

**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

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- **Updating the Broken Special Education Tuition Methodology-** Providing an additional \$1.4 million to support the longstanding Regents priority proposal for consultant services to develop models to inform the development of options for a new tuition reimbursement methodology for approved providers of special education programs and services design for stakeholder consideration as well as additional time to complete this work.
- **Important Changes to Prekindergarten Funding-** State funded prekindergarten is made up of three types of funding streams: preschool for students with disabilities (4410), Universal Prekindergarten (UPK), and Statewide Universal Full-day Prekindergarten (SUFDPK). Merging any two of the three types is not possible without additional funds and/or a new funding mechanism. The state has four SUFDPK grants, three of which are handled separately and are being proposed to be merged in the 2024-25 school year for ease of administration. Additionally, all but one of the 2024he





- Assisting parents and community members who file complaints regarding charter schools, including those for SUNY-authorized charter schools, significantly limiting the

The A.R. opinion marks at least the third Circuit Court of Appeals, joining the Ninth Circuit and the First Circuits, to hold that when a state offers “public education” to non-disabled adults between the ages of 18 and 22, a state must offer FAPE to qualifying individuals with disabilities until their 22<sup>nd</sup> birthday or stand in violation of the IDEA.



formulas do not support the cost of implementing this expectation, especially in districts that do not have the staff, resources, and community partnerships already in place to serve the particular needs of these students. In these circumstances, waiting for reimbursement until the following school year for unexpected growth in student populations, which is how current state and federal funding works, is an issue that needs to be addressed.

Foundation Aid, the major form of operating support for many districts, is calculated on a per pupil basis, using the pupil count from the prior year. For districts undergoing rapid enrollment growth, or rapid growth in the number of students with a particular set of needs such as English Language Learners, aid based on enrollment from the prior year is insufficient to meet the needs of the students who have arrived. This is why the Regents and NYSED's proposal to support school districts is to provide current year aid for these students with a standalone "Growth Aid" formula at the Foundation Aid per pupil level. Aid in the 2024-2025 school year will be based on enrollment growth in the 2024-2025 school year and would be paid in the next state fiscal year.

To support unanticipated costs, NYSED is allocating \$2.25 million in surplus 2022-23 School Year Title III funds to districts throughout New York State that have enrolled high numbers of newly arrived immigrants who are reported to be in crisis in fall 2023. Grants have been awarded to 33 upstate districts and all 32 geographical districts within the NYC public school system, with funding divided evenly among three population size tiers and then split among each tier's constituent districts.

NYSED has also adjusted policy in response to the ongoing influx of newly arrived families. The Board of Regents has approved emergency rules to:

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## **NYS English as a Second Language Achievement Test (NYSESLAT)**

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

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

### **2024-25 Funding Request: \$4 million**

This funding was not included in the Executive Budget proposal.

## **Improving Education for Juvenile Justice Students**

While passage of Raise the Age in New York State was a critical step for youthful offenders, ensuring improved education opportunities for students in juvenile justice facilities is also needed to successfully address the prison pipeline. This is why the Regents and NYSED continue to propose the creation of statewide hybrid high school, in collaboration with the Office of Children and Family Services, for students in juvenile justice settings. Since these students are not able to attend traditional school programs, this program would employ certified teachers to provide instructional programs for these students. Funding would combine support for onsite staff and the costs of providing other coursework online. Operating costs would be covered in a manner that parallels current funding mechanisms for school districts. The program would be provided with start-up funding for design and implementation. For the first year, a high need district's pupil distribution would be used to establish a start-up weighting, then in subsequent years, funding would revert to the actual weightings for the students served. For students with disabilities who need in-person services, the district of residence would provide services and generate state aid for the services.

### **2024-25 Funding Request: \$20 million**

This funding was not included in the Executive Budget proposal.

## **Creation of a Zero-Emission Bus Agency Leadership Level Working Group**

The Executive's zero-emission bus initiative and the requirement that school buildings move towards increased electrification will require the State to overcome significant obstacles to reach full implementation. Many of these issues are outside the purview of NYSED. These include power generation capacity limitations, shortages of appropriately trained mechanics, and local tax/cost concerns, among others. To ensure successful implementation, we request that Legislature propose an agency leadership level working group that can identify implementation issues and develop and recommend solutions to support school districts

The dollar amount of the fee has not changed in over twenty years

the Executive Budget proposal, we will reach out to all parties to address any additional technical issues or concerns that we identify.

For the Department to provide quality customer service and successfully complete all of the work that we are required to do by current law requirements, by the enacted legislation you pass, and by the many proposals that will be in the budget, a reminder that appropriate staffing is needed.