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**Written Testimony of Commissioner Dr. Betty A. Rosa
New York State Education Department
Joint Legislative Elementary and Secondary Education Budget Hearing
February 8, 2023**

Good morning Chairs Krueger, Weinstein, Mayer, Liu, and Benedetto. And good morning to the members of the Senate and Assembly who are here today. My name is Dr. Betty A. Rosa, and I am New York's Commissioner of Education. I am joined today by Executive Deputy Commissioner Sharon Cates-Williams; Senior Deputy Commissioner Dr. James N. Baldwin; and Chief Financial Officer Phyllis Morris. I also want to acknowledge and thank Chancellor Lester Young, and the members of the Board of Regents, who I know are watching today.

The New York State Education Department (NYSED) comprises an exceptionally complex and interconnected system of educational programs and services. Our stated mission is to raise the knowledge, skill, and opportunity of *all* New Yorkers.

To achieve this mission, the Regents and NYSED have developed three principles that guide our work; through these principles, we seek to:

- Foster lifelong learning, academic success, and improved outcomes for all students.
- Advance equity, excellence, and access for all students.
- Strengthen NYSED's capacity to serve the public.

Our budget requests align closely with these guiding principles and would provide the resources needed to achieve them. As described more fully below, our requests fall within five broad areas:

- **Early Childhood Programs:** The Board of Regents overarching policy goal is that access to high-quality early learning experiences that are culturally, linguistically, and developmentally sound should be provided to all 4-year-olds by 2030 and to all 3-year-old students by 2035. To achieve this goal, the current PreK funding formula needs to be streamlined, and we need to create a fair and predictable formula that is appropriately funded; the related requirements for PreK programs need to be easier for school districts and community-based organizations (CBOs) to be able to administer them; and ensure our PreK programs are inclusive and that they provide a continuum of services for students with disabilities.
- **High School Opportunity and Career Success:** We are seeking to provide multiple ways for school districts and BOCES to offer students much greater and much more equitable access to advanced high school coursework; Career and

Technical Education (CTE) programs; and other college and career pathway programs, such as PTECH and Early College High School (ECHS).

- **Advancing Equity, Excellence, and Access:** We are grateful for your and the Governor's commitment to fully fund Foundation Aid. The Regents and NYSED will continue to advocate for a much-needed updated State Aid formula, not only fully funding but enhancing expense-based aids and providing enrollment adjustment aid in the current school year for large influxes of students to a district. We are also seeking increased investments to update our NYS Learning Standards along with our Graduation Measure work; advance Culturally Responsive-Sustaining Education; improve our state assessment program; provide universal meals and opportunities to learn about health and wellbeing; and provide additional programs and supports to students with disabilities as well as English Language Learners and their families.
- **Teacher/Leader Preparation and Development:** We are asking the Legislature to fund systemic improvements to the teacher certification system to improve customer service and make it easier for prospective and current educators to explore career advancement and certification opportunities. Doing so will remove barriers to the profession for educators and help develop a more diverse educator workforce. We are also looking to streamline teacher certification pathways and increase professional learning opportunities available to teachers.
- **Data and Systems Modernization:** To provide the customer service and support that New Yorkers expect and deserve from NYSED, we are seeking to modernize and update some of our technology-based systems and need ITS staffing as critical infrastructure in order to do so. Funding this priority would reverse a decades-plus-long disinvestment in NYSED human capital by the State by allowing us to engage the technical expertise needed to develop, build, and maintain world-class systems and services to support our program offices and those whom we serve.

Early Childhood Programs

The Board of Regents and the Department envision a New York where all children thrive from birth, flourish in preschool, enter their school-age program on a trajectory of success, and are academically proficient in third grade. Existing State-administered Prekindergarten (PreK) and Preschool Special Education 4410 (§4410 of the Education Law) funding streams do not adequately support inclusive high-quality early childhood education programs for all students in New York State. To achieve this, the long-term goal of the Regents and the Department is to redesign PreK funding into a single, fair, and predictable formula so that by 2030 all 4-year-olds have access to high-quality early learning experiences that are culturally, linguistically, and developmentally sound. This funding formula should be expanded to include all 3-year-old students by 2035.

While we applaud the additional PreK funding included in the Executive Budget proposal, the fact is that this program remains overly complex. There is also no need for yet another \$25 million competitive grant program.

The administration of New York's State-administered Prekindergarten (PreK) program is complicated by the fact that it is governed by two different statutes (§3602-e and §3602-ee of the Education Law) with six separate funding sources (increasing from \$385 million in 2013 to \$1.1 billion in 2022). These funding sources have specific rules prohibiting new funds from supplanting any applicable federal, state, or local funding. For dually enrolled preschool students with disabilities, a seventh funding method is applicable under New York State Law §4410 to reimburse special education programs and related services. The multiple funding streams result in school districts navigating complicated systems where they not only have to blend and braid various funding sources but also ensure these funds are not supplanted by one another. Funding allocations can significantly shift from year to year with little predictability, challenging school districts' ability to plan appropriately within the traditional school budget timeline.

As the cost of educating students has increased over the past decade, and as more school districts are seeking to run full-day PreK programs, the per pupil funding allocations for PreK have not changed to reflect the actual annual cost of providing a high-quality early childhood education program. Due to these challenges, school districts must decide whether current available resources enable PreK programs to remain fiscally viable as a long-term option. Without meaningful long-term investments that consider New York's mixed delivery model of early care and learning, these programs will not be sustainable.

While both federal and state priorities include the expectation that all preschool students with disabilities have access to inclusive high-quality early childhood programs where they are provided with individualized and proper support, the existing PreK reimbursement streams do not account for dual enrollment of preschool students with disabilities in inclusive PreK classrooms. The recent year funding increases in PreK have not increased the rate of preschool students with disabilities being served in inclusive programs. New York State has not made progress in serving preschool students with disabilities in regular early childhood programs or reducing the number of preschool students with disabilities served in a separate setting. In fact, separate setting placements are more likely to occur in urban/suburban, high-need school districts and the New York City School District and are more likely to affect students of color. Future funding investments in PreK must reflect a school district's programmatic responsibilities for providing preschool students with disabilities with a free appropriate public education in the least restrictive environment (LRE).

The Regents and the Department seek to redesign PreK funding by combining existing funding formulas into a single formula with a hold harmless in funding to current school year levels. The formula should incorporate the actual cost of providing a high-quality early childhood education program, annual growth index/cost-of-living adjustment, regional cost factors, and adjustments to factor a §4410 charge-back for special education and related services provided in the inclusive PreK programs. And it should be predictable and transparent to allow for school district planning during the traditional budget and individualized education program (IEP) development cycle.

2023-24 Funding Request:

- 1 project coordinator and 1 project assistant to work with staff from the Office of Early Learning, Office of Special Education, State Aid Office, and Rate Setting Unit to organize stakeholder engagement and to administer the preschool inclusivity grant. Two-Year Cost: \$515,725 (first-year cost: \$265,364)
- \$500,000 in state funding for one year to hire a fiscal consultant to provide technical help and develop models for updated funding formulas. The project will consist of making recommendations for consolidating all state-administered prekindergarten funding streams by developing a single formula to achieve high-quality inclusive early learning experiences.
- \$20 million for a preschool inclusivity grant to be awarded to school districts that administer PreK programs providing a continuum of services for those children with mild or moderate disabilities and those children with severe or multiple disabilities. District proposals would be judged based on the quality of the proposal, the number of students to be served in inclusive classes, maximizing the use of existing funding streams in these settings, and collaboration with existing private and public preschool special education providers in the area. Each grant would last for a period of 2 years. At the end of the grant, the awarded funds would become part of the state UPK allocation under §3602-e, and each grantee would be required to share the results of their approach, including challenges and achievements. These results will ensure that the comprehensive PreK funding formula is responsive to the needs of inclusive PreK programs.

