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**Written Testimony of Commissioner Dr. Betty A. Rosa  
New York State Education Department  
Joint Legislative Higher Education Budget Hearing  
February 27, 2023**

Good afternoon, Chairs Krueger, Weinstein, Stavisky, and Fahy, and good afternoon to the members of the Senate and Assembly who are here today. My name is Dr. Betty A. Rosa, and I am New York's Commissioner of Education. I am joined today by Executive Deputy Commissioner Sharon Cates-Williams; Senior Deputy Commissioner Dr. James N. Baldwin; and Office of the Professions Deputy Commissioner Sarah Benson. I also want to acknowledge and thank Chancellor Lester Young, and the members of the Board of Regents, who I know are watching today.

The New York State Education Department (Department) is an exceptionally complex and interconnected system of educational programs and services. Our stated mission is to raise the knowledge, skill, and opportunity of *all* New Yorkers.

To achieve this mission, the Regents and the Department have developed three principles that guide our work; through these principles, we seek to:

- Foster lifelong learning, academic success, and improved outcomes for all students.
- Advance equity, excellence, and access for all students.
- Strengthen NYSED's capacity to serve the public.

Our higher education and professions budget and legislative priority requests are closely aligned with these guiding principles and will guarantee the resources needed to achieve them.

### **College and Career Pathways**

All students, including those traditionally underrepresented and academically and/or economically at-risk in postsecondary education, benefit from strong, innovative programs designed to increase engagement in their high school education and boost college participation levels and career readiness.

As part of its commitment to the P-20 continuum, the Regents and Department continue to support programs that successfully prepare students for college, careers, and civic life. The Early College High Schools Program (ECHS) and the NYS Pathways in Technology Early College High Schools (P-TECH) are examples of programs that ensure students graduate high school and transition to rewarding college and career opportunities. Additionally, many Career Technical Education programs offered by school districts and BOCES effectively engage students while providing college credit and career pathways.

Early College High Schools (ECHS) are partnerships between high schools and institutions of higher education that allow students to simultaneously obtain their high school diploma and earn up between 24 to 60 transferable college credits as part of an organized, rigorous four-year program toward a postsecondary degree or credential at no cost to the student or the student's family.

In 2021-22, the Department provided funding to 45 ECHS four-year programs. Data suggests these programs are highly successful, resulting in substantial student college credit accumulation.

NYS Pathways in Technology (P-TECH) are partnerships between high schools, institutions of higher education, and businesses that create individual pathways for students to simultaneously obtain their high school diploma, earn an associate degree, and obtain workplace learning/experience. These programs also place students first in line for a job with the program's industry partner through a six-year integrated model.

In 2021-22, the Department provided funding for 42 NYS P-TECH projects. The data collected by a legislatively mandated survey of P-TECH programs indicates that some programs are either not financially sustainable or not achieving their programmatic goals. P-TECH data indicates programmatic and financial deficiencies that should be addressed to increase completion rates and provide program flexibility based on student interest and local economic development needs.

Advanced Course Access (ACA) programs offer funding to students who reside within districts with little or no advanced course offerings for students or BOCES containing such school districts. Funds devoted to these programs help establish rigorous advanced course offerings, including dual-credit courses.

In 2021-22, five such programs in four BOCES and one city school district received this grant, and 113 advanced courses were offered with Department-administered funding.

**The Regents and the Department recommend the following measures to better effectuate the educational and legislative intent of the early college high school initiatives PTECH:**

**Create a new College Credit and Career Opportunity Program**, which would provide financial support to programs for high school students seeking college credit courses and/or a career pathway. This would combine ACA, PTECH, and ECHS under one appropriation with general program guidelines that support programs up to six years in duration. This would form the basis of an expanded State commitment to support dual enrollment programs.

The Board and Department envision a flexible program that would allow for a program of up to six years. Funding would be distributed to districts and BOCES serving high rates of economically disadvantaged students. Programs would be regionally focused to encourage availability to a broad base of students. There would be no specific allocation to a particular program area, which would allow districts and BOCES to apply for funding based on what

program model or combination of models make the most sense to them based on student need and interest as well as local and regional workforce needs.

