<p>DEI & Customer Service</p>	<p>\$657,484 for staffing needs</p>
<p>Enhancing Oversight & Monitoring Compliance of School District by Education Finance – The Office of Education Finance collects and reviews tens of thousands of data points annually to calculate and pay nearly \$30 billion in state funds to districts across the state. The State Aid Office is not staffed sufficiently to perform these tasks.</p> <p>Currently, the State Aid Office has eight professional staff responsible for reviewing all aid claims, three professional staff responsible for making thousands of payments to districts totaling billions of state funds, and three professional staff responsible for all data used in state aid claims and calculations.</p> <p>The Office of Education Finance is comprised of two units: State Aid and Fiscal Analysis. The State Aid Office’s primary function is to calculate aid payments to districts per the education law and other state laws. As part of this function, the unit maintains a large data collection process where thousands of points of data are collected annually from each district as well as many other units and state agencies. This data must be processed appropriately and reviewed for accuracy. Much of the review and processing is automated by computer programmed checks. Much cannot be automated, and where automated checks exist, staff are needed to review district explanations for relevance, engage</p>	<p>Customer Service</p>	<p>\$1.85M for staffing needs</p>

<p>with districts that are uncertain on how to report data, and take a deeper dive than automated checks are capable. Once data are deemed acceptable, it must be aggregated through thousands of formulas to produce a dataset that can be used for aid calculations and projections. The Fiscal Analysis unit performs a similar function, projecting aid for upcoming years and analyzing reported data, but does not generally collect data directly.</p> <p>While in the past, this Office has had 57 FTEs, the Office currently only has 21 FTEs, and the Unit’s workload has increased over time. Properly staffing this unit is critical at this time to maintain current core capabilities and provide additional claim review to ensure state funds are appropriately distributed.</p>		
<p>Enhancing Supports and Guidance to the Field Related to Grant Programs, Enhancing a Positive School Climate/Safety, Student Health/Mental Health, and Protecting Vulnerable Student Populations – The Department’s Office of Student Support Services (OSSS) oversees and provides technical assistance to grantees and the students served by the larger 21st Century Community Learning Centers (CCLC), Extended Learning Time (ELT), Substance Abuse Mental Health Services Administration (SAMHSA), and Extended School Day/School Violence Prevention (ESD/SVP) grant programs. Current staffing does not provide for sufficient program and administrative monitoring of grantee management for the over 350+ grantees across these programs, including financial scrutiny, processing of program and/or budget amendments, professional development, and the integrity of programs and services available to students and their families.</p> <p>OSSS also receives numerous emails and telephone calls directly from the public, schools, and districts regarding a diverse and broad range of over 50 subject areas which include residency, social emotional wellness and learning, school discipline and school climate, school health, school safety, and the Dignity for All Students Act (DASA) implementation.</p> <p>The pandemic has increased awareness of the importance of school health services, student health, well-being, and mental health as evidenced by the significant increase in the number of physical altercations, property damage, suicide attempts,</p>	<p>DEI & Customer Service</p>	<p>\$905,514 for staffing needs</p>

<p>substance misuse concerns, student suspensions, and mental health issues being reported by schools/districts from all areas of NYS. OSSS has been in the forefront of the Department’s response to the measles epidemic as well as the COVID-19 pandemic, while also providing ongoing guidance to schools regarding areas of student well-being. The ability for OSSS to increase and improve its own capacity, as well as the capacity of schools/districts, to provide professional guidance and lead initiatives through student-centered, evidence-based programs and services is critical.</p> <p>Finally, in recent years, OSSS has undertaken responsibility for Dignity for All Students Act (DASA) implementation and reporting, foster care, juvenile justice education, community schools, and addressing issues concerning LGBTQ+ youth- all issues critical to improving school climate and supporting our most vulnerable students- without any additional funding or staff.</p>		
<p>Supporting the Field with Diversity, Equity, and Inclusion (DEI) Initiatives – The Department’s guiding principles of Diversity, Equity, and Inclusion (DEI) requires staff to coordinate activities within the Department as well as leverage external expertise while building internal capacity to support the field on an ongoing basis.</p>	<p>DEI & Customer Service</p>	<p>\$250,000 for a contract with a leading expert in the field to provide expertise and technical assistance to the Department</p> <p>\$250,000 annually to support the continuation of BOCES’ online repository work as well as evaluation of these initiatives</p> <p>\$292,612 for staffing needs</p> <p>Total- \$792,612</p>
<p>Enhancing the Oversight of PreK Programs – The Office of Early Learning oversees the \$970M in the State’s investment into PreK as well as the registration and renewals of Voluntary Registered Nursery Schools and Kindergartens. This currently includes 626 districts, 12 agencies, and 3 BOCES. Since 2019, the Office has received an additional \$120M in PreK funding to administer, 143 new districts to oversee, with no additional staff to get this important work completed. This has caused a delay in getting funds to</p>	<p>Customer Service</p>	<p>\$1.9M for staffing needs</p>

districts in a timely manner and prevents important PreK oversight work and program visits from occurring.		
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Prior Legislative Priorities with Budgetary Implications – P-12

