



**TESTIMONY OF
MICHAEL MULGREW, PRESIDENT
THE UNITED FEDERATION OF TEACHERS
BEFORE THE NEW YORK STATE SENATE & ASSEMBLY
COMMITTEES ON FINANCE, WAYS & MEANS AND EDUCATION
REGARDING THE PROPOSED FY25 EXECUTIVE BUDGET**

February 1, 2024

Good morning. My name is Michael Mulgrew, and I am the President of the United Federation of Teachers (UFT). I want to thank both the Senate and the Assembly for this opportunity to discuss the proposed Fiscal Year 2025 Executive Budget and share our perspective on key initiatives.

On behalf of the more than 190,000 UFT members, I want to recognize Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie for their strong leadership. I also want to recognize the support, guidance and commitment of their colleagues Senate Finance Chair Liz Krueger, Assembly Ways & Means Chair Helene Weinstein, Senate Education Chair Shelley Mayer, Senate New York City Education Chair John Liu, and Assembly Education Chair Michael Benedetto.

We are encouraged by many elements of the budget proposed by Gov. Hochul, but concerns remain that I appreciate the opportunity to address.

State Aid Is Critical to Stave Off the Loss of Services

We applaud the increase in total school aid for NYC public schools, but the changes to how Foundation Aid is calculated will end up shortchanging city students. While existing law annually adjusts Foundation Aid by the consumer price index from the prior calendar year, the Executive Budget uses a 10-year CPI average of 2.1%, nearly half the current statutory amount. The proposed \$222.3 million allocation for New York City coupled with the expiration of COVID-19 federal aid will result in massive gaps for community schools, 3-K, preschool special education, and mental health services unless the state provides additional support. In addition, we reject the executive's practice of creating set-asides within Foundation Aid.

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The Need for Revenue Enhancers

The UFT has long called for additional sources of revenue to support education, the creation of workforce housing in the public sector, and other vital community services. Given the state's growing wealth gap, additional sources of revenue could improve the equity of our current tax system. Three-quarters of New Yorkers consistently support increased taxes on high-earning corporations and on the wealthiest New Yorkers to fund public programs.

The UFT supports the following roster of revenue raisers:

- Create more progressive income tax brackets (S2059/A3115)
- Institute a capital gains tax (S2162/A2576)
- Raise taxes on highly profitable corporations (S1980/A3690)
- Establish a tax on billionaire's wealth (S1570/A3252)

Mayoral Control

New York City's 20-year-old experiment with mayoral control will once again sunset this June. We have now experienced the use - and abuse - of such unfettered authority under three vastly different administrations.

Most recently, the Adams administration has sought to defund the city's public schools despite unprecedented reserves and rising revenues. The mayor's unchecked authority has allowed his administration to slash education funding by as much as 15% this year in violation of multiple protections in state law.¹ Despite prohibitions against supplanting Contracts for Excellence funding, and despite a separate legal obligation to maintain FY23 city funding levels, the Adams administration has already eliminated nearly \$700 million in city funding this year. These unnecessary cuts impact critical programs such as pre-K and 3-K, special education services, and computer science education. Unless checked, the Adams administration still plans to reduce the city's contribution to city schools by nearly \$1.5 billion by the end of the school year. The mayor has also used his control of the school system to obstruct the implementation of the state's class size law. The administration's reluctance to abide by the class size law has, according to reporting, already prompted the state Education Department to order Mayor Adams to submit a corrective action plan. The mayor's decision to reduce the school system's capital budget while expanding charter school co-locations will also have a chilling effect on the city's ability to meet the law's benchmarks.

Parents, educators, and advocates have long criticized the current structure of mayoral control for not including their voices in major decisions that impact city schools. All three groups have come out in force to attend the State Education Department public hearings on mayoral control. The overwhelming sentiment of stakeholders at these hearings is the need to reform what has become one-man rule of the city's public schools.

We applaud the legislature for including these public hearings as part of its analysis of mayoral control. We continue to publicly recommend modifications that would help restore necessary checks and balances to the system.

¹ September 7, 2023 Letter from Office of Management and Budget Director Jacques Jiha to Agency Heads.

