



## New York State Joint Budget Hearings - Elementary and Secondary Education

January 29th, 2026

Testimony of Rabbi Yeruchim Silber

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*Agudath Israel of America*

Chairs Krueger, Pretlow, Mayer, Benedetto, and members of the committees - thank you for this opportunity to testify before this joint committee hearing.

### Background:

My name is Yeruchim Silber, and I represent Agudath Israel of America. Founded in 1922 to serve as Orthodox Jewry's umbrella organization, Agudath Israel is the arm and voice of American Orthodox Jewry. With national and DC offices, and regional branches serving the entire country, Agudath Israel, sometimes referred to as "The Agudah", advocates for its constituents at the federal, state, and local levels. The Agudah and its many divisions provide social, educational, and youth services to its constituents, continuing a century-long tradition of championing the evolving needs of Orthodox Jewish life in America.

For over 60 years, our organization has been at the forefront of advocating for the nonpublic school community, specifically for yeshivas and day schools in the Orthodox Jewish community. In addition to advocacy, our Education Affairs department helps our schools navigate the maze of applicable laws, regulations, and government programs. We also host an annual Yeshiva Summit<sup>1</sup> which covers a

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<sup>1</sup> <https://yeshivasummit.org/>



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myriad of compliance topics. It is attended by hundreds of school administrators and addressed by elected officials, State Education Department, and local education departments personnel.

### **Nonpublic Schools are a Good Investment for the State of New York**

According to the most recent data from the New York State Education Department,<sup>2</sup> there were approximately 185,000 students enrolled in Jewish affiliated schools in New York State, accounting for about 48% of the 383,453 students enrolled in nonpublic schools statewide. Furthermore, in New York City, Long Island, and Westchester over 100,000 students were enrolled in schools that are ideologically affiliated with Agudath Israel, although we respond to inquiries and serve all schools across the ideological spectrum.

If all nonpublic school students attended public schools, the annual cost to federal, state, and local governments would be close to \$15 billion. The Governor's Executive Budget Proposal allocates over \$39 billion for education aid. Yet nonpublic schools, which comprise approximately 15% of the student population, were allocated about \$460 million (a little above 1% of the total allocation), and even then, a large portion of those funds were primarily for reimbursement of services they provide on behalf of the state, as well as for various non-education ancillary services such as security or transportation. To put it in simpler terms, the entire non-public school budget allocates approximately \$1200 per pupil.

Now I would like to take this opportunity to outline our budgetary priorities:

### **Mandated Services Reimbursements**

Originally passed in 1974 through the efforts of Agudath Israel and others, MSA (Mandated Services Aid) and CAP (Comprehensive Attendance Policy) reimburse schools for services they provide at the behest of the state such as attendance taking, pupil data, testing, and similar items.

For the 2023-24, 2024-25, and 2025-26 school years, the State allocated \$210.1 million, \$221.9 million, and \$230.28 million respectively for MSA & CAP

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<sup>2</sup> <https://www.p12.nysed.gov/irs/statistics/nonpublic/>

reimbursement. However, in both 2023–24 and 2024–25, total claims exceeded the State allocation, resulting in persistent shortfalls of approximately 5% annually. Specifically, in 2023–24, schools submitted \$219.8 million in claims, leaving a shortfall of roughly \$9.7 million, and in 2024–25, claims totaled \$230.9 million, resulting in a shortfall of approximately \$8.9 million (see table below). As a result, schools were not fully reimbursed for the services they had already provided. As of this writing, total claims for the 2025–26 school year are not yet available. However, based on the consistent pattern of approximately 5% annual growth in claims in prior years, it is reasonable to assume that claims for 2025–26 will similarly exceed the State allocation, resulting in another shortfall.

In the current proposed budget for the 2026–27 school year, the executive budget allocates \$240.9 million for MSA & CAP reimbursement. Given the continued growth in claims and the recurring pattern of underfunding, it is likely that claims for 2026–27 will again exceed the State allocation by roughly 5%. Taken together, these ongoing shortfalls indicate that an additional \$30 million is needed to both account for growth in claims and begin closing the cumulative funding gap from prior years, to fully reimburse schools for their mandated services. **We ask the legislature to allocate that shortfall in the enacted budget.**

Year	To Be Used in	MSA & CAP Allocation	Total Claims	Payout	Total Shortfall/Surplus
2025	2025-2026	230,280,000	NA		
2024	2024-2025	\$221,944,889	230,892,707	94.00%	(\$8,947,818)
2023	2023-2024	\$210,100,185	219,785,332	95.00%	(\$9,685,147)
<b>Total</b>		432,045,074	450,678,039		<b>-18,632,965</b>

Numbers are based on data provided to Agudath Israel by the NYSED

### **Include Immunization Recordkeeping as a Mandated Service**

Public Health Law places responsibility for enforcing the state’s immunization program on school principals, who must ensure that all students are properly immunized in order to attend school. This mandate has grown significantly more complex and time-consuming over time, while the personal liability for school administrators has remained severe, including fines of up to \$2,000 per non-immunized student. Since 1985, Mandated Services Aid has recognized immunization enforcement as a reimbursable mandate for certain nonpublic schools, while schools outside major cities were expected to rely on district-provided

nurses. In practice, those nurses have become increasingly scarce, and even where available, the administrative oversight burden continues to fall heavily on principals and school secretarial staff. Given the statewide nature of immunization enforcement, the increasing complexity of compliance, and the direct penalties imposed on school administrators, immunization oversight must be fully recognized and reimbursed as a mandated service under MSA for all affected schools. **We respectfully request that the Legislature ensure Mandated Services Aid fully reimburses schools for the real and escalating costs of immunization enforcement as part of a comprehensive and adequately funded MSA/CAP program.**

