



Testimony of
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Presented to the
New York State Senate Finance Committee
And
New York State Assembly Committee on Ways and Means

***Regarding the
New York State Executive Budget Proposals for
Elementary and Secondary Education
State Fiscal Year 2018-2019***

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Good afternoon. My name is Grant Cowles and I am the Senior Policy and Advocacy Associate at Citizens' Committee for Children (CCC). CCC is a privately supported, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

CCC does not accept or receive public resources, provide direct services, nor represent a sector or workforce. For over 70 years, CCC has undertaken public policy research, community education and advocacy efforts to draw attention to children's needs so that we can advance budget, legislative and policy priorities that produce good outcomes for our youngest New Yorkers.

I would like to thank Chairwoman Weinstein and Chairwoman Young and all the members of the Assembly Ways and Means and Senate Finance Committees for holding today's hearing on the Elementary and Secondary Education related proposals in the Governor's Executive Budget for State Fiscal Year 2018-2019.

CCC recognizes the need to be fiscally prudent given the state budget deficit, the threats to New York's economy create by the new federal tax bill, and the potential for additional federal cuts. That said, we are very disappointed that the State's Budget is being balanced by cutting and curtailing services for the most vulnerable children and youth in the state, most glaringly impacting negatively the children of New York City.

CCC is deeply disappointed that the Executive Budget proposes to cap New York City's reimbursement for services that prevent child abuse and neglect at a time when the City has been successfully implementing a strong continuum of evidence based services and on the heels of a \$64 million state cut to foster care. Furthermore, the Executive Budget proposes to eliminate all \$41.4 million of state support for the Close to Home juvenile justice initiative, which is not only critical for justice involved youth but essential for the city's implementation of Raise the Age. The Executive Budget also failed to increase investments in programs that are essential to strong child and family outcomes, including children's behavioral health services, child care and Home Stability Support to prevent homelessness.

That said, there are several Executive Budget proposals that should be applauded. We appreciate proposals that add \$15 million for prekindergarten, \$10 million for after-school programs, \$50 million for community schools, \$7 million to restore previously cut funding for child care, \$4 million to address the minimum wage increase for the Summer Youth Employment Program, and \$100 million to implement a continuum of services associated with raising the age of criminal responsibility. We also support the Executive Budget's inclusion of the First 1,000 Days initiative, which is designed to better address the needs of young children, and we strongly support numerous legislative proposals including the Child Victim's Act and the Dream Act.

Given the need for New Yorkers to rely on their State and Local governments, more than ever, we urge the Legislature to negotiate a budget with the Governor that is balanced in a manner that does not threaten the well-being of children, youth and families.

Turning to the Executive Budget proposals related specifically to Elementary and Secondary Education:

1. School Aid

Ensuring every New York child has access to a high-quality education, from pre-kindergarten through the 12th grade, is critical. While CCC appreciates the annual increases to school aid, as well as investments in programs such as community schools and prekindergarten, which we have seen throughout the Cuomo administration, these investments are still insufficient.

The State FY18-19 Executive Budget proposes to increase education aid by \$769 million, which is a 3% increase. This includes \$338 million for foundation aid (\$50 million of which is for community school expansion), \$317 million for reimbursement for expense-based aids, \$64 million for fiscal stabilization fund, \$15 million to expand prekindergarten, \$10 million to expand the Empire State After School program, \$9 million for Early College High Schools, \$6 million for Smart Start, \$5 million for Breakfast After the Bell, \$2.5 million to expand Advanced Placement access, \$1 million (over four years) for Master Teachers program, and \$1.5 million (over 3 years) for gang prevention education programs.

