



20

**Advocates for Children of New York**  
Protecting every child's right to learn

**Testimony for the Joint Legislative Public Hearing on the  
2016-2017 Executive Budget Proposal: Elementary and Secondary Education**

**January 27, 2016**

Thank you for the opportunity to speak with you today. My name is Randi Levine, and I am Policy Coordinator at Advocates for Children of New York (AFC). For more than 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. Every year, we help thousands of New York parents and students navigate the education system. We focus on the students who are most likely to experience failure in school because of poverty, race, disability, homelessness, immigration status, involvement in the child welfare or juvenile or criminal justice systems, or language barriers.

Based on this experience, we urge the Legislature to:

1. Increase funding for Career and Technical Education (CTE) programs;
2. Increase funding for prekindergarten and reject the proposed new Grant Board;
3. Increase funding to support English Language Learners (ELLs);
4. Increase funding for family and community engagement;
5. Increase funding for community schools;
6. Reject the Executive Budget special education waiver proposal;
7. Support the extension of mayoral control of New York City schools;
8. Support the DREAM Act;
9. Increase education funding overall; and
10. Reject the education tax credit proposal.

**1. Increase Funding for Career and Technical Education (CTE) Programs**

Currently, more than 20 percent of students in New York State do not graduate in four years. Career and Technical Education (CTE) programs promote student engagement and advancement toward college or career readiness, giving students the opportunity to graduate from high school. An expansion of CTE programs would help improve the State's graduation rate and help students be better prepared for

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college or careers. Recognizing the importance of CTE programs, the Board of Regents' 2016-2017 Proposal on State Aid to School Districts recommends authorizing an additional \$65 million for CTE.

Given the disproportionately low graduation rates for English Language Learners (ELLs) and students with disabilities, CTE programs have the potential to be particularly beneficial for these students. However, we have identified barriers to accessing CTE programs for ELLs and students with disabilities.<sup>1</sup>

The Executive Budget includes \$1 million in new CTE funding specifically to eliminate barriers that prevent students with disabilities and ELLs from participating in CTE programs. We are pleased that Governor Cuomo recognized the need for designated funding for the purpose of making CTE accessible to these populations of students. However, a significantly higher investment is needed to expand CTE.

**We urge the Legislature to authorize at least an additional \$65 million for CTE, including at least \$1 million to make CTE programs accessible to students with disabilities and ELLs.**

## **2. Increase Funding for Prekindergarten and Reject the Proposed New Grant Board**

By the time children enter kindergarten, children from lower socioeconomic backgrounds lag significantly behind children from higher socioeconomic backgrounds in academic skills. High-quality early childhood education programs are proven to help fill this gap. Rigorous research has shown that, compared to children left out of high-quality early childhood education programs, low-income children who participated were less likely to be retained a grade in school, be placed in a special education class, drop out of school, rely on public assistance, or be arrested for a violent crime. As a result, these programs result in substantial cost savings to schools, government, and taxpayers.

We are grateful to Governor Cuomo and the Legislature for increasing funding for prekindergarten and making it possible for New York City to reach the milestone this school year of having a pre-K seat available for every four-year-old child for the first time. However, despite promises to make full-day prekindergarten universal statewide for four year olds, nearly one third of the State's school districts do not

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<sup>1</sup> See Coalition for Multiple Pathways to a Diploma, *Creating CTE Programs that Benefit Students with Disabilities and English Language Learners*, available at [http://www.advocatesforchildren.org/policy\\_and\\_initiatives/pathways\\_to\\_a\\_diploma](http://www.advocatesforchildren.org/policy_and_initiatives/pathways_to_a_diploma).



offer prekindergarten, and many school districts that receive funding are far from offering universal, full-day prekindergarten access.

We appreciate the proposed increase of \$22 million in the Executive Budget for prekindergarten for three year olds. However, this funding falls far short of the \$125 million increase recommended by the Board of Regents for prekindergarten for 2016-2017. We urge the Legislature to keep the promise of universal pre-K by investing at least an additional \$125 million in prekindergarten for three-year-old and four-year-old children and an additional \$25 million for quality improvements to ensure that the State funds high-quality programs. The Legislature should ensure that the full-day rate for four year olds is at least \$10,000 per child and that the rate for three year olds, who need smaller child-to-teacher ratios, is at least \$12,000 per child.

We are also very concerned about the Executive Budget's proposed Empire State Prekindergarten Grant Board, which would take the prekindergarten RFP and selection process out of the hands of the State Education Department and place it in the hands of a three-member politically appointed board, creating another layer of bureaucracy in an already complicated prekindergarten system. We recommend having the State Education Department, with its expertise and experience, continue to serve as the entity responsible for the prekindergarten RFP and selection process.

Finally, we are pleased that the Executive Budget includes an additional \$2 million for QUALITYstarsNY, for a total of \$5 million. This investment will support early childhood education programs in meeting quality standards that promote children's learning and development.

**We ask the Legislature to keep the promise of making full-day prekindergarten universal by investing at least an additional \$125 million for prekindergarten for three-year-old and four-year-old children and at least \$25 million for prekindergarten quality enhancement, to invest at least \$5 million for QUALITYstarsNY, and to reject the proposed Empire State Prekindergarten Grant Board.**

### **3. Increase Funding to Support English Language Learners**

Over half of New York City's school-age children come from immigrant families. At any given time, approximately 150,000 NYC students, or nearly 15% of the total NYC student population, are classified as English Language Learners (ELLs). Statewide, there are more than 240,000 students classified as ELLs—nearly 9% of



New York State's students. The most recent graduation data showed that only 34% of ELLs statewide graduated with a high school diploma within four years.

