



Testimony

**to the
Senate Finance Committee
and
Assembly Ways and Means Committee
on the
Proposed 2022-23 Executive Budget
for
Elementary and Secondary Education
January 26, 2022**

*Prepared by:
New York State United Teachers
800 Troy-Schenectady Road
Latham, NY 12110-2455
518-213-6000
www.nysut.org*

*Representing more than 600,000 professionals in education and health care
Affiliated with the AFT – NEA – AFL-CIO*

*Testimony of
Andrew Pallotta,
President
New York State United Teachers
to the
Senate Finance Committee
Liz Krueger, Chair
and
Assembly Ways and Means Committee
Helene E. Weinstein, Chair
on the
Proposed 2022-23 Executive Budget
for
Elementary and Secondary Education
January 26, 2022*

Chairperson Krueger, Chairperson Weinstein, honorable members of the Legislature and distinguished staff, I am Andrew Pallotta, President of New York State United Teachers (NYSUT). NYSUT represents more than 600,000 teachers, school-related professionals, academic and professional faculty and staff in higher education, professionals in education, in health care and retirees statewide.

Thank you for the opportunity to testify today on the proposed 2022-23 New York State Executive Budget for Elementary and Secondary Education. I am joined by Michael Mulgrew, President of the United Federation of Teachers.

Today, I appear before you on a zoom screen for the second time, a new reality that we have adapted to since March of 2020. So much has changed since then. However, one thing that has not changed is the fact that our members remain committed to providing the best, safest educational experience for their students.

I want to thank you and your colleagues for the work you did in last year's enacted budget when you made the choice to provide the resources required to keep our children in school. We are still navigating the COVID pandemic and the surging Delta and Omicron variants, but if you had not made the decisions you did in 2021, we would be in a much worse position.

I would also like to thank Majority Leader Schumer and New York's Congressional delegation for the federal COVID relief they were able to secure for our state and its students. These resources, in conjunction with state dollars, have been critical in facilitating the return to in-person learning and student engagement. They have also allowed school districts to provide much needed professional development for teachers, staff and the school related professionals who work hard to create our school communities.

I would first like to note how refreshing it is to appear before you today without having to pound the table and discuss how terrible the executive's proposed budget is for education, our students and their schools. Your work last year – to begin a three-year phase-in of the Foundation Aid formula – and Governor Hochul's commitment to years two and three of the phase-in – and to see it in the executive budget proposal – is a tremendous step forward for education in New York. NYSUT is also happy to see the state's commitment to recruiting, retaining and diversifying the educator workforce. This and other policy areas that are contained both in the executive budget proposal and in the NYSUT Future Forward Taskforce Report, which I have included at the end of my testimony, may serve as a blueprint for moving education forward in our state as we work through COVID and hopefully soon emerge into a post-pandemic environment.

Since March of 2020, the issues around schools being the centers of their communities and having the wrap-around services that students and their families require, such as child nutrition, mental health, and childcare, which we have been discussing for years, have been thrust into the forefront throughout this pandemic. This is the driving force behind the Future Forward Report and is the product of many months of work by NYSUT members from every region of our state. This ground-level input helps to inform NYSUT's current and future advocacy efforts.

Future Forward Report

The NYSUTs Board of Directors recognized that the last two years have changed the way that people perceive and interact with public schools. Our Board views this as a unique opportunity to develop a path forward that will help ensure that our schools are the centers of our communities. To achieve this goal, we must provide funding, programs and supports for our schools. Our Board of Directors created the Future Forward Taskforce to discuss the issues facing our students, educators and the communities in which they live and work. Many of the issues discussed are not new but have only intensified with COVID and the fight for racial justice.

The Taskforce identified five pillars that must be put in place to ensure that our schools become the centers of their communities and to help our students develop and grow. The pillars are:

- 1 – Supporting our public schools as the centers of our communities;
- 2 – Supporting students' social and emotional needs;
- 3 – Fighting for racial justice;
- 4 – De-emphasizing high-stakes testing; and
- 5 – Adopting best practices for instruction and access to technology.

NYSUT was pleased to see that many of the items recommended in our report are addressed in the executive budget. My testimony will focus on the areas where changes are needed to ensure that programs or services are best meeting the needs of our students and helping them to move forward from the events of the past two years. We have a unique opportunity to make lasting change to address the complex needs of our students.

