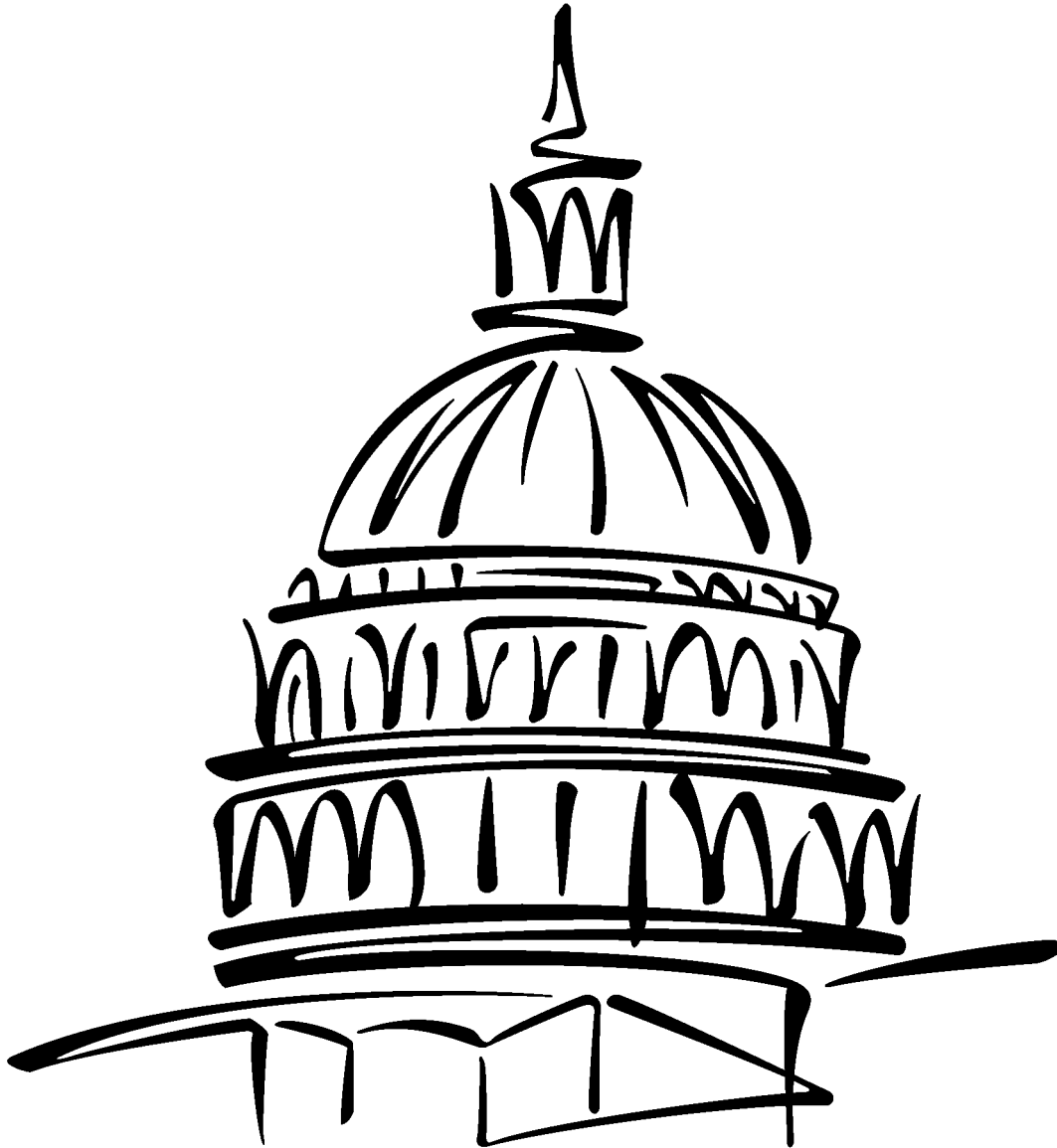


*Federal Legislation
and Education
in New York State
2006*



THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

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Introduction

The Board of Regents, the University of the State of New York and the New York State Education Department

Established by the New York State legislature in 1784, the Regents of the University of the State of New York form the oldest, continuous state education entity in America. The Regents are responsible for the general supervision of all educational activities within the state, including presiding over the New York State Education Department. The mission of the State Education Department is to raise the knowledge, skill and opportunity of all the people in New York.

The University of the State of New York (USNY) is the nation's most comprehensive and unified educational system encompassing all the institutions, public and private, that offer education in the state. It consists of the State Education Department as well as all elementary, secondary and postsecondary educational institutions, libraries, museums, public broadcasting, records and archives, professions and vocational and educational services for individuals with disabilities.

The Regents identified six goals for lifelong education, encompassing infancy through senior years:

- Every child will get a good start.
- Every child will read by the second grade.
- Every student will complete middle level education ready for high school.
- Every student will graduate from high school ready for work , higher education and citizenship.
- People who begin higher education will complete their programs.
- People of all ages who seek more knowledge and skill will have the fullest opportunity to continue their education.

These goals require the partnership and collaboration of all the USNY members. They also call for a new view of federal funding—as a linked continuum of support for each person throughout their life.

The Regents of the University of the State of New York form the oldest, continuous state education entity in America.

Importance of the Federal Role

The Regents believe that the federal government has a historically defined role in education that should be maintained and coordinated with state and local activities. Education is a state responsibility and a local operating function, with most funding properly coming from state and local sources. Federal funding should be a supplement directed toward specific needs, particularly to pursue equity and access.