This funding was not included in the Executive Budget proposal.

Interim PreK Solutions

- Until a new consolidated formula is adopted, ensure that increased PreK investments also increase the per pupil rate for underfunded school districts.
- Amend Education Law to deem school districts approved to provide preschool special education services to resident children in their district-operated PreK programs.
- Amend Education Law to require school districts to develop preschool inclusion plans to identify how the continuum of preschool special education programs and services can be delivered within its PreK programs to those children with mild or moderate disabilities and children with severe or multiple disabilities. This would include a requirement for school districts to identify approved private preschool special education programs as part of the PreK collaboration set-aside requirement.

College and Career Pathways

Traditionally underrepresented and academically and/or economically at-risk students in postsecondary education benefit from strong, innovative programs designed to increase engagement in their high school education and boost college participation levels while reducing the need for remediation. Programs that successfully prepare students for college,

careers, and civic life remain a priority of the Regents and the Department. The Early College High Schools Program (ECHS) and the NYS Pathways in Technology Early College High Schools (P-TECH) are examples of programs that can keep students on track to graduate high school and propel them into rewarding college and career opportunities. However, a review of the data specifically for the PTECH programs suggests programmatic and financial deficiencies that should be addressed to increase completion rates and provide program flexibility based on student and local needs.

NYS P-TECH: projects are partnerships between high schools, institutions of higher education, and businesses that create individual pathways for students to simultaneously obtain their high school diploma, earn an associate degree, and obtain workplace learning/experience as well as be first in line for a job with the program's industry partner through a six-year integrated model. In 2021-22, there were 42 NYS P-TECH projects to which the Department administered funding. The data collected by a mandated survey of programs suggests some of these programs are either not financially sustainable or not achieving their programmatic goals.

ECHS: are partnerships between high schools and institutions of higher education that allow students to simultaneously obtain their high school diploma and earn up to 60 transferable college credits (and a minimum of 24 college credits) as part of an organized, rigorous four-year program toward a postsecondary degree or credential at no cost to the student or the student's family. In 2021-22, there were 45 ECHS four-year programs to which the Department administered funding. The data suggests these programs are resulting in substantial college credit accumulation for students and the need for program expansion.

Advanced Course Access (ACA): ACA offers funding for districts with no or limited advanced course offerings for students or BOCES containing such school districts. These funds are used to establish rigorous advanced course offerings, including dual-credit courses. In 2021-22, there were 5 such programs, in which four BOCES and one City School District received this grant, and 113 advanced courses were offered with Department-administered funding.

While we applaud the \$20 million in the Executive Budget proposal for PTECH and Early College High school programs, it lacks the flexibility our districts require to create innovative programs.

The Board of Regents and the Department are proposing the College Credit and Career Opportunity Program, which would provide funding to support programs for students in high school in obtaining college credit courses and/or a career pathway with the flexibility that allows for up to a six-year program, with no requirements that a program is a six-year program. Funding would go to districts and BOCES serving high rates of economically disadvantaged students, and the programs would be regionally focused to encourage availability to a broad base of students.

To better effectuate the educational and legislative intent of the early college high school initiatives and improve the retention and completion of the PTECH initiative, The Department recommends the following:

1. **Combine ACA, PTECH, and ECHS under one appropriation** and identify it as a College Credit and Career Opportunity Program with general program guidelines that support programs up to six years, with no specific allocation to a particular program area, so districts can apply for funding based on what program model or combination of models makes the most sense to them and is in the best interest of their students to obtain career pathway experience, advanced coursework, and transcribed college credits.
2. **Issue an omnibus Request for Proposals (RFP) that includes each program mentioned above**, specifying the program expectations and requirements. School districts and BOCES can design programs using components of various models.
3. **Provide greater clarity of expectations.** The RFP and related program statutory language would provide a clear definition of success and desired outcomes for such programs, including the expected benchmarks at each interval and required data reporting, including but not limited to transcribed college credit attainment by semester.
4. **Provide greater flexibility with the PTECH model.** Based on the data collected for the first cohorts that have completed the six-year initiative, there is a significant drop in enrollment after four years. This suggests that while there is interest in students attaining college credit and job training, the interest may not be there for a six-year commitment. Allowing districts to choose up to six years to offer PTECH will avoid requiring incoming 9th graders and their parents to agree to a six-year commitment to high school. This may increase student retention and completion after four years and spur more significant interest in the program because the six-year commitment will no longer be a barrier.
5. **Provide greater flexibility with the ECHS model.** Remove the required minimum of 24 college credits from the RFP and the general program requirements. To increase interest and reach a larger number of students, a minimum of 12 college credits per student enrolled in the program would be required, with the expectation that students complete 24 college credits by the end of the program. The funding levels would be differentiated based on the proposed number of credits the district seeks to offer to students.

Regionalization

NYSED's analysis of school district enrollment patterns has shown that in many areas of the state, school district enrollments have declined significantly over the past decade (this was true even before the enrollment declines that appeared after the pandemic). **There are 121 K-12 districts with fewer than 500 students in the state.** In these districts, average expenditures per pupil are more than 50% higher than for districts with higher enrollment. For some of these districts, enrollment declines are approaching critical levels that could imperil basic educational sufficiency. In many others, the districts have already experienced a reduction in course offerings to the point that limited options remain, as they do not have sufficient enrollment to support a rich program and struggle to hire appropriately certified teachers. In those areas, local opportunities for regionalization are essential to ensuring

that a wide variety of educational programming is available to students statewide without unnecessary expense. No single approach will fit all situations, and a menu of regionalism options is most likely to be successful.

For example, regional technical high schools are proven models that have improved student engagement, performance, and graduation in New York and other states. These schools are ideal for areas with sufficient enrollment to support existing schools but with a need for more career and technical education. The career and technical high school would be able to offer deeper career programming, integrated across the curriculum, than what is currently offered in more traditional single-stream career programming. Regional high schools would replace or combine with existing high schools in areas where enrollment makes it challenging to offer various affordable educational opportunities. These regional schools would be supported by a combination of existing aid, enhanced building aid, and new CTE aid.

Streamlining and updating the reorganization aid programs and statutory processes might encourage more mergers at the local level. The operating reorganization aid program offers a financial incentive and more state support to districts that choose to reorganize. However, the financial incentive was set at the time of the creation of Foundation Aid in 2006-07. Thus, the power of the incentive has waned in the face of changing enrollment, student needs, and significant inflation since that time. Updating these figures for inflation and providing added incentive when three or more districts reorganize would restore some of these financial incentives that can be critical for managing differences in tax levies, administrative costs of consolidating, and other key needs.

Some districts are considering regional transportation collaboratives, which would supply centralized transportation through regional contracts or shared depots. This will reduce systemic costs by streamlining redundant services. Districts, BOCES, or counties could run these collaboratives. To encourage the creation of wide-ranging and diverse collaboratives, all districts using these collaboratives would be eligible to receive the most favorable transportation aid ratio among participants.

2023-24 Funding Request: \$630,666 (first-year cost) to hire 6 new staff. The fiscal impact on the state of the proposed aid enhancements would not begin until the 2024-25 school year.

This funding was not included in the Executive Budget proposal.

New York State Summer School of the Arts (NYSSSA) and Empire State Arts Scholarship Program

Founded in 1970, the New York State Summer School of the Arts (NYSSSA) is a program of the State Education Department that historically provided talented high school students with the opportunity to study with some of the world's foremost artists in the visual and performing arts. Since 1970 approximately 18,500 young artists have attended one of the NYSSSA schools, taking part in four weeks of intensive work and interaction with internationally acclaimed artists and performing arts companies, such as the New York City Ballet and the Philadelphia Orchestra. Admittance to the program is on a need-blind basis

to ensure NYSSSA is representative of New York's broad spectrum of economic, cultural, ethnic, and social diversity of students. In addition, tuition aid is provided to those seeking it based on their financial need; 33% of NYSSSA students required full or partial tuition aid to attend the program.

