

STATE OF NEW YORK

4919

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Education

AN ACT establishing a New York State Sound Basic Education Commission to study current educational needs and recommend a new foundation aid formula which will provide all students in the state a meaningful opportunity for a sound basic education in a cost efficient manner; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. Article XI, section 1 of the New York
2 state constitution guarantees all students in the state of New York a
3 meaningful opportunity for a sound basic education. The legislature and
4 the regents have enacted laws, regulations and standards that set forth
5 the goals and educational practices that are necessary to provide all
6 students with a meaningful opportunity for a sound basic education.
7 Specifically, in 2007, the legislature adopted a foundation aid formula
8 in response to the decision of the Court of Appeals in Campaign for
9 Fiscal Equity (CFE) v. State of New York that was calculated to appro-
10 priate sufficient funding, on an equitable basis, to provide all
11 students in the state a meaningful opportunity for a sound basic educa-
12 tion.

13 Because educational needs, standards, and practices and student demo-
14 graphics have changed substantially over the past sixteen years, partic-
15 ularly in light of the radical educational disruption caused by the
16 pandemic, the legislature finds that it is necessary and appropriate to
17 establish a standing sound basic education commission to analyze current
18 educational needs and to recommend to the governor, the legislature and
19 the regents, a new foundation aid formula that will provide sufficient
20 funding, distributed in an equitable manner, to provide all students in
21 the state a meaningful opportunity for a sound basic education, effec-
22 tive for the 2024-2025 school year. Thereafter, in order to assess the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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workings of the new formula and account for changing educational needs, the commission will monitor the implementation of the new foundation aid formula and provide recommendations to the governor, the legislature and the regents, every two years thereafter regarding (a) revisions to the foundation aid formula that may be necessary to ensure that every school has the resources necessary for providing the opportunity for a sound basic education in a cost efficient manner; and (b) accountability measures needed to ensure that the state's system of education finance actually provides a meaningful opportunity for a sound basic education to all students.

§ 2. Establishment of commission. 1. There is hereby established a standing New York state sound basic education commission comprised of 15 members, to be appointed as follows:

(a) two individuals shall be appointed by the speaker of the assembly;

(b) two individuals shall be appointed by the temporary president of the senate;

(c) one individual shall be appointed by the senate minority leader;

(d) one individual shall be appointed by the assembly minority leader;

(e) two individuals shall be appointed by the board of regents, one of whom shall be a superintendent of a school district in the state of New York;

(f) two individuals shall be appointed by the commissioner of education, one of whom shall be a teacher certified in the state of New York; and

(g) five individuals shall be appointed by the governor, one of whom shall be a member of a school board in a New York state school district; one of whom shall be a representative of the business community; one of whom shall be a representative of an education advocacy organization; one of whom shall be a faculty member of a university in the state of New York; and one of whom shall be appointed upon the recommendation of the chancellor of the city school district of the city of New York.

2. The appointed members shall serve for staggered three-year terms. The members of the commission shall include at least two persons who are parents of public school students, one person with expertise regarding the educational needs of students with disabilities, one person with expertise regarding English language learners, and one person with expertise about the needs of students living in poverty.

§ 3. Operations of the commission. 1. The commission shall be governed by a majority vote, and shall annually elect a member to serve as its chairperson. A majority of the members of the commission constitutes a quorum for the transaction of business. The commission shall meet at times and places specified by the call of the chairperson or of a majority of the members of the commission. Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission.

2. No member of the commission shall be disqualified from holding any other public office or public employment, nor shall they forfeit any such public office or public employment by reason of their appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter. Nothing contained in this act shall prohibit a member of the commission from receiving their salary earned by reason of their state employee position.

3. The commission shall appoint an executive director and additional staff personnel necessary for the performance of its functions. Their

1 salaries and the commission's other expenses shall be paid through annu-
2 al appropriations by the legislature. The commissioner of education
3 shall furnish reasonable staff and other support as requested by the
4 executive director, and the commission and the executive director shall
5 request and receive reasonable assistance from other state agency
6 personnel, as is necessary for the performance of its functions.

7 § 4. Development of a new foundation aid formula. 1. The commission
8 shall analyze current educational needs and determine the actual current
9 costs of providing all students in the state a meaningful opportunity
10 for a sound basic education and recommend to the governor, the legisla-
11 ture and the regents no later than February 1, 2024, a new foundation
12 aid formula that will provide sufficient funding, distributed in an
13 equitable manner, to provide all students in the state the opportunity
14 for a sound basic education, effective for the 2024-2025 school year.