To implement this proposal, the Department recommends the following:

1. **Issue an omnibus Request for Proposals (RFP) that includes each program mentioned above**, specifying each program's expectations and requirements. This would allow school districts and BOCES to design programs using components of various models.
2. **Provide greater clarity of expectations.** The RFP and related program statutory language would clearly define success and desired outcomes for such programs, including the expected benchmarks at each interval. The RFP/program language would also identify required data reporting, including college credit attainment by semester.
3. **Provide greater flexibility with the PTECH model.** The data collected for the first cohorts that have completed the six-year initiative shows a significant drop in enrollment after four years. This suggests that while there is interest in students attaining college credit and job training, many students do not retain interest for the entire six years. Allowing districts to choose a period of fewer than six years will likely increase student retention and completion, and spur additional student interest in the program.
4. **Provide greater flexibility with the ECHS model.** Remove the required minimum of 24 college credits from the RFP and the general program requirements. To increase interest and reach a larger number of students, the Department recommends that students be required to complete 12- 24 college credits by the end of the program. The funding levels would be differentiated based on the proposed number of credits the district seeks to offer to students.

While we applaud the \$20 million included in the Executive Budget proposal for PTECH and Early College High school programs, as currently written, the proposal lacks the flexibility our districts and BOCES need to create innovative and sustainable programs. We urge the legislature to reconsider the proposal in light of the mixed results of P-TECH programs and seize an opportunity to make a significant and sustained commitment to support a broader variety of dual enrollment opportunities for all students.

### **NYSED Opportunity Programs**

Our P-20 continuum includes support for career and civic readiness before and throughout college. The opportunity programs that the Department oversees provide access to post-secondary education for students who are at the highest risk of either not graduating from high school, not attending college, or not completing a degree. Over 46,000 students are served by one of these programs, which provides funds to their colleges to support these students in numerous ways.

**Arthur O. Eve Higher Education Opportunity Program (HEOP):** HEOP serves over 4,680 students through 53 programs by supplying financial aid, pre-freshman summer programs, remedial/developmental courses, tutoring, and counseling to students attending independent colleges. HEOP students, who do not meet the general admission criteria when admitted to college and are educationally and economically disadvantaged, typically earn their degrees at rates that eventually equal or exceed general admission students.

**Science and Technology Entry Program (STEP):** STEP provides academic enrichment in science and mathematics to increase the number of historically underrepresented and economically disadvantaged students prepared to enter college and improve their participation rate in mathematics, science, technology, health-related fields, and licensed professions. STEP serves over 15,200 students through 56 programs.

**Collegiate Science and Technology Entry Program (CSTEP):** CSTEP provides academic enrichment and research experience in STEM content areas to increase the number of historically underrepresented and economically disadvantaged undergraduate and graduate students who complete programs of study that lead to professional licensure and careers in mathematics, science, technology, and health-related fields. CSTEP programs serve over 9,100 students through 65 programs.

**Liberty Partnerships Program (LPP):** LPP offers comprehensive pre-collegiate/dropout prevention programs and services to over 17,400 youth through 51 programs across New York State.

These programs provide vital support to students as they prepare for and pursue post-secondary education. Since students' needs continue to outpace the available resources at the state's colleges and universities, the Regents and the Department requested a 10% increase for each program for 2023-24.

The additional funding for STEP and CSTEP would increase the amount provided for each student so that programs can enhance and strengthen student support at their institutions and increase/improve outcomes. Both STEP and CSTEP help non-traditional students enter fields with shortages, including the medical field. Additional funding could increase the number of paid research internships, MCAT preparation, and contract vendors willing to engage in medical mentoring for underrepresented populations in the medical professions.

For HEOP and LPP, the Department would distribute added funds proportionately across all awardees to enhance their existing programs. For example, in HEOP, the institutions of higher education (IHE) could increase the number of counseling hours available to students during their first year of college, leading to greater retention rates. Alternatively, or in addition, IHEs could offer students enhanced remediation support during summer programming, which would help ensure they are ready to meet the demand for college credit-bearing courses in the fall. In LPP, awardees could use the added funds to hire more staff to improve follow-up and support chronically absent students at risk of not graduating, which would lead to higher graduation rates.

