



Advocates for Children of New York

Protecting every child's right to learn

Testimony for the Joint Legislative Hearing on the 2024-2025 Executive Budget Proposal: Elementary and Secondary Education

February 1, 2024

Thank you for the opportunity to speak with you about the 2024-2025 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 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 Yorkers 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.

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Reject Changes to the Foundation Aid Inflationary Factor and Substantially Increase School Aid to Help School Districts Meet Growing Needs and Save Essential Education Programs as Federal COVID-19 Stimulus Funding Expires

Over the last few years, school districts received an unprecedented infusion of federal COVID-19 stimulus funding, allowing them to invest in a number of critical education priorities. While school districts have used some of this funding for short-term expenses directly stemming from the pandemic—such as costs associated with reopening school buildings and accounting for the impact of lost instructional time—they are also currently using these stimulus dollars to address student needs that existed long before the pandemic, many of which the State has historically underfunded.

New York City alone is using around \$1 billion per year in federal stimulus funds to address ongoing needs. While the federal COVID-19 relief funds will run dry in the coming months, these needs are not going away. Among other things, New York City has used the stimulus funding to:

- Double 3-K enrollment and open new preschool special education classes to help address a longstanding shortage of seats for preschoolers with disabilities;



- Hire 450 school social workers, increase the number of community schools, and expand restorative justice programming;
- Hire 60 school psychologists and 15 family workers to address delays in the evaluation process for students with disabilities;
- Bolster supports for students with dyslexia and students with intensive sensory needs;
- Hire coordinators to work in homeless shelters, helping students living in shelter get to school and access educational support;
- Open new bilingual programs for English Language Learners and improve access to translation and interpretation services for immigrant families.

These new and expanded education initiatives are making a difference for some of New York City's most marginalized students. But unless elected leaders act, each of these programs could be significantly rolled back or eliminated five months from today. We have joined with more than 160 organizations in calling on our elected leaders to identify funding to help New York City and other districts avoid taking a massive step backwards. Our joint **call-to-action** is attached to this testimony.

Unfortunately, instead of stepping up to provide increased resources to help school districts, the Executive Budget proposal includes \$400 million less in statewide school aid than the State's own projection for FY 25 stated in the mid-year Financial Plan. For New York City alone, the proposed changes to the calculation of the Foundation Aid inflationary factor would result in the City getting \$132 million less than it would receive without this change.

We appreciate the increase in Foundation Aid in recent years, but this is no time to be complacent. We cannot afford to roll back these important programs, especially those serving the students who need the most support, and we need the Legislature's leadership to ensure our school districts have the funding they require to sustain the progress made over the past few years and meet growing needs.

At a time when there is a youth mental health crisis, record-high student homelessness, systemic violations of the rights of students with disabilities, and an increase of thousands of newly arrived immigrant students enrolling in New York City schools, **we need the Legislature to reject the change in the inflationary factor and negotiate a budget that includes a substantial increase in funding to our schools.**

Literacy Proposal

We are encouraged that Governor Hochul's budget proposal focuses attention on the importance of effective literacy instruction. Teaching children how to read is one of the most fundamental responsibilities of our schools. We routinely work with middle and high school students who are unable to read their school textbooks or complete job applications—not because they lack the motivation or cognitive capacity to learn to read, but because their schools failed to provide evidence-based instruction and intervention. Ensuring that school districts across the State use



curricula aligned with the scientific evidence on reading development and provide teachers with training and support can have a significant impact. It will be important to ensure that school districts have the support and resources they need to implement these changes successfully.

Preschool Special Education

We are continuing to hear from families whose young children have intensive disabilities and have a legal right to a preschool special education class, but do not have one because there is no seat available. Due to these shortages, in New York City alone, more than 1,000 children were waiting for seats in their legally mandated preschool special education classes at the end of the last school year. These children missed the chance to receive intervention at a time in their lives when services can have the greatest impact.

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. In recent years, dozens of CBOs around the State have closed their 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. Particularly given the Executive Budget proposal to extend the deadline for the recommendations of that study to 2027, it is also important for the State to take interim measures to support these schools.

While we appreciate the 11% trend factor applied last school year and the 6.25% trend factor this year, these schools have historically been underfunded and had gone many years without a significant increase. For example, prior to the 2015-2016 school year, the State did not provide any rate increase for preschool special education programs for six years, keeping the rate stagnant with no cost-of-living adjustments. Between 2015-2016 and 2019-2020, the State approved only a two percent increase each year—far less than the increase provided for public education overall in the State budget.

Furthermore, over the past couple of years, programs have not been able to access the full amount of the stated rate increase because of obscure policies within the reimbursement methodology. For example, under the policy known as “reconciliation,” if a teacher leaves mid-year, the funding “saved” from children no longer having a certified special education teacher is not only deducted



from the amount the State will reimburse during the current year, but lowers the program's rate in future years even after the program hires a replacement teacher.

We urge you to ensure there is a rate increase for preschool special education programs and state-approved non-public schools for students with disabilities this year to help them stay afloat while the work moves forward to revamp the rate methodology. These schools are an important part of the State's system for fulfilling its obligation to students with disabilities and cannot be left to fend for themselves. Additionally, at a time when we are hearing from families about a backlog in getting evaluations for preschoolers, there should be an **increase for preschool evaluation agencies**, which were left out of the recent rate increases.

