

# STATE OF NEW YORK

---

4919--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 24, 2023

---

Introduced by M. of A. O'DONNELL, MAGNARELLI, WALKER, HYNDMAN, GLICK, McDONOUGH, SIMON, REYES, LEVENBERG, JEAN-PIERRE -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 since 2007, particularly in light of  
15 the radical educational disruption caused by the pandemic, the legisla-  
16 ture finds that it is necessary and appropriate to establish a standing  
17 sound basic education commission to analyze current educational needs  
18 and to recommend to the governor, the legislature and the regents, a new

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

LBD08937-05-4

1 foundation aid formula that will provide sufficient funding, distributed  
2 in an equitable manner, to provide all students in the state a meaning-  
3 ful opportunity for a sound basic education, effective for the 2025-2026  
4 school year. Thereafter, in order to assess the workings of the new  
5 formula and account for changing educational needs, the commission will  
6 monitor the implementation of the new foundation aid formula and provide  
7 recommendations to the governor, the legislature and the regents, every  
8 two years thereafter regarding (a) revisions to the foundation aid  
9 formula that may be necessary to ensure that every school has the  
10 resources necessary for providing the opportunity for a sound basic  
11 education in a cost efficient manner; and (b) accountability measures  
12 needed to ensure that the state's system of education finance actually  
13 provides a meaningful opportunity for a sound basic education to all  
14 students.

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

18 (a) two individuals shall be appointed by the speaker of the assembly,  
19 at least one of whom shall be a parent of a public school student;

20 (b) two individuals shall be appointed by the temporary president of  
21 the senate, at least one of whom shall be a parent of a public school  
22 student;

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

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

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

28 (f) two individuals shall be appointed by the commissioner of educa-  
29 tion, one of whom shall be a teacher certified in the state of New York;  
30 and

31 (g) five individuals shall be appointed by the governor, one of whom  
32 shall be a member of a school board in a New York state school district;  
33 one of whom shall be a career and technology representative; one of whom  
34 shall be a representative of an education advocacy organization; one of  
35 whom shall be a faculty member of a university in the state of New York  
36 with expertise in educational equity and school finance; and one of whom  
37 shall be appointed upon the recommendation of the chancellor of the city  
38 school district of the city of New York.

39 2. The appointed members shall serve for staggered three-year terms.  
40 The members of the commission shall include at least two persons who are  
41 parents of public school students, in addition to the parents of public  
42 school students appointed by the speaker of the assembly and the tempo-  
43 rary president of the senate, one person with expertise regarding the  
44 educational needs of students with disabilities, one person with exper-  
45 tise regarding English language learners, and one person with expertise  
46 about the needs of students living in poverty.

47 § 3. Operations of the commission. 1. The commission shall be governed  
48 by a majority vote, and shall annually elect a member to serve as its  
49 chairperson. A majority of the members of the commission constitutes a  
50 quorum for the transaction of business. The commission shall meet at  
51 times and places specified by the call of the chairperson or of a major-  
52 ity of the members of the commission. Members shall not receive compen-  
53 sation for their services but may receive reimbursement for the reason-  
54 able expenses incurred in carrying out their responsibilities as members  
55 of the commission.

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

9 3. The commission shall appoint an executive director and additional  
10 staff personnel necessary for the performance of its functions. Their  
11 salaries and the commission's other expenses shall be paid through annu-  
12 al appropriations by the legislature. The commissioner of education  
13 shall furnish reasonable staff and other support as requested by the  
14 executive director, and the commission and the executive director shall  
15 request and receive reasonable assistance from other state agency  
16 personnel, as is necessary for the performance of its functions.

17 § 4. Development of a new foundation aid formula. 1. The commission  
18 shall analyze current educational needs and determine the actual current  
19 costs of providing all students in the state a meaningful opportunity  
20 for a sound basic education and recommend to the governor, the legisla-  
21 ture and the regents no later than February 1, 2025, a new foundation  
22 aid formula that will provide sufficient funding, distributed in an  
23 equitable manner, to provide all students in the state the opportunity  
24 for a sound basic education, effective for the 2025-2026 school year.

25 2. In determining the actual cost of providing all students a meaning-  
26 ful opportunity for a sound basic education and developing the new foun-  
27 dation aid formula the commission shall consider (a) the recommendations  
28 of professional judgment panels consisting of outstanding, experienced  
29 teachers, administrators, and business officials representative of all  
30 regions of the state; and (b) comments and input from the general public  
31 regarding the recommendations of the professional judgment panels  
32 received from public engagement forums convened by the commission  
33 throughout the state.

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

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

44 5. At the end of the 2025 legislative session, the legislature shall  
45 issue a report informing the public of (a) the extent to which the  
46 recommendations of the commission have been adopted and implemented, and  
47 (b) specific reasons for modifying and/or rejecting any of the commis-  
48 sion's substantive recommendations.

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

1 2. No later than September 1, 2027, and every September of each fourth  
2 year thereafter, the commission shall issue a report to the governor,  
3 the legislature, and the regents that:

4 (a) summarizes its reviews of the implementation of the new founda-  
5 tion aid formula and proposes such revisions to the formula as may be  
6 necessary and appropriate to ensure that every school will have the  
7 resources necessary to provide its students a meaningful educational  
8 opportunity for a sound basic education in a cost efficient manner, as  
9 well as any accountability measures needed to ensure that the state's  
10 system of education finance actually provides a meaningful opportunity  
11 for a sound basic education to all students; and

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

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

22 § 6. Major formula revisions. Beginning on January 1, 2029, and every  
23 four years thereafter, the commission shall analyze current educational  
24 needs and determine the actual current costs of providing all students  
25 in the state a meaningful opportunity for a sound basic education and  
26 recommend to the governor, the legislature and the regents no later than  
27 February 1, 2030, and every four years thereafter, revisions of the  
28 foundation aid formula that it believes are necessary to provide suffi-  
29 cient funding, distributed in an equitable manner, to provide all  
30 students in the state the opportunity for a sound basic education,  
31 effective for the next school year. The commission's analyses, determi-  
32 nations and recommendations, and the legislature's end of session report  
33 shall be in accordance with the provisions of section four of this act.

34 § 7. Appropriation. For the necessary and reasonable expenses of the  
35 sound basic education commission for the 2023-2024 school year through  
36 the 2024-2025 school year, there is hereby appropriated up to  
37 \$1,000,000, to be allocated by the commissioner of education, pursuant  
38 to a budget submitted to the commissioner of education by the executive  
39 director of the commission, and approved by the commissioner of educa-  
40 tion.

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