



New York State Catholic Conference

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Testimony of the New York State Catholic Conference

presented by

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Introduction

A promising future for our children, families, communities and our economy depends on whether our schools are providing a quality education to the state's children. The state's Catholic schools continue their tradition, going back for more than 200 years, of providing an outstanding education to thousands of our state's children, many of whom are not Catholic. Especially in our inner cities, Catholic schools continue to help bring children out of poverty. Parents, however, are finding it increasingly difficult to shoulder the dual burden of taxes to support public schools while paying tuition to support the education of their own children. The decline in enrollment and the resulting closing of Catholic schools over the decades is no surprise. Little attention, however, has been paid to the added cost to taxpayers.

While the Catholic Bishops are continuously forced to make the extraordinarily difficult decisions to close Catholic schools, it must be noted that no Catholic school has closed due to academic failure. This is something that cannot be said about either traditional public or charter schools. Nor have our schools been closed due to lack of desire on the part of parents to enroll their children. The loss of Catholic schools in New York State comes down entirely to the rising costs and the inability of parents to pay the increasing tuition needed to meet those costs. This has been a tragedy for the state, for the parents of those children who are enrolled and those who wish they could be, and for the children themselves.

More than 75 Catholic schools across the state were forced to close in the past seven years and more will be closing this June. More than 300 have closed in the last 20 years. Most of the displaced students then enroll in the already over-burdened public school system at a far greater cost to taxpayers. The shift of enrollment from private to public schools over the last 20 years has increased the cost to taxpayers by more than \$2 billion - each and every year! Unless something meaningful is done to support the education of children in religious and independent schools, this trend will continue to exacerbate the burden on taxpayers. But even more importantly, more and more children will be denied the opportunity to escape poverty and have a brighter future that the remarkable success of Catholic schools offers.

Like many good public schools, Catholic schools have been instrumental in moving hundreds of thousands of children out of poverty, many from immigrant populations and communities of color. It is well known that our Catholic schools serve many non-Catholic families; our reach and service goes well beyond the Catholic community. Our ability to serve poor families and the broader community with a quality education depends on the ability of low-income and minority families to access scholarships. These families are desperate for successful schools, knowing that a quality education for their children is the means to a prosperous future.

But if our schools are to continue being a part of addressing New York's inequality of resources and opportunities, we must work together to meet the fiscal challenges that threaten their very existence. The good news is that you have the opportunity to do something about it, without hurting any other children or any other schools. All it takes is the political will to act.

Substantial Equivalency Reviews and Determinations: The substantial equivalency guidelines issued by SED, based in part by the amendment to section 3204 of the education law enacted as part of last year's state budget, require many religious and independent schools in New York State to be reviewed by local public school district staff and a determination, by a vote of the public school board, on whether the private school can operate. In the case of religious schools, sending local school authorities to scrutinize private religious schools would create excessive governmental entanglement in and an infringement of the exercise of religion. The very process of sending local school boards to inspect and evaluate religious schools raises these entanglement concerns, regardless of the outcome of such scrutiny. We maintain that in no case should a local public school board have authority over whether a private school can operate. While we are accountable primarily to the parents who choose our schools for their children's formal education, any government authority over our schools rests with the NYS Board of Regents.

Because the religious and independent school community is so diverse, we believe there ought to be multiple options in measuring the success of these schools without jeopardizing their independence and unique missions. Indeed, multiple options are essential to preserve religious schools' free exercise and equal protection rights protected by the United States and New York constitutions, as well as federal Department of Education rules concerning equal treatment.

The NYS Council of Catholic School Superintendents cannot and will not accept a review and vote on their operations by a local competitor who can, in effect, invalidate a Regents-issued absolute charter, registration and SED-approved certificate of incorporation. We seek an amendment to Article 65 of the education law to create various options for determining substantial equivalency with the final authority being vested exclusively with the State Education Department and Board of Regents. We further urge restoration of the \$2 million appropriation to support the State Office of Religious and Independent Schools' efforts to oversee substantial equivalency provisions.

Funding for Critical Capital Needs: Numerous religious and independent schools face critical facility needs which if unmet threaten their ability to maintain a safe and productive space for students, staff and the broader community. Their needs include major roof repair/replacement, structural repairs/renovations, and boiler repair/replacement, etc. Unlike their public school counterparts, most of these schools are unable to finance these projects without financial assistance. We urge a \$200 million appropriation within the 2019-20 State Budget for critical capital projects at religious and independent schools.