Here are seven reforms we consider to be critical:

1. Balance the Composition of the Panel for Educational Policy: The Panel for Educational Policy (PEP) must be reconstituted to properly serve its role as a representative of parents and other residents of the city. The PEP votes on critically important decisions such as school co-locations, school closures, and vendor contracts. The lopsided number of mayoral appointees has led the panel to become a rubber stamp for the mayor's decisions. The lack of PEP independence also means that there are virtually no checks on mayoral control other than through the courts. The school governance laws need to be changed so that the mayor's power over schools is balanced by other stakeholders.

We recommend that the panel be composed of:

- 10 appointees from the mayor. Mayoral appointees must still include at least 4 NYC public school parents, including:
 - at least one parent of a child with an individualized education program
 - at least one parent of a child who is in a bilingual or English as a second language program, and
 - at least one parent of a child attending a District 75 school or program
 - 5 appointees (1 each) from the city's five borough presidents;
 - 5 members elected by CEC presidents (one member from each borough);
 - 3 appointees (1 each) from the city comptroller, the City Council speaker, and the public advocate.
2. Enhance PEP Role in the Selection of the Chancellor: The Panel for Educational Policy must be empowered to play a meaningful role in choosing candidates for chancellor. The PEP, as a representative of parents and other residents of this city, should have the responsibility of conducting the initial search for chancellor and the screening of candidates. The PEP would then forward the names of the top three candidates to the mayor, and the mayor would have to choose from among these three. The chancellor should serve for a renewable, fixed two-year term and be removable only for cause during that term.
 3. Provide CECs Control Over Co-Location Decisions: Community Education Councils should be empowered to approve all co-locations of schools geographically located in their community school districts, including high schools. Co-locations are not necessarily bad for schools. But the determination of whether to co-locate two or more schools in the same building should depend on the circumstances of the schools in question and the wishes of the community. Local communities should have the final say on whether they want schools in their area co-located.
 4. Restore the Power and Independence of High School and Community Superintendents: Currently, high school superintendents and community superintendents, who are responsible for elementary and middle schools in their districts, serve at the pleasure of the chancellor and can be removed at any time for any reason. This greatly inhibits their ability to act independently and in the best interests of their districts. To give

superintendents real authority, CECs should play a role in their selection. State Education Law should be changed so that CECs conduct candidate screenings for superintendent positions and forward the names of the top three candidates to the chancellor, who would select from among those three. In addition, community superintendents should serve renewable three-year terms and not be removable except for just cause. We also recommend that superintendents be put in charge of all school-related issues, i.e., transportation, safety, placement, curriculum, medical, contracts, hiring and firing, and other educational issues, and that they be directed to work with the CECs to ensure that students' mandated support services are provided.

5. Provide Greater Transparency to SLTs: The role of School Leadership Teams (SLTs) is to make sure each school's resources are aligned with its educational goals. To do this, SLTs are supposed to have oversight of their schools' budgets. Many principals, however, skirt the requirement to turn over their school budget to their SLT by giving them only the budget summary available on the DOE website, which does not show expenditures. For SLTs to fulfill their role of serving as advocates for their school communities, superintendents should be required to ensure that all principals in their districts give their SLTs thorough information about fund allocations, including their school's Galaxy Table of Organization, which shows money budgeted for personnel; per diem substitutes; after-school and before-school activities; books and other supplies; and other expenses. This information on money scheduled and spent should be given to the SLT once per month. SLTs' C-30 subcommittees should also be restored to their status prior to 2002, so that in any search for a new principal, they are empowered to put forth the list of candidates from which the new principal is selected.
6. Strengthen Protections Against City Supplanting of State Aid: Multiple provisions of the Education Law, including EDN §§ 211-D and 2576, require New York City to maintain, and not reduce, its overall annual contribution to the Department of Education and to supplement, not supplant, increased State Foundation Aid and supplemental educational improvement plan grants. Despite these long-standing obligations, this current Mayoral Administration has illegally engaged in successive rounds of education cuts projected to soon total over \$1.5 billion this year alone. The Maintenance of Effort (MOE) law was last amended in 2002 and must be updated to provide stronger guardrails. Education Law §2576 should be amended to prohibit the City from reducing its contribution to education below the average proportion of all city funds in the budget for the three immediately preceding fiscal years allocated to education. In addition, the overall amount of city funds for education should not be allowed to fall below the absolute monetary amount or the per pupil amount, each adjusted to reflect the average five-year change in the consumer price index, appropriated in the prior year. These requirements must be accompanied by robust certification requirements that build on the procedures already in place for the Big Four and ensure that the Mayor and Comptroller are accountable at each step of the New York City budget process for affirming compliance with the Education Law.
7. No NYC School Governance Longer than Two Years: We believe a two-year extension is the appropriate length of time to allow for a review of the implementation of necessary reforms like those above.