This new NYSSSA programmatic model will provide access and opportunity for New York's students to attend and take part in summer arts programs. New York students do not all have equal access and opportunity to participate in arts programs in their schools. Participating in the arts is critical to preparing New York's youth to be active citizens and critical thinkers. This program acknowledges the need for more arts opportunities for students and celebrates the importance and transformative nature of the arts. The scholarship program provides students across the state with the highest financial need with the ability to attend an arts program of their choice – whether it be an introductory week-long theatre program or an intensive four-week orchestral program. The operation of NYSSSA schools supports New York's talented youth to engage in an intensive summer arts program with leading artists and professionals on a need-blind basis; students with the interest and experience to participate are eligible regardless of socio-economic background or family income.

In the past, NYSSSA has been supported by three different accounts: the General Fund, the Cultural Education Revenue Account (2012 – current), and the Summer School of the Arts Revenue account. In fiscal year 2002, the General Fund appropriation was eliminated. The program has applied additional stress on the Cultural Education Revenue Account, which has funded over \$1 million each fiscal year to support non-personal and personnel expenses that cannot be accommodated solely by tuition revenue. This funding structure is fiscally unsustainable moving forward.

Rising expenses over the past decade have made it increasingly challenging for the Cultural Education Account to fiscally support the operation of a full program. Re-establishing a State General Fund appropriation for NYSSSA would ensure sufficient funds are available to continue to supply tuition aid and ensure this program continues for New York's talented youth.

2023-24 Funding Request \$2 million

NYSED requests a \$2 million annual General Fund appropriation to support a NYSSSA program that combines the success of the new scholarship program and the earlier successes of the schools as follows:

- Approximately \$1,000,000 to operate NYSSSA programs. **If funded in the FY 2023-2024 State Budget, the programs would begin operation in summer 2024.**
- Approximately \$600,000 for an "Empire State Arts Scholarship Program" for middle and high school students to attend summer arts programs. This will build upon the success of the summer 2022 pilot scholarship program. **If fully funded at \$600,000 in the FY 2023-2024 State Budget, the scholarship program would supply scholarships for summer 2024.**

- \$282,229 to support the cost of four full-time NYSSSA staff members (*3 staff currently funded on the Cultural Education account plus an additional new staff member*)
- \$115,000 to fund other costs (travel, auditions, supplies, equipment, office expenditures, etc.)

This funding was not included in the Executive Budget proposal.

NYS Standards Revision/Graduation Measures Work

The Office of Standards and Instruction does not currently have any staff with expertise in health education. An Associate in Instructional Services (Health) is a critical need for the Office; the previous Associate vacated the position over five years ago. The NYS Health Learning Standards are over 20 years old and must be revised to reflect current health topics, advances, and priorities. This work cannot be done without an expert in the subject area. Hiring an Associate in Instructional Services - Health Education would allow the Department to provide essential, timely support to districts and schools in areas related to Health Education, including social emotional wellness. Duties of this position would include leading the revision of the Health Standards; providing technical assistance and guidance; creating materials to assist schools, districts, and BOCES in providing an educational program aligned to the Health Education Learning Standards; advising on health education instructional strategies; and providing technical assistance on the implementation of Erin's Law.

The Office of Standards and Instruction currently employs only one Associate in Instructional Services - Arts, responsible for all five arts areas: visual arts, music, theatre, dance, and media arts. Hiring an additional full-time Associate in Instructional Services - Arts with performance arts expertise would allow the Department to provide essential, timely support to districts and schools in areas related to Arts Education. Duties of this position would include leading arts standards revision; providing technical assistance and guidance; creating materials to assist schools, districts, and BOCES in providing an educational program aligned to the Arts Learning Standards; coordinating the new Individualized Arts Assessment graduation pathway; and advising on best practices and instructional strategies for Arts Education.

There is currently no associate to oversee Computer Science education. The Office of Career and Technical Education needs an Associate in Computer Science who would support Computer Science Learning Standards. Additionally, this individual would be responsible for Computer Science CTE program approvals and reapprovals, review of Perkins applications and funding, monitoring programs and addressing content-specific questions and concerns, providing technical assistance with the development and implementation of high-quality CTE programs, and monitoring the implementation of and providing technical assistance to middle-level Computer Science programs and work-based learning coordinators at all NYSED-approved programs. Hiring staff specifically assigned to the Computer Science CTE content area will ensure the prompt approval/reapproval of Computer Science programs, the timely approval of federal Perkins applications and distribution of grant funds, monitoring of all NYSED-approved programs for compliance with

Education Law and regulations, and prompt and accurate technical help relating not only to CTE but also the Computer Science Learning Standards.

To continue to provide guidance and resources related to learning standards implementation, as well as in emerging areas such as financial literacy, environmental education, media literacy, inquiry- and project-based learning, and STEM, more funds are critical to the Office of Standards and Instruction's ability to provide customer service to our educational stakeholders. \$250,000 is needed for contracts to develop and curate curricular materials, produce guidance documents, and advance professional development opportunities.

2023-24 Funding Request: \$569,796

Staff Needed (first-year fiscal: \$319,796):

1 Associate in Instructional Services – Health

1 Associate in Instructional Services - Arts (Music or Theatre)

1 Associate in Instructional Services – CTE (with expertise in Computer Science)

Additional requested resources:

\$250,000 for contracts to develop and curate education materials, produce guidance documents, and facilitate professional development opportunities.

The staffing and non-personal services resources requested would provide support for standards revision and implementation in health, computer science, and the arts, aligned with the work of the Blue Ribbon Commission on graduation measures. Reviewing, revising, and creating resources and materials aligned to the standards is part of the graduation measures initiative to ensure all students graduate ready for college, career, and civic engagement.

This funding was not included in the Executive Budget proposal.

Advancing Culturally Responsive Sustaining Education (CRSE)

The Board of Regents and the Department understand that the results we seek for all our children can never be fully achieved without incorporating an equity and inclusion lens in every facet of our work. This understanding has created an urgency around promoting equitable opportunities that help all children thrive. The responsibility of education is not only to prevent the exclusion of historically silenced, erased, and disenfranchised groups but also to assist in promoting and perpetuating cultures, languages, and ways of knowing that have been devalued, suppressed, and imperiled by years of educational, social, political, and economic neglect, and other forms of oppression.

The Department designed the Culturally Responsive Sustaining Framework (CRSE) to support education stakeholders in developing and implementing policies that effectively and equitably educate all students and provide appropriate supports and services to promote positive student outcomes.

The Board of Regents and Department support the CRSE/Senator Liu bill (S.1402) that would require instruction aligned to the Board of Regents Culturally Responsive and Sustaining Education (CRSE) Framework for all pupils in public schools to affirm cultural identities; foster positive academic outcomes; develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.

Additionally, this bill would require the Commissioner and the Department to update the NYS Learning Standards on an ongoing basis and provide technical assistance and resources to aid public schools in providing instruction that includes 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 Americans, America's Indigenous Peoples, African Americans, Muslim Americans, Hispanics, Latinx, and Caribbean Americans, and the Holocaust.

To meet both the requirements of the bill and district needs, the Department proposes both a short- and long-term initiative.

Short Term: Resource Development and Audit of Standards (immediately upon bill passage/fiscal approval)

Resource Development

NYSED is requesting funding for the Department's newly created Office of Diversity, Equity, and Inclusion to hire a Diversity and Inclusion Specialist to lead the development and curation of educational materials/resources and guidance documents related to culturally responsive sustaining instruction for P-12. The Diversity and Inclusion Specialist will:

- Gather formal and informal data on the types and formats of resources and guidance that will be the most helpful to the field;
- Form one or more groups of NYS educators and stakeholders who will provide expert help, feedback, and advisement throughout the development process;
- Develop resource and guidance development timelines to focus on providing the most-needed items first;
- Develop turnkey professional materials on the resources; and
- Work with web development staff to create a user-friendly way to access resources/materials and guidance documents.

