



**TESTIMONY OF  
THE UNITED FEDERATION OF TEACHERS  
PRESIDENT MICHAEL MULGREW**

**BEFORE THE  
NEW YORK STATE SENATE  
COMMITTEES ON EDUCATION AND BUDGET AND REVENUES**

**REGARDING THE EXAMINATION OF THE DISTRIBUTION OF FOUNDATION AID  
FORMULA FUNDS AS IT RELATES TO PUPIL AND DISTRICT NEEDS**

**DECEMBER 3, 2019**

Good morning. My name is Michael Mulgrew, and I am the President of the United Federation of Teachers (UFT). On behalf of the 200,000 members of the UFT, I want to thank both Senator Shelley Mayer, Chair of the Senate Standing Committee on Education, and Senator Brian Benjamin, Chair of the Senate Standing Committee on Budget and Revenues, for this opportunity to discuss the Senate's recent efforts to examine the State Foundation Aid formula. I would also like to thank Senator John Liu, Chair of the Senate Standing Committee on New York City Education, for his partnership in this work and for co-hosting the New York City roundtable on this matter last month. Joining me today is Cassie Prugh, Assistant to the President of the UFT; Andy Pallotta, President of the New York State United Teachers (NYSUT), and NYSUT's Director of Legislation, Alithia Rodriguez-Rolon.

**Fully Fund Foundation Aid**

First and foremost, I believe it is imperative that we begin all discussions related to the State Foundation Aid formula with a conversation about funding. As you all may be fully aware, the State Foundation Aid formula was created as a direct result of the 2007 Campaign for Fiscal Equity court case ruling arguing that the state's existing education funding streams were shortchanging high-needs school districts, including New York City. The formula is intended to set a base funding allocation for each school district across the state that is then supplemented with additional funding for each district based on the unique needs of students served by the

district. In the aggregate, the Foundation Aid formula is intended to dictate the level of funding the state needs to secure and distribute funds equitably across all public school districts to best meet the needs of every student in the state.

However, as we all know, the start of the Great Recession in 2008 resulted in significant cuts to our state budget, including funding for the State Foundation Aid formula. Every year since then, the state has failed to properly fund the Foundation Aid formula. Most recently, the New York City Department of Education estimated the state owes the New York City public school district \$1.1 billion in the form of State Foundation Aid. With our ever increasing need to better serve our students with special needs, English language learners and homeless students, it's simply unacceptable to initiate a conversation about making changes to our current formula without talking about funding.

How are we to determine if significant changes to our formula are necessary if we have never supported it with fidelity? I believe the best course of action is for the state to commit to fully funding the Foundation Aid formula first and then to properly assess its effectiveness to determine whether it needs significant changes. In the meantime, there are modifications we should consider that would not go as far as rewriting our formula.

### **Update Poverty Count**

The poverty count in the current iteration of the formula is calculated using a combination of Census poverty data and school lunch data.

As it relates to Census poverty data, Education Law 3602 explicitly requires the Census Count to use Census 2000 information on the number of persons ages 5-17 who were enrolled in the public school district and whose families had income below the poverty level.

First, the reality is that the demographics of our city and state change annually, and they have changed significantly in the last 19 years. According to the results from Census 2010, New York City's population grew by 2.1 percent. By using antiquated data, our formula fails to consider information on the additional 166,885 New York City residents who participated in Census 2010.

Second, we should consider counting students enrolled in public schools who are older than 17 years of age. When we tabulate graduation data in the state, we look at four-year graduation rates as well as six-year graduation rates, which should serve as enough evidence to show that we have students above 17 years of age enrolled in our public schools.

While Census poverty data should remain a variable to determine poverty count, the formula should be amended to use the most updated Census data based on the most recent decennial Census, and it should take into consideration students enrolled in public schools above 17 years of age.

School lunch data, otherwise a count of the number of students receiving free and reduced-price lunch, is an outdated proxy for poverty that we have seen school districts, including New York City, move away from due to changes in school lunch policies and the fear faced by our immigrant communities. In New York City, for example, we proudly made it possible for all students to receive free lunch, regardless of household income. The UFT fought hard for that change but because of regulations, New York City still collects free and reduced-price lunch forms. I believe the measure should be adjusted to include students whose families qualify for public housing, SNAP benefits and other public programs to capture a wider range of families who are in economic need.