While federal funds comprise a relatively small proportion of total education spending, they are pivotal and important resources to support the nation's learning system. Federal programs should serve special population groups such as the economically and educationally disadvantaged, people with disabilities, the gifted and talented, persons needing occupational education and students in high cost graduate or professional programs who are being trained for a national market. Federal programs also should recognize the pivotal role that state education agencies play in all facets of education nationwide, respect the rights of states and localities to design and manage education systems within their jurisdictions according to their own constitution or statute and provide adequate funding for administrative tasks that states and localities must complete to meet federal statutory requirements.

Federal Legislation and Education in New York State 2006, the New York State Board of Regents and the State Education Department's federal agenda, outlines the Regents legislative priorities for the second session of the 109th Congress. Its focus is on laws due for reauthorization and includes recommendations for statutory amendments to other laws to effect improved programs and services. For more information contact the State Education Department, Office of Governmental Relations at 202-659-1947 (Washington, DC) or 518-486-5644 (Albany, NY).

Education Funding in Federal Fiscal Year 2006

The 109th Congress approved the FY 2006 Labor-Health and Human Services-Education appropriations bill in late December 2005. The bill cut education funding for the first time in 10 years by 1.2 percent. Education was funded at \$56.5 billion--\$59 million less than the FY 05 level. In addition, Congress approved an across-the-board cut of one percent in all domestic discretionary programs (except veterans programs).

Funding for Title I and the Individuals with Disabilities Education Act (IDEA) was slightly reduced, further eroding the federal commitment to provide 40 percent of IDEA funding. The federal share dropped from 18 percent to 17.8 percent. Other education programs were cut more deeply. For the second year in a row, Title V of the No Child Left Behind Act, which provides grants to states for innovative education programs, was cut by close to 50 percent, to \$99 million.

The Deficit Reduction Act, signed into law in February, reduced student loan programs by close to \$12 billion. Pell grants received a small increase, but the maximum grant was frozen at \$4,050 for the fourth year in a row.

Congress level-funded both the National Endowment for the Arts and the National Endowment for the Arts at \$124 million and \$141 million, respectively.

The 109th Congress: First Session

The House and Senate both introduced legislation to reauthorize the *Workforce Investment Act*. The House passed its bill. The Senate bill was approved in committee and is awaiting action by the full Senate.

The five-year reauthorization of the *Personal Responsibility and Work Opportunity Reconciliation Act* was included in the *Deficit Reduction Act* that was signed into law by the President in February 2006. Implementing regulations are due to be released in June 2006.

Despite the fact that President Bush proposed to eliminate funding for Perkins vocational and technical education programs in his FY 2006 budget request, both the House and Senate passed bills reauthorizing the Perkins programs. Conferees have not been named.

After years of effort, some progress was been made to reauthorize the *Higher Education Act*. The majority of student loan provisions were included in the *Deficit Reduction Act* signed into law in February 2006. The House passed the remaining reauthorization provisions in March 2006. Action by the full Senate is pending. Current law has been extended through June 2006.

Head Start child development reauthorizing legislation was passed by the House and by the Senate committee. Action by the full Senate is pending.

No Child Left Behind Act

Funding for No Child Left Behind in New York State

	FY 2004	FY 2005	FY 2006
Title I	\$1,241,954,420	\$1,226,676,199	\$1,212,979,524*
Total NCLB programs	\$1,920,543,112	\$1,871,696,137	\$1,791,407,090*

* Estimate

The New York State Board of Regents and the State Education Department have historically required accountability and are strong supporters of NCLB's requirements.

Purpose of the No Child Left Behind Act

The No Child Left Behind Act (NCLB) mandates educational standards and holds states, school districts and schools accountable for the performance of all students. While NCLB is not due for reauthorization until the 110th Congress, the 109th Congress should address allocation of Title I funds and accountability requirements.

Title I. Title I provides aid to improve academic achievement for disadvantaged students. Funding allocations are made according to census data. While New York will receive an overall minimal increase in its state allocation for fiscal year 2006-2007, 10 percent of the school districts in the state will lose funding, including New York City, the largest and neediest, and 75 other districts, some of which are in small cities and rural areas, according to U.S. Education Department preliminary information released on December 16, 2005.

Accountability. The New York State Board of Regents and the State Education Department have historically required accountability and are strong supporters of NCLB's requirements. The mandate that schools demonstrate adequate yearly progress (AYP) toward meeting the law's education standards for each of several discrete subgroups of students (economically disadvantaged, major racial and ethnic groups, students with disabilities and students with limited English proficiency) creates differentiated challenges for schools and sometimes results in an inaccurate picture of true performance. For example, urban schools and districts

that must demonstrate progress for large numbers of disaggregated subgroups can show gains in performance but still fail to meet AYP goals. Furthermore, the current accountability requirements do not appropriately assess the progress schools and districts are making with students with disabilities.