We also urge you to pause reconciliation while the tuition methodology study moves forward and to ensure that the State will continue to apply a growth factor in the calculation of interim rates to help providers to plan for the year.

Additional Recommendations

We also support the following recommendations in the Board of Regents' 2023-2024 State Budget Priorities:

- \$70.5 million to help school districts provide special education instruction and services to students with disabilities *until age 22* who have not yet obtained a high school diploma in line with the Second Circuit Court of Appeals' decision in *A.R. v. Connecticut Board of Education*.
- \$4.5 million to develop an alternate assessment program for English Language Learners who have severe cognitive disabilities and to translate assessments for ELLs.
- \$1 million for a commission to study and recommend needed updates to the Foundation Aid Formula.

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.

Call to Action to Sustain Education Programs Funded with Expiring Federal COVID-19 Relief

SEPTEMBER 2023

We call on our elected leaders to take immediate action to sustain critical education programs currently supported by temporary federal COVID-19 stimulus funding set to run dry in June 2024.

Over the last few years, New York City Public Schools (NYCPS) benefitted from more than \$7 billion in federal stimulus funding. NYCPS used this influx of funding not only to help address temporary pandemic-related challenges, but also to launch and expand a range of essential programs to meet needs that existed long before the pandemic—but had gone unmet or under-funded—and that will remain long after the federal COVID-19 relief funds expire. Notable examples of this year's investments include:

- **\$456 million for 3-K**, allowing the City to guarantee a seat for every three-year-old in 12 of the City's 32 community school districts and doubling the number of children participating in this early learning program from 17,500 in 2019-20 to 35,700 in 2022-23.
- **\$96 million for preschool special education**, helping the City address the significant shortage of legally required preschool special education classes, helping programs recruit and retain certified special education teachers, and adding service providers and staff to help with the development of service plans.
- **\$67 million to hire 450 school social workers**, allowing nearly 194,000 students to gain access to a social worker; even with this investment, there is only one school social worker for every 435 students enrolled in NYCPS schools and more than 240,000 students do not have access to a full-time social worker.
- **\$65 million for school nurses**, enabling every school building to have a nurse; prior to the pandemic, at least 137 schools serving a combined 70,000 students did not have a school nurse.
- **\$55 million to expand community schools**, increasing the number of schools that provide students and their families with wrap-around supports from 266 in 2020-21 to more than 400.
- **\$22.5 million to launch the Sensory Exploration, Education, and Discovery (SEED) program**, which provides students with intensive sensory needs with small group support from occupational and physical therapists so they are better able to function in the classroom.

- **\$12 million for restorative justice practices**, allowing more schools to use alternatives to exclusionary discipline that keep students in the classroom while helping them build and repair relationships; this federal funding represents the majority of the City's investment in restorative justice.
- **\$10 million to hire 60 school psychologists and 15 family workers** to address delays in the evaluation process for students with disabilities.
- **\$10 million to hire bilingual staff to support the education of English Language Learners**, only 46% of whom graduated from high school in four years even before the pandemic.
- **\$9 million for shelter-based coordinators** to help children who are homeless get to school every day and access needed educational support.
- **\$7 million for literacy instruction and dyslexia programming**, helping to support screening, new specialized programs for students with dyslexia, and targeted reading interventions in dozens of schools.
- **\$7 million for translation and interpretation services**, which are particularly vital at a time when more than 40% of students speak a language other than English at home and when the need has grown.
- **\$3.3 million for Student Success Centers in 34 high schools**, where trained youth leaders build a culture of college-going in their schools and help their peers with the college admissions process.

The impending expiration of federal COVID-19 funds not only threatens the continuation of these newly-launched and expanded programs; temporary federal funds have also been used to stave off more drastic budget cuts at schools that have seen enrollment declines (\$160M in FY 24) and to maintain longstanding initiatives jeopardized by pandemic-related fiscal challenges. As just one example, NYCPS is using:

- **\$33M in federal COVID-19 funding for Learning to Work**—which provides support to over-age, under-credited students to help them earn a high school diploma and develop a post-secondary plan—representing more than 70% of the program's total budget.

This summary does not reflect every investment NYCPS has made using temporary federal stimulus dollars, but underscores the enormously high stakes for students—especially those whose needs have too often been overlooked—as well as the urgent need for elected leaders to act before this funding runs dry. In total, we estimate that NYCPS is investing more than \$1 billion in programs and supports to meet needs that will persist far beyond the funding's expiration date.

We are at a critical juncture. Our elected leaders must choose between allowing these programs to end on their watch—dealing a massive setback to public education—or taking action to identify new funding sources so students can continue receiving critical supports and services. We are counting on our elected leaders to sustain essential education programs and build on the progress made, leaving a lasting impact on the lives of students for years to come.