Proposal Description	Policy Area	Amount of Request
<p>Tuition Rate-Setting Redesign</p> <ul style="list-style-type: none"> • Dedicate targeted resources to design a new tuition rate-setting methodology - \$1.25M • Create a statutory index to provide an annual funding increase to special education providers commensurate with growth in the general support for public schools. • Discontinue the annual reconciliation process to provide interim relief while rate-setting methodology is redesigned, and allow providers the flexibility to manage resources across a five year period—which would be cost neutral. 	DEI & Customer Service	\$1.25M for tuition methodology redesign \$470,031 for staffing needs Total- \$1.72M
<p>Increasing Access to College and Affordability for Students through Early College High Schools & P-TECH – Codify SS-ECHS and P-TECH programs and provide a mechanism for the continuation of successful programs outside of a competitive procurement process.</p>	DEI	\$80,364 for staffing needs

New Legislative Priorities with Budgetary Implications – P-12

Proposal Description	Policy Area	Amount of Request
<p>Improving Educational Opportunities for At-Risk Youth – When youth must be confined, detention and placement settings provide an opportunity to re-engage them in their education and future and to reset their trajectory. To do this, educational programs in these settings need the ability to quickly access student records and to perform educational assessment. Educational programs also need the flexibility to design developmentally appropriate, culturally relevant, engaging individual education plans that may include, for example, credit recovery, special education services, career and technical education, access to career exploration, work</p>	DEI	TBD

skill and life-skill development, and counseling, as well as necessary supports.

These educational programs must also plan for and support youth re-entry into the community, including working with the student's new school ensuring credits are granted for work accomplished while in confinement and re-enrollment in school in the community. Once returned to the community, these students will need additional supports in their new school setting to ensure continued success.

To accomplish these important goals, the proposal creates a Juvenile Justice Education Task Force (JJETF) that would consider the needs of educational programming in all juvenile justice confinement settings. The JJETF would be charged with issuing a report of recommendations to improve education programming across the spectrum of juvenile justice confinement settings by November 2022. The JJETF would be comprised of the Department and other relevant agencies, stakeholder groups, and nominees from the Governor, Legislature, and the Board of Regents.

While the JJETF is meeting, it is imperative to begin to create a funding stream to stabilize existing educational programs in secure detention and county correctional facilities across the state. Incarcerated Youth (IY) Funds are designed to support students between the ages of 16 and 21 in county correctional facilities. Under current law, IY funds for county correctional facilities will and have declined, as students are placed in detention and other settings which are ineligible for IY funding. To stabilize educational programming, the Department proposes to expand IY funding to create Justice System Education Funding. This approach would create a per site stabilization stipend to establish a baseline level of funding in the very small programs that is sufficient to provide access to a quality education. The funds must be adequate to support a small school based upon the program's average capacity or number of beds. This stipend would be augmented by reimbursement for actual full time student equivalents. Programs would be accountable for a minimum of certified teachers each day and student attendance in the education program.

Prior Legislative Priorities – P-12

Proposal Description	Policy Area
<p>Mandate Relief and State Aid Claims Flexibility – Provide districts with additional relief and greater flexibility relating to educational management, including:</p> <ul style="list-style-type: none"> • Expanding the funds available to pay claims in the first come-first served queue; • 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; • Allowing districts to lease space outside of the district in certain emergency situations; • Allowing transportation contracts to be submitted electronically in a form approved by the Commissioner when available; • Authorizing school districts to lease, on a temporary basis, necessary space, when the facilities of the district are under construction; • Increasing flexibility for small districts to meet unanticipated expenses by allowing targeted exceptions to the 4% fund balance limit; and • Discontinuing duplicative financial transparency reporting in light of the full implementation of the federally-required ESSA financial transparency reporting (repeal Education Law Section 3614). 	DEI
<p>Regional Secondary Schools Advisory Council – Create a temporary advisory council 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.</p>	DEI
<p>Improving Educational Outcomes for Justice System Involved Youth – Statutory change to create a statutory FERPA exception so that education records can be released to juvenile detention centers from LEAs without written parent consent.</p>	DEI

