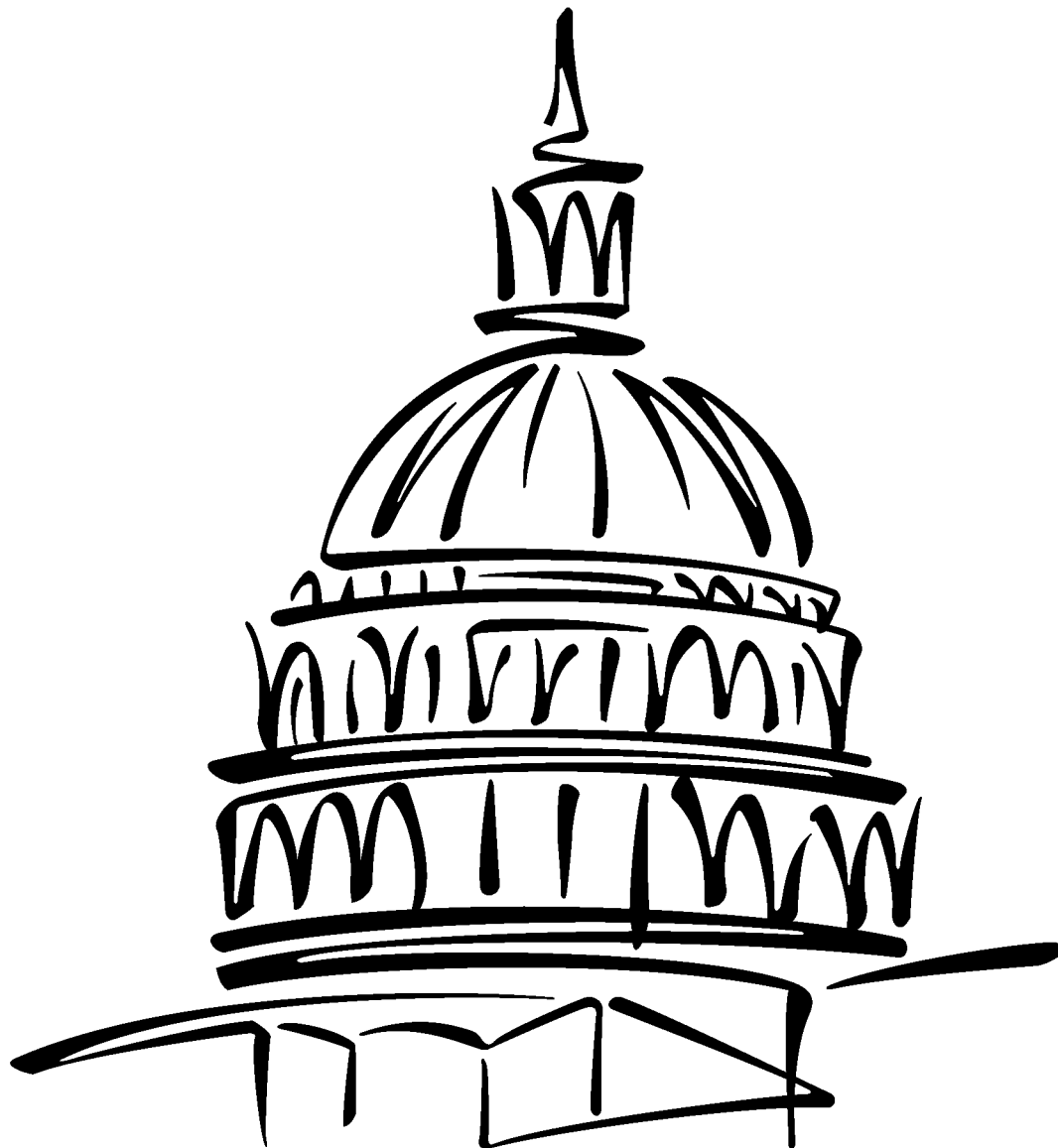


*Federal Legislation  
and Education  
in New York State  
2007*



# THE UNIVERSITY OF THE STATE OF NEW YORK

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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 have 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 the federal government as a vital partner in pro-

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

viding a continuum of educational opportunity from pre-kindergarten through adult learning.

### **Importance of the Federal Role**

Federal funds are essential 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 and regulatory requirements.

