

February 2002

# Report TO THE STATE BOARD OF REGENTS

BY STATE EDUCATION COMMISSIONER RICHARD P. MILLS

---

## *The Meeting in Brief:*

### *Action Items*

- Second emergency adoption of regulations relating to qualified zone academy bonds
- Approval of regulation to simplify language regarding community rehabilitation programs

### *Discussion*

- "No Child Left Behind" federal legislation
- Report on child nutrition programs
- Report on implementation of career and technical education policy
- 2003-04 budget plans
- Accreditation of teacher education programs
- USNY and closing the gaps

### *State Budget Challenges*

Our advocacy on the state budget is focused on a short list of challenges:

*Recruit teachers.* The teacher shortage is large, statewide, and right in front of us. A well-prepared teacher in every classroom is the surest way to close the achievement gap. Alternative certification has attracted many qualified people to teaching. We need \$28 million added to Teachers of Tomorrow to expand alternative certification and to strengthen district recruiting efforts.

*Fix State aid.* Giving each district approximately what they got last year is missing the opportunity to change. What is the opportunity? Everyone agrees that the State aid system doesn't work. It wasn't even used in the last budget process. The gaps in

performance and opportunity to perform have never been more obvious. Since there isn't enough to give everyone more, available funds should work toward closing the gaps. The Regents proposal begins a gradual and sustainable way to do that. Increase State aid by \$599 million and place more aid behind the children in greatest need.

*Build capacity in vocational rehabilitation.* Almost 600,000 New Yorkers of working age have a disability and no job. VESID serves about 100,000 a year and finds work for more than 16,000. More than 3,400 people with severe disabilities are waiting for supported employment jobs. Meanwhile, they are in costly day services programs. This year the federal government will issue 600,000 Tickets-to-Work and we expect 24,000 people to come to VESID for service. There is no capacity to respond. Add \$10 million to VESID to create that capacity.

*Reject the proposal to remove Cultural Education from the Regents.* The libraries, museums, archives, and public television are part of New York's education system. The connections to other parts of the University of the State of New York are obvious: institutions that prepare teachers and those that employ them; libraries and k-16 education; professional education and professional regulation. Theodore Roosevelt's vision, backed by history and validated in practice in the decades since, makes sense today. The Regents have made libraries, museums and archives highly visible and have presented well-grounded plans to improve them. Reject the proposal to remove cultural education.

*Invest in 21<sup>st</sup> Century Libraries.* The Regents Commission on the Future of Library Services described the problem: 1.3 million without a public library; needed support for research libraries; lack of elementary school librarians; inadequate library buildings; and so much more. The Commission also helped the Regents craft a solution. The proposal would cost \$105 million. Even in difficult times, New York needs to begin to solve this problem which is a barrier to economic development.

*Reject the elimination of higher education program review.* Program review is like insurance to protect the \$3 billion investment in higher education aid and the \$4.6 billion in federal and State student aid. Regional accreditation is no substitute to state program review. Middle States does not examine individual programs but whole institutions, and the reviews occur once a decade. We are there immediately when institutions are in difficulty. Program review protects New York citizens and higher education institutions from poor quality programs.

## ***Roosevelt***

The Legislature has not yet resolved the governance, finance, and performance problems in the Roosevelt School District. There are bills in both houses, but the bills are different and the differences are unresolved.

Immediately after the Regents appointed new members to the Oversight Panel in January, Richard Cate convened the Panel in Roosevelt, explained the financial situation and then the Panel cut the budget to match available resources. The Panel's budget action was necessary because the Roosevelt Board had failed to act and subsequently refused to comply with a Commissioner's Order to act. The Panel's solution was a careful one that avoided additional losses in classroom teachers.

The Senate provided \$1.4 million in member item funds, which would cover the anticipated layoffs -- about half of the Panel's budget cuts, and the Panel immediately rescinded the layoff notices that would have taken effect that evening. Unfortunately, the \$2.8 million structural deficit remains and the next budget will have to incorporate similar reductions (or tax increases).

The problem is not entirely as it was, however. It is actually worse than it was. In the absence of signed legislation, the essential funds will not be there. In addition, the state oversight legislation will sunset at the end of March. That means that the Panel will not be there to make the kind of prudent financial decisions they just made.

We will continue to advocate for the legislative solution. Meanwhile, Regents have the SURR regulations, and we will use that authority to direct actions to improve student performance. In addition, the most recent Commissioner's Order and the Regents appointment of additional Panel members extends to the preparation of a 2002-2003 budget in the district. The Panel will do that.