Prior Non-State Aid Budget Priorities – Higher Education

Proposal Description	Policy Area	Amount of Request
<p>Increasing Access to a Highly Qualified Diverse Teaching Workforce – Increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers through the establishment of a teacher diversity program.</p>	DEI	\$3M

<p>Supporting NYS Access and Opportunity Programs – Increasing resources for the state’s higher education opportunity programs, which are available to students attending colleges and provide access to higher education to students who might not otherwise have the opportunity.</p> <ul style="list-style-type: none"> • Arthur O. Eve Higher Education Opportunity Program (HEOP); • Science and Technology Entry Program (STEP); • Collegiate Science and Technology Entry Program (CSTEP); • Liberty Partnerships Program (LPP) 	<p>DEI</p>	<p>\$10M for program funding increases</p> <p>\$194,420 for program evaluation staffing needs</p> <p>Total- \$10.19M</p>
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Prior Legislative Priorities with Budgetary Implications – Higher Education/ACCES

Proposal Description	Policy Area	Amount of Request
<p>Enhancing Supports and Services for Postsecondary Success of Students with Disabilities – Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.</p>	<p>DEI</p>	<p>\$13M for program funding increases</p> <p>\$97,210 for staffing needs</p> <p>Total- \$13.09M</p>

New Non-State Aid Budget Priorities – Higher Education

Proposal Description	Policy Area	Amount of Request
<p>Technology Modernization for the Office of College & University Evaluation (OCUE) – Update the technology and build an online system related to the process for evaluating and approving college and university programs by coupling it with the current work occurring now for the Office of the Professions (OP) Modernization Program as OP handles the review and approval for licensure qualifying programs.</p>	<p>Customer Service</p>	<p>*\$8.5M for the project</p> <p>\$65,792 for staffing needs</p> <p>Total- \$8.56M</p> <p>*The Department has requested DOB approval to allocate \$8.5M for the system build component of this request from the \$100M appropriation in the 2021-2022 enacted budget for</p>

		agency related technology improvement projects.
Improving the Teacher & School Building Leader Certification Process – In addition to other noted efforts, increase staffing levels in the Office of Teaching Initiatives (OTI) to improve the current teacher and school building leader certification review process timeframes.	DEI & Customer Service	*\$8M authorization for use of current funding \$1.5M for staffing needs Total- \$9.5M *The Department is requesting that the 2022-2023 enacted budget provide access the entire \$8M prior year balance to fund the technology project.
Increasing Diversity of Future School Building Leaders – PLACEHOLDER	DEI	TBD

Prior Non-State Aid Budget Priorities – Cultural Education

Proposal Description	Policy Area	Amount of Request
Increasing State Aid for Library Construction – Increasing funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries.	DEI	\$11M increase over the 2021-2022 enacted budget
Continuing Access to the NYS Summer School of the Arts – State funding to ensure that NYSSSA can remain available to all eligible students regardless of financial need and to reduce the negative balance in the Cultural Education account.	DEI	\$2M

Prior Non-State Aid Budget Priorities – Professional Practice

Proposal Description	Policy Area	Amount of Request
<p>Development of an Electronic Licensing and Document Management System to Improve Customer Service – Spending authority to use funds resulting from a 15% registration fee increase authorized by the Legislature in 2009 for the third year of a project to replace a nearly 40-year-old COBOL-based licensing system and enhance the customer experience.</p> <p>Fund Critical Staffing Needs - Increase the appropriation level for the Office of the Professions by \$7.125 million and permit OP to retain and spend the full amount of the increased appropriation level to fund 58 critical staff positions. With the \$4.355 million in increased revenue, OP would be able to fill 33 staff and with the discontinuation of the \$2.8 million sweep, OP would be able to fill 25 positions.</p>	Customer Service	<p>\$7.79M in capital spending authority for 2022-2023 for OP Modernization</p> <p>\$7.125M in increased OP appropriation authority</p>

Prior Legislative Priorities – Professional Practice

Proposal Description	Policy Area
<p>Enhanced Discipline Authority of the Licensed Professions – Enhance the Department’s discipline authority over all licensed professions it oversees by:</p> <ul style="list-style-type: none"> • 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. • Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure. • Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner. 	Public Protection

Prior Non-State Aid Budget Priorities – ACCES

Proposal Description	Policy Area	Amount of Request
Funding the Expansion of the Readers Aid Program – Provide sufficient funding to meet the current statutory requirements of the Reader’s Aid program.	DEI	\$706,000

Prior Legislative Priorities with Budgetary Implications – ACCES

Proposal Description	Policy Area	Amount of Request
Enhancing Supports and Services for Postsecondary Success of Students with Disabilities - Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	DEI	\$13M for program funding increases \$97,210 for staffing needs Total- \$13.09M