



New York State Catholic Conference

465 State Street • Albany, New York 12203-1004 • Tel. (518) 434-6195 • Fax. (518) 434-9796
www.nyscatholic.org • info@nyscatholic.org

DENNIS POUST
Executive Director

JAMES D. CULTRARA
Director for Education

Testimony of the New York State Council of Catholic School Superintendents

presented by

James D. Cultrara
Executive Secretary

regarding the
2024 - 2025
Elementary and Secondary Education Budget

February 1, 2024

Introduction

While enduring the enormous challenges brought on by the COVID pandemic, our 420 Catholic school principals and teachers once again proved their dedication to and singular focus on the well-being of the children and families they serve. Even though we have provided students precisely what they have needed most: safe, continuous, and in-person instruction, our schools suffered even greater challenges relating to fiscal stability, personnel shortages, learning loss, and student mental health than our public school counterparts. Despite our challenges being disproportionately greater than public schools, the Governor's 2024-25 Executive Budget provides disproportionately greater support for the public-school sector, leaving our families and school community leaders scratching their heads. Accordingly, this testimony highlights key program areas in which injustices must be rectified and increased funding and programmatic support is critically needed.

Learning Loss /Academic Intervention Services (AIS): The persistent manifestation of learning loss because of the pandemic continues to challenge our schools, and we are unable to further burden tuition-paying families with the cost of the supplemental and intensified instruction needed to address learning loss. Furthermore, the only state appropriation for our schools for this purpose, Academic Intervention Services (AIS), has been funded at the embarrassingly low level of \$922,000 for two decades! In addition, use of AIS funds is severely limited in scope and school eligibility. We therefore urge you to:

- Increase AIS funding for nonpublic schools to \$32,500,000; and
- Permit AIS funds to be used for direct student intervention; expand use of funds to any of the state-required secular subjects; and expand eligibility to schools that administer any SED-approved assessment that identifies students needing such intervention.

Instructional Materials: State aid levels for textbooks, software, hardware, and library materials have been largely unchanged since 2007. Moreover, the administration of these programs not only results in unacceptable delays in the receipt of materials, but typically precludes our schools from benefiting from the flexibility afforded public schools in being able to intermingle most of these funds. Streamlining the administration of these programs would provide our schools with a “one-stop-shop” for instructional materials and would also alleviate the administrative responsibilities of school districts. Such an initiative could be extended to other state or federal programs. Specifically, we urge:

- \$12 million in supplemental instructional materials for nonpublic schools based on a plan, developed by SED, to coordinate /streamline the administration of these programs.

Mandated Services Aid (MSA) / Immunization: We are very grateful to Governor Hochul for not only maintaining the state's obligation to fully reimburse our schools for the costs of state mandates but for proposing near full funding of MSA/CAP this year. The Executive Budget includes sufficient funds to not only restore the 4 percent cut schools received in their reimbursement last year, but it advances sufficient funds to fully reimburse nearly all schools in the coming year. The one deficiency in the Executive proposal is that NO funding is proposed to reimburse schools (currently restricted to those located in Buffalo, Rochester, & NYC) for their costs in complying with the state's compulsory immunization requirements – an expense that is increasing for all schools across the state. Also, legislation to maintain the long-standing formula for calculating claims, passed twice by the legislature, and enacted as Chapter 347 of the laws of 2018, has not been implemented because of a technical amendment requested by SED. We urge you to:

- Allocate the \$239,228,000 proposed by the Executive;

- Restore \$7 million to reimburse schools for immunization program compliance costs; and
- Include SED’s technical amendment to the MSA statute so that the department can finally implement chapter 347 of the Laws of 2018.

Health, Safety & Security: We are very grateful to you and Governor Hochul for expanding the allowable uses under the *Non-Public Safety Equipment (NPSE)* program to enable our schools to address an increasing array of health, safety, and security challenges such as public health threats; remediation of hazardous conditions; and critical capital needs. Funding has remained at only \$45 million for two years which is woefully inadequate, not only in meeting the needs of each of the state’s 1,800 religious and independent schools, but especially for those particular schools facing increased threats and potential attacks. We therefore urge you to double this critically important program to \$90 million.

STEM/Arts & Music: The popular and successful STEM funding initiative has bolstered our schools’ ability to offer rigorous STEM programs to better prepare students for competitive careers. Applications for such funding, however, exceed \$100 million, \$27 million beyond the current \$73 million appropriation. We urge an increase in support for the program toward \$100 million to meet demand and expand, beyond STEM, the secular subjects for which reimbursement is eligible, including Arts & Music.

Mental Health/Nurses/Teachers: While numerous initiatives are being advanced to help public schools fill the gaps in the teaching workforce and meet the physical and mental health needs of students, these proposals, by not including our schools, actually *increase* our staffing challenges. Exacerbated by the pandemic, more children have mental health needs as well as acute and chronic health problems that require the daily attention and care of professional school nurses and mental health practitioners. Yet the shortage of these professionals leaves school employees in the untenable position of having to manage and respond to their students’ physical and mental health conditions. It is critically important, however, that the state’s religious and independent schools be able to participate in and benefit from school staffing initiatives on an equitable basis. Specifically, we urge you to:

- Include nonpublic schools in the initiative to provide a mental health clinic “for any school that wants one”;
- Include \$30 million to enable our schools to hire nurses and mental health professionals; and
- Include \$10 million to support the state-mandated continuing education requirements for certified teachers and leaders.

