



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
2023 - 2024
Elementary and Secondary Education Budget

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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 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.

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 35 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. What's worse is the Governor's proposal to lift the cap on the number of charter schools in New York City which represents a direct threat to these families.

While the Governor portrays her proposal as a common-sense means of providing options to families, the reality is that the proposal would *supplant* educational options rather than *supplement* them. 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, 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.

For this reason, we vigorously oppose the Governor's charter school proposal without there being commensurate support for tuition paying families. Specifically, we urge the legislature to:

- Reject the Governor's charter school proposal or if it is adopted in any form, then provide *impact aid* to affected religious and independent schools in an amount equal to the lost tuition from those families who enroll their children in charter schools; and
- Enact education savings accounts, direct scholarships, or education investment tax credits each of which would enable families to meet the educational needs of their children regardless of where they attend school and would 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.

Learning Loss /Academic Intervention Services (AIS): One of the most devastating and long-term effects of the pandemic will be the continued manifestation of learning loss which began when schools were forced to shut down. While we do not question the decision to close schools – indeed it was necessary to save lives – we remind lawmakers that the shutdown was imposed not only on public schools, but on all schools, and all schools, therefore, are struggling to recover. Just as the shutdown and subsequent state-imposed COVID prevention and mitigation protocols applied to all schools, the state resources provided to respond to learning loss must also apply to all schools.

Again, we are left scratching our heads wondering why the Governor’s \$250 million high-impact tutoring proposal to address learning loss helps students in only public schools. Regardless of how you respond to the Governor’s specific proposal, addressing the learning loss needs of only public school students is unjust and unacceptable. We therefore urge you to:

- Increase the embarrassingly low \$922,000 for AIS for nonpublic schools to \$32,500,000; and
- Permit AIS funds to be used for direct student intervention in state-required secular subjects instead of only teacher professional development for which funds are typically restricted.

Mandated Services Aid (MSA) / Immunization: The Executive’s recommended \$193,128,000 is insufficient to reimburse schools for mandated administrative costs for the 2022-23 school year. SED estimates \$210,468,000 is needed. More importantly, the Governor recommends eliminating the state’s commitment to fully reimburse schools for their mandated expenses, instead limiting the state’s liability to the amount of funds appropriated by lawmakers. This particular proposal has been advanced numerous times by the Executive over the last twenty years and has been repeatedly rejected by the legislature. In addition, the Executive provides NO funding to reimburse schools 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:

- Allocate \$210,468,000 enough for 100% reimbursement of 2022-23 school year expenses;
- Reject, once again, the proposal to eliminate the state’s commitment for full reimbursement;
- 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.

Instructional Materials Aid: While the Regents’ proposal to increase funding levels for the several instructional materials loan programs is needed, the proposal also exacerbates the administrative challenges of the loan program by shifting all loan obligations to the districts in which our students reside. Moreover, the challenges faced in administering these programs not only results in unacceptable delays in the receipt of materials, but often precludes our schools from benefiting from the flexibility afforded public schools to intermingle these funds. The time to streamline these programs is long overdue and we urge you to adopt language that would aggregate these funds to provide our schools with a “one-stop-shop” for instructional materials and thereby alleviating the administrative responsibilities of school districts. In addition, we urge additional funding to help schools keep up with the ever-increasing cost of instructional materials. Specifically, we urge:

- \$12 million in supplemental instructional materials for nonpublic schools based on a plan, developed by SED, to aggregate such materials for nonpublic schools.

Education Workforce – Teachers / Nurses / Mental Health: 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 the 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 religious and independent schools in these initiatives on an equitable basis;
- Include \$30 million to enable our schools 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.

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. While last year’s increase in funding to \$45 million is significant, we know that even this level is far below the needs of the state’s 1,800 religious and independent schools. We therefore urge you to increase this critically important program to \$60 million.

STEM: 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, will soon exceed \$100 million, well beyond the Governor’s recommended \$70 million. nearly double the current 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.

School Nutrition Programs: \$34.40 million is proposed to continue to subsidize school lunch and breakfast programs; \$10 million to cover the State share of reimbursing schools up to \$0.25 per meal for any school that purchases at least 30 percent of the food for its lunch program from New York farmers and growers; and \$2.3 million to support student meal costs. As lawmakers continue to seek to ensure meals are available for all students, we urge you include sufficient funds and provisions to include the children enrolled in religious and independent schools.

Universal Prekindergarten: The Executive proposes an increase of \$160.56 million, bringing total funding for the 2023-24 school year to \$1,163.63 million. This amount includes \$100 million in new funding allocated by formula to support full-day four-year-old prekindergarten programming. Another \$25 million of grants will be issued through a competitive process to further expand the number of full-day four-year-old slots. We urge lawmakers to maintain and strengthen the option for parents to select a community Pre-K setting including 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 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. By the time parents of public school students with IEPs learned that their public school would not be providing in-person instruction for the 2020-21 school year, the June 1 deadline has 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 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): The Executive Budget, once again, advances reappropriation language that recognizes the challenges in implementing the federal *Emergency Assistance to Nonpublic Schools* (EANS) program and that creates the means by which nonpublic schools would receive needed support should EANS funds revert to the *Governors Emergency Education Relief (GEER)* program. Among the continuing challenges in implementing EANS are: 1) the on-going and evolving process of obligating funds; 2) the likely inability to spend funds given personnel shortages and materials that may become unavailable; 3) looming federal deadlines; and 4) the current USDOE guidance disallowing EANS funds that revert to GEER to be used to reimburse schools.

State Office of Religious and Independent Schools (SORIS): Governor Hochul’s Executive Budget maintains \$1,457,000 to support the work of SORIS including work related to enforcement of the “substantial equivalency” provisions of the education law and SED regulations. The additional staff of this relatively new office has enabled the department to reverse the work backlog and the delay in disbursing program funds benefitting students and teachers in our schools. However, programmatic demands of the office and our schools require additional staff and we continue to urge restoration of the original \$2 million for SORIS.

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.