

New York State Assembly
Carl E. Heastie
Speaker

Committee on
Education

Catherine T. Nolan
Chair



CATHERINE NOLAN
37TH Assembly District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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EDUCATION COMMITTEE

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December 15, 2017

The Honorable Carl Heastie, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and help advance education policies that best help our students succeed. Thanks to your leadership, the Committee continued to substantially invest in all of our schools, especially our most struggling schools.

The 2017-18 budget increased General Support to Public Schools funding by \$1 billion for a total of \$25.7 billion. The budget provided a \$700 million increase in Foundation Aid for a total of \$17.2 billion. The budget also provided \$151.2 million in Community Schools funding, which is an increase of \$51.2 million over last year.

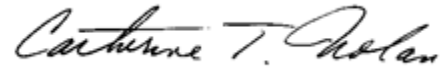
In order to better understand the current state of New York's school infrastructure and facilities, the Committee convened a hearing to examine and study new ways to support, improve, and modernize our state's schools and boards of cooperative educational services (BOCES). The Committee also convened a roundtable to examine the financial, programmatic, health, safety, accountability, and transparency measures private schools are taking to ensure that their students receive a sound, basic education.

Throughout the 2017 legislative session, the Assembly Majority advocated for a variety of important educational measures. We extended the current provisions of school governance for the New York City School District until June 30, 2019 (Chapter 61 of the Laws of 2017). Sepsis is one of the leading causes of death in the United States. In honor of Rory Staunton, a young boy who died from sepsis, we passed Rory Staunton's Law, which requires the Commissioner of Education to establish a sepsis awareness, prevention, and education program to educate students, parents, and school personnel about sepsis awareness and prevention (Chapter 347 of the Laws of 2017).

As we move forward into the 2018 legislative session, the Committee will continue to work to ensure the best for all of our students in the many city, suburban, and rural school districts across

the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and I look forward to the 2018 session.

Sincerely,

A handwritten signature in black ink that reads "Catherine T. Nolan". The signature is written in a cursive style with a large initial 'C' and a distinct 'T'.

Catherine Nolan
Chair
Committee on Education

**2017 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

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Maria Volpe-McDermott, Senior Analyst
Rob Loomis, Committee Assistant
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I. INTRODUCTION

The New York State Constitution states that, “[t]he Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated” (Article 11, Section 1). This constitutional provision establishes the foundation for the areas of responsibility of the Assembly’s Standing Committee on Education.

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary, and secondary education for approximately 3 million children attending both public and nonpublic schools. Within New York State, there are nearly 700 school districts, including the nation’s largest, the New York City School District, which enrolls over 1 million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education, and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

The Committee works diligently to ensure that the public schools of this large and diverse state provide the range of opportunities that all students need to fulfill their potential. The Committee supports equitable funding and strengthening the quality of public education in the state.

During the 2017 Session, 636 bills were referred to the Education Committee. The Education Committee has broad jurisdiction over all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2017.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature modified the Executive's budget proposal to increase funding for General Support for Public Schools (GSPS) by \$1 billion for a total GSPS of \$25.7 billion for the 2017-18 school year. This is an increase in formula based aids of \$995 million or 4.1 percent for the 2017-18 school year. The increase in GSPS funding provided a \$700 million increase in Foundation Aid for the 2017-18 school year, which reflects an increase of \$272 million over the Executive's proposed increase. The Legislature also provided \$37 million to unfreeze the reimbursement of expense-based aids.

Additionally, the 2017-18 enacted state budget included a total of \$151.2 million for community schools, which is an increase of \$51.2 million over the 2016-17 school year. Of the \$151.2 million, \$1.2 million was to support services and expenses of community school regional technical centers.

The following summary provides a brief description of the State Budget:

Foundation Aid

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure that educational resources are distributed to schools in a comprehensive and equitable manner pursuant to the New York State Court of Appeal's *Campaign for Fiscal Equity* decision. The formula is based on the average cost of educating students in successful schools, and is adjusted for regional cost differences, poverty levels, pupils with limited English proficiency, and special education needs. In addition, the formula is based on enrollment rather than attendance.

The Legislature increased Foundation Aid by \$700 million for the 2017-18 school year, for a total of \$17.2 billion.

Early Childhood Education

The Legislature provided \$812 million for the implementation and development of prekindergarten programs.

The Legislature accepted the Executive's continuation of \$340 million for the Statewide Universal Full Day Prekindergarten program.