Regents Priorities

1. **Fully fund NCLB.** Provide funding at the level authorized by the law. Funding for educational technology grants, e.g. Title II-D Enhancing Education Through Technology, should be increased to keep pace with inflation.
 2. **Extend hold harmless.** Extend the four-year grandfather provision to the basic, targeted and education finance improvement funding grants (concentrated grants are grandfathered) to allow school districts to adjust to future reductions in funding for these essential programs.
 3. **Allow longitudinal data to be used to demonstrate adequate yearly progress.** NCLB Section 1111(b)(3)(B) permits longitudinal data in a state accountability system but not as a way to demonstrate AYP. Use of longitudinal data for the annual grade 3-8 testing that goes into effect with the 2005-06 school year will enable schools and districts to demonstrate success in closing the achievement gap by measuring the aggregate change in performance of individual students over time. Districts and schools could use this data as an alternate means to achieve safe harbor. The U.S. Education Department's initiative to pilot growth models in 10 states is a step in the right direction (a growth model tracks the progress of individual students over time.) However, some of the conditions required for approval may limit its effectiveness. Building on these pilots, states should be permitted to use longitudinal data as an alternate means to give schools and districts credit for achieving safe harbor.
 4. **Provide a flexible definition of highly qualified special education teacher.** States should have the discretion to allow special education teachers and rural teachers who are highly qualified in one subject to teach other subjects when working in consultation with another teacher who is highly qualified in that subject. This would provide increased flexibility in staffing special education classes and maintain the consultation teacher model.
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- 5. Create accountability measures that truly assess the achievement of students with disabilities.** NCLB does not take into account the range of instructional levels and abilities of students with disabilities. NCLB recognizes that there is a small group of students (1 percent of the total population tested) with “significant cognitive disabilities” who can be counted as proficient on an alternate assessment based on alternate achievement standards. Recently proposed U.S. Education Department regulations would take into account another small group of students with disabilities (2 percent of the total population) who may take an assessment based on modified standards that reduce the breadth and depth of material at the same grade level while not precluding the student from getting a regular diploma. New York applauds the effort to allow certain special education students to be measured using modified standards and assessments. However, an alternate assessment for 1 percent of the population and an assessment based on modified standards for 2 percent of the population still does not take into account that within the 2 percent there is a sub-group of students with significant cognitive disabilities (e.g., those with mild mental retardation) who are not able to meet grade/age level expectations even with appropriate instructional programs and supports. It is not reasonable to expect these students to learn at the same rate or to learn the same level of content as their non-disabled peers. Nor is it reasonable to penalize schools that cannot meet NCLB adequate yearly progress (AYP) mandates due to the disparity in special education students’ learning abilities. Therefore, NCLB should be amended to recognize student results on assessments that measure performance toward modified state standards at the student’s appropriate instructional grade level for determining AYP. Achieving proficiency on these modified standards may not lead to a regular high school diploma, especially in states like New York where there is a commitment to very rigorous general education standards for students. Funding should be provided to help states that wish to develop these assessments or modify their existing assessments.
 - 6. Allow students with disabilities who need more than five years to graduate to be counted as graduates.** Some students with disabilities need more than the standard four years to achieve the learning standards and meet graduation requirements for a regular high school diploma. In calculating Adequate Yearly Progress in state plans, allow the determination of graduation rates to include students with disabilities who graduate from a secondary school with a regular diploma within the number of years established by their Individualized Education Program (IEP) team.
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7. **Oppose any programs that would divert already limited federal funds away from public schools.** President Bush's budget proposal requests \$100 million for a new America's Opportunity Scholarships for Kids program. Parents of students attending schools identified for restructuring under NCLB could receive up to \$4,000 per child for private school tuition, fees, and transportation costs. This proposal would divert critical funds from low-performing schools. Furthermore, any funding should comply with constitutional requirements for separation of church and state.
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Workforce Investment Act: An Overview

Over the next 20 years, the number of workers with postsecondary skills is projected to grow only 19 percent compared to a 138 percent increase from 1980 to 2000.

Context for Federal Investment in Workforce Preparation

Our nation's workforce competitiveness is tied directly to the skills, knowledge, credentials and supports that the education and vocational rehabilitation system provides. The Workforce Investment Act, enacted in 1998, recognized the need to connect the parts of the education system that address out-of-school youth and adults (vocational rehabilitation, adult education and family literacy, Perkins postsecondary vocational and technical education) with workforce development. Changes in the economy since 1998 have created new reauthorization challenges.

Increasingly some postsecondary education is required for living wage employment and careers. Over the next 20 years, the number of workers with postsecondary skills is projected to grow only 19 percent compared to a 138 percent increase from 1980 to 2000. Workers with postsecondary credentials are more likely to be employed than those with a high school education or less. This is especially true for African Americans and women. In 2000, 87.8 percent of workers with a college degree were employed, a 12 percent higher employment rate than for those with just a high school diploma and a 40 percent higher employment rate than for those with less than a high school education.

As globalization accelerates, the unskilled American worker is at a distinct disadvantage and more likely to be trapped in poverty. Not only are workers with postsecondary skills more likely to be employed in a knowledge economy, they are better buffered from job loss due to global competition. A national study of unemployment trends between 1996 and 1999 found that those with less than a high school education were unemployed 47 percent longer than college educated workers and those with only a high school diploma were unemployed almost 23.5 percent longer than those with at least some college (*Built to Last: Why Skills Matter for Long-Run Success in Welfare Reform*, Karen Martinson and Julie Strawn, April 2003).

U.S. prosperity depends on a skilled workforce and proactive support and organization for innovation.

A higher skilled workforce is only the baseline requirement for global competitiveness. The bar for skills is rising, a result of competition from lower wage but increasingly better educated workers overseas and the demands of rapid technological change at home. Responding to global competition requires integrating workforce development and education with economic development efforts to support innovation.

Mohammad and Farida Younus spoke three languages when they arrived from Pakistan but English was not one of them. Their youngest daughter Nazish is in kindergarten. Farida: "I knew no English when I came here, not even 'how are you?' I took citizenship classes and I passed citizenship. Now I take regular classes in reading and writing." Mohammad: "Reading and speaking English is very important in the United States. It helps you find a good job. I found a good construction job. I read blueprints. I understand directions. Before somebody would speak to me in English but I didn't know English. Now, they

show me the address and I drive the company truck all over four boroughs. I read the street signs; I check the maps. " Farida: "Nazish is going to Public School 7. She wants to be a doctor. Before I couldn't fill out the forms, I didn't know the ABCs. Now I help my daughter with her homework. Before, I cried when a letter came home with my child. Who will help me read this? Now I'm proud of myself; I can read the letter. Now I'm a citizen; this is my country. If I don't know English, how can I help my country? How can I help my children?"