Audit of Learning Standards

NYSED is requesting funding for the Department's Office of Diversity, Equity, and Inclusion to contract with state and national experts to perform an audit of the current New York State Learning Standards in the content areas of arts (including dance, media arts, music, theatre, and visual arts); career development and occupational studies; computer science and digital fluency; English language arts; family and consumer sciences; health; mathematics; physical education; science; social studies; technology; and world languages.

Through the lens of Diversity, Equity, and Inclusion, and utilizing the NYS Culturally Responsive Sustaining Framework as a guide, the audit will focus on identifying strengths, areas for improvement, and gaps, including in required instruction as outlined in §800 of the Education Law. The audit report, which would be due no later than 12 months following the passage of this legislation, would be presented to the NYS Board of Regents and Commissioner of Education and would include recommendations for future standards revision work.

Long Term: Standards Revision (after the Board of Regents adopts new Graduation Requirements)

The Board of Regents has authorized a Blue Ribbon Commission (BRC) to recommend changes to New York's graduation requirements. The BRC will provide its recommendations in Fall 2023. Following the adoption of changes, revising the NYS Learning Standards will be necessary.

Revising learning standards is an intensive, multi-year process, requiring considerable time and funding. Stakeholder groups, numbering in the hundreds for each content area, must be formed for all content areas, to meet over 18 months to 2 years to develop the standards themselves, plus related implementation materials.

Following the adoption of new standards is a roll-out period of 3 to 5 years, during which time schools work on revising curriculum, and internally NYSED develops new assessments; new guidance for students with disabilities, English language learners, early learners, and other groups; and updates regulations, all of which are multi-year processes. Due to the time and resources required to revise the standards, the Department cannot engage in this process until the Board of Regents has adopted new graduation requirements. The Department will also require additional staff and funding to engage in the standards revision work.

2023-24 Funding Request: \$954,190

Staff Needed (first-year fiscal: \$179,190):

1 Diversity and Inclusion Specialist 3

1 staffer in the web development unit to provide development work and website support

Additional requested resources:

- \$300,000 to gather NYS educators and stakeholders to create and curate educational materials/resources, guidance documents, and professional development resources.
- \$150,000 to have materials translated into languages other than English.
- \$75,000 for additional website hosting of multimedia resources.
- \$250,000 to contract with state and national experts to audit the current NYS Learning Standards in the twelve content areas, make recommendations on future standards revision, and create a report to be provided to the NYS Board of Regents and Commissioner of Education.

This funding was not included in the Executive Budget proposal.

Civics Education, Diversity, and Religious Tolerance Curriculum Reappropriation

The Department consistently requested amendments to the reappropriation language related to civics education and values, the state's shared history or diversity, and the role of religious tolerance in this country be amended for the \$1 million funding for such included in the 2020-2021 enacted budget. As we have explained to all the Legislature and Executive, the Department currently doesn't have the staff or the expertise to create a thoughtful, age-appropriate, and statewide curriculum, and these efforts could not even be completed by an outside vendor, who does have curriculum expertise, for only \$1 million. What we can do with this funding is to support districts in successfully developing their own curriculum, as curriculum development historically has been and remains a local process. If this funding was reappropriated as we have proposed, we would then be able to develop and provide curricular tools, resources, and professional development for the implementation of the New York State Culturally Responsive-Sustaining (CRS) Education Framework, Civics education and pilot, and information on religious tolerance for schools and districts across New York State.

This request includes a project manager to oversee the development of school resources, professional development, training, and other materials to best support New York State students, educators, and schools.

Here are the language changes needed to accomplish this important goal:

\$1,000,000 for services and expenses related to the development of **curricular guidance and education materials and resources to support teaching and learning** on civic education and values, **the State's Culturally Responsive and Sustaining Education Framework including but not limited to** the state shared history of diversity and the role of religious tolerance in this country. Notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be transferred to the credit of the state purposes account of the state education department to carry out such development.

2023-24 Funding Request: \$1 million (reprogramming of currently available funds)

Request to reprogram \$1 million in available funding to develop educational resources in lieu of developing a curriculum. Funds would be used as follows:

- \$379,797 for one project manager for three years (includes \$50,000 for travel and \$19,000 for supplies) \$500,000 for CRSE and civics resource development and deliverables
- \$100,000 for translation services
- \$20,000 for graphic design, video captioning and printing
- \$999,797 total

While the Executive Budget includes some of the requested language changes, it retains the curriculum development requirement, which will continue to prevent the Department from utilizing this funding.

NYS English as a Second Language Achievement Test (NYSESLAT)

In New York State, all English language learners (ELLs) are assessed annually for English language proficiency (ELP) as required by the Every Student Succeeds Act (ESSA) and New York State Education Law §3204. New York State has developed and administered the New York State English as a Second Language Achievement Test (NYSESLAT) to meet this requirement. The results of the NYSESLAT are used to determine the level of language services needed for each student and when such services are no longer needed.

Although the NYSESLAT allows accommodations for ELL students with disabilities, the NYSESLAT was not designed for measuring the incremental annual gains of ELLs with severe cognitive disabilities. In addition to improving these students' educational experience, a new assessment that measures the ELP of students with severe cognitive disabilities is necessary to fulfill federal requirements. Guidance from the U.S. Department of Education released in 2017 requires an alternate ELP assessment for ELLs who cannot take part in the current assessment even with appropriate accommodations. By not providing this assessment to this population of students with disabilities, New York State will be out of compliance with the requirements of ESSA and could potentially be penalized by the loss of federal educational funds.

Needed updates to the NYS English as a Second Language Achievement Test (NYSESLAT), including the development or procurement of an alternate assessment, would raise the annual cost by approximately \$5 million in the 2023-24 budget year. Collectively, these new initiatives would yield substantial benefits for ELLs and result in significant savings for local schools and districts. These initiatives are also urgently needed to bring this assessment program into conformance with the requirements of the ESEA, as amended by the NCLB and ESSA, as judged by the Peer Review process of the U.S. Department of Education.

Updates include:

- Computer-Based Test delivery for students in grades 2-12. The primary mode for the administration of the NYSESLAT will change from paper-based to computer-based testing (CBT) for all grades except kindergarten and Grade 1. This shift to CBT would result in schools and families receiving students' test results much more quickly to facilitate planning for students to have the most appropriate level and type of instructional support at the start of the next school year. NY is one of the only states in the country delivering a test for ELL students on paper. CBT would allow NYS to be consistent with other testing programs that students may participate in (e.g., Grades 3-8 English Language Arts and Math, or the NYS Alternate Assessment).
- Interim Assessments: The Department's contractor would create and provide interim assessments suitable for all grade levels, K-12. Schools would use these results to customize and fine-tune the English as a new language (ENL) instruction each student receives for the rest of the school year.

- **Shifting the Responsibility for Scoring of Constructed Responses Away from Local Schools:** The contractor, rather than individual NYS schools, would score all the speaking and writing constructed responses for the operational tests. While this service would cost the State about \$2.6 million in each of year 2 and year 3 of the contract, the provision of this service would save the school districts more money. In addition, the students would benefit as the provision of ENL instruction would not be disrupted by their teachers having to spend a great deal of time outside of the classroom engaged in scoring activities. Vendor scoring of CBT administered tests would also enable much quicker turnaround of student results to schools and families. Lastly, this change would result in more accurate and reliable scoring and provide crucial validity evidence to support and sustain this assessment program (note that the U.S. Department of Education flagged the school scoring of the writing responses as a weakness of the current program during the peer review process).
- **Allowing Schools to Administer the State's Initial ELL Screening Test (NYSITELL) with CBT:** The contractor would provide all schools statewide with the opportunity to administer and score the New York State Initial Identification Test (NYSITELL) to students entering Grades 2-12 using the same CBT platform and system as schools would use to administer the NYSESLAT interim assessments and operational tests. CBT would enable schools to score the open-ended speaking and writing questions more quickly and efficiently and promptly produce a results report for each student participant. For several years, many schools have requested the ability to provide the NYSITELL virtually.