The Legislature modified the Executive's proposal to consolidate the Priority Full-Day and Expanded Half-Day Prekindergarten grant program into Universal Prekindergarten (UPK) within School Aid by setting forth a plan to consolidate all prekindergarten programs, as well as making technical changes to ensure that districts do not lose funding. The total consolidated UPK funding within school aid was \$416 million for the 2017-18 school year.

For providers of UPK, the Legislature extended the period for when teachers must be certified until June 30, 2020, provided that districts must submit a report to the Commissioner of Education regarding any barriers to education, the number of uncertified teachers, how long teachers have been employed under transitional guidelines, and the expected certification completion.

For Statewide Universal Full-Day Prekindergarten, the Legislature extended the period for when teachers must be certified until June 30, 2018, provided that an exemption to the certification requirement may be given for a teacher without certification who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry.

The Legislature required all school districts receiving UPK funding to adopt approved quality indicators within two years.

The Legislature required that UPK programs include curriculum standards that are consistent with the New York State Prekindergarten Early Learning Standards.

Grant Programs

The Legislature accepted the Executive's proposal for grant provisions for: Early College High Schools (\$5.3 million); Expanded Half-Day and Full-Day Prekindergarten for Three-and-Four-Year-Olds in High Need School Districts (\$5 million); Advanced Placement (AP) Test Assistance (\$2 million); Master Teachers Program (\$2 million); Excellence in Teaching Awards (\$400,000); and Cyberbullying Prevention (\$300,000).

The Legislature modified the Executive's After School proposal to expand the pool of eligible students in after school programs (\$35 million).

Charter Schools

The Legislature froze charter school basic tuition for the 2017-18 school year, plus \$1,000 per pupil. In future years, an average rate of increase will be applied to this tuition each year based on school district spending growth and the state will annually reimburse school districts \$1,000 per pupil for charter school supplemental tuition.

The Legislature accepted the Executive's proposal to increase charter school facility reimbursement in New York City from 20 to 30 percent of charter school tuition.

Teacher Programs

The Legislature increased funding for Teacher Resource and Computer Training Centers to \$20 million for the 2017-18 school year, an increase of \$5.7 million and a restoration of \$14.3 million.

The Legislature restored funding for the Executive Leadership Institute at \$475,000 for the 2017-18 school year.

Special Education

The Legislature modified the Executive's proposal to provide funding for High Cost Excess Cost Aid for special need students at its present law level of \$607.1 million for the 2017-18 school year, a decrease of \$1.5 million from the 2016-17 school year.

The Legislature provided funding for Private Excess Cost Aid to its present law level of \$392.4 million for the 2017-18 school year, an increase of \$12.9 million over the 2016-17 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.3 million for the 2017-18 school year, which is the same level of funding as the 2016-17 school year.

The Legislature provided an additional \$2.3 million in funding for schools for the blind and deaf (4201 schools), for a total of \$103 million for the 2017-18 school year. Additionally, the Legislature provided \$903,000 to preserve current staffing levels at the Henry Viscardi School and \$903,000 in funding for the New York School for the Deaf.

The Legislature rejected the Executive's proposal to allow any school district, BOCES, or nonpublic school to apply for waivers from certain special education requirements.

The Legislature modified the Executive's proposal to require the State Education Department (SED) to establish a new rate for preschool special education programs in integrated settings by requiring stakeholder input and extending the deadline until April 1, 2018.

BOCES Aid

BOCES Aid provides funding to reimburse school districts that participate in BOCES shared educational programs and services. The 2017-18 enacted state budget funded this aid category at its present law level of \$893.8 million, which is an increase of \$27.3 million over the 2016-17 school year. The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act School Districts at \$700,000, which is the same level of funding as the 2015-16 school year.

The Legislature rejected the Executive's proposal to authorize BOCES to establish two recovery high schools for students diagnosed with substance use disorders.

Special Services Aid

The Legislature increased funding for Special Services Aid to its present law level of \$262.3 million, which is a decrease of \$10.8 million from the 2016-17 school year.

Building Aid

The Legislature modified the Executive's proposal to provide funding for Building Aid at its present law level of \$3 billion, an increase of \$142.4 million over the 2016-17 school year.

The Legislature modified the Executive's proposal to provide funding for Reorganization Building Aid at its present law level of \$23.8 million, a net decrease of \$1.1 million from the 2016-17 school year.

Transportation Aid

The Legislature modified the Executive's proposal to provide funding for Transportation Aid at its present law level of \$1.8 billion, an increase of \$96.4 million over the 2016-17 school year.

The Legislature modified the Executive's proposal to provide funding for Summer Transportation Aid at its present law level of \$4.9 million.

High Tax Aid

The Legislature accepted the Executive's proposal and provided funding for High Tax Aid at \$223.3 million, the same level of funding as the 2016-17 school year.

