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:

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

Because educational needs, standards, and practices and student demographics have changed substantially over the past sixteen years, particularly in light of the radical educational disruption caused by the pandemic, the legislature finds that it is necessary and appropriate to establish a standing sound basic education commission to analyze current educational needs and to recommend to the governor, the legislature and the regents, a new foundation aid formula that will provide sufficient funding, distributed in an equitable manner, to provide all students in the state a meaningful opportunity for a sound basic education, effective 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

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

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

2. In determining the actual cost of providing all students a meaningful opportunity for a sound basic education and developing the new foundation aid formula the commission shall consider (a) the recommendations of professional judgment panels consisting of outstanding, experienced teachers, administrators, and business officials representative of all regions of the state; and (b) comments and input from the general public regarding the recommendations of the professional judgment panels received from public engagement forums convened by the commission throughout the state.

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

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

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

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

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

(a) summarizes its reviews of the implementation of the new foundation aid formula and proposes such revisions to the formula as may be necessary and appropriate to ensure that every school will have the resources necessary to provide its students a meaningful educational opportunity for a sound basic education in a cost efficient manner, as well as any 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; and

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

3. At the end of the legislative session following issuance of each of the biennial reports, the legislature shall issue a report informing the public of (a) the extent to which the recommendations of the commission have been adopted and implemented, and (b) specific reasons for modifying and/or rejecting any of the commission's substantive recommendations.

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

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

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