

# *N.Y.S. Coalition for Independent and Religious Schools*

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- Agudath Israel of America
- Association of Christian Schools International
- Board of Jewish Education of Greater New York
- Lutheran Schools Association
- NYS Association of Independent Schools
- NYS Catholic Conference

Testimony

of the

New York State Coalition for  
Independent & Religious Schools

regarding the

2012 - 2013

Elementary and Secondary Education Budget

Presented by

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&

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Hearing Room B  
Legislative Office Building

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## **Introduction**

Good afternoon. Chairman DeFrancisco, Chairman Farrell, Chairman Flanigan, Chairwoman Nolan and honorable members, my name is David Zwiebel, Executive Vice President of Agudath Israel of America and joining me is Jim Cultrara, Director for Education at the New York State Catholic Conference. As co-chairmen of the NYS Coalition for Independent and Religious Schools, we are speaking today on behalf of the administrators, teachers, parents and approximately 500,000 students of the nearly 2,000 religious and independent schools across the state.

First and foremost, we take this opportunity to express our sincere gratitude to you, your fellow legislators and to Governor Cuomo for, just 47 days ago, having enacted a permanent exemption of religious and independent schools from the MTA Payroll Tax that was imposed in 2009. The MTA Payroll Tax had cost religious and independent schools approximately \$8 million each of the last two years while their public school counterparts were reimbursed for the tax. While the Assembly and Senate had previously enacted differing measures to remedy this injustice, last month's action, with the support of Governor Cuomo, brought a final resolution to the issue. For this we are very grateful.

We are also grateful for this opportunity to share our views and concerns regarding the education budget outlined in Governor Andrew Cuomo's Executive Budget. Though our written testimony contains a number of areas of great importance to religious and independent schools, we will focus our oral comments today on only four.

First is the area of **Mandated Services and Comprehensive Attendance Policy (CAP)**

### **Reimbursement:**

As you know, the Governor proposes to increase the regular Mandated Services Reimbursement appropriation to \$90,400,000, an increase of \$13,243,000, which, for the first time in several years, is sufficient to fully reimburse schools for their 2011-12 regular Mandated Services expenses. We are grateful that the Governor has recommended that this portion of the program be fully funded and we strongly urge your support.

While this increase is an important step in the right direction, the Governor's proposed budget neither fully funds Comprehensive Attendance Policy (CAP) reimbursement nor addresses the delinquent reimbursement for CAP dating back to the 2002 - 2003 school year, even as acknowledged by the State Education Department as due and owing. Specifically, the Executive Budget would maintain last year's funding level for CAP, which at \$26,200,000 is approximately \$19 million below what schools are allowed to claim and approximately \$34 million below schools' actual costs of complying with CAP. Thus, the Governor's recommended appropriation for CAP, if enacted, would add approximately \$34 million to the state's debt to religious and independent schools.

The cause of this growing debt originates with the State Education Department, which has yet to officially acknowledge an error made in 2007 in estimating the cost of CAP. Currently, our schools are expending approximately \$60 million annually in complying with CAP. However, because of the error and the subsequent rigging of the CAP formula to conceal the error, schools have not been able to claim their full \$60 million in CAP expenses. Rather, the faulty formula permits schools to claim only, in aggregate, approximately \$45 million.

While the issue is arcane to most, it is critically important to our school administrators who wrestle to balance school budgets and even more important to the parents who struggle to come up with added tuition needed to fill the shortfall in reimbursement. The Governor's proposal is clearly a positive step forward but we need you to take the next step in resolving the crisis in CAP reimbursement. While we recognize that the current fiscal situation will make it difficult for the state to fully satisfy its legal obligation under CAP in one year, it is nonetheless imperative that you begin to do so. Accordingly, we urge you to do the following:

- first, demand that the State Education Department correct its error and reinstate the originally agreed-upon CAP formula that reflects the actual costs incurred by schools;
- second, increase the CAP appropriation to \$60 million in order to keep the debt from growing further and to ensure that current year claims can be fully reimbursed; and
- third, we urge you to establish a procedure whereby the state can resolve its obligation for prior year expenses as quickly as possible.

The second area is the **Threat of Program and Service Reductions:**

During these difficult fiscal times, there is rightfully increased scrutiny of program costs, including the costs of state-imposed mandates. And as efforts are made to relieve mandates and/or trim budgets, the individuals who are the intended beneficiaries of a particular program or mandate risk losing the service upon which they rely.

In this light, it is difficult to imagine a more emotionally and politically charged area than special education. The high cost of special education programs makes this area ripe for those looking to trim budgets, but in doing so, they not only risk jeopardizing critical services that are provided to the most fragile of our children, they also risk disenfranchising the families who care for them.

No doubt there are areas where greater efficiencies can be achieved. As you consider various mandate relief and cost-cutting initiatives, especially in the area of special education, we implore you to remain cognizant of the real cost that would be experienced if critical services were reduced or eliminated.

The third and most fundamental area is that of **Parental Choice:**

As Archbishop Timothy Dolan articulated to you last year from this very table, "It is in the area of parental choice that we see the gravest injustice perpetrated on families, whether it's a family with children in public school or a family with children in a Catholic school, Yeshiva, or other independent school."