Nonpublic School Aid

The Legislature accepted the Executive's proposal of \$72.6 million for the Comprehensive Attendance Policy and \$108.4 million for Mandated Services Relief Aid, an increase of \$2.8 million and \$4.2 million, respectively.

The Legislature provided \$922,000 for Academic Intervention Services.

The Legislature provided \$7 million for nonpublic schools for additional costs for complying with immunization requirements.

The Legislature provided \$15 million for health and safety equipment and personnel for nonpublic schools.

The Legislature provided \$5 million for nonpublic schools to hire STEM teachers.

The Legislature provided \$25 million for competitive grants to fund safety and security projects at nonpublic schools, community centers, and day care facilities at risk of hate crimes or attacks.

The Legislature provided \$25 million for nonpublic school technology projects.

The Legislature required Smart School Bond Act plans submitted on or after April 15, 2017 to calculate the amount of classroom technology to be loaned to nonpublic students including for servers, wireless access points, and other portable connectivity devices.

Charter School Transition Aid

Charter School Transition Aid directs funding to school districts most impacted by charter school growth and enrollment. The Legislature modified the Executive's proposal to fund Charter

School Transition Aid at its present law level of \$39.3 million, an increase of \$5.9 million from the 2016-17 school year.

Miscellaneous Aids

The Legislature increased funding for Incarcerated Youth Assistance at \$16 million and Homeless Pupils Aid at \$30.2 million.

The Legislature accepted the Executive's proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same funding level as the 2016-17 school year.

The Legislature accepted the Executive's proposal to continue \$1 million in transition funding for Deferred Action for Childhood Arrivals (DACA) to provide educational services and support for DACA-eligible out-of-school youth and young adults in New York State.

The Legislature provided \$2 million to make sure that a school district will not have to pay for a receiver if a school goes into receivership.

The Legislature provided \$2 million to SED to develop data systems.

The Legislature accepted the Executive's proposal to continue to support state-appointed monitors in the East Ramapo Central School District.

The Legislature provided \$2 million for the East Ramapo Central School District school improvement grant.

Contracts for Excellence

Contracts for Excellence were implemented beginning in the 2007-08 school year. School districts were required to prepare a contract if they had at least one school that failed to meet federal or state academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year. The 2017-18 enacted state budget provided that any school district that filed a contract in the 2016-17 school year must file a contract in the 2017-18 school year, unless all schools in the district are in good standing. As a result, in the 2017-18 school year, 15 school districts are required to prepare a Contract for Excellence.

B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES

A.5965, Galef; Veto Memo No. 209: This legislation would have exempted certain BOCES capital expenditures from a school district's tax levy limit.

C. CAREER AND TECHNICAL EDUCATION

A.7971, Hyndman; Chapter 377 of the Laws of 2017: This law requires the Chancellor to examine, evaluate and make recommendations concerning the feasibility, costs, benefits and

means of expanding the number and types of career and technical education (CTE) schools and programs within New York City. Within a year, the Chancellor is required to submit a report to the Governor, Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate, and the Minority Leader of the Assembly on his or her findings, conclusions, recommendations, and legislative proposals.

D. HEALTH AND SAFETY

A.362, Nolan; Chapter 1 of the Laws of 2017: This law makes a technical correction to the provisions of Chapter 390 of the Laws of 2016, which required all schools to recognize mental health as part of their health education program.

A.2409B, Ortiz; Chapter 316 of the Laws of 2017: This law authorizes the Commissioner of Education, in cooperation with the Commissioner of Agriculture and Markets, to develop guidelines to encourage school districts, colleges, and universities to donate excess, unused food to local voluntary food assistance programs.

A.2597, Nolan; Veto Memo No. 168: This legislation would have required the Commissioner of Education to establish a procedure in which school district compliance with physical education instruction, as required by law and regulation in elementary grades, is reported to SED and that a report is submitted to the Governor and Legislature by July 1, 2018, regarding compliance. Each superintendent that has at least one school that is not in compliance would have had to prepare a corrective action plan.

A.5151B, Crespo; Chapter 183 of the Laws of 2017: This law authorizes a diabetes risk analysis to be included in a student's health certificate. It also adds the achievement of a healthy weight, asthma, chronic bronchitis, and other respiratory diseases to the list of policies every school district nutrition advisory committee must study and make recommendations on.

