



**Alliance for Quality Education Testimony to the Joint Senate Finance, Assembly Ways and Means Budget Hearing on Elementary and Secondary Education Section of the Executive Budget by Jasmine Gripper, Executive Director**

Thank you for the opportunity to testify before you today. Another year under Governor Cuomo, another here testifying that the executive budget is inadequate and will not meet students' and schools' needs. The governor, while saying, yelling, that state isn't doing enough "to raise the bottom," proposes doing nothing to "raise the bottom" and fully fund Foundation Aid, the largest chunk of school aid. There is one thing that we are going to have to understand and get behind:

**Eating 80% of a tiny pie, still leaves you hungry.**

In my testimony today, I will go through the provisions of the executive proposal and juxtapose it with the proposal by the Board of Regents, as well the legislative agenda of the Alliance for Quality Education.

First, here's what we understand the executive budget proposal to include. The executive proposal includes \$826 million year over year total aid increase. Only \$504 million of that is what his budget calls Foundation Aid. An additional \$200 million is in an unallocated Fiscal Stabilization Fund. The proposal maintains the Contract for Excellence (C4E) for 2020-21. The Contracts for Excellence were implemented in 2007 when the Foundation Aid formula was enacted, as an accountability system for high needs school districts that were receiving large increases of operating aid. The Executive budget includes \$50 million within Foundation Aid earmarked for Community Schools and \$1.2 million for the Regional Technical Assistance Centers, \$15 million for expansion of full day pre-kindergarten, \$18 million for My Brother's Keeper program as well as \$3 million for restorative justice practices and alternatives discipline and trauma informed education. Compare the executive proposal to the school aid proposal that the Board of Regents have published: \$2 billion total with \$1.9 billion going to Foundation Aid. Our state's education experts have proposed three times as much Foundation Aid. And, they proposed taking a serious look, led by experts, into the actual formula to ensure that it is up-to-date. We urge you to listen to our leading education policy experts.

The executive proposal also includes a number of bad policy changes such as the consolidation of expense-based aids, changes in the building and transportation formula which also includes a cap. It also continues the mandate to increase charter school tuition payments. The increase to charter school tuition payments outside of New York City is 3%. The proposal includes \$50 million for reimbursement of New York City for the facilities aid it provides to charter schools. It also proposes to re-issue any charter that was revoked, expired, or surrendered in New York City. This proposal essentially lifts the New York City charter cap by nearly 20 schools. New York City already sends over \$2 billion from its budget to charter schools, with current charters in the pipeline, existing charters expanding, and the Governor's 5.3% increase to charters this mandate could cost NYC additional hundreds of millions of dollars annually. At some point, we as a state need to decide if we want to continue two school systems, one that is publicly funded and publicly accountable and one that is publicly funded but privately run. At some point, we as a state need to ensure that we ARE hurting our public schools by mandating that school districts pay more to charter schools. In 2017-18, the enacted budget included a provision that charter schools would receive the same present increase as the total increase of spending in each school district. That must change. It is unreasonable to mandate school districts to send tax payer money to charter schools, schools that are accountable to NONE, and year after year mandate an increase. The state needs to put an end to this. Currently, New York City would have to give charters an additional \$150 million, when the executive proposal only includes \$224 million increase.

**If the state provided public schools with the same increases it mandates school districts to give charter schools, it would be on track to meet the 2007 Foundation Aid commitment within three years.**

In addition, and equally disturbing, the executive proposal includes consolidation of ten expense-based aids into Foundation Aid.

- Textbook Aid
- Library Materials Aid
- Computer Software Aid
- Computer Hardware Aid
- BOCES Aid
- Supplemental Public Excess Cost
- Special Services Aid
- Academic Enhancement Aid
- High Tax Aid
- Charter School Transitional Aid

This consolidation will result in bringing down the amount of Foundation Aid remaining by \$1.8 billion. That is unacceptable and deceiving. This is money that will be double counted. But, not double used. Schools need this funding to function. And, the state needs to stop trying to find ways to cheat students of their constitutional right to "a sound basic education." We urge you to reject this proposal to consolidate the ten expense-based aids. Perhaps, the only aid that should be eliminated and added to Foundation Aid is High Tax Aid. This aid is a give-away to wealthy

districts that have high property values that generate an abundance of funding for their schools. They do not need the few hundred million that High Tax aid generates.

Continuing with the disturbing proposals in the executive budget, changing the formula for building aid and changing transportation aid to essentially a block grant, will further shift costs to local school districts, who already have their hands tied by the property tax cap. How, we ask, how are school districts supposed to ensure that students can get to school, in buildings that are safe and updated? What is the goal of these changes? The governor is trying once again to balance budgets on the backs of public school children. Reject these proposals, you have done in the past, as they do not represent New York values.