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*Federal funds are essential resources to support the nation's learning system.*

*Federal Legislation and Education in New York State 2007*, the New York State Board of Regents and the State Education Department's federal agenda, outlines the Regents legislative priorities for the first session of the 110<sup>th</sup> Congress.

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 Years 2006 and 2007**

The 109th Congress did not approve the fiscal year 2006 Labor-Health and Human Services-Education appropriations bill until late December 2005. The bill cut K-12 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 2005 level. In addition, Congress approved an across-the-board cut of one percent in all domestic discretionary programs (except veterans programs).

The Deficit Reduction Act (P.L. 109-171), signed into law in February 2006, 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.

The Bush administration's FY2007 budget proposal would have resulted in further reductions for many education programs. Congressional action on the

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FY2007 education appropriations bill was not completed by the time the 109<sup>th</sup> Congress adjourned in December. The 110<sup>th</sup> Congress will complete work on the bill in 2007.

**The 109th Congress**

The 109<sup>th</sup> Congress did not complete action on the reauthorization of several key education programs. Among those that stalled: Workforce Investment Act, Head Start, and portions of the Higher Education Act. The House held hearings during the second session on the reauthorization of the No Child Left Behind Act (NCLB), but neither chamber took action on any legislative proposals.

The 109<sup>th</sup> Congress reauthorized and renamed the Carl D. Perkins Career and Technical Education Improvement Act (P.L. 109-270) for six years and reauthorized the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) for five years, along with the student loan provisions of the Higher Education Act. Both the PRWORA and the Higher Education Reconciliation Act (HERA) were included in the Deficit Reduction Act, the omnibus budget bill.

## *No Child Left Behind Act*

### **Funding for No Child Left Behind in New York State**

	FY 2005	FY 2006	FY 2007
Title I	\$1,226,676,199	\$1,205,156,210*	\$1,206,671,161*
Total NCLB programs	\$1,874,836,853	\$1,780,265,582*	\$1,811,569,402*

\* Estimate

### **Purpose of the No Child Left Behind Act**

*The New York State Board of Regents and the State Education Department have required educational accountability since before NCLB and support the law's goals.*

The No Child Left Behind Act (NCLB) governs elementary and secondary education, mandates educational standards and holds states, school districts and schools accountable for the performance of all students. The New York State Board of Regents and the State Education Department have required educational accountability since before NCLB and support the law's goals of closing the great divide in achievement, from pre-kindergarten through college, along lines of income, race, ethnicity, language and disability and ensuring that students have the education necessary for them to keep up with growing demands for still more knowledge and skill in the face of increasing competition in a changing global economy.

### ***Regents Priorities***

When the No Child Left Behind Act of 2001 was enacted, the Regents recognized that its core components were consistent with the standards-based reform initiatives that they had been pursuing for more than 10 years. Setting high standards, ensuring research based curriculum and instruction, measuring and reporting performance, promoting high quality teaching, increasing parental involvement and holding schools and districts accountable for closing gaps in performance among groups of students are keys to the Regents strategy for improving educational outcomes for New York's students.

In the course of implementing NCLB, the Regents and New York's educational community identified general areas in need of improvement:

1. Realistic goals. Goals should be appropriate and reasonable. Expecting every child to demonstrate proficiency in the same manner along the same time-line is not realistic and can lead to inappropriate instructional practices and efforts to circumvent the system.
2. Appropriate assessments and performance measures. Appropriate instruments should be used to assess students, and schools and districts should be held accountable using appropriate measures. A reauthorized No Child Left Behind Act should provide schools and districts more flexibility to assess students using instruments that allow them to best demonstrate what they know rather than what they do not know. Determinations regarding Adequate Yearly Progress should be based on both how well students are performing as measured by common benchmarks and how much progress they are demonstrating over time. Such determinations should be sensitive to the unique circumstances of special populations in each state.
3. Targeted interventions. Mandated interventions should match the needs of students, schools and districts. More should be done to ensure that school choice and supplementary education services are provided to students who would most benefit from them while at the same time minimizing the financial and administrative burdens that these programs sometimes place on districts. Schools and districts with systematic failure of all student groups require very different interventions than districts in which failure to make Adequate Yearly Progress is based on the performance of a small group of students.
4. Full funding and adequate resources. Sufficient resources must be allocated to fully implement all provisions of the law. Closing the gap in student achievement involves having adequate resources available to support instructional programs for low-income students. Quality assessments, data collection and reporting, professional development, support for family partnerships, recruitment and retention of highly qualified teachers, school choice and supplementary educational services, and services to special populations can be implemented only with appropriate funding levels.