15 2. In determining the actual cost of providing all students a meaning-
16 ful opportunity for a sound basic education and developing the new foun-
17 dation aid formula the commission shall consider (a) the recommendations
18 of professional judgment panels consisting of outstanding, experienced
19 teachers, administrators, and business officials representative of all
20 regions of the state; and (b) comments and input from the general public
21 regarding the recommendations of the professional judgment panels
22 received from public engagement forums convened by the commission
23 throughout the state.

24 3. The recommendations of the professional judgment panels shall be
25 based on the knowledge and experience of their members, evidence of
26 effective educational practices, state standards, statistical techniques
27 to determine expenditures per student to achieve specific performance
28 targets and compliance with all programs and services required by the
29 state's constitution, laws and regulations.

30 4. The commission's report shall, among other things, summarize the
31 recommendations of the professional judgment panels and the input
32 received from public engagement forums, as well as the professional
33 judgment and public engagement processes utilized by the commission.

34 5. At the end of the 2024 legislative session, the legislature shall
35 issue a report informing the public of (a) the extent to which the
36 recommendations of the commission have been adopted and implemented, and
37 (b) specific reasons for modifying and/or rejecting any of the commis-
38 sion's substantive recommendations.

39 § 5. Monitoring and biennial reports. 1. The executive director and
40 staff shall, on an on-going basis, monitor the implementation of the new
41 foundation aid formula and conduct research and undertake economic
42 analyses to identify and recommend to the commission best practices that
43 lead to high student performance and cost-efficient methods for imple-
44 menting those best practices in the state's public schools.

45 2. No later than September 1, 2026, and every September of each fourth
46 year thereafter, the commission shall issue a report to the governor,
47 the legislature, and the regents that:

48 (a) summarizes its reviews of the implementation of the new founda-
49 tion aid formula and proposes such revisions to the formula as may be
50 necessary and appropriate to ensure that every school will have the
51 resources necessary to provide its students a meaningful educational
52 opportunity for a sound basic education in a cost efficient manner, as
53 well as any accountability measures needed to ensure that the state's
54 system of education finance actually provides a meaningful opportunity
55 for a sound basic education to all students; and

1 (b) recommends for incorporation into state laws, regulations or
2 commissioner's guidelines specific cost-efficient methods for implement-
3 ing best practices for providing all students the opportunity for a
4 sound basic education.

5 3. At the end of the legislative session following issuance of each of
6 the biennial reports, the legislature shall issue a report informing the
7 public of (a) the extent to which the recommendations of the commission
8 have been adopted and implemented, and (b) specific reasons for modify-
9 ing and/or rejecting any of the commission's substantive recommenda-
10 tions.

11 § 6. Major formula revisions. Beginning on January 1, 2028, and every
12 four years thereafter, the commission shall analyze current educational
13 needs and determine the actual current costs of providing all students
14 in the state a meaningful opportunity for a sound basic education and
15 recommend to the governor, the legislature and the regents no later than
16 February 1, 2029, and every four years thereafter, revisions of the
17 foundation aid formula that it believes are necessary to provide suffi-
18 cient funding, distributed in an equitable manner, to provide all
19 students in the state the opportunity for a sound basic education,
20 effective for the next school year. The commission's analyses, determi-
21 nations and recommendations, and the legislature's end of session report
22 shall be in accordance with the provisions of section four of this act.

23 § 7. Appropriation. For the necessary and reasonable expenses of the
24 sound basic education commission for the 2022-2023 school year through
25 the 2023-2024 school year, there is hereby appropriated up to
26 \$5,000,000, to be allocated by the commissioner of education, pursuant
27 to a budget submitted to the commissioner of education by the executive
28 director of the commission, and approved by the commissioner of educa-
29 tion.

30 § 8. This act shall take effect immediately. If any clause, sentence,
31 subdivision, paragraph, section or part of this act be adjudged by any
32 court of competent jurisdiction to be invalid, such judgment shall not
33 affect, impair or invalidate the remainder thereof, but shall be
34 confined in its operation to the clause, sentence, subdivision, para-
35 graph, section or part thereof directly involved in the controversy in
36 which such judgment shall have been rendered.