



**Citizens' Committee  
for Children** of NEW YORK



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Presented to the New York State FY 2021 Joint Legislative Budget Hearing

### **Elementary & Secondary Education**

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Good afternoon. My name is Daryl Hornick-Becker and I am a Policy and Advocacy Associate at the Citizens' Committee for Children of New York, Inc. CCC is a 75-year-old independent, multi-issue child advocacy organization dedicated to ensuring that 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. We document the facts, engage and mobilize New Yorkers, and advocate for solutions.

I would like to thank Chair Weinstein, Chair Krueger and all the members of the Assembly Ways and Means and Senate Finance Committees for holding today's hearing on the education related proposals in the Governor's Executive Budget for the State Fiscal Year 2021.

CCC recognizes the need to be fiscally prudent given the current budget deficit. That said, CCC is deeply concerned that the Executive Budget's education proposals do nothing to solve New York's early childhood crisis, do not invest in pre-k special education, and continue to ignore legally-mandated funding increases. The budget also proposes significant and permanent cost-shifts to New York City, including \$136 million in education on top of cost-shifts in other areas such as Medicaid, TANF Family Assistance and child welfare, leaving the City on the hook for \$1.4 billion. We urge the Legislature to negotiate a budget with the Governor that is balanced in a way that provides for the education of all New York's children.

### **Early Childhood Education**

The executive budget proposes no new investments or solutions for the current child care crisis that is facing New York. High quality child care is a prohibitively expensive necessity for every middle- to low-income family across the state, averaging an annual cost of \$15,000 per child.<sup>1</sup> But helpful child care subsidies currently serve fewer than 20% of the low-income families in New York that are eligible to receive them.<sup>2</sup> Additionally, early childhood educators in many regions of the State are paid so little that many are living on or near poverty, threatening the stability of the entire system. Outside of New York City, early childhood teachers are paid on average \$27,000 annually, including those with college degrees.<sup>3</sup>

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<sup>1</sup> Empire State Campaign for Child Care, "Child Care Facts," January 2020.

[http://www.empirestatechildcare.org/uploads/1/1/1/1/111173201/child\\_care\\_fact\\_sheet\\_2020.pdf](http://www.empirestatechildcare.org/uploads/1/1/1/1/111173201/child_care_fact_sheet_2020.pdf).

<sup>2</sup> Ready for Kindergarten, Ready for College Campaign, "Address the Deepening Child Care Crisis," January 2020.

[https://14456284-2d28-41ba-bca6-cdf5387e778e.filesusr.com/ugd/1ee85d\\_c2227fd6c10645ddb3e21529e2ce4189.pdf](https://14456284-2d28-41ba-bca6-cdf5387e778e.filesusr.com/ugd/1ee85d_c2227fd6c10645ddb3e21529e2ce4189.pdf).

<sup>3</sup> Ready for Kindergarten, Ready for College Campaign, "The State of Early Learning in New York," January 2020.

[https://14456284-2d28-41ba-bca6-cdf5387e778e.filesusr.com/ugd/1ee85d\\_66e5c368349f41ff8f518b1eb42a4727.pdf](https://14456284-2d28-41ba-bca6-cdf5387e778e.filesusr.com/ugd/1ee85d_66e5c368349f41ff8f518b1eb42a4727.pdf). Pg 11.



Recognizing this problem the Governor commissioned a child care availability task force over two years ago, set to issue recommendations at this year's end. But in the meantime New York's families continue to struggle to find quality affordable child care options, and they cannot wait for recommendations to be issued that could easily be ignored in next year's Executive Budget.

We urge the Assembly and Senate to amend the proposed budget to address the child care crisis; first, by investing at least \$40 million to create a fund to increase workforce compensation and improve child care quality; and second, by adding another \$60 million for child care subsidies to increase eligibility levels, decrease families' copayments, and expand access.

CCC was also deeply disappointed to see the Executive Budget include only a small investment for statewide universal pre-kindergarten. A \$15 million increase in funding for statewide universal pre-k would impact an estimated 2,000 children according to the Governor's budget, but there are over 77,000 four-year olds without full-day pre-k in districts outside of New York City. In last year's budget the same \$15 million funding increase for universal pre-k resulted in just 752 new full-day seats.<sup>4</sup> At this rate of investment, it will take more than five decades to make pre-K truly universal in New York.