### ***Creating the 2003–2004 Budget***

That's no misprint. With the 2002–2003 budget just presented and far from resolution, it is time to think about the Regents 2003–2004 budget recommendations. The Regents established their budget process in 1999 and we take the first step at the February meeting, which is to "establish initiative outcomes and evaluation criteria and review the existing three-year initiatives." The Board has outcomes associated with the goals and performance measures in the strategic plan. Do the Regents want to modify those or proceed? The Board has a set of three-year initiatives. Does the Board want to modify them or proceed? Richard Cate and Terry Savo will lead us through this discussion and prepare the Board for step two in April, which involves Board evaluation of new proposals.

### ***No Child Left Behind: Understanding the Opportunity in the New Law***

The No Child Left Behind Act is complex and regulations are not available, but we can see enough now to grasp the opportunity. The increase in funding is substantial -- over \$460 million. Both states and localities have new flexibility to combine up to 50 percent of the funds in certain titles. There are resources for reading programs, professional development, and other strategies to close the gaps in achievement. As I noted in my

report last month, the Regents anticipated many of the strategies included such as annual performance reporting, acceptable yearly improvement targets, and an end to uncertified teaching.

The challenge is to meld the new federal resources and other features of the law with on-going local and state strategies. In particular, the federal funds could strengthen our gap-closing strategies. Deputy Commissioner Kadamus has warned of some pitfalls. If we simply use the federal funds to fill gaps in other revenues the funds will not leverage improvement. If we allow old patterns of thinking about categorical funding, the power of flexible funding streams will elude us. The first challenge is for everyone to understand what the law says. Jim Kadamus will help us do that in the February meeting.

### ***Looking behind the averages***

In March the next School Report Cards will appear with a new dimension. For the first time we will report student achievement by subgroups of students. Parents and other citizens will see performance data by gender, disability, racial and ethnic group, language proficiency status, migrant status, and income. This is an improvement that many people have worked toward for a long time. The new data will support an even richer discussion of student performance and how to improve it. Many thanks to the many people in local school districts, professional associations, and the State Education Department who have made this advance possible. The challenge now is to use these data to close the gaps in student achievement statewide and in every school.

### ***USNY Report on Addressing the Critical Need Relating to Student Achievement and Closing the Gap***

In December, the Regents adopted priorities to focus our efforts over the next year. These priorities will challenge the Department to realign its time, energy and resources. In February, we will illustrate a few of the countless efforts University-wide to act on the priority of raising student achievement and closing the gaps. These examples could lead to an explicit strategy of the entire University. That will be the subject of a brief Full Board discussion.

### ***Child Nutrition Programs***

The connection between nutrition and academic achievement is not new. Children who aren't hungry feel better, learn better and behave better. Staff will report on the various child nutrition programs administered by the Department—the School Breakfast Program, the National School Lunch Program, the Special Milk Program, the Summer Food Service Program, and snacks in after-school care provided through the National School Lunch Program. These programs contribute to overcoming nutritional deprivation, a barrier to learning. The report includes information on participation rates in these programs, our outreach efforts to parents and school staff to promote these

programs, and our development of lessons to help students make healthy decisions regarding their eating habits.

### ***Passing grades***

The field is divided on the matter of when to end the temporary local diploma pass option of 55. Some want to be able to offer the low pass option for local diplomas for several more years while others insist that it should be 65 now. As Regents know, I have continually asked what people would do if there were more time. The answers don't satisfy because they are not specific.

More recently I have turned the question around: "What more would we have to do to raise the achievement of all students to a 65 standard?" Should we create a "catch-up curriculum" for some students, or further concentrate on particular groups of students needing more help, or share especially effective instructional practices?

The answers to those questions suggest a growing interest in building capacity to share what works. Without systems to share and apply effective practices *in a rigorous manner*, the "more time" discussion is not persuasive. In the end, the Regents may find that the data still support their policy of 65 for the class that began 9<sup>th</sup> grade in 2001. Nevertheless, this new tone in the discussion seems productive. Let's see where it takes us.

### ***Career and Technical Education (CTE)***

The Regents EMSC Committee will receive a report on the status of the career and technical education option one-year into implementation. Like many new ideas, there are early adoptions and the report highlights many areas of the State where new programs have been approved. Given their fiscal conditions, the Big Five have been slower in restructuring their traditional vocational programs. Department staff is focusing technical assistance efforts to help the Big Five design new Career and Technical Education programs.