Transportation Services: Although public school districts are required to transport students to and from religious and independent schools, an increasing number of families are denied transportation for their children due to the 15-mile limit, city-school district boundaries, disparate public-school calendars, and inappropriate and/or significantly inconvenient transportation arrangements. An increasing number of schools have been forced to contract for private transportation services to accommodate the needs of these families. Given the fiscal benefit to the state in keeping students enrolled in our schools, we urge:

- \$7 million for transportation grants to help offset the cost of transportation beyond 15 miles;
- Restore 90% state reimbursement for nonpublic transportation expenses within 15 miles;
- Require transportation on days public schools are closed; and
- Require city school districts to provide the same transportation services as non-city districts.

School Nutrition Programs: We applaud the legislature and Governor for taking the initiative to provide free meals for all students. Insufficient funding, facility constraints, and program compliance requirements are likely to present barriers to the participation of all schools. As the program is implemented and lawmakers continue to seek to ensure meals are available for all students, we urge you include sufficient funds and program support to ensure that children enrolled in religious and independent schools can participate.

Universal Prekindergarten: The UPK program is a successful model where parents may choose from an array of Pre-k programs best suited for their children. Disparate reimbursement levels and programmatic requirements often constrain the participation of non-profit providers – reducing the range of services available to families. As lawmakers expand UPK, we urge increased funding, supportive policy provisions, and program supports to enable the broadest range of UPK providers, including those settings in religious and independent schools.

Special Education: Students with special education needs faced the greatest setbacks and bore the biggest brunt from the pandemic. The disruption of the “child find” process, student evaluations, the development of IEPs, and the provision of services will continue to reveal challenges for these students in years to come. One particular but critical concern relates to the June 1 deadline by which parents must request special education services to be delivered at a nonpublic school. For example, by the time parents of public-school students with IEPs learned that their public schools would not be providing in-person instruction for the 2020-21 school year, the June 1 deadline had long passed. Many of these families opted to enroll their children in our schools, which were offering in-person instruction. In far too many instances, however, services were denied by the public school because these parents missed the June 1 deadline. Not only was meeting the June 1 deadline a practical impossibility, but parents and our school leaders were beside themselves trying to understand how a district that issued the IEP and was serving the student, could then cease services simply because the student changed schools. After all, these students, by law, are considered dually enrolled in public school. It is unacceptable that services to our most fragile children hinge on a technicality. Specifically, we urge:

- Elimination of the June 1 deadline for students who already have IEPs and have been enrolled in and served by the district in the prior school year.

Energy Efficiency Projects: Advances in energy technologies not only reduce energy usage, thereby helping all utility ratepayers, they also improve the spaces in which we live, work, and learn. While these projects are expensive to initiate, the savings realized in some projects can easily pay for the initial expense in a relatively short period of time. The overwhelming majority of our schools, however, lack the means to initiate such projects, unlike their public-school counterparts who benefit from state building aid and NYSERDA’s Clean, Green School Initiative. We urge adoption of a combined energy efficiency grant and loan program to provide seed money to initiate energy efficiency projects in the state’s nonpublic schools. Those school communities utilizing the loan portion of the fund would repay their initial grants with the savings they achieve in energy efficiency, thereby allowing the fund to continue to benefit others. Specifically, we urge:

- \$25 million for energy efficiency grants and loans for nonpublic schools based on a plan developed by the commissioner in consultation with the New York State Energy Research Development Corporation.

Emergency Assistance to Nonpublic Schools (EANS): As the deadlines approach for liquidating the critically needed EANS funds, we urge you to enable the State Education Department to continue to

administer the program to not only permit schools to meet the needs of students, but to also avoid the reversion of these funds back to the federal government.

The Increasing Struggle of Tuition-Paying Families: By far, the greatest need for families who sacrifice to afford sending their children to religious and independent schools is help in paying tuition. Lawmakers in 37 states (including Puerto Rico and the District of Columbia) have enacted multiple programs to help these families choose a school best suited for their children. The long waiting lists for Catholic school scholarships prove that our schools do not suffer a lack of demand. It is our tuition-paying families who suffer a lack of direct support from decision makers in Albany.

While we support the rights of parents to select the school most appropriate for their children, including regular public schools and charter schools, we must note that, as highlighted by a 2013 study published by Albany Law School's Government Law Center, for every charter school that opened in New York, a Catholic school closed. Common sense (and recent history) actually tells us that the expansion of charter schools has *reduced* the diverse array of schools available to families and increased the burden on taxpayers. Too many parents who work hard to keep their children in a Catholic school suddenly find that option eliminated. Many, against their will, are forced to enroll their children in public schools at a significantly higher cost to taxpayers. Too many Catholic and other religious and independent schools have closed – and more certainly will – unless all families, not just some, are put first.

We support charter schools in New York. Parents, however, want and need support for all their educational choices. Specifically, we urge the legislature to:

- Provide commensurate support to tuition-paying families when expanding support for and the number of allowable charter schools; and
- Enact direct scholarships or education investment tax credits to enable families to meet the educational needs of their children regardless of where they attend school, which would also save taxpayers a ton of money.

As lawmakers in two thirds of the country have done, we urge you to empower all families, especially low-income and working-class families, to select the public, charter, or private school best suited for their children and enable more children to obtain the kind of educational equality and economic opportunity on which New York State prides itself.

In Summary

While we are very grateful to Governor Hochul and the legislature for the multiple programs and funding streams provided to the benefit of students in religious and independent schools, the fact remains that our schools operate on a dramatically uneven playing field. Even though 13% of children in New York State attend a religious or independent school, less than 1% of state education spending is devoted to these children. The bulk of the cost of educating these children is shouldered by their families already overburdened with taxes to support the public education system. Continued and expanded state support of the students in religious and independent schools will benefit virtually every community across the state and will help make New York the truly progressive state it continues to aspire to be.