We urge the Legislature to significantly invest in universal pre-k across the state, by adding \$150 million to add seats for at least 15,000 preschoolers, and to fund regional assistance centers to maintain quality and partner school districts with community-based programs.

### **Special Education**

One of the biggest impacts the state could make in education is through investing in preschool special education. Preschool special education classes provide young children with specialized instruction during a critical developmental window in their lives. However, across New York State, young children with disabilities are going without the classes they need because State funding has not kept up with program costs, inflation, or demand. As a result, more than 60 preschool special education providers across the State have closed their doors in recent years, with over 30 closing in New York City. The State Education department estimated that NYC alone currently has a need for *at least* an additional 1,000 seats in preschool special education classrooms, although it could need as many as 2,000.<sup>5</sup>

To address this shortage, and to provide vital resources to some of the State's most important educators, we urge the legislature to increase payment rates by 10% for preschool special classes. A rate increase is necessary to make-up for underinvestment over the past several years, and to prevent more programs from closing their doors this year.

The Executive Budget proposal also includes language that would allow a school district, private school, or BOCES to apply for a waiver exempting them from certain special education requirements. The exempted requirements could impact class size, behavior intervention plans, and notification of changes in placement for students with disabilities. We feel such a broad provision could impact the services and

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<sup>4</sup> Ready for Kindergarten, Ready for College Campaign, "The State of Early Learning in New York," pg 18.

<sup>5</sup> Advocates for Children on New York, "Waiting for a Seat: The Shortage of Preschool Special Education Class Seats in New York City," January 2020. [https://www.advocatesforchildren.org/sites/default/files/library/waiting\\_for\\_a\\_seat.pdf?pt=1](https://www.advocatesforchildren.org/sites/default/files/library/waiting_for_a_seat.pdf?pt=1). Pg 2.



rights of students who require special instruction. The Legislature has rejected this proposal each time the Governor has proposed it, and we urge you to do it again.

### **Foundation Aid**

In his Executive Budget proposal, the Governor included an additional \$704 million in Foundation Aid for schools, an overall increase of 3% in education funding from last year's budget. While CCC was pleased to see the increase, \$704 million is relatively meager when compared to the full amount that the state owes to its schools. Since the \$5.5 billion settlement through the Campaign for Fiscal Equity (CFE) lawsuit in 2007, New York has continually delayed payment or simply refused to pay. Of the total amount owed to schools the State is currently \$3.8 billion behind, meaning that the Governor's proposed increase would still leave schools \$3.1 billion short of what they need.<sup>6</sup>

The Governor has referred to the outstanding amount the State still owes as a "ghost of the past"<sup>7</sup>, but the lack of investment in schools is a very real and present problem. The numbers of students with disabilities and English language-learners in New York State have risen over the years<sup>8</sup>, and investment in those groups matters more than ever. If fully-funded, Foundation Aid could provide millions of dollars in funding for individual schools, and give principals new resources to add more teachers, make improvements, or hire additional staff such as social workers and bilingual educators.

Additionally, the lack of Foundation Aid funding disproportionately affects students of color and drives racial inequity in our schools. Of the money still unpaid from the State, 67% is owed to school districts where more than half the students are Black and Brown.<sup>9</sup>

In lieu of full-funding, the Governor has proposed new education initiatives such as redirecting money to high-need schools instead of high-need districts, but to truly improve our schools and invest in our future we first need what has already been committed in law. We urge the Legislature to fully fund the \$3.8 billion owed in Foundation Aid, by committing to a two-year phase in and investing \$2 billion in year one with the remainder in year two.

We also ask that when fully-funding Foundation Aid, the State do so by returning to the original formula. The Foundation Aid formula, first devised as a payment method for the money owed in CFE, considers the enrollment of a school district with factors for students in poverty, students with disabilities, and English language-learners, to determine how much aid the State should provide. However, since 2011 the State has not employed the original formula, instead substituting reverse-engineered temporary formulas to arrive at predetermined amounts of school aid. We ask that the State return to using the methodologies within the original Foundation Aid formula, to objectively and equitably allocate money to districts who

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<sup>6</sup> Alliance for Quality Education, "Campaign for Fiscal Equity Timeline," January 2020. <https://www.ageny.org/equity/>.

<sup>7</sup> Amin, Reema. "Defiant, Cuomo invites ire resisting more New York State funding for schools," *Chalkbeat New York*, December 17, 2018. <https://chalkbeat.org/posts/ny/2018/12/17/192411/>.