**Let us be clear: The Foundation Aid formula needs to be fully funded, with a plan to meet the Campaign for Fiscal Equity commitment within two or three years, which means that it needs at least a \$2 billion investment in year one. At the same time, give the Board of Regents and the State Education Department some time to study the formula and update it. To paraphrase we need to *Fund And Update*, not the other way around.**

AQE has some recommendations when it comes to the formula. We have published our recommendations in our report [Foundation Aid In Name Only](#):

- Use updated data for poverty, such as direct certification data. This data is more up-to-date and is verified by government agencies that provide public assistance.
- Eliminate the restrictions in the Pupil Needs Index in order to accurately capture student need. There is an artificial cap to the needs index that does allow accounting of severe student needs.
- Eliminate the floor on the income wealth index to fully capture poverty at the district level and accurately factor in the expected minimum local contribution. The floor in the income wealth index is arbitrary and penalizes districts below that floor to have for being too poor. At the same time, the state should eliminate the cap within the Income Wealth Index which underestimates wealth in wealthier districts.
- The Foundation Aid formula factors the different costs of education in different regions in the state. The Hudson Valley region includes school districts in very high cost regions near New York City such as Yonkers, Peekskill, and Mt. Vernon. Grouping these schools with schools that are further north underestimates the regional costs for the Lower Hudson Valley, which is more comparable in costs with Long Island and New York City. The Lower Hudson Valley should be a distinct region for the purpose of calculating the regional cost index.

- Update weights in key categories in order to help district cover the true cost of education students with the greatest needs.
  - Add a weighting for high concentrations of English Language Learners.
  - Add a weighting for students with more severe disabilities.
  - Add a weighting for high concentrations of students in poverty.

The notion that the Foundation Aid formula is broken is wrong. Each year since 2008, there has not been an enacted budget that used the Foundation Aid formula as it was enacted in 2007, with the appropriate level of funding. The formula was intended to have large infusions of funding going through it, so that the low wealth high need districts can receive a large infusion of funding to help them make rapid improvements and close the opportunity gap with low need high wealth districts. But, that has not happened since 2008, which was the last time the formula was both used and adequately funded. The years that the state added funding to Foundation Aid, the amount was so small that it barely made a dent. Furthermore, the state altered the formula to both adhere to shares and to target funding where they wanted to. But make no mistake, those formulas are *Foundation Aid in Name Only*<sup>1</sup>. The interesting part is the rhetoric around Foundation Aid describing it as a formula that is broken when the state has not funded it or used it for over a decade. Yes, as mentioned earlier, there are things that can be updated, but the formula is the most progressive we have in law, and perhaps, we should try using it and fully funding before assessing whether or not it works.

**Let's make the pie bigger and see how the pieces play out. The formula drives 75% of the funding to the districts that need it the most. Let's make sure that the 75% is substantive.**

On community schools, we are very supportive of the model and of funding it outside Foundation Aid, to ensure that districts are able to implement the model with fidelity without having to make difficult decisions between programs and services. Our community schools ask is double what the executive budget proposes, at \$100 million.

We welcome the continued investment in pre-K, albeit small. It's another small step in the right direction. Unfortunately, with the small steps we are taking, our current four-year-olds will be having their own children before they are able to have access to full day pre-K. We need to add much more to ensure that the 77,000 four-year-olds outside New York City who currently do not have access to a full day program. We need \$150 million.

The executive proposal includes a provision to provide broad waivers from laws and regulations regarding class size, behavior intervention plans, and notification of changes in placement. Every

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<sup>1</sup> [http://www.aqeny.org/wp-content/uploads/2019/10/FoundationAidNameOnly\\_final.pdf](http://www.aqeny.org/wp-content/uploads/2019/10/FoundationAidNameOnly_final.pdf)

year the executive budget includes this provision. If passed, they will take away some students' rights. Every year, the legislature adds it back in. We urge you this year to do the same. It's plain wrong to take away services from the young children that need them.

The executive proposed an increase of 2% for reimbursement rates for preschool special education providers. At least 10% increase is necessary to ensure that providers are able to keep their doors open and provide services.

There are some programs that were implemented last year that are discontinued this year, small grants that can go a long way for the districts they receive them. These are the \$3 million grant for Safe and Supportive Schools, the \$500,000 to increase teacher diversity in Buffalo by helping teaching assistants of color getting certified to be teachers. We urge you to continue funding for them. Parents and community members across the state identify school climate as one of the most important things in school success. The grants that are discontinued while small, they can be part of a larger investment in positive school climate, one that provides training to teachers and implements alternatives to suspensions who are disproportionately used on Black and Brown students. At least \$50 million is necessary in positive school climate.

In addition, we see the small investment of \$1 million in what looks to be culturally responsive education promising, as long as we expand it to actually be responsive to diverse fabric that is New York State. Our priorities include an investment of \$50 million to implement culturally responsive education across the state. We urge you to invest in this area with the right policy and adequate funding.