2023-24 Funding Request: \$5 million

This funding for a federally mandated activity was not included in the Executive Budget proposal.

Computer-based Testing (CBT) Implementation

Computer-based testing (CBT) has been successfully implemented for elementary- and intermediate-level testing in 48 states. It is critical that New York now also transition to modern approaches to assessment that are in line with the 21st-century teaching and learning being fostered in classrooms. Many opportunities come with full statewide implementation of CBT, and NYSED is exploring ways to harness these benefits once all students are participating in computer-based testing. Many of these opportunities reduce burdens on teachers and school staff which can translate into more instructional time for students. Such potential advantages would include:

- faster turnaround of student results by eliminating the extended scoring and scanning periods;
- reduced need for district faculty and staff time – this can be realized in terms of teachers no longer being needed for long scoring periods and significantly fewer administrative duties associated with testing;
- wider administration windows giving schools greater flexibility in when and how they structure test administrations;

- development of technology-enhanced questions such as drag and drop, graphing, or simulated science experiences;
- reduction or elimination of standalone field testing which will reduce the amount of yearly testing in schools;
- an exploration of computer-adaptive testing models that may more quickly and precisely pinpoint student achievement; and
- significant fiscal savings for districts, who currently bear the cost of scoring, scanning, and processing State tests.

Since the introduction of CBT in the Grades 3-8 ELA and Math testing program in 2017, several factors have contributed to the delayed realization of these opportunities. Most significant, the optional nature of participation in CBT has limited opportunities to fully harness the benefits of testing on computer as schools and districts could opt to retain a reliance on a paper-based testing model. Currently, approximately 25% of schools across NY participate in computer-based testing. Many districts have provided feedback to NYSED that they will transition to CBT only when it becomes required. This has influenced the level of resources that districts have devoted to technology-based teaching and learning. Given the need to provide all students with 21st century learning experiences, differences in computer access and instruction across the State results in inequitable opportunities for students attending different schools. Students who transfer schools are put in the position of either needing to quickly become familiar with technology unavailable at their prior school or reverting to paper-based learning and assessment after leaving a school that integrated technology in instruction. Implementing CBT in all grades will lead schools to ensure that students engage with technology daily in the classroom, preparing them for college, careers, and civic participation.

In addition to the optional approach to CBT implementation, technical problems were encountered in the first years of CBT (2018 and 2019) resulting from the large load placed on the contractor's computer servers by the number of students testing. Students had difficulty submitting their work; the system operated slowly, and, in rare cases, student responses were not saved. These circumstances led some schools and districts to delay their planned implementation of CBT until there was evidence that the technical issues were resolved.

The Department and its contractors have fully addressed previous technical issues, and the 2021 and 2022 administrations of the computer-based tests were problem-free (note that no tests were administered in 2020 due to the COVID-19 pandemic). This past spring, 230,000 students tested on computers without incident. The test delivery system has transitioned to using Amazon Web Services' (AWS) infrastructure and can draw on the same expertise and resources major technology companies enjoy (e.g., Netflix). Amazon engineers monitor system performance and can provide real-time support during testing. It should also be noted that NWEA purchased the assets of the former contractor and is now the State's computer-based testing service provider. NWEA has over 40 years' experience providing online testing and its classroom assessment program – NWEA MAP – is used in hundreds of schools throughout the State. Recent enhancements have included tightening the security of the test delivery system and strengthening the quality assurance practices ensuring seamless functionality.

In the past two school years, schools and districts have made unprecedented investments in technology infrastructure and educator training to ensure students could receive instruction in a variety of computer-based modalities during the COVID-19 pandemic. Historic infusions of federal and state funding in the form of COVID-response grants and state aid increases have made critical fiscal resources available that can help districts and charter schools needing to upgrade their infrastructure and devices. With the availability of these resources, NYSED is moving forward with an implementation plan for computer-based testing that will use districts' strategic investments to support a comprehensive system of 21st century teaching, learning, and assessment.

As the Department develops and implements plans to move to 100% computer-based testing for Grades 3-8 English Language Arts, Mathematics, and Science assessments, several steps must be taken to support this transition and provide advantages for students and school personnel.

2023-24 Funding Request: \$21 million total

Bring Grades 5 & 8 Science development under the same vendor as the Grades 3-8 ELA and Math development- Currently, the development of the Grades 5 & 8 Science Tests is conducted internally, like the Regents Exams. This presents challenges in working with the CBT vendor to deliver the operational tests. The ELA and Math test items are developed and housed within the vendor's system from start to finish. Because we do not have that opportunity for science, there are difficulties associated with shifting content developed internally into the vendor's CBT system. Moving everything under one vendor would allow for a much smoother development process and avoid potential errors. It would also streamline educator involvement since teachers would work with the same system, regardless of which content area they are reviewing. ***\$500,000 annually***

Remove local staff and cost responsibility for scoring- Although transitioning to vendor scoring would mean that the costs need to be shouldered by the Department, the savings to local districts – in both dollars and instructional hours – are estimated to be more than \$50 million. As an additional note, the Department currently has a contract to audit the scoring of the tests due to the possibility of differences in scoring that can occur around the state. Moving to vendor scoring would allow for eliminating this contract, and the savings could be applied to the costs associated with vendor scoring. Like how NYSED is moving forward for the NYSESLAT, allowing the vendor to score operational tests is critical to returning results to schools more quickly. Currently, local scoring adds a minimum of three or four weeks to the results turnaround. At the same time, vendor scoring is far more reliable and efficient. ***\$20 million annually through 2024-25, potentially dropping to \$10 million annually in 2025-26 and afterward as more students transition to computer-based testing as required by NYSED's transition plan.***

Transition to vendor-developed instructional reports: Because a major concern in the field is the availability of instructional information shortly after testing, shifting this responsibility from the RICs would allow for a much faster turnaround. Additionally, vendor capabilities related to data reporting far exceed the "Common Data Views" reports developed many years ago, so the reporting could be more targeted and useful to classroom teachers.

The Department repeatedly hears from its stakeholders that faster and more comprehensive reporting would increase buy-in for the Grades 3-8 tests. **\$500,000 annually, potentially dropping to \$250,000 in future years.**

This funding was not included in the Executive Budget proposal.

Continuing Exam Translations

In the 2019-20 enacted state budget, NYSED received a \$1 million appropriation to offer translations of all required assessments (five of the Regents Exams, the Grades 3-8 Math Tests, and the Elementary- and Intermediate-level Science Tests) in the eight most common home languages of English language learner (ELL) students: Arabic, Bengali, Chinese (Simplified), Chinese (Traditional), Haitian-Creole, Korean, Russian, and Spanish. This ongoing and critical support was not included in the 2020, 2021, or 2022 budgets. The Regents and the Department are committed to ensuring that the entire assessment program is productive and contributes to improved teaching and learning opportunities of ELL students. The Regents support offering assessment translations to provide ELL students with the opportunity to test in their native language. Schools may provide English language learners with oral, direct translations of the English editions when the Department provides no translated edition. It is a significant challenge and cost for schools to arrange for oral translations, and there is less confidence in the accuracy of such translations than written translated editions.

2023-24 Funding Request: \$500,000 in annual funding is needed to continue to provide these translated assessments. More funding would be needed to increase translated parent and public materials.

This funding was not included in the Executive Budget proposal. Translation into Arabic, Bengali, Chinese (Simplified) will need to be discontinued without funding.