<sup>8</sup> Office of Bilingual Education and World Language, New York State Education Department. "New York State Multilingual Learner/English Language Learner (MLL/ELL) Data Report." [http://www.nysed.gov/common/nysed/files/programs/bilingual-ed/nysed\\_ell\\_mll\\_data-report\\_2018-2019-a.pdf](http://www.nysed.gov/common/nysed/files/programs/bilingual-ed/nysed_ell_mll_data-report_2018-2019-a.pdf)

NYS Department of Education. "Data Summaries: Number of New York State Children and Youth with Disabilities Receiving Special Education Programs and Services." September 10, 2019. <http://www.p12.nysed.gov/sedcar/goal2data.htm>.

<sup>9</sup> Alliance for Quality Education, "Foundation Aid in Name Only," October 2019. [http://www.ageny.org/wp-content/uploads/2019/10/FoundationAidNameOnly\\_final.pdf](http://www.ageny.org/wp-content/uploads/2019/10/FoundationAidNameOnly_final.pdf). Pg 7.



need it the most.

In this year's Executive Budget the Governor also proposed the consolidation of State aid for school construction and transportation costs into the Foundation Aid allocations. These costs have always been outside of Foundation Aid, and thus consolidating them now while the State is still behind on its CFE payments would reduce the amount owed through CFE. To ensure schools get the full amount, we urge the Legislature to reject this proposal.

### **Cost-Shifts to NYC**

The Executive Budget also contains several education proposals that would result in significant and permanent cost-shifts from the State to New York City. First and foremost, the NYC Dept. of Education (DOE) estimates that of the \$3.8 billion owed through CFE, the amount owed to City schools is approximately \$1.1 billion dollars.<sup>10</sup> Those funds would immediately be applied to the city's Fair Student Funding formula, and bring needy schools the resources they have long deserved.

But the Governor's Executive Budget short-changes the City's schoolchildren in addition to what they are owed through CFE. The Executive Budget includes a \$224 million increase in school aid to NYC, which leaves the City on the hook to pay for a \$136 million shortfall in their education budget according to NYC officials. This follows a decades-long trend of disinvestment at the State-level in NYC schools. In 1990 the State's share of the DOE budget was nearly 45%, but last year it was down to only 33%.<sup>11</sup> Despite the lack of funding from the State, City students have repeatedly outperformed the State on the statewide English Language Arts exam, and continue to close the gap on the Math exam.<sup>12</sup> It is past time that the State invest in the 1.1 million schoolchildren who call NYC home – the largest school district in the country. We ask that the Legislature increase funding this year for NYC schools on their way to fulfilling the full amount owed in Foundation Aid.

If the lack of school aid was not enough, the Executive Budget also includes new limits on how much the State will reimburse school districts for transportation costs and reduces the reimbursement ratios for what the State will contribute towards school construction costs. Both proposals would result in reduced support for bussing students and school capital projects, and place a permanent and significant burden on NYC to pick up the tab. We ask the Legislature to reject these proposals, and ensure the State continues to support school improvement and transportation needs in NYC.

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Investing in education is one of the best ways New York can improve long-term social, economic and health outcomes for all its residents, but the proposed Executive budget for Fiscal Year 2021 does little to improve these outcomes. Lack of funding for early childhood and special education, the continued delay

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<sup>10</sup> Amin, Reema. "NYC parents, advocates call for fully funding state education aid before it's changed," *Chalkbeat New York*. November 19, 2019. <https://chalkbeat.org/posts/ny/2019/11/19/nyc-parents-advocates-call-for-fully-funding-state-education-aid-before-its-changed/>.

<sup>11</sup> Independent Budget Office of the City of New York. "Education Spending Since 1990." <https://ibo.nyc.ny.us/iboreports/education-spending-since-1990.html>. Slide 7.

<sup>12</sup> City of New York. "Mayor de Blasio and Chancellor Carranza Celebrate Gains for NYC Students on State Exams," August 22, 2019. <https://www1.nyc.gov/office-of-the-mayor/news/403-19/mayor-de-blasio-chancellor-carranza-celebrate-gains-nyc-students-state-exams#/0>.



of owed Foundation Aid, and cost-shifts to localities, ultimately hurts New York's schools, teachers, children and families. CCC urges the Legislature to work with the Governor to enact a budget that puts education first, and ensures all of our children are fulfilling their full potential.

Thank you for this opportunity to testify.