Adult Education in Action in New York

Workforce Investment Act, Title I

Purpose of Title I of the Workforce Investment Act

Title I requires that each of nearly 600 local workforce investment areas in the nation develop and administer a one-stop delivery system. Federal adult education, vocational rehabilitation and postsecondary vocational and technical education programs administered by the State Education Department are mandatory partners in every local workforce investment area and expected to contribute to the shared costs of one-stop delivery centers.

The New York State Commissioner of Education is a permanent statutory member of the State Workforce Investment Board. At the local level, district managers from the Education Department's Office of Vocational and Educational Services

for Individuals with Disabilities sit on each of the state's 33 local workforce investment boards as do agency-designated representatives from funded adult education and family literacy programs.

Regents Priorities

1. Provide line item funding for one-stop delivery centers. Create a discrete funding appropriation to pay for one-stop delivery centers without diverting essential state administrative dollars from other programs. If this is not possible where such authority is constitutionally separate from the governor, as in New York, authorize the chief officer of the state policy-making entity constitutionally responsible for the administration of adult education and family literacy, vocational rehabilitation and postsecondary Perkins vocational and technical education programs to receive and distribute funding.

2. Maintain representation by key education and vocational rehabilitation partners designated by the state education agency on local workforce investment boards. Representatives can connect Workforce Investment Act planning and system-building with the educational and vocational rehabilitation system.

3. Support youth councils, maintain the balance between in-school and out-of-school youth programming and simplify the eligibility determination.

Either maintain current requirements for youth councils or provide state workforce investment boards with authority to determine whether and how to establish youth councils. Enable up to 70 percent of funds to be used for in-school youth and 30 percent for out-of-school youth. Either maintain this split or empower state workforce investment boards to determine the appropriate percentage. Allow programs to use school lunch eligibility as a proxy.

4. Support postsecondary skills for youth and adults. Connect all programming to postsecondary study so youth and adults obtain the education, credentials and supports needed for living wage employment. Expand support for Individual Training Accounts, critical to American competitiveness.

Adult Education in Action in New York

Rosa Veloz, 25, was born in the Dominican Republic and lived in Spain before coming to New York three years ago. After less than two years in the GED program at Highbridge

Community Life Center, she is now a student at Hostos Community College preparing for a career in law.

Adult Education and Family Literacy Act (Title II of the Workforce Investment Act)

Funding for Adult Education and Family Literacy Act in New York State

	FY 2004	FY 2005	FY 2006
Adult Education State Grants	\$33,307,381	\$33,044,635	\$32,707,289*

* Estimate

Purpose of Adult Education and Family Literacy Act

Title II provides out-of-school youth and adults over the age of 16 with the literacy, English language and GED preparation instruction needed to become effective workers, parents, citizens and community members.

Federal and state funds support 260 programs and over 140,000 students.

Adult Education and Family Literacy Act in New York State

Federal funds are combined with over \$100 million in state discretionary grant and state aid funds for adult education and family literacy administered by the State Education Department to support approximately 260 programs serving over 140,000 students annually. New York's system is the most diverse in the country and includes school districts, Boards of Cooperative Educational Services (BOCES), public and private postsecondary institutions, community-based organizations, literacy volunteer organizations, unions and library systems.

Regents Priorities

- 1. Support health literacy.** Create a 5 percent set-aside and expand appropriations to help adults who cannot understand English at least at a high school level obtain and understand the basic information and services they need to make appropriate health decisions.
 - 2. Reward good performance.** Target incentive grant funds to states with high performing adult education programs that display exemplary performance in meeting or exceeding core performance indicators in the National Reporting System.
 - 3. Expand state leadership funding.** Raise the ceiling for state leadership activities from 12.5 percent to 15 percent to support staff development, state coor-
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dination with multiple agencies, expanded use of distance learning and technology, development and assessment of research-based instruction and program development and technical assistance targeted to raising performance and accountability.

4. **Keep the current maintenance of effort requirements.** This is important to New York, which uses a contact hour-based state aid formula to provide support.

Vocational Rehabilitation Act (Title IV of the Workforce Investment Act)

Funding for the Vocational Rehabilitation Act in New York State

	FY 2004	FY 2005	FY 2006
Vocational Rehabilitation State Grants	\$135,187,045	\$135,944,496	\$141,341,255*

* Estimate

VESID and its network of community rehabilitation providers serve more than 60,000 individuals and place over 15,000 people into employment each year.

Purpose of the Vocational Rehabilitation Act

Title IV empowers individuals with disabilities to maximize employment, economic self-sufficiency, independence and inclusion. Universal access, a main principle of the Workforce Investment Act, holds promise for ensuring meaningful participation by individuals with disabilities in the full array of workforce activities.

Vocational Rehabilitation Act in New York State

The State Education Department's Office of Vocational and Educational Services for Individuals with Disabilities (VESID) is the designated state entity for vocational rehabilitation and independent living services. VESID local managers participate on all 33 local workforce investment boards. VESID staff is involved in the over 70 one-stop delivery centers in the state. VESID and its network of community rehabilitation providers serve more than 60,000 individuals and place over 15,000 people into employment each year.