Pillar 1 – Supporting Our Public Schools as the Centers of Our Communities

Community Schools

NYSUT is an ardent supporter of the community school model. Community schools are locally created to provide critical health care, social services and other programming. They provide critical support to those who need it most, and in their neighborhood, so families can easily access the services they need.

In some communities, accessing health and mental health services is challenging. Often, there are not enough providers, so many patients are forced to travel great distances to access care. Throughout the pandemic, our schools were asked to feed students and families, even when these buildings were closed for in-person learning. We heard from many of our members, that the amount of people who showed up was overwhelming and the need was great.

The state should invest some of its federal COVID relief funding and dedicate a portion of the new income it is generating from recently enacted revenue raisers to create additional community schools. This well-proven model fosters meaningful change in the lives of students, their families, and the community at large.

At the heart of this model is a community school director, who is charged with developing, creating and administering the program and its services. The director develops partnerships with community-based organizations, health care providers and others to meet the needs of the school community.

In order to ensure that more communities have access to this model, NYSUT recommends new annual funding of \$100 million in categorical aid be provided in the 2022-23 state budget. These funds should be dedicated specifically for the creation of additional community schools and to support the hiring of community school directors/coordinators to lead the critical work of aligning community services with family and student needs. These funds could potentially double the number of districts utilizing the community school model in New York State.

Pillar 2 – Supporting Students’ Social and Emotional Needs

Universal Pre-Kindergarten

New York state funds universal prekindergarten programs through a series of grant programs that are allocated annually to school districts. While the law requires school districts to spend a minimum of 10 percent of these funds on community-based organizations (CBOs) to run these programs, often the entire district’s pre-K allocation is distributed to such organizations. This means that while the programs are publicly funded, most of the program is not administered by public school districts. Since the funding is distributed via annually awarded grants, districts do not have an incentive to create capacity within their district to operate these programs.

NYSUT’s Future Forward report recommended, and we would urge the Legislature to consider, the consolidation of the UPK grant programs into one modified entitlement program that would automatically provide funding to school districts based upon the children served in a qualified pre-K program. Current state aid formulas work in a similar manner for a variety of programs, including BOCES and special education.

Hiring of Critical Staff

In previous years, we have spoken about the need for school nurses, social workers, school counselors and licensed school psychologists. As we enter the third year of this pandemic, we have all come to realize just how crucial our health and mental health care providers are. I do not think I need to give you any more evidence to support my claims as I am certain that you have witnessed firsthand the impact the pandemic has had in your districts and in our communities. Our students, and our members feel that acutely. NYSUT supports the executive budget proposal for the two-year matching grant program of \$100 million to address student well-being and learning loss in response to trauma brought on by the COVID-19 pandemic. This grant is to be used for student mental health supports, such as employment of mental health staff or for the creation of programs to address learning loss, such as summer learning, after-school or extended day and year programs for students. While this is a great down payment on work that must be done for our students, educators and the future of this state, we must commit to this in the long-term as we have outlined in the Future Forward Report. Moreover, we ask that the Legislature pass the bills referenced in the report that would allow schools to hire a school nurse for every building, school counselors, school social workers and licensed school psychologist.

To ensure that proper staffing is in place, the Task Force recommends the enactment of the following bills:

- S.1969 (Jackson)/A.5019 (González-Rojas), which requires schools to employ at least one full-time social worker and at least one licensed school psychologist;
- S.831 (Gounardes)/A.7473 (Clark), which requires schools to employ at least one school counselor; and
- S.4782 (Jackson)/A.666 (Cahill), which will ensure that all public school districts and boards of cooperative educational services employ at least one registered professional nurse in each school building.

School Nurses and the Healthcare Worker Bonus

The executive budget includes \$1.2 billion for a health care worker bonus program to recognize the invaluable dedication that health care workers have demonstrated throughout the pandemic. We know that our health care workers are exhausted and overextended. As budget negotiations continue, we urge the Legislature to ensure that school nurses are included in this program and are eligible for this bonus. School nurses are often overlooked because of their place of employment. They make a fraction of what nurses employed in traditional health care settings can earn.

Our school nurses are stretched thin and are often the only nurse working in a school building. In many instances, there is a single nurse splitting time in several schools. They are responsible for hundreds or even thousands of students. COVID only highlighted the critical role that school nurses play. Ensuring that they are eligible for this bonus would be a first step in recognizing their critical work.

