

Testimony of New York City Council Member Mark Treyger, Chair of the New York City Council Committee on Education, to the Joint Senate Standing Committees on Education and on Budget and Revenues Hearing: "To examine the distribution of the Foundation Aid formula as it relates to pupil and district needs"

I would like to thank Senator Meyer and Majority Leader Stewart-Cousins for convening this series of hearings on an incredibly important subject: Foundation Aid

This undertaking process parallels a process which we have begun on the City level to re-examine our Fair Student Funding formula—the equitable way in which funding, particularly Foundation Aid, is allocated to NYC public schools. Our Fair Student Funding formula was determined based on the City’s anticipated receipts from the Campaign for Fiscal Equity decision; unfortunately, as NYC is still owed well over \$1 billion from the state under this decision, many schools do not receive 100% of their Fair Student Funding Formula allocation. The City Council worked diligently in FY19 to increase the Fair Student Funding Floor, working with the Mayor to devote \$125 million to these efforts. However, more funding is required to get every school to 100%. In this Fiscal Year, it would have taken around \$750 million to bring every school up to 100% of its Fair Student Funding allocation. Unfortunately, absent funding from the State, we are unlikely to make significant progress towards that goal.

To be clear: much has changed in NYC public schools since the formula was implemented, and I passed legislation to create a task force to recommend changes. Particularly in the way in which it accounts for poverty—which is only weighted until the third grade, as a proxy for academic achievement before standardized test scores are available—for students in temporary housing, for student trauma, for English Language Learners, for students with low academic achievement, for students with IEPs and for average teacher salary, there is room for improvement and modernization.

Likewise, there may be opportunities refine the Foundation Aid Formula to more accurately reflect the full costs of providing a sound, basic education in 2019 in high-needs districts across the state. Reflecting the growth of students in temporary housing, in English Language Learners, in students with trauma and related behavioral issues, and in students with IEPs may be fruitful areas for exploration.

However, I would respectfully encourage my state colleagues to undertake an exercise to determine the basic expenses required on a school-level to provide a sound, basic education for all students, taking into account the diversity of needs and experiences brought to the classroom by students across the state. Principals, school nurses, guidance counselors, social workers, school psychologists, art and music teachers, librarians, health teachers at the appropriate grades, enough teachers to maintain class sizes optimized to learning—these are all components of successful, high functioning schools.

To paint a very clear picture about the shortfalls in NYC, many of our schools do not have these basic resources, and our school system has incredible needs. Around 20% of students have IEPs, or 220,000 children. 10% of our students live in temporary housing, or around 110,000 students.

With increasing incidence of childhood asthma, diabetes, and allergies, every public school should have a full-time nurse. And yet, partially because of pay disparities resulting from underfunding, many schools throughout NYC do not have a full-time school nurse, putting students' health at risk.

Guidance counselors are critical to helping early grade students navigate complex middle and high school admissions processes, and helping high schoolers plan for their next steps. They perform important functions in the IEP process, and in programming students' schedules. Unfortunately, as of the last reported data, 210 schools lack a full-time guidance counselor. With under 3,000 guidance counselors in the system, there are nearly 400 students for every guidance counselor. This is an untenable caseload, when studies recommend a maximum caseload of 250 per counselor. Thanks to the Council's diligent advocacy, the DOE has lifted a hiring freeze on guidance counselors, enabling principals to use their Fair Student Funding to hire guidance counselors; however, this is just one of many costs which principals must balance.

I have heard from so many students, principals, and teachers about the transformative impact that social workers have on school climate, attendance, and academic outcomes. NYS compiles data on school climate as mandated under the Dignity for All Students Act (DASA) and Violent or Disruptive Incident Reporting (VADIR). However, it does not provide funding to address the root causes of these behaviors, which are often reflections of unaddressed trauma. Social workers make students feel safe, supported, and help develop clinically-appropriate interventions for struggling students. They also perform a critical role in the IEP process. Even with effective cuts in state funding to the DOE in FY20, the Council fought hard, and managed to hire an additional 200 school-based social workers to meet students' needs, in addition to 7 additional Title IX coordinators to help ensure that our schools are free from gender-based harassment and discrimination. The numbers are still dire. Over 700 schools lack a full-time social worker. With around 1,500 full-time social workers, there are around 700 students for every social worker. This, too, is an untenable caseload.

The state of affairs for school psychologists is even more dire. It is not hard to find articles about the dysfunction of special education services in NYC schools. However, with around 600 school psychologists serving 220,000 students with IEPs, it is easy to understand how referrals for evaluations are delayed and the quality of evaluations will be constrained by time. Again in FY20, the city chose to invest in hiring more psychologists, but, with funding constraints, there is only so much that can be done.

Examining the base level of services required for schools statewide to meet their students' needs may be an instructive way of approaching the Foundation Aid Formula.

Regardless of changes to the Foundation Aid formula, the point that remains is that schools statewide are still underfunded. Billions of dollars are still owed to districts across the state under the CFE decision. In New York City, chronic underfunding from the State makes it impossible to

make significant progress on the areas of need which I outlined above, and in critical areas like class size reduction.

Year after year, moderate increases in Foundation Aid and expense-based aids fail to meet increases in fixed costs—contractual increases, rent payments, mandated spending—and increases in cost-shifts in the form of Charter school tuition reimbursement and charter school facilities aid, resulting in net cuts to education funding for NYC public schools. Those cuts are felt in every school in our city. They are felt by principals who do not have the additional budget to hire an art or music teacher, they are felt by students who need a social worker, they are felt by families who are waiting for their child to receive mandated services. To anyone who would suggest, based on a perceived lack of transparency or equity in funding, that our schools should be punished by withholding or redirecting funding: I would encourage them to visit the website for any school in New York City, and look at a School Allocation Memo. I would encourage them to look at the Fair Student Funding formula, which comprises 2/3 of the funding which NYC gives directly to schools, and allocates greater funding to schools with higher needs.

Ultimately, statewide, much inequity in educational funding comes from local reliance on variable property tax bases to fund public education. In New York City, there are vast inequities stemming from PTA fundraising, with some schools raising millions to be able to supplement teacher salaries, and provide enrichment programming. We should always be open to reevaluating the formulas used on the state and local level to allocate education funding, with the goal of improving equity and better reflecting the needs of current students. However, that cannot be used as a justification to underfund schools and school districts. The State has a constitutional mandate to fully fund public schools, to ensure that every child has access to a sound, basic education.