Program	Local Projects	Students Served	10% Increase	Total 23-24 Funding Request
STEP	56	15,200	\$2,150,768	\$23,658,448
CSTEP	65	9,100	\$1,629,839	\$17,928,229
HEOP	53	4,680	\$4,832,442	\$53,156,862
LPP	51	17,400	\$2,497,636	\$27,473,996
<b>Totals</b>	<b>225</b>	<b>46,380</b>	<b>\$11,110,685</b>	<b>\$122,217,535</b>

In addition, the Regents request an amendment to Section 612 of the Education Law to end the per pupil cap for LPP. No other opportunity program has such a per pupil cap, which is preventing the Department from spending the full amount of the 2022-23 appropriation. ***This request was included in the Executive Budget proposal.*** The Regents and the Department also request the reappropriation of \$3,480,581 in 2022-23 LPP funds that were not awarded in 2022-23 due to the cap.

Finally, appropriation language revisions are needed for STEP and CSTEP to provide that any funds exceeding the amounts appropriated in 2022-23 may be used to increase funding for existing programs. ***This request was not included in the Executive Budget as the funding of both STEP and CSTEP was reduced over 2022-23 levels.***

Unfortunately, the Executive Budget would weaken support in our P-20 continuum by reducing funding for higher education opportunity programs:

- a decrease of \$738,000 (\$24.2 million) for LPP
- a decrease of \$1.4 million; (\$46.9 million) for HEOP
- a decrease of \$636,000; (\$20.9 million) for STEP
- a decrease of \$482,000 (\$15.8 million) for CSTEP

We appreciate the sustained support the Legislature has provided for these critical opportunity programs. These programs work, and your support and funding make a difference. Therefore, we ask that you restore and increase their funding.

**2023-24 Board of Regents and Department Funding Request: \$122.2 million total funding includes an additional \$11.1 million (10% increase for each program over 2022-23 funding levels)**

### **Enhancing Postsecondary Supports and Services for Students with Disabilities**

An essential support for student success along the P-20 continuum is postsecondary support for students with disabilities. Both the 2021-22 and 2022-23 state budgets included \$2 million for this purpose. The Department distributed this funding to each identified student with a disability enrolled at SUNY, CUNY, and NYS degree-granting independent and proprietary colleges. The Department required that each IHE develop a plan to spend the funding for any of the following purposes:

- to supplement funding for support and accommodation of students with disabilities;
- to support summer college preparation programs to aid students with disabilities' transition to college and prepare them to navigate campus facilities and systems;

- to provide full- and part-time faculty and staff with training in working with students with disabilities; and
- to improve the identification process of students with disabilities and enhance data collection capabilities.

**Unduplicated Total of Students with Disabilities**

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<b>SUNY</b>	29,520	27,807	32,762	32,973	32,508	31,367	33,469
<b>CUNY</b>	10,284	9,926	10,984	10,957	11,354	10,222	9,843
<b>INDEPENDENT</b>	21,991	26,444	30,118	32,881	32,662	37,229	41,395
<b>PROPRIETARY</b>	1,210	1,432	1,398	1,468	1,407	1,328	1,333
<b>TOTAL NYS</b>	<b>63,005</b>	<b>65,609</b>	<b>75,262</b>	<b>78,279</b>	<b>77,931</b>	<b>80,146</b>	<b>86,040</b>

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There are approximately 86,000 identified students with disabilities attending New York State degree-granting colleges and universities, which represents a 15% increase in the past five years. The Regents request a total of \$15 million, an increase of \$13 million, to reach the vast number of students with disabilities who are not receiving these services. Funds would be distributed based on enrollment, in equal amounts per identified student with a disability, to eligible institutions with approved plans to help serve more students with disabilities pursuing postsecondary study.

***This additional funding was not provided in the Executive Budget proposal.***

The Executive Budget continues the \$2 million funding level for Enhancing Supports and Services for Postsecondary Success of Students with Disabilities for 2023-24. While we appreciate that this funding is continued, it is completely inadequate, amounting to about \$27 per eligible student.