Funding for Energy Efficiency Projects: Advances in energy technologies not only reduce energy usage, thereby helping all utility rate-payers, 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. Many of our schools however, unlike their public school counterparts, lack the money to initiate such projects. We urge adoption of a combined energy efficiency grant and loan program of \$75 million to provide seed money to initiate energy efficiency projects. 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.

State Office of Religious and Independent Schools (SORIS): The State Office of Religious and Independent Schools within SED has reversed the work backlog and the delay in disbursing program funds benefitting students and teachers in these schools. Additional funds are needed however to support a sufficient number of staff who can more fully oversee and enforce the state and federal programs related to religious and independent schools as well as to carry-out the "substantial equivalency" reviews for schools across the state. We therefore urge restoration of the original \$2 million funding level for SORIS.

Mandated Services Aid / Immunization: The Executive Budget excludes the \$7 million needed to reimburse schools in Buffalo, Rochester and New York City for their expenses in complying with the state's immunization program – first included in the 2017-18 state budget. These funds must be restored and sufficient funds provided to fully reimburse schools for all current and prior-year mandated costs. In addition, the law that was approved twice by the legislature and eventually signed into law by Governor Cuomo to reinstate the 40-year old “instructional time” standard for reimbursement has yet to be implemented. The resulting delay in reimbursement payments will no doubt adversely affect the ability of many schools to meet their payroll, vendor and other critical financial obligations.

Helping Tuition-paying Families: Lawmakers in 30 states have enacted various forms of tuition assistance programs enabling poor and working-class families to choose the educational setting best suited for their children. These programs have helped multiple generations achieve the kind of educational equality and economic opportunity on which New York State prides itself. And although demand for our schools remains strong, working and middle class families too often cannot afford even the modest tuition that we must charge – and there are long waiting lists for the limited number of scholarships that can be offered. Yet, New York continues to be one of the states denying its own residents these opportunities.

The federal expansion of 529 plans now allow funds to be used for K-12 tuition. 529 plans were enacted in 1996 to help families pay for college by ensuring that the earnings on the funds in the accounts are not subject to federal income tax. Many states, including New York, enhanced the tax benefit, going above and beyond the federal government by changing their state tax laws to allow contributions to 529 accounts to be deductible on state income taxes. However, New York will likely need to change its tax law again to ensure that withdrawals for K-12 tuition are not subject to New York State income tax. If parents are going to take advantage of the federal law and use funds from a 529 account for K-12 tuition, New York State, in effect, will likely *penalize* taxpayers by requiring them to not only pay back the tax on the amount that was deducted when computing their state income taxes, but they will likely also have to pay state income tax on any earnings. This could more than offset any federal tax advantage they accrued and result in even greater costs to families.

We urge you to ensure that families are not penalized when taking advantage of the expanded federal 529 Plans and that they can obtain the full tax benefits of 529 accounts for K-12 tuition that are and have been available to families for college tuition for 20 years. In addition, as lawmakers in 30 other states have done, we urge you to enact a meaningful tuition assistance program to generate additional scholarships for the children of low- and working-class families to attend a school best suited for them.

Health, Safety, Security: We are grateful to you and Governor Cuomo for providing \$15 million in health, safety and security funds and the flexibility to support an array of activities addressing these needs. However, many critical projects cannot be financed by the limited funds available to each school. We estimate that at least \$30 million is needed to meet current funding demands.

STEM: While the Governor recommends a \$5 million increase from \$15 million to \$20 million to support Science, Technology, Engineering, and Math education in our schools, reimbursement claims in the first year came in at \$91 million. We also estimate that the actual STEM expenses of schools are in the hundreds of millions as STEM education expands around the world. While we are grateful to the Governor for the recommended increase, we urge additional funds necessary to keep pace with the rapidly growing STEM program costs.

Transportation Services / Funding: Next to their ability to afford tuition, the second most common challenge faced by parents in enrolling their children in religious or independent schools is their ability to have their children transported to school. When parents are denied their choice of a religious or an independent school because transportation services are not available or are unreasonable or are unreliable, the burden on taxpayers increases as more of these children are forced to enroll in public schools. Moreover, disparate school district calendars result in fragmented transportation services. This problem is exacerbated as districts utilize the additional flexibility granted to them in meeting their minimum instructional time requirements. We urge the following: (1) restore 90 percent state reimbursement of school district costs of transporting religious and independent school students; (2) require transportation to be provided by schools with disparate schedules and calendars – and not denied to religious and independent schools when public schools are closed or when they make mid-year calendar changes; (3) require small city school districts to transport children up to the maximum mileage limit rather than city limits; (4) increase the maximum distance school districts are required to transport children to school from 15 to 25 miles; and (5) appropriate \$25 million in transportation services grants directly to religious and independent school organizations which can then purchase needed transportation services from school districts and other providers where transportation gaps exist.