Pillar 3 – Fighting for Racial Justice

Teacher Diversity

NYSUT looks forward to working with you, your colleagues and the governor over the next couple of months as you work to enact the state budget before the April 1 deadline. There are many wonderful programs contained in the Aid to Localities bill, in the Urban Development appropriation language, such as teacher residency programs and paraprofessional career ladders that can be coupled with the initiatives mentioned in the Future Forward Report, such as NYSUT’s long-standing Take a Look at Teaching initiative and Implicit Bias Training program, which you helped to seed via a \$1 million grant last year. That program is up and running, with 64 trainers conducting trainings across the state. This year, we are asking for your assistance in expanding this worthwhile endeavor with a \$2 million grant.

NYSUT is supportive of the teacher opportunity corps program and SED’s request of \$5 million to support this initiative. This program provides prospective teachers who need additional support in addressing learning needs and other issues that interfere with their academic performance. The teacher opportunity corps program increases the participation rate of historically underrepresented and economically disadvantaged individuals in the teaching profession. NYSUT strongly believes this program is key to diversifying the profession.

Pillar 4 – De-emphasizing High-Stakes Testing

Task Force members stressed the need to return the joy of learning by removing the punitive consequence of testing for both students and their teachers.

APPR

As I speak to you today, students around the state are about to enter the spring testing season and their third COVID pandemic testing season. Can you imagine the stress? Members of the Future Forward Taskforce shared stories of students who had trouble holding pens and pencils because they had been on tablets for the prior 18 months. These tests must be reworked to be developmentally appropriate and to meet the students’ needs. These tests must be de-linked from educator evaluations or APPR, and from receivership, which I will speak to shortly.

On the issue of APPR, NYSUT is once again asking the Legislature and the executive to grant a one-year pause in the exercise of the APPR process. As students return to in-person learning, we should focus on directing resources and staff time to help create a smooth transition for students.

Repeal Receivership

NYSUT strongly supports collaborative strategies to turnaround struggling schools through the engagement of all stakeholders and school communities. The ill-conceived receivership law, enacted in 2015, labels schools and educators as failing and does little to improve the schools. The path to improving struggling schools includes funding for comprehensive services for students and families.

Schools in receivership serve high-needs populations including, English language learners, students with special needs and students living in temporary housing. These students have complex needs that require more intensive services than can be provided by an educator in a classroom school setting. This program is not required by the federal government and does little to improve the lives of our students and communities. The state must provide funding so that these schools can offer the supports and services to benefit students and improve the academic standing of the school.

Although these schools serve our most vulnerable populations, the reality is that in the past, the state has not provided the adequate funding required to provide these students their constitutional right to a sound, basic education. A lack of funding has hindered these schools' ability to provide the academic and social-emotional learning supports necessary to help these students succeed.

Currently, there are 40 school buildings in Receivership in eleven school districts.

School District	Number of Receivership Schools
NYC	12
Buffalo	3
Rochester	14
Syracuse	2
Yonkers	1
Troy	1
Hempstead	2
Albany	2
Schenectady	1
Binghamton	1
Poughkeepsie	1

SED has recently been notified by USDOE that they will not receive a waiver and, therefore, New York will be required to produce a new accountability list for the 2022-23 school year. A new Comprehensive Support and Improvement (CSI) list has the potential to greatly increase the number of receivership schools. Based on the most recent data available, there are 228 CSI schools across 82 school districts. All these schools will automatically enter receivership status next year if they are reidentified as CSI schools. CSI schools are the bottom five percent performing schools under the state accountability system metrics which rely heavily on student growth measures and student performance on state tests.

These potential receivership schools represent a cross section of the state. The following are just a sample of districts with CSI schools: AuSable Valley (Clinton County), Salmon River (Franklin County), Coxsackie-Athens (Greene County), Roosevelt (Nassau County), Farmingdale (Nassau County), Rome (Oneida County), Utica (Oneida County), Oswego (Oswego County), Mohonasen (Schenectady County), Longwood (Suffolk County) and Brentwood (Suffolk County). There are currently 82 NYC schools with CSI status. As a result, there is also the significant potential for the number of receivership schools in NYC to greatly expand next year if the receivership program is still in place for 2022-23.