We hope we can engage in a meaningful conversation around possible reforms to the current system to reassure our union members and the parents of NYC schoolchildren that their concerns are properly addressed.

United Community Schools and Community Schools Categorical Aid

Our United Community Schools (UCS) serve as a lifeline for students and families. Our UCS schools address the needs of the entire school and community by focusing on six key areas: educator support, extended learning time, health and wellness, community engagement, academic support, and parent and family engagement.

UCS is embedded in 32 schools in New York City and seven schools in Albany. Last school year, UCS collectively supported 20,000 students and their families, helped feed and house 19,000 families, provided 18,000 mental health, 10,000 health and 6,000 dental visits, and proved a 6-to-1 return on investments with a \$100,000 investment in a community school director resulting in \$600,000 in resources for the school.

A three-year evaluation of UCS from the 2019-20 school year to the 2021-22 school year highlighted that UCS enrolls more students with disabilities, English language learners, and economically disadvantaged students than the city's non-community public schools and the programming had a statistically significant positive impact in three areas:

- UCS students attend approximately three more days than similarly situated non-community school students in a 182-day school year;
- UCS students achieve 2.5 scale score points higher than similarly situated non-community school students; and
- UCS students earn ½ high school credit more than similarly situated non-community school students; UCS students also accumulate ½ high school credit more annually than non-UCS high school students.

To maintain these accomplishments in the upcoming school year, we are requesting the enacted budget include a \$4 million grant for UCS. In addition, and independently, we are requesting that the state consider allocating \$100 million in categorical aid for community schools statewide with UCS receiving \$5 million of the total amount to work with the state and use our model and our expertise to provide technical assistance statewide.

Teacher Center

For more than 40 years, the UFT Teacher Center has been a guiding light for NYC educators. Our UFT Teacher Center accelerates learning and empowers students through award-winning, embedded professional development tailored to each school's unique needs. We are extremely disappointed that the governor's FY25 executive budget does not include any state funding for Teacher Centers.

Last year's funding allowed us to open 34 new sites so that now there are 160 Teacher Center sites in the five boroughs. During the 2022-23 school year, we provided 125,000 hours of professional development to 239,000 educators focusing on what NYC educators, students, and

parents most need including social-emotional support, technology support, ensuring equity and cultural competency, and empowering and engaging students.

UFTTC is already providing professional learning to hundreds of educators on the science of reading and on the new reading and math curricula being used in district schools. UFTTC is an integral support system to teachers and students as they unpack these new curricula and ensure that they are accessible to all students, including students with disabilities and English language learners. We also provide instructional technology support to allow educators to navigate the digital landscape of these new curricula.

We applaud the ‘Back to Basics’ plan to improve reading proficiency and the \$10 Million state investment to train 20,000 teachers in “Science of Reading” instruction. The UFT Teacher Center has a proven record of providing this training and looks forward to funding through this initiative to expand and deepen its offerings.

Our goals are to continue mentoring new teachers, expand our support for project-based learning and formative assessments to increase student engagement and meet Next Generation Learning Standards, extend support to special education paraprofessionals and educators who work with migrant students, and further integrate Culturally Responsive and Sustaining Education offerings.

We are asking the state to fund Teacher Centers statewide at \$30 million to mirror last year's \$28.5 million allocation and move us closer to the \$40 million allocation that was the norm before the 2007-2009 recession.