**2023-24 Board of Regents and Department Funding Request: \$15 million (\$13 million increase over \$2 million current level)**

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<sup>1</sup> *Data on Postsecondary Students with Disabilities* – Advisory Council on Postsecondary Education for Students with Disabilities Fall 2022 Meeting, Leigh Mountain-Ross, Ph.D. Office of Information and Reporting Services, New York State Education Department

## **Teacher/Leader Preparation and Development**

Teacher preparation and certification are at the core of the Department's mission. The Department recently reorganized and consolidated its offices responsible for teacher preparation, certification, and performance by creating the Office of Teacher/ School Leader Preparation, Certification, and Development, led by an Assistant Commissioner.

This Office is charged with reviewing teacher and leader preparation requirements, reviewing certification requirements for educational licensees, modernizing the teacher certification system, and developing professional development expectations for teachers, in accordance with the New York State Teaching and Leadership Standards adopted by the Board of Regents.

A critical initiative aimed at modernizing the systems and supports for more effective and responsive teacher certification has begun. The 2022-23 enacted budget provided \$1.35 million in appropriation authority for the first year of TEACH<sup>2</sup> system modernization. For 2023-24, the Department requests \$1.75 million in appropriation authority for the second year of this initiative. This project has no General Fund cost, as the special revenue account has a balance of \$8 million that is being used to support the cost.

The first of this four-year modernization project focused on streamlining teacher certification processes and making regulatory, policy, and technology improvements.

Process and technical improvements to date include: eliminating the edTPA requirement for certification; removing the general core in the liberal arts and sciences requirement from teacher preparation programs and the "individual evaluation" pathway to certification; streamlining the Additional Science Certificate content core requirement in teacher preparation programs and the "individual evaluation" pathway to certification; creating a Literacy (All Grades) certificate and a Students with Disabilities (All Grade) certificate; and contracting with the National Student Clearinghouse and Parchment to receive transcripts electronically. Department staff has also made substantial updates to the existing TEACH system so that individual TEACH accounts reflect these changes.

The next phase of this project will require experts with specific IT knowledge, skills, and abilities. The Department has begun the process of hiring (via contract) an hourly-based IT Services (HBITS) Project Manager and 2-4 HBITS Business Analysts to provide these services. Additionally, the Department plans to work with third-party vendors to implement modern systems to communicate with applicants (i.e., website communication, online ticketing, chatbot) to address longstanding customer service issues.

**2023-24 Board of Regents and Department Funding Request: \$1.75 million (appropriation authority)**

***This appropriation authority was included in the Executive Budget proposal.***

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<sup>2</sup> TEACH ("Teacher Certification Help") is a web-based teacher certification database, online application, and teacher certification system utilized by the Department.

## **Addressing Teacher Shortages**

Throughout this past year, the Department continually revised certification procedures, policies, and regulations to remove barriers to certification and address teacher shortages. We are excited about a number of innovative programs and initiatives to strengthen the teacher pipeline, including efforts to promote teacher diversity. For example, we created registration requirements for residency programs, setting consistent standards for residencies in teacher preparation programs across New York State. The residencies are at least one year and are excellent opportunities for individuals, including those from diverse backgrounds, to be immersed in the classroom while potentially receiving funding.

Several programs that are also designed to address teacher shortages and help diversify the pipeline include:

- **Teacher Opportunity Corps II (TOC II):** As part of the My Brother's Keeper initiative, the TOC II program aims to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. Since 2016, SED has awarded 33 TOC II grant awards to 23 institutions. The grants help institutions to recruit, prepare, and bolster the retention of highly qualified individuals who value equity and reflect the diversity of the student population, particularly in high-need schools with recurring teacher shortages.
- **Teacher Diversity Pipeline Pilots:** The Diversity Pipeline pilots aim to develop an innovative, supportive pathway for teacher aides and teaching assistants to become certified teachers. These programs aim to increase the teaching force's diversity in high-need districts and schools in the regions where they operate. This grant program is scheduled to end in June 2024.
- **Teachers of Tomorrow:** The Teachers of Tomorrow grant program provides a variety of incentives that will encourage prospective teachers to teach in school districts experiencing a teacher shortage or subject shortage, especially low-performing schools.