SUPPORTING ORGANIZATIONS

Abundant Waters After-School
Adaptive Design Association, Inc.
Advocates for Children of New York
AHRC NYC
All My Children Daycare Inc.
All Our Kin
Alliance for Quality Education
The Arc New York
Astor Services
B'Above Worldwide Institute Family Child
Care Network
Barrier Free Living
Birch Family Services
Block Institute Pre-K
Bloom Creative Arts and Preschool
Bronx Developmental Disabilities Council
Brooklyn Developmental Disabilities Council
CAMBA
CASA-NYC
Catholic Guardian Services
Center for Independence of the Disabled, New
York (CIDNY)
Child Care Solutions Inc.
The Child Center of NY
Child Study Center of New York
Children's Aid
Children's Defense Fund-New York
Chinese-American Planning Council, Inc.
Citizens' Committee for Children of New York
City Year New York
Coalition for Asian American Children and
Families
The Coalition for Community Schools
Excellence
Committee for Hispanic Children and Families
Commonpoint Queens

The Community-Based Education Movement
Community Resources Staten Island
Cooke School and Institute
Council of Family and Child Care Agencies
(COFCCA)
Counseling In Schools, Inc.
Cypress Hills Local Development Corporation
Day Care Council of New York
Dignity in Schools Campaign-New York (DSC-
NY)
DreamYard
DRUM – Desis Rising Up and Moving
ECE On the Move
The Education Trust-New York
Educators For Excellence - NY
El Puente
exalt
Expanded Schools
Faith in New York
Flanbwayan Haitian Literacy Project
Four Freedoms Democratic Club
FPWA
Girls for Gender Equity
Global Kids
Goddard Riverside
Good Shepherd Services
Graham Windham
Grand St. Settlement
The Guild for Exceptional Children, Inc.
Harlem Dowling-West Side Center
HeartShare St.Vincent's Services
Hispanic Federation
Homeless Services United
Hudson Guild
ICCD
INCLUDEnyc

IntegrateNYC
InterAgency Council of Developmental
Disabilities Agencies, Inc.
Jackson Developmental Center
JCCA
Jeremiah Program
Jewish Community Center of Staten Island, Inc.
Just Kids Early Childhood Learning Center
KAVI (Kings Against Violence Initiative)
Kennedy Children's Center
Keshet Learning Center
Kingsbridge Heights Community Center
Latino U College Access (LUCA)
LatinoJustice PRLDEF
LEAP
LERU Multi Service Agency
Lexington School for the Deaf
Literacy Academy Collective
Little Meadows Early Childhood Center
Lutheran Social Services of NY
Make the Road New York
Manhattan Developmental Disabilities Council
Manhattan Mothers & Others
Marie Pense Center
Metropolitan Parent Center, Sinergia Inc.
Millennium Development
Mobilization for Justice, Inc.
Moms United for Black Lives NYC
Mosholu Montefiore Community Center
Mouse
NAACP New York State Conference of
Branches
NASW-NYC
New Alternatives for Children
New Settlement
New Settlement Parent Action Committee
New York Appleseed

New York Association of School Psychologists
(NYASP)
New York Center for Child Development
New York Charter Schools Association
New York City Bar Association
The New York City Coalition for Children with
Special Needs (Birth to Five), Inc.
New York Edge
New York Immigration Coalition
New York Lawyers for the Public Interest, Inc.
(NYLPI)
New York Legal Assistance Group
New York State Alliance for Children with
Special Needs
New York State Network for Youth Success
New York State Society for Clinical Social
Work (NYSSCSW)
New York Urban League
NIA Community Services Network
Nido De Esperanza NYC
North Brooklyn Development Corporation
NY Coalition for Educational Justice
NYC Arts in Education Roundtable
NYC Coalition for Educating Families Together
NYU School of Law Education Advocacy Clinic
OmniLearn
Operation Exodus Inner City
The Opportunity Network
Parents for Inclusive Education
Parents Supporting Parents NY
Partners for Dignity & Rights
Partnership with Children
Phipps Neighborhoods
PROSPECT KIDS LLC
Providence House, Inc.
QCDD (Queens Council on Developmental
Disabilities)
QSAC, Inc.
Queens Centers for Progress

Queens Community House Beacon
Community Center @ PS149
Queens Community House-Childcare
Network
Restorative Justice Initiative
Rivendell School
Rose F. Kennedy University Center for
Excellence in Developmental Disabilities
Sanctuary for Families
Sauti Yetu Center for African Women, Inc.
Seamen's Society for Children and Families
Small Wonder Preschool, Inc.
South Asian Youth Action (SAYA)
Southeast Bronx Neighborhood Centers, Inc.
Special Education Law and Advocacy Clinic,
Cardozo Law
Special Support Services
St. Dominic's Torch and Annex
St. Mary's Hospital for Children

Stanley M Isaacs Neighborhood Center
SteppingStone Day School
Teachers Unite
Team First, Inc
Therapy and Learning Center
uAspire
UFT/UNECE
UJA-Federation of New York
United for Brownsville
United Neighborhood Houses
United We Stand of New York
University Settlement Society of New York
Urban Youth Collaborative
Volunteers of America-Greater New York
Wediko, NY at The Home for Little Wanderers
Wiggle Room
YMCA of Greater New York
Zone 126

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