While the school aid increase is positive, we are disappointed that the Executive Budget did not go further in increasing support for schools across the state. The New York State Education Conference Board estimated that an additional \$1.5 billion increase would be needed to simply maintain existing services.¹ Similarly, the New York Board of Regents had requested a \$1.6 billion increase to cover existing programs and address critical needs.² The need for additional education funding is particularly notable for foundation aid, which supports the core services necessary for students to have a “sound basic education” as required by the Court of Appeals under the Campaign for Fiscal Equity decision. Only \$338 million of the additional \$769 million will go towards foundation aid. While progress has been made, New York is still billions away from its court-mandated obligation.³ **We urge the Legislature to support the proposed school aid increases, but we also urge the Legislature to work with the Governor to enact a budget that makes significant additional increases to education funding, particularly for additional foundation aid.**

2. Empire State After School Program

As part of the School Aid increase, the Executive Budget proposes to add \$10 million to fund a second round of the Empire State After School program to 6,250 more children (bringing the total investment to \$35 million).

The creation of this new after-school program in last year’s budget has expanded after-school programming to thousands more students in high-needs districts who have greatly benefited. After-school programs support youth education and social development, provide structured

¹ New York State Educational Conference Board. *Public Schools Remain the Best Investment in the Future*. 2017. Available at http://www.nyssba.org/clientuploads/nyssba_pdf/gr/ecb-school-finance-paper-2017.pdf.

² Bethany Bump. “Regents Seek Added \$1.6B for Schools.” Times Union. December 11, 2017. Available at <http://www.timesunion.com/news/article/Regents-seek-added-1-6B-for-schools-12422553.php>.

³ New York State Assembly. *2018 Yellow Book*. January 22, 2018. P. 11. Available at <http://nyassembly.gov/Reports/WAM/2018yellow/2018files/2018yellowbook.pdf>. (Citing New York State Division of the Budget and New York State Education Department to find there is a \$3.6 billion shortfall between the proposed foundation aid in the Executive Budget and the Statutory Obligation.)

supervision during important early evening and summer hours, and allow parents to work instead of taking care of children during these normal business hours.

CCC supports the \$10 million of new investments within education aid for the Empire State After-School Program. We are particularly supportive that \$8 million of the \$10 million expansion will be targeted to school districts with high rates of student homelessness. Students who are homeless are often not able to take advantage of existing after-school programs because the transient nature of homelessness makes it difficult to either secure a vacant slot midway during the school year or participate in programming that could be far from their shelter location. After-school programs, which provide for social activities, engagement, and homework help outside their shelter room, are extremely beneficial for these students, and enable their parents to work. CCC also supports the proposal to open up the eligibility for non-profit organizations to directly apply for the funds (instead of only allowing school districts to apply).

3. Community Schools

Community schools have demonstrated positive impacts on academic achievement, attendance, graduation rates, and post-secondary outcomes. One of the key components of this successful model is that community schools are able to address needs such as health care, dental care, mental health, needs and tutoring, which in turns helps students learn. Community schools become lighthouses for entire communities, revitalizing and supporting students and families through their many services. The great successes of community schools throughout New York demonstrate their incredible value as investments.

CCC supports the Executive Budget proposal to add \$50 million (for a total of \$200 million) to transform additional schools into community schools. CCC also supports the proposal to increase the minimum community school funding for each district from \$10,000 to \$75,000, to enable high-needs school districts to fund a range of activities. CCC also supports the proposed \$250,000 for mental health support grants in community schools, but urges the legislature and the Governor to negotiate a budget that goes further to better support school-based mental health services.

4. Pre-kindergarten for Three and Four Year Olds

Pre-kindergarten and early childhood education programs have proven to be one of the best returns on the investment there could be, setting children up for success in school and enabling parents to work. Outside New York City, there are over 81,000 four year olds in need of full-day prekindergarten programs.

The Executive Budget proposes to add \$15 million to expand half-day and full-day pre-kindergarten programs for three and four year old children in high needs school districts. While CCC supports this investment, we do not believe that it goes far enough to address the need. **CCC urges the Legislature to negotiate a budget with the Governor that adds more than \$15 million for pre-kindergarten programs (ideally \$150 million).** In addition, for the programs to be sustainable, it is critical that these funds be distributed like school aid and not as competitive grants.