Opponents of parental choice programs argue that New York cannot afford such a proposal while keeping its commitment to public school funding. On the contrary, it simply cannot be refuted that independent and religious are a financial boon to the state's taxpayers. As acknowledged in the Governor's budget proposal, it costs taxpayers, on average, \$18,126 annually to send a single child to a public school. The parents of the nearly half million children in independent and religious schools, who not only pay public school taxes, but also shoulder the extra burden of tuition, save taxpayers approximately \$9 billion each year through their sacrifice.

Encouraging more parents to choose religious and independent schools will save the state significantly more money, thereby enabling even greater financial support of public schools.

It is no news to you that some faith-based schools are disappearing at an alarming rate. Each time a family is unable to continue to afford tuition and each time an independent or religious school is forced to close, the burden on taxpayers is increased as these children enroll in public schools, whether traditional or charter. We urge you to reverse this trend by enacting a scholarship or education tax credit program that will provide meaningful assistance to enable parents to choose the school best suited for their children. You can afford to do no less.

While this concludes my oral remarks, we offer additional comments in our written testimony. Thank you for your time and consideration and we are more than happy to answer any questions you may have.

**Nursing Services:** An increasing number of children have acute and chronic health problems that require the daily attention and care of professional school nurses. Yet the shortage of school nurses leaves school administrators and teachers in the untenable position of having to respond to health emergencies and manage chronic health problems. School administrators and teachers are not health professionals and simply cannot and should not be forced to manage and respond to their students' asthma, diabetes, food allergies and other health conditions.

In some cases, these health conditions can be life-threatening. A child who ingests or is otherwise exposed to a food allergen, for instance, can experience anaphylaxis and die without the timely and professional administration of an epinephrine injection. An asthmatic student can easily experience respiratory distress requiring the administration of nebulized medication. Typical playground, athletic and even classroom accidents and injuries often require immediate professional medical attention.

The protracted nursing shortage is well documented, both nationally and in New York State. The shortage of school nurses is due, in large measure, to inadequate pay. In some cases, the salary of school bus drivers and custodial employees exceeds that of school nurses. For parents, as well as for the school staff to whom children have been entrusted, there is nothing more important than the health and safety of their children. It is simply unconscionable to put the lives and well-being of children at risk.

We urge the Governor and Legislature to ensure that a full-time nurse is available for every public, independent and religious school that needs one.

**Health, Safety, and Security Funds:** Independent and religious schools comply with a number of mandates and provide a number of health, safety and security-related services for which they receive no funding. These include equipment for access and control of buildings and classrooms, annual fire inspections; triennial asbestos inspections; the purchase and training in the use of defibrillators and security equipment; elimination of mercury and dangerous substances used for cleaning and maintenance; radon and lead testing; etc. The health, safety and security needs of students are no less great in difficult fiscal times and we urge you to include authorizing statutory language to enable schools to be reimbursed for their expenses in these areas.

**Energy Efficiency and Capital Improvements:** Advances in technology and construction techniques enable our schools to be healthier, safer, more accessible and more energy efficient than ever before. This not only benefits the students, teachers and administrators who occupy school buildings every day, but also benefit utility rate payers and the community at large. Public schools are able to finance these projects with their local tax levy authority coupled with state building aid. Religious and independent students, teachers and administrators are no less deserving of the highest quality facilities, yet these schools do not have the same means to finance such projects. We urge you to appropriate seed money that would enable religious and independent schools initiate these worthy projects.

**Academic Intervention Services:** Currently only \$922,000 is appropriated annually to independent and religious schools to implement the Academic Intervention Services (AIS) regulations promulgated by the Board of Regents – far below the \$20 million that is needed. Without adequate funding now, these at-risk children may easily fall behind even more - thus requiring more expensive academic interventions later. AIS funding should be increased so that, like public schools, our schools are able to provide these services to our children who are most in need.

**Transportation:** Next to their ability to afford tuition, the second most common challenge faced by parents in enrolling their children in religious or independent schools is their ability to have their children transported to school. When parents are denied their choice of a religious or an independent school because transportation services are not available, are unreasonable or are unreliable, the burden on taxpayers increases to accommodate these children in public school. It makes financial sense to enable more parents to enroll their children in religious and independent schools and thus we strongly urge the following: (1) Return to the long-standing practice of 90 percent state reimbursement of school district transportation costs; (2) increase the maximum distance school districts are required to transport children to school from 15 to 25 miles; (3) allow parents the option to pay for the cost of transportation beyond 25 miles; (4) ensure that transportation is not denied to religious and independent schools when public schools are closed or when they make mid-year calendar changes; and (5) require small city school districts to transport children up to the maximum mileage limit rather than city limits.

**Teacher Training and Mentoring:** The Regents have mandated 87.5 hours of continuing education every five years for certified teachers employed by independent and religious schools. In addition, the regulations of the Board of Regents require new teachers to obtain a mentoring experience in their first year of employment. Despite the difficult fiscal situation, it is imperative that we provide the means for all teachers to obtain and maintain the highest level of professional competence. We urge you to include \$10 million in Mandated Services Aid to reimburse independent and religious schools for their expenses in providing the mandated continuing education to certified teachers and \$5 million in funding to reimburse schools for their expenses in mentoring new teachers.

**Learning Technology Grants:** The Governor proposes \$3.3 million for Learning Technology grants. The limited funding for this valuable program, however, serves only 50 school districts along with their independent and religious school partners. We strongly urge you to increase the appropriation to a level sufficient to enable all needy schools to benefit from this program.