Translating Department-Issued Guidance and Documents

The Department has identified over 200 languages spoken in our state. Given this linguistic diversity, there is a need for regular translation of parent- and student-facing documents into the 11 most common languages that encompass a large majority of the population of New York State.

NYSED currently lacks funding to translate Department-issued documents into languages other than English. This limits the ability of the Department to communicate crucial information about available education programs and services to parents and students who do not speak English as their primary language.

- In every program area across the Department – Cultural Education, Vocational Rehabilitation, P-12, Professions, and Higher Education – many informational materials, such as fact sheets and booklets, are currently only available in English.
- The Department develops and releases many documents to school districts and providers with information-related changes in school procedures prompted by the COVID-19 pandemic and other significant events.

- Translation of Department informational and guidance documents into multiple languages would support the Department’s goal of making culturally responsive sustaining and linguistically accessible resources available to the public, English Language Learners (ELLs), and their families.

2023-24 Funding Request: \$1.6 million in new state funding is needed to enable NYSED to translate Department-issued documents into languages other than English to enhance communications with multilingual parents, students, and professionals.

This funding was not included in the Executive Budget proposal.

Capital Needs of the Indigenous and State-Operated Schools

We applaud the Executive Budget for including the Department’s request for the following 2023-24 capital funding needs to meet the immediate health and safety needs of our Indigenous and State-Operate Schools as follows:

- Tuscarora Nation School - \$6.6 million
- Onondaga Nation School - \$11.2 million
- St. Regis Mohawk Nation School - \$2.3 million
- Rome School for the Deaf - \$3 million
- Batavia School for the Blind - \$4.47 million

Establish Stable, Equitable Funding for Five State-Owned School Buildings

The five state-owned school buildings need a capital planning process comparable to that required in state law for other public school buildings. This will support regular reviews of building conditions, a five-year capital plan, and a stable ongoing funding source. This more equitable approach to providing students with disabilities and indigenous children with healthy, safe school buildings, like their peers served in public districts, would protect the state’s capital investments by preventing damage and higher costs due to deferred maintenance in the long term. For example, many of these state-owned buildings have old and poorly functioning HVAC systems due to deferred maintenance. This approach is described in more detail below.

Building Condition Surveys (BCS) for Three Native American Schools, NYSSD & NYSSB

The Department is seeking funding to conduct regular Building Condition Surveys (BCS) at NYSED-owned school buildings. The schools include Native American Elementary Schools located in Tuscarora, St. Regis, Onondaga, and the School for the Deaf and the School for the Blind. To fund the capital needs of these schools in the same manner as public schools across the state, we request funding to perform a BCS every five years. The BCS is conducted by a team including at least one licensed architect and engineer. This will inform the schools and the Department about the schools' capital and major maintenance needs to create a five-year look ahead for capital planning purposes.

A five-year inspection cycle (§ 409-d of the Education Law) and capital plan is mandated for other school buildings in New York State, and these schools should have a comparable

process to ensure that they are safe and well-maintained. This approach would give these schools, students, and staff a working and learning environment that is equitable to the rest of the students and staff throughout New York State. The Department would request funds every five years to continue planning to support the building condition surveys for these schools.

2023-24 Funding Request: \$250,000

This funding was not included in the Executive Budget proposal.

Rolling Capital Funding

Once current capital needs linked to deferred maintenance are addressed, NYSED proposes that in the future, the state reimburse capital needs in the NYSED-owned buildings on a predictable cycle, with a rolling model based on the maximum cost allowance (MCA) providing an annual amount of funding, linked to current building square footage and enrollment, that can be used either annually for maintenance or grouped for larger projects, as necessary. NYSED Facilities Planning staff will perform MCA analyses in the same manner done for every district in the state (outside of NYC). The funding will support maintenance and construction work in these school buildings in a manner comparable to the State's support for work in school districts, an essential component of achieving equity. The full calculation would be a state share, as is the case for other state-owned buildings.

Full Funding of the Foundation Aid Formula

The 2021-2022 enacted budget implemented a three-year phase-in schedule for Foundation Aid, with 2021-2022 being the first year. The Regents had long advocated for such a phase-in. As expected, the 2022-2023 budget incorporated the second year, and 2023-2024 will be the final year and full phase in. The "full" Foundation Aid amount is a per pupil amount based on student needs, district resources, and an estimate of what a school needs to be successful. The full amount adjusts annually for inflation.

While many districts can expect to receive a Foundation Aid increase in this last year of the phase in, 211 districts are currently on "save harmless." Thus, they are considered fully funded under the Foundation Aid formula and will only receive increases if the legislature guarantees a minimum increase. This generally occurs when the district's enrollment has fallen enough that the formula generates an amount that is less than the district currently receives. Although the final data is not yet available, the most recent data suggests a minimum increase would generate aid for 211 districts on "save harmless". Of these, 62 are -high need districts, 105 are average need, and 44 are low need. The 2022-2023 enacted budget also provided a minimum increase of at least 3 percent for all districts.

The Regents State Aid Proposal continues to support the Foundation Aid phase-in schedule because the full phase-in will supply substantial added state funding for districts serving students who need enhanced support. The Regents also advocate for a wealth-adjusted minimum increase to ensure that districts with declining enrollment but increasing fixed costs receive some additional state support. For example, a small district's enrollment

could shrink dramatically, such as a 25% decrease, from 20 to 15 students at a grade level. Still, the district would need a teacher at that grade level and a safe, functional, and code-compliant classroom for the students. The costs of continuing those two fixed expenditures (the teacher and the space) do not shrink proportionally with enrollment. The minimum increase helps address this issue.

Funding to Study Potential Foundation Aid Formula Changes

When the Foundation Aid formula was implemented in the 2007-08 enacted budget, it was a major policy accomplishment for the Board of Regents and New York State. The formula replaced approximately thirty existing aid programs into a single flexible operating aid formula based on actual district expenditures and student needs. However, over time, some weaknesses and technical issues have appeared. As we look ahead to the years after full phase-in, we recognize a need to update the formula to address these imperfections and technical issues. This is recommended during the 2024-2025 school year, following the full phase-in.

To ensure that New York State provides state funding for education most efficiently and where it is most needed, NYSED requests \$1 million in 2023-24 to support a contract with educational researchers and organizations to review Foundation Aid and engage with stakeholders. To ensure that updates are research-based and reflect present thinking about funding student needs, researchers would review big picture items such as the “successful schools study,” measures of student need and regional cost, as well as considering updated measures of poverty and other need indicators.

2023-24 Funding Request: \$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.

This funding was not included in the Executive Budget proposal.

Fully Funding & Enhancing Expense-Based Aids

Expense based aids provide state funds for critical school functions such as capital construction, transportation, and BOCES-shared services. The Regents State Aid Proposal and the 2023-24 Executive Budget would fully fund the \$233 million increase in expense-based aids consistent with existing law. These expenditures were incurred by districts in the current year, with the expectation that the state would fulfill its commitment to fund them.

The Regents proposal includes enhancements to “expense-based aids” to increase student opportunity and access to quality programs and instruction. For example, the expense-based Instructional Materials Aids programs (textbook aid, computer hardware aid, computer software aid, and library aid) are funded based on a fixed per pupil amount, provided that the district can show expenses that meet or exceed the formula amount. The per pupil amounts have not been adjusted for inflation in many years, despite rapid increases in the cost of instructional materials, such as textbooks. They also date from when computer usage patterns were different, and many students could be expected to use

a single device. With the changes we have seen, and the move to computer-based testing, ongoing annual support for technology should increase to reflect changed expectations. In addition, by statute, these programs require districts to share with nonpublic schools through loans, even though non-public students are not included in Foundation Aid calculations. Since nonpublic schools are often concentrated in high-needs districts, adjusting the aid amounts upward for inflation will, in effect, increase support for both public and private school students at the same time.

The requested instructional materials aid enhancements were not included in the Executive Budget proposal.