FY 2007 & 2008 Appropriations. Funding appropriated since NCLB was enacted is more than \$56 billion below the amount authorized. This lack of funding has shifted the financial burden of fulfilling many of the law's requirements to the

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states. Since NCLB was enacted New York's expenditures for testing have more than doubled—from \$14 million to \$32 million—which has resulted in less funding available for technical assistance and other supports school districts need.

In addition to programs such as Title I, Educational Technology, Safe and Drug-Free Schools, and State Assessments, adequate funding for numerous smaller education programs is also critical to students' academic success. Among those programs are:

1. **Reading First.** This program funds activities to ensure that every student can read at grade level or above no later than the end of grade three. Over 90% of the public schools participating in New York's Reading First program were Title I schools. Initial program data show significant increases in levels of literacy and learning by participating students.
  2. **Ready to Learn.** All New York public television stations broadcast the Ready to Learn programming, which is designed to equip young children to enter school prepared to become successful learners and achievers, and also provide outreach to teach parents, daycare providers and early childhood teachers how to use the programs effectively. Ready to Learn's next generation of services will focus exclusively on building reading achievement for children aged 2-8 from low-income families.
  3. **Ready to Teach.** The program funds Public Broadcasting Service's TeacherLine, an online professional development program that improves teacher quality, particularly in the core areas of reading and math. It also has allowed PBS and more than 80 local stations to create online research-based and standards-aligned courses in math, reading and technology integration, partner with local and state educational agencies to help teachers meet NCLB's Highly Qualified Teacher requirements and certify more than 700 facilitators for virtual learning instruction.
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## ***Workforce Investment Act: An Overview***

### **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 systems provide. 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.

The future prosperity of New York and the nation 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.

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***The future prosperity of New York and the nation depends on a skilled workforce and proactive support and organization for innovation.***

### ***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.

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**Workforce Investment Act in New York State**

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. One-stop delivery centers. Create a discrete line-item appropriation to pay for one-stop delivery centers without diverting essential state administrative dollars from other programs. If dedicated line-item funding for one-stop infrastructure is not provided, support infrastructure costs without violating state constitutional provisions. For states such as New York, where authority for the programs is constitutionally separate from the executive branch, 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 determine the infrastructure support with advice from the governor.
  2. Youth councils. Either maintain the current balance for youth councils between in-school and out-of-school youth or provide state workforce investment boards with the authority to determine whether and how to establish youth councils. Either enable up to 70 percent of funds to be used for in-school youth and 30 percent for out-of-school youth or empower state workforce investment boards to determine the appropriate percentage. Simplify eligibility determinations by allowing programs to use free and reduced price lunch eligibility as a proxy.
  3. Local boards. Maintain representation by key education and vocational rehabilitation partners designated by the state education agency on local workforce investment boards. Such representatives can ensure that Workforce Investment Act planning and system building is connected with the educational and vocational rehabilitation systems.
  4. State boards. Expand membership on state workforce investment boards to include representatives from agencies and organizations overseeing programs for persons with disabilities.
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## ***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 2005	FY 2006	FY 2007
Adult Education State Grants	\$33,044,635	\$32,708,040*	\$32,708,040*

\* Estimate

#### **Purpose of Adult Education and Family Literacy Act**

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

#### **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 230 programs serving over 156,000 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.

***Federal and state funds for adult education and family literacy support approximately 230 programs serving over 156,000 students annually.***

#### ***Regents Priorities***

1. Performance. Reward good performance by providing separate grant funding to states with high performing adult education programs that meet or exceed core performance indicators in the National Reporting System.

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 became a student at Hostos Community College and began preparing for a career in law.

***Adult Education and Family Literacy Act in Action in New York State***

2. State leadership. Expand state leadership funding by raising the ceiling for state leadership activities from 12.5 percent to 15 percent. Additional resources would support staff development, state coordination of 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.
3. Maintenance of effort. Keep the current maintenance of effort (MOE) requirements. This is important to New York, which uses a state funding formula based on contact hours.

