



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

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**Written Testimony of Interim Commissioner Dr. Betty A. Rosa
New York State Education Department
Joint Legislative Higher Education Budget Hearing- February 4, 2021**

Good afternoon Chairs Krueger, Weinstein, Stavisky, and Glick, and members of the Senate and Assembly here today. I'm Dr. Betty Rosa, the Interim Commissioner of Education. I am joined by Chief Financial Officer Phyllis Morris, Deputy Commissioners Sarah Benson, Dr. Bill Murphy and Ceylane Meyers-Ruff as well as Assistant Commissioner Dr. Anael Alston. I also want to thank Chancellor Young and our Board of Regents who are watching today.

As you know, 2020 was a year like no other with the Governor ordering institutions of higher education to stop in-person instruction this past spring due to the pandemic. This mandatory closure forced colleges and universities across New York State to undertake an unprecedented transformation, forcing faculty and our students to shift from in-person instruction to all-remote learning. I want to thank and commend our students and their families, administration, faculty, and support staff across New York State for their efforts in making this important and necessary shift.

The pandemic and the changes it has brought about have been especially challenging for foster care youth, students in opportunity programs, and students with disabilities. We need to support our postsecondary students, as their needs and challenges have only increased during this time. In addition, we need to ensure supports are in place for post-secondary education for students that are at the highest risk of either not attending college, or not completing a degree. As you can see on slides 3 through 7, our opportunity programs provide access are designed to help these students. As such, we were pleased to see that the Executive Budget proposal did not cut any of these critical programs. Over 40,000 students are served by these opportunity programs.

However, we do ask for needed investments to support our students with disabilities. The Department has been engaged in collaborative efforts with our higher education sectors to establish a legislative framework advocating for critical new funding. This funding would supplement, not supplant, any other funding in existence for support and accommodations of students with disabilities, summer college preparation programs, training, and data collection. We need to start this critical conversation of how, as a State, we can better support our students with disabilities to be successful in college. A \$7 million grant program would be allocated, in a proportional manner by each identified student with a disability, to eligible degree granting colleges.

Moving on to the Executive's budget proposed Article VII provisions, I need to note our opposition to their program approval proposal. This proposal would permit any new curriculum or program of study offered by certain not-for-profit colleges to be deemed approved by the governing body of such college or university. As written, this proposal would eliminate the Department's role in reviewing the majority of program proposals for almost all independent colleges and universities as well as SUNY and CUNY institutions. The Department's independent review of these program proposals provides an important level of consumer and student protection. Currently, the majority of these reviews and approvals occur within 30 days of receipt of an application by our staff. The Board

of Regents and the Department does not want to stand in the way of innovation, but we do want to ensure that our students, their time and money are invested in quality higher education programs. This important independent review process protects students.

We're happy to see that the Executive Budget includes \$7.85 million in Capital spending authority to continue our systems modernization efforts for the Office of the Professions. This work has begun and we have a great plan to realize major improvements for New York State. OP's Modernization plan is underway to replace our antiquated mainframe system with a robust custom-built online licensing platform to handle all licensing and renewal activities in one universal system for the nearly 1 million professionals in New York, including major enhancements to the customer experience and improvements to efficiency for back-office processes, over the next 3 years. The first phase of the OP Modernization Program, the launch of online applications, is now available for all 50+ professions as well as accompanying privileges in health care professions, and, coming later this year, an enhanced "self-service" FAQ database and updated, fully accessible website will be released to enable the public to find information quickly and easily.

However, this good news is tempered by current hiring and staffing constraints at a time during a pandemic when licensing and registering health professionals in a timely manner is even more critical. Our Office of Professions or OP is funded by a revenue account that is solely funded by the fees paid by licensees and applicants. These fees bring in approximately \$55 million in annual revenue and these funds cannot be spent without an authorization in the enacted State budget, which sets an appropriation level for OP spending. For years, OP was held to appropriation and spending levels that were significantly below its revenue intake.

With Executive and Legislative support, which the Department was thankful for, OP's spending and appropriation levels were increased in the 2019-20 budget, which provided OP with the ability to begin to rebuild their staffing. However, the rebuilding process had only just begun when the pandemic hit and spending and staffing controls were put in place by the Division of Budget. In May 2020, OP had 324 staff, a historic high in recent years, but still short of their budgeted target of 348, which is the minimum staffing level to reasonably address OP's growing mandated responsibilities. Since DOB instituted a hiring freeze in April 2020, OP has experienced a rapid loss of staff in critical areas.

OP staffing today stands at only 296 employees, with several retirements already announced that will occur in the coming months. While OP received DOB approval on 8 of OP's pending waivers earlier this week, OP currently has 44 other vacant positions, and priority staffing waivers continue to be pending DOB approval, despite OP's critical role in licensing and overseeing professionals on the front lines of the current pandemic. As we all know, this loss of staff directly impacts OP's ability to process license applicants in a timely manner, delaying the ability of these qualified individuals to provide critically needed professional services.

Staffing losses are also impacting OP's ability to timely review and approve licensure-qualifying education programs, resulting in review cycle times of 12 weeks or more in nursing programs at a time when programs are trying to meet the demand for more quality programs to educate critically needed professionals. Staffing losses have also had a negative impact on the workload and cycle times for the resolution of complaints of professional misconduct. These delays across all 54 professions - soon to be 55 with the addition of the new Registered Pharmacy Technician license in April 2021 - result in avoidable risks to public health and safety which could be addressed if OP

were exempt from State hiring and spending restrictions, and able to timely fill all vacant positions, consistent with revenue generated for its revenue account.

OP has undergone transformative and continuous business improvements to do more with less and is committed to ensuring the effective and efficient use of licensee dollars. However, if these drastic hiring freeze constraints continue, the ability of OP to meet its full array of responsibilities will continue to deteriorate to dangerous levels. We would like to work with you to address this important public health and safety issue.

Before I end my testimony, I would be remiss not to thank our staff who work so very hard on behalf of students, institutions of higher education and licensed professionals across New York. Thank you, and I look forward to your questions.