We have an opportunity to make meaningful change and repeal a law that has not helped our schools, but rather only labels them as failing. The New York State Education Department has other mechanisms to identify schools in need of improvement. We urge the Legislature to repeal the receivership law.

Pillar 5 – Adopting Best Practices for Instruction and Access to Technology

Teacher Centers

NYSUT was pleased to see that the executive budget maintains funding for Teacher Centers at \$14.26 million. However, the 125 Teacher Centers across the state require additional funding. Teacher Centers were established by the Legislature to provide locally-determined and ongoing professional development for all educators. They are the only state-funded vehicle guaranteed to support teacher professional development in all school districts, including over 200 high-need schools/districts, BOCES, non-public schools and charter schools.

During the pandemic these centers have provided support to over 500,000 educators, parents and community members. Initially, the centers concentrated on supporting all educators with the transition to online learning, this fit in with the historic mission of teacher centers – to experiment with the use of multiple instructional approaches and instructional technologies.

As this school year has gotten underway, Teacher Centers are still filling this vital role, yet they are also offering other programs that their local educators have identified as being needed. They are required to annually assess the professional needs of their local educators. So, in addition to instructional technology, many centers are offering programs to sustain effective mentoring, to support struggling learners or to provide the experience necessary for special education teachers.

Teacher Centers also offer programs that support the state’s diversity, equity and inclusion initiatives; programs that support the emotional and mental health of students and teachers; and trauma-informed instructional programs, to name just a few.

The Future Forward Task Force members felt strongly about the role Teacher Centers can and should play in helping educators keep abreast of emerging technology used in the classroom. In order to ensure that these centers can keep up with the professional development needs of educators, state support needs to be increased. Funding for these centers has remained flat for several years and is not keeping pace with rising operational costs. Some centers have reported that they will have to resort to cutting positions from full-time to part-time. Other centers have noted that they simply cannot hire or keep staff due to their inability to offer competitive wages. We urge you to restore funding for Teacher Centers to the 2008-09 level of \$40 million so we can continue to support the state’s educators and provide them with the tools necessary to educate students, improve student achievement and allow them to hire and retain staff to develop programs.

Charter Schools

Charter schools were created to serve as laboratories for the development, refinement and creation of innovative and effective educational best practices to be shared with public schools. While well intended, charter schools share very little with regard to best practices and have become a financial burden on school districts.

Saturation and Financial Burden

In New York State, there are twenty school districts where more than five percent of their total enrollment attends a charter school. In the five-year period between 2016/17 and 2021/22, these twenty districts have increased their payments to charter schools by \$1.4 billion – a 73 percent increase. In NYC, charter school payments increased by \$1.2 billion, or 76 percent during this five-year period. These figures reflect state mandated tuition payments to charter schools, but not rental payments. This increase in payments to charter schools was driven by both increased charter enrollment and increases in charter school tuition.

To put these charter school payment increases into context, when you compare the increase in charter school payments to the increase in Foundation Aid provided to these twenty districts over the same five-year period, in NYC alone, Foundation Aid has increased by \$1.5 billion during the past five years, whereas charter school tuition payments increased by \$1.2 billion. As a result, over 83 percent of the Foundation Aid increase in NYC over the past five years had to be used to pay for the increase in charter school tuition payments.

A similar situation exists when looking at all twenty districts. In total, Foundation Aid increased by \$1.9 billion in these twenty districts. Total charter school tuition payments increased by \$1.4 billion during that five-year period. Just under three quarters of the increase in Foundation Aid over the past five years had to be used to pay for the increase in charter school tuition payments in these districts.

