



Advocates for Children of New York

Protecting every child's right to learn

Testimony for the Joint Legislative Hearing on the Fiscal Year 2027 Executive Budget Proposal: Elementary and Secondary Education

January 29, 2026

Thank you for the opportunity to speak with you about the Fiscal Year 2027 Executive Budget: Elementary and Secondary Education. My name is Randi Levine, and I am the Policy Director at Advocates for Children of New York (AFC). For more than 50 years, AFC has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of New York families navigate the education system. We focus on students whose needs are often overlooked, such as students with disabilities, English Language Learners, students who are homeless or in foster care, students with mental health needs, and students with involvement in the juvenile or criminal legal systems.

We are pleased that Governor Hochul is proposing new investments in early childhood education and K-12 education in this year's Executive Budget. However, changes and additional investments are needed to meet the needs of students facing the greatest barriers to success in school. We recommend that the Governor and the Legislature:

I. Make Further Changes to the Foundation Aid Formula to Better Reflect Student Needs and Rising Costs Instead of Continuing to Shortchange New York City Schools and Students

We appreciate that Governor Hochul and the New York State Legislature fully funded the Foundation Aid formula in 2023 for the first time. We are also pleased that the Executive Budget proposes to fully fund the formula once again. However, the formula itself is sorely outdated, failing to fully capture the needs of students or differences in costs around the State.

The limited, inadequate, and flawed changes made to the formula in the FY 2026 budget resulted in New York City schools receiving **\$314 million less** from Albany to support low-income students. Without further changes in this year's budget, NYC schools will, once again, miss out on hundreds of millions of dollars intended to support low-income students despite the significant needs of our students and schools.

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The Legislature should not accept another year of a formula that shortchanges NYC students, particularly given that NYC public schools have 700,000 economically disadvantaged students—three out of every four students—and 154,000 students experiencing homelessness—nearly one in every seven students.

The State should address the shortcomings of last year's budget by making changes to the formula that better reflect student needs and rising costs. Among other updates, we urge the Governor and Legislature make the following two important changes, supported by **more than 120 organizations** along with elected officials:

1. **Add a per pupil weight for students who are homeless and students in foster care.** The most recent data show that more than 187,000 students around New York State experienced homelessness during the 2023-24 school year, and at least 8,600 NYS students were in foster care last year. These student groups face tremendous obstacles to success in school and have educational needs distinct from those of all students living in poverty. For example, the latest statewide data show that only 28.8% of students experiencing homelessness scored proficient on the 3rd-8th grade reading exams, only 68.1% of students experiencing homelessness graduated high school in four years, and 11.7% of students experiencing homelessness dropped out of high school. Currently, the Foundation Aid formula provides no additional funding to help schools address the unique needs of students who are homeless or students in foster care. We urge the Governor and Legislature to add a per pupil weight for students who are homeless or in foster care, as proposed in S.8139/A.9048, sponsored by Senator Liu and Assembly Member Simon.
2. **Update the Regional Cost Index (RCI).** The RCI in the Foundation Aid formula is intended to account for differences in wages in different parts of the State but this metric has been fixed since 2006—nearly 20 years ago—and is, therefore, significantly out of date, particularly given the increased expenses and cost of living in New York City. We urge the Governor and Legislature to update the Regional Cost Index, as proposed in S.8125/A.9049, sponsored by Senator Liu and Assembly Member Simon.

The two changes above are not the only updates needed to the formula. We have recommended a number of changes that would more accurately reflect the socioeconomic needs of students, including using differentiated weights for different concentrations of poverty, as recommended by the Rockefeller Institute last year; adding a new cost-of-living adjustment or a higher poverty threshold (e.g., a multiplier of the federal poverty level) for certain districts when determining which students should receive the “poverty weight” in different parts of the State; or doubling the weight for “economically disadvantaged students” instead of having one weight for “economically disadvantaged students” and a separate weight for students living below the federal poverty threshold; among other possibilities. The State should also revamp the outdated “successful school district model” that has formed the base of the formula; increase the weights for students with disabilities and English Language Learners to ensure they reflect the cost of providing legally required, high-quality classes, services, and supports and are adequate to address the spectrum of student needs; include funding for students with disabilities through the school year they turn 22, given the recent affirmation that districts have a legal obligation to provide special education



programs and services to students with disabilities until they turn 22 if they have not yet graduated; and provide resources to implement the State's class size requirements.

The Foundation Aid formula is intended to provide students with a sound basic education and to distribute funding in an equitable manner that reflects the needs of students. The changes made to the Foundation Aid formula last year took a step backwards. Every day, we hear from parents struggling to live in this expensive city and get their children the educational support they need. We urge the Legislature not to stand for New York City schools to continue missing out on hundreds of millions of dollars given the tremendous needs of the district's students. The Legislature should work with the Governor to make needed updates and changes to the Foundation Aid formula to ensure it reflects the needs of today's students and school communities.