Enrollment Adjustment Aid

Foundation Aid is the major form of operating support for many districts. Foundation Aid is a per-pupil amount, with the pupil count used based on prior years. For districts with stable, or declining enrollment, this practice of using prior-year pupil counts should work well when full Foundation Aid phase-in is achieved. However, for districts undergoing rapid enrollment growth, aid based on prior years' smaller enrollment is insufficient to meet the needs of the students who have arrived. Districts are expected to educate all school age children within their boundaries without unreasonable delays, but our funding formulas do not support the cost of implementing the state's expectations. Thus, the Regents State Aid Proposal recommends a new aid for schools undergoing rapid growth in enrollment. Under this proposal, districts projecting growth in enrollment above a certain threshold could apply for an acceleration of Foundation Aid for these students. At the end of the school year, this advance would be reconciled against actual enrollment counts.

This request was not included in the Executive Budget proposal.

Tuition Rate-Setting Reform

Tuition reimbursement for approved providers of special education programs and services is established by the Department and approved by the Division of the Budget (DOB). The Department establishes annual tuition rates for over 1,000 approved special education programs at approved private schools, public schools, special act school districts, and BOCES. Tuition rates for special class programs are based on actual provider historical cost and enrollment data, with a trend factor applied. The tuition rate methodology for special class programs includes cost containment parameters to restrict funding for executive compensation, limit reimbursement for facility and administrative expenses, and limit rate growth to a percentage increase from a previous year's rate. In instances where the funding containment measures place a hardship on a provider's ability to deliver mandated services and/or remain fiscally viable, a provider may submit a tuition rate appeal or waiver request with the Department to consider a tuition rate adjustment.

In recent years, the volume of tuition rate appeals and waivers has increased at an unsustainable rate due largely to insufficient approved tuition rate growth and inherent flaws in the tuition rate methodology. This has led to intolerable backlogs in setting tuition rates and delays in rate issuance. The resulting delays in funding threaten the viability of

providers serving students with disabilities and create vulnerabilities in ensuring available placement options for such students.

Funds are needed for consultant services to provide technical help and develop models to inform the development of options for tuition reimbursement methodology design for stakeholder consideration and for staff in the Department's Rate Setting Unit (RSU) and Office of Special Education (OSE) to work with the consultant and engage with stakeholders.

2023-24 Funding Request: \$2.5 million (over two years)

Staff Needed (first-year fiscal: \$501,500; staff are needed for two years, for a total of \$988,000):

3 RSU staff

2 OSE staff

Additional requested resources: \$1.5 million (across two years) for consultant services.

While the Executive Budget proposal includes the longstanding Regents request for \$2.5 million for consultant services to develop models to inform the development of options for a new tuition reimbursement methodology for approved providers of special education programs and services design for stakeholder consideration, and for staff in the Department's Rate Setting Unit (RSU) and Office of Special Education (OSE) to work with the consultant and engage with stakeholders; however, the Executive Budget appropriation and Article VII language would impose a number of requirements that would constrain the successful development of a new methodology, including that the new methodology be cost neutral – which is very unlikely, if not impossible - and be based on parameters that are similar to those used in the current methodology.

Proposed Legislation for Interim Relief Until Tuition Methodology is Fixed

- Statutory amendment to require rate reform.
- Statutory amendment to require trend factor parity to ensure parity across all providers and to provide equity in funding for all students with disabilities, regardless of type of placement, by providing the same annual growth percentage linked to the growth rate for general support for public schools.
- Statutory amendment to authorize the issuance of annual interim plus growth rates to enable providers to access more funding at the start of the school year.

Additional Legislation Need for Residential Placements

Statutory amendment to require the state to make the education provider whole when tuition cannot be billed due to an adult occupying a student placement and to address the current problem of a lack of appropriate residential placements for students with disabilities.

Expanding Access to School Meals

Approximately 2.4 million of NY's approximately 3 million students in public, nonpublic, and residential schools have access to free meals each day via federal eligibility standards and provisions or through the State funding of reduced-price meals.

To help support schools and families during the pandemic, the U.S. Department of Agriculture (USDA) implemented Universal Free Meals (UFM), allowing schools to offer meals to all students for free, regardless of family income. The waivers used by the USDA to expand access to school meals expired at the end of the 2021–22 school year. The Department continues to advocate for the federal government to reinstate these waivers and restore Universal Free Meals.

Options	Estimated Cost
*Universal Free Lunch, Breakfast, and Snack	\$ 280,245,850
Universal Free Lunch and Snack <i>Only</i>	\$ 245,516,258
Universal Free Breakfast <i>Only</i>	\$ 34,729,592

These options would:

- Include all School Food Authorities (SFAs), including public schools, nonpublic schools, charter schools, and residential childcare institutions, participating in the federal school meals programs.
- Require that all SFAs maximize federal lunch and breakfast reimbursements to the greatest extent possible.
- Require SFAs to follow all federal requirements. For most SFAs, this includes collecting household meal applications to establish individual student free/reduced/paid benefit categories for federal meal reimbursements.

*Considerations that may increase the amount of State funding needed:

1. If meals are free, the number of meals served likely will increase as these estimates are based upon pre-pandemic meal counts.
2. Not all families who qualify for federal free or reduced-price meals via an income application will continue to submit applications for federal reimbursement if the state provides the free meal benefit.
3. School participation in the federal Community Eligibility Provision that optimizes federal funding could also decrease.

Note: Universal Free meals eliminate the incentive for families to complete income applications which would negatively impact other funding dependent on free/reduced price data such as State Aid Formulas, E-rate, free broadband, and federal Title funding.

This funding was not included in the Executive Budget proposal.

Learning About and Growing Healthy Foods in Schools

This grant would provide School Food Authorities (SFAs) with startup, implementation, and evaluation funding for farm-to-school programs. Programs will provide hands-on learning activities such as school gardening, farm visits, and culinary classes; and the integration of food, nutrition, and agriculture education into the regular, standards-based classroom curriculum. \$2 million would provide funding to schools for up to 50 projects during the 2023-24 fiscal year. One hundred percent of the funding requested would be provided to schools. The Child Nutrition Office would administer the grants with federal Child Nutrition State Administrative Expense Funding.

2023-24 Funding Request: \$2 million

This funding was not included in the Executive Budget proposal.

Relieving School District Mandates

School districts face many requirements or mandates. Some of those mandates are necessary for the implementation of the educational program in a safe, effective, and appropriately transparent manner. For others, the expense and time it takes to achieve compliance is not advancing the provision of high-quality education that prepares students for college, career and citizenship. For ready example, there are financial or other reporting requirements that are redundant. The conceptual proposal recommends convening a multi-agency team to streamline financial reporting. This would ultimately reduce district expenses on state reporting without compromising the state's ability to provide oversight and support district efforts to provide equitable education to all students.

The Regents State Aid Proposal recommends fully funding the prior year claims queue. The queue is a list of valid aid claims submitted too late for immediate payment. There are approximately \$300 million in claims in the queue. Prior to 2021-22, state budgets only included \$18 million annually to pay claims in the queue, and districts were waiting over 17 years to receive payment. The 2021-22 and 2022-23 enacted state budgets included no funding for these claims. In addition, the 2022-2023 state budget authorized forgiveness for various transportation and building aid penalties. While penalties taken from school districts, since 2013, were added to the prior year claims queue because the budget did not appropriate any funds to pay claims in this queue. However, districts have not realized the fiscal benefit of penalty forgiveness. Appropriation authority must be re-established to reduce or, ideally, eliminate the queue and to reimburse districts for forgiven penalties.