A.6053A, Nolan; Chapter 347 of the Laws of 2017: Rory Staunton's Law requires the Commissioner of Education to collaborate with the Commissioner of Health to establish a sepsis awareness, prevention, and education program to educate students, parents, and school personnel about sepsis. Such program must include model curriculum, instructional tools, and a dedicated webpage on SED's website. SED must also issue guidance memorandum to every school district, BOCES, charter school, and nonpublic school to inform them of such program. In addition, this law adds sepsis to certain infection control coursework and training that all optometrists, dentists, nurses, podiatrists, physician assistants, and physicians must complete every four years.

A.7684, Nolan; Chapter 313 of the Laws of 2017: This law requires the New York City Department of Education to provide information on its website to parents and the public whenever any school kitchen or cafeteria is inspected by the New York City Department of Health and Mental Hygiene.

E. KINDERGARTEN INSTRUCTION

A.1625A, Zebrowski: This legislation would have allowed school districts providing a full-day kindergarten program that previously had a half-day kindergarten program or no kindergarten program in the 2016-17 school year to be eligible for transition aid for a period of five years beginning in the 2017-18 school year. This bill passed the Assembly, but died in the Senate Committee on Education.

A.1377, McDonald; Chapter 277 of the Laws of 2017: This law authorizes the Cohoes and Watervliet City School Districts to require minors 5 years of age on or before December 1st to attend kindergarten.

F. NONPUBLIC SCHOOLS

A.1039, Nolan; Chapter 311 of the Laws of 2017: This law clarifies that continuing teacher and leader education requirements apply to all holders of professional certificates in classroom teaching service, holders of level III teaching assistant certificates, and holders of profession certificates in educational leadership or service regardless of whether they are employed by a school district, BOCES, or nonpublic school.

A.7833, Cusick; Veto Memo No. 236: This legislation would have clarified the calculation of the reimbursement rate for aid for nonpublic schools.

G. SCHOOL BUDGET & OPERATIONS

A.5737, Galef; Veto Memo No. 163: This legislation would have validated two capital improvement projects for the Hendrick Hudson Central School District for late final cost reports.

A.7583A, Abinanti; Chapter 264 of the Laws of 2017: This law authorizes the Greenburgh North Castle Union Free School District to lease two properties outside of its geographical boundaries for the purpose of providing instruction to students in the Greenburgh North Castle Union Free School District.

A.8062A, Skartados; Veto Memo No. 160: This legislation would have made a technical correction to include the Newburgh Enlarged City School District to the school districts eligible to stretch out aid penalties arising from late final cost reports.

A.8095, Jaffee; Chapter 212 of the Laws of 2017: This law authorizes the Ramapo Central School District to change its name to the Suffern Central School District.

A.8302A, Goodell; Veto Memo No. 170: This legislation would have legalized, validated, ratified and confirmed certain actions by the Panama Central School District due to the failure of the district to file a timely final building cost reports for a 2005 capital project.

H. SCHOOL CONSTRUCTION

A.7788A, Mayer; Chapter 480 of the Laws of 2017: This law authorizes two multi-year cost allowances in a five-year period for the computation of Building Aid for three new Yonkers school construction projects authorized pursuant to chapter 355 of the laws of 2016.

A.8529, Pretlow; Veto Memo No. 244: This legislation would have authorized the Mount Vernon City School District to receive two multi-year cost allowances in a five-year period for the computation of Building Aid for up to four proposed school construction projects. This legislation would have also required that subsequent multi-year cost allowances may not be established for a period of 10 years from the date of the first multi-year cost allowance.

I. SCHOOL DISTRICT ELECTIONS

A.881A, Gunther; Veto Memo No. 248: This legislation would have authorized boards of education of union free and central school districts to establish school election wards for the purposes of electing school board members.

A.3926A, Fahy; Chapter 84 of the Laws of 2017: This law changes the day members of the Albany City School District are elected from the general election in November to the annual school meeting on the third Tuesday in May.

J. SCHOOL GOVERNANCE

A.40001, Rules (Heastie), Part G; Chapter 61 of the Laws of 2017: Part G of this law extends the current provisions of Chapter 345 of the Laws of 2009 related to the operation and management of the New York City School District for two years until June 30, 2019.

K. SPECIAL EDUCATION

A.982A, Nolan; Chapter 429 of the Laws of 2017: This law approves all school districts as evaluators of preschool students with disabilities.

A.1036, Nolan; Chapter 428 of the Laws of 2017: This law streamlines the process of transition planning when students with disabilities are no longer eligible for tuition free educational services. This law removes a requirement that a school district's committee on special education (CSE) provide a written notice starting at the age of 15 and again at 18 and streamlines this process to require one written notice and review to be conducted before the student's 18th birthday.