Regents Priorities

1. **Close the employment gap.** Establish a funding formula for vocational rehabilitation that ensures adequate support for increased service demand and the need to achieve quality employment outcomes. The formula must address the inequities in the current formula by ensuring that no state receives less than a cost of living increase when the total national appropriation increases.
2. **Increase emphasis on transition services for youth.** Improve transition services without prioritizing students with disabilities over other eligible individuals. Establish a dedicated funding source for transition services reflecting a formula that supports the cost of staff and services required to provide effective transition to post-school employment.
3. **Provide more support for independent living.** Increase the appropriation for the Independent Living Services program based on the Consumer Price Index to meet emerging service demands, particularly those related to the Supreme Court's Olmstead Decision and the executive order for federal agencies to review their programs and practices in light of this decision.

"This is the first time I've had a job with benefits!" said Richard Dieu, a data entry operator at Quest Diagnostic Lab in Syosset, Long Island. He is deaf. Mr. Dieu spent years working at low paying, part-time or temporary supermarket positions because that was all he could get. VESID provided him with computer

skills training, placement assistance and interpreter services while he learned his new job. Quest HR Associates says of Mr. Dieu, "He has great attendance and productivity. Someone's life depends on this work. It's a tough job."

*Vocational
Rehabilitation
Funding in Action*

Marty Lewis had a long history of short-term, dead end jobs when he came to VESID. In recovery, Marty also has a permanent injury to one hand and he has had a heart attack. Labor market information indicated that Marty's dream of becoming a welder was practical and together VESID and Marty started the process. He successfully complet-

ed a stick welding program. VESID and the Buffalo one-stop center assisted in placement efforts. Marty entered the ironworkers Local #6 apprenticeship program. VESID bought his tools and equipment and paid his union dues. He is now a proud union welder at the federal building being built in downtown Buffalo.

***Vocational
Rehabilitation
Funding in Action***

Richard Sicignano loves science. And he loves making other people love it too. He was a geologist until a motor vehicle accident left him a C7 quadriplegic. He now uses a wheelchair and has limited upper torso and arm strength. VESID modified his van so he could work at a part-time job while recovering. Richard

really wanted to get back into science and with VESID's assistance he got his master's degree in education. He had several job offers and elected to teach earth science and environmental science at Ossining High School. He is earning over \$54,000 a year.

Carl D. Perkins Vocational and Technical Education Act

Funding for Perkins Vocational Education in New York State

	FY 2004	FY 2005	FY 2006
Total State	\$64,789,127	\$65,398,191	\$64,735,182*
Basic Grants	\$59,438,959	\$60,105,616	\$59,488,412*
Tech Prep Grants	\$5,350,168	\$5,292,575	\$5,246,770*

* Estimate

Purpose of the Perkins Vocational and Technical Education Act

Perkins is a significant assist to the overall goal of creating a workforce preparation system that can strengthen this nation's ability to face the challenges of today's and tomorrow's world economy. The federal government has a vital interest in the quality and availability of career and technical education (CTE), not only to address the workforce needs of the 21st century but because CTE brings relevance to learning. From middle and secondary students who want to know why they need to learn math, science and other core academics to post-secondary students seeking employment skills, CTE helps educators at every level achieve education reform goals.

A strong financial investment by the federal government is necessary to maintain quality CTE programs. While New York state invests heavily in CTE programs, federal Perkins funds allow programs to innovate and improve program quality. This has continued even though CTE has shared little in the overall increase in education funding.

Perkins in New York State

The State Education Department administers the Perkins Act and provides quality, relevant and rigorous CTE programs in schools, Boards of Cooperative

32% of all secondary diplomas and 30% of all postsecondary degrees and certificates at less than the baccalaureate level are career and technical education credentials.

Educational Services (BOCES) and postsecondary institutions as a first choice option for students to achieve state performance standards. Perkins funds both secondary and postsecondary programs. Thirty-two percent of all secondary diplomas and 30 percent of all postsecondary degrees and certificates earned at less than the baccalaureate level are CTE credentials.

In 2005-06, the State Education Department awarded a total of \$65.1 million to 141 education programs to support approximately 525,000 secondary and postsecondary students.

Even prior to the passage of the No Child Left Behind Act, New York had made great strides in raising academic standards for all students. That progress continues at the *secondary* level with Perkins funding, providing opportunities for students to achieve high academic standards. In the 2005-2006 academic year, the State Education Department awarded \$36.2 million to 79 education programs to support approximately 325,000 students, including the seven special population categories: disabled; economically disadvantaged; individuals preparing for non-traditional careers; single parents; displaced homemakers; educationally disadvantaged; and individuals with limited English proficiency. Recent data shows that 70 percent of students served by Perkins funds were members of one or more of these special populations.

At the *postsecondary* level, Perkins funds support a wide range of innovative activities that not only enable students to reach their career goals but also provide a smooth transition from the secondary to the postsecondary levels. In the 2005-2006 academic year, the State Education Department awarded \$28.9 million to 62 education programs to support 200,000 students. Recent data shows that 80 percent of students served by Perkins funds were members of one or more special populations.

Regents Priorities

1. **Do not include Career and Technical Education (CTE) funding as part of an education block grant.** Target Perkins funds to struggling students to help them achieve high academic standards.
 2. **State education agencies must continue to be the administrative entities for CTE funds.**
 3. **Provide separate funding for secondary and postsecondary CTE.** CTE remains an important strategy for ensuring academic success for many students across the K-16 system. Maintaining two funding formulas ensures that appropriate resources are made available at all levels.
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Higher Education Act

Selected funding for the Higher Education Act in New York State

	FY 2004	FY 2005	FY 2006
Pell Grants	\$983,900,000	\$938,800,000	\$950,100,000*
Perkins Loans – Capital Contributions	\$8,199,638	0	0*
Supplemental Educational Opportunity Grants	\$71,912,347	\$71,224,969	\$70,512,719*
Federal Work Study	\$100,615,144	\$97,061,692	\$96,091,075*
Leveraging Educational Assistance Partnership	\$6,922,300	\$6,759,562	\$5,489,786*
Byrd Honors Scholarships	\$2,532,000	\$2,479,500	\$2,473,500*

* Estimate

Purpose of the Higher Education Act

The Higher Education Act (HEA) supports states' efforts to extend educational opportunity and maintain a highly skilled workforce and citizenry. It funds: student financial assistance; early outreach and student services; teacher quality development; and strengthening postsecondary institutions and the workforce.