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

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***VESID and its network of community rehabilitation providers serve more than 60,000 individuals and place over 13,000 people into employment each year.***

#### **Funding for the Vocational Rehabilitation Act in New York State**

	FY 2005	FY 2006	FY 2007
<b>Vocational Rehabilitation State Grants</b>	\$135,944,496	\$142,194,452*	\$146,134,022*

\* Estimate

#### **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 13,000 people into employment each year.

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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 began earning over \$54,000 a year.

***Vocational  
Rehabilitation Act  
in Action  
in New York State***

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***Regents Priorities***

1. Funding formula. 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 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. Strengthen the emphasis on the role of vocational rehabilitation in the transition of students with disabilities to employment. 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. 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.
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## *Higher Education Act*

### **Selected funding for the Higher Education Act in New York State**

	FY 2005	FY 2006	FY 2007
<b>Pell Grants</b>	\$938,800,000	\$950,100,000*	\$969,300,000*
<b>Supplemental Educational Opportunity Grants</b>	\$71,224,969	\$68,555,990*	\$68,556,008*
<b>Leveraging Educational Assistance Partnership</b>	\$6,759,562	\$5,489,786*	\$0*
<b>Byrd Honors Scholarships</b>	\$2,479,500	\$2,473,500	\$0*

\* Estimate

***In 2004-05, New York students borrowed over \$3.6 billion from HEA loan programs and received over \$1 billion in grants and work-study wages.***

### **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 postsecondary institutions.

### **Higher Education Act in New York State**

Each year New York's 271 public, independent and proprietary institutions that grant degrees and 356 postsecondary vocational schools that do not have degree programs serve over 1 million students in undergraduate, graduate and professional programs. In 2004-05, these students borrowed over \$3.6 billion from HEA loan programs and received over \$1 billion in HEA grants and work-study wages. Pell grants went to 362,000 undergraduates.

New York has higher rates of college participation and completion than most other states. But family income 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.

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New York State's HEA Teacher Quality Enhancement Grant supports New York's Teacher Recruitment Project. During a three-year period, the grant enabled independent colleges and universities to place nearly 850 new teach-

ers in New York City public schools 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.

*Higher Education Act  
in Action  
in New York State*

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***Regents Priorities***

1. College access. Make college accessible for all, including more low-income and first-generation students, by increasing the maximum Pell grant and funding for the Leveraging Educational Assistance Program (LEAP), Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) and the TRIO programs. LEAP funds states for need-based grants and community service work-study assistance to low-income postsecondary students. GEAR UP funds statewide and partnership projects designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. TRIO consists of six programs designed to help low-income and at-risk youth prepare for and succeed in undergraduate and graduate study. None of the programs receive sufficient funding to reach all eligible students.
  2. Educators. Title II teacher quality programs help teachers meet state and federal standards for preparation, certification, and professional development and help schools recruit highly qualified teachers. Title II also should support states and institutions of higher education that help public schools prepare, recruit and retain highly qualified teachers, professional librarians and school leaders. In addition, Title VII graduate education programs and Title II teacher education programs should provide support for graduate education for teachers, including doctoral education for teacher educators. Such programs are especially critical to address the serious shortages of qualified teachers and teacher educators in such hard-to-staff areas as mathematics, the sciences, special education and bilingual education.
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## *Head Start Act*

### **Purpose of Early Childhood Education**

Successful academic achievement for children in pre-kindergarten through grade 12 is scientifically linked to participation in high quality early care and education activities. Research shows a correlation between quality early childhood education and positive development of language and mathematics skills in young children and subsequent success in academic performance. Four-year-olds who participate in developmentally appropriate pre-kindergarten programs are better prepared for and do better in school.

### **Early Childhood Education Programs in New York**

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

### *Regents Priority*

Increase flexibility in the Head Start program. Head Start funding should be made available for all state pre-kindergarten initiatives rather than one specific program. Strong links between state and local education agencies and the entities providing pre-kindergarten and early education programs should be required along with alignment of standards, curriculum, assessment and data reporting.

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### *Early Childhood Education in Action in New York State*

New York has successfully established a state funded pre-kindergarten program that provides funds through school districts and requires collaboration with community-based providers. All teachers regardless of setting must meet teacher education certification requirements. The result has been improved scores on statewide tests, increased curriculum alignment regardless of setting,

improved quality of instruction in community programs and shared professional development among collaborative providers. The programs have been ideal settings for integrating preschool children with special needs. A longitudinal study by the Rochester Children's Project found that they closed the achievement gap for four-year-olds.