Smart School Bond Funds: The \$25 million appropriation intended to address the inequities in the private school share of the Smart Schools Bond Act funds is not sufficient to ensure that each of our schools across the state is receiving an equitable share of the classroom technology to which they are entitled. We urge: 1) the Smart School Review Board to not approve any district plan that does not correctly calculate the private school share; 2) that funding be used to supplement plans already approved wherein the private school share was incorrectly calculated; and 3) that additional funds be appropriated to ensure that all private schools receive the technology to which they are entitled under the Act.

Nursing Services: An increasing number of children have acute and chronic health problems that require the daily attention and care of professional school nurses. Yet the shortage of school nurses leaves school employees in the untenable position of having to respond to health emergencies and manage chronic health problems. School administrators and teachers are not health professionals and simply should not be forced to manage and respond to their students' asthma, diabetes, food allergies and other health conditions. For parents, as well as for the school staff to whom children have been entrusted, there is nothing more important than the health and safety of their children. It is simply unconscionable to put the lives and well-being of children at risk. We urge you to include sufficient funding to ensure that a full-time nurse is available for every public, independent and religious school.

Academic Intervention Services: Currently only \$922,000 is appropriated annually to independent and religious schools to implement the Academic Intervention Services (AIS) regulations promulgated by the Board of Regents, far below the \$20 million that is needed. Without adequate funding now, these at-risk children may easily fall behind even more, requiring more expensive academic interventions later. AIS funding should be increased so that, like public schools, our schools are able to provide these services to our children who are most in need.

Teacher Training and Mentoring: The mandated continuing education for certified teachers and school leaders is essential to maintaining high quality academic programs, to meet the growing needs of students, and to keep pace with developments in standards, assessments, technology, and other programs. We urge you to include \$10 million for teacher and leader professional development in religious and independent schools.

Professional Development; Article VII language: The SED and the Commissioner's Advisory Council for Nonpublic Schools have developed and are implementing a plan to expend approximately \$2 million in federal Title IIa and IVa funds, on an annual basis, to support the professional development of our school principals and teachers as well as supporting vital . One part of the plan calls for graduate level courses to be offered through the state's institutions of higher education. To that end, SED has established a Memorandum of Understanding (MOU) with the City University of New York and will seek to do so with the State University of New York – both “sister agencies” of SED. We respectfully urge the inclusion of Article VII language in this year's budget to permit SED to establish a comparable MOU with the Commission on Independent Colleges and Universities so that course offerings at New York's independent colleges are likewise available to nonpublic school principals and teachers.

Learning Technology Grants: The Governor proposes \$3.3 million for Learning Technology grants. The limited funding for this valuable program, however, serves only 50 school districts along with their independent and religious school partners. We strongly urge you to increase the appropriation to a level sufficient to enable more needy schools to benefit from this program.

Early Childhood /Pre-Kindergarten Funding: The State Education Department and advocates continue to seek expanded programming and funding for early childhood/Pre-K and the consolidation of the same. While we applaud this effort in general, we urge that any programmatic and funding modifications continue to require and support the inclusion of community-based providers, including religious and independent schools. Doing otherwise would disenfranchise countless families, erode meaningful diversity in the program and result in substantially higher costs.

In Summary: In order to ensure that all children, regardless of where they attend school, are provided the opportunity to become competitive, responsible and healthy adults in the 21st century, it is vital that sufficient resources and services be provided on an equitable basis for all children. Education is a common and shared responsibility of each and every one of us– not an obligation of only the “public” schools. We believe lawmakers are responsible for supporting all families they represent regardless of whether their children are educated in traditional public schools, charters, religious and independents, home school, or virtual classrooms.

While we are grateful for the multiple programs and funding streams provided by lawmakers to the benefit of students in religious and independent schools, the fact remains that our schools operate on a dramatically uneven playing field. Despite the fact that 13 percent of children in New York State attend a religious and independent schools, less than 1 percent 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.