5. “No Student Goes Hungry”

The Executive Budget creates the “No Student Goes Hungry” program, which CCC generally supports. Ensuring that students eat healthy school meals regardless of income and ability to pay is critical to ensuring healthy development and the ability to learn. Adequate nutrition directly affects students in many ways, including better attendance, improved behavior, improved concentration, and better academic performance.⁴

The No Student Goes Hungry program includes 5 components:

- Article VII legislation to ban “lunch shaming” programs such as alternative lunches for students with outstanding lunch bills, stigmatizing such students with wrist bands, requiring students with unpaid lunch bills to perform chores, etc.
- Article VII legislation to improve communication with students’ parents regarding low school meal balances, information on enrolling in free meal programs, and the school’s unpaid meal policies.
- Requiring schools with more than 70% of students eligible for free or reduced price lunch to provide breakfast after the bell. \$7 million capital and \$5 million in reimbursement funding are included for these changes.
- \$750,000 (for a total of \$1.5 million) to connect schools with local farmer products.
- Increasing reimbursement rate from \$0.06 to \$0.25 per meal for school districts that purchase at least 30% of food from New York farmers and growers.

CCC supports the Article VII bills related to “No Student Goes Hungry” and stresses the importance of the elimination of any lunch-shaming policy. There is no excuse for there to be any practice in a school that intentionally shames a child for failing to pay for their lunch, regardless of the reason. CCC urges the Governor and the Legislature to ensure that the school districts that use lunch shaming practices due to resource issues have the funds they need to ensure all children have the same lunch choices. In addition, CCC urges the State to follow the lead of several New York cities (including NYC) and expand the universal lunch program, ideally to all school districts where over 70% of the students are eligible for free or reduced price lunch.

CCC also supports the Executive Budget proposal to expand Breakfast After the Bell, and the inclusion of \$7 million capital and \$5 million in expenses to support the expansion. The proposal requires all schools with more than 70% of students eligible for free or reduced price lunch to provide breakfast after the school day has begun. Despite the known benefits of breakfast, the take-up rate is usually quite low due to barriers such as the need to get to school early and the stigma of being the child eating breakfast in the cafeteria. Breakfast After the Bell programs, which include Breakfast in the Classroom and Grab and Go, have been proven to increase the take-up rate in the school breakfast program.

⁴ *Nutrition and Students’ Academic Performance*. Wilder Research. January 2014. Available at <https://www.wilder.org/Wilder-Research/Publications/Studies/Fueling%20Academic%20Performance%20-%20Strategies%20to%20Foster%20Healthy%20Eating%20Among%20Students/Nutrition%20and%20Students%27%20Academic%20Performance.pdf>.

While we support the proposal, **we also recommend that the Governor and the Legislature consider lowering the proposed threshold to schools where 40% of the students are eligible for free or reduced-price lunch (rather than 70%),** which would be in line with the Community Eligibility Provision and thus enable federal funding. It is also unclear if the proposed requirement includes charter schools, and **CCC recommends that the final budget include language making it clear the requirement would also apply to charter schools.**

CCC supports the proposals to increase the use of locally grown, healthy food by increasing the Farm to School Program by \$750,000 (to \$1.5 million) and increasing the lunch reimbursement rate from 6 cents to 25 cents per meal for school districts that purchase at least 30% of its food from New York farmers and growers.

6. Kindergarten

As districts have begun to expand pre-kindergarten programs to full day, there are still several school districts that only offer half day kindergarten. CCC believes that it is critical for all of New York's 5-year olds to be able to attend a full day kindergarten program. **CCC supports the proposed Article VII legislation to incentivize more school districts to offer full-day kindergarten.**

Specifically, the Executive Budget proposes Article VII legislation that would provide additional aid to school districts in the 2019-2020 school year if they implement full-day kindergarten in the 2018-2019 school year. Full-day kindergarten provides many benefits for students and families, providing young students to have greater opportunities for learning and developing while allowing parents more time to work and handle other responsibilities.