Districts with more than 5% of students enrolled in charter schools

	Increase in Foundation Aid				Increase in Charter School Payments			
	2016-17 Foundation Aid	2021-22 Foundation Aid	Increase In Foundation Aid	% Increase	2016-17 Payments to Charter Schools	2021-22 Payments to Charter Schools (Est)	Increase In Payments to Charter Schools	% Increase
HEMPSTEAD	\$79,511,466	\$114,592,107	\$35,080,641	44%	\$22,586,744	\$55,800,000	\$33,213,256	147%
LACKAWANNA	\$24,402,207	\$31,751,481	\$7,349,274	30%	\$8,902,748	\$12,214,250	\$3,311,502	37%
BUFFALO	\$494,327,488	\$585,432,636	\$91,105,148	18%	\$106,377,849	\$144,911,612	\$38,533,763	36%
ROCHESTER	\$406,899,143	\$486,514,073	\$79,614,930	20%	\$69,211,715	\$106,956,813	\$37,745,098	55%
ALBANY	\$68,254,008	\$92,081,099	\$23,827,091	35%	\$31,725,154	\$36,733,689	\$5,008,535	16%
TROY	\$39,960,374	\$48,257,712	\$8,297,338	21%	\$8,383,035	\$11,800,000	\$3,416,965	41%
SYRACUSE	\$259,189,911	\$307,120,163	\$47,930,252	18%	\$19,736,478	\$33,122,048	\$13,385,570	68%
ROOSEVELT	\$33,592,371	\$46,544,905	\$12,952,534	39%	\$4,476,696	\$7,800,000	\$3,323,304	74%
LANSINGBURGH	\$18,707,531	\$24,375,744	\$5,668,213	30%	\$1,250,019	\$2,042,873	\$792,854	63%
RIVERHEAD	\$13,841,582	\$29,969,278	\$16,127,696	117%	\$4,036,216	\$9,074,590	\$5,038,374	125%
UNIONDALE	\$28,746,593	\$48,803,311	\$20,056,718	70%	\$4,453,052	\$12,590,000	\$8,136,948	183%
UTICA	\$86,835,643	\$116,272,669	\$29,437,026	34%	\$3,562,918	\$8,152,290	\$4,589,372	129%
MOUNT VERNON	\$68,291,083	\$79,154,915	\$10,863,832	16%	\$6,658,253	\$8,175,000	\$1,516,747	23%
CHEEKTOWAGA	\$7,953,319	\$11,644,922	\$3,691,603	46%	\$1,344,908	\$1,680,000	\$335,092	25%
WATERVLIET	\$11,782,866	\$14,435,457	\$2,652,591	23%	\$615,053	\$901,000	\$285,947	46%
MENANDS	\$379,446	\$806,305	\$426,859	112%	\$132,002	\$310,176	\$178,174	135%
GREEN ISLAND	\$2,118,991	\$2,460,688	\$341,697	16%	\$170,830	\$245,000	\$74,170	43%
ELMIRA	\$58,282,655	\$66,847,847	\$8,565,192	15%	\$2,667,573	\$5,000,000	\$2,332,427	87%
RENSSELAER	\$8,450,291	\$10,559,732	\$2,109,441	25%	\$248,753	\$575,000	\$326,247	131%
NEW YORK CITY	\$7,116,450,590	\$8,629,985,276	\$1,513,534,686	21%	\$1,660,776,298	\$2,923,141,617	\$1,262,365,319	76%
Total	\$8,827,977,558	\$10,747,610,320	\$1,919,632,762	22%	\$1,957,316,294	\$3,381,225,958	\$1,423,909,664	73%

Charter School Payments as a Percent of Foundation Aid increase (NYC only) 83%
 Charter School Payments as a Percent of Foundation Aid increase (All 20 Districts) 74%

The state should not continue to force school districts to absorb the fiscal impact of charter schools in their community at the expense of neighborhood schools that continue to educate many at-risk students.

You have worked to deliver education funding and Foundation Aid to your local school districts, only to have it usurped by charter school operators who serve a fraction of the children that are served by the neighborhood public schools. This year, the executive budget proposal includes \$185 million (a 4.7 percent increase) in supplemental basic tuition payments to charter schools and \$100 million in charter facilities aid. Under existing law, local school districts are on the hook for any additional payments.

NYSUT urges the Legislature to again pass legislation to require the state to pay the entire cost of the of the charter school, and to reimburse any other costs that the local school district incurs in the current year, not on a one-year lag, so that the public school district is not depriving their students for the benefit of the charter school.

Authorization Process

NYSUT strongly opposes the bifurcated system whereby both the Board of Regents and the SUNY Board of Trustees approve and renew charter school applications. The current system does not allow the Board of Regents to have the final authority to approve or renew charter school applications when SUNY is the authorizing entity. SUNY has shown disregard for the law and the high educational standards enforced by the New York State Board of Regents.