The Board of Regents' State Aid Proposal recommends an additional investment of \$75 million in 2016-2017 to serve ELLs through a variety of approaches including matching teachers with training and certification in bilingual education with content area teachers to ensure appropriate instruction for ELLs; creating materials and instructional resources that are age and grade appropriate, academically and linguistically relevant, and aligned with the Common Core Standards; providing professional development; and creating and translating materials for families. Unfortunately, the Executive Budget does not include any new targeted funding to support English Language Learners. New York State cannot continue to leave these students behind.

**We urge the Legislature to adopt the Board of Regents' Proposal to invest an additional \$75 million in the 2016-2017 budget to provide increased support to English Language Learners.**

#### **4. Support Funding for Family and Community Engagement**

Meaningful family engagement is a critical component of children's learning and development. To boost student outcomes, schools must support families, including Limited English Proficient families, and give them the information they need to play an active role in their children's education. The Board of Regents' State Aid Proposal recommends \$25 million for 2016-2017 and \$50 million for 2017-2018 to support family engagement in school districts that serve large numbers of children living in poverty or families who recently arrived to this country. The funding would be used for activities such as encouraging school attendance, explaining school programming and special education options in families' home languages, and implementing initiatives that open the school doors to families beyond the regular school day. In addition, the Board of Regents' Proposal recommends using \$25 million of this funding over the two years for specific initiatives recommended by the Workgroup for Men and Boys of Color. Unfortunately, the Executive Budget does not include targeted funding for family and community engagement.

**We urge the Legislature to adopt the Board of Regents' Proposal to invest \$25 million in the 2016-2017 budget for family and community engagement.**



## **5. Increase Funding for Community Schools**

Community schools help to connect students to the health, mental health, and social services they need to be successful learners. We are pleased that the Executive Budget includes \$100 million for community schools.

**We urge the Legislature to include in the final budget at least the \$100 million proposed by the Executive Budget.**

## **6. Reject the Special Education Waiver**

AFC opposes the Executive Budget proposal to allow school districts, approved private schools, or boards of cooperative educational services to seek waivers from important protections contained in N.Y. Educ. Law §§ 4402 and 4403 and their implementing regulations for students with disabilities. Sections 4402 and 4403 contain important protections regarding the duties of school districts, including (1) provisions regarding IEP teams and annual and triennial reviews (which already include waiver provisions for individual students); (2) policies regarding functional behavior assessments, behavior intervention plans, transition to adulthood, and class sizes; and (3) notifications required before changes in placement, including placement in residential programs and interim alternate educational settings. All of these provisions provide important rights to students with disabilities and their families. A waiver provision this broad would erode students' rights and have an adverse effect on children and youth with disabilities, particularly those who are low-income. Importantly, there has been no showing that this provision will result in significant cost savings for districts or remove actual barriers to serving students with disabilities more effectively.

In addition, the notice provision and process for approval for the waiver are inadequate. The notice provision does not provide for public notice of waiver requests, but leaves it up to the local school district, approved private school, or board of cooperative educational services to determine which parents will be impacted and to give them notice in a form to be determined by the Commissioner. This process leaves too much room for error and for districts to limit notice too severely, with parents who are in fact affected by the proposed waiver having no chance to submit their opposition. If any waiver proposal moves forward, notice should be made public as well as mailed to individual parents, so that all parents, parent advocates, and educators have an opportunity to comment on any proposed waiver. We are also concerned that the current proposal allows the Commissioner to approve a waiver proposal without approval from the Board of Regents, giving the Commissioner



power to singlehandedly authorize school districts to remove important protections for students with disabilities.

We are pleased that the Legislature has rejected this proposal in the past. **We urge the Legislature to reject the special education waiver proposal once again this year.**

#### **7. Support Extension of Mayoral Control of New York City Schools**

As advocates who help parents navigate the New York City school system, we know how important it is to have stability in the leadership and governance structure of the education system. Having a political battle each year about whether or not to extend mayoral control of schools does not help New York City students and takes attention away from important policy debates about how to strengthen public education. The Executive Budget proposes extending mayoral control of New York City schools through June 30, 2019. **We urge the Legislature to approve an extension of mayoral control** of this length at a minimum.

#### **8. Support the DREAM Act**

We are pleased that the Executive Budget includes the New York State DREAM Act, which would make New York State residents eligible to receive State financial assistance for college regardless of their immigration status. The DREAM Act would help break down a barrier to college access for students from immigrant families.

**We urge the Legislature to ensure that the final budget includes the DREAM Act.**

#### **9. Increase Education Funding**

We are disappointed that the proposed education budget falls short of the amount owed pursuant to the Campaign for Fiscal Equity Lawsuit and the amount that the Board of Regents recommends. The Board of Regents' State Aid Proposal recommends an additional investment in education of \$2.4 billion over last year's amount. We urge the Legislature to fulfill its commitment to our schools by investing at least this recommended funding level in 2016-2017.



## **10. Reject the Education Tax Credit**

With all of the challenges that New York's public schools face, we are concerned about diverting money to a fund that would go to a variety of purposes, including supporting private school tuition. We request that the \$150 million in the Executive Budget for the so-called Parental Choice in Education Act instead be allocated to school districts for targeted approaches to supporting students such as CTE, prekindergarten, and support for ELLs.

**We urge the Legislature to reject the education tax credit proposal.**

We look forward to working with you throughout the budget process. Thank you for the opportunity to testify. I would be happy to answer any questions you may have.