Higher Education Act in New York State

Each year New York's 271 degree-granting public, independent and proprietary institutions and 356 non-degree postsecondary vocational schools serve over a million undergraduate, graduate and first-professional students. In 2003-2004, these students borrowed over \$3.6 billion from HEA loan programs and received over \$1.1 billion in HEA grants and work-study wages. Pell grants went to over 385,000 undergraduates—approximately 1 of every 3 at four-year colleges and universities and 1 of every 2 at two-year colleges. New York has higher rates of college participation and completion than most other states. But, family income

In 2003, New York students borrowed over \$3.6 billion from HEA loan programs and received over \$1.2 billion in federal grants and work-study wages.

is not keeping pace with rising tuition prices, so Pell grants and federal loans cover a shrinking share of college costs and students rely increasingly on high-cost, private loans.

HEA's Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) serves youth who would not otherwise prepare for high school graduation and college study. In federal fiscal year 2005, New York received \$7.6 million from GEAR UP for statewide and partnership projects. The HEA's TRIO programs in New York help low-income and at-risk youth prepare for and succeed in undergraduate and graduate study. But TRIO and GEAR UP do not reach all eligible students.

The HEA's Title II teacher quality programs help teachers meet state and federal standards for preparation, certification, induction and professional development and help schools recruit highly qualified teachers. Teachers in high poverty schools and teachers of shortage subjects such as math and science rely on Title IV loan forgiveness.

Regents Priorities

- 1. Make college accessible for all.** Title IV programs should be strengthened. Increase the maximum Pell grant to help low-income students go to college. Pell grants should: provide an enhancement of up to \$750 for students with negative expected family contributions; be available for year-round study at all institutions; be reduced, when shortfalls occur, only with Congress' approval; and not be limited to a four-year period after the first award so that students who enroll part-time and receive prorated awards can complete their studies. Maintain Family Education Loans, Direct Student Loans and loan consolidation. Raise annual and aggregate limits for subsidized loans for all undergraduate, graduate and first professional students. Raise authorizations for the Leveraging Educational Assistance Program (LEAP) to support need-based state grant programs such as New York's Tuition Assistance Program (TAP). Continue Title IV campus-based programs. Streamline the student aid delivery system to enable students to use a state-specific, online application for both federal and state aid. Raise authorization levels for GEAR UP and TRIO to serve more eligible low-income and first-generation college students. Need-based grants should not be reduced to fund merit-based grants.
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2. **Support public school teachers, librarians and school leaders.** Title II should support states and institutions of higher education that help public schools prepare, recruit and retain highly qualified teachers, professional librarians and school leaders. Title IV loan forgiveness programs should be extended and amounts forgiven should be increased. Title VII graduate education programs should be aligned with Title II to address serious shortages of qualified teacher educators and enhance the qualifications of teachers in such hard-to-staff areas as mathematics, the sciences, special education and bilingual education.
3. **Expand higher education access for students with disabilities.** Students with disabilities are increasingly seeking postsecondary education. HEA Title IV early intervention and student assistance programs should address their needs and institutions of higher education should receive support for making reasonable accommodations.
4. **Strengthen higher education's capacity to serve all students.** Enable the National Center for Education Statistics to create a national, student-level system to track individual student progress and completion across postsecondary institutions and states. Reduce reimbursements that colleges must make to the federal government when students withdraw so that colleges have the resources they need to provide services to students without the threat of losing them. Maintain a limited federal role in tuition policy. Provide additional funding for public higher education institutions serving large populations of recent immigrant students. Increase financial support for older students. Expand campus-based programs such as Supplemental Educational Opportunity Grants, Perkins loans and College Work Study.

In 2003-2004, over 385,000 students received Pell grants.

New York State's HEA Teacher Quality Enhancement Grant supports New York's Teacher Recruitment Project. The project has enabled independent colleges and universities to place approximately 750 new teachers in New York

City public schools in the past two years through the Teaching Fellows Program. Without HEA funds, these colleges and universities would not be able to help New York City meet its need for teachers in hard-to-staff subjects and schools.

HEA in Action in New York State

Early Childhood Education

Quality early childhood education has been correlated with positive development of language and mathematics skills in young children and subsequent success in academic performance.

Purpose of Early Childhood Education

Successful academic achievement for children in prekindergarten through grade 12 is linked to participation in high-quality early care and education activities. Four-year-olds who participate in high quality, developmentally appropriate prekindergarten programs are better prepared for and do better in school. Quality early childhood education has been correlated with positive development of language and mathematics skills in young children and subsequent success in academic performance. The Board of Regents will revise its early childhood education policy paper in 2006 to reflect recent research and to be consistent with new program initiatives.

Early Childhood Education Programs in New York

New York has been viewed as a national leader in its implementation of universal prekindergarten. When New York's statute was enacted in 1997, fewer than 10 states had similar programs. Forty-six states now have some type of prekindergarten program. As a nation, we are moving toward an educational system that includes three and four-year olds.