Career and Technical Education

While the executive budget includes programs to expand our state’s workforce, it does not provide similar investment in Career and Technical Education (CTE), one of the most cost-effective ways to ensure businesses have the skilled workers essential to their success and to the success of our economy. CTE programs have proven highly effective in helping all students acquire the essential skills necessary to transition to college and career and have proven effective in closing achievement gaps. Currently, NYC receives state funding for CTE programs through Special Services Aid. However, the \$3,900 per pupil formula-based funding cap falls short of meeting the cost of CTE programs and excludes funding for 9th-grade students. To better support our city's CTE programs, we urge the state to consider increasing the per pupil cap and expanding funding to 9th-grade students for special services aid that is provided to the Big 5 school districts.

Childcare

We are encouraged to see that the governor's State of the State invests in childcare providers. Our union membership includes 6,000 home-based childcare providers and educational entrepreneurs who provide a safe, nurturing, and educational environment for thousands of the city’s children so their guardians can work.

We support the Universal Child Care Act (S3245 & A4815) which will make significant investments in building out New York's childcare infrastructure to support both families and providers. Of particular importance in the legislation is the proposal to transition our state payment process to childcare providers from attendance-based to enrollment-based. We believe to assist in the transition to a “pay for enrollment” system, our state first must transition to a cost estimation model—and away from the market rate model—to provide funds to childcare providers based on the true cost of care. In addition, we support S4079/A1734 to increase the differential payment rate for homeless and non-traditional hours of care.

We look forward to working with the administration and the Legislature on ways to solve our childcare crisis. Too many parents cannot afford childcare and too many providers cannot sustain their services due to rising operational costs and a depleted workforce. We are in a crisis and need to work together to find a solution.

Mental Health and School-Based Health Centers

We support the governor’s proposal to expand student access to vital mental health, dental, and primary care services at School-Based Health and Mental Health Centers. This funding should be directly appropriated in the budget to ensure it reaches these critical community partners. In addition, enhanced reimbursements are necessary to ensure that every school can provide access to these services.

Charter Schools

Charter schools continue their practice of claiming to be public schools while refusing to accept and retain all students. As educators, we continue to advocate for a series of bills to hold the charter sector accountable for their admissions, retention, fiscal, and governance policies.

Facilities Aid

New York City charter school facilities aid now costs taxpayers over \$100 million a year - double the cost of the \$50 million tab in FY22. These are funds that go directly into the pockets of private real estate developers. It's time to end this practice.

We encourage the Legislature to consider passing S2137/A5672 (Liu/Benedetto) to eliminate NYC charter school facilities aid altogether.

Grade Level Expansion

We also remain concerned about the workaround charters use to expand their footprint by adding grade levels to their original charter. We have seen cases in which a charter is approved to serve as a middle school, but over the years seeks revisions to its charter to expand into a K-5 elementary and a 9-12 high school. This allows for one authorized charter to serve as an elementary, middle, and high school. This problem is heightened by the State University of New York (SUNY) serving as a final charter authorizer. We have cases in which a charter network, notably Success Academy, has applied for and received a revision to expand the grades it serves by SUNY, its authorizer, in direct opposition to the recommendations submitted by the Board of

Regents on the same application. New York State education law requires the Board of Regents to oversee all charter schools, yet a loophole in the charter school statute allows for SUNY to circumvent this oversight. It's time to close the loophole. The charter industry must acknowledge that there is a charter cap in place, and it should stop looking for loopholes and workarounds to expand.

We encourage the Legislature to pass S2974/A6561 (Mayer/Benedetto) to limit charter school grade-level expansions, and S1395/A4502 (Liu/Benedetto) to provide the Board of Regents with the final approval authority over all proposed and renewed charter schools.

Accountability and Transparency

There are many changes we need to make to the state's charter school law, including improvements to transparency and accountability and allowing the state comptroller to conduct audits of NYC charter schools.

We urge the Legislature to consider S4466/A4458 (Hoylman/Benedetto) to require the transparency and accountability of charter schools.

Closing Thoughts

I would like to conclude by thanking, once again, all members of the Senate Finance, Assembly Ways and Means, Senate Education, New York City Education and Assembly Education committees for hosting today's K-12 education budget hearing.

We look forward to working with the Legislature this year to provide all our students with the support and resources they need. Thank you.