The Executive Budget would also extend, until June 30, 2024, the legislation that allows a retired person to be employed and earn compensation in a position or positions in a public school without: (1) being subject to the income limitation of Retirement and Social Security Law § 212; (2) suspension or diminution of their retirement allowance or retirement status; and (3) prior approval. The Department supports this extension.

## **Office of College and University Evaluation (OCUE)**

By law and regulation, the Department reviews and approves new academic programs to ensure program integrity and alignment with standards for resources, faculty qualifications, administrative oversight, and curriculum development. These reviews protect students' educational and financial interests and the public investment of tax dollars in student financial aid programs.



Over the past few years, the Department has implemented several improvements and efficiencies in our program registration processes that have improved the timelines for reviewing and approving programs. As a result, approximately 80% of the academic program proposals submitted are approved in 30 days, and 95% are approved in 60 days or less.

*Percent of Programs Approved by OCUE in 2022 by Timeframe*

Sector	30 Days or Less	45 Days or Less	60 Days or Less
All	80%	91%	95%
SUNY	84%	90%	96%
CUNY	86%	94%	99%
Independent	77%	91%	95%
Proprietary	64%	69%	72%

The Division of Budget (DOB) approved the Department’s request to allocate \$8.5 million to update technology and build an online system for evaluating and approving college and university programs from the \$100 million appropriation included in the 2021-22 enacted budget for agency-related technology improvement projects. This funding is being used to migrate the Inventory of Registered Programs mainframe database to a modern relational database and build a new online system for OCUE as well as the Office of Professions (OP).

This system will include internal and external user interfaces to address inefficiencies in processing applications for program approval. The primary inefficiencies are the email-based collection of applications and manual entry into various databases. The new system will also provide a mutual online space for Department staff reviewers and IHEs to communicate about program evaluations and efficiently exchange supplementary evaluation materials for the IHEs that are sent back and forth between OCUE and the IHEs.

Finally, the OCUE and OP systems will be able to share information and allow internal OCUE and OP reviewers to collaborate on the same system.

Modernizing the OCUE and OP systems simultaneously will allow the Department to develop similar online systems that use the same database. This will assist in streamlining the program approval process, result in internal efficiencies, and provide cost savings through resource-sharing and bundling with software companies. To date, the Department has hired a Project Manager and Business Analyst, who have worked with OCUE staff to record all current processes and documentation as part of the Design & Analysis Phase of the project. This phase will continue throughout 2023, with the implementation of a new, modern system to begin in 2024. This project is slated to be completed by 2025.

The Department requests funding for one staff person to support updating OCUE’s technology and building an online system to evaluate and approve college and university programs.

**2023-24 Board of Regents and Department Funding Request: \$74,091 (first-year cost) to support one new position**

***This funding was not included in the Executive Budget proposal.***

## **The Office of the Professions**

The Department's Office of the Professions (OP) has made tremendous strides in its modernization efforts. Development has begun on the New Professions System (NPS), which will modernize all aspects of professional licensing and renewals and improve the management of professional discipline and enforcement actions. The new software system will allow the necessary documentation for licensure to be more quickly and efficiently provided to the Department, which will shorten the time for licensure within the more than 50 professions regulated by OP.

Thanks to the support of the Legislature and many professional associations, Chapter 396 of the Laws of 2009 authorized the increase of professional registration fees by 15% to enable OP to continue to successfully manage its responsibilities and improve customer service, including enhancing technology.

In December 2022, the Department launched a redesigned website for the licensed professions. The new website improves access to public information about the professions and thousands of professional practice business entities and pharmacy establishments regulated by the Department. Users have provided positive feedback, particularly for the website's increased discoverability, accessibility of content, and compatibility with viewing on mobile phones.

The Online Verification Search, the Department's most-used website feature, has also been redesigned to better provide information about the status of professional licenses and registrations. For the first time, professional misconduct enforcement actions can now be found in the same location as the verification information for licensees and entities, providing improved public protection.