However, if the free and reduced-price lunch count continues to be used, it should include students from Grades 7-12 as well as the students enrolled in Grades K-6, as in the current formula. The count of these students in the formula should also be adjusted to account for the shift in New York City to schoolwide free lunch policies, which has reduced the proportion of families who file free and reduced-price lunch forms.

#### **Increase and Earmark the Funding for Students with Special Needs and ELLs**

The number of New York City students with special needs and English Language learners (ELLs), some of our most vulnerable students, continues to grow. Between the 2006-2007 school year and the 2016-2017 school year, the numbers grew by 18 percent and 14 percent, respectively. At the same time, as a school district we continue to fall behind when it comes to providing the mandated services these students are legally entitled to receive. Year after year, we fail to be at 100 percent compliance.

Just last month, new Department of Education data showed that during the 2018-2019 school year, nearly 29,000 students with special needs enrolled in our public school district did not receive the mandated service/services they are entitled to receive. Similarly, we find that classrooms intended to be integrated spaces for ELLs have 32 students that are all ELLs across the different classifications, making the intent of being in an integrated space null and void. Additionally, ENL teachers are expected to co-teach too many courses with content teachers and, as a result, proper co-planning fails to occur.

First, I recommend that the state consider an increase in the weight applicable to students with special needs and consider increasing the weight applied to the ELL count for each public school district in an effort to increase funding for these specific populations and to ensure that local school districts can adequately service these specific populations.

More funding for our students with special needs will ensure, for example, that principals can hire the adequate number of one-to-one paraprofessionals needed in the school to meet the needs of students. With more funding for ELLs, we can reduce the number of ELLs in an integrated classroom; instead of 32 ELLs in one classroom, we can have two classrooms with 16

ELLs each. Additionally, we can hire more ENL teachers and reduce the number of content teachers each ENL teacher must plan with for co-teaching purposes.

However, increasing the level funding is not enough. It is time for the state to acknowledge that we are consistently failing to provide students with special needs and English language learners 100 percent of the mandated services they are legally entitled to receive. That is why I propose that we evaluate how the State Foundation Aid formula can be used as a stronger tool to ensure that school districts properly earmark the supplemental funding they receive that is intended to service students with special needs and English language learners. We must make sure the funding is not misused and that it directly benefits those students — even if that means placing the funds in a lockbox for those specific populations so the funds are considered restrictive funds.

### **Address the Issue of Homeless Students and Students Living in Temporary Housing**

Our unfortunate reality in New York City is that we continue to see an increase in the number of homeless students and those living in temporary housing. It is estimated that 1 in 10 students in our public school system is homeless — that is more than 114,000 students. In all, over the past decade we've seen a rise of 70 percent in our homeless student population.

Homeless students and those living in temporary housing have very unique needs. More specifically, students living in these circumstances and under these conditions need additional mental health and social-emotional support beyond that traditionally provided in a school. Recognizing our crisis in New York City, the City Council agreed to fund an additional 285 Social Workers for this school year; however, that's only a good start. We need state-level funding to add more Social Workers, School Psychologists and mental health professionals in our schools. School Psychologists and Social Workers, in particular, who are already familiar with the individual academic needs of students can also provide them with social-emotional support for needs that go beyond the classroom. As mental health professionals, they can provide referrals and assistance to students and their families at the local, state and federal level, and they are keenly aware of the resources available in the local community that can help families successfully navigate the system.

When the Foundation Aid formula was originally drafted in 2007, a weight was not considered to capture the needs of this specific population. I recommend that a count and weight be added for homeless students and for students living in temporary housing in an effort to account for their particular needs.

### **Closing Thoughts**

As stated at the onset of my testimony, I caution making any significant changes to our State Foundation Aid formula until we fund it with fidelity. It is impossible to determine its effectiveness unless we provide the level of funding the formula requires. However, with that

said, there are smaller changes that should be considered that would not dramatically alter the way funding is allocated by the state, but rather would make improvements that can significantly improve our public school students' educational experience.

We at the UFT hope to continue to work alongside members of the New York State Senate in our collective endeavor to meet our constitutional duty of providing every student in the state with access to a sound basic education.