A.1595A Skoufis; Chapter 410 of the Laws of 2017: This law requires each school district to establish a policy and adopt procedures to allow any student with a disability in the district to participate in the graduation ceremony and all related activities with the class the student entered ninth grade with if the student has been issued a Skills and Achievement Commencement Credential or Career Development and Occupational Skills (CDOS) Commencement Credential, but has not otherwise qualified for a Regents or local high school diploma.

A.6515A, Nolan; Chapter 350 of the Laws of 2017: This law authorizes SED to use unallocated aid set forth through The Reader's Aid Program for the purchase and use of assistive technology for blind and deaf students in college in order to facilitate their continued education.

A.8262, Simon; Chapter 216 of the Laws of 2017: This law requires the Commissioner of Education to issue guidance memorandum to every school district and BOCES to inform them of the unique educational needs of students with dyslexia, dyscalculia and dysgraphia and to clarify that these terms may be used in Individual Education Plan (IEP) evaluations.

L. STUDENT RECORDS

A.2093B, Paulin; Chapter 170 of the Laws of 2017: This law updates and modernizes statute prohibiting the alteration of any official records, files, and data related to a student and maintained by a school or college to include identifying data, grades, attendance records, academic work, IEPs, disciplinary records, and records of student achievement.

III. PUBLIC HEARINGS AND ROUNDTABLES

A. HEARING ON SCHOOL INFRASTRUCTURE AND FACILITIES

October 19, 2017

10:00 A.M.

Albany, NY

The Assembly Committee on Education convened a hearing to examine the state of New York's aging infrastructure and facilities, as well as new ways to support, improve, and modernize our state's schools and BOCES. Additionally, this hearing sought to examine the success of the Smart Schools Bond Act, which was part of the 2014-15 enacted state budget to finance educational technology and infrastructure for students throughout the state.

The Committee heard testimony from state officials and stakeholders regarding the challenges faced by school districts as New York's infrastructure continues to age and deteriorate. Among the concerns that were addressed include overcrowding in schools, the need for more licensed engineers and staff within SED's Office of Facilities Planning, and the speed with which Building Aid and Smart Schools Bond Act funding is reimbursed and distributed, respectively. The committee also heard testimony regarding BOCES capital, green school initiatives, the state of technology in schools, and the need for funding for capital projects.

The Committee heard public testimony from MaryEllen Elia, Commissioner, New York State Education Department; New York City Department of Education; New York State School Facilities Association (NYSSFA); New York State United Teachers (NYSUT); BOCES; the New York State Parent Teacher Association (PTA); the Alliance for Quality Education (AQE); Class Size Matters; New York State Association of School Business Officials; Healthy Schools Network; Bricklayers Local 2; and Archi-Technology.

B. ROUNDTABLE ON THE EDUCATION OF STUDENTS AT PRIVATE SCHOOLS IN NEW YORK STATE

December 5, 2017

10:00 A.M.

Albany, NY

The Assembly Committee on Education convened a roundtable to examine the financial, programmatic, health, safety, accountability and transparency measures private schools are taking to ensure that all of their students receive a sound, basic education. Representatives from private and independent schools, as well as the New York State Education Department and New York City Department of Education were invited to attend.

Participants discussed the academic standards within private schools, as well as the health and safety measures private schools are taking to ensure that their students are in a safe, welcoming environment. Among the programmatic issues discussed include how private schools are ensuring substantial equivalency, as well as the process for chartering and registering private schools. Health and safety issues such as conducting annual fire inspections and the health services provided to students were also addressed. While the roundtable stressed some ongoing issues with private schools, it also highlighted the large number of students statewide who are getting a quality education.

IV. OUTLOOK 2018

During the next legislative session, the Committee on Education will continue to report legislation to advance the interests of students and ensure that all students are provided the educational opportunities and resources they deserve. The Committee will continue to fight for fair, equal and adequate funding for educational resources, especially in our state's most struggling schools; and ensure that our students will be college and career ready upon graduation.

As always, the Committee will strive to advocate for the necessary resources to provide all students of this state with a sound, basic education.

V. SUMMARY SHEET

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	5	0	5
TO WAYS AND MEANS	34	0	34
TO CODES	6	0	6
TO RULES	11	0	11
TO JUDICIARY	0	0	0
TOTAL	56	0	56
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO HIGHER EDUCATION	2	0	2
TO WAYS AND MEANS	1	0	1
TOTAL	3	0	3
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		6	6
RECALLED		1	1
TOTAL		7	7
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	486	78	564
BILLS HAVING ENACTING CLAUSES STRICKEN	5	0	5
MOTIONS TO DISCHARGE LOST	1	0	1
TOTAL BILLS IN COMMITTEE	551	85	636
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	8		