### ***Federal Update***

The President has given the Congress his federal fiscal year 2003 budget proposal. As expected, defense and homeland security are emphasized while other programs are increased minimally, if at all. In education, special education, the Title I compensatory education, and Reading First programs receive substantial increases. Other programs generally have small or no increases. Numerous small programs would be eliminated, including Community Technology Centers, Javits Gifted and Talented, Women's Education Equity, the new Rural Education program, Projects with Industry, and Supported Employment State Grants.

The President also proposes a refundable tax credit for certain costs of attending a different school for pupils from failing public schools. That would cover attendance at any public school making adequate yearly progress or a private school. Another tax proposal would allow certain teachers and other elementary and secondary school professionals to treat up to \$400 in qualified out-of-pocket classroom expenses as a nonitemized deduction (above-the-line deduction).

Opposition to the budget may come from Democrats, who see it as another vehicle for tax cuts for the wealthy at the expense of domestic needs and an exercise in accounting gimmickry, and Republican conservatives, who are unhappy about the deficits that new spending will generate. The Congress may follow the President's outline or not in allocating money through the appropriations process, which has yet to begin.

### ***Public Broadcasting responds to the educational challenge***

The Corporation for Public Broadcasting has funded a major study, now underway, of new collaboration plans for the New York stations. These are the topics: educational outreach with emphasis on a statewide Empire Channel dedicated to education; an interconnect among the stations; and multi-market underwriting. The study is another step in the conversion to digital technology and the development of new services. The Office of Educational Television and Public Broadcasting is assisting in designing a business plan.

The Boards of Trustees of Thirteen/WNET and WLIW have agreed to merge, bringing together the first and fourth largest New York public broadcasting stations based on audience size. The agreement provides for a significant increase in local programming for Long Island and reduces technology costs required by the conversion to digital technology. A final signed agreement is anticipated in August 2002.

A two day Education Summit held last October has resulted in the education managers of the stations redesigning their current Instructional Television Services. A plan to transition from overnight block feeds of entire series to on-demand video segments aligned with learning standards is under development.

### ***Thoughts on African American History Month***

*Here is what I said last week at the State Museum at the Celebration of African-American History Month and the opening of the exhibit entitled "A Slave Ship Speaks; the Wreck of the Henrietta Marie."*

So many leaders in the Civil Rights struggle came from a prophetic tradition. They were and are masters of the written and spoken word. Together and sometimes alone they shook the nation with their words, as prophets are wont to do.

But artifacts speak powerfully, too. They sometimes carry the voices of men and women long gone. Museums and Archives are where we can encounter those artifacts. They are places we need to educate our children as well as ourselves.

That is why the Regents think the Museum and the Library and the Archives are such important parts of our education system.

Last year I brought some of those artifacts into a legislative hearing on the budget.

There was a bill of sale for the purchase of a slave. It wasn't from some other state but from here. It reminded us that New York was once a slave state.

I brought also a Congressional Medal of Honor awarded to a citizen of Albany who led troops in a terrible engagement at Vicksburg. It made me think of the long campaign to recognize the valor of another man from Albany who served in World War I – Henry Johnson.

Together at these celebrations we have read the autographed copy of the Great Emancipation. This too is part of the collection here.

Tonight we open yet another part of the Museum: an exhibit called "A Slave Ship Speaks: The Wreck of the Henrietta Marie."

There is a lot to read in that exhibit, and recorded voices to listen to. But the most eloquent part of this exhibit is profoundly silent: the shackles that bound the hands and feet of slaves.

Look upon these things ...and listen...and teach your children.

### ***Professional Practice – Certified Public Accountancy***

The State Education Department is committed to ensuring the safe and effective practice of all the professions, including public accountancy. This week, Deputy Commissioner Duncan-Poitier; Frank Munoz, Executive Director Professional Responsibility; Daniel Dustin, Executive Secretary for the Board of Public Accountancy; and the Chair and Vice chair of the state board for public accountancy represented the Regents and the Department at a public hearing held by the Senate's Higher Education Committee. The hearing focused on the purpose and mission of 21<sup>st</sup> century accounting firms and the independence of certified public accountants in the post-Enron era. Among the areas discussed were a broadened definition of scope of practice, mandatory peer review of public accounting firms, a seamless continuum of professional oversight involving the U.S. Securities & Exchange Commission and the State licensing jurisdictions, and amending Regents Rules to provide specific records retention requirements. The Department will remain involved in future public hearings and roundtable discussions

advocating Regents role in protection of the public and the integrity of the profession, consistent with the Regents mission and goals.

---

*A monthly publication of the State Education Department*



---

[Back to Report Home Page](#) | [Return to SED Home Page](#)

*Last Updated: February 13, 2002 (mcf)*  
*URL: <http://www.nysed.gov/comm/reg0202.htm>*