II. Ensure Early Childhood Education Funding Includes Support for Children With Disabilities

We appreciate the increased investment proposed in the Executive Budget for early childhood education, including funding to help New York City make 3-K truly universal.

As the State and the City move forward with plans to strengthen 3-K and expand early learning programs, it is essential that these programs be accessible to children with developmental delays and disabilities. Both Governor Hochul and Mayor Mamdani have promised as much, but past expansions of early childhood education have shown that good intentions are no guarantee of equity and promises often fall short. As of May 2025, in New York City alone, more than 600 children were waiting for seats in their legally mandated preschool special education classes and more than 7,000 preschoolers with disabilities were waiting for one or more of their services to begin—services the school district had determined were necessary for them to receive an appropriate education. Earlier this month, New York City projected a shortage of several hundred preschool special education seats for this spring.

Failing to address the need for preschool special education classes and services perpetuates discrimination, violates the rights of children with disabilities, puts extra strain on parents trying to juggle jobs and care responsibilities, deprives young children of support at an important stage in their development, and ultimately requires the K-12 system to provide additional support to students with previously unaddressed needs. 3-K is not “for all” if three-year-olds with autism are sitting at home because there are no classes that can meet their needs. Child care is not universal if families of children with disabilities are turned away.

While the State has many choices when it comes to the expansion of early childhood education and child care programs, providing mandated classes and services to children with disabilities is not optional; it is a requirement of federal and state law. The Governor and Legislature should insist that all districts, particularly those receiving additional funding to expand and strengthen early childhood education, fully comply with their obligation to provide legally mandated classes, supports, and services to young children with developmental delays and disabilities.



The State must also do its part to support young children with disabilities. Contributing to the shortage of classes has been the closure of classes by “4410” preschool special education programs run by community-based organizations (CBOs), which operate the majority of preschool special education classes. Among other challenges, programs report that they are struggling to recruit and retain special education teachers who are leaving for jobs in schools or universal prekindergarten programs where they can earn higher salaries for working only 10 months per year than 4410 providers can pay for a 12-month school year under the payment rate for preschool special education classes set by the State. State-approved non-public schools for school-aged students with disabilities have faced similar challenges. School districts place students in state-approved non-public schools when they cannot meet the students’ needs, but, too often, these schools struggle to recruit and retain teachers and service providers due to inadequate state rates.

We are pleased that the State is moving forward with a study of alternative tuition rate-setting methodologies for preschool special education programs and state-approved non-public schools serving students with disabilities. However, as we are still years away from implementation of any new methodology, it is important for the State to take interim measures to support these schools.

As the cost methodology study moves forward, the State must provide tuition rates for preschool special education programs and state-approved non-public schools for students with disabilities that reflect year-to-year increases in costs such as staff salaries. Enacting in statute a minimum annual rate adjustment to reflect inflation would help provide stability and predictability to programs rather than waiting each year to learn whether or not there will be an increase and what that increase will be. It is also essential that the same increases apply for preschool special education evaluations, as we continue to hear from families about a backlog in getting evaluations for their young children.

III. Add Funding to Implement NY Inspires/Graduation Measures Work

Last year, the New York State Education Department (NYSED) unveiled NY Inspires, its plan for implementing recommendations from the Blue Ribbon Commission on Graduation Measures. We have long advocated for multiple pathways to a high school diploma that do not require students to pass multiple high-stakes exams. The NY Inspires plan reflects an important step toward increasing equity in our school system and opening doors to higher education and careers by creating opportunities for students to demonstrate their knowledge in ways that are appropriately suited for them. This work is especially important for students who are often overlooked – students with disabilities, English Language Learners, and economically disadvantaged students.

Such an undertaking requires additional resources and capacity. We support the Board of Regents’ proposal to include \$5.1 million to assist with these efforts. This investment would allow NYSED to fund staffing, technical assistance centers, and professional development for educators and educational leaders to support the work of developing and implementing new graduation requirements. We urge you to include \$5.1 million in the budget, as requested by the Board of Regents, to implement the proposed changes to graduation measures.



IV. Increase Funding for High-Impact Tutoring

Each year, AFC hears from families of students who are struggling academically and have been unable to access intensive intervention in the public schools. High-dosage tutoring is a proven strategy for providing such students with the individualized attention and targeted support they need to be successful. We are pleased that the Executive Budget includes \$9 million for high-dosage tutoring and urge the Legislature to negotiate a budget that increases this investment to \$20 million.

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.