7. The DREAM Act

CCC appreciates that the Governor has once again included the Dream Act in the Executive Budget, and we once again urge the Legislature to work with the Governor to adopt a budget that includes the Dream Act.

The DREAM Act would allow undocumented youth who graduate from New York high schools the opportunity to apply for state college tuition assistance. Other states such as Texas, New Mexico, California, Illinois, and Minnesota have already extended state financial assistance for higher education to undocumented students. New York students who have attended and graduated from New York schools and who have worked hard to prepare for college should not be penalized for their immigration status. This is particularly true during this time when undocumented students across the country are unsure of their future under the current federal immigration climate. The DREAM Act is not only the humane and fair opportunity for students, but also benefits our entire State to have New York colleges enroll highly motivated students and to develop a highly educated workforce. New York must step forward to finally pass the DREAM Act and provide hope and opportunity for New York students.

8. School Transportation

The safety of students is of paramount concern, and traffic safety is a key component of ensuring children and youth are safe when they go to and from school each day. The Executive Budget proposes Article VII legislation to enable school districts to enter into agreements with third parties to operate school bus stop arm cameras and to increase fines for passing a stopped school bus. Modernizing and increasing protections for students on their way to school is a positive improvement to ensure students are kept safe. **CCC supports this proposal to improve school bus stop arm cameras and increase fines for school bus zone infractions.**

CCC urges the Governor and the Legislature to go further in addressing traffic safety for students by enacting A7798B/S6046B. This legislation, which stalled last year, would have enabled New York City to add speed cameras to 50 additional school zones per year for the next three years (150 total new cameras). Currently, only 140 school zone speed cameras are authorized in New York City, leaving most school zones unprotected and contributing to 85% of traffic fatalities and injuries occurring in locations or during times when school zone cameras are absent.⁵ The State should approve the City's request to expand the use of speed cameras near schools.

9. Special Education Waiver

The Executive Budget proposes to allow school districts, approved private schools, or boards of cooperative education services, to seek waivers from requirements for special education services. These requirements could include provisions regarding Individualized Education Plan (IEP) teams and regular reviews, policies regarding behavior assessments and intervention plans, or required notifications before changes in student placement. These requirements are all designed to protect the most vulnerable students in special education programs, many of whom are low-income. Allowing schools to waive out of these requirements could fundamentally harm students who are otherwise protected by these requirements. **CCC opposes the Executive Budget proposal to provide special education waivers and urges the Legislature to reject this proposal in the Adopted Budget.**

10. Free Feminine Hygiene Products in Restrooms

CCC supports the Executive Budget's Article VII proposal to require all elementary and secondary public schools serving students in grades six through twelve to provide free feminine hygiene products in restrooms. Free access to hygiene products for female students must be a fundamental right. The requirement to finally provide these essential items in school bathrooms is an important step towards addressing longstanding equitable challenges and supporting girls in the school environment.

⁵ *Automated Speed Enforcement Program Report: 2014-2016*. New York City Department of Transportation. June 2017. Available at <http://www.nyc.gov/html/dot/downloads/pdf/speed-camera-report-june2017.pdf>.

Conclusion

Elementary and secondary education in New York is the bedrock for students' futures. Investments in our schools provide some of the best returns on investment. New York has taken important steps to provide our students with the robust education they deserve, and we are grateful many of the additional investments and initiatives proposed in the Executive Budget this year. There continues however to be an urgent need for additional state support for the 2.5 million students across the state. We urge the Legislature and the Governor to negotiate an adopted budget that ensures New York's children are healthy, housed, educated, and safe.

Thank you for this opportunity to testify.