Regents Priorities

- 1. Provide universal access to prekindergarten.** All four-year-olds, regardless of economic and social background, can benefit from an early start. Universally available prekindergarten ensures they have opportunities for quality early education experiences that result in enhanced readiness and greater potential for future academic success. Disadvantaged, low-income and other at-risk children especially need extra help to prepare them for general education.
 - 2. Ensure an available and qualified workforce.** Require that early education programs, regardless of location and sponsorship, be staffed by certified teachers whose preparation has included instruction relevant to the education of very young children (birth through age 5).
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3. **Provide early literacy instruction.** Align early literacy instruction with states' Reading First initiatives, ensuring that educational institutions have strong collaboration from other service providers.
4. **Create continuity of education.** Align all components of early education programs, from child-focused practice to scientifically based reading initiatives, with the kindergarten and early elementary programs that children will be entering. Continuity between prekindergarten and kindergarten is especially important. Provide adequate funding for full day programming.
5. **Meet the needs of families.** Ensure collaboration between child care and early education programs in ways that respond to the varied and multiple employment and care needs of students' families.
6. **Allow flexibility to build on current efforts.** This flexibility should include the authority for states to decide where the administration of the prekindergarten and early education programs will reside. Ensure that when states place the administration in other than the state education agency there are strong links between the state and local education agencies and the entities providing prekindergarten and early education programs. Extend flexibility to funding options. Allow states continued options to contract for services within the full continuum of the early education and care service delivery system.
7. **Provide adequate funding.** Funding must be sufficient to support and sustain the implementation and expansion of quality programs. The funding must be predictable, thus allowing program administrators to engage in long-term, realistic and meaningful planning.
8. **Align requirements for standards, curriculum, assessment and data reporting.**

As a nation, we are moving toward an educational system that includes three and four-year olds.

New York has successfully established a state funded prekindergarten program. One hundred ninety-three districts throughout the state have implemented prekindergarten programs. The state has designed a program that flows funds through school districts and requires funded collaboration with community-based providers and that all teachers regardless of setting meet teacher education certification requirements.

Improved scores on statewide testing, increased curriculum alignment regardless of setting, improved quality of instruction in community-based programs and shared professional development among collaborative providers are evidence of success. Additionally, the prekindergarten programs have been ideal settings for integrating preschool children with special needs. A longitudinal study by the Rochester Children's Project found that prekindergarten programs closed the achievement gap for four year-olds.

*Early Childhood
Education
in New York State*

Information and Cultural Resources

Millions of books, serials, manuscripts, archives and other documents residing in New York state libraries, historical societies, museums and other repositories are at risk due to their physical instability, poor storage environment, use and exposure to disasters.

Purpose of Information and Cultural Resources in New York

The Office of Cultural Education (OCE) comprises the State Library, the State Museum, the State Archives and the Office of Educational Television and Public Broadcasting. These institutions are responsible for increasing the knowledge and information resources of state and local governments, businesses and individuals.

OCE supports research, operates programs and develops collections that serve the long-term interests of the State's institutions and residents. The State Library, the State Archives and the State Museum provide services directly to individuals and government. OCE distributes aid to libraries and library systems, holders of historically important records, local governments and public broadcasting stations and provides instructional television services through its Public Broadcasting Program.

E-RATE PROGRAM

Purpose of the E-rate Program

The Telecommunications Act of 1996 required that elementary and secondary schools and libraries be offered discounted access to telecommunications services for educational purposes. Consequently, the Federal Communications Commission established the *Schools and Libraries Universal Support Mechanism*, popularly known as the E-rate program. E-rate is funded through the Universal Service Fund supported by a fee charged to telecommunications providers that they in turn pass along to consumers.

The E-rate program provides funding to telecommunications vendors to support discounts of between 20% and 90% to schools and libraries for telecommunications, Internet access and internal connections (cabling and network infrastructure needed for access by multiple users). The discount rate for each school and library depends on their rate of participation in the National School Lunch Program and their urban/rural status. Each year's funding is capped at \$2.25 bil-

lion and unused fund balances can be rolled over to following years. Annual requests for E-rate funding far exceed the monies available.

The FCC in 2004 determined that the E-rate program should be subject to the Antideficiency Act. The Antideficiency Act prohibits committing funds not actually accrued, so E-rate could not make funding commitments to school districts and libraries for the upcoming fiscal year. Late last year, Congress temporarily exempted E-rate from the Antideficiency Act until December 31, 2006.

The E-rate Program In New York State

New York's schools and libraries received \$384.9 million in E-rate funds through discounts for services in 2002, \$436.4 million in 2003 and almost \$339.9 million in 2004. Without continued, uninterrupted E-rate funding schools and libraries, especially in rural and low-income areas, will not be able to install the technology that students, educators and library users need to access critical information.

Regents Priority

Exempt the E-rate program permanently from the Antideficiency Act. Without this exemption, the program could once again be unnecessarily disrupted causing schools and libraries to delay or eliminate education technology needs.

USA PATRIOT ACT

Purpose of the USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) amended more than 15 federal statutes, including laws governing criminal procedure, computer fraud and abuse, foreign intelligence, wiretapping, immigration and privacy of student records. This law expanded the authority of the Federal Bureau of Investigation (FBI) and other law enforcement agencies to gain access to business, medical, educational and library books, records, papers, documents and other items, including stored electronic data and communications (Section 215). It also enhanced the government's surveillance capabilities, including wiretaps and phone devices to include Internet and electronic communications.

The USA PATRIOT Act was reauthorized in March 2006 following a three-month extension of the old law. The new law: allows recipients of a government request for business records to challenge a gag order after one year (a gag order prohibits recipients of search warrants from disclosing that they received one) if the recipient can prove the government acted in “bad faith”; removes a requirement that recipients of national security letters, which do not require court approval, disclose the name of any attorney they consult or intend to consult; and clarifies language to ensure that libraries operating in traditional roles are not subject to national security letters. Libraries operating as Internet service providers would not be similarly protected.