NYSUT has a long history of calling for legislation to establish the Board of Regents as the sole authorizer responsible for charter school applications, renewals and revisions. Actions taken by the SUNY Trustees call into question their ability to adhere to standards and the charter school law. SUNY approved the charter applications for two schools on Long Island. Applications for which the community was strongly opposed, and the Board of Regents recommended abandoning. In light of these actions, NYSUT is calling for the passage of S.7666-A (Liu)/A.8801 (Benedetto), to ensure that the Board of Regents has final approval authority over all proposed and renewed charter schools.

By having the Board of Regents — the body created by the New York State Constitution to oversee all educational activities within the state — as the sole responsible authorizer and the entity with final approval authority over proposed and renewed charter applications, the oversight process will not only be transparent, but it will also be consistently applied and enforced. It will also ensure that charter schools throughout the state are held to uniform review standards.

NYSUT firmly believes the SUNY Board of Trustees' decision to accept certain charter school applications, over the objections of the Board of Regents, does not follow the spirit or intent of the Charter School Act law.

Grade Expansion Loophole

The charter industry continues to use loopholes in the Charter School Act law to circumvent the statutory cap on charter schools by expanding their grades and creating entirely new schools that were never part of their approval process. To maintain the integrity of the existing statutory cap, the state must restrict grade expansions of these schools and thoroughly examine the fiscal and programmatic implications such new grades would have on the public school district. We strongly urge the Legislature to pass S.676 (Mayer) and A.5117 (Benedetto), which closes the loophole and restricts the charter industry from expanding their grade levels.

Under-Enrollment of Certain Student Populations

In addition, the charter industry must comply with the law and serve the very population they were charged to educate, students who are at-risk of academic failure. Many charter operators in all regions of the state continue to under-enroll students with disabilities, English language learners and students in temporary housing. Grade expansions should not be approved in any revision or renewal of charter schools if they are not in compliance with the law. Section 2850 of the education law states these schools must “increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure.”

The Charter Industry Under-Enrolls ELLs		
	Local Charter School	Local School District Traditional schools
Buffalo United CS 19 years in operation	6%	18%
Albany Community CS 16 years in operation	0%	11%
Syracuse Southside Academy CS 20 years in operation	6%	18%
Rochester Genesee Community CS 21 years in operation	5%	16%

The Charter Industry Under-Enrolls Students with Disabilities		
	Local Charter School	Local School District Traditional schools
Buffalo United CS 19 years in operation	11%	23%
Albany Community CS 16 years in operation	1%	15%
Syracuse Southside Academy CS 20 years in operation	12%	21%
Rochester Genesee Community CS 21 years in operation	8%	22%

These systemic problems in the charter industry must be addressed and operators must come into compliance with the education law prior to authorizers approving additional charter applications, expanding grade levels and the state lifting the cap.

BOCES and Career and Technical Education (CTE)

Career and Technical Education (CTE) programs continue to stand out as global economic demands impact our nation. CTE provides a learning environment that can lead to a rigorous career-aligned learning experience. Students who enter these programs and graduate are prepared to pursue a four-year college degree or immediately enter the workforce. For many students, being able to work part-time in their field while attending college allows them to support themselves and their families as they pursue their college degree.

These programs must remain current and relevant as workforce and economic trends change and businesses continue to demand knowledgeable and prepared workers. It is important to note that many CTE programs have been designed in collaboration with local businesses. For several years, there has been statewide increases in the number of students enrolled in CTE programs. CTE professionals have stepped up to the challenges the pandemic has posed. Fully-funding CTE is essential for the success of these programs.

The current aid formula for BOCES programs, including CTE has not increased since 1990. The state only provides aid for the first \$30,000 of a BOCES' instructor's salary. Special Services Aid provides state support for CTE programs in the Big 5 School Districts for grades 10-12. As of 2021, the formula's starting point is \$3,900 per pupil, which is then multiplied by an aid ratio based on the school district's combined wealth aid ratio, bringing the actual amount of aid per pupil to approximately \$3,100 in our upstate city districts, approximately \$2,100 per pupil aid in Yonkers and a mere \$1,400 per pupil aid in New York City.

BOCES did not receive any federal money, including funding from the American Rescue Plan Act (ARP) since this goes directly to school districts. In addition, there is not additional funding coming to BOCES from the state via Foundation Aid since this also goes to the school districts. The Legislature should enact S.919 (Mayer)/A.5190 (Benedetto), to significantly sustain, expand and provide high-quality BOCES programs, including CTE programs throughout the state. This legislation increases the aidable salary for BOCES educators, including CTE educators, from \$30,000 to the statewide average and replaces the outdated \$3,900 Special Services Aid ceiling with the district's Foundation Aid, which reflects current costs. In addition, by enacting this legislation, BOCES and other statewide CTE programs could recruit and retain educators.