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## *Cultural Education and Educational Technology*

### **Purpose of Cultural Education and Educational Technology 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.

### ***Regents Priorities***

Adequate funding for these programs is critical to the education and life-long learning of all students, young and old, in New York and the nation.

1. Library Services and Technology Act. Reauthorized in 2003, this statute is composed of the Library Services and Technology Act (LSTA) and the Museum Services Act. New York's libraries depend on LSTA funds to sustain their services to their communities. Even if overall program funding increases in FY 2007, New York's funds will be reduced because the grant formula is based on population and New York's population is not increasing at the same rate as that of other states. Funding at the full authorization level is needed to allow more libraries to improve their services to underserved communities and provide a broad array of information-age resources, including high quality computer and Internet access services, coordinated

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*New York's cultural institutions are responsible for increasing the knowledge and information resources of state and local governments, businesses and individuals.*

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

- 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.

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programs for digitization and digital archiving, shared electronic catalogs, high speed, broadband telecommunications and 24/7 online reference and resource sharing services.

2. Teaching American History. Funded through the U.S. Department of Education, this program supports initiatives that raise student achievement by improving teachers' knowledge, understanding and appreciation of American history. The New York State Archives has had three projects funded. In 2006 projects in seven school districts were funded.
  3. Save America's Treasures. Administered by the U.S. Department of the Interior, this program funds the preservation of nationally significant intellectual and cultural artifacts and historic structures and sites. The New York State Archives has received three grants since 1998 for conservation of the Dutch Colonial manuscripts, the Native American treaties and land papers and papers related to the American Revolution and early espionage.
  4. National Historical Publications and Records Commission. Under the jurisdiction of the National Archives and Records Administration, commission grants have enabled the New York State Archives and over 50 partner institutions to make historical records accessible to teachers, students, academics, government officials, business people and legal researchers. In New York, the NHPRC has awarded
  5. We the People. Under the jurisdiction of the National Endowment for the Humanities, this program enhances teaching and understanding American history through grants to scholars, teachers, filmmakers, museums, libraries and other individuals and institutions, enables teachers to deepen their knowledge of American history through summer seminars and institutes and supports the We the People Bookshelf, Heroes of History Lecture, and the annual Idea of America essay contest.
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**Because of NHPRC...**

- Helen Keller's papers were made accessible to the public.
- The first Latino archives in the U.S. was established at Hunter College, New York City.

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

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

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6. The Corporation for Public Broadcasting. CPB's annual appropriation is the bread and butter foundation of public broadcasting in the United States. As a funder, regulator and investor in programming, CPB ensures the quality of service citizens receive from their local stations. All New York stations, television and radio, benefit. In FY 2004 (the most recent data available), CPB provided more than \$32 million to stations in New York.
  7. Public Telecommunications Facilities Program (PTFP). Under the jurisdiction of the U.S. Department of Commerce, the PTFP makes grants to public broadcasting stations and other eligible entities to buy essential transmission and production equipment. The PTFP requires local matching dollars (typically 50 percent of costs) for the construction, repair and replacement of facilities and equipment (excluding land and buildings). Without funds to buy cameras, control boards and editing equipment many stations would not be able to maintain adequate production facilities or provide the programs their communities need and want.
  8. Rural Utilities Service. With the deadline of February 17, 2009 to shut off analog television, public television stations serving rural communities are in the greatest need of funding to ensure continued service to their full coverage area. Under the jurisdiction of the U.S. Department of Agriculture, the Rural Utilities Service is one of the few sources of funding for converting digital translators and repeaters, the equipment needed to extend a signal to remote areas.
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*Under the E-rate program, New York's schools and libraries received close to \$340 million in 2004.*

### **E-rate Program**

The E-rate program provides funding to telecommunications vendors to support discounts 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 billion and unused fund balances can be rolled over to following years. Annual requests for E-rate funding far exceed the monies available. New York's schools and libraries received close to \$436 million in 2003 and \$340 million in 2004. Funds are still being allocated for 2005 and 2006.

In 2004 the Federal Communications Commission determined that the E-rate program should be subject to the Antideficiency Act. The Antideficiency Act prohibits committing funds not actually accrued, which would prevent the E-rate program from making funding commitments to school districts and libraries for any upcoming fiscal year. Congress temporarily exempted the E-rate program from the Antideficiency Act through December 31, 2006.

### ***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 be unable to address their education technology needs.

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