Other improvements underway include the transition of hundreds of paper forms to electronic online forms and the migration to electronic data transmission from third parties, such as educational organizations and exam vendors, which will accelerate processing time for information related to applicants. The improvements will enhance operations for all 50 professions, limited permits and registrations, oversight of pharmacies, professional business entities, statutorily authorized corporate practice waivers, and professional continuing education providers.

OP also investigates complaints of professional misconduct and illegal practice by licensees, unlicensed individuals, and professional entities. This includes oversight of the discipline process, such as conducting administrative hearings. OP has begun implementing an electronic case management system consisting of an Online Complaint Form for submitting misconduct complaints to the Department.

For 2023-24, the Department requests a capital appropriation of \$5.16 million to allow access to existing revenue to continue developing the New Professions System and an electronic case tracking system, enhancing customer service tools, and supporting existing contract obligations related to this development.

***This appropriation authority was included in the Executive Budget proposal.***

While innovation is key, and our Board of Regents and the Department support proposals that innovate and work to address critical healthcare shortages successfully, we must balance the need to ensure high-quality professional services are provided to New Yorkers in a manner that protects public health and safety.

The Executive Budget proposal, however, includes several proposals that would dismantle these critical public protections related to licensed professions.

### **Transfer of Licensed Health Care Professional Oversight from NYSED to DOH**

**The Department strongly opposes transferring licensing of health care professions to DOH.** Our Office of the Professions (OP) ensures competent professional practice, aligning the State's systems of educational preparation, licensure, and professional oversight under the single umbrella of the Board of Regents. Because the Regents are a citizen body appointed by the Legislature, they are your voice in ensuring public protection, striking an important balance between access to care and the quality of those vital services.

Full and consistent funding and staffing of OP would enable us to be more responsive to the needs of our customers, their employers, and the public. The Department continues its outreach and partnership efforts to ensure competent licensed professionals and patient safety while mindful of the stresses of workforce shortages, urgent healthcare facility needs, and other pressures.

Guided by our diverse advisory boards of licensed professionals from across the state who focus on competent practice and public protection, OP is engaged in addressing challenges and sharing its expertise to help establish appropriate guide rails as practice evolves. OP's leadership in developing and maintaining timely access to COVID-related information for professional licensees in a constantly evolving environment illustrates the office's critical role in guiding and informing professional practice.

Work is underway to host a gathering of professional associations to discuss emerging issues in the field. The Department also has accelerated outreach efforts to make information about careers in the professions available to children throughout the state – and particularly in underserved areas.

In addition, transferring the oversight of the health care professions to DOH would undermine the Legislature's multi-year, multi-million-dollar investment in technology modernization solutions for the 40-year-old COBOL-based licensing system, highlighted on the previous page, which is not transferable to DOH. It would be far more impactful and efficient to follow through on that investment by utilizing the Department's long-standing experience as an independent agency committed to protecting the public.

### **Interstate Medical & Nursing Licensure Compacts**

The Executive Budget proposal would authorize New York State (NYS) to join the Interstate Medical Licensure Compact and the Nurse Licensure Compact. Licensure Compacts do not provide an easy answer when addressing long-term workforce challenges.

The Compacts that are in use or development are binding agreements, accountable only to their Commission. They may have rules and policies that differ from those in New York State. This would make implementation very challenging, and it is unclear whether they would ultimately benefit NYS patients and consumers. Licensure compacts require member states to adopt the same standards in law without modification. OP staff has spent the last year carefully analyzing how this one-size-fits-all solution would apply to each of the professions which OP oversees and have identified key points of consideration:

1. ***Joining a compact would weaken the Legislature's and Board of Regents' authority*** and control over licensure and sound professional practice in NYS as the Model Compact Law must be adopted without modification by NYS Lawmakers.
2. ***Compact requirements differ from NYS laws and standards.*** For example, all compacts require a social security number, which would disenfranchise many NYS applicants. Compacts also require a federal background check with more applicants fees and necessitate investment in technology enhancements to ensure the secure transfer of this information to the Department. Because existing pathways to licensure would also have to be maintained, developing a new system to adopt new licensing requirements for compact licensure would necessitate a significant investment in staff time and technology. Diversion of these finite resources would slow existing licensure cycle times for New York State applicants.
3. ***State laws may widely vary on standards of care and are subject to change.*** Suppose a compact licensee loses licensure in their home state. In that case, the licensee loses the ability to practice in any compact state, regardless of whether the conduct would be a revocable violation in the state in which they practice.
4. ***The nursing compact raises a host of public safety concerns.*** For example:
  - The Legislature's efforts to improve the quality of care by enacting a statute to require NYS nurses to obtain at least a Bachelor's in Nursing within ten years of their initial licensure (BSN in 10) would be undermined. Applicants may seek home-state licensure in other states with lower standards yet have the ability to practice in NYS.
  - Compacts do not require additional training in child abuse and infection control that are mandated for NYS licensees.
  - Registration is not required for compact nurses to practice in NYS; therefore, consumers and employers would not easily verify their license status. In addition, out-of-state traveling nurses may practice in NYS without assurances that they understand the state's practice environment and requirements, increasing the risk of professional misconduct.
  - The nursing compact would grant an out-of-state nurse a "privilege to practice" (PTP) in NYS but not an actual license. While the compact provisions allow non-home states to take disciplinary action against the PTP, the implementation of a process to take such an action would be complex and confusing to consumers and employers. OP would have to make any such disciplinary determinations available

to employers and the public, despite the fact that such individuals do not hold any credential issued by NYS and do not pay any fees to OP.

- Under the nursing compact, each state governs the approval of nursing education programs. The recent federal takedown of several Florida nursing schools highlights the fact that states vary in their approval and oversight of licensure-qualifying programs, which may not match New York State's high standards. Additionally, there is a grave public safety concern since states vary in how they take discipline against licensees whose licenses were obtained based on fraudulent documentation. If the home state chooses not to rescind/revoke the compact license, that nurse could still practice in NYS unless their PTP is revoked, which may require extensive time and resources and result in a confusing landscape for employers and consumers wherein a compact licensee does not have permission to practice in NYS.

It is important to recognize that compacts increase mobility into and out of NYS but do not change the total number of licensees. Since NYS has more licensees than many participating states, it is unclear if joining a compact would enhance the number of available practitioners in NYS.

The Board of Regents and the Department are supportive of solutions that would address some of the most pressing workforce flexibility concerns while still allowing the Legislature and the Board of Regents to maintain autonomy and control to meet the unique needs of NYS. For example, in 2022, the Department rolled out a new "Fast Track" pathway for many out-of-state licensed nurses and physicians. This has allowed OP to speed up the processing of applications from qualified out-of-state professionals while maintaining New York State's standards for licensure and practice.

The Department is **issuing licenses within two weeks** from receipt of all application materials for nurses licensed out-of-state, military spouses, graduates of approved NYS nursing programs, and US-educated physicians. When adequately staffed, OP can review all application documents and issue licenses efficiently and effectively. That work would be undermined by requirements to add new compact licensing pathways and procedures. It also would have the unintended consequence of slowing licensure for NYS applicants.

In addition, the Department has suggested language for a statutory change that would allow the Department to enter into reciprocal agreements with other states to allow physicians to follow up via telehealth with established patients and to allow out-of-state licensed nurses and physicians to practice almost immediately for a period of 180 days while awaiting licensure.

Given the depth and breadth of these issues, we would welcome the opportunity to collaborate with the Legislature on other viable alternatives outside of the State Budget Process. However, it is important to note that the biggest key to OP's success in quickly issuing licenses to applicants has been the ability to hire staff with adequate funds.

While OP is funded entirely by the revenue it collects, historically, the budget has restricted OP's authority to spend this revenue on essential functions. In 2021, the Executive-imposed

agency hiring freeze worsened this situation at the height of the pandemic. As a result, OP staffing dropped to 15% below its budget staffing level (and 25% below the staffing level that its revenue would support) at a time when its health and safety-related services were in greatest demand.