The 2022-23 enacted state budget brought a major shift to the future of pupil transportation in New York when it provided that all new school buses bought in the state in 2027 and after that must be zero-emission. This is a historic change in the pupil transportation field, and NYSED staff are working with multiple other state agencies to support our districts through the transition. The multi-agency group has identified several issues that may necessitate future changes to the two reimbursement-based aid programs that will support the transition costs, transportation aid and building aid. Even so, some school districts have begun planning for the transition, which could require increased electrical capacity at district bus depots. This may require bus electrification studies, which are not currently

aidable under transportation aid. These studies are essential to ensuring a safe and effective implementation of the initiative. The Executive Budget's new annual reporting requirement on progress in the transition was limited to school districts, which are only a small part of this work. Significant investments by other parties, such as contract transportation providers and electric utilities are an essential part of the transition. To make this transition work on the Executive's timeline, transportation providers need to start this work now. This may require some changes to state law. This will require study, but new language for contract cost adjustments in the middle of contract terms or rules around capital approvals by local voters could be helpful. The Executive Budget does not appear to address these issues or the impact of higher upfront costs for these purchases.

The requested funding for the prior year claims queue and prior year penalty forgiveness was not included in the Executive Budget proposal. The request to make bus electrification studies aidable was also not included. The Executive Budget proposes a five-year extension of the current redundant state transparency report rather than the streamlining the Regents requested.

State Aid for Public Library Construction Program

Capital funding of \$45 million (an increase of \$11 million over the 2022-23 level of \$34 million) is requested for 2023-24 to continue to address the statewide need of \$1.52 billion for public library construction and renovation and to address library structural needs for adequate broadband infrastructure. By providing the infrastructure for libraries to make that "last mile" connection to the expanded broadband networks that will be developed as part of these programs, libraries will be able to continue to support a variety of education initiatives.

Public libraries are the hub of community education and lifelong learning, particularly in economically disadvantaged areas. Communities expect their public libraries to offer various needed community services in accessible, safe, energy-efficient facilities and meet the public's growing information needs. In a digitally divided society, New York's libraries are the public infrastructure that supplies universal access to the three elements of digital equity: adequate internet, proper devices, and digital fluency skills. New York must make a significant investment in this infrastructure – in modern library facilities and robust broadband connectivity - to ensure public libraries can continue to play an essential role in supporting local communities across the State.

The Board of Regents endorses the concept that all public libraries should be able to accommodate recent technologies and supply the knowledge resources New Yorkers need to be successful in an information-driven, global environment. Despite the many successes of the current State Aid for Public Library Construction Program, there is still a pressing need for expanded State support. The estimated need for new construction, expansion, and renovation of existing public library facilities alone is over \$1.52 billion through 2025. Over half of the public library buildings in New York are now over sixty years old. Twenty-nine percent are between thirty to sixty years old. Many of these libraries lack adequate facilities to serve their communities and do not have sufficient space to house the library's collections, offer public programming, or provide safe, healthy working conditions for staff.

Close to one in five library buildings still do not have all public areas accessible to wheelchairs.

2023-24 Capital Funding Request: \$45 million

The Executive Budget Proposal provides \$14 million for Public Library Construction, a decrease of \$20 million from 2022-23 and \$31 million less than the Regents requested.

Teacher/Leader Preparation and Development

The 2022-23 enacted budget provided \$1.35 million in appropriation authority for the first year of TEACH system modernization. For 2023-24, NYSED requests \$1.75 million in appropriation authority for the second year of this initiative. This project has no General Fund cost, as the special revenue balance is being used to support the cost.

The first year of this four-year modernization project focused on streamlining teacher certification processes and making regulatory, policy, and technology improvements.

Process and technical improvements to date include: eliminating the edTPA requirement for certification; removing the general core in the liberal arts and sciences requirement from teacher preparation programs and the “individual evaluation” pathway to certification; streamlining the Additional Science Certificate content core requirement in teacher preparation programs and the “individual evaluation” pathway to certification; creating a Literacy (All Grade) certificate and a Students with Disabilities (All Grade) certificate; and contracting with the National Student Clearinghouse and Parchment to receive transcripts electronically. In tandem, Department staff have also made substantial updates to the existing TEACH system so that individual TEACH accounts reflect these changes.

The next phase of this project will require experts with specific IT knowledge, skills, and abilities. The Department has begun the process of hiring (via contract) an HBITS Project Manager and 2-4 HBITS Business Analysts to provide this expertise. Additionally, the Department will work with third-party vendors to implement modern systems used to communicate with applicants (i.e., website, online ticketing, chatbot), which will address longstanding customer service issues.

2023-24 Funding Request: \$1.75 million (appropriation authority)

This appropriation authority was included in the Executive Budget proposal.

Data and Systems Modernization

NYSED’s Office of Information Technology Services (ITS) received no added funding for staff in 2022-23. Over the past 20 years, this office has lost over 40% of its staff – from 173 FTEs to 90 FTEs. Staffing shortages and increased workloads do not enable ITS to support large, business-critical systems and provide direction and leadership to the Department’s modernization efforts. In addition, ITS lacks sufficient non-personal service funding to cover all essential maintenance procurements. This has resulted in critical portions of NYSED’s

data center being at or past end of life, a decade of overly complicated architecture, and industry standards not being met, which increases the risk of disastrous outages.

2023-24 Funding Request:

- \$1.96 million in recurring, annual funding for IT maintenance procurements and \$3.3 million to fund 36 new positions in ITS and in an ITS Project Management Office.
- \$16.6 million in new state general funds to support 187 new positions, including the 36 new positions in ITS referenced above. In addition to \$12.9 million in funding and 150 positions for critical agency infrastructure needs, the request includes \$3.7 million and 37 staff to support Board of Regents initiatives to streamline the pre-kindergarten program, to reform the tuition rate-setting methodology, to enhance Career and Technical Education and to promote local district efficiencies through regionalization.

This funding was not included in the Executive Budget proposal.

Office of Information Technology Services

NYSED's Office of Information Technology Services (ITS) is currently facing a crisis precipitated by a lack of necessary resources over an extended period. In the early 2000s, ITS had 173 FTEs. Currently the office has 90 FTEs, an over 40% decrease. Over the same time, we have experienced dramatic increases in the number of devices, programs and models supported, the number of applications, and the number of web visitors – in many cases 2-3 times increase. Staffing shortages and increased workloads have resulted in four key issues:

The Web Unit is expected to oversee the development of all NYSED.gov public-facing websites. This unit has always been severely understaffed. The issues stemming from the lack of staff have come to a critical juncture. Much of the website is in static HTML which is outdated and difficult to manage, while the rest of the sites are in a Drupal version that is soon to be end of life. The Web Unit must be treated as a priority, with a reporting structure that reflects the agency's needs.

While ITS works to support many Department modernization initiatives, ITS must also be able to continue to support large, business-critical systems that are severely understaffed. As ITS moves resources to support modernization teams, systems requiring multiple developers fall behind on outstanding work and technical debt. Applications are only one deep, which puts the systems at risk of insufficient support.

2023-24 Funding Request: \$2,617,933 (first-year cost) to support 29 new positions

This funding was not included in the Executive Budget proposal.

Conclusion

While the Executive Proposal contains many laudable and needed resources for schools, it leaves the Department, which is by virtue of New York's constitution, independent of the Executive, woefully under-resourced and under-staffed. It is incumbent upon the Legislature, which elects the Board of Regents, to address these deficiencies. For the Department to provide quality customer service and successfully complete all of the work that we are required to do by current law requirements, by the enacted legislation you pass, and by the many proposals that will be in the budget- appropriate staffing is needed. The only staffing the Department received in the Executive Budget proposal was temporary staffing related to the \$2.5 tuition methodology redesign work, which was provided in the absence of a corresponding request for increased staff to address the current rate backlog. We can't continue to operate like this any longer.

In summary, our proposals are true to the voices of the countless students, educators, parents, and stakeholder groups we serve and interact with daily. I look forward to your questions and to working with all of you on our shared goal to increase equity in education for all New York State students. Thank you.