### **NPSE (Non-Public School Safety Equipment Grant)**

For the last two budget cycles, NPSE has been funded at \$70 million, due in a large part by the efforts of non-public school advocates. For that, we are thankful to the governor and the legislature. However, hate crimes, particularly those aimed at the Jewish community remain stubbornly high. According to the NYPD, out of 576 hate crimes reported in New York City in 2025, 330 or 57% were aimed at Jewish targets, where Jews comprise only 10% of New York residents.<sup>3</sup> (see table below). Moreover, according to the Audit of Antisemitic Incidents of 2024 released by the ADL (the Anti-Defamation League), in 2024 which is their most recent survey available, there were a total of 1437 antisemitic incidents, up from 1218 in 2023 and 580 in 2022.<sup>4</sup> Many of these numbers are directly attributable to the aftermath of the October 7<sup>th</sup> 2023 Hamas attack in Israel, and ensuing incitement here in the United States. Schools, especially Jewish schools that are more at-risk of being attacked, are forced to increase spending on security needs. In addition, many nonpublic schools are in aging facilities that require extensive repairs in order to ensure student safety and could not do so without the help of an NPSE grant.

For most schools, enhanced security is no longer an option or a luxury. It is now a necessity. Many of the schools represented by Agudath Israel have as much as 90% of

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<sup>3</sup> <https://www.timesofisrael.com/nyc-jews-targeted-in-hate-crimes-more-than-all-other-groups-combined-in-2025-nypd/>

<sup>4</sup> <https://nynj.adl.org/resources/report/adl-new-york-leads-nation-reported-antisemitic-incidents-rates-climb-18-2024>

their students on scholarship; oftentimes schools are faced with the difficult choice whether to enhance their students' education or their security.

In the executive budget, Governor Hochul responded to the calls of our coalition and proposed an increase of NPSE to \$90 . **We firmly support that request, and we now ask the legislature to retain it in the enacted budget.**

#### **Hate Crime Statistics: EOY 2025**

(Representing Jan. 1-Dec. 31 for calendar years 2025 and 2024)

<b>Motivation</b>	<b>2025</b>	<b>2024</b>	<b>+/-</b>	<b>% Change</b>
<b>Age</b>	0	3	-3	-100%
<b>Asian</b>	25	38	-13	-34%
<b>Black</b>	45	40	5	13%
<b>Ethnic</b>	16	38	-22	-58%
<b>Gender</b>	28	26	2	8%
<b>Hispanic</b>	8	14	-6	-43%
<b>Jewish</b>	330	339	-9	-3%
<b>Muslim</b>	30	43	-13	-30%
<b>Religion</b>	31	21	10	48%
<b>Sexual Orientation</b>	52	84	-32	-38%
<b>White</b>	11	11	0	0%
<b>Grand Total</b>	576	657	-81	-12%

#### **Securing Communities Against Hate Crimes Grant**

The Executive Budget allocates \$35 million for this very important program which allows nonpublic schools, day care centers, community facilities, and summer camps to apply for competitive grants of up to \$50,000 for capital needs to secure facilities that are at risk for hate crimes. **Agudath Israel strongly supports this allocation.**

#### **Due Process for Children with Special Needs**

Under New York State law, all children have the right to receive special education services when a need is demonstrated. The needs of children attending nonpublic

schools are outlined in their Individualized Education Services Plan (IESP). These services are typically provided by the local school district. However, some localities, primarily New York City, have failed to meet their obligation to provide services directly, and parents are therefore forced to file a due process complaint with an Independent Hearing Officer to obtain entitled services on the open market and pursue reimbursement. Upon a review of the evidence and circumstances, Independent Hearing Officers have overwhelmingly ruled in favor of parents, and children have received services in this manner.

In May 2024, the Board of Regents adopted an amendment to Section 200.5 of the Commissioner's Regulations that restricted due process rights for parents of nonpublic school students with disabilities on the implementation of an IESP. Agudath Israel of America, together with affected parents, challenged the regulation in court, and was granted a Temporary Restraining Order (TRO), halting its implementation due to the serious harm caused to children who were being denied services. This proposal was not a clarification of existing law but a new restriction that strips families of the only reliable enforcement mechanism ensuring that mandated services are actually delivered. Under the proposal, public-school students would continue to have full due process protections, while nonpublic-school students with the same disabilities would lose them, despite the statutory promise of equitable treatment.

It also conflicts directly with Education Law § 3602-c, which requires IESPs to be created "in the same manner and with the same contents" as IEPs and expressly cross-references the due process framework in § 4404. It also contradicts nearly two decades of consistent State Review Officer precedent affirming parents' right to challenge failures in service delivery. Not one SRO decision has held that implementation disputes fall outside due process. Removing this right would allow districts to recommend services without any meaningful obligation to provide them.

Despite the court's intervention, in October 2025 the Board of Regents once again adopted a similar amendment. As a result, legislative action is now necessary to permanently safeguard due process rights. To that end, we thank Assemblymember Robert Carroll and Senator Jessica Scarcella-Spanton for introducing A.9385 / S.8842, critical legislation that ensures families retain access to due process hearings when school districts fail to deliver services mandated under an Individualized Education Services Plan (IESP). **Agudath Israel of America strongly supports this**

bill and urges the legislature to pass it to restore and protect the rights of nonpublic school students with disabilities and ensure continuity of essential services across New York State.

Thank you again for this opportunity. I look forward to working with you and your legislative colleagues as we move forward in the budget process.