The USA PATRIOT Act in New York State

Libraries remain concerned that the new law fails to adequately protect patron privacy. To fulfill their mission of ensuring access to valuable information, knowledge, and collections now and in the future, many libraries have become Internet service providers and would continue to be subject to national security letters. Their ability to disclose the existence of search warrants issued under the Foreign Intelligence Surveillance Act or the fact that records were produced as a result of the warrant would continue to be severely restricted. In nearly all cases, patrons could not be told that their records were given to the FBI or that they are the subjects of FBI investigations.

Regents Priorities

The USA PATRIOT Act should be amended to require the government to demonstrate that records sought pertain to a suspected terrorist or spy or to an individual in contact with a suspected terrorist or spy or that they are relevant to the activities of a suspected terrorist or spy. The FBI should be required to obtain court approval for any search warrant. All provisions in the law should sunset no later than four years from the date it takes effect.

New provisions should address the gag order restrictions under Section 215 orders. Gag orders should be subject to immediate judicial review without any waiting period and recipients should not be required to prove the government acted in bad faith. The burden of proof of the need for a gag order should fall on the government.

Information and Cultural Education Programs in New York State

The Museum and Library Services Act, reauthorized in 2003, is composed of the Library Services and Technology Act (LSTA), Museum Services Act competitive grants and librarian recruitment. The LSTA provides formula grants to the states and competitive grants for advancing technology and networking services, digitization and other leadership, research and collaborative projects. The Institute of Museum and Library Services (IMLS) offers national competitive grants for recruiting librarians. Six library organizations received grants totaling \$2.1 million in 2005 under the Laura Bush 21st Century Librarian Program. In addition, IMLS supports the education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, institutes, or other programs.

The 34-year-old Corporation for Public Broadcasting is being transformed through the transition to digital television. Stations are migrating to digital broadcasting on a schedule mandated by the Federal Communications Commission. The public broadcasting system is implementing the extraordinary promise of emerging digital technologies while addressing the daunting challenge of funding them.

Libraries, museums and archives receive support from the National Endowment for the Humanities (NEH) for research, education, preservation and public programs. *We The People* is a two-year old NEH initiative to encourage and strengthen the teaching, study and understanding of American history, culture and civics. Millions of books, serials, manuscripts, archives and other documents residing in New York state libraries, historical societies, museums and other repositories are at risk due to their physical instability, poor storage environment, use and exposure to disasters. New York institutions receive over \$2 million a year in state funds to preserve and make their collections accessible. Many use these funds to leverage federal monies for preservation efforts.

The New York State Archives has received more federal support than any other archives in the nation. The *Save America's Treasures* program preserves nationally significant intellectual and cultural artifacts and historic structures and sites. Since its inception in 1998, the New York State Archives has been awarded three grants for conservation treatment of the Dutch Colonial manuscripts, the Native American treaties and land papers, and papers related to the American Revolution and early espionage. Within the National Archives, National

Since its inception in 1998, the New York State Archives has been awarded three grants for conservation treatment of the Dutch Colonial manuscripts, the Native American treaties and land papers and papers related to the American Revolution and early espionage.

Historical Publications and Records Commission support has been the main source of funding for statewide strategic planning for New York's historical records.

The National Science Foundation (NSF) funds science research and education programs. The State Museum has a long history of NSF funding for research and collections projects. NSF's role in funding scientific research is a critical component of a healthy scientific community in New York.

Regents Priorities

- 1. Reauthorize the Corporation for Public Broadcasting (CPB) to continue the digital conversion mandate.** Harnessing the greatly expanded capacity of public broadcasting to support educational programming at all levels requires a strong CPB with predictable and consistent funding.
 - 2. Continue and strengthen the U.S. Education Department's Teaching American History Grant Program, the multi-agency's Save America's Treasures Program and the NEH "We the People" initiative.** Many studies have indicated a dismal lack of knowledge about American history among students and the need for a firm grasp on American history and government in order to function responsibly in our democracy.
 - 3. Fund the Library Services and Technology Act at its full authorization level to allow more libraries to improve their services to underserved communities and implement new technologies.**
 - 4. Fund the National Historical Publications and Records Commission at its full authorization level.** NHPRC, the grant-making arm of the National Archives, provides critical funds that greatly expand the capacity of the State Archives and over 50 partner institutions to make historical records accessible for use by teachers, students, academics, government officials, business and legal researchers and others with a host of historical information needs.
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- State-of-the-art library services come right to families in rural south central New York thanks to the Four County Library System's Cybermobile. The bookmobile has a 100 percent satellite linked computer system through which residents can access the Internet and a regional library catalog without having to go to the library.
 - Children of at-risk parents in central

New York will have a brighter future, thanks to the Babies First program of the Mohawk Valley Library System. The program helped parents learn the importance of reading to babies from birth through books and other materials from health care providers. Parents were encouraged to use the library for information on parenting and early education.

***Library Services
Technology Act
Funding in Action
in New York State***

Because of NHPRC...

- Helen Keller's papers were made accessible to the public.
- Students can use historical photographs and documents.
- The first Latino archives in the U.S. was established at Hunter College, New York City.
- Historical records of Jewish commu-

nities were inventoried, photographs of Chinese settlement in Chinatown were preserved and records of the African-American community were made available to the public.

- New York participates in the InterPARES Project, an international research initiative for the permanent preservation of records created in electronic systems.

***National Historical
Publications and
Records Commission
Funding in Action in
New York State***