The 2022-23 enacted budget represented the first time OP received authorization to spend the revenue it collects on essential OP functions, without annual revenue sweeps that divert these funds for general state fund purposes. OP has been working diligently to fill vacant staff positions over the last several months. However, these efforts have been challenging as Civil Service has not offered exams for many of these positions for the last few years. As a result, finding candidates to fill these vacant positions has been difficult. We are hopeful that, with the administration of new Civil Service exams in the last several months, we will be more successful in filling our existing vacancies. These staff members are critical to processing applications promptly.

### **Minority Ownership of Non-CPAs in Public Accounting Firms**

The Executive Budget proposal again includes a proposal that would authorize public accounting firms to incorporate in New York State with minority ownership by individuals who are not Certified Public Accountants. Over the years, the Department has provided extensive staff-level technical comments on this legislation that have still not been addressed. We ask that this proposal be discussed outside the context of the budget process, as this is a complicated issue that cannot properly be reviewed in the compressed timeframe of the budget.

### **Other Professions-Related Provisions Contained in the Executive Budget Proposal**

The Executive Budget proposal includes many other scope of practice issues for the licensed professions that the Department continues to review. Upon initial review, the Department has technical concerns that should be thoughtfully addressed outside of the budget process. We are happy to share additional information and key considerations on these numerous other proposals once they have been thoroughly reviewed.

### **Data and Systems Modernization**

NYSED's Office of Information Technology Services (ITS) received no added funding for staff in 2022-23. Over the past 20 years, this office has lost over 40% of its staff – from 173 FTEs to 90 FTEs. Staffing shortages and increased workloads prevent ITS from supporting large, business-critical systems and providing direction and leadership to the Department's modernization efforts. In addition, ITS lacks sufficient non-personal service funding to cover all essential maintenance procurements.

This has resulted in critical portions of NYSED's data center being at or past their end of life, a decade of using overly complicated architecture, and failure to industry standards, which increases the risk of systemic failure that would have a disastrous effect.

## **2023-24 Funding Request:**

- \$1.96 million in recurring, annual funding for IT maintenance procurements and \$3.3 million to fund 36 new positions in ITS and in an ITS Project Management Office.
- \$16.6 million in new state general funds to support 187 new positions, including the 36 new ITS positions identified above. In addition to \$12.9 million in funding and 150 positions for critical agency infrastructure needs, the request includes \$3.7 million and 37 staff to support Board of Regents initiatives to streamline the pre-kindergarten program, reform the tuition rate-setting methodology, enhance Career and Technical Education and to promote local district efficiencies through regionalization.

***This funding was not included in the Executive Budget proposal.***

## **Office of Information Technology Services**

NYSED's Office of Information Technology Services (ITS) faces a crisis precipitated by a lack of necessary resources over an extended period. In the early 2000s, ITS had 173 FTEs. Currently, the office has 90 FTEs, a decrease of more than 40%. Over the same time, we have experienced dramatic increases in the number of devices, programs, and models supported, the number of applications, and the number of web visitors – in many cases, 2-3 times as many.

The Web Unit oversees the development of all NYSED.gov public-facing websites. This unit has always been severely understaffed. The issues stemming from the lack of staff have come to a critical juncture. Much of the website is in static HTML, which is outdated and difficult to manage. The rest of the Department's sites are in a Drupal version that will soon end of life. The Web Unit must be prioritized, with a reporting structure that reflects the agency's needs.

ITS is crucial to implementing the Department's modernization initiatives, including the TEACH system, OCUE, and OP modernization. As ITS moves resources to support modernization teams, systems requiring multiple developers fall behind on outstanding work and technical debt. Applications are only one deep, which puts the systems at risk of insufficient support.

**2023-24 Funding Request: \$2,617,933 (first-year cost) to support 29 new positions**

***This funding was not included in the Executive Budget proposal.***

## **Conclusion**

The Department is involved in every aspect of lifelong learning, from ensuring a quality education and preparation for colleges, careers, and civic readiness to overseeing the over 50 licensed professions, including education and licensing. The Department continuously strives to improve its provision of customer service, to streamline and modernize our data systems, support innovation, and build working relationships with other State agencies and stakeholders.

Before I end my testimony, I want to thank our staff, who work so hard every day on behalf of students, institutions of higher education, their faculty and staff, and the licensed professionals across New York. Thank you, and I look forward to your questions and providing additional information.