The state should also update Special Services Aid to include ninth grade to align these types of programs with the Regents' adoption for multiple pathways to graduation.

In addition, we strongly support the inclusion of BOCES as an entity that is eligible to receive the mental health grants in the executive budget. As noted earlier, BOCES did not receive federal ARP funds and the only way to access the state funds is to match them with federal ARP money, which BOCES are excluded from receiving. We strongly urge the Legislature to allow BOCES to access this critical funding.

Final Cost Report and Transportation Contract Flexibility

The executive budget proposes to eliminate penalties for districts that have a ministerial or non-criminal errors in their final cost reports or transportation contracts. This issue looms large in school districts where these errors are made. To prevent catastrophic funding shortfalls in these districts, the Legislature typically addresses these issues in a piecemeal fashion each year. We applaud Governor Hochul for including these provisions in her executive proposal, as these oversight and minor paperwork errors made by adults ultimately impact the students and the taxpayers of the district the most. We would ask that minor technical changes be made to the proposal as there is no longer a prior-year aid claim process as that was abolished in last year's enacted budget. We also ask that some process be developed for districts that are already in the process of having funds clawed back by the state.

School Meals Transfer

NYSUT opposes the executive budget proposal that would transfer the administration of the many complex federal school meal and child nutrition programs from the State Education Department (SED) to the Department of Agriculture and Markets. SED is well-equipped to handle this responsibility and should remain in this position. Any transfer of these services could disrupt the delivery, distribution and payments for school meals throughout our state. SED has developed the custom systems, expertise and regulatory fluency with the federal programs, and already works in partnership with the Department of Agriculture and Markets and every school district within the state to successfully administer nearly \$1.4 billion in federal child nutrition aid.

Special Schools

NYSUT members work in Special Act, 853, and 4201 Schools, as well as 4410 Programs throughout our state, educating and working with some of the most medically and socially/emotionally frail students in our communities. The students that are served by these schools and programs would not be served by traditional neighborhood schools and these schools and programs are not warehouses for these students. The dedicated educators who work in these settings, and their students, require additional services and resources. While we were disheartened to see that the governor vetoed legislation that would have indexed the rate of growth to that of traditional public schools, we are hopeful that the Legislature and the executive will deliver the 11 percent COLA that Governor Hochul referenced in both the veto message and her budget book. Both non-public and charter schools are receiving year-over-year rate increases that far exceed those given to students attending special schools, we would ask the Legislature to again consider the indexing of the tuition rate of these schools in this year's budget to at least be equal to that of neighborhood public schools.

Native Schools

NYSUT is very happy to see a commitment in the executive budget that provides much needed capital for state schools that educate Haudenosaunee students in partnership with the Salmon River Central School District, the Niagara Wheatfield Central School District and the LaFayette Central School District. NYSUT members that work with these native students have reached out to me personally, and we are very happy to support this effort to make these schools safe and welcoming for their students.

Non-Public Schools

In the past, I have appeared before you to oppose funding increases for non-public STEM educators, which has increased year-over-year in the budget. This year, the executive budget proposal increases that level of support 37.5 percent to \$55 million, up from \$40 million last year. NYSUT believes that the state should provide support to non-public school students for items such as books and technology, but not instructional staff.

Human Service Providers

NYSUT supports the executive budget proposal for the 5.4 percent COLA for human service providers that contract with a variety of state agencies to care for New Yorkers. NYSUT represents a number of ARCs and other human service provider staff in the Western New York area, and we are pleased to see this dedicated staff receive proper, well-deserved compensation.

Conclusion

I want to thank you. In 2009, I came to Albany and started talking with you about the need to fully fund the Foundation Aid formula to ensure our schools had the basic funding they needed to provide every student with a quality education. Today, we are almost two-thirds of the way through that process. Thank you. We can now begin moving forward towards the future of education in New York State, and NYSUT stands ready to partner with you as you begin your work on this year's state budget.

Thank you for the opportunity to testify before you today. I will now turn it over to Michael Mulgrew, President of the United Federation of Teachers.

Jl/AB/ARR
2022 pk-12 testimony
1/23/22