Literacy is very important for both our children and the adults who either are not native speakers or have fallen through the cracks in the system. The Executive proposal funds Adult Literacy Education at \$6,293,000. This is the same level as in the 2019-2020 executive proposal and it does not carry forward the \$1.5m from the prior budget.

We also urge you to reject the governor's proposal to impose a fiscal monitor to Rochester that gives the mayor of the City of Rochester equal oversight as the State Commissioner of Education. A fiscal monitor may be necessary, but there are already tried models of a fiscal monitor. Implement those.

You may ask where is this funding going to come from when the state is facing such a big deficit? Well budgets are about priorities. We live in the one of the richest countries in the world. We live in one of the richest states in the nation. Our state has the largest number of millionaires and billionaires than ever before. We must prioritize our children over millionaires and billionaires. Senator Robert Jackson revenue proposal [S7378](#) which increases the income tax percentage millionaires and billionaires to pay for adequate school aid and finally fulfill the state's constitutional requirement.

This is a choice we need to make as a state. Fund Foundation Aid!

### **Invest in Schools, Not Jails**

The 2019 enacted budget included monumental reforms to limit cash bail for most non-violent offenses. Just days after the new bail laws went into effect, the law enforcement community, the GOP, District Attorneys and centrist Democrats launched an aggressive campaign calling for rollbacks or reversal of the new law. But absent from these conversations on rolling back bail is the high cost of mass incarceration.

Year after year we tell the children of New York State that we do not have enough money for their education. It's been over a decade and New York has still not fulfilled the promise of the Campaign for Fiscal Equity. We have yet to fulfill the promise of universal full day pre-k for 4 year olds outside New York City. And childcare deserts exist across the state, denying children high quality learning opportunities and denying working parents a safe and reliable place for their children. All because state leaders claim there is not enough money to invest in educational opportunities for Black, Brown and low income children.

Yet, when it comes to holding people in New York's jails and prisons the money seems endless. While schools literally crumble from decay and outdated infrastructure, jails and prisons continue to be funded, constructed and expanded. Community supervision and mass surveillance continue to be instituted with "state of the art technology," while New York students are still using Windows 97<sup>2</sup> in their classrooms. Instead of spending billions to maintain the prison industrial complex and systems of oppression and structural racism, we need to instead invest in the education of our youth.

In 2019 New York City spent \$337,000 per inmate in jail annually<sup>3</sup>. On average, New York State spends \$70,000 per prison bed<sup>4</sup>. Yet, at no point in a child's educational career do we invest half as much in learning opportunities. New York spends about \$22,000 per pupil in K-12, \$10,000 for full day (5 hours) Pre-K and about \$15,000 for childcare. The hypocrisy from New York State's political leadership is glaring, when you compare their lofty progressive rhetoric with excessive investments in incarceration over education.

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<sup>2</sup> [http://www.aqeny.org/wp-content/uploads/2019/03/equityreport\\_FINAL\\_digital.pdf?link\\_id=0&can\\_id=9cbc219690344488b53b3bf9d05b4b81&source=email-release-view-from-the-classroom-report-on-schools-tour-finds-that-underfunding-is-depriving-students-of-educational-opportunities&email\\_referrer=email\\_514897&email\\_subject=release-view-from-the-classroom-report-on-schools-tour-finds-that-underfunding-is-depriving-students-of-educational-opportunities](http://www.aqeny.org/wp-content/uploads/2019/03/equityreport_FINAL_digital.pdf?link_id=0&can_id=9cbc219690344488b53b3bf9d05b4b81&source=email-release-view-from-the-classroom-report-on-schools-tour-finds-that-underfunding-is-depriving-students-of-educational-opportunities&email_referrer=email_514897&email_subject=release-view-from-the-classroom-report-on-schools-tour-finds-that-underfunding-is-depriving-students-of-educational-opportunities)

<sup>3</sup> [https://comptroller.nyc.gov/wp-content/uploads/documents/Correction\\_FY2019.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Correction_FY2019.pdf)

<sup>4</sup> [https://www.newyorkupstate.com/news/2017/07/data\\_cost\\_per\\_prisoner\\_in\\_new\\_york\\_tops\\_other\\_states.html](https://www.newyorkupstate.com/news/2017/07/data_cost_per_prisoner_in_new_york_tops_other_states.html)

We cannot continue to deny children access to the resources they need to succeed. New York State can't cry, broke when it comes to education while simultaneously handing over a blank check to jails and prisons. Budgets are about priorities. Are we going to be a state that prioritizes the education of Black, Brown and poor children? Or will we continue to be a state that prioritizes filling jails and prisons with Black, Brown and poor children? The choice is simple. It's time to end the decades of systemic racism, it's time to end mass incarceration, and it's time to fully fund our public schools.

The 2020 budget is your chance to make right, decades of systemic racism and inequity. Our children are depending on you, members of the State Assembly and Senate to prioritize their education in this year's enacted budget.

